



**MINUTES OF THE
ORDINARY COUNCIL MEETING
22 SEPTEMBER 2021**

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**MINUTES OF THE ORDINARY COUNCIL MEETING OF SOUTHERN DOWNS
REGIONAL COUNCIL HELD ON 22 SEPTEMBER 2021 IN THE COUNCIL CHAMBERS,
SOUTHERN DOWNS REGIONAL COUNCIL, 64 FITZROY STREET, WARWICK
AT 9:00AM**

ACKNOWLEDGEMENT TO COUNTRY

1. PRAYERS & CONDOLENCES

Rev Ansie Liebenberg from Warwick Uniting Church offered a prayer for the meeting and acknowledged condolences

2. ATTENDANCE

Present: Crs Pennisi (Chair), Bartley, Gale, Gow (Via Video-Link), McDonald, McNally and Tancred

Officers: Dave Burges (Chief Executive Officer), Scott Norman (Director Finance, Assets and Special Projects), Peter Gribbin (Acting Director Corporate and Community Services), Belinda Armstrong (Acting Manager Corporate and Cultural Services), Mike Holeszko (Manager Works), Tony Butler (Manager Parks and Operations), Jody Collins (Acting Manager Corporate and Commercial Services), Keith Clarke (Commercial Services Coordinator) and Alana Prosser (Minute Secretary)

3. APOLOGIES

3.1 Apology - Crs Windle and Giori

Resolution

Moved Cr A Gale

Seconded Cr S Tancred

Resolution

THAT the apologies of Cr Windle and Cr Giori be received and leave of absence granted.

Carried

4. READING AND CONFIRMATION OF MINUTES

4.1 Ordinary Council Meeting - 8 September 2021

Resolution

Moved Cr A Gale

Seconded Cr J McNally

THAT the updated minutes of the Ordinary Council Meeting held on Wednesday 8 September 2021 be adopted.

Carried

5. ACTIONS FROM COUNCIL MEETINGS

5.1 Actions from Ordinary Council Meeting 25 August 2021

Resolution

Moved Cr J McNally

Seconded Cr C McDonald

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 – Item 1	Cr McNally declared a prescribed conflict of interest in this matter (as defined in Section 150EK(1) of the <i>Local Government Act 2009</i>) as she is a Board Member of Zonta Club of Warwick Inc. who have also provided a letter of support for the Warwick Community Garden. As a result of Cr McNally's conflict, she will leave the meeting room while the matter is considered and voted on.
10.2	Emu Swamp Dam Update and Framework Agreement	Cr Gow declared a declarable conflict of interest in this matter (as defined in Section 150EF(3) of the <i>Local Government Act 2009</i>) as he father has a water harvesting licence. As a result of Cr Gow's conflict, he will leave the meeting while the matter is considered and voted on.
10.2	Emu Swamp Dam Update and Framework Agreement	<p>Mayor Pennisi declared a declarable conflict of interest in this matter (as defined in Section 150ES(3) of the <i>Local Government Act 2009</i>) as a result of his involvement in Emu Swamp Dam as an ex-Chair of the Stanthorpe Community Reference Panel and an ex Director of Emu Swamp Dam Pty Ltd and Granite Belt Water Pty Ltd. Cr Pennisi has many unsubstantiated complaints lodged against him over time. The agenda item seeks to note the report only. Cr Pennisi believes that his personal interest is not of sufficient significance that it will lead him to making a decision on the matter that is contrary to the public interest. Cr Pennisi would best perform his responsibility of serving the overall public interest of the whole of the council area by participating in the discussion and voting on this matter. At best I have a declarable COI and ask the meeting to vote that I stay in the room for the discussion and the vote.</p> <p>Therefore, Cr Pennisi will choose to remain in the meeting, however he will respect the decision of</p>

		<p>the meeting on whether he can remain and participate in the decision.</p> <p>Following a resolution from Council, Cr Pennisi participated in the discussion and voting on this matter.</p>
10.2	Emu Swamp Dam Update and Framework Agreement	<p>Cr Tancred declared a declarable conflict of interest in this matter (as defined in Section 150ES(3) of the Local Government Act 2009), due to his previous involvement in planning and obtaining funding for Emu Swamp Dam whilst a voluntary member of two community organisations. Namely; the Stanthorpe Community Reference Panel of which he was a technical specialist member appointed by the Stanthorpe Shire Council in 2003 and resigned from as a member on 16th April 2020, having chaired the Panel from 16th August 2015 to 7th March 2018. And the Stanthorpe and Granite Belt Chamber of Commerce of which he chaired its Emu Swamp Dam feasibility study sub-committee from 19th February 2018, but played no role after 12th December 2019. Note that as part of my roles with the Chamber of Commerce and the Reference Panel he made media statements and spoke at public meetings regards the Granite Belt Irrigation Project.</p> <p>A third organisation Cr Tancred was involved with is the Granite Belt Growers Association (GBGA) as an associate member and was on its management committee from 24th July 2018 until 14th April 2020. The GBGA made representations to government regards the Granite Belt Irrigation Project during this period.</p> <p>He believes these prior voluntary roles would not prevent him from performing his Councillor responsibilities and serving the public interest of the Region by participating in the discussions and voting on the agenda item.</p> <p>Cr Tancred would like to also take the opportunity to share the legal advice from Council's solicitors regarding the ownership and operation of his business, Orchard Services, with respect to any declarable interest. It was their opinion that it would be too remote to say that there is a real possibility that his business interest will be affected by decisions made in relation to the GBIP. It was their opinion that "a fair minded observer would not conclude that Councillor Tancred's interest in Orchard Services might lead to a decision that is contrary to the public interest."</p>

		<p>Therefore, Cr Tancred will choose to remain in the meeting, however he will respect the decision of the meeting on whether he can remain and participate in the decision.</p> <p>Following a resolution from Council, Cr Tancred participated in the discussion and voting on this matter.</p>
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9.15am Due to the Mayor's conflict of interest in Agenda Item 10.2, the Deputy Mayor took the Chair.

6.1 Conflict of Interest - Cr Tancred - Agenda Item 10.2

Resolution

Moved Cr A Gale

Seconded Cr R Bartley

THAT following the declared conflict of interest by Cr Tancred, Council determines that it is in the public interest that Cr Tancred participates and votes on Item 10.2, as his prior voluntary roles would not prevent him from performing his Councillor responsibilities and serving the public interest of the Region by participating in the discussions and voting on the agenda item, and therefore a reasonable person would trust that the final decision is made in the public interest.

Carried

Crs Pennisi, Tancred and Gow did not vote on Resolution 6.1.

6.2 Conflict of Interest - Mayor Pennisi - Agenda Item 10.2

Resolution

Moved Cr A Gale

Seconded Cr R Bartley

THAT following the declared conflict of interest by Mayor Pennisi, Council determines that it is in the public interest that Mayor Pennisi participates and votes on Item 10.2, as he would best perform his responsibility of serving the overall public interest of the whole of the council area by participating in the discussion and voting on this matter, and therefore a reasonable person would trust that the final decision is made in the public interest.

Carried

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

For: Crs R Bartley, A Gale and C McDonald (3)

Against: Cr J McNally (1)

Accordingly the Chair declared the motion carried.

The Mayor, Cr Tancred and Cr Gow did not vote on Resolution 6.2.

9.28am The Mayor resumed the Chair.

9.29 am The meeting adjourned to obtain legal advice.

10.13am The meeting resumed.

7. MAYORAL MINUTE

Nil

8. READING AND CONSIDERATION OF CORRESPONDENCE

10.15am *Cr McNally declared a prescribed conflict of interest in Agenda Item 8, Item 1 as defined in Section 150EK(1) of the Local Government Act 2009 and left the room.*

8.1 Correspondence

Resolution

Moved Cr C McDonald

Seconded Cr S Tancred

THAT the report of the Chief Executive Officer in relation to Correspondence Item 1 - Warwick Senior Citizens Welfare Association Inc. establishment of a Warwick Community Garden be received.

Carried

10.18am *Cr McNally rejoined the meeting*

8.1.1 Correspondence

Resolution

Moved Cr C McDonald

Seconded Cr R Bartley

THAT the report of the Chief Executive Officer in relation to Correspondence Item 2 – Deputy Premier and Minister for State Development, Infrastructure, Local Government and Planning be received.

Carried

9. RECEPTION AND READING OF PETITIONS AND JOINT LETTERS

Nil

10. EXECUTIVE SERVICES REPORTS

10.1 Queensland College of Wine Tourism - Board Representation

Resolution

Moved Cr A Gale

Seconded Cr C Gow

THAT Council approve the appointment of the Mayor to the Queensland College of Wine Tourism Board of Management.

Carried

Presentation of Certificate of Recognition of Regions' Olympic Athlete, Harriet Hudson.

The meeting adjourned at 10.40am for morning tea and reconvened at 11.02am at which time there were present Cr Pennisi, Bartley, Tancred, Gale, McDonald and McNally.

Mayor Pennisi declared a declarable conflict of interest in Agenda Item 10.2 as defined in Section 150ES(3) of the Local Government Act 2009 and following a resolution from Council remained in the meeting for the discussion and vote.

Cr Tancred declared a declarable conflict of interest in Agenda Item 10.2 as defined in Section 150ES(3) of the Local Government Act 2009 and following a resolution from Council remained in the meeting for the discussion and vote.

Cr Gow declared a declarable conflict of interest in Agenda Item 10.2 as defined in Section 150EF(3) of the Local Government Act 2009 and following a resolution from Council did not participate in the discussion and vote.

10.2 Emu Swamp Dam Update and Framework Agreement

Resolution

Moved Cr R Bartley

Seconded Cr S Tancred

THAT Council note the contents of the attached "Framework Agreement", "Confidentiality Agreement" and "Probity & Communications Protocol".

Carried

Mayor Pennisi voted for the motion.

Cr Tancred voted for the motion.

11.10am Cr Gow rejoined the meeting

11. FINANCE, ASSETS AND SPECIAL PROJECTS

11.1 Consideration for Annual Valuation Effective 30 June 2022

Resolution

Moved Cr A Gale

Seconded Cr R Bartley

THAT Council request that the Valuer-General include the Southern Downs Regional Council area in the 30 June 2022 Revaluation Program.

Carried

11.2 Unsealed Roads Asset and Service Management Plan

Resolution

Moved Cr A Gale

Seconded Cr S Tancred

THAT Council adopt the Unsealed Roads Asset and Service Management Plan.

Carried

Attachments

1. Unsealed Roads Asset and Service Management Plan - **Attached to the Minutes Under Separate Cover**

11.3 Draft Transport Asset Management Policies.

Resolution

Moved Cr J McNally

Seconded Cr A Gale

THAT Council adopt the draft Provision of Transport Network Policy and draft Use of Roads Policy.

Carried

Attachments

1. Provision of Transport Network Policy - **Attached to the Minutes Under Separate Cover**
2. Use of Roads Policy - **Attached to the Minutes Under Separate Cover**

12. CORPORATE AND COMMUNITY SERVICES REPORTS

In accordance with Section 8.7 of Council's Meeting Policy, Cr McNally moved the following procedural motion.

12.1 Renewal of Tenure over Lot 3 on Crown Plan BNT1745

Resolution

Moved Cr J McNally

THAT Council defer consideration of this matter to the next Ordinary Council Meeting on 13 October 2021.

Carried

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

For: Crs R Bartley, C Gow, C McDonald, J McNally and V Pennisi (5)

Against: Crs A Gale and S Tancred (2)

Accordingly the Mayor declared the motion carried.

12.2 Southern Downs - Southern Queensland Severe Weather Event Local Recovery and Resilience Plan

Resolution

Moved Cr R Bartley

Seconded Cr C McDonald

THAT Council endorse the Recovery and Resilience Plan for the Southern Queensland Severe Weather Event and note that the Local Disaster Management Group has also formally endorsed the document.

Carried

12.3 Application for Permanent Road Closure - Road Reserve Off Washpool Road, Allan

Resolution

Moved Cr A Gale

Seconded Cr R Bartley

THAT Council advise the Department of Resources that Council objects to the application for permanent road closure of part of the road reserve off Washpool Road, Allan adjoining Lot 588 on M341233, however would not object to an application for temporary closure.

Carried

Cr Tancred requested his following comments be noted in the minutes, in relation to Item 12.1 and 12.4 – “Cr Gale and I agreed to your ruling that we weren’t to put reasons why this shouldn’t lay on the table, we’re now hearing reasons why the previous lease should lay on the table. There are reasons being floated in retrospect that we were denied.”

12.4 Renewal of Tenure over Council Owned and Controlled Land - up to December 2022

Resolution

Moved Cr R Bartley

Seconded Cr A Gale

THAT Council:

1. Approve renewal of tenure for the attached sporting and community organisations in accordance with the *Local Government Regulation 2012* whilst adhering to the relevant provisions of *Council’s Lease Policy*, the *Land Title Practice Manual* and *Land Act 1994*; and
2. Grant delegated authority to the Chief Executive Officer to negotiate any dealings relating to the renewal of the tenure arrangements for the sporting and community organisations listed in the attachment.

Carried

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

For: Crs R Bartley, A Gale, C Gow, V Pennisi and S Tancred (5)

Against: Crs C McDonald and J McNally (2)

Accordingly the Mayor declared the motion carried.

12.5 Southern Downs Youth Council Meeting - 26 August 2021

Resolution

Moved Cr C McDonald

Seconded Cr A Gale

THAT Council receive and note the minutes from the third Southern Downs Youth Council Meeting held on 26 August 2021.

Carried

12.6 YMCA Monthly Report - August 2021 - Warwick Indoor Recreation and Aquatic Centre

Resolution

Moved Cr J McNally

Seconded Cr C McDonald

THAT Council receive the August 2021 monthly report from Brisbane Young Men's Christian Association in relation to the operation of the Warwick Indoor Recreation and Aquatic Centre.

Carried

12.7 Heating Allora and Killarney Pools

Resolution

Moved Cr J McNally

Seconded Cr C McDonald

THAT Council consider an allocation of \$276,000 to install dual purpose solar systems at the Allora and Killarney Swimming Pools as part of the 2021/2022 First Quarter budget review.

Carried

12.8 Request to name a new building - Victoria Park, Warwick

Resolution

Moved Cr R Bartley

Seconded Cr C McDonald

THAT Council undertakes a public consultation process with the broader community, seeking public feedback on the naming of a new building located in Victoria Park, Warwick.

Carried

12.9 Request to Name Grandstand - Stanthorpe Swimming Club

Resolution

Moved Cr R Bartley

Seconded Cr A Gale

THAT Council undertakes a public consultation process with the broader community, seeking feedback on the naming of the Stanthorpe Swimming Club grandstand. The proposed name put forward by the Stanthorpe Swimming Club is Peter Jensen Memorial Stand.

Carried

13. INFRASTRUCTURE SERVICES REPORTS

13.1 Request to Name Road in Subdivision - 18 Miller Street, Warwick

Resolution

Moved Cr A Gale

Seconded Cr C McDonald

THAT Council undertakes a public consultation process with the broader community, seeking public feedback on the naming of a new road in the Warwick Solar Estate. The proposed name put forward is Sunshine Court.

Carried

13.2 Request to Name Unnamed Road at Leslie Dam

Resolution

Moved Cr J McNally

Seconded Cr C McDonald

1. THAT Council undertakes a public consultation process with the broader community, seeking public feedback on the naming of Road 2, off Saddledam Drive, Leslie Dam. The proposed name put forward by the Warwick District Recreational Fish Stocking Association Inc. is Boat Ramp Road.
2. THAT Council undertakes a public consultation process with the broader community seeking feedback on the remaining 3 entrances off Saddledam Drive, Leslie Dam.

Carried

13.3 Naming of Newly Constructed Road, Hendon

Resolution

Moved Cr A Gale

Seconded Cr S Tancred

THAT Council:

1. Put forward the suggested name of Duggan Road for the newly constructed road off Maryvale Street, Hendon for the purpose of consultation with the broader community; and
2. Undertake a public consultation process for 21 calendar days, to seek feedback on the suggested road name.

Carried

13.4 One-way Proposal for Baker Street, Stanthorpe

Resolution

Moved Cr A Gale

Seconded Cr C Gow

THAT Council endorse the designation of Baker Street, Stanthorpe as a one-way street from Matthew Street travelling east to Davadi Street and that parking is only permitted on the northern side of the street.

Carried

13.5 Contract 22_031 – Supply and Delivery of Three (3) FWA Tractors

Resolution

Moved Cr J McNally

Seconded Cr A Gale

THAT Council resolve to enter into a contract with Pierpoint Motors for the sum of \$317,322 ex GST for Contract 22_031 – Supply and Delivery of Three (3) NH T6 6020 Front Wheel Assist (FWA) Tractors. All prices quoted are GST exempt.

Carried

14. PLANNING AND ENVIRONMENTAL SERVICES REPORTS

Nil

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

15.1 Killarney Area Promotion Association Annual General Meeting

Resolution

Moved Cr S Tancred

Seconded Cr R Bartley

THAT the information in the report be received.

Carried

16. NOTICES OF MOTION

Nil

17. GENERAL BUSINESS

18. CONSIDERATION OF CONFIDENTIAL BUSINESS ITEMS

In accordance with the provisions of Section 254J(3) of the *Local Government Regulation 2012*, a local government may resolve to close a meeting to the public and move 'into Committee' to discuss confidential items, such that its Councillors or members consider it necessary to close the meeting.

Recommendation

THAT the meeting be closed to the public and move into committee to discuss the following items, which are considered confidential in accordance with Section 254J(3) of the *Local Government Regulation 2012*, which permits the meeting to be closed to the public for business relating to the following, as indicated:

18.1 Developing a Sheep Meat Value Chain Hub on the Southern Downs

Reason for Confidentiality

This item is considered confidential in accordance with section 254J(3)(g) of the *Local Government Regulation 2012*, as it contains information relating to negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interests of the local government.

18.2 91355 - Relief from Water Consumption Charges

Reason for Confidentiality

This item is considered confidential in accordance with section 254J(3)(d) of the *Local Government Regulation 2012*, as it contains information relating to rating concessions.

18.3 Audit and Risk Management Committee - new external representatives

Reason for Confidentiality

This item is considered confidential in accordance with section 254J(3)(g) of the *Local Government Regulation 2012*, as it contains information relating to negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interests of the local government.

Meeting In Camera

Resolution

Moved Cr J McNally

Seconded Cr A Gale

THAT the meeting move into closed session.

Carried

The Meeting moved into closed session at 12.22pm.

Meeting Out Of Camera

Resolved

THAT the meeting resume in open session at 12.39pm.

Carried

18.1 Developing a Sheep Meat Value Chain Hub on the Southern Downs

Resolution

Moved Cr R Bartley

Seconded Cr C McDonald

THAT Council resolve to part fund a business case for a Sheep Meat Value Chain Hub on the Southern Downs over 2021/2022 and 2022/2023 financial years.

Carried

18.2 91355 - Relief from Water Consumption Charges

Resolution

Moved Cr A Gale

Seconded Cr S Tancred

THAT Council resolve to allow Relief from Water Consumption Charges for Property ID: 91355

Carried

18.3 Audit and Risk Management Committee - new external representatives

Resolution

Moved Cr J McNally

Seconded Cr A Gale

THAT Council:

1. Appoint the applicants listed within the report to be the new external representatives on Council's Audit and Risk Management Committee for a period of two years; and
2. Delegate authority to the Chief Executive Officer to negotiate any future arrangements with their appointment and the ability to extend their contracts for two further one year periods.

Carried

MEETING CLOSURE

There being no further business, the meeting closed at 12.42pm