



**MINUTES OF THE
ORDINARY COUNCIL MEETING
17 JULY 2024**

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**MINUTES OF THE ORDINARY COUNCIL MEETING OF
SOUTHERN DOWNS REGIONAL COUNCIL HELD ON 17 JULY 2024
IN THE COUNCIL CHAMBERS, SOUTHERN DOWNS REGIONAL COUNCIL,
64 FITZROY STREET, WARWICK AT 9:00AM**

ACKNOWLEDGEMENT TO COUNTRY

1. PRAYERS & CONDOLENCES

Rev Lizzie Gaitskell from Anglican Parish of Warwick 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), Anglea O'Mara (Manager Planning and Development) and Marion Seymour (Minute Secretary)

3. APOLOGIES

Nil

4. READING AND CONFIRMATION OF MINUTES

4.1 Ordinary Council Meeting - 19 June 2024

Resolution

Moved Cr S Windle

Seconded Cr C Pidgeon

THAT the minutes of the Ordinary Council Meeting held on Wednesday 19 June 2024 be adopted with the following amendment to Resolution 17.2 New Southern Downs Planning Scheme:

Delete:

d. Sugarloaf

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

and replace with:

d. Sugarloaf

- *Refer above.*

Carried Unanimously

5. ACTIONS FROM COUNCIL MEETINGS

5.1 Actions from Ordinary Council Meeting June 2024

Resolution

Moved Cr J Richters

Seconded Cr M Harslett

THAT Council receive the report and note the contents.

Carried Unanimously

6. DECLARATIONS OF CONFLICTS OF INTEREST

Item No	Item Precis	Nature of Conflict
15.1	Notice of Motion – Water Security for the Southern Downs	Mayor Hamilton 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 advocated that Council should not be involved in the Granite Belt Irrigation Project (Emu Swamp Dam) because Council and ratepayers were exposed to significant risk of cost overruns in the project. Although Mayor Hamilton has raised a declarable conflict of interest, she does not believe a reasonable person could have a perception of bias because of her conflict. Therefore, Mayor Hamilton will choose to remain in the meeting and not vote on this matter, however she will respect the decision of the meeting on whether she can remain and participate. Following a resolution from Council, Mayor Hamilton participated in the discussion but not in the vote on the matter.

9:14am The Mayor handed the Chair to the Deputy Mayor for discussion on Agenda Item 6.1

6.1 Conflict of Interest - Mayor Hamilton Agenda Item 15.1

Resolution

Moved Cr S Windle

Seconded Cr M Harslett

THAT Council, following the declarable conflict of interest declaration by Mayor Hamilton for Agenda Item 15.1 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 but to not vote on the matter.

Carried

The following votes were recorded:

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

Against: Crs R Bartley and R Wantling (2)

Accordingly the Chair declared the motion carried.

9:15am The Mayor resumed the Chair.

7. MAYORAL MINUTE

Nil

8. READING AND CONSIDERATION OF CORRESPONDENCE

Nil

9. RECEPTION AND READING OF PETITIONS AND JOINT LETTERS

Nil

10. EXECUTIVE SERVICES REPORTS

10.1 Chief Executive Officer - Status Report

Resolution

Moved Cr S Windle

Seconded Cr S Deane

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

Carried Unanimously

10.2 Organisation Information Reports July 2024

Resolution

Moved Cr C McDonald

Seconded Cr S Windle

THAT Council note the contents of the Organisation Information Reports.

Carried Unanimously

10.3 Quarterly Organisation Information Reports July 2024

Resolution

Moved Cr M Harslett

Seconded Cr C Pidgeon

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

Carried Unanimously

11. CUSTOMER AND ORGANISATIONAL SERVICES REPORTS

11.1 Financial Services - Financial Report as at 30 June 2024

Resolution

Moved Cr M Harslett

Seconded Cr S Deane

THAT Council receive and note the Financial Performance Report as at 30 June 2024.

Carried Unanimously

11.2 Operational Plan 4th Quarter Update

Resolution

Moved Cr J Richters

Seconded Cr C Pidgeon

THAT Council receive and note the 4th quarter update of the 2023/24 Operational Plan

Carried Unanimously

11.3 Council Meetings Policy PL-CS036

Resolution

Moved Cr J Richters

Seconded Cr M Harslett

THAT Council adopt the amended and updated Council Meetings Policy PL-CS036 as provided as Attachment 2 to the report, noting the following further amendments to Appendix B – Amended and Supplementary Clauses:

12B General Business

Amend the last point to read *“The Chairperson has the discretion to direct the Councillor to raise the matter as a notice of motion / business rather than during general business”*.

21.1 Procedural motions

Amend the Additional dot point to read *“that the question be removed from the table”*.

Carried

The following votes were recorded:

For: Crs M Hamilton, M Harslett, C Pidgeon, J Richters and S Windle (5)

Against: Crs R Bartley, S Deane, C McDonald and R Wantling (4)

Accordingly the Mayor declared the motion carried.

11.3.1 Amendment Council Meetings Policy PL-CS036 – Order of Business

Resolution

Moved Cr C McDonald

Seconded Cr R Bartley

THAT Council include an item for Prayers and Condolences within the Order of Business.

Carried

The following votes were recorded:

For: Crs R Bartley, S Deane, C McDonald, R Wantling and S Windle (5)

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

Accordingly the Mayor declared the motion carried.

11.3.2 Council Meetings Policy PL-CS036 - Order of Business

Resolution

Moved Cr R Wantling

Seconded Cr S Windle

THAT Council adopt the following order of business for the agenda:

1. Acknowledgement of Country
2. Prayers and Condolences
3. Attendance and Apologies
4. Reading and Confirmation of Minutes
5. Actions from Previous Meeting
6. Declarations of Conflicts of Interest
7. Mayoral Minute
8. Notices of Motion
9. Reading and Consideration of Correspondence
10. Reception of Petitions and Joint Letters
11. Portfolio Reports
12. Executive Services Reports
13. Customer and Organisational Services Reports
14. Infrastructure Services Reports
15. Planning and Environmental Services Reports
16. Reports of Deputations or Conferences and Reports from Delegates Appointed by Council to Other Bodies
17. Consideration of Confidential Business Items
18. General Business

Close of Meeting

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, C McDonald, R Wantling and S Windle (5)

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

Accordingly the Mayor declared the motion carried.

11.4 Policy PL-CS081 - Legal Assistance for Councillors & Employees

Resolution

Moved Cr R Bartley

Seconded Cr R Wantling

THAT Council adopt the Legal Assistance for Councillors & Employees Policy PL-CS081, as amended.

Carried Unanimously

11.5 Internal Audit Policy and ARMC Charter Review

Resolution

Moved Cr M Harslett

Seconded Cr S Deane

THAT Council adopt the Internal Audit Policy PL-118 and endorse the updated Audit and Risk Management Charter as presented.

Carried Unanimously

11.6 Disposal of Freehold Land by Exception - Various Parcels

Resolution

Moved Cr M Harslett

Seconded Mayor M Hamilton

THAT Council apply an exception to the disposal of valuable non-current assets other than by tender or auction being Lot 1 on RP30710, Lot 2 on RP2594 and Lots 105 & 107 on RP15883, pursuant to section 236(2) of the *Local Government Regulation 2012*.

Carried Unanimously

Resolution

Moved Cr S Windle

Seconded Cr M Harslett

THAT Council:

1. Approve the disposal of Lot 1 on RP30710, Lot 2 on RP2594 and Lots 105 & 107 on RP15883 at market value in consideration of the supporting circumstances and pursuant to section 236(1)(c)(iii) of the *Local Government Regulation 2012*; and
2. Authorise the Chief Executive Officer to finalise the terms and conditions of each sale and Titles Queensland land transfer documents.

Carried

The following votes were recorded:

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

Against: Crs C McDonald and J Richters (2)

Accordingly the Mayor declared the motion carried.

11.7 Views on Surrender of State issued Term Lease and Trusteeship over Lot 128 on Crown Plan ML785

Resolution

Moved Cr C McDonald

Seconded Cr R Wantling

THAT Council:

1. Offer no objection to the surrender of the current State issued Term Lease over Lot 128 on Crown Plan ML285; and
2. Not accept the Trusteeship over the stock dip reserve being land described as Lot 128 Crown Plan ML785 at 58 Spring Creek Road, Killarney.

Carried Unanimously

11.8 Electric Vehicle Charging Policy PL-137

Resolution

Moved Cr M Harslett

Seconded Cr C Pidgeon

THAT Council adopt the Electric Vehicle Charging Policy PL-137.

Carried Unanimously

11.9 Expressions of Interest for potential Electric Vehicle Charger Sites

Resolution

Moved Cr J Richters

Seconded Cr S Windle

THAT:

1. Council, in accordance with section 228(3) of the *Local Government Regulation 2012* invite Expressions of Interest to develop Electric Vehicle Charging Infrastructure for selected sites being in the public interest to facilitate the availability of charging stations in the region for the benefit of residents and travelling public;
2. Expressions of Interest remain valid for a 12 month period and during this period, a closed Request for Tender be called to the selected providers, as groups of potential Electric Vehicle Charger sites are identified.

Carried Unanimously

12. INFRASTRUCTURE SERVICES REPORTS

12.1 Stanthorpe Irrigators Recycled Water Agreement 2024 Amended June 2024

Resolution

Moved Cr R Wantling

Seconded Cr J Richters

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 in accordance with the draft agreement provided as Attachment 1 with the irrigators as listed in the attached agreement; and
3. Delegate the Chief Executive Officer to finalise and execute the Stanthorpe Irrigators Recycled Water Agreements 2024 in the terms as set out in the attachment to the report.

Carried Unanimously

13. PLANNING AND ENVIRONMENTAL SERVICES REPORTS

13.1 Reconfiguring a Lot: Vinnie Investments Pty Ltd C/- Adapt Development Management Pty Ltd - 656 Sugarloaf Road, Kyoomba

Agenda Item 13.1 was withdrawn at the Applicant's request.

13.2 Consideration of Change Representations - Material Change of Use, Homestead Road, Rosenthal Heights

Resolution

Moved Cr R Bartley

Seconded Cr S Windle

THAT Council agree, in part, with the change representations made in relation to the application for a Material Change of Use for Short-term accommodation (Two (2) cabins, up to eight (8) people) on land at Homestead Road, Rosenthal Heights described as Lots 12, 13 and 14 RP31031, and the conditions of approval be amended as follows:

- (a) Condition 4 is amended as follows:

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, **new lots are registered in accordance with a development permit for Reconfiguring a lot**, or the approved use of the land ceases. The covenant documentation is to be

submitted to Council for approval.

(b) Condition 22 is amended as follows:

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 **minimum** carriageway width of **5 4.0 metres and is to include stormwater drainage 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, **OR subject to a Realignment of Boundaries application whereby all lots have access to an existing constructed road.** 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.

(c) All other conditions remain unchanged.

Carried Unanimously

13.3 Consideration of Change Representations: Murray C & Cheryl A Sondergeld C/- NSPIRE Planning and Design - 128 Swan Creek School Road, Swan Creek

Recommendation

THAT Council refuse the change representations made in relation to the change application for a Development Permit for the purpose of Other Change to Medium impact industry (Extension to existing spray painting and sandblasting), on land at 128 Swan Creek School Road, Swan Creek, described as Lot 2 RP 30728 and Lot 34 SP209392, and the conditions remain unchanged.

Lapsed

In accordance with Section 21 of Council Meetings Policy PL-CS036 Mayor Hamilton moved the following Procedural Motion:

13.3.1 Procedural Motion - Consideration of Change Representations: Murray C & Cheryl A Sondergeld C/- NSPIRE Planning and Design - 128 Swan Creek School Road, Swan Creek

Resolution

Moved Mayor M Hamilton

THAT Agenda Item 13.3 lay on the table to allow further information to be obtained.

Carried Unanimously

In accordance with Section 21 of Council Meetings Policy PL-CS036 Cr Richters moved the following Procedural Motion:

Procedural Motion - Adjournment of Meeting

Resolution

Moved Cr J Richters

THAT the meeting adjourn for morning tea at 10:32am.

Carried Unanimously

The meeting reconvened at 10:46am at which time there were presents Crs Hamilton, Bartley, Deane, Harslett, McDonald, Pidgeon, Richters, Wantling and Windle

13.4 Nomination for Director of the Darling Downs-Moreton Rabbit Board

Resolution

Moved Cr J Richters

Seconded Cr S Windle

THAT Council endorse the nomination of Councillor Carla Pidgeon for a Director position on the Darling Downs-Moreton Rabbit Board.

Carried Unanimously

13.5 Changes to the Impoundment Boxes at the Warwick and Stanthorpe Pounds

Resolution

Moved Cr S Windle

Seconded Cr C Pidgeon

THAT Council endorse a six month trial of closing the impoundment boxes after hours at the Warwick and Stanthorpe animal pounds, and have the impoundment boxes open during Council's business hours only, and that a report be brought back to Council with the results of the trial.

Carried Unanimously

13.6 2024 LGAQ Conference Motion- Improved Soil Conservation Management

Resolution

Moved Cr M Harslett

Seconded Cr S Deane

THAT Council submit the following motion to the 2024 LGAQ Annual Conference:-

Improved Soil Conservation Management to reduce the environmental impacts and the financial burden to Councils of road maintenance.

Carried

The following votes were recorded:

For: Crs S Deane, M Hamilton, M Harslett, J Richters and S Windle (5)

Against: Crs R Bartley, C McDonald, C Pidgeon and R Wantling (4)

Accordingly the Mayor declared the motion carried.

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

In accordance with Section 21 of Council Meetings Policy PL-CS036 Cr Richters moved the following Procedural Motion:

14.1 Procedural Motion - Amendment to Meeting Agenda

Resolution

Moved Cr J Richters

THAT Council amend the meeting Agenda to include a Conference Report from Cr Richters and Cr Pidgeon on their attendance at the recent Australian Local Government Association's 2024 National General Assembly.

Carried Unanimously

14.1.1 Procedural Motion – Tabling Conference Report for attendance at Australian Local Government Association's 2024 National General Assembly

Resolution

Moved Cr J Richters

THAT the Conference Report from Cr Richters and Cr Pidgeon regarding their attendance at the Australian Local Government Association's National General Assembly held in Canberra from 2 – 4 July 2024 be tabled.

Carried Unanimously

Attachments

1. Conference Report - ALGA 2024 National General Assembly - **Attached to the Minutes Under Separate Cover**

11:00am The Mayor handed the Chair to The Deputy Mayor for Agenda Item 15.1

Mayor Hamilton declared a conflict of interest in Agenda Item 15.1 and following a resolution from Council participated in discussion, but did not vote on the item.

15. NOTICES OF MOTION

15.1 Notice of Motion - Water Security for the Southern Downs

Resolution

Moved Cr S Windle

Seconded Cr J Richters

THAT, following completion of the Draft Southern and Darling Downs Regional Water Assessment, to progress finding and continue to advocate for water security in Southern Downs Region, Council:

1. Acknowledges the cost benefit of evaporation covers for on-farm dam storages stated in the Southern and Darling Downs Regional Water Assessment and supports advocacy by Council for funding assistance for the region's horticultural producers from the Queensland and Australian governments;
2. Supports a detailed business case for the Warwick to Stanthorpe pipeline being advanced as soon as possible, and no later than within 2 years, to allow Council to assess the options for improved urban water security for Stanthorpe and supports advocacy by Council to secure funding for such detailed business case; and
3. Acknowledges and encourages the further project development work in relation to Emu Swamp Dam (Granite Belt Irrigation Project) to be undertaken by the Queensland Government.

Carried Unanimously

Mayor Hamilton did not vote on Agenda Item 15.1

11:08am The Mayor resumed the Chair

16. GENERAL BUSINESS

16.2 Letter of Appreciation to Outgoing President of Australia Local Government Association, Cr Linda Scott

Resolution

Moved Cr J Richters

Seconded Cr C Pidgeon

THAT Council send a letter of appreciation to the outgoing President of the Australian Local Government Association, Cr Linda Scott, thanking her for her contribution to the role and the work done to advocate for a federal government commitment of one percent of federal revenue to be made available to local governments.

Carried Unanimously

17. CONSIDERATION OF CONFIDENTIAL BUSINESS ITEMS

Nil

MEETING CLOSURE

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