



**MINUTES OF THE
GENERAL MEETING OF COUNCIL
26 SEPTEMBER 2018**

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**MINUTES OF THE GENERAL COUNCIL MEETING OF
SOUTHERN DOWNS REGIONAL COUNCIL HELD ON 26 SEPTEMBER 2018
IN THE COUNCIL CHAMBERS, SOUTHERN DOWNS REGIONAL COUNCIL,
61 MARSH STREET, STANTHORPE AT 9:00AM**

1. PRAYERS & CONDOLENCES

Rev Bruce Jones offered a prayer for the meeting and acknowledged condolences

2. ATTENDANCE

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

Officers: David Keenan (Chief Executive Officer), Peter Gribbin (Acting Director Planning, Environment and Corporate Services), Eric Kraak (Manager Works Construction, Workshops and Assets) and Marion Seymour (Minute Secretary)

3. APOLOGIES

3.1 Apology - Cr Pennisi

Resolution

Moved Cr Y Stocks

Seconded Cr M McNichol

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

Carried

4. READING AND CONFIRMATION OF MINUTES

4.1 General Council Meeting - 22 August 2018

Resolution

Moved Cr M McNichol

Seconded Cr S Windle

THAT the minutes of the General Council Meeting held on Wednesday 22 August 2018 be adopted.

Carried

4.2 Special Council Meeting - 3 September 2018

Resolution

Moved Cr R Kelly

Seconded Cr C Gow

THAT the minutes of the Special Council Meeting held on Monday 3 September 2018 be adopted.

Carried

5. ACTIONS FROM COUNCIL MEETINGS

5.1 Actions from Previous Council Meeting

Resolution

Moved Cr M McNichol

Seconded Cr N Meiklejohn

THAT Council receive the report and note the contents.

Carried

6. DECLARATIONS OF CONFLICTS OF INTEREST

Item No	Item Precise	Nature of Conflict
16.3	Karara Non Potable Water Supply	Cr Kelly declared a real conflict of interest in this matter (as defined in section 175 of the <i>Local Government Act 2009</i>) due to a relative living in the area and dealt with the real conflict of interest by leaving the meeting room, taking no part in the debate or decision on the matter.
16.5	2018/2019 – Grants to Community – Community Grant – Round one (1)	Cr Meiklejohn declared that a perceived conflict of interest in this matter (as defined in section 175 of the <i>Local Government Act 2009</i>), may exist as he is Patron of one of the applicants. 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 and asked Council to consider his participation in the discussion and vote on this matter. Following a resolution from Council, Cr Meiklejohn participated in the discussion and voting on this matter.
16.7	Proposed Renewal of Lease – Telstra Corporation Ltd	Cr Kelly declared a material personal interest in this matter (as defined in section 175 of the <i>Local Government Act 2009</i>) due to his Telstra shareholding and dealt with the real conflict of interest by leaving the meeting room, taking no part in the debate or decision on the matter.
16.7	Proposed Renewal of Lease – Telstra Corporation Ltd	Cr Gow declared a material personal interest in this matter (as defined in section 175 of the <i>Local Government Act 2009</i>) due to his Telstra shareholding and dealt with the real conflict of interest by leaving the meeting room, taking no part in the debate or decision on the matter.

6.1 Conflict of Interest - Cr Meiklejohn Agenda Item 16.5

Resolution

Moved Cr J McNally

Seconded Cr Y Stocks

THAT Council resolve that Cr Meiklejohn, who had declared a conflict of interest in respect to matters contained in Agenda Item 16.5 due to his role as Patron of one of the Grant applicants, is permitted to remain and participate in the meeting for discussion and voting on the matter.

Carried

7. MAYORAL MINUTE

7.1 Mayoral Minute - August 2018

Resolution

Moved Cr S Windle

Seconded Cr R Kelly

THAT Council receive the Mayoral Minute for September 2018.

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.

Carried

9. RECEPTION AND READING OF PETITIONS AND JOINT LETTERS

Nil

10. EXECUTIVE

10.1 Financial Report as at 31 August 2018

Resolution

Moved Cr J McNally

Seconded Cr R Kelly

THAT Council receive and note the Financial Report as at 31 August 2018.

Carried

10.2 Budget Process and Timetable

Resolution

Moved Cr J McNally

Seconded Cr S Windle

THAT Council adopt the Budget process outlined in the report.

Carried

Attachments

1. Budget Timetable - **Attached to the Minutes Under Separate Cover**

10.4 Australia Day Policy

Resolution

Moved Cr Y Stocks

Seconded Cr R Kelly

THAT Council endorse the attached revised Australia Day Policy.

Carried

Attachments

1. Australia Day Policy - **Attached to the Minutes Under Separate Cover**

10.5 Drought Forums Update

Resolution

Moved Cr R Kelly

Seconded Cr S Windle

THAT:-

1. Council receive the report on the Drought Forums.
2. A further report be presented to Council once the Guidelines for the Drought Communities Programme have been received.

Carried

10.3 Amendment to 2018/2019 SDRC Fees & Charges

Resolution

Moved Cr N Meiklejohn

Seconded Cr R Kelly

THAT Council amend the 2018/19 SDRC Fees and Charges as follows:

Hire of Spray Equipment Unit to Farmer Groups and individuals

Hirers must have suitable experience as approved by Pest Management Group and hold an appropriate licence for spraying of herbicides. Add the following: Landholders are excluded if spraying on their own land.

New Charge:

Tree Pear Injectors (Contractors Excluded)

Security Deposit (Maximum hire period is 2 weeks)	GST	\$100
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Building Fees

Remove the following:

Non-Profit Organisations

50% discount of the Application and Permit Fees for non-profit organisations (upon receipt of a written application to the Director Planning, Environment & Corporate Services verifying their non-profit status)

Carried

10.6 Code of Competitive Conduct

Resolution

Moved Cr N Meiklejohn

Seconded Cr R Kelly

THAT Council not apply the Code of Competitive Conduct to any services carried out during the 2017/18 financial year and not to disclose business activities such as water and wastewater as significant.

Carried

12.5 Stanthorpe Library Feasibility - Community Consultation

Resolution

Moved Cr N Meiklejohn

Seconded Cr R Kelly

THAT:-

1. Council receive and note the results of the Stanthorpe Library Feasibility Study community consultation process.
2. A further report be presented to Council following a Briefing Session in October.

Carried

11. ENGINEERING SERVICES DEPARTMENT REPORTS

11.2 Water Restrictions and Water Efficiency Management Plans

Resolution

Moved Cr C Gow

Seconded Cr Y Stocks

THAT Council resolve to move to High level water restrictions, in accordance with the attached Water Restrictions Table, across the whole of the Council region by 1 November 2018, and require businesses using 10ML or more water per annum to submit Water Efficiency Management Plans.

Carried

Attachments

1. Water Restrictions Table - **Attached to the Minutes Under Separate Cover**

11.4 MIPP Condamine River Road Crossings

Resolution

Moved Cr S Windle

Seconded Cr R Kelly

THAT Council:

1. Receive the report from Kehoe Myers Consulting Engineers Pty Ltd entitled S1718090 Condamine River Road Crossings SASR02.07.18; and
2. Commence community consultation to gain feedback on the recommendations presented in the Kehoe Myers Report, and a further report be presented to Council on the future management of Condamine River Road Crossings.

Carried

11.1 Engineering Services Department Monthly Report

Resolution

Moved Cr R Kelly

Seconded Cr N Meiklejohn

THAT Council receive the Engineering Services Department Monthly Report

Carried

11.3 Council Aerodromes

Resolution

Moved Cr R Kelly

Seconded Cr N Meiklejohn

THAT Council:

1. Note the safety inspection reports (August 2018) completed by Airport OLS Surveys for both the Stanthorpe and Warwick Aerodromes (attached).
2. Note that within the reports exist a number of remedial actions that have been referred to the Civil Aviation Safety Authority ("CASA") on 31 August 2018.
3. Note that there is likely to be insufficient funding allocated in the current annual budget. Officers may need to seek further funding to complete the remedial works through a quarterly budget amendment.
4. Note and endorse those actions currently being executed by Council officers (noted in the report section) to address those remedial actions identified by Airport OLS Surveys.

Carried

11.5 Request for Procurement Exception

Resolution

Moved Cr R Kelly

Seconded Cr N Meiklejohn

THAT Council resolves that:

1. It is satisfied that there is only one (1) supplier who is reasonably available for the purchase of the diffusers for the bioreactor at the Warwick Wastewater Treatment Plant, and as such Council can enter into a contractual arrangement with GreenProcess without first inviting written quotes or tenders pursuant to Section 235 (a) of the *Local Government Regulation 2012*.
2. Unless another distributor can be identified, Council will be exempt from the Procurement Policy for future purchases.

Carried

12. PLANNING, ENVIRONMENT & CORPORATE SERVICES DEPARTMENT REPORTS

12.1 Pest Management Advisory Committee Minutes – 7 August 2018

Resolution

Moved Cr C Gow

Seconded Cr R Kelly

THAT Council endorse the minutes of the Pest Management Advisory Committee, including their recommendations, held at Warwick, 7 August 2018.

Carried

12.6 Maryvale Urban Design Framework

Resolution

Moved Cr S Windle

Seconded Cr Y Stocks

THAT Council:

1. Receive and note the feedback from the Community Consultation process in relation to the Maryvale Urban Design.
2. Invite submitters to attend a Public Consultation Session with Council to further discuss the feedback received prior to the end of October 2018.
3. Endorse an allocation of funding under the Works for Queensland program for Recreation Areas at Connolly Dam and small villages for the Maryvale Urban Design projects.

Carried

12.7 Waste Reduction and Recycling Plan 2018-2028

Resolution

Moved Cr C Gow

Seconded Cr R Kelly

THAT Council:

1. Resolves to adopt The Waste Reduction and Recycling Plan 2018-2028 (WRRP) having taken into consideration issues identified during the consultation process and implement the actions detailed in the plan on an ongoing basis.
2. Consider the introduction of a regional wide Environmental (Waste Management) Levy per rateable property to fund future waste management infrastructure, and to assist Council's financial capacity to address ongoing legacy issues associated with the future management and monitoring of Council's waste facilities, to meet its continuous statutory obligations as part of the budget process for the 2019/20 financial year.
3. Prepares an appropriate engagement strategy to notify residents and businesses in the Southern Downs Region of the opportunities and associated implications of the plan.
4. Commences implementation of the WRRP including the procurement of the next waste collection contract, preparing applications for funding (state government) and preliminary investigations into upgrading various facilities. Approval will be sought before any development of these actions.

Carried

12.2 Proposed permanent road closure - Maryvale

Resolution

Moved Cr C Gow

Seconded Cr J McNally

THAT Council advise the Department of Natural Resources Mines and Energy that it objects to the permanent road closure of an area of about 270m² being the unnamed road separating Lot 503 on ML2301 from Lot 508 on ML2301, locality of Maryvale, as this land is required for the implementation of the recommendations of the Draft Maryvale Urban Design Project.

Carried

12.3 Local Government Levy Ready Grant Program

Resolution

Moved Cr C Gow

Seconded Cr J McNally

THAT Council submit funding applications under the 2018–19 Local Government Levy Ready Grants Program for the following projects:

1. Warwick Landfill - provide an increase in security and IT for the facility to reduce the likelihood of illegal dumping outside the front gate and ensure better recording of waste data.
2. Stanthorpe Landfill - provide an increase in security and IT for the Stanthorpe facility to reduce the likelihood of illegal dumping near the facility and better recording of waste data.
3. Allora Waste Disposal Facility - provide an increase in security for the Allora facility to reduce the likelihood of illegal dumping near the facility and better recording of waste data.

Carried

12.4 Petition from Buskers and our Supporters in Stanthorpe re legislation regarding busking in public spaces

Resolution

Moved Cr C Gow

Seconded Cr J McNally

THAT Council:

1. Maintain the current local law requirements for busking activities, however offer to cover uninsured street buskers (excluding organised busking events) under Council's current Uninsured stall holders, buskers and entertainers public liability insurance policy for a trial period until 30 June 2019, subject to the adherence to policy terms, conditions and exclusions; and
2. Prior to the end of June 2019, Council staff conduct a review of the busking process, including the public liability insurance coverage taking in to account the number of uninsured buskers utilising Council's busking public liability insurance and the recovery of the insurance costs.

Carried

The meeting adjourned for morning tea at 11:07am

11:07am Presentation of Casual for a Cause Donation to the Leukaemia Foundation

11:30am Meeting with Queensland Local Government Grants Commission
Civic Centre Supper Room

The meeting reconvened at 1.48pm at which time there were present Mayor Dobie, McNally, Kelly, Stocks, Gow, Windle, McNichol and Meiklejohn

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

Nil

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.

Cr Kelly declared a material personal interest in Agenda Item 16.7 (as defined in section 175 of the Local Government Act 2009) due to his Telstra shareholding 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 1:49pm.

Cr Gow declared a material personal interest in Agenda Item 16.7 (as defined in section 175 of the Local Government Act 2009) due to his Telstra shareholding 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 1:49pm.

16.7 Proposed Renewal of Lease - Telstra Corporation Ltd

Resolution

Moved Cr N Meiklejohn

Seconded Cr J McNally

THAT Council offer a three year lease from 1 January 2019, to Telstra Corporation Ltd. for the occupation of Lot 1 on Crown Plan BNT1615, situated at the corner of Amiens and Texas Roads, Stanthorpe, with the annual lease fee commencing at \$6,470 per annum and increasing by 3% per annum.

Carried

01:50 PM Cr C Gow rejoined the meeting

01:50 PM Cr R Kelly rejoined 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 RFT 19_008 Design and Construct Warwick Aerodrome Roadways and Electrical Supply

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.

16.2 RFT 19_192 Thanes Creek Road Culvert Replacement

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.

16.3 Karara Non Potable Water Supply

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 August 2018 Monthly Report from 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.

16.5 2018/19 - Grants to Community - Community Grant - Round One (1)

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 Renewal of Trustee Lease between Council and Warwick Lure Coursing Club Incorporated

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.

16.7 Proposed Renewal of Lease - Telstra Corporation Ltd

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 Procurement Arrangements - Waste Management

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 Audit and Risk Management Committee Meeting Minutes - 30 August 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.

Meeting In Camera

Resolution

Moved Cr C Gow

Seconded Cr N Meiklejohn

THAT the meeting move into closed session.

Carried

The Meeting moved into closed session at 1:50pm>.

01:53 PM Cr R Kelly left the meeting during discussion on Agenda Item 16.3

02:32 PM Cr Y Stocks left the meeting and took no further part

02:54 PM Cr R Kelly rejoined the meeting

Meeting Out Of Camera

Resolved

THAT the meeting resume in open session at 3.45pm.

Carried

16.1 RFT 19_008 Design and Construct Warwick Aerodrome Roadways and Electrical Supply

Resolution

Moved Cr R Kelly

Seconded Cr N Meiklejohn

THAT Council enter into a Contract with CES Civil to undertake the design and construction of the Warwick Aerodrome roadways and electrical supply.

Carried

16.2 RFT 19_192 Thanos Creek Road Culvert Replacement

Resolution

Moved Cr S Windle

Seconded Cr R Kelly

THAT Council enter into a contract with CLR and RA Mauch Concreting to undertake the replacement of a two cell culvert on Thanos Creek Road.

Carried

Cr Kelly declared a real conflict of interest in Agenda Item 16.3 (as defined in section 175 of the Local Government Act 2009) due to a relative living in the area 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 3.46pm.

16.3 Karara Non Potable Water Supply

Resolution

Moved Cr N Meiklejohn

Seconded Cr M McNichol

THAT Council defer consideration to the October 2018 General Meeting.

Carried

Cr Kelly rejoined the meeting at 3.47pm

16.4 August 2018 Monthly Report from Warwick Indoor Recreation and Aquatic Centre from YMCA Brisbane

Resolution

Moved Cr C Gow

Seconded Cr R Kelly

THAT Council receive the August 2018 monthly report from Brisbane YMCA in relation to the operation of the Warwick Indoor Recreation and Aquatic Centre.

Carried

Cr Meiklejohn declared that a perceived conflict of interest in Agenda Item 16.5 (as defined in section 175 of the Local Government Act 2009), may exist as he is Patron of one of the applicants. 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 and asked Council to consider his participation in the discussion and vote on this matter. Following a resolution from Council, Cr Meiklejohn participated in the discussion and voting on this matter.

16.5 2018/19 - Grants to Community - Community Grant - Round One (1)

Resolution

Moved Cr J McNally

Seconded Cr M McNichol

THAT:

1. Following consideration, Council approve the attached revised list of twenty-two (22) applicants for projects totalling \$183,009.36 from the 2018/19 Community Grant – Round One (1) funding.
2. Council determined that one of the previously short-listed projects was not eligible in accordance with Section 5 of the Grants to Community Guidelines.
3. Council note that the balance of the 2018/19 Community Grant funding of \$155,980.40 will be used for the Round Two (2) allocation and associated media costs.

Carried

Attachments

1. Grants to Community - Successful Applicants Community Grant Round 1 - **Attached to the Minutes Under Separate Cover**

Cr Meiklejohn voted for the motion

16.6 Renewal of Trustee Lease between Council and Warwick Lure Coursing Club Incorporated

Resolution

Moved Cr R Kelly

Seconded Cr C Gow

THAT Council approve a 5 year Trustee Lease with the Warwick Lure Coursing Club Incorporated, commencing 1 July 2018, subject to the standard terms and conditions and in accordance with Council's Lease Policy and *section 236(1)(b)(ii) and (2) of the Local Government Regulation 2012* and the special conditions outlined in the report.

Carried

16.8 Procurement Arrangements - Waste Management

Resolution

Moved Cr C Gow

Seconded Cr S Windle

THAT Council:

1. Resolve to appoint UTL Utilities Pty Ltd to support Council in the delivery of its waste management program, pursuant to s235(b) of the Local Government Regulation 2012, which permits council entering into medium sized contracts without inviting quotes because of the specialised or confidential nature of the services that are sought and, it would be impractical or disadvantageous for the local government to invite quotes or tenders.
2. Delegate to the Chief Executive Officer any further negotiations associated with the contract should any further extension be required below the medium-sized contract threshold.

Carried

16.9 Audit and Risk Management Committee Meeting Minutes - 30 August 2018

Resolution

Moved Cr J McNally

Seconded Cr R Kelly

THAT Council:

1. Adopt the minutes of the ARMC meeting held on 30 August 2018;
2. Adopt the business arising from the ARMC meeting held on 30 August 2018;
3. Adopt the amended Risk Register; and
4. Appoint Mr Stephen Coates as the Chairperson of the ARMC.

Carried

MEETING CLOSURE

There being no further business, the meeting closed at 3.48pm