



**MINUTES OF THE
ORDINARY COUNCIL MEETING
18 SEPTEMBER 2024**

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**MINUTES OF THE ORDINARY COUNCIL MEETING OF
SOUTHERN DOWNS REGIONAL COUNCIL HELD ON 18 SEPTEMBER 2024
IN THE COUNCIL CHAMBERS, SOUTHERN DOWNS REGIONAL COUNCIL,
64 FITZROY STREET, WARWICK AT 9:00AM**

1. ACKNOWLEDGEMENT OF COUNTRY

2. PRAYERS & CONDOLENCES

Rev Ansie Liebenberg from Warwick Killarney Uniting Church offered a prayer for the meeting and acknowledged condolences

3. ATTENDANCE AND APOLOGIES

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

Officers: Steve Johnston (Acting Chief Executive Officer), Leon Love (Director Customer and Organisational Services), Nick Wellwood (Director Infrastructure Services), Angela O'Mara (Acting Director Planning and Environmental Services), Gerhard Joubert (Acting Director Infrastructure Services) Izelle Barnard (Communications and Marketing Coordinator), Michael Bell (Manager Community Services), Jon Charles (Manager Sustainability and Strategy), James Varughese (Manager Works), Tonya Collier (Coordinator Planning Services) and Marion Seymour (Minute Secretary)

4. READING AND CONFIRMATION OF MINUTES

4.1 Ordinary Council Meeting - 21 August 2024

Resolution

Moved Cr J Richters

Seconded Cr C McDonald

THAT the minutes of the Ordinary Council Meeting held on Wednesday 21 August 2024 be adopted.

Carried Unanimously

4.2 Special Council Meeting - 28 August 2024

Resolution

Moved Cr M Harslett

Seconded Cr C Pidgeon

THAT the minutes of the Special Council Meeting held on Wednesday 28 August 2024 be adopted.

Carried Unanimously

5. ACTIONS FROM COUNCIL MEETINGS

5.1 Actions from Council Meetings August 2024

Resolution

Moved Cr S Deane

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
12.2	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 raised against her regarding being a primary producer and selling her cattle at 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.
12.2	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>) as she is a user of the Warwick Saleyards. 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.
12.2	Organisation Information Reports	Cr Bartley declared a declarable conflict of interest in this matter (as defined in Section 150EQ(4)(a) of the <i>Local Government Act 2009</i>) as he is a user of the Warwick Saleyards and derives income from the sale of cattle. As a result of Cr Bartley's conflict, he will leave the meeting room while the matter is considered and voted on.
13.3	Regional Arts Development Fund 2024/25 – Minor Guidelines	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 he is the President of the Stanthorpe Festival Association and in 2021 he received Regional Arts Development Funding. 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 but not vote on the matter, however he will

		respect the decision of the meeting. Following a resolution from Council, Cr Wantling participated in the discussion only but not voting on this matter.
15.1	Reconfiguring a Lot – Killarney Co-operative Limited, C/- Adapt Development Management Pty Ltd, 38-44 Ivy Street, Willow Street and Condamine River Road	Cr Bartley declared a prescribed conflict of interest in this matter (as defined in Section 150EG(1) and (2)(c) of the <i>Local Government Act 2009</i>) as he is a shareholder of the applicant and receives dividends. As a result of Cr Bartley's conflict, he will leave the meeting room while the matter is considered and voted on.

6.1 Conflict of Interest - Cr McDonald - Agenda Item 12.2

Resolution

Moved Cr J Richters

Seconded Cr M Harslett

THAT Council, following the declarable conflict of interest declaration by Cr McDonald for Agenda Item 12.2, 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 vote on the matter.

Carried

The following votes were recorded:

For: Crs S Deane, M Hamilton, 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 12.2

Resolution

Moved Cr M Harslett

Seconded Cr R Wantling

THAT Council, following the declarable conflict of interest declaration by Cr Pidgeon for Agenda Item 12.2, 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 vote on the matter.

Carried

The following votes were recorded:

For: Crs S Deane, M Hamilton, 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 Wantling - Agenda Item 13.3

Resolution

Moved Cr J Richters

Seconded Cr R Bartley

THAT Council, following the declarable conflict of interest declaration by Cr Wantling for Agenda Item 13.3, determines that it is in the public interest that he participates in discussion but not vote 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 but not vote on the matter.

Carried

The following votes were recorded:

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

Against: Cr Harslett (1)

7. MAYORAL MINUTE

The Mayor advised that she had a Mayoral Minute that would be dealt with under Agenda Item 17.

8. NOTICES OF MOTION

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

8.1.1 Procedural Motion - Notice of Motion - Granite Belt Support Services

Resolution

Moved Cr R Bartley

THAT Agenda Item 8.2 lay on the table to allow the Rate Concession Policy PL-FS076 and Rate Exemption by Resolution Policy PL-CS062 be reviewed at the earliest possible opportunity.

Carried Unanimously

8.1 Notice of Motion - Granite Belt Support Services Inc

Notice of Motion – To Be Moved by Cr Wantling

THAT Council reinstate the Not for Profit status for Granite Belt Support Services Inc. for rating purposes.

9. READING AND CONSIDERATION OF CORRESPONDENCE

9.1 Correspondence

Resolution

Moved Cr C McDonald

Seconded Cr J Richters

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

Carried Unanimously

10. RECEPTION AND READING OF PETITIONS AND JOINT LETTERS

Nil

11. PORTFOLIO REPORTS

Nil

12. EXECUTIVE SERVICES REPORTS

12.1 Chief Executive Officer - Status Report

Resolution

Moved Cr S Deane

Seconded Cr J Richters

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

Carried Unanimously

Cr McDonald declared a conflict of interest in Agenda Item 12.2, and following a resolution from Council participated in discussion and voting on the item

Cr Pidgeon declared a conflict of interest in Agenda Item 12.2, and following a resolution from Council participated in discussion and voting on the item

Cr Bartley declared a conflict of interest in Agenda Item 12.2, and left the meeting at 9:26am during discussion on the Warwick Saleyards

9:32am Cr Bartley returned to the meeting

12.2 Organisation Information Reports August 2024

Resolution

Moved Cr S Deane

Seconded Cr M Harslett

THAT Council note the contents of the Organisation Information Reports.

Carried

The following votes were recorded:

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

Against: Nil (0)

Noting Cr Bartley did not vote due to his declared conflict of interest

12.3 Warwick Visitor Information Centre Relocation

Resolution

Moved Cr J Richters

Seconded Cr M Harslett

THAT Council resolves that:

1. Wattle-Doo Arts and Craft Inc (Wattle-Doo) become a supplier to the Warwick Visitor Information Centre (Warwick VIC), subject to Council's standard procedures.
2. Wattle-Doo's request to terminate their tenancy agreement is accepted.
3. The Warwick VIC moves to the larger former Wattle-Doo tenancy to allow repairs to their current space to proceed.
4. A review of the move and arrangements be brought back to Council at the January 2025 Council Meeting.

Carried Unanimously

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

12.4.1 Procedural Motion - Council Operations over the 2024/2025 Christmas and New Year Period

Resolution

Moved Cr J Richters

THAT Agenda Item 12.4 be adjourned until later in the meeting.

Carried Unanimously

12.5 Councillor Portfolios and Representation on Committees

Resolution

Moved Cr M Harslett

Seconded Cr J Richters

THAT Council:

1. Appoint Cr Pidgeon and Cr Deane to the Warwick Shire River Improvement Trust.
2. Amend Appendix B of the Councillor Advisory Committees and Other Committees Policy PL-EX021 to reflect the change in representation.

Carried Unanimously

13. CUSTOMER AND ORGANISATIONAL SERVICES REPORTS

13.1 Financial Services - Financial Report as at 31 August 2024

Resolution

Moved Cr R Wantling

Seconded Cr M Harslett

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

Carried Unanimously

13.2.1 Australia Day Awards Policy (PL-SD041) - Amendment: Cultural Awards

Resolution

Moved Cr M Harslett

Seconded Cr S Windle

THAT Council amend Section 2 of the Australia Day Awards Policy to include a Senior Cultural Citizen of the Year Award and a Junior Cultural Citizen of the Year Award.

Carried

The following votes were recorded:

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

Against: Cr R Bartley (1)

13.2.2 Australia Day Awards Policy (PL-SD041) - Amendment: Assessment Panel

Resolution

Moved Cr R Wantling

Seconded Cr J Richters

THAT Council amend Section 5.1.1 of the Australia Day Awards Policy to include the appointment of the Mayor and Two (2) Councillors to the Assessment Panel, and that the Councillors appointed be rotated each year.

Carried

The following votes were recorded:

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

Against: Cr R Bartley (1)

13.2 Australia Day Awards Policy (PL-SD041) Amendment

Resolution

Moved Cr M Harslett

Seconded Cr S Deane

THAT Council adopt the revised *Australia Day Awards Policy PL-SD041*, including the amendments.

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.

Cr Wantling declared a conflict of interest in Agenda Item 13.3, and following a resolution from Council participated in discussion only but did not vote on the item

13.3.1 Amendment - Regional Arts Development Fund 2024/2025 - Minor Guideline Amendment

Resolution

Moved Cr J Richters

Seconded Cr M Harslett

THAT the following amendments be made to *Australia Day Awards Policy PL-SD041*:

1. There is no cap to the amount of funding provided per application.
2. Funding is to be provided across two rounds each year, with the second round called near Council's Third Quarter Review.
3. Recipients are not to be in receipt of any other funding or grants from Council.

Lost

The following votes were recorded:

For: Crs M Harslett and J Richters (2)

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

Cr Wantling did not vote due to his declared conflict of interest

13.3 Regional Arts Development Fund 2024/25 - Minor Guideline Amendment

Resolution

Moved Cr M Harslett

Seconded Cr C Pidgeon

THAT Council approve the minor amendments to the *Southern Downs Regional Council (SDRC) 2024-2025 RADF Guidelines* ("the Guidelines").

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: Cr R Bartley (1)

Cr Wantling did not vote due to his declared conflict of interest

13.4 Naming of Unnamed Roads - 232 Sugarloaf Road Stanthorpe Stage IA

Resolution

Moved Cr R Bartley

Seconded Cr R Wantling

THAT Council adopt Snow Gum Road for the unnamed road nominated as Road 1 in 232 Sugarloaf Road Stanthorpe Stage 1A development.

Carried Unanimously

13.5 Heads of Agreement with Regional Housing Limited

Resolution

Moved Cr J Richters

Seconded Cr M Harslett

THAT Council:

1. Enter into a Heads of Agreement with Regional Housing Limited to progress proposed housing projects at Cnr Fitzroy Street and Canning Street, Warwick, Banksia Gardens, Warwick and 35-37 Gordon Lane, Allora; and
2. Authorise the Chief Executive Officer to finalise and sign the Heads of Agreement with Regional Housing Limited in all material respects as per the draft agreement of 17 September 2024.

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)

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

18.1 Procedural Motion - Meeting Adjournment

Resolution

Moved Cr J Richters

THAT the meeting adjourn for morning tea.

Carried Unanimously

The meeting adjourned for morning tea at 10:40am and reconvened at 11:00am at which time there were present Crs Hamilton, Bartley, Deane, Harslett, McDonald, Pidgeon, Richters, Wantling and Windle (via Teams)

14. INFRASTRUCTURE SERVICES REPORTS

14.1 218 Lyndhurst Lane Easement Drainage Works

Resolution

Moved Cr J Richters

Seconded Cr C Pidgeon

THAT Council undertake drainage improvement works along the easement located within 218 Lyndhurst Lane, Rosenthal Heights, subject to allocation of funding in the First Quarter Review.

Carried Unanimously

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

14.2.1 Procedural Motion - Request for Discount for Recycled Water Usage Charges

Resolution

Moved Cr R Bartley

THAT Agenda Item 14.2 be adjourned to allow further information to be obtained.

Carried Unanimously

12.4 Council Operations over the 2024/2025 Christmas and New Year Period

Resolution

Moved Cr J Richters

Seconded Cr M Harslett

THAT Council staff cease work and offices and libraries close over the Christmas/New Year period at 3:00pm on Tuesday, 24 December 2024 with normal business operations resuming on Thursday, 2 January 2025. Skeleton work crews and on call staff remain on duty for essential services to the community.

Carried Unanimously

Cr Bartley declared a conflict of interest in Agenda Item 15.1, and left the meeting at 11:22am

15. PLANNING AND ENVIRONMENTAL SERVICES REPORTS

15.1 Reconfiguring a Lot – Killarney Co-Operative Limited, C/- Adapt Development Management Pty Ltd, 38-44 Ivy Street, Willow Street and Condamine River Road, Killarney

Resolution

Moved Cr J Richters

Seconded Cr M Harslett

THAT application for a Boundary Realignment (Three (3) lots into three (3) lots) and Access Easement (to proposed Lots 1 and 3) on land at 38-44 Ivy Street, Willow Street and Condamine River Road, Killarney, described as Lot 1 RP44991, Lot 14 SP121390, and Lot 2 RP193299, be approved subject to conditions:

Schedule 1 - Southern Downs Regional Council Conditions

Approved Plans

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

Plan Name	Plan No.	Date
Proposed Boundary Reconfiguration Proposed 3 Lots into 3 Lots (as amended in blue and red)	M5159 6001 001, Sheet 1 of 2	Emailed to Council on 9 September 2024
Proposed Boundary Reconfiguration Proposed 3 Lots into 3 Lots (as amended in blue and red)	M5159 6001 001, Sheet 2 of 2	Emailed to Council on 9 September 2024

The amendments made to the approved plans result in the Access easement being approximately 7,242 square metres.

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

Easements and Covenants

- An easement for access purposes is to be provided over Lot 2 in favour of Lot 1 and Lot 3. A copy of the easement documentation is to be submitted to Council for approval prior to the

signing of the Plan of Subdivision.

4. A plan showing a building envelope for Proposed Lot 3 is to be submitted for approval by Council's Planning Department. The **building envelope** must meet the following criteria:
 - Be a minimum of 60 metres from all boundaries.
 - Not be located within the Flood hazard overlay.

A covenant is to be provided over proposed Lot 3 prohibiting the residential use of any building unless such buildings are constructed within the building envelope approved in accordance with this condition. The covenant documentation is to be prepared by Council's solicitor at the developer's cost. The covenant documentation is to be submitted to Council for approval prior to the signing of the Plan of Subdivision.

Land Use and Planning Controls

5. This approval does not allow for the establishment of any uses without lodgement of a separate Material Change of Use applications, unless those uses are accepted development in the relevant zone.

Building and Site Design

6. All drainage (including sewer connection, on-site wastewater disposal and stormwater drainage) and services (including electricity and telephone) associated with the existing uses on the land are to be relocated so that they are wholly contained within the lot it serves, or easements provided over this private drainage and services. A plan, drawn by a suitably qualified person, showing all drainage and services associated with the existing uses is to be submitted to Council to demonstrate compliance with this requirement.

Fencing, Landscaping and Buffers

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

Car Parking and Vehicle Access

8. Vehicle access is to be constructed to the proposed Lots in accordance with Council's standard. (Council's Development Engineer can provide details regarding Council's standard.) The access must be constructed along Condamine River Road at a location which provides adequate sight distance in either direction. Such entrance roadworks are to include appropriate drainage works.
9. Remove the redundant crossover/s to Condamine River Road and reinstate the road pavement and verge to Council's standard along the frontage of the site.
10. All vehicular access to and from the Proposed Lot 2 and Proposed Lot 3 must be via Condamine River Road only.
11. A 3.0 metre wide all-weather driveway is to be constructed for the full length of the access easement. The access easement may remain gravel, provided it is appropriately maintained and does not cause a dust nuisance. If complaints are received (which in the opinion of an authorised person is not frivolous, vexatious nor based on mistaken belief) or the vehicle entrance and driveway become eroded with material becoming deposited outside of the site or potholes form that would increase noise associated with vehicle movements, the access easement shall be sealed for the full length of Proposed Lot 1 to Council's standards.

Roadworks

12. Any roadworks and drainage works damaged during construction of the development are to be reinstated to the pre-existing condition, unless otherwise required by the Director Infrastructure Services.

Stormwater Drainage

13. All proposed lots must have a lawful point of discharge determined in accordance with the

Queensland Urban Drainage Manual (QUDM). A stormwater management plan, including plans for any proposed stormwater infrastructure, may be required to demonstrate compliance with QUDM. Any required stormwater management plan must be prepared by a suitably qualified RPEQ and submitted for endorsement by Council prior to the lodgement of the survey plan.

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

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

Water Supply and Waste water

14. A reticulated water supply system, up to and including water meters, is to be provided to service proposed Lot 1. This system is to be connected to Council's water supply system.
15. A sewerage reticulation system is to be provided to service proposed Lot 1. This system is to be connected to Council's wastewater sewerage system.

Electricity, Street Lighting and Telecommunications

16. Electricity connections must be provided to the proposed development to the standards of the relevant authorities. Evidence must be provided of a certificate of supply with the relevant service providers to provide each lot with live electricity connections, in accordance with the requirements of the relevant authorities prior to Council signing the Plan of Subdivision.
17. Prior to Council signing the Plan of Subdivision, written advice must be provided from Ergon Energy confirming that it has been made aware of the proposed development.

Operational Works

18. If required, all operational works are to be accepted on-maintenance prior to the Council signing the Plan of Subdivision. (See advisory note below.)

Advisory Notes

- (i) Any demolition and/or removal works involving asbestos materials must be undertaken in accordance with the requirements of the *Workplace Health and Safety* legislation and *Public Health Act 2005*.
- (ii) The General Environmental Duty under the *Environmental Protection Act 1994* prohibits unlawful environmental nuisance caused by noise, aerosols, particles dust, ash, fumes, light, odour or smoke, beyond the boundaries of the property during all stages of the development including earthworks, construction and operation.
- (iii) Any proposed new Dwelling house on Proposed Lot 2 and/or Proposed Lot 3 are 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.
- (iv) All domestic sewage generated from Proposed Lot 2 and Proposed Lot 3 must be disposed of by means of an on-site sewage facility (OSSF) in accordance with the AS/NZS 1547:2012 - *On-site Domestic Wastewater Management, Queensland Plumbing and Wastewater Code*

and the *Standard Plumbing and Drainage Regulation 2003*.

- (v) No clearing of remnant vegetation or regulated regrowth vegetation is to occur under this approval. A Development Permit for Operational Works must be obtained from the Department of Infrastructure, Local Government and Planning for the clearing of any remnant vegetation, unless exempt under Schedule 21 of the *Planning Regulation 2017*.
- (vi) The Flood hazard overlay is based on a 1% Annual Exceedance Probability (AEP) flood event. An event of this size may occur, on average, once every 100 years, however it may occur more frequently. Flood events may also be larger than the 1% AEP and therefore areas located outside of the overlay are not guaranteed of flood immunity.
- (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) If required, a Development Permit for Operational Works associated with the development must be obtained in accordance with the *Planning Act 2016*. This application must be submitted with the following:
 - DA Form 1;
 - The relevant fee in accordance with Council’s Schedule of General Fees and Charges;
 - Detailed design drawings, schedules and specifications for all Operational Works, certified by a Registered Professional Engineer in Queensland (RPEQ);
 - Connection to reticulated water and sewerage systems for proposed Lot 1.
 - A Stormwater Management Plan; and
 - An Erosion and Sediment Control Plan.

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

- (ix) An Erosion and Sediment Control Plan (ESCP) must be submitted for approval with the application for Operational Works. The ESCP must demonstrate that release of sediment-laden stormwater is avoided for the nominated design storm, and minimised when the nominated design storm is exceeded, by addressing the objectives in Table A (Construction phase - stormwater management design objectives) in Appendix 2 of the State Planning Policy for drainage control, erosion control, sediment control and water quality outcomes.
- (x) Site works must be constructed such that they do not, at any time, in any way restrict, impair or change the natural flow of runoff water, or cause a nuisance or worsening to adjoining properties or infrastructure.
- (xi) All 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.

Telecommunications in New Developments

- (xii) 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

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

Approval Times

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

Carried Unanimously

11:24am Cr Bartley rejoined the meeting

15.2 Reconfiguring a Lot – Southern Downs Regional Council, 169 Dragon Street, Warwick Resolution

Moved Cr J Richters

Seconded Cr C Pidgeon

THAT the application for a Subdivision of One (1) lot into two (2) lots on land at 169 Dragon Street, Warwick, described as Lot 3 RP36412, be approved subject to conditions:

Schedule 1 - Southern Downs Regional Council Conditions

Approved Plans

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

Plan Name	Plan No.	Date
Plan of Lots 31 & 32	SP330960, Sheet 1 of 2	21/03/2024
Locality Map, Legend and Drawing Schedule	X-DWG-CLE- 001	20/02/2024

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

Easements and Covenants

- The statutory covenant shall remain in place, to restrict the use of proposed Lot 31 for Utility installation (as defined in the Southern Downs Planning Scheme) purposes only until such time as the use of the land for Utility installation purposes ceases. In the event that the use of the land for Utility installation purposes ceases, proposed Lots 31 and 32 are to be amalgamated into one allotment and a new Certificate of Title issued to cover the newly created allotment. The owner of proposed Lot 31 is responsible for all costs of the amalgamation, including legal fees, surveyor costs, registration fees and the like.

Building and Site Design

- All household drainage (including sewer house connection, stormwater drainage and interallotment drainage) and services (including electricity and telephone) associated with the existing dwelling on the land are to be relocated, if required, so that they are wholly contained within proposed Lot 32 or easements provided over this private drainage and

services. A plan, drawn by a suitably qualified person, showing all drainage and services associated with the existing dwelling is to be submitted to Council to demonstrate compliance with this requirement.

Amenity and Environmental Controls

5. During the construction phase of the development, all wastes must be separated into recyclables (where possible) and landfill wastes, and disposed of at an approved.

Fencing, Landscaping and Buffers

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

Car Parking and Vehicle Access

7. Vehicle access is to be constructed to Proposed Lot 31 in accordance with Council's standard. (Council's Development Engineer can provide details regarding Council's standard.) The access must be constructed at a location which provides adequate sight distance in either direction. Such entrance roadworks are to be sealed and are to include appropriate drainage works.

Roadworks

8. Any footpaths, kerbing and channelling, roadworks and drainage works damaged during construction of the development are to be reinstated to the pre-existing condition, unless otherwise required by the Director Infrastructure Services.

Stormwater Drainage

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

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

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

Electricity, Street Lighting and Telecommunications

10. Electricity connections must be provided to the proposed development to the standards of the relevant authorities. Evidence must be provided of a certificate of supply with the relevant service providers to provide each lot with live electricity connections, in accordance with the requirements of the relevant authorities prior to Council signing the Plan of Subdivision.

Infrastructure Charges Notice

11. Payment is to be made to Council in accordance with the Infrastructure Charges Notice attached to the decision notice. If payment is made more than two years after the date of the Infrastructure Charges Notice, the charge will increase in line with the Road and Bridge Construction Index for Queensland.

Advisory Notes

- (i) 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.

- (ii) 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.
- (iii) Site works must be constructed such that they do not, at any time, in any way restrict, impair or change the natural flow of runoff water, or cause a nuisance or worsening to adjoining properties or infrastructure.
- (iv) Any retaining structures above one metre in height must be separately certified for structural adequacy by a Registered Professional Engineer of Queensland at design submission and also on completion of construction for compliance with the design.

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

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

Aboriginal Cultural Heritage

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

Approval Times

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

Carried Unanimously

15.3 Consideration of Change Representations: Angela M Brunckhorst C/- NSPIRE Planning & Design - 7 Britannia Street, Stanthorpe

Recommendation

THAT Council refuse the change representations made in relation to the application for a Development Permit for Reconfiguring a Lot for Subdivision of one (1) lot into two (2) lots, on land at 7 Britannia Street, Stanthorpe, described as Lot 1 RP196414, for the following reasons:

- The requirement of a 1.8 metre wide footpath along the Britannia Street frontage of the site is consistent with Walking Network Plans – Warwick and Stanthorpe that was endorsed by Council on 13 December 2023; and
- The requirement of a footpath is consistent with PO10 and overall outcome (h) of the Reconfiguring a lot code within the Southern Downs Planning Scheme (v.5).

Lapsed

15.3.1 Consideration of Change Representations: Angela M Brunckhorst C/- NSPIRE Planning & Design - 7 Britannia Street, Stanthorpe

Resolution

Moved Cr J Richters

Seconded Cr M Harslett

THAT Council:-

1. Approve the change representations made in relation to the application for Reconfiguring a Lot for the purpose of Subdivision of one (1) lot into two (2) lots, on land at 7 Britannia Street, Stanthorpe, described as Lot 1 RP196414, for the following reason:

Having due regard to Southern Downs Planning Scheme 9.4.7.2 3(b), small lot subdivision is to have regard to the integration and compatibility of the immediate area and streetscape. There is no pathways on Britannia Street and with no other development likely it would be out of place for this small section of footpath.

2. Delete the following Condition 16:

Pedestrian Works

16. A 1.8 metre wide concrete pedestrian footpath is to be constructed along the Britannia Street frontage of the site, in a location suitable to the Director Infrastructure Services.

Carried

The following votes were recorded:

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

Against: Crs M Hamilton and S Windle (2)

15.4 Minor Change to Material Change of Use – Darryl J Wiggins and Roslyn E Wiggins ATF DJ & RE Wiggins Super Fund C/-Revolution Town Planning, 143 Old Stanthorpe Road, Morgan Park

Resolution

Moved Cr R Bartley

Seconded Mayor M Hamilton

THAT Council refuse the change application (Minor Change) for a Development Permit for a Material Change of Use for Extension to High Impact Industry (Composting Facility – Greater than 200 tonnes per annum) on land at 143 Old Stanthorpe Road, Morgan Park, described as Lot 2 RP818435, for the following reasons:

- (c) The proposed change is not considered a minor change in accordance with Schedule 2 of the *Planning Act 2016* given that it is a change to a development approval that would result in substantially different development; and
- (d) The development application should be re-lodged seeking a change application (Other Change).

Lost

The following votes were recorded:

For: Crs R Bartley, M Hamilton, R Wantling and S Windle (4)

Against: Crs S Deane, M Harslett, C McDonald, C Pidgeon and J Richters (5)

15.4.1 Procedural Motion - Move to the Next Agenda Item

Resolution

Moved Cr R Bartley

THAT Council move to Agenda item 15.5.

Carried

The following votes were recorded:

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

Against: Cr J Richters (1)

15.5 Shaping Southern Downs Advisory Committee Meeting Minutes - 25 July 2024

Recommendation

THAT Council receive the minutes of the Shaping Southern Downs Advisory Committee meeting held in Warwick on 25 July 2024 and decide in relation to the following motions from the meeting:

- THAT Council form a new committee after the conclusion of the 'Shaping Southern Downs Advisory Committee', consisting of community members from each village of the region to represent the different communities in relation to community events, tourism and other relevant matters to achieve better outcomes for the region.
- THAT additional zone cards be created to be specific to each township involved in the Public Consultation Period.

Lapsed

15.5.1 Alternate Motion - Shaping Southern Downs Advisory Committee Meeting Minutes 25 July 2024

Resolution

Moved Cr J Richters

Seconded Cr S Deane

- THAT Council acknowledge the wish of the committee to continue, and Council will consider this request in the future.
- THAT additional zone cards be created to be specific to each township involved in the Public Consultation Period.

Carried Unanimously

15.6 Request to Reduce Building Application Fee - PID 33800

Resolution

Moved Cr M Harslett

Seconded Cr J Richters

THAT Council, in accordance with Section 109 of the *Planning Act 2016*, waive 50% of the building application fees to be paid in accordance with Council's Schedule of General Fees and Charges 2024/25, in relation to the proposed storage shed at 55-65 Horsman Road, Warwick.

Carried Unanimously

15.7 Request to Reduce Building Application Fee - PID 135110

Resolution

Moved Cr J Richters

Seconded Cr S Deane

THAT Council, in accordance with Section 109 of the *Planning Act 2016*, waive 50% of the building application fees to be paid in accordance with Council's Schedule of General Fees and Charges 2024/25, in relation to the demolition of internal walls at Lyon Street, Warwick (Part Lot 23 Sec ZZ on SP 301402).

Carried Unanimously

15.8 Request to Reduce Infrastructure Charges - PID68765

Recommendation

THAT Council refuse to reduce or waive the Infrastructure Charges levied in accordance with Council's Charges Resolution (No. 4.2) 2023, for the Material Change of Use for the purpose of a Tourist park (Self-contained caravan park), on land at 1-17 Hamilton Street, Warwick, described as Lot 9 SP305423, as it is inconsistent with its Infrastructure Charges – Concessions for Eligible Community Organisations Policy.

Lapsed

15.8.1 Request to Reduce Infrastructure Charges - PID68765 - Alternate Motion

Resolution

Moved Cr J Richters

Seconded Cr S Windle

THAT Council approve the reduction of Infrastructure Charges levied in accordance with Council's Charges Resolution (No. 4.2) 2023 by 50 percent, for the Material Change of Use for the purpose of a Tourist park (Self-contained caravan park), on land at 1-17 Hamilton Street, Warwick, described as Lot 9 SP305423, for the following reason:

They are a volunteer run not-for-profit tourism business which was heavily impacted by the sudden closure of the railway line to Wallangarra. This line was closed due to a natural disaster outside the control of the organisation and should have been repaired by the state government. This site that has previously operated as a workers camp is essential to the survival of this pinnacle attraction in accordance with Section 254H(b) of the *Local Government Regulation 2012*.

Carried

The following votes were recorded:

For: Crs S Deane, C McDonald, C Pidgeon, J Richters and S Windle (5)

Against: Crs R Bartley, M Hamilton, M Harslett and R Wantling (4)

15.9 Pest Management Advisory Committee Meeting

Resolution

Moved Cr C Pidgeon

Seconded Cr R Wantling

THAT Council receive the Minutes of the Pest Management Advisory Committee meeting held in Warwick on Thursday, 22 August 2024.

Carried Unanimously

15.10RFQ 25_024- Supply of Gas Flare and Gas Field Management

Resolution

Moved Cr M Harslett

Seconded Cr C McDonald

THAT Council:-

1. In accordance with Section 234 of the *Local Government Regulation 2012* enter into a contract with LGI Limited for contract 25_024 for the Supply of Gas Flare and Gas Field Management; and
2. Delegate authority to the Chief Executive Officer to enter into any minor variations to the contract terms as deemed necessary for the duration of the contract.

Carried Unanimously

15.11 Environmental Sustainability Strategy Action Plan Review 2023-2024

Resolution

Moved Cr S Deane

Seconded Cr M Harslett

THAT Council:

1. Receive and note the review of the Southern Downs Environmental Sustainability Action Plan for 2023-2024; and
2. Receive and note the Southern Downs Environmental Sustainability Action Plan proposed for the 2024-25 financial year.

Carried Unanimously

14.2 Request for Discount for Recycled Water Usage Charges

Resolution

Moved Cr S Deane

Seconded Cr R Wantling

THAT Council:-

1. Approve the implementation of the draft urban Recycled Water Agreements for Stanthorpe and Warwick
2. Amend the adopted 2024/25 Fees and Charges to include a discount of 100% on recycled water usage charges for not for profit / charitable organisations as defined in the Rate Concession Policy (PL-FS076).
3. Note that all other users will be charged the full usage charge as set out in the 2024/25 Fees and Charges.

Carried Unanimously

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

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 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.

Meeting In Camera

Resolution

Moved Cr S Deane

Seconded Cr C Pidgeon

THAT the meeting move into closed session.

Lost

The following votes were recorded:

For: Crs R Bartley, S Deane, C McDonald and S Windle (4)

Against: Crs M Hamilton, M Harslett, C Pidgeon, J Richters and R Wantling (5)

17.1.1 New Southern Downs Planning Scheme

Resolution

Moved Cr J Richters

Seconded Cr M Harslett

THAT the meeting not be closed to the public to discuss item 17.1, as the planning scheme negotiations are required by the Planning Act 2006, and the relationship between Council and the State Government is not commercial in nature, therefore Section 254J(3)(g) of the *Local Government Regulation 2012* is not applicable. Furthermore it is not considered necessary to the close the meeting and the information contained within the report is of public interest, noting that the attachment to the report will remain confidential.

Carried

The following votes were recorded:

For: Crs M Hamilton, M Harslett, C Pidgeon, J Richters and R Wantling (5)

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

17.1 New Southern Downs Planning Scheme

Resolution

Moved Cr J Richters

Seconded Cr M Harslett

THAT Council decides to proceed with the further information relating to the new Southern Downs Planning Scheme, pending the following resolutions being considered:

Toowoomba to Warwick Pipeline

To amend the Water resource catchment overlay code to include three (3) additional provisions relating to the Toowoomba to Warwick pipeline in the Overall outcomes of the Code, amend the Overlays 'Tables of Assessment' and update associated mapping.

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)

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:

7.1 Mayoral Minute

Reason for Confidentiality

This item is considered confidential in accordance with section 254J(3)(a) of the *Local Government Regulation 2012*, as it contains information relating to appointment, discipline or dismissal of the Chief Executive Officer for which a public discussion would be likely to prejudice the interests of the local government.

Meeting In Camera

Resolution

Moved Mayor M Hamilton

THAT the meeting move into closed session at 12:32pm.

Carried Unanimously

Meeting Out Of Camera

Resolved

THAT the meeting resume in open session at 1:27pm.

Carried Unanimously

7.1 Termination of Chief Executive Officer's Contract of Employment

Resolution

Moved Mayor M Hamilton

Seconded Cr M Harslett

THAT Council terminates the Chief Executive Officer's employment in accordance with Section 18.1(e) of the Contract of Employment between Council and the officer made on the 19 June 2023, effective immediately.

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.

18. GENERAL BUSINESS

Nil.

MEETING CLOSURE

There being no further business, the meeting closed at 1:31pm.