



**MINUTES OF THE
ORDINARY COUNCIL MEETING
10 FEBRUARY 2021**

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**MINUTES OF THE ORDINARY COUNCIL MEETING OF
SOUTHERN DOWNS REGIONAL COUNCIL HELD ON 10 FEBRUARY 2021 IN THE
COUNCIL CHAMBERS, SOUTHERN DOWNS REGIONAL COUNCIL,
64 FITZROY STREET, WARWICK AT 9:00AM**

ACKNOWLEDGEMENT TO COUNTRY

1. PRAYERS & CONDOLENCES

Brenton Drennert, Chair of the Local Chaplaincy Committee, offered a prayer for the meeting and acknowledged condolences

2. ATTENDANCE

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

Officers: Dave Burges (Chief Executive Officer), Scott Norman (Director Finance, Assets and Special Projects) for Finance, Assets and Special Projects Directorate reports, Andrew Page (Director Corporate and Community Services) for Corporate and Community Services Directorate reports, Seren McKenzie (Director Infrastructure Services) and Tony Butler (Manager Parks and Operations) for Infrastructure Services Directorate reports, Craig Magnussen (Manager Environmental & Regulatory Services) for Sustainable Development Directorate reports and Allison Bilbrough (Minute Secretary)

3. APOLOGIES

3.1 Apology - Cr Gow

Resolution

Moved Cr J McNally

Seconded Cr S Windle

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

Carried

4. READING AND CONFIRMATION OF MINUTES

4.1 Ordinary Council Meeting - 27 January 2021

Resolution

Moved Cr J McNally

Seconded Cr M Gliori

THAT the minutes of the Ordinary Council Meeting held on Wednesday 27 January 2021 be adopted.

Carried

5. ACTIONS FROM COUNCIL MEETINGS

5.1 Actions from Council Meeting

Resolution

Moved Cr A Gale

Seconded Cr J McNally

THAT Council receive the reports and note the contents.

Carried

6. DECLARATIONS OF CONFLICTS OF INTEREST

Due to the Mayor's declaration of a conflict of interest in Agenda Item 18.1, the Deputy Mayor took the chair for discussion on conflicts of interest for that agenda item.

Item No	Item Precise	Nature of Conflict
12.2	Request for Discount on Development Assessment Fees	Cr Tancred 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 anticipates that he will be submitting a development application in the coming year. The CEO has clarified with legal advice that I have a declarable conflict of interest. As a result of Cr Tancred's conflict, he will leave the meeting room while the matter is considered and voted on.
13.4	Request to Name Two (2) Roads in Subdivision at 184 Warner Street, Rosenthal Heights	Cr McNally declared a declarable conflict of interest in this matter (as defined in Section 150EF(3) of the <i>Local Government Act 2009</i>) as a result of her contract to purchase property in Warner Rise Estate, located in Warner Street, Rosenthal Heights. As a result of Cr McNally's conflict, she will leave the meeting room while the matter is considered and voted on.
14.2	Invasive Pests Control Scheme Policy Rescission	Cr Gliori 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 personal friendship with a staff member who is a Council Local Laws Officer and also a fencing contractor used by Council for the exclusion fencing program. Our families are friends and we attend weddings, celebrations, and mix socially and occasionally. The relationship with Lloyd Hilton and Steven Hilton is a close personal family friend. Their interest in this matter is they are both parties are employed and/or contracted by Council in matters directly related to the Invasive Pest Control Scheme. 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 personal relationship with either party. As a result of Cr Gliori's conflict, he will leave the meeting room while the matter is considered and voted on.
18.1	Disposal of Land PID # 117815	Cr Tancred declared a declarable conflict of interest in this matter (as defined in Section 150ES(3) of the <i>Local Government Act 2009</i>) due to his previous involvement in planning and obtaining funding for Emu Swamp Dam whilst a voluntary member of two

		<p>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 16 April 2020, having chaired the Panel from 16 August 2015 to 7 March 2018; and the Stanthorpe and Granite Belt Chamber of Commerce of which he chaired its Emu Swamp Dam feasibility study sub-committee from 19 February 2018 but played no role after 12 December 2019. Note that as part of his roles with the Chamber of Commerce and the Reference Panel Cr Tancred made media statements and spoke at public meetings regards the Granite Belt Irrigation Project. A third organisation he was involved with is the Granite Belt Growers Association as an associate member and was on its management committee from 24 July 2018 until 14 April 2020. The GBGA made representations to government regards the Granite Belt Irrigation Project during this period. Cr Tancred 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. He would like to also take the opportunity to share the legal advice from Council's solicitors regarding the ownership and operation of my 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 Cr Tancred's interest in Orchard Services might lead to a decision that is contrary to the public interest." Following a resolution from Council, Cr Tancred participated in the discussion and vote on this matter.</p>
18.1	Disposal of Land PID # 117815	<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>) based on legal advice from King and Company (previously attached) as a result of his former directorships of Granite Belt Water Ltd and Emu Swamp Dam Pty Ltd. Mayor Pennisi advised that he was asked to join the companies as a volunteer because of his intimate knowledge of this project at a time when Council was no longer the proponent, and he does not believe these prior voluntary roles would 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. Further this matter is of a different nature as it is in relation to land issues, and therefore he 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, Mayor Pennisi participated in discussion and vote on this matter.</p>

6.1 Conflict of Interest - Cr Pennisi - Agenda Item 18.1

Resolution

Moved Cr A Gale

Seconded Cr J McNally

THAT following the declared conflict of interest by Cr Pennisi, Council determines that it is in the public interest that Cr Pennisi participates and votes on Agenda Item 18.1 because there is no conflict and therefore a reasonable person would trust that the final decision is made in the public interest.

Carried

Cr Pennisi and Cr Tancred abstained from voting on this matter.

6.2 Conflict of Interest - Cr Tancred - Agenda Item 18.1

Resolution

Moved Cr J McNally

Seconded Cr A Gale

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 Agenda Item 18.1 because there is no conflict and therefore a reasonable person would trust that the final decision is made in the public interest.

Carried

Cr Pennisi and Cr Tancred abstained from voting on this matter.

The Mayor resumed the Chair.

7. MAYORAL MINUTE

7.1 Submission to Queensland State Government

Resolution

Moved Cr A Gale

Seconded Cr S Tancred

THAT Council write to the State Minister for Agriculture outlining the importance of manufacturing jobs in Warwick and the importance of a strong juice industry to Granite Belt farmers.

Carried

7.2 Material Change of Use, Application MCU\02145 - Request to refer to Council for decision.

Resolution

Moved Cr S Windle

Seconded Cr R Bartley

THAT the change representation in relation to the approval of MCU\02145 be referred back to Council for a final decision.

Carried

8. READING AND CONSIDERATION OF CORRESPONDENCE

8.1 Correspondence

Resolution

Moved Cr R Bartley

Seconded Cr C McDonald

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

Nil

11. FINANCE, ASSETS AND SPECIAL PROJECTS

Nil

12. CORPORATE AND COMMUNITY SERVICES REPORTS

12.1 Corporate and Community Services Monthly Status Report

Resolution

Moved Cr J McNally

Seconded Cr M Gliori

THAT Council notes the operational details as outlined in the Corporate and Community Services Monthly Status Report.

Carried

Cr Tancred declared a declarable conflict of interest in Agenda Item 12.2 as defined in Section 150EF(3) of the Local Government Act 2009 and left the meeting while the matter was discussed and voted on. Cr Tancred left the meeting at 9:57am.

12.2 Request for Discount on Development Assessment Fees

Resolution

Moved Cr C McDonald

Seconded Cr S Windle

THAT Council:

1. Resolve to approve a 50% discount on the Development Assessment fees for PID 101175 in relation to the current application with Council.
2. Delegate Authority to the Chief Executive Officer to approve discounts on current applications for a period of 30 days.

Carried

09:59 am Cr S Tancred rejoined the meeting.

12.3 LRCI Funding Program

Resolution

Moved Cr J McNally

Seconded Cr A Gale

THAT Council submits the following list of projects to the Department of Infrastructure, Transport, Regional Development and Communications for consideration from Council's \$1,983,482 allocation under the Local Roads and Community Infrastructure (LRCI – Phase Two) Program:

1. Australian Park Disabled Car Park, Footpath, Solar Lighting, Retaining Wall Modifications - \$200,000
2. Pipework's at Allora Swimming Pool - \$480,000
3. Solar Panels and switchboard replacement at Killarney Pool - \$315,000
4. WIRAC – Maintenance/Improvements - \$257,482
5. College Road Footpath - \$300,000
6. Sand filter maintenance at Stanthorpe Pool - \$31,000
7. Park Road Rehabilitation - \$400,000

Carried

13. INFRASTRUCTURE SERVICES REPORTS

13.1 Infrastructure Services Monthly Status Report

Resolution

Moved Cr M Giori

Seconded Cr S Tancred

THAT Council notes the operational details as outlined in the Infrastructure Services Monthly Report.

Carried

13.2 Southern Downs Road Safety Advisory Committee Terms of Reference

Resolution

Moved Cr J McNally

Seconded Cr M Giori

THAT Council adopts the Terms of Reference for the Southern Downs Road Safety Advisory Committee.

Carried

Attachments

1. Terms of Reference for the Southern Downs Road Safety Advisory Committee - **Attached to the Minutes Under Separate Cover**

13.3 Request to Rename Daverley Street, Maryvale

Resolution

Moved Cr M Giori

Seconded

THAT Council resolve to not rename Daverley Street, Maryvale

Lapsed

13.3.1 Request to Rename Daverley Street, Maryvale

Resolution

Moved Cr S Tancred

Seconded Cr R Bartley

THAT Council resolve to rename Daverley Street, Maryvale to Ramsay Street, Maryvale

Carried

Cr McNally declared a declarable conflict of interest in Agenda Item 13.4 as defined in Section 150EF(3) of the Local Government Act 2009 and left the meeting while the matter was discussed and voted on. Cr J McNally left the meeting at 10:27am.

13.4 Request to Name Two (2) Roads in Subdivision at 184 Warner Street, Rosenthal Heights

Resolution

Moved Cr A Gale

Seconded Cr M Giori

THAT Council resolve to name the new roads in the subdivision at 184 Warner Street, Rosenthal Heights as follows:

- Road 1 – Jacob Drive
- Road 2 – Mimma Court

Carried

10:30 am Cr J McNally rejoined the meeting

10:30am Presentation of Recognition of Volunteer Certificate to Betty Wells in recognition of her service to the community.

The meeting adjourned for morning tea at 10:36am and reconvened at 11:00am at which time there were present Crs Pennisi, Giori, McNally, Windle, McDonald, Gale and Tancred.

13.5 RFT 21_027 Supply and Delivery of Two (2) Tandem Drive Cab/Chassis Trucks

Resolution

Moved Cr A Gale

Seconded Cr M Giori

THAT Council resolve to enter into a contract with Daimler Trucks for the sum of \$342,727.28 ex GST for Contract 21_027 for the Supply and Delivery of Two (2) Fuso Shogun FV74HT Cab/Chassis Trucks.

Carried

Cr Bartley rejoined the meeting at 10:54am.

13.6 RFT 21_028 Supply and Delivery of Two (2) Chassis Mounted Water Tanks

Resolution

Moved Cr S Windle

Seconded Cr J McNally

THAT Council resolve to enter into a contract with Felco Manufacturing for the sum of \$199,870 ex GST for Contract 21_028 for the Supply and Delivery of Two (2) Chassis Mounted Water Tanks.

Carried

14. SUSTAINABLE DEVELOPMENT REPORTS

14.1 Sustainable Development Monthly Status Report

Resolution

Moved Cr A Gale

Seconded Cr J McNally

THAT Council notes the operational details as outlined in the Sustainable Development Monthly Status Report.

Carried

Cr Giori declared a declarable conflict of interest in Agenda Item 14.2 as defined in Section 150EF(3) of the Local Government Act 2009 and left the meeting while the matter was discussed and voted on. Cr M Giori left the meeting at 10:59am.

14.2 Invasive Pests Control Scheme Policy Recision

Resolution

Moved Cr R Bartley

Seconded Cr S Tancred

THAT Council resolve to rescind the Invasive Pests Control Scheme Policy in order to give effect to the 27 January 2021 resolution to not reinstate the current Invasive Pests Control Scheme.

Carried

11:02 am Cr M Giori rejoined the meeting.

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

Nil

16. NOTICES OF MOTION

Nil

17. GENERAL BUSINESS

Nil

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 Disposal of Land - PID # 117815

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 2020/2021 Sale of Land for Unpaid Rates

Reason for Confidentiality

This item is considered confidential in accordance with section 254J(3)(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.

18.3 Proposed Court Action - Unlawful Residential Occupation

Reason for Confidentiality

This item is considered confidential in accordance with section 254J(3)(e) of the *Local Government Regulation 2012*, as it contains information relating to legal advice obtained by the local government or legal proceedings involving the local government including, for example, legal proceedings that may be taken by or against the local government.

Meeting In Camera

Resolution

Moved Cr J McNally

Seconded Cr R Bartley

THAT the meeting move into closed session.

Carried

The Meeting moved into closed session at 11:03am.

Meeting Out Of Camera

Resolution

THAT the meeting resume in open session at 11:31am

Carried

Cr Tancred declared a declarable conflict of interest in Agenda Item 18.1 as defined in Section 150ES(3) of the Local Government Act 2009 and following a resolution from Council remained in the meeting while the matter was discussed and voted on.

Cr Pennisi declared a declarable conflict of interest in Agenda Item 18.1 as defined in Section 150ES(3) of the Local Government Act 2009 and following a resolution from Council remained in the meeting while the matter was discussed and voted on.

18.1 Disposal of Land - PID # 117815

Resolution

Moved Cr J McNally

Seconded Cr S Windle

THAT Council:

1. Apply for an exemption to the Minister for State Development, Infrastructure, Local Government and Planning to dispose of Lot 132 on SP183767; and
2. Delegate authority to the Chief Executive Officer to progress the disposal of Lot 132 on SP183767, subject to the exemption being obtained from the Minister for State Development, Infrastructure, Local Government and Planning for its disposal.
3. Allocate the funds from the sale of land to a strategic reserve for discussion during the 2021/2022 budget deliberations.

Carried

Cr Pennisi and Cr Tancred voted in favour of the motion.

18.2 2020/2021 Sale of Land for Unpaid Rates

Resolution

Moved Cr M Giori

Seconded Cr R Bartley

THAT Council resolve:

- a) That pursuant to section 140(2) of the Local Government Regulation 2012 Council sell the land described below in the schedule for overdue rates and charges; and
- b) To delegate to the Chief Executive Officer its power to take all further steps under Chapter 4, Part 12, Division 3 of the Local Government Regulation 2012 to effect sale of the land (including, for avoidance of doubt, the power to end sale procedures).

Carried

18.3 Proposed Court Action - Unlawful Residential Occupation

Resolution

Moved Cr J McNally

Seconded Cr M Giori

THAT Council resolve to endorse the commencement of court action in relation to a matter of unlawful residential occupation.

Carried

MEETING CLOSURE

There being no further business, the meeting closed at 11:35am.