



**MINUTES OF THE
GENERAL MEETING OF COUNCIL
28 AUGUST 2019**

ORDER OF BUSINESS:

ACKNOWLEDGEMENT TO COUNTRY	4
1. PRAYERS & CONDOLENCES.....	4
2. ATTENDANCE	4
3. APOLOGIES.....	4
4. READING AND CONFIRMATION OF MINUTES.....	4
4.1 General Council Meeting - 24 July 2019	4
4.2 Special Council Meeting - 5 August 2019	4
4.3 Special Council Meeting - 12 August 2019	5
5. ACTIONS FROM COUNCIL MEETINGS	5
5.1 Actions from Previous Council Meetings.....	5
6. DECLARATIONS OF CONFLICTS OF INTEREST	5
6.1 Conflict of Interest - Cr Meiklejohn - Agenda Item 17.2	8
6.2 Conflict of Interest - Cr Pennisi - Agenda Item 12.1	8
6.3 Conflict of Interest - Cr Pennisi - Agenda Item 12.4	8
6.3.1 Conflict of Interest - Cr Pennisi - Agenda Item 12.4	8
6.4 Conflict of Interest - Cr Pennisi - Agenda Item 17.14	9
6.4.1 Conflict of Interest - Cr Pennisi - Agenda Item 17.14	9
6.5 Conflict of Interest - Cr Pennisi - Agenda Item 17.15	9
6.5.1 Conflict of Interest - Cr Pennisi - Agenda Item 17.15	9
7. MAYORAL MINUTE	10
7.1 Mayoral Minute	10
8. READING AND CONSIDERATION OF CORRESPONDENCE	10
8.1 Correspondence	10
9. RECEPTION AND READING OF PETITIONS AND JOINT LETTERS.....	10
Nil	
10. EXECUTIVE SERVICES REPORTS.....	10
Nil	
11. CORPORATE SERVICES REPORTS	10
11.1 Financial Report as at 31 July 2019.....	10
11.2 Building Our Regions Round 5	11
11.3 Stormwater Asset and Service Management Plan	11

11.4	Queensland Veterans' Memorial Grants Program	11
11.5	Infrastructure Australia Priority Projects List	12
11.6	Adoption of Amended Schedule of General Fees and Charges 2019/2020	12
12.	INFRASTRUCTURE SERVICES REPORTS	13
12.1	Infrastructure Services Directorate Monthly Report.....	13
12.2	Cycleway Master Plan	13
12.3	Stanthorpe Streetscape	13
13.1	Reconfiguration of a Lot, Gary Hayes & Partners Pty Ltd, 29 Amarina Avenue, Sladevale	14
13.1.1	Reconfiguration of a Lot, Gary Hayes & Partners Pty Ltd, 29 Amarina Avenue, Sladevale - Approval.....	17
12.4	Water Contingency Plan	18
12.5	Stanthorpe CBD Vehicle Parking Study	18
13.	SUSTAINABLE DEVELOPMENT REPORTS	19
13.2	Adapt Planning, Purple Dove Awareness Group Inc., 19 Church Road, The Summit	19
13.3	Request for Review of Decision for Issue of Temporary Events Permit...	19
13.4	Regional Promotion and Visitor Numbers Autumn/Winter 2019	20
13.5	Senate Submission into Regional Jobs.....	20
14.	REPORTS OF DEPUTATION OR CONFERENCE & REPORTS FROM DELEGATES APPOINTED BY COUNCIL TO OTHER BODIES	20
	Nil	
15.	NOTICES OF MOTION	20
	Nil	
16.	GENERAL BUSINESS	20
Meeting In Camera		
Meeting Out Of Camera		
Meeting In Camera		
Meeting Out Of Camera		
17.1	Renewal of Trustee Lease between the Allora Tennis Club Incorporated and Southern Downs Regional Council.....	24
17.2	Renewal of Trustee Lease between the Warwick Swimming Club Incorporated and the Southern Downs Regional Council	25
17.3	Application for Rates Deferral - PID 106500	25
17.4	Application for Rates Deferral - PID 133220	25
17.5	Request for 35% discount on Property ID 16310	25

17.6	Application for Rates Deferral - PID 126495	26
17.7	Application for Rates Deferral - PID 35125	26
17.8	Application for Rates Deferral - PID 23950	26
17.9	Application for Rates Deferral - PID 18085	26
17.10	Land Acquisition and Disposal by Lease.....	27
17.11	Second Request for Water Relief - PID 93645.....	27
17.12	Waive Water Consumption Charges - PID 98510	27
17.13	July 2019 Monthly Report - Warwick Indoor Recreation and Aquatic Centre - YMCA Brisbane	27
17.14	Audit and Risk Management Committee Meeting Minutes - 15 August 2019	28
17.15	Evaluation Report - RFT19_196 - Southern Downs Environmental Sustainability Strategy	28
17.17	Submission to State Government for Drought Assistance Funding for the Carting of Water to Stanthorpe	29
17.16	Waste Contracts – Transfer Stations and Tender Consideration Plan: S230 of the Local Government Regulation 2012.....	29
17.18	Recommendation to Host 2020 Hockey Women's State Masters	29

**MINUTES OF THE GENERAL COUNCIL MEETING OF
SOUTHERN DOWNS REGIONAL COUNCIL HELD ON 28 AUGUST 2019 IN THE
COUNCIL CHAMBERS, SOUTHERN DOWNS REGIONAL COUNCIL,
64 FITZROY STREET, WARWICK AT 9:00AM**

ACKNOWLEDGEMENT TO COUNTRY

1. PRAYERS & CONDOLENCES

Pastor Brian Myer from King's City Church offered a prayer for the meeting and acknowledged condolences.

2. ATTENDANCE

Present: Crs Dobie (Chair), Gow, Kelly, McNally, McNichol, Meiklejohn, Pennisi, Stocks and Windle

Officers: David Keenan (Chief Executive Officer), Seren McKenzie (Director Infrastructure Services), Jane Stroud (Director Sustainable Development), Joanne Morris (Director Corporate and Commercial Services), Marion Seymour (Minute Secretary)

3. APOLOGIES

Nil

4. READING AND CONFIRMATION OF MINUTES

4.1 General Council Meeting - 24 July 2019

Resolution

Moved Cr M McNichol

Seconded Cr R Kelly

THAT the minutes of the General Council Meeting held on Wednesday 24 July 2019 be adopted.

Carried

4.2 Special Council Meeting - 5 August 2019

Resolution

Moved Cr R Kelly

Seconded Cr S Windle

THAT the minutes of the Special Council Meeting held on Monday 5 August 2019 be adopted.

Carried

4.3 Special Council Meeting - 12 August 2019

Resolution

Moved Cr N Meiklejohn

Seconded Cr Y Stocks

THAT the minutes of the Special Council Meeting held on Monday 12 August 2019 be adopted.

Carried

5. ACTIONS FROM COUNCIL MEETINGS

5.1 Actions from Previous Council Meetings

Resolution

Moved Cr M McNichol

Seconded Cr N Meiklejohn

THAT Council receive the report and note the contents.

Carried

6. DECLARATIONS OF CONFLICTS OF INTEREST

Item No	Item Precis	Nature of Conflict
8.1	Correspondence	Cr Pennisi declared a real conflict of interest in this matter (as defined in section 175 of the <i>Local Government Act 2009</i>) due to his role as Chair of Stanthorpe Community Reference Panel and a Director of Granite Belt Water Pty Ltd and Emu Swamp Dam Pty Ltd and dealt with the real conflict of interest by leaving the meeting room, taking no part in the debate or decision on the matter.
11.5	Infrastructure Australia Priority Projects List	Cr Pennisi declared a real conflict of interest in this matter (as defined in section 175 of the <i>Local Government Act 2009</i>) due to his role as Chair of Stanthorpe Community Reference Panel and a Director of Granite Belt Water Pty Ltd and Emu Swamp Dam Pty Ltd, and these companies have a focus on water on the Granite Belt, in particular the construction of a new dam (ESD). The report has reference to apply for funding that will deliver long term water projects to Southern Downs, and dealt with the real conflict of interest by leaving the meeting room, taking no part in the debate or decision on the matter.
12.1	Infrastructure Services Directorate Monthly Report	Cr Pennisi declared that a perceived conflict of interest in this matter (as defined in section 175 of the <i>Local Government Act 2009</i>), may exist due to his role as Chair of Stanthorpe Community Reference Panel and a Director of Granite Belt Water Pty Ltd and Emu Swamp Dam Pty Ltd. In

		his view this item is an ordinary business item of Council. The report has some publicly available information in the body of the report in relation to water issues. The recommendation seeks to receive the report so therefore he believes that as this is only receiving the report and no decision to change the report is requested, his personal interest in relation to the recommendation is not of sufficient significance that it would lead to him making a decision on this matter that is contrary to the public interest and asked Council to consider his participation in the discussion and vote on this matter. Following a resolution from Council, Cr Pennisi participated in discussion and voting on this matter.
12.4	Water Contingency Plan	Cr Pennisi declared a perceived conflict of interest in this matter (as defined in section 175 of the <i>Local Government Act 2009</i>) due to his role as Chair of Stanthorpe Community Reference Panel and a Director of Granite Belt Water Pty Ltd and Emu Swamp Dam Pty Ltd. In his view this item is an ordinary business item of Council. The report has some publicly available information in the body of the report in relation to water issues. The recommendation seeks to receive the report so therefore he believes that as this is only receiving the report and no decision to change the report is requested, his personal interest in relation to the recommendation is not of sufficient significance that it would lead to him making a decision on this matter that is contrary to the public interest and asked Council to consider his participation in the discussion and vote on this matter. Following a resolution from Council, Cr Pennisi left the room for discussion and voting on this matter.
17.2	Renewal of Trustee Lease between the Warwick Swimming Club Incorporated and the Southern Downs Regional Council	Cr Meiklejohn declared that a perceived conflict of interest in this matter (as defined in section 175 of the <i>Local Government Act 2009</i>), may exist due to his role as Patron of the Warwick Swimming Club Inc. Cr Meiklejohn dealt with the perceived conflict of interest by stating that it was his determination that his personal interest is not of sufficient significance that it would lead to him making a decision on this matter that is contrary to the public interest and asked Council to consider his participation in the discussion and vote on this matter. Following a resolution from Council, Cr Meiklejohn participated in the discussion and voting on this matter.
17.5	Request for 35% Discount on Property ID 16310	Cr Stocks declared a real conflict of interest in this matter (as defined in section 175 of the <i>Local Government Act 2009</i>) due to her past business dealings with the property owner and dealt with the real conflict of interest by leaving the meeting

		room, taking no part in the debate or decision on the matter.
17.14	Audit and Risk Management Committee Meeting Minutes 15 August 2019	Cr Pennisi declared a perceived conflict of interest in this matter (as defined in section 175 of the <i>Local Government Act 2009</i>) due to his role as Chair of Stanthorpe Community Reference Panel and a Director of Granite Belt Water Pty Ltd and Emu Swamp Dam Pty Ltd. In his view this item is an ordinary business item of Council. The report has some publicly available information in the body of the report in relation to water issues. The report seeks to identify a level of risk only and does not recommend any actions in relation to removing the risk, so it is his view that given that no decision to remove the risk is being recommended his personal interest in relation to the recommendation is not of sufficient significance that it would lead to him making a decision on this matter that is contrary to the public interest and asked Council to consider his participation in the discussion and vote on this matter. Following a resolution from Council, Cr Pennisi left the room for discussion and voting on this matter.
17.15	Evaluation Report – RFT_196 – Southern Downs Environmental Sustainability Strategy	Cr Pennisi declared a perceived conflict of interest in this matter (as defined in section 175 of the <i>Local Government Act 2009</i>) due to his role as Chair of Stanthorpe Community Reference Panel and a Director of Granite Belt Water Pty Ltd and Emu Swamp Dam Pty Ltd. The report has reference to water and waste water issues, consequently his personal interest in relation to the recommendation is not of sufficient significance that it would lead to him making a decision on this matter that is contrary to the public interest and asked Council to consider his participation in the discussion and vote on this matter. Following a resolution from Council, Cr Pennisi left the room for discussion and voting on this matter.
17.17	Submission to State Government for Drought Assistance Funding for the Carting of Water to Stanthorpe	Cr Pennisi declared a real conflict of interest in this matter (as defined in section 175 of the <i>Local Government Act 2009</i>) due to his role as Chair of Stanthorpe Community Reference Panel and a Director of Granite Belt Water Pty Ltd and Emu Swamp Dam Pty Ltd and these companies have a focus on water on the Granite Belt, in particular the construction of a new dam (ESD). The report has reference to apply for funding that will deliver emergency water to Southern Downs and dealt with the real conflict of interest by leaving the meeting room, taking no part in the debate or decision on the matter.
17.18	Recommendation to Host 2020 Hockey Women's State	Cr Windle declared a real conflict of interest in this matter (as defined in section 175 of the <i>Local</i>

	Masters Championships	<i>Government Act 2009</i>) due to her role as President of the Warwick Hockey Association and dealt with the real conflict of interest by leaving the meeting room, taking no part in the debate or decision on the matter.
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6.1 Conflict of Interest - Cr Meiklejohn - Agenda Item 17.2

Resolution

Moved Cr J McNally

Seconded Cr S Windle

THAT Cr Meiklejohn has a perceived conflict of interest in Agenda Item 17.2 due to his role as Patron of the Warwick Swimming Club Incorporated, and notwithstanding the conflict Cr Meiklejohn may participate in discussion on the matter and vote upon it.

Carried

6.2 Conflict of Interest - Cr Pennisi - Agenda Item 12.1

Resolution

Moved Cr C Gow

Seconded Cr R Kelly

THAT Cr Pennisi has a perceived conflict of interest in Agenda Item 12.1 due to his role as Chair of Stanthorpe Community Reference Panel and a Director of Granite Belt Water Pty Ltd and Emu Swamp Dam Pty Ltd, and notwithstanding the conflict, Cr Pennisi may participate in the matter, discuss and vote upon it.

Carried

6.3 Conflict of Interest - Cr Pennisi - Agenda Item 12.4

Resolution

THAT Cr Pennisi has a perceived conflict of interest in Agenda Item 12.4 due to his role as Chair of Stanthorpe Community Reference Panel and a Director of Granite Belt Water Pty Ltd and Emu Swamp Dam Pty Ltd, and notwithstanding the conflict, Cr Pennisi may participate in the matter, discuss and vote upon it.

Lapsed

6.3.1 Conflict of Interest - Cr Pennisi - Agenda Item 12.4

Resolution

Moved Cr J McNally

Seconded Cr S Windle

THAT Council did not accept Cr Pennisi's declaration of a perceived conflict of interest in relation to Agenda Item 12.4, and resolved that Cr Pennisi has a real conflict of interest due to his roles as Chair of Stanthorpe Community Reference Panel and as a Director of Granite Belt Water Pty Ltd and Emu Swamp Dam Pty Ltd, and must leave the room while this matter is discussed and voted upon.

Carried

6.4 Conflict of Interest - Cr Pennisi - Agenda Item 17.14

Resolution

Moved Cr C Gow

Seconded Cr N Meiklejohn

THAT Cr Pennisi has a perceived conflict of interest in Agenda Item 17.14 due to his role as Chair of Stanthorpe Community Reference Panel and a director of Granite Belt Water Pty Ltd and Emu Swamp Dam Pty Ltd, and notwithstanding the conflict, Cr Pennisi may participate in the matter, discuss and vote upon it.

Lost

6.4.1 Conflict of Interest - Cr Pennisi - Agenda Item 17.14

Resolution

Moved Cr J McNally

Seconded Cr S Windle

THAT Council did not accept Cr Pennisi's declaration of a perceived conflict of interest in relation to Agenda Item 17.14, and resolved that Cr Pennisi has a real conflict of interest due to his roles as Chair of Stanthorpe Community Reference Panel and as a Director of Granite Belt Water Pty Ltd and Emu Swamp Dam Pty Ltd, and must leave the room while this matter is discussed and voted upon.

Carried

6.5 Conflict of Interest - Cr Pennisi - Agenda Item 17.15

Resolution

THAT Cr Pennisi has a perceived conflict of interest in Agenda Item 17.15 due to his role as Chair of Stanthorpe Community Reference Panel and a Director of Granite Belt Water Pty Ltd and Emu Swamp Dam Pty Ltd, and notwithstanding the conflict, Cr Pennisi may participate in the matter, discuss and vote upon it.

Lapsed

6.5.1 Conflict of Interest - Cr Pennisi - Agenda Item 17.15

Resolution

Moved Cr N Meiklejohn

Seconded Cr J McNally

THAT Council did not accept Cr Pennisi's declaration of a perceived conflict of interest in relation to Agenda Item 17.15, and resolved that Cr Pennisi has a real conflict of interest due to his roles as Chair of Stanthorpe Community Reference Panel and as a Director of Granite Belt Water Pty Ltd and Emu Swamp Dam Pty Ltd, and must leave the room while this matter is discussed and voted upon.

Carried

7. MAYORAL MINUTE

7.1 Mayoral Minute

Resolution

Moved Cr R Kelly

Seconded Cr S Windle

THAT Council receive the Mayoral Minute for August 2019.

Carried

Cr Pennisi declared a real conflict of interest in Agenda Item 8.1 (as defined in section 175 of the Local Government Act 2009) due to his role as Chair of Stanthorpe Community Reference Panel and a Director of Granite Belt Water Pty Ltd and Emu Swamp Dam Pty Ltd and dealt with the real conflict of interest by leaving the meeting room, taking no part in the debate or decision on the matter. Cr V Pennisi left the meeting at 9:30AM.

8. READING AND CONSIDERATION OF CORRESPONDENCE

8.1 Correspondence

Resolution

Moved Cr M McNichol

Seconded Cr R Kelly

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

Carried

09:37AM Cr V Pennisi rejoined the meeting.

9. RECEPTION AND READING OF PETITIONS AND JOINT LETTERS

Nil

10. EXECUTIVE SERVICES REPORTS

Nil

11. CORPORATE SERVICES REPORTS

11.1 Financial Report as at 31 July 2019

Resolution

Moved Cr R Kelly

Seconded Cr Y Stocks

THAT Council receive and note the Financial Report as at 31 July 2019.

Carried

11.2 Building Our Regions Round 5

Resolution

Moved Cr S Windle

Seconded Cr M McNichol

THAT Council:

1. Submit an Expression of Interest to the Queensland Government's Building Our Regions Program Round 5 for the following two projects in order of priority:
 - a. New Art Gallery at Stanthorpe;
 - b. Upgraded Recycled Water Treatment Plant for Warwick Saleyards Truckwash.
2. Commits to a financial contribution of 25% for these two projects.

Carried

Cr Pennisi voted against the above motion

11.3 Stormwater Asset and Service Management Plan

Resolution

Moved Cr J McNally

Seconded Cr R Kelly

THAT Council adopt the Stormwater Asset and Service Management Plan.

Carried

Attachments

1. Stormwater Asset Management Plan - **Attached to the Minutes Under Separate Cover**

11.4 Queensland Veterans' Memorial Grants Program

Resolution

Moved Cr R Kelly

Seconded Cr M McNichol

THAT Council submit a funding application to the Queensland Veterans' Memorial Grants Program for the Kyoomba Military Hospital digital preservation project.

Carried

Cr Pennisi declared a real conflict of interest in Agenda Item 11.5 (as defined in section 175 of the Local Government Act 2009) due to his role as Chair of Stanthorpe Community Reference Panel and a Director of Granite Belt Water Pty Ltd and Emu Swamp Dam Pty Ltd, and these companies have a focus on water on the Granite Belt, in particular the construction of a new dam (ESD). The report has reference to apply for funding that will deliver long term water projects to Southern Downs, and dealt with the real conflict of interest by leaving the meeting room, taking no part in the debate or decision on the matter. Cr Pennisi left the meeting at 9:56AM.

The attached letter from the Mayor of Toowoomba Regional Council in relation to Agenda Item 11.5 was provided to Councillors prior to the meeting.

11.5 Infrastructure Australia Priority Projects List

Resolution

Moved Cr Y Stocks

Seconded Cr J McNally

THAT Council submit the following projects in order of priority for consideration on the prioritised list of nationally significant projects by Infrastructure Australia:

- a. Pipeline diversion of water from the Clarence River in Northern New South Wales to Tenterfield Shire Council and Southern Downs, Western Downs and Toowoomba Regional Councils;
- b. Upgrade of the Stanthorpe Wastewater Treatment Plant;
- c. Construction of a water pipeline from Toowoomba to Warwick;
- d. Construction of a wastewater pipeline from Warwick to Allora;
- e. Warwick Heavy Vehicle Highway Bypass.

Carried

Attachments

1. Letter from Mayor of Toowoomba Regional Council - **Attached to the Minutes Under Separate Cover**

10:05AM Cr V Pennisi rejoined the meeting.

11.6 Adoption of Amended Schedule of General Fees and Charges 2019/2020

Resolution

Moved Cr J McNally

Seconded Cr N Meiklejohn

THAT Council adopt the Amended Schedule of General Fees and Charges 2019/2020.

Carried

Attachments

1. SDRC Schedule of General Fees and Charges 2019/2020 - **Attached to the Minutes Under Separate Cover**

Cr Pennisi declared that a perceived conflict of interest in Agenda Item 12.1 (as defined in section 175 of the Local Government Act 2009), may exist due to his role as Chair of Stanthorpe Community Reference Panel and a Director of Granite Belt Water Pty Ltd and Emu Swamp Dam Pty Ltd. In his view this item is an ordinary business item of Council. The report has some publicly available information in the body of the report in relation to water issues. The recommendation seeks to receive the report so therefore he believes that as this is only receiving the report and no decision to change the report is requested, his personal interest in relation to the recommendation is not of sufficient significance that it would lead to him making a decision on this matter that is contrary to the public interest and asked Council to consider his participation in the discussion and vote on this matter. Following a resolution from Council, Cr Pennisi participated in discussion and voting on this matter.

12. INFRASTRUCTURE SERVICES REPORTS

12.1 Infrastructure Services Directorate Monthly Report

Resolution

Moved Cr M McNichol

Seconded Cr R Kelly

THAT Council receive the Infrastructure Services Directorate Monthly Report.

Carried

Cr Pennisi voted for the above motion.

12.2 Cycleway Master Plan

Resolution

Moved Cr N Meiklejohn

Seconded Cr C Gow

THAT Council endorse the public display of the Draft Master Plan for Cycleways and Scooterways (Attachment 5) for the townships of Allora, Warwick, Killarney, Stanthorpe and Wallangarra for a period of four (4) weeks. Following consultation a report will be presented to Council with final recommendations.

Carried

12.3 Stanthorpe Streetscape

Resolution

Moved Cr R Kelly

Seconded Cr Y Stocks

THAT Council endorse the public display of the draft design for the Stanthorpe Southern Town Entry Streetscape for a period of four (4) weeks. Following consultation a report will be presented to Council with final recommendations.

Carried

13.1 Reconfiguration of a Lot, Gary Hayes & Partners Pty Ltd, 29 Amarina Avenue, Sladevale

Resolution

Moved Cr N Meiklejohn

Seconded Cr Y Stocks

THAT the application for Reconfiguration of a Lot being the Subdivision (1 lot into 5 lots) of land described as Lot 82 on SP215201, located at 29 Amarina Avenue, Sladevale, be refused for the following reasons:

1. The land is in the Rural zone, Basalt uplands precinct. The minimum lot size in this precinct is 200 hectares. The proposed development involves subdividing the land to create four lots ranging in area from 4,107m² to 1.04ha for rural residential purposes, and a balance lot.

There is no identified need for further rural residential lots in this location. There are currently 670 hectares of underutilised or undeveloped Rural residential zoned land in the Warwick area. Assuming 30% for road/infrastructure/open space this leaves 469 hectares of developable area. Applying a minimum lot size of 4,000 m² this equates to a potential lot yield of approximately 1,172. A more than adequate supply of appropriately zoned land exists.

The proposed subdivision does not align with the intended settlement pattern which is to encourage rural residential development to the west and southwest where constraints to development are less significant, and encroachment upon rural land and uses are mitigated through the provision of large tracts of Rural residential zoned land. This subdivision conflicts with the overriding settlement pattern strategy of the planning scheme.

The proposed subdivision is not within the boundaries of the current urban and rural residential area. The lots are not of an adequate size to allow for bonafide rural uses. This has a negative impact upon the rural values of the land and the continued use of the balance lot. No buffering has been proposed to mitigate potential conflicts associated with dust, noise and visual nuisances, and the lots are of insufficient size to accommodate the required 60 metre wide buffer.

The subject land is identified as being within 1,000 metres of a currently inactive extractive industry which adjoins the subject land at its north-east corner. This extractive resource site is owned by Southern Downs Regional Council and has a current certificate of registration issued by the Department of Environment and Science. The site has value to Council for the winning of road construction materials. Council may also use explosives at this site to extract materials, if necessary. Encroachment of additional dwellings may significantly restrict the future use of the quarry.

Being located within the separation distance does not preclude the proposed subdivision but it does flag the issue of potential noise and dust nuisance and the need for future Dwelling houses to address these potential impacts in the design and construction of the dwellings. Likewise, subdivision for residential purposes in this location can have reverse amenity impacts by inhibiting the conduct of the existing land uses on adjacent land.

Therefore, the proposed development is contrary to the following provisions of the Southern Downs Planning Scheme:

Part 3 – Strategic framework

3.2 Strategic intent

Rural production – Land used for rural production will be protected from further fragmentation and from urban and rural residential encroachment.

3.3 Settlement patterns

3.3.1 Strategic outcomes

- (2)(a)(vii) Warwick - The extension of the urban area for housing and rural residential development is limited in the north and east by the presence of land identified as Agricultural Land Classification (ALC) Class A and Class B, and in the south by the Warwick Industrial Estate and Morgan Park which both have the potential to conflict with residential development. The extension of residential areas and rural residential areas is therefore encouraged west and south west of the existing built up area.
- (5) The definition of clear and stable urban and rural residential boundaries provides the existing urban and rural residential areas contained within the boundaries with a strong sense of community identity, minimises confusion regarding future urban or rural residential land and protects and maintains the separation between settlements and protects the integrity of rural areas. The provision of strong boundaries supports sustainable urban development which depends on the ability of the urban areas to meet the needs of residents and visitors for goods and services and employment opportunities in a compact accessible environment. Strong boundaries around urban and rural residential areas also protect the economic, social and environmental values of non-urban land.
- (7) Rural residential development is directed to identified preferred nodes located adjacent to Warwick, Stanthorpe and Killarney where most urban services can be economically provided and land suitable for agricultural uses is not compromised. There will be no additional or isolated rural residential developments resulting from the subdivision of rural land as this will conflict with other strategies contained in the planning scheme.

3.3.2 Element - Towns and villages

3.3.2.2 Land use strategies

- (1) Urban and rural residential development that extends beyond the existing urban and rural residential zones will not be supported.

Part 6 – Zones

6.2 Zone codes

6.2.10 Rural zone code

- (iv) The potential for land to be subdivided is generally precluded by the existing fragmentation of lots. Further subdivision would result in decreased viability of the land for rural purposes and increasing difficulties with land management as well as potential for conflict between adjoining land uses. Further subdivision could also fragment areas of environmental significance and impact negatively on scenic amenity. The minimum lot sizes specified in the Reconfiguring a lot code reflect the need to minimise additional fragmentation and protect the productive capacity of rural land.
- (v) The productive capacity of all rural land is protected for rural use and associated value adding activities. The productive and potentially productive areas of land are protected for ongoing agricultural use. This land is not built on unless there is an overriding need for development and incompatible uses are not located in a manner that inhibits normal farming practice.

Part 9 – Development Codes

9.3.7 Residential use codes

- (2) The purpose of the code will be achieved through the following overall outcomes. All Caretaker's accommodation, Dwelling houses, Dual occupancy, Multiple dwellings, Retirement facilities and Rooming accommodation:
 - (b) Are located on land which is not in the vicinity of land uses that would adversely

affect the occupation and use of buildings for residential uses and conversely where the residential uses could prevent or inhibit the conduct of existing land uses;

- (g) Provide residents with protection from noise, lighting, odour, dust and other *environmental nuisances*;

9.3.7.3 Assessment benchmarks

AO5 All Caretaker's accommodation, Dwelling houses and Dual occupancy (when located on a different lot to the Extractive industry or Abattoir) are separated from:

- (a) an existing or approved Extractive industry by at least:
- (i) 1,000 m from a hard rock quarry, a gravel quarry, or any extractive industry involving screening, crushing or blasting activities, including any area used by associated machinery or processing equipment;

9.4.7 Reconfiguring a lot code

The purpose of the Reconfiguring a Lot code is to ensure that reconfiguring a lot results in development that is consistent with the purpose and outcomes of the zone or precinct in which the land is located and minimises impacts on the environment.

9.4.7.3 Assessment benchmarks

AO2 In partial fulfilment of the PO - Provision of a buffer that meets the design criteria contained in PO9 of the Landscaping code.

PO2 Where a development is for residential purposes and adjoins land that is or could potentially be used for a purpose that is likely to conflict with residential use provision is made to buffer the residential development from the adjoining use in order to minimise the potential for conflict.

AO5 Urban and rural residential subdivision does not encroach upon rural land.

PO5 There is no expansion of the urban or rural residential areas into the rural zone.

AO8 Rear lots are designed so that:

- (a) Where applicable, the minimum area of the rear lot, exclusive of the access strip, complies with the minimum specified in this code.

PO36 Reconfiguring a lot results in lots that reflect the capability and sustainability of land for agricultural or pastoral purposes. Where a site has low capability for rural purposes lots must be larger to reflect the reduced rural capability. Reconfiguring a lot also allows for coordinated land management and results in a more sustainable use of the rural land resource. Except where new lots result from the rearrangement of the boundaries of existing lots, the minimum lot size is as follows:

<i>Precinct</i>	<i>Minimum lot size</i>
<i>Basalt uplands</i>	<i>200 ha</i>

PO38 When lots smaller than 4 hectares are created, a buffer with a width of 60 m planted in accordance with PO9 of the Landscaping code is provided within the small lots to buffer the small lots from nearby agricultural activity.

2. In accordance with section 3 of the *Planning Act 2016*, the purpose of the Act is to establish an efficient, effective, transparent, integrated, coordinated, and accountable system of land use planning, development assessment and related matters that facilitates the achievement of ecological sustainability. 'Ecological sustainability' is a balance that integrates—

- (a) the protection of ecological processes and natural systems at local, regional, State, and wider levels; and
- (b) economic development; and
- (c) the maintenance of the cultural, economic, physical and social wellbeing of people and communities.

In accordance with section 5 of the Act, Council must perform its role as assessment manager in a way that advances the purposes of the Act. Approval of the development application would not advance the purposes of the Act.

Lost

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

For: Crs N Meiklejohn, V Pennisi and Y Stocks (3)

Against: Crs T Dobie, C Gow, R Kelly, J McNally, M McNichol and S Windle (6)

Accordingly the Mayor declared the motion lost.

13.1.1 Reconfiguration of a Lot, Gary Hayes & Partners Pty Ltd, 29 Amarina Avenue, Sladevale - Approval

Resolution

Moved Cr R Kelly

Seconded Cr J McNally

THAT Council:-

1. Approve the application for Reconfiguration of Lot, Subdivision (1 into 5 lots) on land at 29 Amarina Avenue, Sladevale, described as Lot 82 on SP215201, Parish of Warwick, County of Merivale, giving the following reasons for the approval despite the conflict with the Planning Scheme:
 - a. The completion of the five lots at the location will effectively punctuate and end the street and development of this site.
 - b. The zoning of rural on this specific location may be viewed as incompatible with the immediately adjoining lots which are rural residential.
 - c. There is significant community benefit in completing this development at this location.
 - d. It is not considered that this creates a precedent as this decision is made site specific and is one of the last remaining lots not part of medium to high bushfire hazards.
 - e. There are other existing residences in proximity to the existing inactive extractive industry.
2. Delegates approval to the Chief Executive Officer to ensure appropriate development conditions are applied to the development.

Carried

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

For: Crs T Dobie, C Gow, R Kelly, J McNally, M McNichol and S Windle (6)

Against: Crs N Meiklejohn, V Pennisi and Y Stocks (3)

Accordingly the Mayor declared the motion carried.

10:47AM Presentation of Casual for a Cause Donation to Dementia Support Group of Warwick

The meeting adjourned for morning tea at 10:50AM and reconvened at 11:03AM at which time there were present Crs Dobie, McNally, Stocks, Gow, McNichol, Pennisi, Windle Kelly and Meiklejohn

Cr Pennisi declared a perceived conflict of interest in Agenda Item 12.4 (as defined in section 175 of the Local Government Act 2009) due to his role as Chair of Stanthorpe Community Reference Panel and a Director of Granite Belt Water Pty Ltd and Emu Swamp Dam Pty Ltd. In his view this item is an ordinary business item of Council. The report has some publicly available information in the body of the report in relation to water issues. The recommendation seeks to receive the report so therefore he believes that as this is only receiving the report and no decision to change the report is requested, his personal interest in relation to the recommendation is not of sufficient significance that it would lead to him making a decision on this matter that is contrary to the public interest and asked Council to consider his participation in the discussion and vote on this matter. Following a resolution from Council, Cr Pennisi left the room for discussion and voting on this matter. Cr Pennisi left the meeting at 11:04AM.

12.4 Water Contingency Plan

Resolution

Moved Cr R Kelly

Seconded Cr M McNichol

THAT Council receive the Water Contingency Plan.

Carried

11:13AM Cr V Pennisi rejoined the meeting.

12.5 Stanthorpe CBD Vehicle Parking Study

Resolution

Moved Cr R Kelly

Seconded Cr V Pennisi

THAT Council endorse the public display of the draft regulated car parking as per Option 2 (Attachment 2) within the CBD area of Stanthorpe for a period of four (4) weeks. Following consultation a report will be presented to Council with final recommendations. The Chamber of Commerce is to be formally notified of the proposed regulated parking changes for final consultation and feedback.

Carried

13. SUSTAINABLE DEVELOPMENT REPORTS

13.2 Adapt Planning, Purple Dove Awareness Group Inc., 19 Church Road, The Summit Resolution

Moved Cr N Meiklejohn

Seconded Cr M McNichol

THAT, in relation to the submission received from Adapt Planning regarding the use of land at 19 Church Road, The Summit, Council:

1. Note that the use of the land is assessable development in accordance with the Southern Downs Planning Scheme; and
2. Advise Adapt Planning that Council does not have discretion to categorise development contrary to the Planning Scheme; and
3. Advise Adapt Planning that a 50% discount applies for application fees associated with a development application for the Purple Dove Awareness Group Inc.

Carried

The attached letter from Queensland Police in relation to Agenda Item 13.3 was distributed to Councillors prior to the meeting.

13.3 Request for Review of Decision for Issue of Temporary Events Permit

Resolution

Moved Cr J McNally

Seconded Cr N Meiklejohn

THAT Council:

1. Has considered the formal request received from Rabbits Eat Lettuce to review the decision to decline the temporary entertainment event permit application to hold Bohemian Beatfreaks 2019 and upholds the refusal based on the correspondence received from the Assistant Commissioner of Police from the Southern Region.
2. Will consider 2019/20 operational funding to develop an events strategy which clearly defines the vision and framework for all events within the Region during the First Quarter Review.

Carried

Attachments

1. Letter from Queensland Police - **Attached to the Minutes Under Separate Cover**

13.4 Regional Promotion and Visitor Numbers Autumn/Winter 2019

Resolution

Moved Cr R Kelly

Seconded Cr S Windle

THAT Council note and receive the contents of the report on Regional Promotion and Visitor Numbers for the Autumn/Winter of 2019.

Carried

13.5 Senate Submission into Regional Jobs

Resolution

Moved Cr R Kelly

Seconded Cr S Windle

THAT Council endorse the submission for the Federal Government's Senate Select Committee on Jobs for the Future in Regional Areas.

Carried

14. REPORTS OF DEPUTATION OR CONFERENCE & REPORTS FROM DELEGATES APPOINTED BY COUNCIL TO OTHER BODIES

Nil

15. NOTICES OF MOTION

Nil

16. GENERAL BUSINESS

Nil

17. 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:

17.1 Renewal of Trustee Lease between the Allora Tennis Club Incorporated and Southern Downs Regional Council

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.

17.2 Renewal of Trustee Lease between the Warwick Swimming Club Incorporated and the Southern Downs Regional Council

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.

17.3 Application for Rates Deferral - PID 106500

Reason for Confidentiality

This item is considered confidential in accordance with section 275(1)(d) of the *Local Government Regulation 2012*, as it contains information relating to rating concessions.

17.4 Application for Rates Deferral - PID 133220

Reason for Confidentiality

This item is considered confidential in accordance with section 275(1)(d) of the *Local Government Regulation 2012*, as it contains information relating to rating concessions.

17.5 Request for 35% discount on Property ID 16310

Reason for Confidentiality

This item is considered confidential in accordance with section 275(1)(d) of the *Local Government Regulation 2012*, as it contains information relating to rating concessions.

17.6 Application for Rates Deferral - PID 126495

Reason for Confidentiality

This item is considered confidential in accordance with section 275(1)(d) of the *Local Government Regulation 2012*, as it contains information relating to rating concessions.

17.7 Application for Rates Deferral - PID 35125

Reason for Confidentiality

This item is considered confidential in accordance with section 275(1)(d) of the *Local Government Regulation 2012*, as it contains information relating to rating concessions.

17.8 Application for Rates Deferral - PID 23950

Reason for Confidentiality

This item is considered confidential in accordance with section 275(1)(d) of the *Local Government Regulation 2012*, as it contains information relating to rating concessions.

17.9 Application for Rates Deferral - PID 18085

Reason for Confidentiality

This item is considered confidential in accordance with section 275(1)(d) of the *Local Government Regulation 2012*, as it contains information relating to rating concessions.

17.10 Land Acquisition and Disposal by Lease

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.

17.11 Second Request for Water Relief - PID 93645

Reason for Confidentiality

This item is considered confidential in accordance with section 275(1)(d) of the *Local Government Regulation 2012*, as it contains information relating to rating concessions.

17.12 Waive Water Consumption Charges - PID 98510

Reason for Confidentiality

This item is considered confidential in accordance with section 275(1)(d) of the *Local Government Regulation 2012*, as it contains information relating to rating concessions.

17.13 July 2019 Monthly Report - Warwick Indoor Recreation and Aquatic Centre - YMCA Brisbane

Reason for Confidentiality

This item is considered confidential in accordance with section 275(1)(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.

17.14 Audit and Risk Management Committee Meeting Minutes - 15 August 2019

Reason for Confidentiality

This item is considered confidential in accordance with section 275(1)(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.

17.15 Evaluation Report - RFT19_196 - Southern Downs Environmental Sustainability Strategy

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.

17.16 Waste Contracts – Transfer Stations and Tender Consideration Plan: S230 of the Local Government Regulation 2012

Reason for Confidentiality

This item is considered confidential in accordance with section 275(1)(f) of the *Local Government Regulation 2012*, as it contains information relating to starting or defending legal proceedings involving Southern Downs Regional Council.

17.17 Submission to State Government for Drought Assistance Funding for the Carting of Water to Stanthorpe

Reason for Confidentiality

This item is considered confidential in accordance with section 275(1)(c) of the *Local Government Regulation 2012*, as it contains information relating to the local government budget.

17.18 Recommendation to Host 2020 Hockey Women's State Masters

Reason for Confidentiality

This item is considered confidential in accordance with section 275(1)(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.

Meeting In Camera

Resolution

Moved Cr R Kelly

Seconded Cr Y Stocks

THAT the meeting move into closed session.

Carried

The Meeting moved into closed session at 11:53AM.

12:15 pm Cr Y Stocks left the meeting during discussion on Agenda Item 17.5.

12:16pm Cr Stocks rejoined the meeting.

12:27 pm Cr J McNally left the meeting.

12:29 pm Cr J McNally rejoined the meeting.

12:29 pm Cr V Pennisi left the meeting during discussion on Agenda Items 17.14 and 17.15.

12:29 pm Cr M McNichol left the meeting.

12:31 pm Cr M McNichol rejoined the meeting.

12:52 pm Cr V Pennisi rejoined the meeting.

Meeting Out Of Camera

Resolved

THAT the meeting resume in open session at 12:53PM.

Carried

The meeting moved out of camera to allow Cr Pennisi to declare a further conflict of interest in relation to Agenda Item 17.17.

Meeting In Camera

Resolution

Moved Cr N Meiklejohn

Seconded Cr R Kelly

THAT the meeting move into closed session.

Carried

The Meeting moved into closed session at 12:54PM.

12:54 pm Cr V Pennisi left the meeting during discussion on Agenda Item 17.17.

The meeting adjourned for lunch at 12:56PM and reconvened at 1:30pm at which time there were present Crs Dobie, McNally, Stocks, Gow, McNichol, Windle, Kelly and Meiklejohn.

01:44 pm Cr S Windle left the meeting during discussion on Agenda Item 17.18.

01:44 pm Cr V Pennisi rejoined the meeting.

01:58 pm Cr S Windle rejoined the meeting.

Meeting Out Of Camera

Resolved

THAT the meeting resume in open session at 2:03PM.

Carried

17.1 Renewal of Trustee Lease between the Allora Tennis Club Incorporated and Southern Downs Regional Council

Resolution

Moved Cr S Windle

Seconded Cr J McNally

THAT Council approve a 10 year Trustee Lease with the Allora Tennis Club Incorporated, commencing 1 July 2019, subject to the standard terms and conditions and in accordance with Council's Lease Policy and section 236(1)(b)(ii) and (2) of the *Local Government Regulation 2012*.

Carried

Cr Meiklejohn declared that a perceived conflict of interest in Agenda Item 17.2 (as defined in section 175 of the Local Government Act 2009), may exist due to his role as Patron of the Warwick Swimming Club Inc. Cr Meiklejohn dealt with the perceived conflict of interest by stating that it was his determination that his personal interest is not of sufficient significance that it would lead to him making a decision on this matter that is contrary to the public interest and asked Council to consider his participation in the discussion and vote on this matter. Following a resolution from Council, Cr Meiklejohn participated in the discussion and voting on this matter.

17.2 Renewal of Trustee Lease between the Warwick Swimming Club Incorporated and the Southern Downs Regional Council

Resolution

Moved Cr Y Stocks

Seconded Cr S Windle

THAT Council approve a 10 year Trustee Lease with the Warwick Swimming Club Incorporated, commencing 1 July 2019, subject to the standard terms and conditions and in accordance with Council's Lease Policy and section 236(1)(b)(ii) and (2) of the Local Government Regulation 2012.

Carried

Cr Meiklejohn voted for the above motion.

17.3 Application for Rates Deferral - PID 106500

Resolution

Moved Cr J McNally

Seconded Cr R Kelly

THAT Council resolve not to defer interest and legal recovery to 30 June 2020 for Property ID 106500.

Carried

17.4 Application for Rates Deferral - PID 133220

Resolution

Moved Cr N Meiklejohn

Seconded Cr V Pennisi

THAT Council resolves to withdraw this report to defer interest and legal recovery to 30 June 2020 for Property ID 133220.

Carried

Cr Stocks declared a real conflict of interest in Agenda Item 17.5 (as defined in section 175 of the Local Government Act 2009) due to her past business dealings with the property owner and dealt with the real conflict of interest by leaving the meeting room, taking no part in the debate or decision on the matter. Cr Stocks left the meeting at 2:05PM.

17.5 Request for 35% discount on Property ID 16310

Resolution

Moved Cr N Meiklejohn

Seconded Cr R Kelly

THAT Council resolves not to allow a 35% discount on Property ID 16310.

Carried

2:05PM Cr Y Stocks rejoined the meeting.

17.6 Application for Rates Deferral - PID 126495

Resolution

Moved Cr V Pennisi

Seconded Cr C Gow

THAT Council resolve to defer interest and legal recovery to 30 June 2020 for Property ID 126495.

Carried

17.7 Application for Rates Deferral - PID 35125

Resolution

Moved Cr J McNally

Seconded Cr R Kelly

THAT Council resolve not to defer interest and legal recovery to 30 June 2020 for Property ID 35125.

Carried

17.8 Application for Rates Deferral - PID 23950

Resolution

Moved Cr N Meiklejohn

Seconded Cr S Windle

THAT Council resolve not to defer interest and legal recovery to 30 June 2020 for Property ID 23950.

Carried

17.9 Application for Rates Deferral - PID 18085

Resolution

Moved Cr N Meiklejohn

Seconded Cr J McNally

THAT Council resolve not to defer interest and legal recovery to 30 June 2020 for Property ID 18085.

Carried

17.10 Land Acquisition and Disposal by Lease

Resolution

Moved Cr R Kelly

Seconded Cr Y Stocks

THAT Council:

1. Enter into a contract to purchase Lots 3 on RP55007 and 12 on SP144663, in accordance with section 235(a) of the Local Government Regulation 2012;
2. Following the purchase of Lots 3 on RP55007 and 12 on SP144663, enter into a lease agreement over a portion of this land with the former owner of the land, in accordance with section 236(1)(c)(v) of the Local Government Regulation 2012.

Carried

17.11 Second Request for Water Relief - PID 93645

Resolution

Moved Cr N Meiklejohn

Seconded Cr J McNally

THAT Council resolves not to offer relief of water consumption charges to PID 93645.

Carried

17.12 Waive Water Consumption Charges - PID 98510

Resolution

Moved Cr N Meiklejohn

Seconded Cr R Kelly

THAT Council resolve not to waive water consumption charges for PID 98510.

Carried

17.13 July 2019 Monthly Report - Warwick Indoor Recreation and Aquatic Centre - YMCA Brisbane

Resolution

Moved Cr N Meiklejohn

Seconded Cr R Kelly

THAT Council receive the July 2019 monthly report from Brisbane YMCA in relation to the operation of the Warwick Indoor Recreation and Aquatic Centre.

Carried

Cr Pennisi declared a perceived conflict of interest in Agenda Items 17.14 (as defined in section 175 of the Local Government Act 2009) due to his role as Chair of Stanthorpe Community Reference Panel and a Director of Granite Belt Water Pty Ltd and Emu Swamp Dam Pty Ltd. In his view this item is an ordinary business item of Council. The report has some publicly available information in the body of the report in relation to water issues. The report seeks to identify a level of risk only and does not recommend any actions in relation to removing the risk, so it is his view that given that no decision to remove the risk is being recommended his personal interest in relation to the recommendation is not of sufficient significance that it would lead to him making a decision on this matter that is contrary to the public interest and asked Council to consider his

participation in the discussion and vote on this matter. Following a resolution from Council, Cr Pennisi left the room for discussion and voting on this matter. Cr Pennisi left the meeting at 2:08PM.

17.14 Audit and Risk Management Committee Meeting Minutes - 15 August 2019

Resolution

Moved Cr J McNally

Seconded Cr R Kelly

THAT Council:

1. Adopt the minutes of the ARMC meeting held on 15 August 2019;
2. Adopt the business arising from the ARMC meeting held on 15 August 2019;
3. Adopt the amended Risk Register;
4. Adopt the amended Lease Policy and the Fraud and Corruption Control Policy.

Carried

Cr Pennisi declared a perceived conflict of interest in Agenda Item 17.15 (as defined in section 175 of the Local Government Act 2009) due to his role as Chair of Stanthorpe Community Reference Panel and a Director of Granite Belt Water Pty Ltd and Emu Swamp Dam Pty Ltd. The report has reference to water and waste water issues, consequently his personal interest in relation to the recommendation is not of sufficient significance that it would lead to him making a decision on this matter that is contrary to the public interest and asked Council to consider his participation in the discussion and vote on this matter. Following a resolution from Council, Cr Pennisi left the room for discussion and voting on this matter.

17.15 Evaluation Report - RFT19_196 - Southern Downs Environmental Sustainability Strategy

Resolution

Moved Cr C Gow

Seconded Cr Y Stocks

THAT Council enter into a contract with Elton Consulting for the development of the Southern Downs Environmental Sustainability Strategy.

Carried

Cr Pennisi declared a real conflict of interest in Agenda Item 17.17 (as defined in section 175 of the Local Government Act 2009) due to his role as Chair of Stanthorpe Community Reference Panel and a director of Granite Belt Water Pty Ltd and ESD Pty Ltd and these companies have a focus on water on the Granite Belt, in particular the construction of a new dam (ESD). The report has reference to apply for funding that will deliver emergency water to Southern Downs and dealt with the real conflict of interest by leaving the meeting room, taking no part in the debate or decision on the matter.

17.17 Submission to State Government for Drought Assistance Funding for the Carting of Water to Stanthorpe

Resolution

Moved Cr C Gow

Seconded Cr S Windle

THAT Council endorse the submission to the State Government for Drought Assistance Funding for the emergency supply of water.

Carried

02:09PM Cr V Pennisi rejoined the meeting.

17.16 Waste Contracts – Transfer Stations and Tender Consideration Plan: S230 of the Local Government Regulation 2012

Resolution

Moved Cr C Gow

Seconded Cr N Meiklejohn

THAT Council resolve:

1. Under Section 230 (1) of the Local Government Regulation 2012, to prepare a Tender Consideration Plan, as outlined in the body of this report to enable it to extend the supervision and management of waste transfer stations services of the contracts to the close of business on Tuesday, 3 December 2019.
2. Delegate authority to the Chief Executive Officer to negotiate and extend the existing waste transfer station supervision contracts to allow time for Tender 19_172 to be further assessed, and a subsequent report be presented to Council seeking endorsement for awarding of the contract.

Carried

Cr Windle declared a real conflict of interest in Agenda item 17.18 (as defined in section 175 of the Local Government Act 2009) due to her role as President of the Warwick Hockey Association and dealt with the real conflict of interest by leaving the meeting room, taking no part in the debate or decision on the matter. Cr Windle left the meeting at 2:11pm.

17.18 Recommendation to Host 2020 Hockey Women's State Masters

Resolution

Moved Cr J McNally

Seconded Cr V Pennisi

THAT Council agrees to support the request for funding to secure the 2020 Hockey Women's State Masters in the amount of \$5,000.00.

Carried

Cr Windle rejoined the meeting

MEETING CLOSURE

There being no further business, the meeting closed at 2:11PM.