



**MINUTES OF THE  
ORDINARY COUNCIL MEETING  
25 OCTOBER 2023**

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**MINUTES OF THE ORDINARY COUNCIL MEETING OF  
SOUTHERN DOWNS REGIONAL COUNCIL HELD ON 25 OCTOBER 2023  
IN THE COUNCIL CHAMBERS, SOUTHERN DOWNS REGIONAL COUNCIL,  
61 MARSH STREET, STANTHORPE AT 9:00AM**

**ACKNOWLEDGEMENT TO COUNTRY**

**1. PRAYERS & CONDOLENCES**

Chaplain Ben Boland from Churches of Christ offered a prayer for the meeting and Council acknowledged condolences.

**2. ATTENDANCE**

Present: Crs Pennisi (Chair), Bartley, Gale, Gliori, Gow, McDonald, McNally, Tancred (Via Teams) and Windle

Officers: Dave Burges (Chief Executive Officer), Leon Love (Director Customer and Organisational Services), Gary Murphy (Director Infrastructure Services), Scott Riley (Director Planning and Environmental Services), Dianne Woolley (Manager People and Culture) (Via Teams), Izelle Barnard (Communications and Marketing Coordinator) (Via Teams), Angela O'Mara (Manager Planning and Development) (Via Teams), Belinda Armstrong (Manager Corporate Services), Michael Bell (Manager Community Services), Jon Charles (Manager Sustainability and Strategy), Chris Collingwood (Manager Parks and Operations), Graham Sweetlove (Manager Water), Nicole Collett (Manager Environmental Services), Sean Beck (Planning Services Coordinator) and Marion Seymour (Minute Secretary)

**3. APOLOGIES**

Nil

**4. READING AND CONFIRMATION OF MINUTES**

**4.1 Ordinary Council Meeting - 27 September 2023**

**Resolution**

**Moved Cr A Gale**

**Seconded Cr C Gow**

THAT the minutes of the Ordinary Council Meeting held on Wednesday 27 September 2023 be adopted.

**Carried**

## 5. ACTIONS FROM COUNCIL MEETINGS

### 5.1 Actions from Ordinary Council Meeting 27 September 2023

#### Resolution

Moved Cr S Windle

Seconded Cr R Bartley

THAT Council receive the report and note the contents.

**Carried**

## 6. DECLARATIONS OF CONFLICTS OF INTEREST

Item No	Item Precise	Nature of Conflict
10.5	Communications and Community Engagement Strategy	Cr McDonald declared a declarable conflict of interest in this matter (as defined in Section 150EQ(4)(a) of the <i>Local Government Act 2009</i> ) as she is a beef producer and have had 8 complaints lodged against me in the last four weeks most relating to my use of the Saleyards. Although Cr McDonald has a declarable conflict of interest, she does not believe a reasonable person could have a perception of bias because of her conflict. Therefore, Cr McDonald will choose to remain in the meeting. However, she will respect the decision of the meeting on whether she can remain and participate in the decision. Following a resolution from Council, Cr McDonald participated in the discussion and voting on this matter.
10.7	Advocacy Strategy	Cr McDonald declared a declarable conflict of interest in this matter (as defined in Section 150EQ(4)(a) of the <i>Local Government Act 2009</i> ) as she owns a farm and a trucking company, Rogers Creek Transport, and a conflict of interest could be perceived due to Warwick Heavy Vehicle Bypass and exclusion fencing. Although Cr McDonald has declared a declarable conflict of interest, she does not believe a reasonable person could have a perception of bias because of her conflict. Therefore, Cr McDonald will choose to remain in the meeting. However, she will respect the decision of the meeting on whether she can remain and participate in the decision. Following a resolution from Council, Cr McDonald participated in the discussion and voting on this matter.
7.1	Regional University Study Hub	Cr Windle declared a declarable conflict of interest in this matter (as defined in Section 150EQ(4)(a) of the <i>Local Government Act 2009</i> ) as she is a Board Member (Community Representative) for Southern Downs Industry Education Association Inc. Although Cr Windle has a declarable conflict of interest, she does not believe a reasonable person could have a perception of bias because of her conflict. Therefore, Cr Windle will choose to remain in the meeting. However, she will respect the decision of the meeting on whether she can remain and participate in the decision. Following a resolution from Council, Cr Windle participated in the discussion and voting on this

		matter.
7.1	Regional University Study Hub	Cr Gliori declared a declarable conflict of interest in this matter (as defined in Section 150EQ(4)(a) of the <i>Local Government Act 2009</i> ) as she is a Board Member (Community Representative) for Southern Downs Industry Education Association Inc. Although Cr Gliori has a declarable conflict of interest, he does not believe a reasonable person could have a perception of bias because of his conflict. Therefore, Cr Gliori 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. Following a resolution from Council, Cr Gliori participated in the discussion and voting on this matter.
7.1	Regional University Study Hub	Cr McNally declared a declarable conflict of interest in this matter (as defined in Section 150EQ(4)(a) of the <i>Local Government Act 2009</i> ) as she is currently undertaking a course through the University of Southern Queensland. Although Cr McNally has a declarable conflict of interest, she does not believe a reasonable person could have a perception of bias because of her conflict. Therefore, Cr McNally will choose to remain in the meeting. However, she will respect the decision of the meeting on whether she can remain and participate in the decision. Following a resolution from Council, Cr McNally participated in the discussion and voting on this matter.
17.1	Saleyards Redevelopment Tender	Cr McDonald declared a declarable conflict of interest in this matter (as defined in Section 150EQ(4)(a) of the <i>Local Government Act 2009</i> ) as she has had 8 complaints lodged against her in the last four weeks most relating to a potential conflict of interest due to being a farmer and using the Warwick Saleyards. Therefore, Cr McDonald will choose to leave the meeting for discussion and vote.

## 6.1 Conflict of Interest - Cr McDonald - Agenda Item 10.5

### Resolution

**Moved Cr J McNally**

**Seconded Cr S Windle**

THAT Council, following the declarable conflict of interest declaration by Cr McDonald for Agenda Item 10.5, determines that it is in the public interest that she participates and votes on the matter as her declarable conflict is not of sufficient significance that it will lead her to making a decision on the matter that is contrary to the public interest and would not prevent her from performing her Councillor responsibilities and serving the public interest of the region by remaining in the room for the discussion and voting on the matter.

**Carried**

## **6.2 Conflict of Interest - Cr McDonald - Agenda Item 10.7**

### **Resolution**

**Moved Cr A Gale**

**Seconded Cr J McNally**

THAT Council, following the declarable conflict of interest declaration by Cr McDonald for Agenda Item 10.7, determines that it is in the public interest that she participates and votes on the matter as her declarable conflict is not of sufficient significance that it will lead her to making a decision on the matter that is contrary to the public interest and would not prevent her from performing her Councillor responsibilities and serving the public interest of the region by remaining in the room for the discussion and voting on the matter.

**Carried**

## **6.3 Conflict of Interest - Crs Windle, Gliori and McNally - Agenda Item 7.1**

### **Resolution**

**Moved Cr C Gow**

**Seconded Cr A Gale**

THAT Council, following the potential conflict of interest for Crs Windle, Gliori and Cr McNally in relation to Agenda Item 7.1, determines that it is in the public interest that they remain in the meeting, participate and vote on the matter as their declarable conflict is not of sufficient significance that it will lead them to making a decision on the matter that is contrary to the public interest and would not prevent them from performing their Councillor responsibilities and serving the public interest of the region by remaining in the room for the discussion and voting on the matter.

**Carried**

*Crs Gliori, McNally and Windle declared a conflict of interest in Agenda Item 7.1 and following a decision from Council remained in the meeting for discussion and vote.*

## **7. MAYORAL MINUTE**

### **7.1 Regional University Study Hub**

#### **Resolution**

**Moved Mayor V Pennisi**

**Seconded Cr A Gale**

THAT Council:

1. Auspice an application for a Regional University Study Hub to be located in Warwick under the 2023 application round;
2. Delegate responsibility to the Chief Executive Officer to form a Southern Downs Regional University Study Hub Development Committee and a supporting Working Group; and
3. Appoint the Mayor as the Council representative of the Southern Downs Regional University Study Hub Development Committee.

**Carried**

*Crs Gliori, McNally and Windle voted for the motion.*

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

### **8.1 Correspondence**

#### **Resolution**

**Moved Cr C McDonald**

**Seconded Cr S Windle**

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 SERVICES REPORTS**

### **10.1 Organisation Information Reports 25 October 2023**

#### **Resolution**

**Moved Cr S Windle**

**Seconded Cr A Gale**

THAT Council note the contents of the Information Reports.

**Carried**

*10:02 am Cr M Gliori left the meeting.*

*10:03 am Cr M Gliori rejoined the meeting.*

### **10.2 Quarterly Organisation Information Reports October 2023**

#### **Resolution**

**Moved Cr R Bartley**

**Seconded Cr M Gliori**

THAT Council note the contents of the Quarterly Information Reports.

**Carried**

### **10.3 Integrated Planning and Reporting Framework**

#### **Resolution**

**Moved Cr A Gale**

**Seconded Cr S Tancred**

THAT Council adopt the Integrated Planning and Reporting Framework as attached to the report.

**Carried**



#### **10.4 Councillors Acceptable Requests & Administrative Support Guidelines**

##### **Resolution**

**Moved Cr A Gale**

**Seconded Cr S Tancred**

THAT Council adopt the Councillor Ready Reckoner as amended from time to time as an addendum to the *Councillors Acceptable Requests & Administrative Support Guidelines Policy* to more effectively manage various elected member information related processes.

**Carried**

*Cr McDonald voted against the motion for Agenda Item 10.4.*

*The meeting adjourned for morning tea at 10:36am and reconvened at 10:57am at which time there were present Crs Pennisi, Bartley, McNally, Windle, Giori, Gow, Gale, Tancred (Via Teams) and McDonald.*

*Cr McDonald advised the meeting that it was her belief that Cr Bartley and Cr Gow had a conflict of interest in Agenda item 17.1 due to the fact they sell cattle at the Warwick Saleyards.*

#### **6.4 Conflict of Interest - Cr Bartley and Cr Gow - Agenda Item 17.1**

##### **Resolution**

**Moved Cr A Gale**

**Seconded Cr S Tancred**

THAT Council determines that Cr Bartley and Cr Gow do not have a conflict of interest in relation to Agenda Item 17.1, and that it is in the public interest that they participate and vote on the matter and can remain in the room for the discussion and voting on the matter.

**Carried**

*11:05 am Cr S Tancred left the meeting.*

*Cr McDonald declared a conflict of interest in Agenda Item 10.5 and following a decision from Council remained in the meeting for discussion and vote.*

#### **10.5 Communications and Community Engagement Strategy**

##### **Resolution**

**Moved Cr C Gow**

**Seconded Cr R Bartley**

THAT Council adopt the Communications and Community Engagement Strategy as attached to the report.

**Carried**

*Cr McDonald voted for the motion.*

## **10.6 Community Engagement Policy**

### **Resolution**

**Moved Cr C Gow**

**Seconded Cr A Gale**

THAT Council adopt the amended Community Engagement Policy PL-CS059 as attached to the report.

**Carried**

*Cr McDonald declared a conflict of interest in Agenda Item 10.7 and following a decision from Council remained in the meeting for discussion and vote.*

## **10.7 Advocacy Strategy**

### **Resolution**

**Moved Cr C Gow**

**Seconded Cr M Giori**

THAT Council adopt the Advocacy Strategy, with adjustments as discussed, and associated Speaking up For Southern Downs Advocacy Plan as attached to the report.

**Carried**

*Cr McDonald voted for the motion.*

*11:17 am Cr S Tancred rejoined the meeting.*

*In accordance with Section 8.7 of Council's Meeting Policy, Cr McDonald moved the following Procedural Motion.*

### **10.8.1 Procedural Motion - Nathan Dam Pre-feasibility Study**

#### **Resolution**

**Moved Cr C McDonald**

THAT Agenda Item 10.8 lay on the table.

**Carried**

## **10.8 Nathan Dam Pre-feasibility Study**

### **Recommendation**

THAT Council provide in-principle support for the construction of Nathan Dam and connecting pipelines on the basis that the cost of water for Council in relation to the Toowoomba to Warwick pipeline is the same or less and in accordance with the Council resolution of November 2022.

**Lapsed**

## **10.9 Granite Belt Alliance Meeting Minutes 18 September 2023**

### **Resolution**

**Moved Cr J McNally**

**Seconded Cr R Bartley**

THAT Council receive the draft Granite Belt Alliance Meeting Minutes from the Meeting held on 18 September 2023.

**Carried**

## **11. CUSTOMER AND ORGANISATIONAL SERVICES REPORTS**

### **11.1 Financial Services - Financial Report as at 30 September 2023**

#### **Resolution**

**Moved Cr A Gale**

**Seconded Cr R Bartley**

THAT Council receive and note the Financial Report as at 30 September 2023.

**Carried**

### **11.2 First Quarter Budget Review 2023-24**

#### **Resolution**

**Moved Cr S Windle**

**Seconded Cr A Gale**

THAT Council adopt the Amended 2023/24 Budget as presented in the Attachments to the report.

**Carried**

### **11.3 2023-2024 Operational Plan Quarterly Review - July to September 2023**

#### **Resolution**

**Moved Cr R Bartley**

**Seconded Cr S Tancred**

THAT Council receive and note the contents of the 2023/24 Operational Plan Quarterly Review – July to September 2023.

**Carried**

### **11.4 Asset Management Policy PL-CS030 (Review)**

#### **Resolution**

**Moved Cr S Windle**

**Seconded Cr C Gow**

THAT Council adopt the amended PL-CS030 Asset Management Policy as presented.

**Carried**

### **11.5 Strategic Asset Management Plan (SAMP)**

#### **Resolution**

**Moved Cr A Gale**

**Seconded Cr M Giori**

THAT Council adopt the amended Strategic Asset Management Plan (SAMP) as presented.

**Carried**

### **11.6 Rate Concessions Policy PL-FS076 (Review)**

#### **Resolution**

**Moved Cr M Giori**

**Seconded Cr S Windle**

THAT Council, pursuant to Chapter 4, Part 10 of the Local Government Regulation 2012, adopt the revised Rate Concessions Policy (PL-FS076).

**Carried**

#### **11.7.1 Amendment Motion - Disposal of Surplus Land by Exception (Lot 1 on RP169533, Old Emu Vale Road, Yangan)**

#### **Resolution**

**Moved Cr R Bartley**

**Seconded Cr S Windle**

THAT Council amend the recommendation for Agenda Item 11.7 to include the following additional item:

4. *Receive advice from officers on the proposed management of Council's retention of its current bore allocation at the site.*

**Carried**

#### **11.7 Disposal of Surplus Land by Exception (Lot 1 on RP169533, Old Emu Vale Road, Yangan)**

#### **Resolution**

**Moved Cr S Windle**

**Seconded Cr R Bartley**

THAT Council:

1. Apply an exception to the disposal of a valuable non-current asset other than by tender or auction for land located at Old Emu Vale Road, Yangan and described as Lot 1 on RP169533 (the Land) pursuant to section 236(2) of the *Local Government Regulation 2012*;
2. Approve the disposal of the Land to the adjoining landowner, on an 'as is, where is' basis in consideration of the supporting circumstances and pursuant to section 236(1)(c)(iv) of the *Local Government Regulation 2012*; and
3. Authorise the Chief Executive Officer to finalise negotiations with the landowner and Titles Queensland land transfer documents; and
4. Receive advice from officers on the proposed management of Council's retention of its current bore allocation at the site.

**Carried**

## **11.8 Public Art Reference Group Assessment - The Gymnast**

### **Resolution**

**Moved Cr M Giori**

**Seconded Cr S Windle**

THAT Council:

1. Approve the public art proposal, 'The Gymnast', subject to the condition that the Applicant provide additional information to address the deficiencies relating to Documentation Discrepancy, Inadequate Budget Allocation, Risk Management, Maintenance Schedule and Asset Management; and
2. Delegate authority to the Chief Executive Officer to give final approval for the proposal once satisfied the conditions have been met.

**Carried**

## **12. INFRASTRUCTURE SERVICES REPORTS**

*In accordance with Section 8.7 of Council's Meeting Policy, Cr Gale moved the following Procedural Motion.*

### **12.1.1 Procedural Motion - Warwick Dog Off Leash Area**

#### **Resolution**

**Moved Cr A Gale**

THAT Agenda Item 12.1 lay on the table to allow for further community consultation.

**Carried**

### **12.1 Warwick Dog Off Leash Area**

#### **Recommendation**

THAT Council:-

1. Note the outcome of community consultation received for the preferred location of the Warwick Dog Off Leash Area (DOLA);
2. Resolve that the new Warwick DOLA be constructed in Victoria Park, Warwick.

**Lapsed**

## 12.2 Water Infrastructure Policy

### Resolution

**Moved Cr S Tancred**

**Seconded Cr S Windle**

THAT Council approve the Water Infrastructure Policy as attached to the report.

**Carried**

*12:23 pm Cr C McDonald left the meeting.*

## 12.3 Sewerage Infrastructure Policy

### Resolution

**Moved Cr A Gale**

**Seconded Cr M Giori**

THAT Council approve the Sewerage Infrastructure Policy as attached to the report.

**Carried**

*12:25 pm Cr C McDonald rejoined the meeting.*

## 12.4 RFT 23\_070 - Recycled Water Extension to Morgan Park

### Resolution

**Moved Cr S Tancred**

**Seconded Cr A Gale**

THAT Council:-

1. In accordance with Section 224 of the Local Government Regulations 2012 enter into a contract with with Newlands Civil Construction Pty Ltd for the construction of Contract RFT 23\_070 – Recycled Water Extension to Morgan Park for the amount of \$1,172,747.07 excl GST; and
2. Delegate authority to the Chief Executive Officer to enter into any variations to the contract terms as deemed necessary for the duration of the contract.

**Carried**

*12:30 pm Mayor V Pennisi left the meeting. The Deputy Mayor took the Chair.*

*12:31 pm Mayor V Pennisi rejoined the meeting and resumed the Chair.*

### **13. PLANNING AND ENVIRONMENTAL SERVICES REPORTS**

#### **13.1 Change Representations - 96 Glen Road, Rosenthal Heights**

##### **Resolution**

**Moved Cr C Gow**

**Seconded Cr A Gale**

THAT Council refuse the change representations made in relation to the application for Reconfiguring a Lot (Subdivision of one lot into 15 lots (Over two stages)), on land at 96 Glen Road, Rosenthal Heights, described as Lot 83 W3029 for the following reasons:

1. The requirement of a footpath on one side of the new road is consistent with Schedule 12A of the *Planning Regulation 2017*; and
2. The pedestrian access link will ensure the connectivity of the required footpath to the broader footpath network.

**Lost**

*In accordance with Section 8.7 of Council's Meeting Policy, Cr McNally moved the following Procedural Motion.*

#### **13.2.1 Procedural Motion - Consideration of Change Representations: Anna L Bowman & Jeffrey W Baker C/- NSPIRE Planning & Design - 28 Yangan Road, Warwick**

##### **Resolution**

**Moved Cr J McNally**

THAT Agenda Item 13.2 lay on the table to allow for further consideration and discussions with the applicants.

**Carried**

#### **13.2 Consideration of Change Representations: Anna L Bowman & Jeffrey W Baker C/- NSPIRE Planning & Design - 28 Yangan Road, Warwick**

##### **Recommendation**

THAT Council refuse the change representations made in relation to the Development Permit for Reconfiguring a Lot (Subdivision of one (1) lot into three (3) lots and Access easements), on land at 28 Yangan Road, Warwick, described as Lot 9 RP36346, and the conditions remain unchanged.

**Lapsed**

*The meeting adjourned for lunch at 12:54pm and reconvened at 1:21pm at which time there were present Crs Pennisi, Bartley, McNally, Windle, Gliori, Gow, Gale, Tancred (Via Teams) and McDonald.*

### **13.1.1 Change Representations - 96 Glen Road, Rosenthal Heights**

#### **Resolution**

**Moved Cr R Bartley**

**Seconded Cr S Windle**

THAT Council approve the change representations made in relation to the application for Reconfiguring a Lot (Subdivision of one lot into 15 lots (Over two stages)), on land at 96 Glen Road, Rosenthal Heights, described as Lot 83 W3029 for the following reasons:

1. Conditions 3, 8, 9, 21 & 22 are an unreasonable imposition for the following reasons:

- There is adequate pedestrian access via existing footpath infrastructure.
- Mitigation of risk given the topography and gradients which would require a different type of footpath construction to connect the cul-de-sac to Glen Road.
- The footpath to Glen Road would not be required as there will be no connection to the cul-de-sac.

**Carried**

### **13.3 Procurement Exception- Paint Recycling Services**

#### **Resolution**

**Moved Cr C Gow**

**Seconded Cr R Bartley**

THAT Council resolve to engage Paintback Limited for the provision of paint recycling at Council's waste management facilities in accordance with the Site Services Agreement, and support due to the specialised nature of the service, it would be impractical or disadvantageous for Council to invite quotes or tenders pursuant to section 235(b) of the *Local Government Regulation 2012*.

**Carried**

### **13.4 Pest Management Advisory Committee Meeting**

#### **Resolution**

**Moved Cr C Gow**

**Seconded Cr C McDonald**

THAT Council receive the Minutes of the Pest Management Advisory Committee meeting held in Warwick on Thursday, 21 September 2023.

**Carried**



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

### **14.1 LGAQ Annual Conference and Warwick & District Community Road Safety Committee - Cr Gale**

#### **Resolution**

**Moved Cr R Bartley**

**Seconded Cr M Gliori**

THAT Council receive the following verbal reports from Cr Gale:

1. LGAQ Annual Conference held at Gladstone from 16 – 18 October 2023.
2. Warwick and District Community Road Safety Committee Meeting 24 October 2023.

**Carried**

## **15. NOTICES OF MOTION**

Nil

## **16. GENERAL BUSINESS**

Nil

## **17. 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:

### **17.1 Saleyards Redevelopment Tender Decision**

#### **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.

*01:43 pm Cr C McDonald left the meeting during discussion on Agenda Item 17.1.*

## **Meeting In Camera**

### **Resolution**

**Moved Cr C Gow**

**Seconded Cr S Windle**

THAT the meeting move into closed session.

**Carried**

The Meeting moved into closed session at 1:43pm.

## **Meeting Out Of Camera**

### **Resolved**

THAT the meeting resume in open session at 2:17pm.

**Carried**

## **17.1 Saleyards Redevelopment Tender Decision**

### **Resolution**

**Moved Cr A Gale**

**Seconded Cr M Gliori**

THAT Council delegate authority to the Chief Executive Officer to negotiate with the conforming tenderers to deliver a modified scope of works under RFT 24\_007 Warwick Saleyards Redevelopment – Construction, with the aim of bringing the project within, or as close to budget, as possible.

**Carried**

## **MEETING CLOSURE**

There being no further business, the meeting closed at 2:19pm.