



**MINUTES OF THE
ORDINARY COUNCIL MEETING
14 JULY 2021**

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**MINUTES OF THE ORDINARY COUNCIL MEETING OF
SOUTHERN DOWNS REGIONAL COUNCIL HELD ON 14 JULY 2021 IN
THE COUNCIL CHAMBERS, SOUTHERN DOWNS REGIONAL COUNCIL,
64 FITZROY STREET, WARWICK AT 9:00AM**

ACKNOWLEDGEMENT TO COUNTRY

1. PRAYERS & CONDOLENCES

Pastor Wayne Humphries from the Seventh-Day Adventist Church offered a prayer for the meeting and acknowledged condolences.

2. ATTENDANCE

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

Officers: Dave Burges (Chief Executive Officer), Scott Norman (Director Finance, Assets and Special Projects), Andrew Page (Director Corporate and Community Services), Michael Bell (Manager Community and Cultural Services), Peter Gribbin (Manager Corporate and Commercial Services), Seren McKenzie (Director Infrastructure Services), Mike Holeszko (Manager Works), Angela O'Mara (Manager Planning Services), Tonya Collier (Development Assessment Coordinator) and Dianna Keir (Minute Secretary)

3. APOLOGIES

3.1 Leave of Absence - Cr McNally

THAT Council noted the apology from Cr McNally.

4. READING AND CONFIRMATION OF MINUTES

4.1 Ordinary Council Meeting - 23 June 2021

Resolution

Moved Cr M Gliori

Seconded Cr S Windle

THAT the minutes of the Ordinary Council Meeting held on Wednesday 23 June 2021 be adopted.

Carried

5. ACTIONS FROM COUNCIL MEETINGS

5.1 Actions from Ordinary Council Meeting 9 June 2021

Resolution

Moved Cr A Gale

Seconded Cr R Bartley

THAT Council receive the report and note the contents.

Carried

6. DECLARATIONS OF CONFLICTS OF INTEREST

Nil

7. MAYORAL MINUTE

Nil

8. READING AND CONSIDERATION OF CORRESPONDENCE

8.1 Correspondence

Resolution

Moved Cr S Tancred

Seconded Cr C McDonald

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 Organisational Structure Changes

Resolution

Moved Cr M Gliori

Seconded Cr C McDonald

THAT Council adopt the proposed organisational structure as tabled.

Carried

10.2 Murray-Darling Basin Authority's Border Region QLD/NSW

Resolution

Moved Cr R Bartley

Seconded Cr A Gale

THAT Council endorse the appointment of the Mayor to the Murray-Darling Border Region QLD/NSW Community Forum.

Carried

10.3 Southern and Darling Downs Regional Water Assessment Stakeholder Advisory Group

Resolution

Moved Cr M Giori

Seconded Cr A Gale

THAT Council endorse the appointment of the Mayor to the Southern and Darling Downs Regional Water Assessment Stakeholder Advisory Group.

Carried

11. FINANCE, ASSETS AND SPECIAL PROJECTS

11.1 Finance, Assets and Special Projects Monthly Status Report

Resolution

Moved Cr R Bartley

Seconded Cr M Giori

THAT Council notes the operational details as outlined in the Finance, Assets and Special Projects Monthly Status Report.

Carried

12. CORPORATE AND COMMUNITY SERVICES REPORTS

12.1 Renewal of Tenure to Community Organisation - Lot 65 on Crown Plan ML1122

Resolution

Moved Cr C McDonald

Seconded Cr S Windle

THAT Council

1. Approve a ten year Trustee Lease to the Greymare Hall Committee Incorporated over the whole of Lot 65 on Crown Plan ML1122, Greymare in accordance with the *Local Government Regulation 2012* whilst adhering to the relevant provisions of *Council's Lease Policy*, the *Land Title Practice Manual* and *Land Act 1994.*; and
2. Grant delegated authority to the Chief Executive Officer to negotiate any dealings relating to this matter with the Greymare Hall Committee Incorporated.

Carried

12.2 Renewal of Tenure to Community Organisation over Part of McGregor Park

Resolution

Moved Cr A Gale

Seconded Cr C Gow

THAT Council:

1. Approve a ten year Freehold Lease to the Stanthorpe Netball Association Incorporated over part of Lot 136 on Registered Plan 50020, part of Lot 121 on Registered Plan 48880, part of Lot 123 on Registered Plan 48880 and the whole of Lot 122 on Registered Plan 48880, Stanthorpe in accordance with the *Local Government Regulation 2012* whilst adhering to the relevant provisions of *Council's Lease Policy*, the *Land Title Practice Manual* and *Land Act 1994*; and
2. Grant delegated authority to the Chief Executive Officer to negotiate any dealings relating to this matter with the Stanthorpe Netball Association Incorporated.

Carried

12.3 Regional Arts Development Fund 2020/21 - Round Two Applications

Resolution

Moved Cr S Windle

Seconded Cr M Gliori

THAT Council approve eight (8) 2020/21 Regional Arts Development Fund (RADF) Round Two applications totalling \$51,508.

Carried

12.4 2021-2022 Operational Plan

Resolution

Moved Cr A Gale

Seconded Cr S Tancred

THAT Council adopt the attached 2021-2022 Operational Plan.

Carried

Attachments

1. 2021-2022 Operational Plan - **Attached to the Minutes Under Separate Cover**

12.5 Corporate and Community Services Monthly Status Report

Resolution

Moved Cr R Bartley

Seconded Cr S Windle

THAT Council receive and note the Corporate and Community Services Monthly Status Report.

Carried

13. INFRASTRUCTURE SERVICES REPORTS

13.1 Infrastructure Services Monthly Status Report

Resolution

Moved Cr M Giori

Seconded Cr S Windle

THAT Council notes the operational details as outlined in the Infrastructure Services Monthly Report.

Carried

13.2 Black Spot Funding Applications 2022/23

Resolution

Moved Cr S Windle

Seconded Cr A Gale

THAT Council endorse the following projects for submission to the Australian Government's Black Spot funding for 2022-23:

1. Denham Street, Stanthorpe
2. Horsman Road, Warwick
3. Glen Road & Willi Street, Warwick
4. Albert Street & Dragon Street, Warwick
5. Ann Street & Glen Road, Warwick
6. Freestone Creek Road, Freestone
7. Hendon Deuchar Road, Deuchar
8. Paynes Road, Freestone
9. Maryvale Road, Maryvale
10. Whiskey Gully Road & Yellowbox Road, Stanthorpe
11. Mary Street, Warwick
12. McMasters Road, Upper Freestone
13. Corundum Street & Marsh Street, Stanthorpe
14. Willow Street & Acacia Street, Killarney
15. Old Stanthorpe Road, Cherry Gully

Carried

13.3 Proposed Speed Changes - Rosenthal Heights

Resolution

Moved Cr A Gale

Seconded Cr R Bartley

THAT Council accept the Rosenthal Heights area speed changes to mainly a 70km/h speed limit.

Carried

13.4 One-Way Street Proposal - Acacia Avenue, Warwick

Resolution

Moved Cr A Gale

Seconded Cr M Giori

THAT Council endorse the designation of Acacia Avenue, Warwick as a one-way street from Percy Street travelling south to Wood Street for a trial period of six months.

Carried

The meeting adjourned for morning tea at 10:36am and reconvened at 10:55am, at which time there were present Crs Pennisi, Bartley, Gale, Giori, Gow, McDonald, Tancred and Windle.

14. PLANNING AND ENVIRONMENTAL SERVICES REPORTS

14.1 Planning and Environmental Services Monthly Status Report

Resolution

Moved Cr R Bartley

Seconded Cr S Windle

THAT Council notes the operational details as outlined in the Sustainable Development Monthly Status Report.

Carried

14.2 Change Representations - David & Kathryn Wyvill, 14 Charlie Doy Place and 590 Warwick – Allora Road, Rosehill

Resolution

Moved Cr S Windle

Seconded Cr M Giori

THAT Council refuse the change representations made in relation to application for Realignment of boundaries (two lots) on land at 14 Charlie Doy Place and 590 Warwick – Allora Road, Rosehill, described as Lot 1 RP36356 and Lot 23 RP862162, Parish of Warwick, County of Merivale, for the following reasons:

1. Condition 6 was imposed to demonstrate compliance with Performance Outcome PO38 of the Reconfiguring a lot code which states the following:

PO38 *When lots smaller than 4 hectares are created, a buffer with a width of 60 m planted in accordance with PO9 of the Landscaping code is provided within the small lots to buffer the small lots from nearby agricultural activity.*

Proposed Lot 4 is 2.9 hectares in size and therefore justification is required against Performance outcome PO38.

The intent of the Performance outcome is to achieve the overall outcomes and the purpose of the code. The requirement is reflected in the Reconfiguring a lot code specific to the Rural zone to assist in reducing the potential of conflict between uses, particularly any future residential uses within the Rural zone, which may not require the lodgement of a planning application. The protection of the viability of the surrounding land for rural purposes, including grazing, is one of the overall outcomes that needs to be achieved by the Reconfiguring a lot code.

If Condition 6 were removed, this may result in non-compatible uses. Furthermore, when Condition 6 is read in conjunction with Condition 3, it is outlined that landscaping is not required to be planted until the Queensland Government has revoked the drought declaration for the region. Therefore, it is not an immediate requirement on the landholder to impose prior to the signing of the survey plan.

PO38 is a Performance outcome of the Reconfiguring a lot code and is considered reasonable and relevant to the application and consistent with similar developments within the region with lots created below four hectares in size, therefore the condition is to remain unchanged.

| Figure 3: Reconfiguring a lot code | |
|---|---|
| Performance outcome | Acceptable outcome |
| PO38 When lots smaller than 4 hectares are created, a buffer with a width of 60 m planted in accordance with PO9 of the Landscaping code is provided within the small lots to buffer the small lots from nearby agricultural activity. | AO38 No acceptable outcome identified. |

2. Condition 14.

Infrastructure charges contribute to the provision of essential trunk infrastructure to service new development, such as road, parks, water, sewerage and stormwater services. The *Adopted Infrastructure Charges Resolution (No.2) 2015*, section 10 states the following:

In working out additional demand the following must not be included:

- (a) *an existing use on the premises if the use is lawful and already taking place on the premises;*
- (b) *a previous use that is no longer taking place on the premises if the use was lawful at the time it was carried out;*
- (c) *other development on the premises if the development may be lawfully carried out without the need for a further development permit.*

Lot 23 RP862162 is 3.0 metres wide and 1,042 square metres, and is not of an adequate size to be a usable lot for development. The previous purpose of the allotment was for water reserve.

In accordance with the *Adopted Infrastructure Charges Resolution (No.2) 2015*, the adopted infrastructure charge for the purpose of subdivision is \$10,000 per lot. However, the subject property does not have access to Council's reticulated sewer network and therefore only 65% of the \$10,000.00 amount is applicable.

The Resolution does provide scope for credits and discounts to be applied to a development providing they comply with sections 12 and 13. A credit for Lot 1 RP36356 has been applied as per section 12(d) of the Resolution. A credit has not been levied for Lot 23 RP862162 as its purpose was to be utilised as a water reserve associated with the adjoining residential estate. A discount has also been applied to the development as the reconfiguration does not have access to all networks in accordance with section 13.

The lot is not acknowledged under the Southern Downs Planning Scheme as a respective lot for the purpose of Reconfiguring a lot applications.

The applicant has raised that the two lots have separate land addresses and that this supports the argument that the lots exist and therefore a charge should not apply. A single lot can be allocated two (2) separate addresses should there be two (2) residences on a lot. It is acknowledged that there are two (2) lots and that the *Land Title Act* does acknowledge that

both Lot 1 RP36356 and Lot 23 RP862162 are respective lots. However, as outlined in the Resolution, the resolution is to be read in conjunction with the Planning Scheme; the Planning Scheme does not acknowledge the reserve as a lot for the purpose of a realignment of boundaries.

In addition, Section 12 in particular point (a) of the resolution outlines the following:

12. Credits for existing uses or previous payments

Where applicable, the credit for the premises is calculated as an amount which is the greater of the following:

- (a) The amount of an adopted infrastructure charge previously paid for the development of the premises;*

A review of the development known as Houghton Heights Estate, which originally created Lot 23 RP862162, was carried out and there are no records or evidence to suggest that infrastructure charges have been paid for Lot 23 RP862162. In addition, generally charges would not apply to a lot that was solely created for water reserve purposes. Therefore no credit can be applied for Lot 23 RP862162.

The levied Infrastructure Charge of \$6,500 will remain a condition on the development permit.

Carried

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

Nil

16. NOTICES OF MOTION

Nil

17. GENERAL BUSINESS

Mayor invited other attendance at the LGAQ Conference due to Cr McDonald not being able to attend.

Cr Bartley raised the issue of a need for a Road Maintenance Policy to define both a formed road and an unformed road. The CEO advised that there is currently a body of work underway.

Cr McDonald raised concerns with the establishment and membership of the Southern Downs Innovation and Development Committee. The Mayor advised that Council was seeking legal advice and that it would be prudent to wait until that advice was received.

18. 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:

18.1 Acquisition of Land

Reason for Confidentiality

This item is considered confidential in accordance with section 254J(3)(h) of the *Local Government Regulation 2012*, as it contains information relating to negotiations relating to the taking of land by the local government under the Acquisition of Land Act 1967.

18.2 Proposed Land Acquisition/Resumption

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.

18.3 Proposed New Tenure - Property ID 39370

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 M Gliori

THAT the meeting move into closed session.

Carried

The Meeting moved into closed session at 11:47 am

Meeting Out Of Camera

THAT the meeting resume in open session at 11:54 am

Carried

18.1 Acquisition of Land

Resolution

Moved Cr M Giori

Seconded Cr A Gale

THAT Council :-

- Accept the transfer of 198m² of land that adjoins Quart Pot Creek between Rotary Park and Heritage Park and approve the contribution towards the cost associated with the survey and transfer of the land as detailed in the report;
- Delegate authority to the Chief Executive Officer to finalise the negotiation of the acquisition of the land.

Carried

18.2 Proposed Land Acquisition/Resumption

Resolution

Moved Cr S Tancred

Seconded Cr C Gow

THAT Council resolve to endorse the land acquisition/resumption processes to resolve current road encroachments and for the purposes of widening and realigning Curtin Road Lyra/Ballandean to better service use by heavy vehicles.

Carried

18.3 Proposed New Tenure - Property ID 39370

Resolution

Moved Cr S Windle

Seconded Cr M Giori

THAT Council:-

1. Approve a lease over Lot 7 on CP840546 as detailed in the attached report subject to the appropriate approvals from Council's planning and building sections. The lease will be granted in accordance with Council's Lease Policy, the *Local Government Regulation 2012* and the *Land Act 1994*.
2. Delegate authority to the Chief Executive Officer to finalise negotiations of the abovementioned lease.

Carried

MEETING CLOSURE

There being no further business, the meeting closed at 11:58 am