



**MINUTES OF THE
SPECIAL MEETING OF COUNCIL
28 AUGUST 2024**

ORDER OF BUSINESS:

1.	ACKNOWLEDGEMENT OF COUNTRY	1
2.	ATTENDANCE AND APOLOGIES	1
3.	DECLARATIONS OF CONFLICTS OF INTEREST	1
4.	CONSIDERATION OF CONFIDENTIAL BUSINESS ITEMS	2

Meeting In Camera

Meeting Out Of Camera

3.1	Conflict of Interest - Mayor Hamilton: Agenda Item 4.1	4
-----	--	---

Meeting In Camera

Meeting Out Of Camera

4.1	New Southern Downs Planning Scheme – Emu Swamp Dam	5
4.1.2	New Southern Downs Planning Scheme - Massie Future Industrial Precinct	5
4.1.3	New Southern Downs Planning Scheme – Zoning for Lot 152 CP910005 (known as the Kangaroo Paddock)	6
4.1.4	New Southern Downs Planning Scheme - Zoning of Selected Reserves ..	6
4.1.5	New Southern Downs Planning Scheme - Increased Area from Proposed Rural Residential Zone to Low Density Residential Zone	6
4.1.6	New Southern Downs Planning Scheme – Proposed Mixed Use Zone in Allora	7
4.1.7	New Southern Downs Planning Scheme – Transferrable Development Rights Policy	7
4.1.8	New Southern Downs Planning Scheme - Sugarloaf Forestry	8
4.1.9	New Southern Downs Planning Scheme - Other Responses	8
4.1.10	New Southern Downs Planning Scheme - Carnell Raceway	8
4.1.11	New Southern Downs Planning Scheme - Rural Setbacks	9

**MINUTES OF THE SPECIAL COUNCIL MEETING OF
SOUTHERN DOWNS REGIONAL COUNCIL HELD ON 28 AUGUST 2024
IN THE COUNCIL CHAMBERS, SOUTHERN DOWNS REGIONAL COUNCIL,
61 MARSH STREET, STANTHORPE AT 9:00AM**

1. ACKNOWLEDGEMENT OF COUNTRY

2. ATTENDANCE AND APOLOGIES

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 TBC (Director Infrastructure Services), Scott Riley (Director Planning and Environmental Services), Angela O'Mara (Manager Planning and Development), Tonya Collier (Project Officer) and Marion Seymour (Minute Secretary)

3. DECLARATIONS OF CONFLICTS OF INTEREST

ITEM NO	ITEM PRECIS	NATURE OF CONFLICT
4.1	NEW SOUTHERN DOWNS PLANNING SCHEME – EMU SWAMP DAM	MAYOR HAMILTON DECLARED A DECLARABLE CONFLICT OF INTEREST IN THIS MATTER (AS DEFINED IN SECTION 150EQ(4)(A) OF THE LOCAL GOVERNMENT ACT 2009) AS SHE HAS 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, AND BECAUSE COUNCIL WAS NOT GETTING THE FULL VALUE OF THE TOWN WATER ALLOCATION IN THE DEAL THAT WAS DONE WITH THE PROJECT PROPONENT. WHILE SHE BELIEVES SHE CAN MAKE DECISIONS ON WATER SECURITY FOR THE REGION IN THE PUBLIC INTEREST AND PERFORM HER COUNCILLOR RESPONSIBILITIES AND SERVE THE PUBLIC INTEREST OF THE REGION, THERE MAY BE A PERCEPTION IN THE COMMUNITY THAT SHE HAS A CONFLICT OF INTEREST IN MATTERS RELATING TO EMU SWAMP DAM. THE PROJECT IS NOW ON HOLD, THE PROPONENT IS IN LIQUIDATION AND IN ANY FUTURE ITERATION OF THE PROJECT THOSE PARTICULAR ISSUES MAY NOT BE RELEVANT. FOR FULL TRANSPARENCY SHE HAS NOT BEEN ON ANY BOARDS OR COMMITTEES RELATING TO EMU SWAMP DAM. NONE OF HER FORMER CLIENTS ARE POTENTIAL INVESTORS IN THE DAM. NONE OF HER ASSOCIATES OR FRIENDS

	<p>ARE POTENTIAL INVESTORS IN THE DAM. SHE DOES NOT HAVE AN INTEREST, WHETHER IN HER OWN NAME, THROUGH A COMPANY OR A TRUST, IN LAND IN THE PROJECT AREA.</p> <p>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.</p>
--	--

4. 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:

4.1 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 S Windle

THAT the meeting move into closed session.

Carried Unanimously

The Meeting moved into closed session at 9:01am.

Meeting Out Of Camera

Resolved

THAT the meeting resume in open session at 9:05am.

Carried Unanimously

9:06am *The Mayor handed the Chair to the Deputy Mayor for discussion on Agenda Item 3.1*

3.1 Conflict of Interest - Mayor Hamilton: Agenda Item 4.1

Resolution

Moved Cr J Richters

Seconded Cr C Pidgeon

THAT Council, following the declarable conflict of interest declaration by Mayor Hamilton for Agenda Item 4.1 determines that it is in the public interest that she participates in the discussion but does not vote on the matter as her declarable conflict is not of sufficient significance that her involvement in discussion on the matter would be 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 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)

9:07am The Mayor resumed the Chair

Meeting In Camera

Resolution

Moved Cr S Windle

Seconded Cr C McDonald

THAT the meeting move into closed session.

Carried Unanimously

The Meeting moved into closed session at 9:08am.

10:27am Cr Deane left the meeting

10:29am Cr Deane rejoined the meeting

10:47am Cr Bartley left the meeting

10:47am Cr McDonald left the meeting

10:48am Cr Bartley rejoined the meeting

10:49am Cr McDonald rejoined the meeting

10:49am Cr Pidgeon left the meeting

10:51am Cr Pidgeon rejoined the meeting

10:53am Cr Wantling left the meeting

10:54am Cr Wantling rejoined the meeting

Meeting Out Of Camera

Resolved

THAT the meeting resume in open session at 10:56am.

Carried Unanimously

10:56am The Mayor handed the Chair to the Deputy Mayor for discussion on Agenda Item 4.1

Mayor Hamilton declared a conflict of interest in Agenda Item 4.1, and following a resolution from Council participated in discussion, but did not vote on the item.

4.1 New Southern Downs Planning Scheme – Emu Swamp Dam

Resolution

Moved Cr J Richters

Seconded Cr R Wantling

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

Emu Swamp Investigation precinct:

To provide justification to retain all references to Emu Swamp Investigation precinct within the planning scheme and associated maps.

Carried Unanimously

Mayor Hamilton did not vote on Agenda Item 4.1

10:57am The Mayor resumed the Chair

4.1.2 New Southern Downs Planning Scheme - Massie Future Industrial Precinct

Resolution

Moved Cr R Bartley

Seconded Cr J Richters

THAT Council decides to proceed with the following response to the State Government requests for further information relating the new Southern Downs Planning Scheme:

Massie Future Industrial Precinct:

Retain the Massie future industrial area as currently referenced in the planning scheme, with the following amendments to point (m) within the Rural zone code purpose.

- (m) **Non-rural** uses which require isolation from urban areas because of their impacts such as noise or odour, **are not incompatible with only occur when they do not compromise** the rural nature of the zone.

Carried Unanimously

4.1.3 New Southern Downs Planning Scheme – Zoning for Lot 152 CP910005 (known as the Kangaroo Paddock)

Resolution

Moved Cr J Richters

Seconded Cr C McDonald

THAT Council decides to proceed with the following response to the State Government requests for further information relating the new Southern Downs Planning Scheme:

Zoning associated with Lot 152 CP910005 (known as the Kangaroo Paddock):

Council continues with a split zone to retain the northern approximate 33 hectares of Lot 152 SP9100005 within the Community facilities zone, and Council pursue a reconfiguration of a lot application for a boundary realignment involving this approximate 33 hectare area being realigned with Lot 132 SP108821 (being Morgan Park Recreation Reserve).

Carried Unanimously

4.1.4 New Southern Downs Planning Scheme - Zoning of Selected Reserves

Resolution

Moved Cr M Harslett

Seconded Cr S Deane

THAT Council decides to proceed with the following response to the State Government requests for further information relating the new Southern Downs Planning Scheme:

Zoning of selected reserves:

Lot 572 ML2270 and Lot 13 SP119588 remain within the Community facilities zone, AND the zonings proposed by Council for Lot 99 SP186615, Lot 490 ML1249, Lot 509 SP175547, Lot 1 SP192896, Lot 23 ML2294, Lot 201 SP212236, Lot 40 SP182444, Lot 20 RP913123, Lot 41 RP867684, Lot 55 SP103314, Lot 7 SP183748, and Lot 40 SP181083 remains unchanged, AND that in accordance with the *Land Act 1994*, Council commence the process of submitting documents to the Ministers for consideration of the potential change of the reserve purpose for these abovementioned lots.

Carried Unanimously

4.1.5 New Southern Downs Planning Scheme - Increased Area from Proposed Rural Residential Zone to Low Density Residential Zone

Resolution

Moved Cr J Richters

Seconded Cr C Pidgeon

THAT Council decides to proceed with the following response to the State Government requests for further information relating the new Southern Downs Planning Scheme:

Increased area from proposed Rural residential zone to Low density residential zone:

Include Lots 1 and 2 RP862208, Lot 344 W308 and Lots 1, 2 and 3 RP853445 within the Low density residential zone.

Carried Unanimously

4.1.6 New Southern Downs Planning Scheme – Proposed Mixed Use Zone in Allora

Resolution

Moved Cr S Deane

Seconded Cr C Pidgeon

THAT Council decides to proceed with the following response to the State Government requests for further information relating the new Southern Downs Planning Scheme:

Proposed Mixed use zone in Allora:

Continue with the inclusion of Lot 2 RP51378 and Lot 1 RP114992 within the Industry zone, and retain Lot 2 RP51378, Lot 1 RP114992, Lot 1 RP171168, part of Lots 6 and 7 SP209443, Lot 1 RP76582, Lots 2, 4 and 5 RP844602 within the Rural zone.

Carried Unanimously

4.1.7 New Southern Downs Planning Scheme – Transferrable Development Rights Policy

Resolution

Moved Cr R Bartley

Seconded Cr R Wantling

THAT Council decides to proceed with the following response to the State Government requests for further information relating the new Southern Downs Planning Scheme:

Transferrable Development Rights Policy:

Continue with the Transferrable Development Rights Policy as intended, along with the inclusion of amendments within the planning scheme to ensure its intended implementation.

Carried

The following votes were recorded:

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

Against: Crs M Hamilton and C McDonald (2)

4.1.8 New Southern Downs Planning Scheme - Sugarloaf Forestry

Resolution

Moved Cr M Harslett

Seconded Cr J Richters

THAT Council decides to proceed with the following response to the State Government requests for further information relating the new Southern Downs Planning Scheme:

Sugarloaf Forestry

To include the land in a constrained zoning and undertake extensive investigations in relation to bushfire, including evacuation routes, housing need, environment and conservation, ability for individual lots to be self-sufficient in relation to services including stormwater disposal, road impacts, social impacts, level of compliance so that Council can further consider a Sugarloaf precinct under a subsequent planning scheme amendment.

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)

4.1.9 New Southern Downs Planning Scheme - Other Responses

Resolution

Moved Cr S Windle

Seconded Cr M Harslett

THAT Council decides to proceed with all other response to the State Government requests as per the commentary provided in the response table.

Carried Unanimously

4.1.10 New Southern Downs Planning Scheme - Carnell Raceway

Resolution

Moved Cr M Harslett

Seconded Cr S Deane

THAT Council not apply the Motor Sports Environs Overlay to Carnell Raceway.

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)

4.1.11 New Southern Downs Planning Scheme - Rural Setbacks

Resolution

Moved Cr J Richters

Seconded Cr M Harslett

THAT Council amends setbacks regarding all other buildings (other than industrial) in a rural zone to 20 meters.

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 Harslett, C McDonald, C Pidgeon, J Richters and S Windle (6)

Against: Crs R Bartley, M Hamilton and R Wantling (3)

Accordingly the Chair declared the motion carried.

MEETING CLOSURE

There being no further business, the meeting closed at 11:02am.