



**MINUTES OF THE  
ORDINARY COUNCIL MEETING  
25 AUGUST 2021**

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**MINUTES OF THE ORDINARY COUNCIL MEETING OF  
SOUTHERN DOWNS REGIONAL COUNCIL HELD ON 25 AUGUST 2021 IN THE  
COUNCIL CHAMBERS, SOUTHERN DOWNS REGIONAL COUNCIL,  
64 FITZROY STREET, WARWICK AT 9:00AM**

**ACKNOWLEDGEMENT TO COUNTRY**

**1. PRAYERS & CONDOLENCES**

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

**2. ATTENDANCE**

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

Officers: Dave Burges (Chief Executive Officer), Scott Norman (Director Finance, Assets and Special Projects), Shannon Aspinall (Senior Finance Coordinator), Andrew Page (Director Corporate and Community Services), , Angela O'Mara (Manager Planning and Development), Tonya Collier (Development Assessment Coordinator), James Varughese (Acting Manager Works) and Allison Bilbrough (Minute Secretary)

**3. APOLOGIES**

Nil

**4. READING AND CONFIRMATION OF MINUTES**

**4.1 Ordinary Council Meeting - 11 August 2021**

**Resolution**

**Moved Cr C Gow**

**Seconded Cr R Bartley**

THAT the minutes of the Ordinary Council Meeting held on Wednesday 11 August 2021 be adopted.

**Carried**

**5. ACTIONS FROM COUNCIL MEETINGS**

**5.1 Actions from Ordinary Council Meeting 28 July 2021**

**Resolution**

**Moved Cr M Gliori**

**Seconded Cr C Gow**

THAT Council receive the report and note the contents.

**Carried**

## 6. DECLARATIONS OF CONFLICTS OF INTEREST

Item No	Item Precis	Nature of Conflict
14.1	Request to waive or reduce Building Application fee	Cr Tancred asked for his membership of the Rotary Club of Stanthorpe to be noted. A conflict of interest was not declared.
10.1	Notice of Motion to Repeal or Amend – Southern Downs Mayoral Innovation & Development Mentoring Program Charter	Cr McDonald raised her concern that it could be perceived Cr Pennisi has a prescribed conflict of interest given that under the current terms of reference it is stated in point 3, that the committee, as it stands, is sponsored and reporting to the Mayor.  Cr McDonald considered that as Cr Pennisi holds an executive position on the committee, therefore a prescribed conflict of interest could be perceived as Cr Pennisi handpicked the members and the members have not been declared.

*The Mayor adjourned the meeting to seek legal advice on the conflict of interest for agenda Item 10.1 at 9:32am.*

*The meeting reconvened at 9:38am at which time were present were Crs Pennisi, Bartley, Gale (via video link), Gliori, Gow, McNally, Tancred, McDonald and Windle.*

## 7. MAYORAL MINUTE

Nil

## 8. READING AND CONSIDERATION OF CORRESPONDENCE

### 8.1 Correspondence

#### Resolution

**Moved Cr S Tancred**

**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**

### **10.2 Tourism and Visitor Numbers Quarterly Update**

#### **Resolution**

**Moved Cr M Giori**

**Seconded Cr S Windle**

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

**Carried**

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

In accordance with Section 8.7 of Council's Meeting Policy, Cr Bartley moved the following procedural motion.

### **11.1 Unsealed Road Asset and Service Management Plan**

#### **Resolution**

**Moved Cr R Bartley**

THAT Council defer consideration of the Unsealed Road Asset and Service Management Plan to a workshop with a further report to Council.

**Carried**

### **11.2 Grant Status Report**

#### **Resolution**

**Moved Cr M Giori**

**Seconded Cr S Windle**

THAT Council note the current grants status as at 31 July 2021.

**Carried**

In accordance with Section 8.7 of Council's Meeting Policy, Cr Bartley moved the following procedural motion.

### **11.3 Draft Transport Asset Management Policies.**

#### **Resolution**

**Moved Cr R Bartley**

THAT Council defer consideration of the Draft Provision of Transport Network Policy and Draft Use of Roads Policy to a workshop in conjunction with the Unsealed Road Asset and Service Management Plan, with a further report to Council.

**Carried**

## **12. CORPORATE AND COMMUNITY SERVICES REPORTS**

### **12.1 Relinquishment of Trusteeship**

#### **Resolution**

**Moved Cr R Bartley**

**Seconded Cr C McDonald**

THAT Council:

1. Advise the Department of Resources that Council resolves to relinquish trusteeship of the following reserves, described as:
  - Lot 19 on Crown Plan ML1399; and
  - Lot 381 on Crown Plan BNT1725; and
2. Approve a Trustee Permit with the Gladfield Citizens and Sporting Association over the whole of Lot 19 on Crown Plan ML1399 whilst this matter is resolved, in accordance with the *Local Government Regulation 2012* whilst adhering to the relevant provisions of *Council's Lease Policy*, the *Land Title Practice Manual* and *Land Act 1994*; and
3. Delegate authority to the Chief Executive Officer for all negotiations in relation to relinquishment of both the above mentioned reserves.

**Carried**

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

#### **Resolution**

**Moved Cr S Tancred**

**Seconded Cr A Gale**

THAT Council receive and note the minutes of the Stanthorpe 150<sup>th</sup> Anniversary Celebration Advisory Committee (S150ACAC) Meeting held on 3 August 2021.

**Carried**

### **12.3 Quarterly Report - Warwick Art Gallery**

#### **Resolution**

**Moved Cr S Windle**

**Seconded Cr M Giori**

THAT Council note the Warwick Art Gallery's latest quarterly report.

**Carried**

### **12.4 YMCA Monthly Report - July 2021 - Warwick Indoor Recreation and Aquatic Centre**

#### **Resolution**

**Moved Cr A Gale**

**Seconded Cr M Giori**

THAT Council receive the July 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 Naming of Unnamed Road - Pratten

##### Resolution

Moved Cr M Giori

Seconded Cr S Windle

THAT Council:-

1. Select Prospector Road for the purpose of consultation with the broader community:
2. Undertake a consultation process for the naming of the road, and to seek feedback on the suggested road name.

**Carried**

### 14. PLANNING AND ENVIRONMENTAL SERVICES REPORTS

#### 14.1 Request to waive or reduce Building Application fee

##### Resolution

Moved Cr M Giori

Seconded Cr C McDonald

THAT Council approves to waive 50% of the building application fee in accordance with Council's Schedule of General Fees and Charges.

**Carried**

#### 14.2 Other Change to Material Change of Use – Desmond C and Judith Waugh C/-Alpha Planning, 130 Breens Road, Eukey

##### Resolution

Moved Cr S Tancred

Seconded Cr S Windle

THAT the application for an Other Change to Material Change of Use for the purpose of Animal Keeping (Increase the number of dogs to be keeping of up to 20 dogs for breeding purposes), on land at 130 Breens Road, Eukey, described as Lot 4 SP196265, be approved subject to the following conditions being amended and the inclusion of additional conditions:

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

##### Approved Plans

1. The development of the site is to be generally in accordance with the proposal plans submitted with the application, ~~as determined by the Director Planning and Environment~~, and subject to the final development being amended in accordance with the conditions of this approval.

Plan Name	Plan No.	Date
Aerial Inset Site Plan - Appendix A of Planning Report prepared by Alpha Planning Applications	-	8 February 2021
Floor Plan - Appendix A of Planning Report prepared by Alpha Planning Applications	-	8 February 2021

- 1A. 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.

### Land Use & Planning Controls

2. This approval allows the use of the site for the keeping and breeding of up to ~~five~~ twenty (20) dogs.
3. This approval does not allow for customers associated with the kennels to come to the site.
4. This approval does not allow for the site to be used as boarding kennels.
- 4A. The existing 1.2 metre high fence is to be maintained around the dog yards and day runs, in a way where dogs cannot escape (dog proof fencing). However, if dogs escaping becomes a regular occurrence, the fencing will need to be increased to 1.8 metres in height.
- 4B. Prior to the commencement of the use, Council is to be provided the details of the Breeders Identification Number (BIN) provided by the Department of Agriculture and Fisheries.
5. Any proposal to increase the number of dogs kept in the kennels or increase the number of kennel buildings is assessable development under the Planning Scheme, would be subject to a separate application for assessment in accordance with the ~~Sustainable Planning Act 2009~~ 2016 and would have to comply with the requirements of the Planning Scheme.

### Building, Health & Development Compliance

6. The conditions of this approval are to be complied with ~~to the satisfaction of the Director Planning and Environment~~, prior to the use of the building or site commencing.
7. Noise levels emitted from the premises must not exceed 5dB(A) above the background noise levels in the locality when measured from the nearest part of an affected residential dwelling and must not exceed 10dB(A) above the background noise levels in the locality when measured from the nearest part of a commercial premises. The applicant is to note that this may include the need to use noise attenuating materials in the building.
8. The applicant is to permit Council officers access to the site in accordance with the *Local Government Act 1993* 2009, Sections ~~1096~~ 129 and 132 subject to 48 hours notice and reasonable security and health restrictions on access, so as to ensure the use is being conducted in accordance with the conditions of the approval.
9. The dogs are to be kept in the kennels between the hours 6.00pm and 7.00am.
10. All dogs over three months of age must be registered under the *Animal Management (Cats and Dogs) Act 2008*.

### Amenity & Environmental Controls

11. All buildings, enclosures and other structures and areas used in the ~~Intensive Animal Husbandry keeping~~ Use must be constructed, maintained and operated in such a manner as to provide for the effective control of flies, rodents, pests, weeds and odour, or other deleterious matter or thing.
- 11A. Animal housing areas must be provided with ventilation which is sufficient to maintain the health of animals, whilst minimising undue draughts, odours and moisture condensation.
- 11B. All kennels are to provide protection from rain and wind, direct sunlight, extreme temperatures or other adverse weather conditions, and must be provided with a clean and dry dedicated sleeping area.
- 11C. Stormwater from within the fenced dog run enclosures is to be managed to ensure that no contaminants enter adjoining properties and to not cause environmental nuisance or environmental harm.
- 11D. Manure pits must have sufficient capacity to compost all faecal matter produced onsite. The manure pit must be constructed so that it has a 0.5 metre high bund wall to prevent stormwater entering and leaving the area.

- 11E. All faecal waste, including any bio-degradable absorbent material in the kennels, is to be collected daily and disposed of in the manure pit on-site, provided the manure pit is appropriately maintained and do not cause can odour issue. If odour complaints are received (which in the opinion of an authorised person is not frivolous, vexatious nor based on mistaken belief) alternative disposal methods will need to be submitted and approved by Council's Planning Services department.
- 11F. 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.
- 11G. **Bushfire Management Plan is to be submitted to Council's Planning and Development Department for approval.** The Bushfire Management Plan is to address management of the bushfire risk to the property and kennel, and must include evacuation procedures for dogs in the event of a bushfire emergency.
- A copy of the approved Bushfire Management Plan is to be displayed in a prominent location within the kennel.
12. ~~All fecal waste is to be collected daily and composted on the site.~~ Any additional wastes are to be suitably collected and disposed at Council's Stanthorpe Waste Facility so as not to adversely impact on the environment.
13. No effluent is to drain from the site or into any watercourse.
14. There is to be no interference with the amenity of the surrounding area by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil or otherwise.
15. Dog food is to be stored in a vermin proof receptacle.

#### **Fencing, Landscaping and Buffers**

16. The existing vegetation on the land is to be retained to provide buffering to the adjoining properties.

#### **Aboriginal Cultural Heritage**

17. ~~Deleted. In carrying out the development, 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. An assessment of the proposed activity against the duty of care guidelines will help determine whether or to what extent Aboriginal cultural heritage may be harmed by the activity. 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.derm.qld.gov.au](http://www.derm.qld.gov.au)~~

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

18. A 3.0 metre wide all-weather driveway is to be maintained from Breens Road to the Kennel.
19. At least one (1) car parking spaces are to be provided on site. The carpark may remain grass, provided it is appropriately maintained and clearly marked.

#### **Water Supply and Waste water**

20. The site must be provided with a water storage reservoir having a minimum of 5000 litres of water 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 5000 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*.

### **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) No clearing of remnant vegetation or regulated regrowth vegetation is to occur under this approval. A Development Permit for Operational Works must be obtained from the Department of Infrastructure, Local Government and Planning for the clearing of any remnant vegetation, unless exempt under Schedule 21 of the *Planning Regulation 2017*.
- (vi) Council will not be sealing Breens Road as a result of any dust complaints received.
- (vii) 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.

### **Aboriginal Cultural Heritage**

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](http://www.datsip.qld.gov.au)

**Carried**

*Cr Bartley left the meeting at 10:22am*

*Cr Bartley rejoined the meeting at 10:22am*

### **14.3 Shaping Southern Downs Advisory Committee**

#### **Resolution**

**Moved Cr J McNally**

**Seconded Cr S Windle**

THAT Council defer future Shaping Southern Downs Advisory Committee meetings until such time as Council has reviewed the purpose of the Shaping Southern Downs document and the Terms of Reference of the Advisory Committee with further review prior to December 2021.

**Carried**

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

Cr Tancred requested the following be recorded:

1. The Stanthorpe Sports Association moved at their meeting on the 31 May 2021 that Cr Stephen Tancred, as the Council representative, is not a voting member of the Stanthorpe Sporting Association Incorporated; and
2. Cr Tancred sits on the Southern & Darling Downs Regional Water Assessments Working Group with Council's Manager Water, Lalji Rathod. The Working Group will be seeking feedback from Southern Downs Regional Council and the representatives will be reporting to the program Director and the program Steering Committee over the life of the project which is expected to be two years.

### **16. NOTICES OF MOTION**

Nil

### **17. GENERAL BUSINESS**

Cr Gow asked for a review of all committees of Council, including their terms of reference and their relationship to any changes in legislation.

Cr McNally also requested that Councillor Portfolios and Divisions to be reviewed.

*The meeting adjourned for morning tea at 10:40am and reconvened at 11:00am at which time there were present Crs Pennisi, Bartley, Gale (via video link), Giori, Gow, McNally, Tancred, McDonald and Windle.*

*Due to a suggested possible conflict of interest, the Mayor handed the chair to Cr Bartley at 11:02am*

## **6.1 Conflict of Interest - Mayor Pennisi and Agenda Item 10.1**

### **Resolution**

**Moved Cr C McDonald**

**Seconded Cr J McNally**

### **Resolution**

THAT Council resolve the Mayor has a prescribed conflict of interest in relation to Item 10.1 Notice of Motion to Repeal or Amend – Southern Downs Mayoral Innovation & Development Mentoring Program Charter.

**Lost**

*Mayor resumed the chair at 11:06am*

## **10.1.1 Notice of Motion to Repeal or Amend - Southern Downs Mayoral Innovation & Development Mentoring Program Charter**

### **Resolution**

**Moved Cr J McNally**

**Seconded Cr M Gliori**

### **Resolution**

THAT Council separate into two (2) parts, the recommendation for agenda Item 10.1

**Carried**

## **10.1 Notice of Motion to Repeal or Amend - Southern Downs Mayoral Innovation & Development Mentoring Program Charter**

### **Resolution**

**Moved Cr J McNally**

**Seconded Cr M Gliori**

THAT Council repeal the following Resolution 10.2 from the Ordinary Meeting held on 26 May 2021:

### *10.2 Southern Downs Innovation & Development Committee Terms of Reference Resolution*

*Moved Cr A Gale*

*Seconded Cr S Tancred*

*THAT Council adopt the attached Terms of Reference for the Southern Downs Innovation & Development Committee.*

**Carried**

In accordance with Section 8.7 of Council's Meeting Policy, Cr Gow moved the following procedural motion.

#### **10.1.2 Notice of Motion to Repeal or Amend - Southern Downs Mayoral Innovation & Development Mentoring Program Charter**

##### **Resolution**

**Moved Cr C Gow**

##### **Resolution**

THAT Council defer adopting the attached Southern Downs Mayoral Innovation and Development Mentoring Program Charter to seek further legal advice.

**Carried**

*The Mayor accepted a call for a Division on the motion from the floor and the following votes were recorded:*

*For: Crs R Bartley, M Giori, C Gow, C McDonald, J McNally and S Windle (6)*

*Against: Crs A Gale, V Pennisi and S Tancred (3)*

*Accordingly the Mayor declared the motion carried.*

#### **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 Procurement Exception – Technology One Cloud Services**

###### **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.

##### **Meeting In Camera**

##### **Resolution**

**Moved Cr A Gale**

**Seconded Cr R Bartley**

THAT the meeting move into closed session.

**Carried**

The Meeting moved into closed session at 12:17pm

**Meeting Out Of Camera**

**Resolved**

THAT the meeting resume in open session.

**Carried**

**18.1 Procurement Exception – Technology One Cloud Services**

**Resolution**

**Moved Cr J McNally**

**Seconded Cr A Gale**

THAT Council:

1. Resolves not to request quotes or tenders for the purchase of software modules, licensing and consulting services from Technology One, due to the specialised nature of the supplies, pursuant to section 235(b) of the *Local Government Regulation 2012*; and
2. Delegate to the Chief Executive Officer to enter into a 5 year contract with Technology One to move to the SaaS/cloud based platform.

**Carried**

**MEETING CLOSURE**

There being no further business, the meeting closed at 12:24pm.