

# MINUTES OF THE ORDINARY COUNCIL MEETING 28 JULY 2021



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## MINUTES OF THE ORDINARY COUNCIL MEETING OF SOUTHERN DOWNS REGIONAL COUNCIL HELD ON 28 JULY 2021 IN THE COUNCIL CHAMBERS, SOUTHERN DOWNS REGIONAL COUNCIL, 61 MARSH STREET, STANTHORPE AT 9:00AM

#### **ACKNOWLEDGEMENT TO COUNTRY**

#### 1. PRAYERS & CONDOLENCES

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

#### 2. ATTENDANCE

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

Officers: Dave Burges (Chief Executive Officer), Andrew Page (Director Corporate

and Community Services), Shannon Aspinall (Senior Finance Coordinator), Elle Pembroke (Asset Management Coordinator), Peter Gribbin (Manager Corporate and Commercial Services), Lalji Rathod (Manager Water), Angela O'Mara (Manager Planning and Development), Tonya Collier (Development

Assessment Coordinator) and Marion Seymour (Minute Secretary)

#### 3. APOLOGIES

#### 3.1 Apology - Cr Windle

Resolution

Moved Cr M Gliori Seconded Cr C Gow

THAT:

- 1. The apology of Cr Windle be received and leave of absence granted.
- 2. Council note the leave of absence for Cr McNally.

Carried

#### 4. READING AND CONFIRMATION OF MINUTES

#### 4.1 Ordinary Council Meeting - 14 July 2021

Resolution

Moved Cr R Bartley

Seconded Cr A Gale

THAT the minutes of the Ordinary Council Meeting held on Wednesday 14 July 2021 be adopted.

<u>Carried</u>



#### 5. ACTIONS FROM COUNCIL MEETINGS

#### 5.1 Actions from Ordinary Council Meeting 23 June 2021

Resolution

Moved Cr A Gale

**Seconded Cr S Tancred** 

THAT Council receive the report and note the contents.

**Carried** 

6. DECLARATIONS OF CONFLICTS OF INTEREST

Nil.

7. MAYORAL MINUTE

Nil

- 8. READING AND CONSIDERATION OF CORRESPONDENCE
- 8.1 Correspondence

Resolution

Moved Cr C McDonald

Seconded Cr C Gow

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 Quarterly Human Resources Report

Resolution

Moved Cr A Gale

Seconded Cr S Tancred

THAT Council receive the report and note the contents.



#### 10.2 Regional Water Assessment Program

Resolution

Moved Cr A Gale

Seconded Cr R Bartley

THAT Council nominate Cr Tancred for a position on the Darling Downs Regional Water Assessment Working Group.

**Carried** 

#### 11. FINANCE, ASSETS AND SPECIAL PROJECTS

#### 11.1 Financial Report as at 30 June 2021

Resolution

**Moved Cr R Bartley** 

Seconded Cr A Gale

THAT Council receive and note the Financial Report as at 30 June 2021.

**Carried** 

#### 11.2 Asset Management Report

Resolution

**Moved Cr R Bartley** 

Seconded Cr C Gow

THAT Council receive and note the Asset Management Report.

**Carried** 

#### 11.3 Grant Status Report

Resolution

Moved Cr M Gliori

Seconded Cr A Gale

THAT Council note the current grants status as at 30 June 2021.



#### 12. CORPORATE AND COMMUNITY SERVICES REPORTS

#### 12.1 2020-2021 Operational Plan Quarterly Review - April to June 2021

Resolution

Moved Cr A Gale

Seconded Cr M Gliori

THAT Council receive and note the contents of the 2020/21 Operational Plan Quarterly Review – April to June 2021.

Carried

#### 12.2 Stanthorpe 150th Anniversary Celebration Advisory Committee Minutes

Resolution

**Moved Cr S Tancred** 

Seconded Cr C McDonald

THAT Council:

- 1. Receive and note the minutes of the Stanthorpe 150<sup>th</sup> Anniversary Celebration Advisory Committee Meeting held on 13 July 2021; and
- 2. Endorse the Stanthorpe 150<sup>th</sup> Anniversary Celebration Advisory Committee recommendation:

THAT Council investigates opportunities for grants relevant to the Stanthorpe 150<sup>th</sup> Anniversary Celebrations for projects such as artistic recognition of contributions by individuals in Stanthorpe.

**Carried** 

### 12.3 Application for Permanent Road Closure - Part of First Avenue, Morgan Park

Resolution

Moved Cr A Gale

Seconded Cr M Gliori

THAT Council offer no objection to the application for permanent road closure over part of First Avenue, Morgan Park to demonstrate compliance with the Development Permit dated 18 February 2020 (RC\01672.03) as an alternative to the sealed construction of First Avenue.

Carried

#### 12.4 Community Engagement Activities - Period 1 April to 30 June 2021

Resolution

Moved Cr C McDonald

**Seconded Cr R Bartley** 

THAT Council note the details of community engagement activities undertaken during the 4<sup>th</sup> quarter period, 1 April to 30 June 2021.



## 12.5 Application for Permanent Road Closure - Part of First Avenue, Morgan Park (Off Old Stanthorpe Road)

#### Resolution

#### Moved Cr A Gale

#### Seconded Cr M Gliori

THAT Council offer no objection to the application for permanent road closure over part of First Avenue, Morgan Park to demonstrate compliance with the development permit dated 29 March 2019 (MCU\01981 and RC\01699) as an alternative to the sealed construction of First Avenue.

**Carried** 

# 12.6 YMCA Monthly Report - June 2021 - Warwick Indoor Recreation and Aquatic Centre Resolution

#### Moved Cr A Gale

#### Seconded Cr C McDonald

THAT Council receive the June 2021 monthly report from Brisbane Young Men's Christian Association in relation to the operation of the Warwick Indoor Recreation and Aquatic Centre.

**Carried** 

#### 13. INFRASTRUCTURE SERVICES REPORTS

#### 13.1 Contract 21 226 - Stanthorpe Fitness Centre Water Supply

Resolution

#### Moved Cr A Gale

#### Seconded Cr R Bartley

THAT Council resolve to enter into a contract with Newlands Civil Construction for the sum of \$345,848.24 ex GST for Contract 21 226 – Stanthorpe Fitness Centre Water Supply.



#### 14. PLANNING AND ENVIRONMENTAL SERVICES REPORTS

#### 14.1 Environmental Sustainability Strategy

#### Resolution

#### **Moved Cr S Tancred**

#### Seconded Cr C Gow

THAT Council:

- 1. Adopt the Southern Downs Environmental Sustainability Strategy 2021 to 2031; and
- 2. Receive the Southern Downs Environmental Sustainability Strategy Action Plan 2021 to 2031 and consider implementation of specific elements of the action plan in the 2022/23 budget deliberations.

**Carried** 

#### **Attachments**

1. Southern Downs Environmental Sustainability Strategy 2021 to 2031 - Attached to the Minutes Under Separate Cover

# 14.2 Material Change of Use –Tahnee E Gul and Charles R Longey C\- Zone Planning Group, Bellinghams Road, Elbow Valley

#### Resolution

#### Moved Cr C McDonald

#### Seconded Cr M Gliori

THAT the application for Material Change of Use for the purpose of Short-term accommodation (three (3) cabins) on land at Bellinghams Road, Elbow Valley, described as Lot 1 RP36820, Parish of Wildash, County of Merivale, be approved subject to the following conditions:

#### Schedule 1 - Southern Downs Regional Council Conditions

#### **Approved Plans**

1. The development of the site is to be generally in accordance with the following proposal plans submitted with the application, and subject to the final development being amended in accordance with the conditions of this approval.

Plan Name	Plan No.	Date		
Site Plan prepared by Peter Searle Design	DA02-GUL74	Feb 2021		
Floor Plan & Elevations prepared by Peter Searle Design	DA03-GUL74	Feb 2021		
Sections prepared by Peter Searle Design	DA04-GUL74	Feb 2021		

2. Where there is any conflict between the conditions of this approval and the details shown on the approved plans and documents, the conditions of approval prevail.

#### Staging

3. The development may proceed in stages, provided that any road access and infrastructure required for a particular stage are constructed with that stage. Unless otherwise expressly stated, the conditions must be read as being applicable to all stages.

#### **Land Use and Planning Controls**

- 4. This approval allows for the use of the site for the following uses only:
  - Short-term accommodation; three (3), one-bedroom cabins, over three stages.
- 5. The maximum number of guests accommodated at any one time must not exceed



6 persons.

- 6. The material change of use the subject of this development permit must be completed within a period of 6 years starting the day this development permit takes effect. The development permit will lapse in respect of each aspect of the material change of use that has not been completed within this period.
- 7. No person is to reside in any building identified for short term accommodation for more than 45 days consecutively, or more than 90 days in any 12 month period. The approved accommodation must not be occupied by persons for the purpose of permanent accommodation, excluding those persons in a manager's residence for the premises.

#### **Building and Site Design**

- 8. A copy of the Certificate of Compliance for Plumbing and Drainage Works is to be provided to Council. (See advisory note below.)
- 9. A copy of the Form 11 (Certificate of Classification) issued for the building works is to be provided to Council prior to the use commencing. (See advisory note below.)

#### **Amenity and Environmental Controls**

- 10. Advertising Devices relating to the Short-term accommodation may only be erected on the subject land, i.e. Lot 1 RP36820. The location, size, type and content of any advertising sign or device located on the land is to be compatible with the Rural character of the surrounding area. No advertising signs or devices are to be located on any other land, unless all applicable approvals are obtained under the Planning Scheme and the relevant local laws. No advertising signs or devices are to be located within the road reserve.
- 11. All wastes are to be suitably collected and disposed of so as not to adversely impact on the environment.
- 12. Any external lighting must be installed so that light shines down and away from adjacent properties and roads, and does not exceed 8 lux at the property boundary.
- 13. Bushfire Management Plan is to be submitted to Council's Planning Department for approval. The Bushfire Management Plan is to address management of the bushfire risk to the property and guests and must include, but not limited to the following:
  - Evacuation procedures for guests in the event of a bushfire emergency;
  - Management of fire places and any outdoor fire pits; and
  - Procedure for advising guests of any local fire bans/danger levels.

A copy of the approved Bushfire Management Plan is to be displayed in a prominent location within the cabins for guests to view.

#### Fencing, Landscaping and Buffers

- 14. A rural type fence (minimum four strand wire fence) is to be provided along the northern, eastern and southern property boundaries of the subject property, at the developer's cost. The fencing is to be completed prior to the Certificate of Classification being issued for the first short term accommodation building.
- 15. Landscaping is to be provided for each cabin, or alternatively, battening around the bottom of the cabins can be provided to screen the undercroft area of the cabins.
- 16. Within six (6) months of the Queensland Government's drought declaration being revoked for the Southern Downs Regional Council area, a tree planted buffer strip is to be retained/provided/maintained along the southern, western and northern boundary in line with the proposed Cabins to minimise the impact of dust nuisance from the gravel road and to ensure the cabins are not impacted by any rural activities on the adjoining rural land, as per the areas identified in green below:





#### **Car Parking and Vehicle Access**

- 17. Vehicle access is to be constructed to the site in accordance with Council's standard. (Council's Development Engineer can provide details regarding Council's standard.) The access must be constructed along Bellinghams Road at a location which provides adequate sight distance in either direction. If necessary, the property access gateway must be located within a setback such that all vehicles proposed to enter and/or exit the land are able to stand clear of the carriageway whilst the property gateway is being opened and/or closed.
- 18. A 3.0 metre wide all-weather driveway is to be constructed from Bellinghams Road to the car parking area identified on the approved Site Plan, drawing number DA 02 and dated 09/02/2021. The vehicle entrance/driveway/carpark area may remain gravel, provided it is appropriately maintained and do not cause a dust nuisance. If complaints are received (which in the opinion of an authorised person is not frivolous, vexatious nor based on mistaken belief) or the vehicle entrance and driveway become eroded with material becoming deposited outside of the site or potholes form that would increase noise associated with vehicle movements, the entrance/driveway/carpark area shall be sealed to Council's standards.
- 19. At least one (1) car parking space is to be provided for each cabin. A total of three (3) car parking spaces must be provided on-site. The car parking spaces can be provided alongside each cabin or alternatively in a centralised location easily accessible to each cabin.
- 20. The car park area is to be defined by a low physical barrier along the edge of the car parking area and driveways.

#### Water Supply and Waste water

- 21. The proposed Short-term accommodation buildings are provided with on-site water storage for each cabin must have at least 20,000 litres of water storage.
  - On-site water supply may include the provision of a bore, dams, water storage tanks or a combination of these.
- 22. All sewage generated from this property must be disposed of by means of an on-site sewage facility (OSSF) in accordance with the AS/NZS 1547:2012 On-site Domestic Wastewater Management, Queensland Plumbing and Wastewater Code and the Standard Plumbing and Drainage Regulation 2018.
- 23. Prior to the commencement of the use, a report demonstrating that adequate provision has been made for the supply of water, including a drinking water supply, is to be submitted to and approved by Council's Planning Department. If water is to be supplied for the development from a spring/bore/dam on the site, written advice must be supplied from the Department of Resource that water may be lawfully supplied from that source. A water



supply is to be provided in accordance with the approved report.

- 24. The site must be provided with a water storage reservoir having a minimum of 5,000 litres of water available per Class 1 building for emergency fire fighting purposes. Such storage must be provided in addition to the water supply capacity required for the use and must be provided in the form of either an accessible dam, swimming pool or rainwater tank. If storage is to be provided in a rainwater tank, water storage for fire fighting purposes must be provided either in a separate rainwater tank or a reserve section in the main water supply tank on which:
  - (a) the domestic take off from the tank is at or above the 5,000 litre point; and
  - (b) standard rural fire brigade fittings are fitted to the tank outlet for access by rural fire services vehicles.

All fire fighting connections are to be carried out in accordance with the *Plumbing and Drainage Act 2018*.

#### **Infrastructure Charges Notice**

25. Payment of \$3,750 is to be made to Council in accordance with the Infrastructure Charges Notice attached to the decision notice. If the development is staged, the payment of Infrastructure Charges may also be staged. If payment is made more than two years after the date of the Infrastructure Charges Notice, the charge will increase in line with the Road and Bridge Construction Index for Queensland.

#### **Advisory Notes**

- (i) Unless otherwise stated, all conditions of this approval are to be complied with to the satisfaction of the Director Planning and Environmental Services, prior to the use commencing, and then compliance maintained at all times while the use continues.
- (ii) Any proposal to increase the scale or intensity of the use on the subject land, that is assessable development under the Planning Scheme, would be subject to a separate application for assessment in accordance with the *Planning Act 2016* and would have to comply with the requirements of the Planning Scheme.
- (iii) It is encouraged that you arrange for a free compliance inspection to be carried out prior to the use commencing. This will involve a physical inspection of the premises along with an internal audit of Council's records. Written advice will be provided for your records advising if compliance with the conditions has been achieved.
- (iv) The General Environmental Duty under the *Environmental Protection Act 1994* prohibits unlawful environmental nuisance caused by noise, aerosols, particles dust, ash, fumes, light, odour or smoke, beyond the boundaries of the property during all stages of the development including earthworks, construction and operation.
- (v) Prior to the use of the new building for Short-term accommodation, an application must be submitted and approved by Council for a permit under Local Law No. 1 (Administration) 2011 and Subordinate Local Law No. 1.19 (Rental Accommodation) 2011.
- (vi) Plumbing and Drainage Approval is to be obtained in accordance with the Plumbing and Drainage Act 2018 for the proposed plumbing and drainage works. The application for Plumbing and Drainage approval must be submitted to Council with the appropriate forms, plans and fees associated with this application. A Certificate of Compliance must be issued for the works prior to the use commencing.
- (vii) **Building Approval is to be obtained** for a Class 1B in accordance with the *Planning Act* 2016 for the proposed building work. The building application must be submitted to a Building Certifier with the appropriate **forms, plans and fees** associated with this application. The building plans are to accord with the plans approved in this approval. The building is to be constructed in accordance with the Building Approval prior to the commencement of the use. A **Form 11 (Certificate of Classification) must be issued for**



#### the building works prior to the use commencing.

- (viii) All Development Permits for Plumbing and Drainage Works should be obtained prior to the issue of a Development Permit for Building Works.
- (ix) The supply of water for human consumption, food preparation, food utensil washing or personal hygiene, including the supply of water for drinking water, showers, baths, hand basin and kitchen sinks, must be connected to a drinking water supply, in accordance with the *Plumbing Code of Australia* and the *Australian Drinking Water Quality Guidelines* produced by the *National Health and Medical Research*.
- (x) The Flood hazard overlay is based on a 1% Annual Exceedance Probability (AEP) flood event. An event of this size may occur, on average, once every 100 years, however it may occur more frequently. Flood events may also be larger than the 1% AEP and therefore areas located outside of the overlay are not guaranteed of flood immunity.
- (xi) This area is expressly identified as being potentially impacted by lawful non-residential uses. In commencing a residential use, the owner(s) acknowledges and accepts that the use may be potentially impacted by emissions from the lawful non-residential use. It is the responsibility of the property owner(s) to take all measures necessary to ensure that the proposed dwelling is developed and maintained in such a way as to mitigate impacts from the surrounding lawful non-residential use. These measures must be undertaken at the expense of the property owner(s).
- (xii) Council will not be sealing Bellinghams Road as a result of any dust complaints received.
- (xiii) Prior to constructing or upgrading an access, an application must be submitted and approved by Council for a permit under Local Law No. 1 (Administration) 2011 and Subordinate Local Law No. 1.15 (Carrying Out Works on a Road or Interfering with a Road or its Operation) 2011.
- (xiv) Site works must be constructed such that they do not, at any time, in any way restrict, impair or change the natural flow of runoff water, or cause a nuisance or worsening to adjoining properties or infrastructure.
- (xv) This approval for Short-term Accommodation may potentially affect your rates and charges levied on your property. The potential impact may include, but is not limited to:
  - General Rates may change to a commercial category
  - State Emergency Management Levy may change classes
  - Sewerage Access Charges may change to a different category
  - Domestic Waste Collection may be removed and require a separate waste collection direct from a waste collection provider

For further information, please contact Council's Revenue section on 1300 697 372.

#### **Aboriginal Cultural Heritage**

(xvi) All reasonable and practicable measures must be taken to ensure that no harm is caused to Aboriginal cultural heritage (the "cultural heritage duty of care"). The cultural heritage duty of care is met if the development is conducted in accordance with gazetted cultural heritage duty of care guidelines. Further information on cultural heritage, together with a copy of the duty of care guidelines and cultural heritage search forms, may be obtained from www.datsip.qld.gov.au



15.	REPORTS	OF	<b>DEPUTATION</b>	OR	CONFERENCE	&	<b>REPORTS</b>	<b>FROM</b>	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 Request for Exemption/Concession on Not for Profit Organisation

#### **Reason for Confidentiality**

This item is considered confidential in accordance with section 254J(3)(d) of the *Local Government Regulation 2012*, as it contains information relating to rating concessions.

#### 18.2 Sale of Land Auction 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 Rate Concessions Granted - 2020/2021

#### Reason for Confidentiality

This item is considered confidential in accordance with section 254J(3)(d) of the *Local Government Regulation 2012*, as it contains information relating to rating concessions.

## 18.4 Rebate Outstanding Charges for Former Leased Property at Merawa Street, Wallangarra

#### **Reason for Confidentiality**

This item is considered confidential in accordance with section 254J(3)(d) of the *Local Government Regulation 2012*, as it contains information relating to rating concessions.

#### 18.5 Road Encroachment - Property ID 139080

#### 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 negotiations relating to the taking of land by the local government under the Acquisition of Land Act 1967.

#### Meeting In Camera

Resolution

Moved Cr M Gliori

Seconded Cr C Gow

THAT the meeting move into closed session.

**Carried** 

The Meeting moved into closed session at 10:17am.



#### **Meeting Out Of Camera**

#### Resolved

THAT the meeting resume in open session at 10:26am.

**Carried** 

Presentation of Recognition of Volunteer Certificate to Paula Boatfield

The meeting adjourned for morning tea at 10:30am and reconvened at 10:53am at which time there were present Crs Pennisi, Bartley, Gliori, Gow, McDonald, Gale and Tancred

#### Meeting In Camera

Resolution

Moved Cr A Gale

Seconded Cr C McDonald

THAT the meeting move into closed session.

Carried

The Meeting moved into closed session at 10:53am.

#### **Meeting Out Of Camera**

#### Resolved

THAT the meeting resume in open session at 11:02am.

**Carried** 

#### 18.1 Request for Exemption/Concession on Not for Profit Organisation

#### Resolution

#### **Moved Cr R Bartley**

Seconded Cr C McDonald

THAT Council resolve not to apply a rebate to requested properties until a formal compliant application is provided to Council.

**Carried** 

#### 18.2 Sale of Land Auction for Unpaid Rates

#### Resolution

Moved Cr R Bartley

Seconded Cr M Gliori

THAT Council note the outcome of the sale of land auction for unpaid rates on 24 June 2021.



#### 18.3 Rate Concessions Granted - 2020/2021

#### Resolution

#### **Moved Cr S Tancred**

#### Seconded Cr C Gow

THAT Council receive and note the Rate Concession Report advising of the rate concessions granted during the 2020/2021 financial year.

Carried

## 18.4 Rebate Outstanding Charges for Former Leased Property at Merawa Street, Wallangarra

#### Resolution

#### **Moved Cr R Bartley**

Seconded Cr C Gow

THAT Council rebate outstanding charges for former leased property at Merawa Street, Wallangarra.

**Carried** 

#### 18.5 Road Encroachment - Property ID 139080

#### Resolution

#### Moved Cr C Gow

Seconded Cr C McDonald

THAT Council:

- 1. Endorse the land acquisition/resumption process to resolve the current road encroachment of Old Stanthorpe Road, Dalveen into Lot 5 on RP31059;
- 2. Delegate authority to the Chief Executive Officer to finalise negotiations and documentation to resolve the road encroachment of Old Stanthorpe Road, Dalveen into Lot 5 on RP 31059.

Carried

#### **MEETING CLOSURE**

There being no further business, the meeting closed at 11:06am.