



BURDEKIN SHIRE COUNCIL



MINUTES

ORDINARY COUNCIL MEETING

**HELD AT COUNCIL ADMINISTRATION BUILDING,
145 YOUNG STREET, AYR**

on 4 April 2017

**(Ordinary Council Meeting postponed from 28 March 2017 to 4
April 2017 due to the Cyclone Debbie weather event)**

COMMENCING AT 9:00AM



TUESDAY 28 MARCH 2017

ORDER OF BUSINESS:

ITEM	PRECIS	PAGE
1	PRAYER	1
2	DECLARATIONS OF INTEREST	1
3	MINUTES AND BUSINESS ARISING	1
3.1	Ordinary Council Meeting Minutes - 14 March 2017	1
4	REPORTS	2
4.1	Capital Projects Monthly Report for Period Ending 28 February 2017	2
4.1.1	Ayr Aerodrome – Collection of Landing Fees and Charges	2
4.2	Operating Statement for Period Ending 28 February 2017	2
5	GOVERNANCE & LOCAL LAWS	3
5.1	Annual Report of Actions and Results for Biosecurity Plan 2016-2020	3
5.2	Review of Councillor Expense Reimbursement Policy	3
5.3	Adoption of Revised Enterprise Risk Management Policy	4
6	CLIENT SERVICES	4
6.1	Burdekin Shire Council Logo Design And Recommended Use	4
7	FINANCIAL & ADMINISTRATIVE SERVICES	6
7.1	Adoption of Related Party Disclosures Policy and Ordinary Citizen Transactions Listing	6
8	OPERATIONS	7
8.1	Adoption of the Code of Operations - Cemeteries	7
9	TECHNICAL SERVICES	7
10	PLANNING & DEVELOPMENT	8
10.1	Development Application Material Change of Use for Renewable Energy Facility (PV Solar Farm) and Reconfiguring a Lot (Subdivision by way of Lease) at	8



Bruce Highway Wangaratta Lot 318 on SP129546 & Lot
132 & 133 on K124204, Parish of Inkerman

11	COMMUNITY DEVELOPMENT	12
12	ECONOMIC DEVELOPMENT	12
12.1	Building Better Regions - Community Investment Stream Funding Program	12
13	NOTICES OF MOTION	13
13.1	Deputy Mayor Position Vacant - 5 April 2017	13
13.2	Appointment of Deputy Mayor - Councillor Goddard - 5 April 2017	13
14	CORRESPONDENCE FOR INFORMATION	14
15	GENERAL BUSINESS	14
15.1	Approved Leave of Absence - Councillor Perry	14
15.2	Approved Leave of Absence - Councillor Bonanno	14
15.3	ANZAC Public Holiday - 25 April 2017	14
15.4	Local Government Disaster Management Conference - Mackay - 9 to 11 May 2017	14
16	CLOSED MEETING ITEMS	15
16.1	Ayr Pool Refurbishment - TBSC/17/001 Contract Awarded	15
16.2	Economic Development Queensland - Ageing In Place Pilot Project	15
17	DELEGATIONS	16

ATTENDANCE

Councillors L.A. McLaughlin (Mayor), E.J. Bawden, J.T. Bonanno, A.J. Goddard and U.E. Liessmann.

Mr. T. Brennan - Chief Executive Officer
Mr. D. Mulcahy – Manager Governance and Local Laws
Mr. S. Great - Manager Planning and Development
Mr. T. Vaccaro – Manager Community Development
Mrs. K. Olsen - Manager Financial and Administrative Services
Mr. G. Keane – Manager Contracts

Minutes Clerk – Mrs. S. Saunders.

Apologies: Councillor J.F. Woods – Attending the Tourism Volunteer Conference.
Councillor S.P. Perry – Approved Leave of Absence.

1 PRAYER

The meeting prayer was delivered by Pastor Peter Holmes of the Burdekin Community Church.

2 DECLARATIONS OF INTEREST

The Mayor called for declarations of interest.

No declarations of interest were identified.

3 MINUTES AND BUSINESS ARISING

3.1 Ordinary Council Meeting Minutes - 14 March 2017

Recommendation

That the minutes of the Ordinary Council Meeting held on 14 March 2017 be received as a true and correct record.

Resolution

Moved Councillor Liessmann, seconded Councillor Bawden that the recommendation be adopted.

CARRIED

4 REPORTS

4.1 Capital Projects Monthly Report for Period Ending 28 February 2017

Recommendation

That the Capital Projects Monthly Report for Period Ending 28 February 2017 be received.

Resolution

Moved Councillor Bawden, seconded Councillor Goddard that the recommendation be adopted.

CARRIED

9.31am - Mr. S. Great - Manager Planning and Development entered the meeting.

9.55am - Mr. T. Vaccaro – Manager Community Development left the meeting.

4.1.1 Ayr Aerodrome – Collection of Landing Fees and Charges

Resolution

Moved Councillor Liessmann, seconded Councillor Goddard that Council liaise with Regional and Remote Councils operating airports, to investigate airport usage, fees charged, the method of recovering and if landings are logged.

CARRIED

4.2 Operating Statement for Period Ending 28 February 2017

Recommendation

That the Operating Statement for Period Ending 28 February 2017 be received.

Resolution

Moved Councillor Bawden, seconded Councillor Goddard that the recommendation be adopted.

CARRIED

5 GOVERNANCE & LOCAL LAWS

5.1 Annual Report of Actions and Results for Biosecurity Plan 2016-2020

Executive Summary

The Council's Biosecurity Plan 2016-20 was adopted by Council on 8 March 2016. Part of the action required from the Plan is an annual report on operational activities outlined for 2016.

Recommendation

That the Report on the operational activities for 2016 from the Council's Biosecurity Plan 2016-20 be received and noted.

Resolution

Moved Councillor Liessmann, seconded Councillor Goddard that the recommendation be adopted.

CARRIED

5.2 Review of Councillor Expense Reimbursement Policy

Executive Summary

Each Council is required to have an expense reimbursement policy for the payment of expenses incurred by councillors in undertaking their duties and responsibilities. The current Councillor Expense Reimbursement policy was last reviewed in June 2012 and is therefore overdue for review.

The review of the existing policy has been workshopped with councillors and only minor amendments are proposed to the policy. This includes an additional item in the table of expenses relating to legal assistance following a recent Local Government Bulletin issued by DILGP concerning this issue.

Recommendation

That the Council adopt the amended Councillor Expense Reimbursement policy as per the attachment to the Chief Executive Officer's report.

Resolution

Moved Councillor Bonanno, seconded Councillor Liessmann that the recommendation be adopted.

CARRIED

5.3 Adoption of Revised Enterprise Risk Management Policy

Executive Summary

Council first adopted an Enterprise Risk Management Policy in August 2013. This is the first time the policy has been reviewed by Council since its adoption. The policy outlines Council's commitment to an enterprise wide risk management framework and aims to ensure a consistent approach to risk management process is applied across the organisation.

The original policy was developed to be consistent with requirements of the Australian Standard for Risk Management- AS/NZ:ISO 31000:2009 Risk Management- Principles and Guidelines and this standard is still the current standard for risk management in Australia.

Minor amendments to the policy include changes to the roles and responsibilities- combining the previous Senior Management Team (Executive) and Management Team roles as these responsibilities are now handled by the Senior Leadership Group (SLG).

The policy's review conditions have also been amended from annually, to once every two years.

Recommendation

That Council adopts the attached revised Enterprise Risk Management Policy.

Resolution

Moved Councillor Bawden, seconded Councillor Goddard that the recommendation be adopted.

CARRIED

6 CLIENT SERVICES

6.1 Burdekin Shire Council Logo Design And Recommended Use

Executive Summary

Due to a lack of guidelines around logo use and document formatting (templates) this Council's 'brand' consistency has been compromised. This was identified in a Certex Surveillance Audit (September 2015) where the auditor noted that the majority of our document templates were in different formats and lacked consistency.

The proposed recommendation outlines the use of the Burdekin Shire Council logo as the primary logo and restricts the use of the Coat of Arms to specific applications as set out in the corporate style guide and outlined further below.

The meanings and visual representations of each element within the graphic device of the Burdekin Shire Council logo have also been reviewed with key stakeholders. The suggested changes will ensure our logo accurately reflects what the Burdekin Shire represents.

Recommendation

1. That the Coat of Arms logo only be used for formal, civic (specifically involving the Mayor and/or Councillors) and ceremonial (citizenship, plaques for building/facility openings) purposes that hold specific cultural, historical or significant value to the Burdekin Shire. The Coat of Arms will continue to appear on the Shire flag, Mayoral chain and any historical buildings/sites where it already exists.
2. That the Burdekin Shire Council logo be used, in accordance with the Style Guide, on all other Council documents, electronic media, merchandise etc. which will allow Council to maintain a consistent corporate brand identity.
3. That a Council policy be created to document and outline the conditions around the use of the Coat of Arms and Burdekin Shire Council logo.
4. That the following changes be made to the meaning and visual representation of each coloured element within the graphic device of the Burdekin Shire Council logo.

Coloured Element	Meaning	Visual Representation
Blue	Old: Abundant water reserves New: Abundant water and sunshine	Waves and sun (no change)
Gold	Old: Rich agricultural district New: Strong community	Old: Mangos and cane New: Raised hands and Aboriginal art
Green	Old: Great variety of goods and services New: Rich agriculture	Old: Shopping bags New: Cane and produce
Rust	Old: Great fishing New: Fantastic fishing	A fish (no change)
Olive	The Bountiful Burdekin (no change)	Old: Flowers New: Bridge, Mill and Farm Drills

****KDee Designs are in the process of designing the new logo and artwork will be forwarded shortly.*

Resolution

Moved Councillor Liessmann, seconded Councillor Goddard that the recommendation be adopted.

CARRIED

7 FINANCIAL & ADMINISTRATIVE SERVICES

7.1 Adoption of Related Party Disclosures Policy and Ordinary Citizen Transactions Listing

Executive Summary

An existing accounting standard AASB 124 Related Party Disclosures has been determined by the Australian Accounting Standards Board to apply to not-for-profit public sector entities from the 1 July 2016.

As a consequence of the applicability of this accounting standard Council is required to disclose material related party relationships, transactions and outstanding balances, including commitments in its annual general purpose financial statements.

Council needs to identify and capture related parties of Council including entities and Key Management Personnel and their close family members. New systems will be implemented to identify and capture these related parties and also financial and non-financial transactions with those related parties.

Council can also determine transactions which can be classified as “ordinary citizen transactions” (OCTs) which may not require disclosure where they are made on same terms and conditions as offered to the general public. The Senior Leadership Group has provided recommended OCT’s which have been presented to the audit committee.

A Related Party Disclosures Policy has been prepared to provide guidance and a framework to mitigate risk of non-compliance.

Recommendation

- A. That Council adopts the Related Party Disclosures Policy.
- B. That Council adopts the following “Ordinary Citizen Transactions” when they are undertaken on the same terms and conditions as offered to the general public:
 - 1) Rates and utility charges
 - 2) Infringements and fines
 - 3) Fees and charges as per Council’s register of fees and charges
 - 4) Use of council facilities – e.g. swimming pools, theatre, halls
 - 5) Attending Council functions that are open to the public
 - 6) Sporting grants (as they have specific guidelines)

Resolution

Moved Councillor Bawden, seconded Councillor Liessmann that the recommendation be adopted.

CARRIED

8 OPERATIONS

8.1 Adoption of the Code of Operations - Cemeteries

Executive Summary

Council adopted a Home Hill Cemetery Operations and Code of Operation for Lawn Cemeteries and Columbarium's on 3 June 2008. The document dealt predominantly with the specifications for and dimensions and allowable numbers of plaques, vases and memorials permitted at each of these facilities. The document is very narrow in scope and does not give comprehensive direction to cemetery sextons and those that they interact with in daily operations at Council cemeteries.

The Code of Operations Cemeteries presented for adoption as part of this report is a comprehensive guide reflecting current operations at cemeteries owned and operated by Burdekin Shire Council and replaces the document mentioned in the preceding paragraph. The document clearly identifies procedures and processes to be followed by council staff, bereaved families, funeral directors and stonemasons.

Councillors were given the opportunity to review the Code of Operations Cemeteries at a Council Workshop held on Tuesday 21 February 2017. Councillors were afforded opportunity to make comments and suggest changes as a collective and any recommendations taken from the meeting have been incorporated into the Code of Operation Cemeteries - attached.

Recommendation

That Council adopt the Code of Operations Cemeteries and supporting public application forms as tabled.

Resolution

Moved Councillor Goddard, seconded Councillor Bonanno that the recommendation be adopted.

CARRIED

9 TECHNICAL SERVICES

10.22am – Break for Morning Tea.

10.49am – Resume meeting.

10 PLANNING & DEVELOPMENT

10.1 Development Application Material Change of Use for Renewable Energy Facility (PV Solar Farm) and Reconfiguring a Lot (Subdivision by way of Lease) at Bruce Highway Wangaratta Lot 318 on SP129546 & Lot 132 & 133 on K124204, Parish of Inkerman

Executive Summary

Council has received a Development Application from RPS on behalf of their client Koberinga Solar Farm Pty. Ltd. for a Material Change of Use for Renewable Energy Facility (PV Solar Farm) and Reconfiguring a Lot (Subdivision by way of lease) at Bruce Highway, Wangaratta (Lot 318 on SP129546 and Lot 132 & 133 on K124204, Parish of Inkerman, County of Salisbury).

The Material Change of Use proposal is for a non-defined use and triggers an 'Impact Assessable' Development Application in accordance with the provisions of the Burdekin Shire Council's IPA Planning Scheme (the scheme).

Recommendation

That Council approves the Development Application for a Renewable Energy Facility (Solar Farm) and Reconfiguring a Lot (Subdivision by way of lease) at Bruce Highway, Wangaratta (Lot 318 on SP129546 and Lot 132 & 133 on K124204, Parish of Inkerman, County of Salisbury) subject to the following conditions:

Approved Plans

- 1.(a) The proposed development must be completed and maintained generally in accordance with the drawing/documents identified in the Table below, except as otherwise specified by any condition of this approval.

DOCUMENT	REFERENCE	Revision	DATE
Reconfiguration of a Lot (Subdivision by lease)	KOB_LAY_004_2B ROL	02B	15/03/2017
Material Change of Use	KOB_LAY_003_03CMCU	03C	15/03/2017
Town Planning Report	PR133629		7/12/2016

- (b) Where a discrepancy or conflict exists between the written condition(s) of the approval and the approved plans, the requirements of the written condition(s) will prevail.
- (c) The proposed development must comply with all Planning Scheme requirements as applying at the date of this approval, except as otherwise specified by any condition.

Compliance with conditions

2. The proposed development must comply with all conditions of this development permit prior to the commencement of the use.

Outstanding charges

3. All rates and charges (including regulated infrastructure charges), in arrears in respect of the land, subject of the application, are paid in full prior to the commencement of the proposed use.

Notice of Intention to commence the use

4. Prior to the commencement of the use on the site, written notice must be given to Council that the use (development and/or works) fully complies with the decision notice issued in respect of the use.

Public Utility Services/Damage

- 5.1 The developer must at its own cost undertake all necessary alterations to public utility mains and services as are rendered necessary by the carrying out of any required external works or other works associated with the approved development.
- 5.2 Any damage which is caused to Council's infrastructure as a result of the proposed development must be repaired immediately.

Road/Access

- 6.1 Construct an all-weather track 4m wide from the existing gate across the road corridor near the railway track to the proposed solar farm access (identified as point A on KOB_LAY_003_03CMCU, Revision 03C). The track is to be constructed within the road corridor and to the satisfaction of the Chief Executive Officer.
- 6.2 Construct a minimum 4m wide bitumen sealed road from the boundary of the State controlled road corridor to the existing gate. Provide evidence of approval by Queensland Rail of any works that are to be constructed within 10m of the centre line of the rail track.
- 6.3 The gate across the road corridor near the railway track is to be removed. There are to be no obstructions placed within the road corridor.
- 6.4 Access from the highway will only be allowed by way of the Alternative Access identified on plan: KOB_LAY_003_03CMCU, Revision 03C.
- 6.5 The construction of any crossovers to give access to the land is to be the owner's responsibility and to the satisfaction of the Chief Executive Officer.
- 6.6 The maximum design vehicle used in the development must not exceed the available distance between the closest railway track of the North Coast Line and the intersection with the Bruce Highway plus a safety factor of 5m.

Stormwater

- 7.1 The approved development and use(s) must not interfere with the natural flow of stormwater in the locality in such a manner as to cause ponding or concentration of stormwater on adjoining land or roads.
- 7.2 Any external catchments discharging to the premises must be accepted and accommodated within the development's stormwater drainage system.

Operational Works

- 8. Where operational works are required to be carried out for the proposed solar farm, the developer must, within the timeframe required by the Sustainable Planning Act 2009 and prior to the commencement of any work, lodge with Council an application for a development permit for operational works. As part of such application, the developer must submit:-
 - (a) detailed and complete engineering drawings and specifications of the proposed works prepared by a civil engineer, who is both registered under the Professional Engineer's Act 2002 and is current Registered Professional Engineer of Queensland; and
 - (b) a certificate from the engineer who prepared the drawings stating that the design and specifications have been prepared in accordance with these conditions, relevant Council Codes and Planning Scheme Policies and the relevant Australian Standard Codes of Practice;

Amenity

- 9. The use of the development must not cause an unreasonable nuisance to the surrounding rural area.

Management Plans

- 10.1 Prepare, implement and maintain a Construction Management Plan (CMP) for the subject site. The CMP must be prepared and certified by a Registered Professional Engineer of Queensland (RPEQ), submitted to the Council and available on site at all times. The CMP must include, but not be limited to, the following details for the construction phase of the approved development:
 - a) a description of all relevant activities to be undertaken on the site during construction including the anticipated staging for bulk earthworks and the construction works program
 - b) a description of the roles and responsibilities for all relevant employees involved in the construction of the project including relevant training and induction provisions for ensuring that all employees, contractors and sub-contractors are aware of their environmental and compliance obligations under these conditions of approval

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- c) details of any construction sites and mitigation, monitoring, management and rehabilitation measures specific to the site that would be implemented
 - d) statutory and other obligations that the applicant is required to fulfil during construction including all relevant approvals, consultations and agreements required from authorities and other stakeholders, and key legislation and policies
 - e) details of how the environmental performance of construction will be monitored, and what actions will be taken to address identified potential adverse environmental impacts including soil and water impacts and dust emissions
 - f) emergency management measures including measures to control bushfires.

10.2 Prior to the commencement of construction, the applicant must submit to the Council a Traffic Management Plan (TMP) prepared and certified by a Registered Professional Engineer of Queensland (RPEQ). The TMP must include, but is not limited to:

- i) details of how construction of the project will be managed in proximity to local and regional roads
- ii) details of traffic routes for heavy vehicles, including any necessary route for oversized loads
- iii) details of how any potential safety hazards resulting from the increased vehicle movements will be mitigated during the construction phase
- iv) procedures for informing the public where any road access will be restricted as a result of the project.

10.3 Prior to commencement of works, provide evidence that all relevant approvals from Queensland Rail have been obtained.

10.4 No later than one month prior to the decommissioning of the project, or otherwise agreed to by the Chief Executive Officer, the applicant is to submit to the Council a Decommissioning and Rehabilitation Management Plan prepared and certified by a suitably qualified person. The plan must include but is not limited to:

- i) identification of structures, including but not limited to all solar panels, the substation, the control and facility building and electrical infrastructure, including underground infrastructure to be removed, except where the substation, control room or overhead electricity lines are transferred to or in control of the local electricity network operator, and how they will be removed
- ii) measures to reduce impacts of the development on the environment and surrounding land uses
- iii) details of how the land will be rehabilitated back to its predevelopment condition, including slope and soil profile.

Decommissioning/Post Operations

- 11.1 If the solar farm is not used for the generation of electricity for a continuous period of 12 months, the use shall be considered decommissioned, and the site shall be returned as far as practical, to its condition prior to the commencement of the use, unless otherwise agreed by the Chief Executive Officer.
- 11.2 Within 18 months of the site being decommissioned the site shall be returned as far as practicable to its condition prior to the commencement of construction. All solar panels and associated above ground structures including but not necessarily limited to, the substation, the control and facilities building and electrical infrastructure, including underground infrastructure shall be removed from the site unless otherwise agreed by the Chief Executive Officer, except where the substation, control room or overhead electricity lines are transferred to or in the control of the local electricity network operator.

Advice;

Given that the site is located in a cyclonic region defined as C2, it will be necessary for all buildings and for the solar panel supporting framework (Special structures) to be designed assessed and constructed in accordance with relevant Building Regulations.

Resolution

Moved Councillor Bawden, seconded Councillor Liessmann that the recommendation be adopted.

CARRIED

11 COMMUNITY DEVELOPMENT

12 ECONOMIC DEVELOPMENT

12.1 Building Better Regions - Community Investment Stream Funding Program – Development of a Tourism Strategy

Executive Summary

An opportunity has arisen to obtain funding from the Federal Government Building Better Regions fund – Community Investments Stream. The objective of the program is to deliver projects that will create jobs, drive economic growth and build stronger regional communities into the future. An opportunity exists to apply for funding under this program to develop a Tourism Strategy for Burdekin Shire.

Recommendation

That Council endorse the submission of an application under the Federal Government Building Better Regions fund – Community Investments Stream to develop a Tourism Strategy for Burdekin Shire noting that Council's contribution would be \$5,000 of the estimated project costs.

Resolution

Moved Councillor Goddard, seconded Councillor Liessmann that the recommendation be adopted.

CARRIED

13 NOTICES OF MOTION

In the absence of Councillor Woods from the meeting the Notices of Motion he submitted were dealt with by Council.

13.1 Deputy Mayor Position Vacant - 5 April 2017

That the position of Deputy Mayor currently occupied by Councillor John Woods be declared vacant from midnight on 5 April 2017 in accordance with the resolution adopted at the Local Government meeting held on 22 November 2016 limiting the term of appointment of the Deputy Mayor to a period of 12 months.

Resolution

Moved Councillor Bawden, seconded Councillor Liessmann that the recommendation be adopted.

CARRIED

13.2 Appointment of Deputy Mayor - Councillor Goddard - 5 April 2017

That Councillor Tony Goddard be appointed Deputy Mayor for a period of 12 months commencing at midnight on 5 April 2017 and ending on 5 April 2018.

Resolution

Moved Councillor Liessmann, seconded Councillor Bawden that the recommendation be adopted.

CARRIED

14 CORRESPONDENCE FOR INFORMATION

15 GENERAL BUSINESS

15.1 Approved Leave of Absence - Councillor Perry

Resolution

Moved Councillor Goddard, seconded Councillor Bonanno that Council approve leave of absence for Councillor Perry from 1 April 2017 to 9 April 2017.

CARRIED

15.2 Approved Leave of Absence - Councillor Bonanno

Resolution

Moved Councillor Liessmann, seconded Councillor Goddard that Council approve leave of absence for Councillor Bonanno from 10 April 2017 to 14 April 2017.

CARRIED

15.3 ANZAC Public Holiday - 25 April 2017 – Reschedule of Ordinary Council Meeting

Resolution

Moved Councillor Liessmann, seconded Councillor Goddard that Council reschedule the Ordinary Council Meeting from 25 April 2017 to 26 April 2017 due to the ANZAC Day Public Holiday.

CARRIED

11.40am - Mr. T. Vaccaro – Manager Community Development returned to the meeting.

11.44am - Mr. G. Keane - Manager Contracts left the meeting.

15.4 Local Government Disaster Management Conference - Mackay - 9 to 11 May 2017

Resolution

Moved Councillor Bawden, seconded Councillor Liessmann that Council approve the attendance of Councillors McLaughlin and Goddard at the 2017 Local Government Disaster Management Conference in Mackay from 9 to 11 May 2017 and any expenses for the Councillors to attend the conference be met by Council.

CARRIED

16 CLOSED MEETING ITEMS

Council Meeting closed to Public under Section 275 of Local Government Regulation 2012

Resolution

Moved Councillor Bawden, seconded Councillor Goddard that the Council meeting be closed to the public under the following sections of the Local Government Regulation 2012:

- 275(1)(e) contracts proposed to be made by Council;
- 275(1)(h) other 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.

For the purpose of discussing:

- Consideration of tenders received for TBSC/17/001 – Ayr Pool Refurbishment.
- Ageing in Place Pilot Project.

CARRIED

Council Meeting opened to Public

Resolution

Moved Councillor Bonanno, seconded Councillor Bawden that the Council meeting be opened to the public.

CARRIED

16.1 Ayr Pool Refurbishment - TBSC/17/001 Contract Awarded

Resolution

Moved Councillor Bawden, seconded Councillor Goddard that Council awards Contract TBSC/17/001 – Ayr Pool Refurbishment to Swimplex Aquatics based on their lump sum conforming tender; additional electrical works requested post tender as identified by GHD; and additional costs to substitute the 15kW pump with 2 x 7.5kW pumps.

CARRIED

16.2 Economic Development Queensland - Ageing In Place Pilot Project

Resolution

Moved Councillor Liessmann, seconded Councillor Bawden that with respect to the Ageing in Place pilot project in Ayr being undertaken by Economic Development Queensland (EDQ) and in recognition of the lack of suitable housing specifically designed for senior citizens in the area, Council approves the following contribution to the project:-

- Council retain ownership of the land located at 67-69 Mackenzie Street, Ayr to avoid additional stamp duty and holding costs for the project until each lot is sold. Upon each settlement (built form and vacant land lot) Council will receive a payment towards the agreed value of the land of \$120,000.
- Council agrees to waive council related fees capped at \$45,000 (as per the EDQ presentation to Council).
- Council will expedite approval of EDQ's Development Application once a formal application has been lodged.

and the CEO be authorised to enter into a Development Management Agreement with EDQ to reflect these terms.

Voting on Motion

FOR – Councillors Goddard, Liessmann, Bawden and McLaughlin

AGAINST – Councillor Bonanno

4/1

CARRIED

17 DELEGATIONS

There being no further business the meeting closed at 12.26pm.

These minutes were confirmed by Council at the Ordinary Council Meeting held on 4 April 2017.

MAYOR

