



**MINUTES OF THE  
GENERAL MEETING OF COUNCIL  
23 MAY 2018**

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**MINUTES OF THE GENERAL COUNCIL MEETING OF  
SOUTHERN DOWNS REGIONAL COUNCIL HELD ON 23 MAY 2018 IN THE  
COUNCIL CHAMBERS, SOUTHERN DOWNS REGIONAL COUNCIL,  
61 MARSH STREET, STANTHORPE AT 9:00AM**

**1. PRAYERS & CONDOLENCES**

Pastor Jeremy Greening from the Vineyard Church offered a prayer and acknowledged condolences, in particular former Mayor of Stanthorpe Shire Council, Adrian Finlay, and a former staff member

**2. ATTENDANCE**

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

Officers: David Keenan (Chief Executive Officer), Renee Wallace (Acting Director Engineering Services), Peter Gribbin (Acting Director Planning, Environment and Corporate Services), Marion Seymour (Minute Secretary)

**3. APOLOGIES**

**3.1 Apology - Cr McNally**

**Resolution**

**Moved Cr V Pennisi**

**Seconded Cr Y Stocks**

THAT the apology of Cr McNally be received and leave of absence granted.

**Carried**

**4. READING AND CONFIRMATION OF MINUTES**

**4.1 General Council Meeting - 26 April 2018**

**Resolution**

**Moved Cr R Kelly**

**Seconded Cr M McNichol**

THAT the minutes of the General Council Meeting held on Thursday 26 April 2018 be adopted.

**Carried**

**4.2 Special Council Meeting - 8 May 2018**

**Resolution**

**Moved Cr S Windle**

**Seconded Cr R Kelly**

THAT the minutes of the Special Council Meeting held on Tuesday 8 May 2018 be adopted.

**Carried**

### 4.3 Special Council Meeting - 15 May 2018

#### Resolution

Moved Cr N Meiklejohn

Seconded Cr S Windle

THAT the minutes of the Special Council Meeting held on Tuesday 15 May 2018 be adopted.

**Carried**

## 5. ACTIONS FROM COUNCIL MEETINGS

### 5.1 Actions from Previous Council Meeting

#### Resolution

Moved Cr V Pennisi

Seconded Cr N Meiklejohn

THAT Council receive the report and note the contents.

**Carried**

## 6. DECLARATIONS OF CONFLICTS OF INTEREST

Item No	Item Precis	Nature of Conflict
11.6	Submission to Border Rivers and Condamine Balonne Draft Water Management Plans	Cr Pennisi 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 role as Chair of the Stanthorpe Community Reference Panel and dealt with the real conflict of interest by leaving the meeting room, taking no part in the debate or decision on the matter.
11.6	Submission to Border Rivers and Condamine Balonne Draft Water Management Plans	Cr Gow 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 ownership of irrigation licences and dealt with the real conflict of interest by leaving the meeting room, taking no part in the debate or decision on the matter.
11.6	Submission to Border Rivers and Condamine Balonne Draft Water Management Plans	Cr McNichol declared a perceived conflict of interest in this matter (as defined in section 173 of the <i>Local Government Act 2009</i> ) due to her husband's involvement with dam construction and dealt with the perceived conflict of interest by leaving the meeting room, taking no part in the debate or decision on the matter.
12.1	Material Change of Use – SD & TJ Collings, 74 Craikes Road, Murrays Bridge	Cr Pennisi declared a perceived conflict of interest in this matter (as defined in section 173 of the <i>Local Government Act 2009</i> ) as he is currently developing short term accommodation and it may be seen as a conflict and dealt with the real conflict of interest by leaving the meeting room, taking no part in the debate or decision on the matter.
12.1	Material Change of Use – SD	Cr Stocks declared that a perceived conflict of

	& TJ Collings, 74 Craikes Road, Murrays Bridge	interest in this matter (as defined in section 173 of the <i>Local Government Act 2009</i> ), may exist as she conducts a short term accommodation business. Cr Stocks 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 Stocks participated in the discussion and voting on this matter.
16.2	Warwick Regional Water Supply Security Assessment	Cr Pennisi 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 role as Chair of the Stanthorpe Community Reference Panel and the implications on the Connolly Dam and Stanthorpe water supplies and dealt with the real conflict of interest by leaving the meeting room, taking no part in the debate or decision on the matter.
16.3	Stanthorpe Aquatic Centre – Management Agreement	Cr Pennisi declared a real conflict of interest in this matter (as defined in section 173 of the <i>Local Government Act 2009</i> ) due to he and his wife operating a learn to swim business and dealt with the real conflict of interest by leaving the meeting room, taking no part in the debate or decision on the matter.
16.4	Management of Camping Area at Connolly Dam and Washpool Reserve	Cr Dobie 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 neighbour being the potential contractor. Cr Dobie 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 Dobie participated in the discussion and voting on this matter.
16.4	Management of Camping Area at Connolly Dam and Washpool Reserve	Cr Kelly 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 as he shared a dividing fence with the potential contractor. Cr Kelly dealt with the perceived conflict of interest by stating that it was his determination that his personal interest is not of sufficient significance that it would lead to him making a decision on this matter that is contrary to the public interest. Cr Kelly participated in the discussion and voting on this matter.
16.5	Willi Street Depot Relocation to Yangan Road Depot	Cr Dobie 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 as she is Patron of the Warwick Woodcrafters. Cr Dobie 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 Dobie participated in the discussion and voting on this matter.
16.5	Willi Street Depot Relocation to Yangan Road Depot	Cr Meiklejohn 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 as he is Patron of the Warwick Men's Shed. Cr Meiklejohn dealt with the perceived conflict of interest by stating that it was his determination that his personal interest is not of sufficient significance that it would lead to him making a decision on this matter that is contrary to the public interest. Cr Meiklejohn participated in the discussion and voting on this matter.
16.6	Regional Arts Development Fund (RADF) Applications – Round Two 2017/2018	Cr Gow declared a perceived conflict of interest in this matter (as defined in section 173 of the <i>Local Government Act 2009</i> ) due to his membership of one of the applicants, the Stanthorpe Agricultural Society, and dealt with the real conflict of interest by leaving the meeting room, taking no part in the debate or decision on the matter.
16.8	RFQ 18_094 Pre-Qualified Supplier Arrangement - Electrical Contractors	Cr Windle declared a real conflict of interest in this matter (as defined in section 173 of the <i>Local Government Act 2009</i> ) due to her husband being an employee of one of the submitters and dealt with the real conflict of interest by leaving the meeting room, taking no part in the debate or decision on the matter.
16.8	RFQ 18_094 Pre-Qualified Supplier Arrangement - Electrical Contractors	Cr Pennisi declared a real conflict of interest in this matter (as defined in section 173 of the <i>Local Government Act 2009</i> ) due to a business relationship with one of the submitters and dealt with the real conflict of interest by leaving the meeting room, taking no part in the debate or decision on the matter.
16.8	RFQ 18_094 Pre-Qualified Supplier Arrangement - Electrical Contractors	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 son-in-law being an employee of one of the submitters and dealt with the real conflict of interest by leaving the meeting room, taking no part in the debate or decision on the matter.
16.11	Tender 18_116 Sale and Supply of Raw Water from Connolly Dam (Users Over 5ML Only)	Cr Pennisi declared a real conflict of interest in this matter (as defined in section 173 of the <i>Local Government Act 2009</i> ) due to a business relationship with one of the parties and dealt with the real conflict of interest by leaving the meeting room, taking no part in the debate or decision on the matter.
16.13	Tender 18_088 New Planning Scheme	Cr Dobie 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 a person associated with one of the

		tenderers being a former employee of Council. Cr Dobie 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 Dobie participated in the discussion and voting on this matter.
16.13	Tender 18_088 New Planning Scheme	Cr Meiklejohn 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 a person associated with one of the tenderers being a former employee of his previous franchise and also a former staff member of Council. Cr Meiklejohn dealt with the perceived conflict of interest by stating that it was his determination that his personal interest is not of sufficient significance that it would lead to him making a decision on this matter that is contrary to the public interest. Cr Meiklejohn participated in the discussion and voting on this matter.

## 7. MAYORAL MINUTE

### 7.1 Mayoral Minute - May 2018

#### Resolution

**Moved Cr Y Stocks**

**Seconded Cr S Windle**

THAT Council receive the Mayoral Minute for May 2018.

**Carried**

## 8. READING AND CONSIDERATION OF CORRESPONDENCE

### 8.1 Correspondence

#### Resolution

**Moved Cr M McNichol**

**Seconded Cr Y Stocks**

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

### 10.2 De-amalgamation 2018

#### Resolution

**Moved Cr V Pennisi**

**Seconded Cr C Gow**

THAT Council write to the Minister for Local Government advising:-

1. Council recognises the request for De-amalgamation proposed by the Granite Belt Community Association.
2. Council will wait until a comprehensive financial analysis on the financial impacts on the residents of the Southern Downs region before a decision to support or not support the proposal is made.

**Carried**

### 10.3 Endorsement of Submission to the Senate Inquiry into the Indicators of, and Impact of Regional Inequality in Australia

#### Resolution

**Moved Cr N Meiklejohn**

**Seconded Cr S Windle**

THAT Council endorse the Senate Inquiry into the Indicators of, and Impact of, Regional Inequality in Australia.

**Carried**

### 10.1 Finance Report 30 April 2018

#### Resolution

**Moved Cr R Kelly**

**Seconded Cr C Gow**

THAT Council receive and note the Financial Report as at 30 April 2018.

**Carried**

### 10.4 Submission - Queensland Anti-Cyberbullying Taskforce

#### Resolution

**Moved Cr R Kelly**

**Seconded Cr C Gow**

THAT Council endorse the attached Submission to the Queensland Anti-Cyberbullying Taskforce.

**Carried**

#### Attachments

1. Submission Queensland Anti-Cyberbullying Taskforce - **Attached to the Minutes Under Separate Cover**

## **11. ENGINEERING SERVICES DEPARTMENT REPORTS**

### **11.1 Engineering Services May Monthly Report**

#### **Resolution**

**Moved Cr M McNichol**

**Seconded Cr S Windle**

THAT Council receive the Engineering Services Department Monthly Report.

**Carried**

### **11.2 Killarney Multipurpose Centre**

#### **Resolution**

**Moved Cr Y Stocks**

**Seconded Cr N Meiklejohn**

THAT Council:

1. Defer consideration of the submissions received, and consider the matter at the June 2018 General Council Meeting; and
2. Note that following feedback received from the local community about the perceived land use of the corner block in Canning Park as a service station, that Council now has a duty to notify the Department of Environment and Science that the land is reasonably likely to be contaminated.

**Carried**

### **11.3 Community Services Advisory Committee Meeting held on 20 April 2018**

#### **Resolution**

**Moved Cr S Windle**

**Seconded Cr N Meiklejohn**

THAT Council receive the minutes of the Community Services Advisory Committee Meeting held on 20 April 2018.

**Carried**

### **11.4 Community Services Advisory Committee Action Plan Priorities**

#### **Resolution**

**Moved Cr S Windle**

**Seconded Cr N Meiklejohn**

THAT Council adopt the recommendation of the Community Services Advisory Committee for the top eight (8) actions to be the focus for Community Services over the next two (2) years.

**Carried**

## 11.5 Youth Council Meeting Minutes

### Resolution

Moved Cr S Windle

Seconded Cr R Kelly

THAT Council:

1. Note the minutes from the first meeting of the Southern Downs Youth Council 2018 held Thursday 3 May 2018;
2. Note the recommendations made by the Youth Council; and in particular, Council approve the following recommendations made by the Youth Council:
  - a) For the 2019 Youth Week:
    - i. Investigate the opportunity to hold a more socially focused event that brings young people (aged 13-17) together. The investigation will involve the development of a proposed event plan, including an indicative budget, with the proposal being presented to the Youth Council at the next meeting.
  - b) With respect to the 2018 Get Ready Week and Disaster Management program:
    - i. work closely with the local schools on those core messages that need to be circulated through the area's Youth;
    - ii. develop short, "catchy" messages in conjunction with the Youth Council that can be used to provide targeted get ready messaging to the region's Youth; and
    - iii. bring those developed messages back to the Youth Council for its consideration at the next Youth Council meeting.
  - c) With respect to Domestic Violence, Housing & Homelessness:
    - i. Develop a communication plan that will assist, educate and communicate to the community those services/organisations that currently exist to meet this need. The plan will also identify the most appropriate methods for targeting the communication to ensure greatest benefit and traction. The developed draft communication plan will be presented at the next Youth Council meeting for their consideration and final comments.
  - d) Establish a Facebook messenger group of Youth Council members, the Mayor and other Councillors to enable greater collaboration of ideas.

**Carried**

The meeting adjourned for morning tea at 10:35am and reconvened at 11:05am at which time there were present Crs Dobie, Kelly, Stocks, Gow, Pennisi, Windle, McNichol and Meiklejohn

*Cr Pennisi declared a real conflict of interest in Agenda Item 11.6 (as defined in section 173 of the Local Government Act 2009) due to his role as Chair of the Stanthorpe Community Reference Panel 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 Gow declared a real conflict of interest in Agenda Item 11.6 (as defined in section 173 of the Local Government Act 2009) due to his ownership of irrigation licences 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 McNichol declared a perceived conflict of interest in Agenda Item 11.6 (as defined in section 173 of the Local Government Act 2009) due to her husband's involvement with dam construction and dealt with the perceived conflict of interest by leaving the meeting room, taking no part in the debate or decision on the matter.*

*Crs Pennisi, Gow and McNichol left the meeting at 11:05am*

## **11.6 Submission to Border Rivers and Moonie Draft Water Management Plan and Condamine and Balonne Draft Water Management Plan**

### **Resolution**

**Moved Cr N Meiklejohn**

**Seconded Cr R Kelly**

THAT Council resolve to endorse the following Submissions for the Department of Natural Resources, Mines and Energy:

- Border Rivers and Moonie Draft Water Management Plan
- Condamine and Balonne Draft Water Management Plan

**Carried**

### **Attachments**

1. Submission - Border Rivers and Moonie Draft Water Management Plan - **Attached to the Minutes Under Separate Cover**
2. Submission - Condamine Balonne Draft Water Management Plan - **Attached to the Minutes Under Separate Cover**

*11:09 AM Cr C Gow and Cr McNichol rejoined the meeting.*

*Cr Pennisi declared a perceived conflict of interest in Agenda Item 12.1 matter (as defined in section 173 of the Local Government Act 2009) as he is currently developing short term accommodation and it may be seen as a conflict 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 Pennisi remained outside the meeting.*

*Cr Stocks declared that a perceived conflict of interest in Agenda Item 12.1r (as defined in section 173 of the Local Government Act 2009), may exist as she conducts a short term accommodation business. Cr Stocks 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 Stocks participated in the discussion and voting on this matter*

## 12. PLANNING, ENVIRONMENT & CORPORATE SERVICES DEPARTMENT REPORTS

### 12.1 Material Change of Use – SD & TJ Collins, 74 Craikes Road, Murrays Bridge

#### Resolution

Moved Cr M McNichol

Seconded Cr Y Stocks

THAT the application for Material Change of Use, Function facility, Short-term accommodation on Lot 3 on SP 200547, located at 74 Craikes Road, Murrays Bridge, 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 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
Location Plan	N/A	21/11/17
Site Plan	N/A	N/A
Proposed Bed and Breakfast Facility	N/A	N/A

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.

##### Land Use and Planning Controls

3. This approval allows for the use of the site for the following uses only:
  - Function facility; and
  - Short term accommodation
4. The Function facility shall generally operate a maximum number of twelve events per year to be conducted within the hours of 8.00am to 12.00pm. The applicant may apply to Council to change this approval, at no cost, to increase the number of events the Function facility and Short term accommodation conducts. In deciding this request and reviewing conditions of approval, Council will consider the level of compliance with the conditions of this approval, and the level of nuisance created by the Function facility and Short term accommodation.
5. The maximum number of guests attending the Function facility at any one time must not exceed 100 persons.
6. No person is to reside in any building identified for short term accommodation for more than 45 days consecutively, or more than 90 days in any 12 month period.

The approved accommodation must not be occupied by persons for the purpose of permanent accommodation, excluding those persons in a manager's residence for the premises.
7. The short term accommodation building is to be rented as a whole, not as individual rooms

##### Building and Site Design

8. 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

9. During the construction phase of the development, all wastes must be separated into recyclables (where possible) and landfill wastes, and disposed of at a registered waste disposal facility.

10. Any food stall holders (except non-profit organisations) must have a food business licence under the Food Act 2006.
11. Any food supplied to people attending the event must be prepared by a food business licensed under the Food Act 2006.
12. Food stall holders that are non-profit organisations are exempt from the licensing requirements of the Food Act 2006, however these organisations must still ensure they prepare and sell only safe and suitable food and comply with the Food Act 2006 and the Food Standards Code.
13. The applicant shall comply with the Acoustic Quality Objective stated in Schedule 1 to the Environmental Protection (Noise) Policy 2008. The cumulative noise from the function venue and any amplified devices shall not exceed the following criteria.

Sensitive receptor	Time of day	Acoustic quality objectives (measured at the receptor) dB(A)			Environmental value
		L <sub>Aeq,adj,1hr</sub>	L <sub>A10,adj,1hr</sub>	L <sub>A1,adj,1hr</sub>	
Dwelling (for outdoors)	Daytime and evening	50	55	65	Health and wellbeing
Dwelling (for indoors)	Daytime and evening	35	40	45	Health and wellbeing

14. The applicant must provide to Council an amended noise assessment report stating the Rating Background Noise Level (RBL) to be used for determining the default noise criteria under section 440X(C) - Open-air events of the Environmental Protection Act 1994.
15. The applicant shall carry out noise monitoring during amplified entertainment as outlined in the Noise Assessment Report prepared by Noise Measurements Services dated 27 April 2018. The applicant shall submit to the Director Planning and Environment a noise monitoring record upon request by Council to confirm compliance with the conditions set in this consent.
16. The applicant must not operate any amplified device between the hours of 10pm and midnight until the intrusiveness criteria under condition 2 is determined to the satisfaction of the Council.
17. All wastes are to be suitably collected and disposed of so as not to adversely impact on the environment.
18. The portable toilets brought onto the site for the events must be water-flush, have hand basins provided, and be serviced by a regulated waste transporter currently licensed by the Department of Environment and Heritage Protection. Waste tracking receipts are to be kept by the organiser of the event and available for viewing by an authorised officer.
19. Any external lighting must be installed so that light shines down and away from adjacent properties and roads, and does not exceed 8 lux at the property boundary.

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

20. Areas to be used for events and ceremonies are to be planted with trees and shrubs so as to minimise the visual impact of the development from adjoining properties and roads.

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

21. Car parking shall be provided on site in accordance the Location Plan dated 21/11/17. The carpark may remain grass, 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 carpark shall be constructed in gravel to Council's standards.

22. All loading and unloading of goods related to the development must be carried out within the confines of the allotment's boundary. Under no circumstances will the loading or unloading of goods on the public roadway system or footpath be permitted.
23. A 3.0 metre wide all-weather driveway is to be constructed to provide vehicular access to the cabin.

### **Infrastructure Charges Notice**

24. Payment of \$1,250 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) Unless otherwise stated, all conditions of this approval are to be complied with to the satisfaction of the Director Planning, Environment and Corporate 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) 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.
- (iv) **Building Approval is to be obtained** for a Class 1b building 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.**
- (v) The applicant is to permit Council officers access to the site in accordance with the powers of entry provisions of the *Local Government Act 2009*, subject to 48 hours' notice and reasonable security and health restrictions on access, so as to ensure the use is being conducted in accordance with the conditions of the approval.

### **Aboriginal Cultural Heritage**

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

### **Approval Times**

- (vii) In accordance with the *Planning Act 2016*, this approval will lapse six years from the day the approval takes effect.

**Carried**

*Cr Stocks voted for the motion*

*11:15AM Cr Pennisi rejoined the meeting*

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

**13.1 Reports of Conferences**

**Resolution**

**Moved Cr N Meiklejohn**

**Seconded Cr S Windle**

THAT the following verbal reports be received:-

1. Cr Kelly - attendance at the LGAQ Financial Sustainability Summit 8 & 9 May 2018.
2. Mayor Dobie – attendance at the LGAQ Civic Leaders Summit 10 & 11 May 2018.

**Carried**

**14. NOTICES OF MOTION**

Nil

**15. GENERAL BUSINESS**

Nil

**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 Stormwater Culverts Data Collection**

#### **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 Warwick Regional Water Supply Security Assessment**

#### **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 Stanthorpe Aquatic Centre - Management Agreement**

#### **Reason for Confidentiality**

This item is considered confidential in accordance with section 275(1)(e) of the *Local Government Regulation 2012*, as it contains information relating to contracts proposed to be made by Southern Downs Regional Council.

### **16.4 Management of Camping Area at Connolly Dam and Washpool Reserve**

#### **Reason for Confidentiality**

This item is considered confidential in accordance with section 275(1)(e) of the *Local Government Regulation 2012*, as it contains information relating to contracts proposed to be made by Southern Downs Regional Council.

### **16.5 Willi Street Depot Relocation to Yangan Road Depot**

#### **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 Regional Arts Development Fund (RADF) Applications - Round Two 2017/2018**

#### **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.

### **16.7 Council Land for Sale by Public Tender**

#### **Reason for Confidentiality**

This item is considered confidential in accordance with section 275(1)(e) of the *Local Government Regulation 2012*, as it contains information relating to contracts proposed to be made by Southern Downs Regional Council.

## **16.8 RFQ 18\_094 Pre-Qualified Supplier Arrangement - Electrical Contractors**

### **Reason for Confidentiality**

This item is considered confidential in accordance with section 275(1)(e) of the *Local Government Regulation 2012*, as it contains information relating to contracts proposed to be made by Southern Downs Regional Council.

## **16.9 Property Issues**

### **Reason for Confidentiality**

This item is considered confidential in accordance with section 275(1)(e) of the *Local Government Regulation 2012*, as it contains information relating to contracts proposed to be made by Southern Downs Regional Council.

## **16.10 Enterprise Bargaining Negotiations and Proposed Wage Increase**

### **Reason for Confidentiality**

This item is considered confidential in accordance with section 275(1)(b) of the *Local Government Regulation 2012*, as it contains information relating to industrial matters affecting employees.

## **16.11 Tender 18\_116 Sale and Supply of Raw Water from Connolly Dam (Users Over 5ML Only)**

### **Reason for Confidentiality**

This item is considered confidential in accordance with section 275(1)(e) of the *Local Government Regulation 2012*, as it contains information relating to contracts proposed to be made by Southern Downs Regional Council.

## **16.12 Tender 18\_118 Mowing Council's Cemeteries**

### **Reason for Confidentiality**

This item is considered confidential in accordance with section 275(1)(e) of the *Local Government Regulation 2012*, as it contains information relating to contracts proposed to be made by Southern Downs Regional Council.

## **16.13 Tender 18\_088 New Planning Scheme**

### **Reason for Confidentiality**

This item is considered confidential in accordance with section 275(1)(e) of the *Local Government Regulation 2012*, as it contains information relating to contracts proposed to be made by Southern Downs Regional Council.

## **Meeting In Camera**

### **Resolution**

**Moved Cr N Meiklejohn**

**Seconded Cr C Gow**

THAT the meeting move into closed session.

**Carried**

The Meeting moved into closed session at 11:35am.

*11:37 AM Cr V Pennisi left the meeting during discussion on Agenda items 16.2, 16.3 and 16.11.*

*12:00 PM Cr S Windle and Cr R Kelly left the meeting during discussion on Agenda Item 16.8.*

*12:01 PM Cr V Pennisi rejoined the meeting.*

*12:01 PM Cr S Windle and Cr Kelly rejoined the meeting.*

12:01 PM Cr C Gow left the meeting during discussion Agenda Item. 16.6

12:04 PM Cr C Gow rejoined the meeting.

12:48 PM Cr M McNichol left the meeting.

12:50 PM Cr M McNichol rejoined the meeting.

## **Meeting Out Of Camera**

### **Resolved**

THAT the meeting resume in open session at 1:04pm.

**Carried**

## **16.1 Stormwater Culverts Data Collection**

### **Resolution**

**Moved Cr V Pennisi**

**Seconded Cr R Kelly**

THAT Council allocate an additional \$125,000 to 18/071 - Stanthorpe Rural Culvert Data Collection Survey.

**Carried**

*Cr Pennisi declared a real conflict of interest in Agenda Item 16.2 (as defined in section 173 of the Local Government Act 2009) due to his role as Chair of the Stanthorpe Community Reference Panel and the implications on the Connolly Dam and Stanthorpe water supplies 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 Pennisi left the meeting at 1.05pm.*

## **16.2 Warwick Regional Water Supply Security Assessment**

### **Resolution**

**Moved Cr R Kelly**

**Seconded Cr N Meiklejohn**

THAT Council endorse the Warwick Regional Water Supply Security Assessment Report.

**Carried**

*Cr Pennisi declared a real conflict of interest in Agenda Item 16.3 (as defined in section 173 of the Local Government Act 2009) due to he and his wife operating a learn to swim business 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 Pennisi remained out of the room.*

### **16.3 Stanthorpe Aquatic Centre - Management Agreement**

#### **Resolution**

**Moved Cr C Gow**

**Seconded Cr S Windle**

THAT Council, in accordance with Section 235(a) of the *Local Government Regulation 2012*, enter into a Management Agreement with Michael Smail & Gail Smail to manage the Stanthorpe Swimming Pool in accordance with the terms contained in that Agreement.

**Carried**

*Cr Pennisi declared a real conflict of interest in Agenda Item 16.11 (as defined in section 173 of the Local Government Act 2009) due to a business relationship with one of the parties 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 Pennisi remained out of the room.*

### **16.11 Tender 18\_116 Sale and Supply of Raw Water from Connolly Dam (Users Over 5ML Only)**

#### **Resolution**

**Moved Cr R Kelly**

**Seconded Cr Y Stocks**

THAT Council enter into Contracts for major users of raw water at Connolly Dam in accordance with the Tender Evaluation Report. All Contracts are to be conditional on Council being satisfied that the users have a financial position which will allow them to pay for the water over the life of the Contract.

**Carried**

*Cr Pennisi declared a real conflict of interest in Agenda Item 16.8 (as defined in section 173 of the Local Government Act 2009) due to a business relationship with one of the submitters 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 Pennisi remained out of the room.*

*Cr Windle declared a real conflict of interest in Agenda Item 16.8 (as defined in section 173 of the Local Government Act 2009) due to her husband being an employee of one of the submitters 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 Windle left the room at 1:06pm.*

*Cr Kelly declared a real conflict of interest in Agenda Item 16.8 (as defined in section 173 of the Local Government Act 2009) due to his son-in-law being an employee of one of the submitters 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 room at 1:06pm.*

## 16.8 RFQ 18\_094 Pre-Qualified Supplier Arrangement - Electrical Contractors

### Resolution

Moved Cr N Meiklejohn

Seconded Cr Y Stocks

THAT Council enter into a Pre-qualified Supplier Arrangement for electrical contractors with the following contractors:

- CB Energy Pty Ltd
- Dave Sinton Electrical Pty Ltd
- Ensbey Electrical
- Glow Energy Pty Ltd
- Laser Electrical Warwick
- NRG Electrical (QLD) Pty Ltd
- Saturn Electrical
- Southern Downs Electrical Pty Ltd
- Styan & Lindenberg Pty Ltd
- Swift Energy Group
- Testel Australia Pty Ltd

**Carried**

1:06pm Crs Pennisi, Windle and Kelly rejoined the meeting

*Cr Gow declared a perceived conflict of interest in Agenda Item 16.6 (as defined in section 173 of the Local Government Act 2009) due to his membership of one of the applicants, the Stanthorpe Agricultural Society, 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 Gow left the meeting at 1:07pm.*

## 16.6 Regional Arts Development Fund (RADF) Applications - Round Two 2017/2018

### Resolution

Moved Cr M McNichol

Seconded Cr R Kelly

THAT Council :

1. Endorse the Regional Arts Development Fund (RADF) 2017/2018 round two grants totalling \$25,612 (outlined in Annexure A).
2. Endorse the appointment of Esme Hobba and Kristy Searson to the RADF Reference Group.

**Carried**

### Attachments

1. RADF Successful Applications - Round Two 2017/2018 - **Attached to the Minutes Under Separate Cover**

1:08pm Cr Gow rejoined the meeting

*Cr Dobie declared that a perceived conflict of interest Agenda Item 16.4 (as defined in section 173 of the Local Government Act 2009), may exist due to her neighbour being the potential contractor. Cr Dobie 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 Dobie participated in the discussion and voting on this matter.*

*Cr Kelly declared that a perceived conflict of interest in Agenda Item 16.4 (as defined in section 173 of the Local Government Act 2009), may exist as he shared a dividing fence with the potential contractor. Cr Kelly dealt with the perceived conflict of interest by stating that it was his determination that his personal interest is not of sufficient significance that it would lead to him making a decision on this matter that is contrary to the public interest. Cr Kelly participated in the discussion and voting on this matter.*

#### **16.4 Management of Camping Area at Connolly Dam and Washpool Reserve**

##### **Resolution**

**Moved Cr Y Stocks**

**Seconded Cr S Windle**

THAT Council resolve to enter into a contract with Mr Edward Thompson to undertake caretaker services for Council operated camping grounds at Connolly Dam and Washpool Reserve.

**Carried**

*Cr Dobie and Cr Kelly voted for the motion*

*Cr Dobie declared that a perceived conflict of interest in Agenda Item 16.5 (as defined in section 173 of the Local Government Act 2009), may exist as she is Patron of the Warwick Woodcrafters. Cr Dobie 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 Dobie participated in the discussion and voting on this matter.*

*Cr Meiklejohn declared that a perceived conflict of interest in Agenda Item 16.5 (as defined in section 173 of the Local Government Act 2009), may exist as he is Patron of the Warwick Men's Shed. Cr Meiklejohn dealt with the perceived conflict of interest by stating that it was his determination that his personal interest is not of sufficient significance that it would lead to him making a decision on this matter that is contrary to the public interest. Cr Meiklejohn participated in the discussion and voting on this matter.*

#### **16.5 Willi Street Depot Relocation to Yangan Road Depot**

##### **Resolution**

**Moved Cr V Pennisi**

**Seconded Cr C Gow**

THAT Council defer consideration on this matter to the June General Council Meeting.

**Carried**

*Cr Dobie and Cr Meiklejohn voted for the motion*

## **16.7 Council Land for Sale by Public Tender**

### **Resolution**

**Moved Cr M McNichol**

**Seconded Cr R Kelly**

THAT Council resolve to approve the advertising by public tender, the sale of Lot 85 on SP176034 situated at Short Street, Stanthorpe.

**Carried**

## **16.9 Property Issues**

### **Resolution**

**Moved Cr R Kelly**

**Seconded Cr Y Stocks**

THAT Council:

1. Request the approval of the Department of Local Government, Racing and Multicultural Affairs to transfer \$275,000 of the 'Works for Queensland' Round Two funding, to conduct restoration works to the Council building located on Lot 7 on A218, Allora;
2. Offer to purchase Lot 1 on RP15702 as in accordance with section 235(a) of the Local Government Regulation 2012 as Council is satisfied that there is only one supplier who is reasonably available;
3. Grant delegated authority to Council's Chief Executive Officer to negotiate the purchase price, with the owners of Lot 1 on RP15702;
4. Dispose of Lot 5 on SP144662.

**Carried**

## **16.10 Enterprise Bargaining Negotiations and Proposed Wage Increase**

### **Resolution**

**Moved Cr V Pennisi**

**Seconded Cr S Windle**

THAT Council provide employees with a 2% wage increase for the period 1 January 2018 to 30 June 2018 prior to the end of the 2017/2018 financial year.

**Carried**

## 16.12 Tender 18\_118 Mowing Council's Cemeteries

### Resolution

Moved Cr R Kelly

Seconded Cr Y Stocks

THAT Council:-

1. Award Mowing Contracts to the following contractors:

Separable Portion	Panel Recommendation
A. Allora Cemetery	Gainsnack Pty Ltd
B. Eden Gardens Cemetery	Gainsnack Pty Ltd
C. Killarney Cemetery	Southern Downs Slashing
D. Leyburn Cemetery	Rose City Earthmoving
E. Pratten Cemetery	Pratten Progress and Preservation Association
F. Stanthorpe Cemetery	Gainsnack Pty Ltd
G. Warwick Cemetery	Gainsnack Pty Ltd
H. Wallangarra Cemetery	Southern Downs Slashing
I. Maryvale Cemetery	IJ & CM Hughes
J. Upper Freestone Cemetery	IJ & CM Hughes
K. Maryvale Cemetery	IJ & CM Hughes
L. Yangan Cemetery	Rose City Earthmoving

2. Grant delegated authority to Chief Executive Officer to commence negotiations with other Contractors should the recommended Contractor not accept Council's offer.

**Carried**

*Cr Dobie declared that a perceived conflict of interest in Agenda Item 16.13 (as defined in section 173 of the Local Government Act 2009), may exist due to a person associated with one of the tenderers being a former employee of Council. Cr Dobie 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 Dobie participated in the discussion and voting on this matter.*

*Cr Meiklejohn declared that a perceived conflict of interest in Agenda Item 16.13 (as defined in section 173 of the Local Government Act 2009), may exist due to a person associated with one of the tenderers being a former employee of his previous franchise and also a former staff member of Council. Cr Meiklejohn dealt with the perceived conflict of interest by stating that it was his determination that his personal interest is not of sufficient significance that it would lead to him making a decision on this matter that is contrary to the public interest. Cr Meiklejohn participated in the discussion and voting on this matter.*

## 16.13 Tender 18\_088 New Planning Scheme

### Resolution

Moved Cr N Meiklejohn

Seconded Cr S Windle

THAT Council award Tender 18\_088 New Planning Scheme to Cardno (QLD) Pty Ltd.

**Carried**

*Cr Dobie and Cr Meiklejohn voted for the motion*



## **MEETING CLOSURE**

There being no further business, the meeting closed at 1:12pm.