



**MINUTES OF THE
GENERAL MEETING OF COUNCIL
22 MARCH 2017**

ORDER OF BUSINESS:

1.	PRAYERS & CONDOLENCES	1
2.	ATTENDANCE	1
3.	APOLOGIES	1
4.	READING AND CONFIRMATION OF MINUTES	1
	4.1 General Council Meeting - 16 February 2017	1
	4.2 Special Council Meeting - 28 February 2017	1
	4.3 Special Council Meeting - 13 March 2017.....	2
5.	ACTIONS FROM COUNCIL MEETINGS	2
	5.1 Actions from Previous Council Meeting.....	2
6.	DECLARATIONS OF CONFLICTS OF INTEREST	2
7.	MAYORAL MINUTE	3
	7.1 Mayoral Minute March 2017	3
8.	READING AND CONSIDERATION OF CORRESPONDENCE	3
	8.1 Correspondence	3
9.	RECEPTION AND READING OF PETITIONS AND JOINT LETTERS	3
	9.1 Joint Letter - National Servicemen's Association re Placement of Memorial.....	3
	9.2 Petition - Wallangarra Rates	3
10.	EXECUTIVE	4
	10.1 Financial Report as at 28 February 2017	4
	10.2 Loan Report.....	4
	10.3 Regional Promotion, Tourism and the Arts Advisory Committee Meeting Minutes.....	4
11.	ENGINEERING SERVICES DEPARTMENT REPORTS	4
	11.1 Engineering Services Department Monthly Report	4
	11.2 Asset Management Strategy.....	5
	11.3 SDRC 2017 Bridge Structure Status	5
	11.5 Southern Downs Road Safety Advisory Committee Minutes	5
	11.4 Dog Off Leash Areas	5
	11.6 Event, Sport & Recreation Advisory Committee Minutes	6
	11.7 Water & Wastewater Advisory Committee Minutes	6

12.	PLANNING, ENVIRONMENT & CORPORATE SERVICES DEPARTMENT REPORTS.....	6
12.1	Application for Gaming Machine Licence - Cherrabah Entertainment Pty Ltd, Cherrabah Homestead Resort, Elbow Valley	6
12.2	Pest Management Advisory Committee Minutes.....	7
12.3	Council Lease Policy Review	7
13.	REPORTS OF DEPUTATION OR CONFERENCE & REPORTS FROM DELEGATES APPOINTED BY COUNCIL TO OTHER BODIES	7
	Nil	
14.	NOTICES OF MOTION	7
	Nil	
15.	GENERAL BUSINESS	8
15.1	Warwick Railway Station Buildings Maintenance	8
15.2	Regional Grouping of Councils	8

Meeting In Camera

Meeting Out Of Camera

16.1	Economic Development Advisory Committee Meeting Minutes	10
16.2	Regional Arts Development Fund Applications Round 1 2016/2017	10
16.3	January 2017 Monthly Reports for Warwick Indoor Recreation and Aquatic Centre from YMCA Brisbane.....	11
16.4	Audit and Risk Management Committee Meeting Minutes - 15 February 2017	11
16.5	Warwick Polocrosse Club Inc - Extension of current leased area.....	12
16.6	Appeal to the Planning and Environment Court, Helen Harm v SDRC & Bunnings Group Limited	13

**MINUTES OF THE GENERAL COUNCIL MEETING OF
SOUTHERN DOWNS REGIONAL COUNCIL HELD ON 22 MARCH 2017
IN THE COUNCIL CHAMBERS, SOUTHERN DOWNS REGIONAL COUNCIL,
61 MARSH STREET, STANTHORPE AT 9.00AM**

1. PRAYERS & CONDOLENCES

Rev Greg Fraser from the Presbyterian Church offered a prayer and acknowledged condolences

2. ATTENDANCE

Present: Crs Dobie (Chair), Gow, Kelly, McNally, McNichol, Meiklejohn, Pennisi, Stocks and Windle

Officers: David Keenan (Chief Executive Officer), Peter See (Director Engineering Services), Ken Harris (Director Planning, Environment and Corporate Services), Marion Seymour (Minute Secretary)

3. APOLOGIES

Nil

4. READING AND CONFIRMATION OF MINUTES

4.1 General Council Meeting - 16 February 2017

Resolution

Moved Cr N Meiklejohn

Seconded Cr S Windle

THAT the Minutes of the General Council Meeting held on Thursday 16 February 2017 be adopted.

Carried

4.2 Special Council Meeting - 28 February 2017

Resolution

Moved Cr J McNally

Seconded Cr R Kelly

THAT the Minutes of the Special Council Meeting held on Tuesday 28 February 2017 be adopted.

Carried

4.3 Special Council Meeting - 13 March 2017

Resolution

Moved Cr N Meiklejohn

Seconded Cr Y Stocks

THAT the Minutes of the Special Council Meeting held on Monday 13 March 2017 be adopted.

Carried

5. ACTIONS FROM COUNCIL MEETINGS

5.1 Actions from Previous Council Meeting

Resolution

Moved Cr Y Stocks

Seconded Cr C Gow

THAT Council receive the report and note the contents.

Carried

6. DECLARATIONS OF CONFLICTS OF INTEREST

Item No	Item Precise	Nature of Conflict
16.6	Appeal to the Planning and Environment Court, Helen Harm v SDRC & Bunnings Group Ltd	Cr McNally declared that a perceived conflict of interest in this matter (as defined in section 173 of the <i>Local Government Act 2009</i>), may exist due to her husband's business having accounts with the Applicant and two submitters. Cr McNally dealt with the perceived conflict of interest by stating that it was her determination that her personal interest is not of sufficient significance that it would lead to her making a decision on this matter that is contrary to the public interest. Cr McNally participated in the discussion and voting on this matter.
16.6	Appeal to the Planning and Environment Court, Helen Harm v SDRC & Bunnings Group Ltd	Cr Kelly declared a real conflict of interest in this matter (as defined in section 173 of the <i>Local Government Act 2009</i>) due to his shareholding in Wesfarmers, parent company of Bunnings, and relatives employed at Bunnings Toowoomba and dealt with the real conflict of interest by leaving the meeting room, taking no part in the debate or decision on the matter.
16.6	APPEAL TO THE PLANNING AND ENVIRONMENT COURT, HELEN HARM V SDRC & BUNNINGS GROUP LTD	CR PENNISI DECLARED A PERCEIVED CONFLICT OF INTEREST IN THIS MATTER (AS DEFINED IN SECTION 173 OF THE <i>LOCAL GOVERNMENT ACT 2009</i>) DUE TO ONE OF THE SUBMITTERS BEING A RELATED PARTY AND DEALT WITH THE PERCEIVED CONFLICT OF INTEREST BY LEAVING THE MEETING ROOM, TAKING NO PART IN THE DEBATE OR DECISION ON THE MATTER.
16.6	APPEAL TO THE PLANNING AND ENVIRONMENT COURT, HELEN HARM V SDRC & BUNNINGS GROUP LTD	CR MEIKLEJOHN DECLARED A REAL CONFLICT OF INTEREST IN THIS MATTER (AS DEFINED IN SECTION 173 OF THE <i>LOCAL GOVERNMENT ACT 2009</i>) DUE TO HIS SON BEING EMPLOYED AT BUNNINGS WARWICK AND DEALT WITH THE REAL CONFLICT OF INTEREST BY LEAVING THE

		MEETING ROOM, TAKING NO PART IN THE DEBATE OR DECISION ON THE MATTER.
--	--	---

7. MAYORAL MINUTE

7.1 Mayoral Minute March 2017

Resolution

Moved Cr M McNichol

Seconded Cr R Kelly

THAT Council receive the Mayoral Minute report and note its contents.

Carried

8. READING AND CONSIDERATION OF CORRESPONDENCE

8.1 Correspondence

Resolution

Moved Cr Y Stocks

Seconded Cr N Meiklejohn

THAT the report of the Chief Executive Officer in relation to Correspondence be received and Council write to the Deputy Premier thanking the State Government for the funding and request that Works for Queensland program remain until regional unemployment trends are back to a state and national level.

Carried

9. RECEPTION AND READING OF PETITIONS AND JOINT LETTERS

9.1 Joint Letter - National Servicemen's Association re Placement of Memorial

Resolution

Moved Cr V Pennisi

Seconded Cr N Meiklejohn

THAT Council receive the Joint Letter and refer it to the Director Engineering Services for investigation of the concerns raised.

Carried

9.2 Petition - Wallangarra Rates

Resolution

Moved Cr M McNichol

Seconded Cr V Pennisi

THAT Council receive the Petition and consider it during 2017-2018 Budget deliberations.

Carried

10. EXECUTIVE

10.1 Financial Report as at 28 February 2017

Resolution

Moved Cr M McNichol

Seconded Cr R Kelly

THAT Council receive and note the Financial Report as at 28 February 2017.

Carried

10.2 Loan Report

Resolution

Moved Cr R Kelly

Seconded Cr J McNally

THAT Council proceed with the early retirement of the General Loan 6 and Stanthorpe Tafe Loan.

Carried

10.3 Regional Promotion, Tourism and the Arts Advisory Committee Meeting Minutes

Resolution

Moved Cr R Kelly

Seconded Cr C Gow

THAT Council receive the Minutes of the Regional Promotion, Tourism and the Arts Advisory Committee Meeting held 7 December 2016.

Carried

11. ENGINEERING SERVICES DEPARTMENT REPORTS

11.1 Engineering Services Department Monthly Report

Resolution

Moved Cr V Pennisi

Seconded Cr C Gow

THAT Council receive the Engineering Services Department Monthly Report.

Carried

11.2 Asset Management Strategy

Resolution

Moved Cr M McNichol

Seconded Cr V Pennisi

THAT Council endorse the attached "Asset Management Strategy March 2017 V 1.0".

Carried

Attachments

1. Asset Management Strategy - **Attached to the Minutes Under Separate Cover**

11.3 SDRC 2017 Bridge Structure Status

Resolution

Moved Cr N Meiklejohn

Seconded Cr M McNichol

THAT Council receive this report and adopt Lairds Lane, Ellinthorp-Hendon Road and Palmers Bridge as Council's priorities for future works.

Carried

The meeting adjourned for morning tea at 10.30am and reconvened at 10.53am at which time there were present Cr Dobie, McNally, Kelly, Stocks, Gow, Pennisi, Windle, McNichol and Meiklejohn

11.5 Southern Downs Road Safety Advisory Committee Minutes

Resolution

Moved Cr M McNichol

Seconded Cr N Meiklejohn

THAT Council:-

1. Receive the Minutes of the Southern Downs Road Safety Advisory Committee Meeting held on the 8 February 2017.
2. Note that the motion from the Advisory Committee should be referred for future Budget considerations.

Carried

11:22 AM Cr M McNichol left the meeting.

11.4 Dog Off Leash Areas

Resolution

Moved Cr Y Stocks

Seconded Cr V Pennisi

THAT Council consider which locations and to what standard is most suitable, and whether any budgetary allowance should be made at a future Briefing Session.

Carried

11.6 Event, Sport & Recreation Advisory Committee Minutes

Resolution

Moved Cr Y Stocks

Seconded Cr R Kelly

THAT Council:-

1. Receive the Minutes of the Event, Sport & Recreation Advisory Committee Meeting held on 7 February 2017 including the recommendations; and
2. Approve the following recommendations:
 - *The Event, Sport & Recreation Advisory Committee request that Council allocate funds to convene up to one Event, Sport & Recreation Forum this financial year and up to four forums within the next financial year.*
 - *The Event, Sport & Recreation Advisory Committee recommend that Council amend the Terms of Reference to include the preparation of an Events Strategy undertaken in collaboration with the Regional Promotion, Tourism & The Arts Advisory.*
 - *The Event, Sport & Recreation Advisory Committee recommend that Council amend the Terms of Reference to include the Committee's role is for education and engagement of a healthy and active lifestyle.*

Carried

11.7 Water & Wastewater Advisory Committee Minutes

Resolution

Moved Cr V Pennisi

Seconded Cr N Meiklejohn

THAT Council Receive the Minutes of the Water & Wastewater Advisory Committee Meeting held on 17 February 2017.

Carried

12. PLANNING, ENVIRONMENT & CORPORATE SERVICES DEPARTMENT REPORTS

12.1 Application for Gaming Machine Licence - Cherrabah Entertainment Pty Ltd, Cherrabah Homestead Resort, Elbow Valley

Resolution

Moved Cr Y Stocks

Seconded Cr R Kelly

THAT Council not object to the application by Cherrabah Entertainment Pty Ltd for 45 gaming machines at the Cherrabah Homestead Resort, Elbow Valley, and provide comments to the Office of Liquor and Gaming Regulation.

Carried

The Mayor accepted a call for a Division on the motion from the floor and the following votes were recorded:

For: Crs T Dobie, R Kelly, J McNally, Y Stocks and S Windle (5)

Against: Crs C Gow, N Meiklejohn and V Pennisi (3)

Accordingly the Mayor declared the motion carried.

12.2 Pest Management Advisory Committee Minutes

Resolution

Moved Cr C Gow

Seconded Cr S Windle

THAT Council:

1. Receive and endorse the Minutes of the Pest Management Advisory Committee held at Stanthorpe on 21 February 2017.
2. Endorse the Community Wild Dog Management Group's Strategic Plan.

Carried

12.3 Council Lease Policy Review

Resolution

Moved Cr J McNally

Seconded Cr S Windle

THAT Council defer consideration and refer the matter to a Briefing Session for further discussion.

Carried

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

Nil

14. NOTICES OF MOTION

Nil

15. GENERAL BUSINESS

15.1 Warwick Railway Station Buildings Maintenance

Resolution

Moved Cr R Kelly

Seconded Cr J McNally

THAT Council write to Queensland Rail requesting consideration be given to their undertaking maintenance of the passenger station building and the footbridge at the Warwick Railway Station in time for the 100th centenary of the formation of the Federal Police.

Carried

15.2 Regional Grouping of Councils

Resolution

Moved Mayor T Dobie

Seconded Cr J McNally

THAT Council endorse the proposal to invite the following Councils to join Southern Downs Regional Council in a request to the Minister for Infrastructure, Local Government and Planning to form a grouping of "Rurban Councils":-

- Lockyer Valley Regional Council
- Scenic Rim Regional Council
- Somerset Regional Council
- North Burnett Regional Council
- South Burnett Regional Council

Carried

The meeting adjourned for lunch at 12.32pm and reconvened at 1.30pm at which time there were present Cr Dobie, McNally, Kelly, Stocks, Gow, Pennisi, Windle, McNichol and Meiklejohn

16. CONSIDERATION OF CONFIDENTIAL BUSINESS ITEMS

In accordance with the provisions of Section 275(1) 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 275(1) of the *Local Government Regulation 2012*, which permits the meeting to be closed to the public for business relating to the following, as indicated:

16.1 Economic Development Advisory Committee Meeting Minutes

Reason for Confidentiality

This item is considered confidential in accordance with section 275(1)(h) of the *Local Government Regulation 2012*, as it contains information relating to business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.

16.2 Regional Arts Development Fund Applications Round 1 2016/2017

Reason for Confidentiality

This item is considered confidential in accordance with section 275(1)(h) of the *Local Government Regulation 2012*, as it contains information relating to business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.

16.3 January 2017 Monthly Reports for Warwick Indoor Recreation and Aquatic Centre from YMCA Brisbane

Reason for Confidentiality

This item is considered confidential in accordance with section 275(1)(h) of the *Local Government Regulation 2012*, as it contains information relating to business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.

16.4 Audit and Risk Management Committee Meeting Minutes - 15 February 2017

Reason for Confidentiality

This item is considered confidential in accordance with section 275(1)(h) of the *Local Government Regulation 2012*, as it contains information relating to business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.

16.5 Warwick Polocrosse Club Inc - Extension of current leased area

Reason for Confidentiality

This item is considered confidential in accordance with section 275(1)(h) of the *Local Government Regulation 2012*, as it contains information relating to business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.

16.6 Appeal to the Planning and Environment Court, Helen Harm v SDRC & Bunnings Group Limited

Reason for Confidentiality

This item is considered confidential in accordance with section 275(1)(f) of the *Local Government Regulation 2012*, as it contains information relating to starting or defending legal proceedings involving Southern Downs Regional Council.

Meeting In Camera

Recommendation

THAT the meeting move into closed session.

The Meeting moved into closed session at 1.36pm.

02:14 PM Cr R Kelly left the meeting during discussion on Agenda Item 16.6.

02:14 PM Cr V Pennisi left the meeting during discussion on Agenda Item 16.6.

02:14 PM Cr N Meiklejohn left the meeting during discussion on Agenda Item 16.6.

02:18 PM Cr R Kelly rejoined the meeting.

02:18 PM Cr N Meiklejohn rejoined the meeting.

02:18 PM Cr V Pennisi rejoined the meeting.

Meeting Out Of Camera

Resolution

THAT the meeting resume in open session at 2.18pm.

Carried

16.1 Economic Development Advisory Committee Meeting Minutes

Resolution

Moved Cr R Kelly

Seconded Cr J McNally

THAT Council receive the Minutes of the Economic Development Advisory Committee Meeting held 10 February 2017.

Carried

16.2 Regional Arts Development Fund Applications Round 1 2016/2017

Resolution

Moved Cr R Kelly

Seconded Cr J McNally

THAT Council :

1. Endorse the Regional Arts Development Fund (RADF) 2016/2017 round one grants totalling \$92,089 (outlined in Annexure A).
2. Request further information from those applicants that were unsuccessful in Round 1, to allocate the remaining \$7,911.

Carried

Attachments

1. RADF Annexure A - **Attached to the Minutes Under Separate Cover**

16.3 January 2017 Monthly Reports for Warwick Indoor Recreation and Aquatic Centre from YMCA Brisbane

Resolution

Moved Cr S Windle

Seconded Cr Y Stocks

THAT Council receive the January 2017 monthly report from Brisbane YMCA in relation to the operation of the Warwick Indoor Recreation and Aquatic Centre.

Carried

16.4 Audit and Risk Management Committee Meeting Minutes - 15 February 2017

Resolution

Moved Cr J McNally

Seconded Cr R Kelly

THAT Council adopt:

1. The minutes of the ARMC meeting held on 15 February 2017.
2. The business arising from the ARMC meeting held on 15 February 2017.
3. The amended Risk Management Policy (PL-GV061).

Carried

16.5 Warwick Polocrosse Club Inc - Extension of current leased area

Resolution

Moved Cr J McNally

Seconded Cr N Meiklejohn

THAT Council:

1. Agrees to surrender the existing Trustee Lease Agreement between Warwick Polocrosse Club Inc. and Council; and enter into two new Trustee Lease Agreements for:
 - a) Part of Morgan Park, Lot 132 on SP108821
 - b) Part of the Sanitary and Gravel Reserve, Lot 131 on SP108821.
2. The lease of the Sanitary and Gravel reserve is subject to the following conditions
 - a) A treed buffer in accordance with the plan "Treed Buffer Zone – Warwick Polocrosse Club Inc" to be provided along the boundaries of the leased area, in Lot 131 on SP108821. The buffer area is to be fenced to prevent horses and people accessing this area. Within the central 20 metres of the buffer area, random plantings of a variety of native trees and shrubs of differing growth habits are to be provided at spacings of 4-5 metres. The trees and shrubs must be of species that are fast growing, frost resistant and drought hardy. The trees and shrubs are to be a minimum height of 1.0 metre at time of planting. The buffer is to have a mature tree height of at least 6.0 metres.
 - b) **Within a month of the signing of the lease**, a Landscaping Plan is to be submitted for the approval of the Director Planning, Environment and Corporate Services. The Landscaping Plan must include details of the location and species of plants, the irrigation system and the height and material of fencing. **The trees and shrubs are to be planted within six months of the approval of the landscaping plan.**
 - c) The buffer area is to be maintained by the Lessee in accordance with the approved Landscaping Plan.
 - d) The Lessee is required to acknowledge in writing that part of the land subject to the lease forms part of the Warwick Central Waste Management Facility and that as a result the area of the lease will be subject to environmental impacts associated with the use of the Waste Facility from time to time.

Carried

Cr Kelly declared a real conflict of interest in Agenda Item 16.6 (as defined in section 173 of the Local Government Act 2009) due to his shareholding in Wesfarmers, parent company of Bunnings, and relatives employed at Bunnings Toowoomba and dealt with the real conflict of interest by leaving the meeting room, taking no part in the debate or decision on the matter. Cr Kelly left the meeting at 2.21pm.

Cr Meiklejohn declared a real conflict of interest in Agenda Item 16.6 (as defined in section 173 of the Local Government Act 2009) due to his son being employed at Bunnings Warwick and dealt with the real conflict of interest by leaving the meeting room, taking no part in the debate or decision on the matter. Cr Meiklejohn left the meeting at 2.21pm.

Cr Pennisi declared a perceived conflict of interest in Agenda Item 16.6 (as defined in section 173 of the Local Government Act 2009) due to one of the submitters being a related party and dealt with the perceived conflict of interest by leaving the meeting room, taking no part in the debate or decision on the matter. Cr Pennisi left the meeting at 2.21pm.

Cr McNally declared that a perceived conflict of interest in Agenda Item 16.6 (as defined in section 173 of the Local Government Act 2009), may exist due to her husband's business having accounts with the Applicant and two submitters. Cr McNally dealt with the perceived conflict of interest by stating that it was her determination that her personal interest is not of sufficient significance that it would lead to her making a decision on this matter that is contrary to the public interest. Cr McNally participated in the discussion and voting on this matter.

16.6 Appeal to the Planning and Environment Court, Helen Harm v SDRC & Bunnings Group Limited

Resolution

Moved Cr S Windle

Seconded Cr Y Stocks

THAT in the matter of Harm v Southern Downs Regional Council and Bunnings Group Limited SCN 008 672 179, Council:

- (i) Delegate to the Chief Executive Officer power to engage legal counsel and expert witnesses as necessary in defending Council's decision on this development application; and
- (ii) Appoint the Chief Executive Officer as its delegate to participate in any formal mediation or without prejudice proceedings. The delegate is to have authority to commence, negotiate, mediate or settle this action and make an agreement as a result of without prejudice discussions, legal advice or mediation upon such terms as Council's legal advisors may recommend or approve.

Carried

Cr McNally voted for the motion.

MEETING CLOSURE

There being no further business, the meeting closed at 2.21pm.