



**MINUTES OF THE  
GENERAL MEETING OF COUNCIL  
23 JANUARY 2019**

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**MINUTES OF THE GENERAL COUNCIL MEETING OF  
SOUTHERN DOWNS REGIONAL COUNCIL HELD ON 23 JANUARY 2019  
IN THE COUNCIL CHAMBERS, SOUTHERN DOWNS REGIONAL COUNCIL,  
61 MARSH STREET, STANTHORPE AT 9:00AM**

**1. PRAYERS & CONDOLENCES**

Pastor Jeremy Greening from the Vineyard Christian Church offered a prayer for the meeting and acknowledged condolences

**2. ATTENDANCE**

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

Officers: David Keenan (Chief Executive Officer), Graham O'Byrne (Director Infrastructure Services), Jane Stroud (Director Sustainable Development), Joanne Morris (Director Corporate and Community Services), Marion Seymour (Minute Secretary)

**3. APOLOGIES**

Nil

**4. READING AND CONFIRMATION OF MINUTES**

**4.1 General Council Meeting - 12 December 2018**

**Resolution**

**Moved Cr N Meiklejohn**

**Seconded Cr Y Stocks**

THAT the minutes of the General Council Meeting held on Wednesday 12 December 2018 be adopted.

**Carried**

**5. ACTIONS FROM COUNCIL MEETINGS**

**5.1 Actions from Previous Council Meeting**

**Resolution**

**Moved Cr N Meiklejohn**

**Seconded Cr M McNichol**

THAT Council receive the report and note the contents.

**Carried**

## 6. DECLARATIONS OF CONFLICTS OF INTEREST

Item No	Item Precise	Nature of Conflict
8.1	Correspondence	Cr Pennisi declared that a conflict of interest in correspondence item 6 of this matter (as defined in section 175D of the <i>Local Government Act 2009</i> ), may exist due to his relationship as Chairman of the Stanthorpe Community Reference Panel. Cr Pennisi dealt with the conflict of interest by stating that if that item was to be discussed. If the only discussion was to only receive the correspondence he believed that his conflict is not of significance to lead him to making a declaration on the matter that is contrary to the public interest and asked Council to consider his participation to receive the correspondence. Following a resolution from Council, Cr Pennisi participated in the vote to receive this item.
10.3	Proposal to Separate from the Southern Downs Regional Council	Cr Pennisi declared that a conflict of interest in this matter (as defined in section 175D of the <i>Local Government Act 2009</i> ), may exist due to his relationship with Football Stanthorpe. It was brought to his attention recently that Football Stanthorpe contributed money for the report in this agenda item. The decision was made prior to my temporary appointment of Chairman and he was not involved in the decision. Cr Pennisi dealt with the 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 Pennisi participated in the discussion and voting on this matter.
16.7	Update on Statement of Claim Against Council – Court Number M17/2018	Cr Pennisi declared a conflict of interest in this matter (as defined in section 175D of the <i>Local Government Act 2009</i> ) due to his relationship as Chairman of Football Stanthorpe who is associated with this claim and dealt with the conflict of interest by leaving the meeting room, taking no part in the debate or decision on the matter.
16.9	Clarification of Temporary Relaxation of Recycled Water Charges	Cr Stocks declared a real conflict of interest in this matter (as defined in section 175B of the <i>Local Government Act 2009</i> ) as she had submitted an expression of interest for a recycled water connection to her property 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 would like to advise council and the public that he has had a formal complaint lodged against him which is currently being investigated. Cr Pennisi is not prepared to divulge the nature of the complaint, he will however make public the outcome at the conclusion of the investigation.

### **6.1.1 Conflict of Interest - Cr Pennisi - Agenda Item 10.3**

#### **Resolution**

**Moved Cr R Kelly**

**Seconded Cr S Windle**

THAT Cr Pennisi has declared a conflict of interest in Agenda Item 10.3 due to his relationship with Football Stanthorpe, noting that Cr Pennisi's advice was that it had been brought to his attention recently that Football Stanthorpe contributed money for the report in this agenda item, and that the decision was made prior to his temporary appointment of Chairman and that he was not involved in that decision. Notwithstanding the declared conflict, Cr Pennisi may participate in the matter, discuss and vote upon it.

**Carried**

## **7. MAYORAL MINUTE**

### **7.1 Mayoral Minute - December 2018**

#### **Resolution**

**Moved Cr R Kelly**

**Seconded Cr S Windle**

THAT Council receive the Mayoral Minute for December 2018.

**Carried**

## **8. READING AND CONSIDERATION OF CORRESPONDENCE**

### **8.1 Correspondence**

#### **Resolution**

**Moved Cr R Kelly**

**Seconded Cr N Meiklejohn**

THAT items 1 to 5 of the report of the Chief Executive Officer in relation to Correspondence be received.

**Carried**

### **6.1.2 Conflict of Interest - Cr Pennisi - Agenda item 8.1**

#### **Resolution**

**Moved Cr N Meiklejohn**

**Seconded Cr C Gow**

THAT Cr Pennisi has declared a conflict of interest in correspondence item 6 of Agenda Item 8.1 due to his relationship as Chairman of the Stanthorpe Community Reference Panel, however Council acknowledged that as there was to be no discussion on this item Cr Pennisi would remain in the room for the vote to receive this item.

**Carried**

*Cr Pennisi declared that a conflict of interest in correspondence item 6 of Agenda Item 8.1(as defined in section 175D of the Local Government Act 2009), may exist due to his relationship as Chairman of the Stanthorpe Community Reference Panel. Cr Pennisi dealt with the conflict of interest by stating that if that item was to be discussed. If the only discussion was to only receive the correspondence he believed that his conflict is not of significance to lead him to making a declaration on the matter that is contrary to the public interest and asked Council to consider his participation to receive the correspondence. Following a resolution from Council, Cr Pennisi participated in the vote to receive this item.*

#### **8.1.1 Correspondence - Item 6**

##### **Resolution**

**Moved Cr N Meiklejohn**

**Seconded Cr M McNichol**

THAT item 6 of the report of the Chief Executive Officer in relation to Correspondence be received.

**Carried**

*Cr Pennisi voted for the motion*

#### **9. RECEPTION AND READING OF PETITIONS AND JOINT LETTERS**

Nil

#### **10. EXECUTIVE**

##### **10.1 Financial Report as at 31 December 2018**

##### **Resolution**

**Moved Cr R Kelly**

**Seconded Cr J McNally**

THAT Council receive and note that Financial Report as at 31 December 2018.

**Carried**

##### **10.2 Quarterly Human Resources Report**

##### **Resolution**

**Moved Cr S Windle**

**Seconded Cr M McNichol**

THAT Council receive the report and note the summary of human resource and employee statistics for the October to December 2018 quarter.

**Carried**

*Cr Pennisi declared that a conflict of interest in Agenda Item 10.3 (as defined in section 175D of the Local Government Act 2009), may exist due to his relationship with Football Stanthorpe. It was brought to his attention recently that Football Stanthorpe contributed money for the report in this agenda item. The decision was made prior to his temporary appointment of Chairman and he was not involved in the decision. Cr Pennisi dealt with the 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 Pennisi participated in the discussion and voting on this matter.*

### **10.3 Proposal to Separate from the Southern Downs Regional Council**

#### **Resolution**

**Moved Cr J McNally**

**Seconded Cr R Kelly**

THAT Council receive the report from the Granite Belt Community Association titled "A New Granite Belt Council, A Proposal to Separate from the Southern Downs Regional Council."

**Carried**

*Cr Pennisi voted for the motion*

### **10.4 Local Government Remuneration & Discipline Tribunal Report 2018**

#### **Resolution**

**Moved Cr J McNally**

**Seconded Cr R Kelly**

THAT Council adopt the Local Government Remuneration and Discipline Tribunal determined Remuneration Schedule effective from 1 July 2019 for the Mayor, Deputy Mayor and Councillors.

**Carried**

### **10.5 Change of Date: April 2019 General Council Meeting**

#### **Resolution**

**Moved Cr N Meiklejohn**

**Seconded Cr V Pennisi**

THAT Council resolve to change the date of the April 2019 General Council Meeting to Tuesday, 30 April 2018.

**Carried**

*10:15 AM Cr M McNichol left the meeting*

*10:17 AM Cr M McNichol rejoined the meeting*



## **11. INFRASTRUCTURE SERVICES REPORTS**

### **11.1 Infrastructure Services Directorate Monthly Report**

#### **Resolution**

**Moved Cr M McNichol**

**Seconded Cr R Kelly**

THAT Council receive the Infrastructure Services Directorate Monthly Report.

**Carried**

### **11.2 Bridge Replacement**

#### **Resolution**

**Moved Cr J McNally**

**Seconded Cr V Pennisi**

THAT Council:-

1. Approve the nomination of the following three bridges for replacement under the Bridges Renewal Program:
  - the timber culvert on the Upper Forest Springs Road
  - the timber bridge over the Condamine River on Burkes Road Elbow Valley, and
  - a concrete culvert on the Connolly Dam Road.
2. Write to the Federal Minister and Shadow Minister for Infrastructure, Transport and Regional Services to advocate for the continuation of the Bridges Renewal Program.

**Carried**

### **11.3 Stanthorpe Fitness Centre**

#### **Resolution**

**Moved Cr C Gow**

**Seconded Cr N Meiklejohn**

THAT Council:-

1. Continue to operate the Stanthorpe Fitness Centre for a further two (2) years from 23 January 2019; and
2. Continue to investigate and implement business improvement opportunities into the Centre that provide a more cost effective delivery to the community.

**Carried**

The meeting adjourned for morning tea at 10:31am and reconvened at 10:43am at which time there were present Crs Dobie, McNally, Kelly, Stocks, Gow, Pennisi, Windle, McNichol and Meiklejohn.

## **12. SUSTAINABLE DEVELOPMENT REPORTS**

### **12.2 Submission - Developing a 10-year Roadmap for the Arts, Cultural and Creative sector Resolution**

**Moved Cr C Gow**

**Seconded Cr R Kelly**

THAT Council receive the submission sent as feedback on the Queensland Government's 10-year Roadmap for the arts, cultural and creative sector.

**Carried**

### **12.3 Maryvale Urban Design Framework**

#### **Resolution**

**Moved Cr S Windle**

**Seconded Cr Y Stocks**

THAT Council adopts the Maryvale Futures: An Urban Design Framework report, and that an annual progress report be prepared and submitted for consideration.

**Carried**

#### **Attachments**

1. Maryvale Urban Design Framework - **Attached to the Minutes Under Separate Cover**

### **12.4 Pest Management Advisory Committee Minutes – 6 November 2018**

#### **Resolution**

**Moved Cr C Gow**

**Seconded Cr J McNally**

THAT Council receive the minutes of the Pest Management Advisory Committee meeting held at Warwick on 6 November 2018, and endorse the recommendations outlined in a letter from the Darling Downs-Moreton Rabbit Board.

**Carried**

### **12.5 Operational Plan Quarterly review October to December 2018**

#### **Resolution**

**Moved Cr J McNally**

**Seconded Cr R Kelly**

THAT Council receive the contents of the Operational Plan Quarterly Review – October to December 2018.

**Carried**

**12.1 Quarterly Report on Development Approvals for the October to December quarter 2018**

**Resolution**

**Moved Cr N Meiklejohn**

**Seconded Cr R Kelly**

THAT Council receives the report and notes its contents.

**Carried**

**12.6 Application for Conversion to Freehold Term Lease - Danderoo**

**Resolution**

**Moved Cr N Meiklejohn**

**Seconded Cr R Kelly**

THAT Council advise the Department Natural Resources Mines and Energy that it has no objection to the application for the conversion of the existing lands lease to freehold tenure, over Lot 104 on ML1867, situated at Danderoo.

**Carried**

**12.7 Application for tenure - Tannymorel**

**Resolution**

**Moved Cr N Meiklejohn**

**Seconded Cr R Kelly**

THAT Council has no objection to Department Natural Resources Mines and Energy offering a deed of grant over Part A of Lot 2 on RP70208 to the owner of Lot 70 on ML1776; and a deed of grant over Part B of Lot 2 on RP70208 to the owner of Lot 1 on RP15765.

**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**

**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 Regional Arts Development Fund Applications Round One 2018/19**

#### **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 RFT 19\_077 Relining of Wastewater Mains - Warwick and Stanthorpe**

#### **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 December 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.

### **16.4 Proposed Trustee Lease over Fred Rogers Camp, Storm King Dam**

#### **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 Renewal of Trustee Lease between Council and the Warwick Sailing 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.

### **16.6 Renewal of Trustee Lease between Council and the Warwick & District Rugby Union 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 Update on Statement of Claim Against Council - Court Number M17/2018**

#### **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.

## **16.8 Audit and Risk Management Committee Meeting Minutes - 7 December 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.

## **16.9 Clarification of Temporary Relaxation of Recycled Water Charges**

### **Reason for Confidentiality**

This item is considered confidential in accordance with section 275(1)(d) of the *Local Government Regulation 2012*, as it contains information relating to rating concessions.

## **16.10 2019-21 Local Government Grants and Subsidies Program**

### **Reason for Confidentiality**

This item is considered confidential in accordance with section 275(1)(c) of the *Local Government Regulation 2012*, as it contains information relating to the local government budget.

## **Meeting In Camera**

### **Resolution**

**Moved Cr N Meiklejohn**

**Seconded Cr S Windle**

THAT the meeting move into closed session.

**Carried**

The Meeting moved into closed session at 11:12AM

*11:42 AM Cr V Pennisi left the meeting during discussion on Agenda Item 16.7*

*11:45 AM Cr V Pennisi rejoined the meeting*

*11:53 AM Cr Y Stocks left the meeting during discussion on Agenda Item 16.9*

*11:54 AM Cr Y Stocks rejoined the meeting*

*12:07 PM Cr M McNichol left the meeting*

*12:09 PM Cr M McNichol rejoined the meeting*

## **Meeting Out Of Camera**

### **Resolved**

THAT the meeting resume in open session at 12:17PM.

## **16.1 Regional Arts Development Fund Applications Round One 2018/19**

### **Resolution**

**Moved Cr J McNally**

**Seconded Cr R Kelly**

THAT Council endorse the Regional Arts Development Fund (RADF) 2018/2019 round one grants (outlined in Annexure A) totalling \$90,245 and open a second round of RADF funding to spend the remaining \$14,755.

**Carried**

### **Attachments**

1. RADF Endorsed Projects - **Attached to the Minutes Under Separate Cover**

## **16.2 RFT 19\_077 Relining of Wastewater Mains - Warwick and Stanthorpe**

### **Resolution**

**Moved Cr V Pennisi**

**Seconded Cr M McNichol**

THAT Council award the sewer main relining tender to Relining Solutions for \$615,534.41.

**Carried**

## **16.3 December 2018 Monthly Report from Warwick Indoor Recreation and Aquatic Centre from YMCA Brisbane**

### **Resolution**

**Moved Cr J McNally**

**Seconded Cr R Kelly**

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

**Carried**

## **16.4 Proposed Trustee Lease over Fred Rogers Camp, Storm King Dam**

### **Resolution**

**Moved Cr V Pennisi**

**Seconded Cr Y Stocks**

THAT Council approve delegation to the Chief Executive Officer to negotiate terms and conditions for a Trustee Lease over Lot 250 on BNT1599, subject to the standard terms and conditions, an appropriate disputes resolution clause and in accordance with Council's Lease Policy, and section 236(1)(b)(ii) and (2) of the Local Government Regulation 2012.

**Carried**

### **16.5 Renewal of Trustee Lease between Council and the Warwick Sailing Club Incorporated Resolution**

**Moved Cr N Meiklejohn**

**Seconded Cr S Windle**

THAT Council approve a 10 year Trustee Lease with the Warwick Sailing Club Incorporated, commencing 1 July 2018, subject to the standard terms and conditions, an appropriate disputes resolution clause and in accordance with Council's Lease Policy and *section 236(1)(b)(ii) and (2) of the Local Government Regulation 2012.*

**Carried**

### **16.6 Renewal of Trustee Lease between Council and the Warwick & District Rugby Union Club Incorporated**

#### **Resolution**

**Moved Cr N Meiklejohn**

**Seconded Cr S Windle**

THAT Council approve a 10 year Trustee Lease with the Warwick and District Rugby Union Club Incorporated, commencing 1 July 2018, subject to the standard terms and conditions, an appropriate disputes resolution clause and in accordance with Council's Lease Policy and *section 236(1)(b)(ii) and (2) of the Local Government Regulation 2012.*

**Carried**

*Cr Pennisi declared a conflict of interest in Agenda Item 16.7 (as defined in section 175D of the Local Government Act 2009) due to his relationship as Chairman of Football Stanthorpe who is associated with this claim and dealt with the 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 12:20pm.*

### **16.7 Update on Statement of Claim Against Council - Court Number M17/2018**

#### **Resolution**

**Moved Cr Y Stocks**

**Seconded Cr N Meiklejohn**

THAT Council receive and note the contents of this report.

**Carried**

*Cr Pennisi rejoined the meeting at 12:21PM*

## **16.8 Audit and Risk Management Committee Meeting Minutes - 7 December 2018**

### **Resolution**

**Moved Cr J McNally**

**Seconded Cr R Kelly**

THAT Council:

1. Adopt the minutes of the ARMC meeting held on 7 December 2018;
2. Adopt the business arising from the ARMC meeting held on 7 December 2018;
3. Adopt the amended Risk Register;
4. Approve an additional internal audit project relating to Fuel Management to be completed in the current financial year; and
5. Implement the recommendations identified within the Business Continuity Desktop Exercise Firestorm After Action Review report.

**Carried**

*Cr Stocks declared a real conflict of interest in Agenda Item 16.9 (as defined in section 175B of the Local Government Act 2009) as she had submitted an expression of interest for a recycled water connection to her property 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 Stocks left the meeting at 12:22PM.*

*Cr Stocks rejoined the meeting at 12:26PM*

### **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 12:25PM.

*12:25PM Cr Stocks left the meeting during discussion on Agenda Item 16.9*

### **Meeting Out Of Camera**

#### **Resolved**

THAT the meeting resume in open session at 12:30PM.

## **16.9 Clarification of Temporary Relaxation of Recycled Water Charges**

### **Resolution**

**Moved Cr S Windle**

**Seconded Cr M McNichol**

THAT Council continues to offer to supply commercial users of recycled water from the Warwick Treatment Plant as per Council's current Schedule of Fees and Charges.

**Carried**

*Cr Stocks rejoined the meeting at 12:31PM*



## **16.10 2019-21 Local Government Grants and Subsidies Program**

### **Resolution**

**Moved Cr C Gow**

**Seconded Cr Y Stocks**

THAT Council submit the following projects for consideration under the 2019-21 Local Government Grants and Subsidies Program:

1. Asset Management – Condition assessments of critical infrastructure including water and sewerage treatment plants, reservoirs and major pump stations (including integration of data into Technology One asset management software).
2. Water and Sewerage Infrastructure works including, repairs, renewals and/or upgrades.
3. Warwick and Stanthorpe Aerodrome resealing and safety improvements.

**Carried**

### **MEETING CLOSURE**

There being no further business, the meeting closed at 12:31pm.