



**MINUTES OF THE
MEETING OF INFRASTRUCTURE
AND EXECUTIVE COMMITTEE
14 JULY 2020**

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**MINUTES OF THE MEETING OF
INFRASTRUCTURE AND EXECUTIVE COMMITTEE
HELD ON 14 JULY 2020 IN THE
WARWICK TOWN HALL, PALMERIN STREET, WARWICK AT 9:00AM**

ACKNOWLEDGEMENT TO COUNTRY

1. ATTENDANCE

Councillors: Cr Bartley (Chair), Pennisi, Gale, Gow, Gliori, McDonald, McNally, Tancred and Windle

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

2. APOLOGIES

Nil

3. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Nil

4. DECLARATION OF CONFLICT OF INTEREST

Item No	Item Precs	Nature of Conflict
9.1	Water Contingency Plan	Cr Pennisi declared a conflict of interest in this matter (as defined in section 175 Division 5A of the Local Government Act 2009) due to numerous complaints lodged against him in relation to his involvement in Emu Swamp Dam. Cr Pennisi was also the ex-Chair of the Stanthorpe Community Reference Panel and ex Director of Emu Swamp Dam Pty Ltd and Granite Belt Water 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 make a decision on the matter that is contrary to the public interest. Cr Pennisi believes 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. However given that there is a current investigation taking place Cr Pennisi dealt with the conflict of interest by leaving the meeting room, taking no part in the debate or decision on the matter.

7.1	Infrastructure Services Portfolio Report	<p>Cr Tancred declared that a perceived conflict of interest in this matter (as defined in section 175 Division 5A of the <i>Local Government Act 2009</i>), may exist and stating that he is unaware of any investigations against him regarding water matters. He has no material personal interests in any of the water solution options being considered other than as a householder and business premises owner connected to the reticulated water supply in Stanthorpe. However Cr Tancred firstly believes that due to his previous involvement in planning and obtaining funding for Emu Swamp Dam whilst a voluntary member of three community organisations, namely, the Stanthorpe Community Reference Panel, the Stanthorpe and Granite Belt Chamber of Commerce and associate member of the Granite Belt Growers Association, 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. Secondly, Cr Tancred's part ownership of the consulting firm Orchard Services is a business that has a small number of farming clients in the Granite Belt. If any of these farmer clients become irrigation water users in the Granite Belt Irrigation Project the potential benefits will be to their businesses, not to Orchard Services. If there are any indirect benefits to Orchard Services Cr Tancred believes they would be lower than the benefit to the many other businesses in the Granite Belt providing services to farmers. For these reasons he believes his part ownership in Orchard Services will 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>
9.1	Water Contingency Plan	<p>Cr Tancred declared that a perceived conflict of interest in this matter (as defined in section 175 Division 5A of the <i>Local Government Act 2009</i>), may exist and stating that he is unaware of any investigations against him regarding water matters. He has no material personal interests in any of the water solution options being considered other than as a householder and business premises owner connected to the reticulated water supply in Stanthorpe. However Cr Tancred firstly believes that due his previous involvement in planning and obtaining funding for Emu Swamp Dam whilst a voluntary member of three community organisations, namely, the Stanthorpe Community Reference Panel, the Stanthorpe and Granite Belt Chamber</p>

		<p>of Commerce and an associate member of the Granite Belt Growers Association, 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. Secondly, Cr Tancred's part ownership of the consulting firm Orchard Services is a business that has a small number of farming clients in the Granite Belt. If any of these farmer clients become irrigation water users in the Granite Belt Irrigation Project the potential benefits will be to their businesses, not to Orchard Services. If there are any indirect benefits to Orchard Services Cr Tancred believes they would be lower than the benefit to the many other businesses in the Granite Belt providing services to farmers. For these reasons he believes his part ownership in Orchard Services will 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>
7.1	Infrastructure Services Portfolio Report	<p>Revised Declaration - in addition to Cr Tancred's previous declarations and based on the advice provided by the ACEO regards to his ability to participate in a part of an Agenda item, Cr Tancred stated that his original declaration would stand but he would not be reporting on or taking questions on parts of the report regarding the Granite Belt Water Project or Emu Swamp Dam, and would appreciate a heads up from his Councillor colleagues if any such issues arise so he can leave the room while they are discussed.</p>
9.1	Water Contingency Plan	<p>Revised Declaration - in addition to Cr Tancred's previous declarations and based on the advice provided by the ACEO, Cr Tancred 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 advice of an investigation into himself regarding water matters and dealt with this conflict of interest by leaving the meeting room, taking no part in the debate or decision on the matter.</p>
7.1	Infrastructure Services Portfolio Report	<p>Cr Pennisi declared a perceived 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 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 that his personal interest is</p>

		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. Following a resolution from Council, Cr Pennisi participated in the discussion and voting on this matter.
7.1	Infrastructure Services Portfolio Report	Cr McDonald declared a conflict of interest in this matter in relation to the Agriculture, Corporate and Commercial Services portfolio section due to a complaint which had been lodged with the Office of the Independent Assessor in regard to a council systemic failure and handling of an agricultural issue. Cr McDonald would leave the room during any discussion on this aspect of the report.
7.1	Infrastructure Services Portfolio Report	Cr Pennisi declared a perceived 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 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 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. However given that there is a current investigation taking place, Cr Pennisi would leave the room for the discussion and vote.

09:04 am Mayor V Pennisi left the meeting during discussions on conflicts of interest in relation to Agenda Item 9.1.

4.1 Conflict of Interest - Cr Tancred

Resolution

Moved Cr A Gale

Seconded Cr C McDonald

THAT Cr Tancred declared that a perceived conflict of interest as outlined in the Declaration of Conflicts of Interest table above, and notwithstanding the declared perceived conflict of interest, Cr Tancred may participate in discussion on the matter and vote.

Lapsed

The ACEO requested an adjournment to allow for consultation regarding a governance issue. The meeting adjourned at 9.06am and reconvened at 9.26am

Following advice received during the adjournment from the ACEO regarding an investigation, Cr Tancred revised his Declarations of Conflicts of Interest.

09:28 am Cr S Tancred left the meeting during discussion on his declared conflicts of interest in Agenda Item 7.1

4.2 Conflict of Interest - Cr Tancred - Agenda Item 7.1

Resolution

Moved Cr A Gale

Seconded Cr C McDonald

THAT Cr Tancred declared that his original declaration would stand however he would not remain in the room should the issue of Granite Belt Irrigation Project or Emu Swamp Dam be raised, and notwithstanding the declared perceived conflict of interest, Cr Tancred may participate in discussion on the matter and vote.

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, M Gliori, C Gow, C McDonald and S Windle (6)

Against: Cr J McNally (1)

Accordingly the Chair declared the motion carried.

09:30 am Cr S Tancred rejoined the meeting.

09:30 am Mayor V Pennisi rejoined the meeting.

The Mayor declared a perceived conflict of interest in Agenda Item 7.1

09:31 am Cr S Tancred left the meeting during discussion on conflicts of interest.

09:31 am Mayor V Pennisi left the meeting discussion on conflicts of interest.

4.3 Conflict of Interest - Cr Pennisi - Agenda Item 7.1

Resolution

Moved Cr C McDonald

Seconded Cr C Gow

THAT Cr Pennisi declared a perceived conflict of interest, noting that he would not remain in the room should the issue of Granite Belt Irrigation Project or Emu Swamp Dam be raised, and notwithstanding the declared perceived conflict of interest, Cr Pennisi may participate in discussion on the matter and vote.

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, M Gliori, C Gow and C McDonald (5)

Against: Crs J McNally and S Windle (2)

Accordingly the Chair declared the motion carried.

09:38 am Mayor V Pennisi rejoined the meeting.

09:38 am Cr S Tancred rejoined the meeting.

Cr McDonald declared a conflict of interest in relation to Agenda Item 7.1.

The ACEO advised that they would need to seek advice from the Department of Local Government Racing and Multicultural Affairs on governance issues in regard to conflicts of interest.

09:44 am Mayor V Pennisi left the meeting due to a conflict of interest in relation to Agenda Item 7.1

To ensure the accuracy of the public record all comments below have been recorded verbatim.

Cr Tancred stated as follows: "Yes, I think it's very important that the Water Portfolio Manager not be present for the Water Portfolio, because he may know something about water and I really thank my colleagues and the complainants for putting us in such a situation and I am sure the residents are over the moon about this. So I'll be leaving Ross on your advice. Good job, girls. Well done."

**** Please note these last 5 words were inaudible on the livestream recording, however were heard by those present at the meeting.*

09:44 am Cr S Tancred left the meeting due to a conflict of interest in relation to Agenda Item 7.1

Cr Windle stated: "Point of Order Mr Deputy Mayor, comment made by Cr Tancred as he left the room, directed towards Cr McNally and myself. Totally out of line."

The Chair advised there was a process to deal with that and the ACEO would remind him of that.

The ACEO advised the Deputy Mayor "as the Chair of the meeting and in accordance with our procedures for meeting conduct, if you would like a 5 minute adjournment we can run you through the Meeting Conduct Policy, because that is a matter that must be managed by the Chair in this environment right now."

The Chair adjourned the meeting at 9.45am to allow for discussion in relation to meeting conduct.

09:45 am Cr C McDonald left the meeting due to a conflict of interest in relation to Agenda Item 7.1

The meeting reconvened at 10.17am.

10:17 am Cr C McDonald rejoined the meeting.

10:17 am Mayor V Pennisi rejoined the meeting.

10:17 am Cr S Tancred rejoined the meeting.

The Chair ordered, pursuant to Section 150I of the Local Government Act 2009, that Cr Tancred apologise for his remarks when leaving the meeting at 9.44am.

Cr Tancred stated "I am very pleased to make this statement, I have had a short conference with Chairman Ross, he's informed me with respect to remarks I made earlier in the meeting that I may have offended some people present. I am very pleased to withdraw those remarks, it was never my intention to offend anyone present, my colleagues or the staff. I apologise wholeheartedly and sincerely to those folks who are offended and I thank you Ross for the opportunity to make this statement."

5. RECEPTION AND READING OF PETITIONS AND JOINT LETTERS

Nil

6. DEPUTATIONS

Nil

10:18 am Mayor V Pennisi left the meeting.

10:18 am Cr S Tancred left the meeting.

10:18 am Cr C McDonald left the meeting.

CR PENNISI DECLARED A CONFLICT OF INTEREST IN THIS MATTER, AS DEFINED IN SECTION 175 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 PENNISI LEFT THE MEETING AT 10.18AM.

CR TANCREDE DECLARED A CONFLICT OF INTEREST IN THIS MATTER, AS DEFINED IN SECTION 175 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 TANCREDE LEFT THE MEETING AT 10.18AM.

CR MCDONALD DECLARED A CONFLICT OF INTEREST IN THIS MATTER, AS DEFINED IN SECTION 175 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 10.18AM.

7. PORTFOLIO REPORTS

7.1 Infrastructure Services Portfolio Report

Resolution

Moved Cr A Gale

Seconded Cr M Giori

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

Carried

The meeting adjourned for morning tea at 10.30am

10:32 am Cr C McDonald rejoined the meeting.

10:32 am Mayor V Pennisi rejoined the meeting.

10:32 am Cr S Tancred rejoined the meeting.

The meeting reconvened at 10.45am, at which time there was present Crs Bartley (Chair), Pennisi, Gale, Gow, Giori, McDonald, McNally, Tancred and Windle.

8. EXECUTIVE SERVICES REPORTS

8.1 Quarterly People and Culture Report

Resolution

Moved Cr S Windle

Seconded Cr J McNally

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

Carried

Cr Pennisi declared a conflict in Agenda Item 9.1, as defined in Section 175 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 Pennisi left the meeting at 10.54am.

Cr Tancred declared a conflict in Agenda Item 9.1, as defined in Section 175 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 Tancred left the meeting at 10.54am.

9. INFRASTRUCTURE SERVICES REPORTS

9.1 Water Contingency Plan

Resolution

Moved Cr A Gale

Seconded Cr C Gow

THAT Council receive the Southern Downs Water Contingency Plan.

Carried

10:57 am Mayor V Pennisi rejoined the meeting.

10:57 am Cr S Tancred rejoined the meeting.

10. GENERAL BUSINESS

10.1 Report to July Ordinary Council Meeting in relation to Cullendore Border Gates

Resolution

Moved Mayor V Pennisi

Seconded Cr C Gow

THAT at the Ordinary meeting of Council on 23 July 2020 a report on the matter of the Cullendore gates at the border crossing be prepared for Council and presented as a Mayoral Minute.

Carried

11. 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:

11.1 RFT 20_234 - Construction of Recycled Water Extension Stage 2

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.

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 11.03am.

Meeting Out Of Camera

Resolved

THAT the meeting resume in open session at 11.07am

Carried

11.1 RFT 20_234 - Construction of Recycled Water Extension Stage 2

Resolution

Moved Cr S Tancred

Seconded Cr C Gow

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

MEETING CLOSURE

There being no further business, the meeting closed at 11:08am.