



**MINUTES OF THE  
ORDINARY COUNCIL MEETING  
23 JULY 2020**

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**MINUTES OF THE ORDINARY COUNCIL MEETING OF  
SOUTHERN DOWNS REGIONAL COUNCIL HELD ON 23 JULY 2020 IN THE  
WARWICK TOWN HALL, PALMERIN STREET, WARWICK AT 9:00AM**

**ACKNOWLEDGEMENT TO COUNTRY**

**1. PRAYERS & CONDOLENCES**

Pastor Darren Muller from Warwick Baptist Church offered a prayer for the meeting and acknowledged condolences.

**2. ATTENDANCE**

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

Officers: Jane Stroud (Acting Chief Executive Officer), Seren McKenzie (Director Infrastructure Services), Joanne Morris (Director Corporate and Community Services), Craig Magnussen (Acting Director Sustainable Development) and Marion Seymour (Minute Secretary)

**3. APOLOGIES**

Nil

**4. READING AND CONFIRMATION OF MINUTES**

**4.1 Ordinary Council Meeting - 24 June 2020**

**Resolution**

**Moved Cr R Bartley**

**Seconded Cr A Gale**

THAT the minutes of the Ordinary Council Meeting held on Wednesday 24 June 2020 be adopted.

**Carried**

## 4.2 Special Council Meeting - 30 June 2020

### Resolution

Moved Cr C McDonald

Seconded Cr M Giori

THAT the minutes of the Special Council Meeting held on Tuesday 30 June 2020 be adopted.

**Carried**

## 5. ACTIONS FROM COUNCIL MEETINGS

### 5.1 Actions from Previous Council Meetings

#### Resolution

Moved Cr A Gale

Seconded Cr J McNally

THAT Council receive the report and note the contents.

**Carried**

## 6. DECLARATIONS OF CONFLICTS OF INTEREST

Item No	Item Precis	Nature of Conflict
10.1.2 (7.1)	Sustainable Development Portfolio Report	Cr McDonald declared that a conflict of interest in this matter (as defined in section 175 Division 5A of the <i>Local Government Act 2009</i> ), may exist due to a complaint which has been lodged to the OIA in regard to a Council systemic failure and handling of an agricultural issue. Cr McDonald would be leaving the meeting room, taking no part in the debate or decision on the matter.
10.1.3 (7.2)	Corporate and Community Services Directorate Report	Cr McDonald declared that a conflict of interest in this matter (as defined in section 175 Division 5A of the <i>Local Government Act 2009</i> ), may exist due to a complaint which has been lodged to the OIA in regard to a Council systemic failure and handling of an agricultural issue. Cr McDonald would be leaving the meeting room, taking no part in the debate or decision on the matter.
11.1.19 (7.1)	Infrastructure Services Portfolio Report	Cr Tancred declared a perceived conflict of interest in this matter (as defined in section 175 of the <i>Local Government Act 2009</i> ) stating:
11.1.21 (9.1)	Water Contingency Plan	“It gives me pleasure to declare that recently a number of complaints against me regards water matters had been submitted to the Office of the Independent Assessor and are now dismissed and that this will be recorded on the SDRC website. I move on with these matters thankfully closed after due diligence investigations by the Office of the Independent Assessor, but note for the benefit of public interest the following perceived Conflict of Interests in relation to agenda items 11.1.19 (7.1) and 11.1.21 (9.1), which are; considering the Infrastructure Services Portfolio Report and the Water Contingency Plan for two possible reasons.

		<p>Firstly, due to my 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 I was a technical specialist member appointed by the Stanthorpe Shire Council in 2003 and resigned from as a member on 16<sup>th</sup> April 2020, having chaired the panel from 16<sup>th</sup> August 2015 to 7<sup>th</sup> March 2018. And the Stanthorpe and Granite Belt Chamber of Commerce of which I chaired its Emu Swamp Dam feasibility study sub-committee from 19<sup>th</sup> February 2018 but played no role after 12<sup>th</sup> December 2019. I believe that committee was disbanded in May 2020. Note that as part of my roles with the Chamber of Commerce and the Reference Panel I made media statements and spoke at public meetings regards the Granite Belt Irrigation Project. A third organisation I was involved with is the Granite Belt Growers Association as an associate member and was on its management committee from 24<sup>th</sup> July 2018 until 14<sup>th</sup> April 2020. The GBGA made representations to government regards the Granite Belt Irrigation Project during this period. However, I believe these prior voluntary roles would not prevent me from performing my Councillor responsibilities and serving the public interest of the Region by participating in the discussions and voting on the two agenda items. Secondly, my part ownership of the consulting firm Orchard Services which is a business with a small number of farming clients in the Granite Belt. I believe my part ownership in Orchard Services will not prevent me from performing my Councillor responsibilities and serving the public interest of the Region by participating in the discussions and voting on the agenda item. In conclusion I can also declare that I have no material personal interests in any of the water solution options being considered by Council other than as a householder and business premises owner connected to the reticulated water supply in Stanthorpe. I am asking my Councillor Colleagues to consider and vote on if I can stay for the discussion and vote.”</p> <p>Following a resolution from Council, Cr Tancred was able to participate in voting on the matter, however was unable to participate in any discussion.</p>
11.1.19 (7.1)	Infrastructure Services Portfolio Report	<p>Cr Pennisi declared a conflict of interest in this matter (as defined in section 175 Division 5A of the <i>Local Government Act 2009</i>) due to numerous complaints lodged against him in relation to his involvement in Emu Swamp Dam. Cr Pennisi is also the ex-Chair of the Stanthorpe Community Reference Panel and ex-Director of Emu Swamp Dam Pty Ltd and Granite Belt Water Pty Ltd. The agenda item seeks to receive a report that is available publicly. Cr Pennisi believes his personal</p>

		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 and would best perform his responsibility of serving the overall public interest of the whole of the Council area by participating in discussion and voting on the matter. However given there is a current investigation taking place, Cr Pennisi would be leaving the meeting room, taking no part in the debate or decision on the matter.
11.1.21 (9.1)	Water Contingency Plan	Cr Pennisi declared a conflict of interest in this matter (as defined in section 175 Division 5A of the <i>Local Government Act 2009</i> ) due to numerous complaints lodged against him in relation to his involvement in Emu Swamp Dam. Cr Pennisi is also the ex-Chair of the Stanthorpe Community Reference Panel and ex-Director of Emu Swamp Dam Pty Ltd and Granite Belt Water Pty Ltd. The agenda item seeks to receive a report that is available publicly. Cr Pennisi believes 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 and would best perform his responsibility of serving the overall public interest of the whole of the Council area by participating in discussion and voting on the matter. However given there is a current investigation taking place, Cr Pennisi would be leaving the meeting room, taking no part in the debate or decision on the matter.

9:20am Cr Pennisi left the room during discussion on conflicts of interest for Agenda Items 11.1.19 and 11.1.21. The Deputy Mayor took the Chair.

9:24am Cr McDonald left the room during discussion on conflicts of interest for Agenda Items 11.1.19 and 11.1.21.

9:24am Cr Tancred left the room left the room during discussion on conflicts of interest for Agenda Items 11.1.19 and 11.1.21.

## 6.1 Conflict of Interest - Cr Tancred - Agenda Item 11.1.19

### Resolution

**Moved Cr J McNally**

**Seconded Cr C Gow**

THAT Cr Tancred has declared a perceived Conflict of Interest in Agenda Item 11.1.19 as outlined in the above table, and notwithstanding the declared perceived conflict of interest, Cr Tancred may remain in the meeting for that Agenda Item, providing there is no discussion, and for the vote.

**Carried**

## 6.2 Conflict of Interest - Cr Tancred - Agenda Item 11.1.21

### Resolution

**Moved Cr J McNally**

**Seconded Cr C Gow**

THAT Cr Tancred has declared a perceived Conflict of Interest in Agenda Item 11.1.21 as outlined in the above table, and notwithstanding the declared perceived conflict of interest, Cr Tancred may remain in the meeting for that Agenda Item, providing there is no discussion, and for the vote.

**Carried**

9:25am Cr McDonald rejoined the meeting.

9:25am Cr Tancred rejoined the meeting.

9:25am Cr Pennisi rejoined the meeting and resumed the Chair.

## 7. MAYORAL MINUTE

### 7.1 Border Gate at Elbow Valley

#### Resolution

**Moved Cr C McDonald**

**Seconded Cr A Gale**

THAT:-

1. Council installs a locked gate at the New South Wales/Queensland border located on Cullendore Road, Elbow Valley, to allow passage across the border for permit holders as agreed with the Queensland Police Service; and
2. Council continues to lobby the State Government for all costs associated with the border closure.

**Carried**

### 7.2 Annual Valuation Effective 30 June 2021

#### Resolution

**Moved Cr R Bartley**

**Seconded Cr C Gow**

THAT Council request that the Valuer-General does not undertake an annual statutory valuation of all rateable land in the Southern Downs region effective as of 30 June 2021.

**Carried**



## 8. READING AND CONSIDERATION OF CORRESPONDENCE

### 8.1 Correspondence

#### Resolution

Moved Cr J McNally

Seconded Cr R Bartley

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

**Carried**

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

Nil

## 10. SUSTAINABLE DEVELOPMENT, CORPORATE AND COMMUNITY SERVICES COMMITTEE

### 10.1 Minutes and Recommendations from Sustainable Development, Corporate and Community Services Committee Meeting held on 13 July 2020

*Cr McDonald declared a conflict in Agenda Items 10.1.2 (7.1) and 10.1.2 (7.2), as defined in Section 175 Division 5A of the Local Government Act 2009, and dealt with the conflict of interest by leaving the meeting, taking no part in the debate or voting on the matter. Cr McDonald left the meeting at 9:46am.*

#### 10.1.2 (7.1) Sustainable Development Portfolio Report

#### Resolution

Moved Cr S Windle

Seconded Cr C Gow

THAT Council note the Portfolio highlights as outlined in the Sustainable Development report.

**Carried**

#### 10.1.3 (7.2) Corporate and Community Services Directorate Portfolio Report

#### Resolution

Moved Cr S Windle

Seconded Cr C Gow

THAT Council note the Portfolio highlights as outlined in the Corporate and Community Services report.

**Carried**

09:50 am Cr C McDonald rejoined the meeting.

**10.1.1 (6.1) Presentation by Warwick Showgirl, Jessica Carey**

**Resolution**

**Moved Cr J McNally**

**Seconded Cr C Gow**

THAT Council receive a presentation by Warwick Showgirl, Jessica Carey on regional promotion to the Sustainable Development, Corporate and Community Services Committee Meeting.

**Carried**

**10.1.1 (6.1.1) Presentation by Warwick Showgirl, Jessica Carey**

**Resolution**

**Moved Cr J McNally**

**Seconded Cr C Gow**

THAT Council, through the Economic Development department, collaborate with Jessica Carey on skills showcase, primary producers and youth engagement.

**Carried**

**10.1.4 (8.1) Adoption of Schedule of General Fees and Charges 2020/2021**

**Resolution**

**Moved Cr J McNally**

**Seconded Cr C Gow**

THAT Council adopt the revised Schedule of General Fees and Charges 2020/2021.

**Carried**

**Attachments**

1. Schedule of General Fees and Charges 2020/2021 - **Attached to the Minutes Under Separate Cover**

### **10.1.5 (8.2) Policy Framework and Policies Review**

#### **Resolution**

**Moved Cr J McNally**

**Seconded Cr C Gow**

THAT Council adopt:

1. The attached Policy Framework; and
2. The attached revised policies:
  - a. Legal Services for Councillors and Employees Policy;
  - b. Councillors Investigation Policy; and
  - c. Reimbursement of Expenses and Provision of Facilities for Councillors Policy, subject to amendments, referred to in 8.2.1 and 8.2.2.

**Carried**

#### **Attachments**

1. Policy Framework - **Attached to the Minutes Under Separate Cover**
2. PL-CS081 - Legal Services for Councillors and Employees Policy - **Attached to the Minutes Under Separate Cover**
3. PL-GV085 - Councillors Investigation Policy - **Attached to the Minutes Under Separate Cover**
4. PL-GV024 - Reimbursement of Expenses and Provision of Facilities for Councillors Policy - **Attached to the Minutes Under Separate Cover**

### **10.1.5 (8.2.2) Policy Framework and Policies Review - Amendment**

#### **Resolution**

**Moved Cr J McNally**

**Seconded Cr C Gow**

THAT Council amend the Reimbursement of Expenses and Provision of Facilities for Councillors Policy at 4.2.3.2 to include quarterly reports presented to Council detailing all Councillor expenses reimbursed for that period.

**Carried**

### **10.1.6 (8.3) Operational Plan Quarterly Review - April to June 2020**

#### **Resolution**

**Moved Cr J McNally**

**Seconded Cr C Gow**

THAT Council receive and note the contents of the Operational Plan Quarterly Review – April to June 2020

**Carried**

#### **10.1.7 (8.4) Financial Report June 2020**

##### **Resolution**

**Moved Cr J McNally**

**Seconded Cr C Gow**

THAT Council receive and note the Financial Report as at 30 June 2020.

**Carried**

#### **10.1.8 (8.5) Show Holidays 2021**

##### **Resolution**

**Moved Cr J McNally**

**Seconded Cr C Gow**

THAT Council advise the Office of Industrial Relations of the following Show Holidays for 2021:

- (a) Stanthorpe Show Holiday - Friday, 29 January 2021;
- (b) Allora Show Holiday - Friday, 5 February 2021;
- (c) Killarney Show Holiday - Friday, 19 February 2021;
- (d) Warwick Show Holiday - Friday, 19 March 2021.

**Carried**

#### **10.1.9 (9.1) Advisory Committee Terms of Reference**

##### **Resolution**

**Moved Cr J McNally**

**Seconded Cr C Gow**

THAT Council resolve to endorse the amendments to the terms of reference for the Shaping Southern Downs, Pest Management and Saleyards Advisory Committees.

**Carried**

##### **Attachments**

- 1. Shaping Southern Downs Advisory Committee Terms of Reference - **Attached to the Minutes Under Separate Cover**
- 2. Pest Management Advisory Committee Terms of Reference - **Attached to the Minutes Under Separate Cover**
- 3. Saleyards Advisory Committee Terms of Reference - **Attached to the Minutes Under Separate Cover**

#### **10.1.10 (9.2) Tourism and Visitor Numbers Quarterly Report**

##### **Resolution**

**Moved Cr J McNally**

**Seconded Cr C Gow**

THAT Council receive the report in relation to regional promotion activities and Visitor Information Centre figures.

**Carried**

**10.1.11 (9.3) Quarterly Report on Development Approvals for the April to June Quarter 2020**

**Resolution**

**Moved Cr J McNally**

**Seconded Cr C Gow**

THAT Council receives the report and notes its content.

**Carried**

**10.1.12 (11.1) Request to Waive Sewerage Charges**

**Resolution**

**Moved Cr J McNally**

**Seconded Cr C Gow**

THAT Council resolve to:

1. Waive additional 2019/2020 sewerage charges for PID 74525 relating only to the decommissioned wing which was applied in November 2019; and
2. Update PL-FS076 – Rate Concessions Policy to include a remission of sewerage charges for unutilised soil fixtures in aged care facilities, of which is to be reviewed on an annual basis.

**Carried**

**10.1.13 (11.2) Exception Request - Library Purchasing June 2020**

**Resolution**

**Moved Cr J McNally**

**Seconded Cr C Gow**

THAT Council resolves not to request quotes or tenders for the purchase of library materials, due to the specialised nature of the supplies, pursuant to section 235(b) of the *Local Government Regulation 2012*.

**Carried**

**10.1 14 (11.3) Request for Lease Fee Relief – PID 80665**

**Resolution**

**Moved Cr J McNally**

**Seconded Cr C Gow**

THAT Council do not approve the request to waive outstanding lease fees for Property ID 80665.

**Carried**

**10.1.15 (11.4) Rate Concessions Granted - 2019/2020**

**Resolution**

**Moved Cr J McNally**

**Seconded Cr C Gow**

THAT Council receive and note the Rate Concession Report advising of the rate concessions granted during the 2019/2020 financial year.

**Carried**

**10.1.16 (11.5) Request to Waive Rates and Charges - PID 107525**

**Resolution**

**Moved Cr J McNally**

**Seconded Cr C Gow**

THAT:

1. Council provide a rates concession to PID 107525 by waiving all Council rates and charges (excluding Emergency Management Levy) from 1 July 2019 to 30 June 2021; and
2. Upon the completion of the preliminary investigation, Council consider further ongoing concessions.

**Carried**

**10.1.17 (11.6) Water Tank Rebate Request - PID 60085**

**Resolution**

**Moved Cr J McNally**

**Seconded Cr C Gow**

THAT Council resolve to not approve the request for a water tank rebate received on 17 March 2020.

**Carried**

**10.1.18 (11.7.1) Water Tank Rebate Request - PID 35990**

**Resolution**

**Moved Cr J McNally**

**Seconded Cr C Gow**

THAT Council resolve to approve the request for a water tank rebate received on 22 June 2020.

**Carried**

### **10.1.5 (8.2.1) Policy Framework and Policies Review**

#### **Resolution**

**Moved Cr J McNally**

**Seconded Cr C Gow**

THAT Council amend the reimbursement of Expenses and Provision of Facilities for Councillors policy as follows:

- a. Introduction of a \$5,000 cap for Personal Travel Expenses

**Carried**

## **11. INFRASTRUCTURE AND EXECUTIVE COMMITTEE**

### **11.1 Minutes and Recommendations from Infrastructure and Executive Committee Meeting held on 14 July 2020**

#### **11.1.20 (8.1) Quarterly People and Culture Report**

#### **Resolution**

**Moved Cr R Bartley**

**Seconded Cr A Gale**

THAT Council receive the Quarterly People and Culture Report and note the contents.

**Carried**

#### **11.1.22 (11.1) RFT 20\_234 - Construction of Recycled Water Extension Stage 2**

#### **Resolution**

**Moved Cr R Bartley**

**Seconded Cr A Gale**

THAT Council enters into a contract for the design and construction of the Recycled Water Pipeline Extension – Stage 2 with Offaly Civil Engineering Pty. Ltd for a total not exceeding the budgeted amount of \$1,580,480.00.

**Carried**

*Cr Pennisi declared a conflict Agenda Items 11.1.19 (7.1) and 11.1.21 (9.1), as defined in Section 175 Division 5A of the Local Government Act 2009, and dealt with the conflict of interest by leaving the meeting, taking no part in the debate or voting on the matter.*

*The Deputy Mayor took the Chair.*

*Cr Tancred declared a perceived conflict of interest in Agenda Item 11.1.19 (7.1), as defined in Section 175 Division 5A of the Local Government Act 2009, and following a resolution from Council, remained in the meeting for voting on this matter.*

### **11.1.19 (7.1) Infrastructure Services Portfolio Report**

#### **Resolution**

**Moved Cr C Gow**

**Seconded Cr J McNally**

THAT Council note the Portfolio highlights as outlined in the Infrastructure Services Report.

**Carried**

*Cr Tancred missed the vote and advised he would have voted in favour of the motion.*

*Cr Tancred declared a perceived conflict of interest in Agenda Item 11.1.21 (9.1), as defined in Section 175 Division 5A of the Local Government Act 2009, and following a resolution from Council, remained in the meeting for voting on this matter.*

### **11.1.21 (9.1) Water Contingency Plan**

#### **Resolution**

**Moved Cr J McNally**

**Seconded Cr C Gow**

THAT Council receive the Southern Downs Water Contingency Plan.

**Carried**

*Cr Tancred voted in favour of the motion.*

*10:08 am Cr Pennisi rejoined the meeting and resumed the Chair.*

## **12. NOTICES OF MOTION**

Nil

## **13. GENERAL BUSINESS**

Nil

## **14. CONSIDERATION OF CONFIDENTIAL BUSINESS ITEMS**

Nil

## **MEETING CLOSURE**

There being no further business, the meeting closed at 10:08am.