MINUTES OF THE
ORDINARY COUNCIL MEETING
23 JULY 2020
ORDER OF BUSINESS:

ACKNOWLEDGEMENT TO COUNTRY

1. **PRAYERS & CONDOLENCE**

2. **ATTENDANCE**

3. **APOLOGIES**

4. **READING AND CONFIRMATION OF MINUTES**
   - 4.1 Ordinary Council Meeting - 24 June 2020
   - 4.2 Special Council Meeting - 30 June 2020

5. **ACTIONS FROM COUNCIL MEETINGS**
   - 5.1 Actions from Previous Council Meetings

6. **DECLARATIONS OF CONFLICTS OF INTEREST**
   - 6.1 Conflict of Interest - Cr Tancred - Agenda Item 11.1.19
   - 6.2 Conflict of Interest - Cr Tancred - Agenda Item 11.1.21

7. **MAYORAL MINUTE**
   - 7.1 Border Gate at Elbow Valley
   - 7.2 Annual Valuation Effective 30 June 2021

8. **READING AND CONSIDERATION OF CORRESPONDENCE**
   - 8.1 Correspondence

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
    - 10.1.2 (7.1) Sustainable Development Portfolio Report
    - 10.1.3 (7.2) Corporate and Community Services Directorate Portfolio Report
    - 10.1.1 (6.1) Presentation by Warwick Showgirl, Jessica Carey
    - 10.1.1 (6.1.1) Presentation by Warwick Showgirl, Jessica Carey
    - 10.1.4 (8.1) Adoption of Schedule of General Fees and Charges 2020/2021
    - 10.1.5 (8.2) Policy Framework and Policies Review
    - 10.1.5 (8.2.2) Policy Framework and Policies Review - Amendment
    - 10.1.6 (8.3) Operational Plan Quarterly Review - April to June 2020
    - 10.1.7 (8.4) Financial Report June 2020
11. **INFRASTRUCTURE AND EXECUTIVE COMMITTEE** .............................................. 12
   11.1 Minutes and Recommendations from Infrastructure and Executive Committee Meeting held on 14 July 2020................................. 12
   11.1.20 (8.1) Quarterly People and Culture Report ................................. 12
   11.1.22 (11.1) RFT 20_234 - Construction of Recycled Water Extension Stage 2................................. 12
   11.1.19 (7.1) Infrastructure Services Portfolio Report ................................. 13
   11.1.21 (9.1) Water Contingency Plan ........................................ 13

12. **NOTICES OF MOTION** .......................................................... 13
   Nil

13. **GENERAL BUSINESS** .......................................................... 13

14. **CONSIDERATION OF CONFIDENTIAL BUSINESS ITEMS** ........................ 13
   Nil
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 Gliori
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

<table>
<thead>
<tr>
<th>Item No</th>
<th>Item Precis</th>
<th>Nature of Conflict</th>
</tr>
</thead>
<tbody>
<tr>
<td>10.1.2 (7.1)</td>
<td>Sustainable Development Portfolio Report</td>
<td>Cr McDonald declared that a conflict of interest in this matter (as defined in section 175 Division 5A of the Local Government Act 2009), 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.</td>
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<tr>
<td>10.1.3 (7.2)</td>
<td>Corporate and Community Services Directorate Report</td>
<td>Cr McDonald declared that a conflict of interest in this matter (as defined in section 175 Division 5A of the Local Government Act 2009), 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.</td>
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<tr>
<td>11.1.19 (7.1)</td>
<td>Infrastructure Services Portfolio Report</td>
<td>Cr Tancred declared a perceived conflict of interest in this matter (as defined in section 175 of the Local Government Act 2009) stating: “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.</td>
</tr>
<tr>
<td>11.1.21 (9.1)</td>
<td>Water Contingency Plan</td>
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</tbody>
</table>


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 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 I chaired its Emu Swamp Dam feasibility study sub-committee from 19th February 2018 but played no role after 12th 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 24th July 2018 until 14th 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.”

Following a resolution from Council, Cr Tancred was able to participate in voting on the matter, however was unable to participate in any discussion.

| 11.1.19 (7.1) | Infrastructure Services Portfolio Report | 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 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.

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 Local Government Act 2009) 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 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


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.

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.