



**MINUTES OF THE  
ORDINARY COUNCIL MEETING  
12 APRIL 2023**

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**MINUTES OF THE ORDINARY COUNCIL MEETING OF  
SOUTHERN DOWNS REGIONAL COUNCIL HELD ON 12 APRIL 2023  
IN THE COUNCIL CHAMBERS, SOUTHERN DOWNS REGIONAL COUNCIL,  
61 MARSH STREET, STANTHORPE AT 9:00AM**

**ACKNOWLEDGEMENT TO COUNTRY**

**1. PRAYERS & CONDOLENCES**

Condolences were acknowledged and Cr McNally offered a prayer for the meeting.

**2. ATTENDANCE**

Present: Crs Pennisi (Chair), Bartley, Gale, Giori, Gow, McDonald, McNally, Tancred and Windle

Officers: Dave Burges (Chief Executive Officer), Leon Love (Director Customer and Organisational Services), Gary Murphy (Director Infrastructure Services), Scott Riley (Director Planning and Environmental Services), Angela O'Mara (Manager Planning and Development) (via Teams), Nicole Collett (Manager Environmental Services) and Marion Seymour (Minute Secretary)

**3. APOLOGIES**

Nil

**4. READING AND CONFIRMATION OF MINUTES**

**4.1 Ordinary Council Meeting - 22 March 2023**

**Resolution**

**Moved Cr A Gale**

**Seconded Cr R Bartley**

THAT the minutes of the Ordinary Council Meeting held on Wednesday 22 March 2023 be adopted.

**Carried**

**5. ACTIONS FROM COUNCIL MEETINGS**

**5.1 Actions from Ordinary Council Meeting 8 March 2023**

**Resolution**

**Moved Cr S Windle**

**Seconded Cr M Giori**

THAT Council receive the report and note the contents.

**Carried**

## 6. DECLARATIONS OF CONFLICTS OF INTEREST

Item No	Item Precise	Nature of Conflict
14.1	Southern and Darling Downs Regional Water Assessment Working Group	Cr McDonald declared a declarable conflict of interest in this matter (as defined in Section 150ES(3) of the <i>Local Government Act 2009</i> ) as a result of her personal friendship with the CEO of SunWater and his family, however has no financial dealings with him and only sees him on an irregular basis. Although Cr McDonald has a declarable conflict of interest, she does not believe a reasonable person could have a perception of bias. 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 14.1

#### Resolution

**Moved Cr R Bartley**

**Seconded Cr S Windle**

THAT Council, following the declarable conflict of interest by Cr McDonald in Agenda Item 14.1, 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**

## 7. MAYORAL MINUTE

### 7.1 ALGA National General Assembly 2023

#### Resolution

**Moved Cr R Bartley**

**Seconded Cr M Gliori**

THAT Council endorse the attendance of Cr Gale at the 2023 ALGA National General Assembly being held in Canberra from 13 – 16 June.

**Carried**

## **8. READING AND CONSIDERATION OF CORRESPONDENCE**

### **8.1 Correspondence**

#### **Resolution**

**Moved Cr A Gale**

**Seconded Cr M Giori**

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

**Carried**

## **9. RECEPTION AND READING OF PETITIONS AND JOINT LETTERS**

Nil

## **10. EXECUTIVE SERVICES REPORTS**

### **10.1 Condamine Community Alliance**

#### **Resolution**

**Moved Cr S Windle**

**Seconded Cr M Giori**

THAT Council receive the meeting notes from the Condamine Community Alliance meeting held on 14 March 2023.

**Carried**

### **10.2 Organisation Information Reports 12 April 2023**

#### **Resolution**

**Moved Cr C Gow**

**Seconded Cr R Bartley**

THAT Council note the contents of the Information Reports.

**Carried**

### **10.3 Potential Southern Queensland Regional Organisation of Councils**

#### **Resolution**

**Moved Cr C McDonald**

**Seconded Cr S Windle**

THAT:

1. Council commit to the establishment of a Regional Organisation of Councils comprising Goondiwindi Regional Council, Southern Downs Regional Council, Toowoomba Regional Council and Western Downs Regional Council; and
2. The Mayor be appointed as the representative for Southern Downs Regional Council; and
3. An appropriate budget allocation be made as part of the 2023/24 budget.

**Carried**

## **11. CUSTOMER AND ORGANISATIONAL SERVICES REPORTS**

### **11.1 Trustee Lease - 5316 Texas Road, Pikes Creek - Lot 14 on BNT1469**

#### **Resolution**

**Moved Cr C Gow**

**Seconded Cr M Giori**

THAT Council:

1. Approve a trustee lease over land described as Lot 14 on BNT1469 and located at 5316 Texas Road, Pikes Creek, pursuant to section 236(1)(c) of the *Local Government Regulation 2012*;
2. Set the annual rental at \$412.00 (Ex-GST) per annum, pursuant to independent market rates, including provision for annual increments;
3. Grant delegated authority to the Chief Executive Officer to negotiate and finalise the terms of the trustee lease with the landowner adjacent to the Reserve.

**Carried**

### **11.2 2022-2023 Operational Plan Quarterly Review - December 2022 to March 2023**

#### **Resolution**

**Moved Cr A Gale**

**Seconded Cr S Tancred**

THAT Council receive and note the contents of the 2022/23 Operational Plan Quarterly Review – December 2022 to March 2023.

**Carried**

### **11.3 Regional Arts Development Fund 2022/23 - Application for Recommendation**

#### **Resolution**

**Moved Cr J McNally**

**Seconded Cr C McDonald**

THAT Council approve the grant application received from Granite Belt Art and Craft Trail Inc. for \$10,000 under the Regional Arts Development Fund (RADF) 2022/23 program.

**Carried**

## **12. INFRASTRUCTURE SERVICES REPORTS**

### **12.1 Naming of Newly Constructed Road off Reedy Creek Road, Thanes Creek**

#### **Resolution**

**Moved Cr M Giori**

**Seconded Cr J McNally**

THAT Council resolve to name the newly constructed road off Reedy Creek Road, Thanes Creek as "Hillview Road".

**Carried**

## **13. PLANNING AND ENVIRONMENTAL SERVICES REPORTS**

### **13.1 Material Change of Use - Cannon Creek Road, Bapaume**

#### **Resolution**

**Moved Cr C McDonald**

**Seconded Cr S Windle**

THAT the application for Material Change of Use for the purpose of a Dwelling house (not in accordance with building setbacks) on land described as Lot 32 SP327054, located at Cannon Creek Road, Bapaume, 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 plan 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 Map – prepared by Eric Norman	-	-

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 set back generally 42 metres from the northern property boundary, 30 metres from the southern property boundary, and 50 metres from the western 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. During the construction phase of the development, all wastes must be separated into recyclables (where possible) and landfill wastes, and disposed of at an approved waste facility.
7. All wastes are to be suitably collected and disposed of so as not to adversely impact on the environment.

##### **Fencing, Landscaping and Buffers**

8. Two five (5) metre wide landscaped buffers are to be planted in line with the proposed Dwelling house to reduce any potential lawful nuisances from adjoining properties. The landscaping buffers can be planted either in proximity to the dwelling or along both the northern and western boundaries (as shown in the following plan), and is to contain random plantings of a variety of native, preferably endemic, trees and shrub species of differing growth habits. The trees and shrubs must be of species that are fast growing, frost resistant and drought hardy. The buffer is to have a mature tree height of at least 3.0 metres. Vegetated buffers are to be maintained so they form an effective buffer.





9. Two five (5) metre wide landscaped buffers are to be planted in line with the proposed dwelling house to reduce any potential lawful nuisances from adjoining properties. The landscaping buffers can be planted either in proximity to the dwelling or along both the northern and western boundaries, and is to contain random plantings of a variety of native, preferably endemic, trees and shrub species of differing growth habits. The trees and shrubs must be of species that are fast growing, frost resistant and drought hardy. The buffer is to have a mature tree height of at least 3.0 metres. Vegetated buffers are to be maintained so they form an effective buffer.

#### **Car Parking and Vehicle Access**

10. Vehicle access is to be maintained to the site in accordance with Council's standards. (Council's Development Engineer can provide details regarding Council's standards.)
11. The internal driveways to the proposed dwelling on Lot 32 SP327054 must be able to provide road access with a minimum clearance of 3.0 metres wide and 3.0 metres high for safe passage of emergency vehicles.

#### **Water Supply and Waste water**

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

On-site water storage may include the provision of a bore, dams, water storage tanks or a combination of these.
13. All sewage generated from this property must be disposed of by means of an on-site sewage facility (OSSF) in accordance with the AS/NZS 1547:2012 - *On-site Domestic Wastewater Management, Queensland Plumbing and Wastewater Code* and the *Standard Plumbing and Drainage Regulation 2003*.
14. 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**

15. Underground/aboveground electricity connections must be provided to the proposed development to the standards of the relevant authorities.

OR

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 to be 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** 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**.
- (vi) Prior to constructing or upgrading an access, an application must be submitted and approved by Council for a permit under Local Law No. 1 (Administration) 2011 and Subordinate Local Law No. 1.15 (Carrying Out Works on a Road or Interfering with a Road or its Operation) 2011.
- (vii) 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.
- (viii) A Compliance Permit for Plumbing and Drainage Works should be obtained prior to the issue of a Development Permit for Building Works.

### **Telecommunications in New Developments**

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

## **Aboriginal Cultural Heritage**

- (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](http://www.datsip.qld.gov.au)

**Carried**

### **13.2.1 Request to Waive or Reduce Building, Planning and Plumbing Application Fees - PID 115825 - Amendment**

#### **Resolution**

**Moved Cr S Tancred**

**Seconded Cr M Gliori**

THAT Council amend the resolution for Agenda Item 13.2 to increase the discount to 75% for the building application fee, and include a 75% discount for planning and plumbing application fees.

**Carried**

### **13.2 Request to Waive or Reduce Building, Planning and Plumbing Application fees - PID 115825**

#### **Resolution**

**Moved Cr S Tancred**

**Seconded Cr M Gliori**

THAT Council, in accordance with Section 109 of the *Planning Act 2016*, waive 75% of the building application fees, and provide a 75% discount for planning and plumbing application fees, to be paid in accordance with Council’s Schedule of General Fees and Charges 2022/23, in relation to the proposed conversion of an existing building to a community arts hub, meeting place and museum display centre at 25 & 27 Davadi Street, Stanthorpe.

**Carried**

### **13.3 Food Business amendment to Fees and Charges**

#### **Resolution**

**Moved Cr S Tancred**

**Seconded Cr A Gale**

THAT Council:

1. Re-instate the previous risk categories of High Risk 1; High Risk 2 and Low Risk for the issuing of Food Business Licences renewals for the 23/24 financial year; and
2. Adopt and apply the Food Business Licence Renewal fees as outline in this report for all existing food businesses prior to the issue of the annual renewal notices prior to 1 May 2023.

**Carried**

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

*The meeting adjourned for morning tea at 10:30am and reconvened at 10:45am at which time there were present Crs Pennisi, Bartley, McNally, Windle, Giori, Gow, Tancred, Gale and McDonald*

*Cr McDonald declared a declarable conflict of interest in Agenda Item 14.1 as defined in Section 150ES(3) of the Local Government Act 2009 and following a resolution from Council remained in the room for the discussion and vote.*

### **14.1 Southern and Darling Downs Regional Water Assessment Working Group**

#### **Resolution**

**Moved Cr A Gale**

**Seconded Cr R Bartley**

THAT the information in the report be received.

**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, A Gale, C Gow, V Pennisi and S Tancred (5)*

*Against: Crs M Giori, C McDonald, J McNally and S Windle (4)*

*Accordingly the Mayor declared the motion carried.*

## **15. NOTICES OF MOTION**

Nil

## **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 Leveraging Community Outcomes from Renewable Energy Projects**

#### **Reason for Confidentiality**

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

## **Meeting In Camera**

### **Resolution**

**Moved Cr A Gale**

**Seconded Cr S Tancred**

THAT the meeting move into closed session.

**Carried**

*Cr McNally voted against the motion to move into camera.*

*The Meeting moved into closed session at 10:56am.*

## **Meeting Out Of Camera**

### **Resolved**

THAT the meeting resume in open session at 11:19am.

**Carried**

### **17.1 Leveraging Community Outcomes from Renewable Energy Projects**

#### **Resolution**

**Moved Cr C McDonald**

**Seconded Cr A Gale**

THAT Council engage Rainmaker Strategic Planning Pty Ltd for a period of up to four months under s235 (b) of the *Local Government Regulation 2012*.

**Carried**

## **MEETING CLOSURE**

There being no further business, the meeting closed at 11:21am.