



BURDEKIN SHIRE COUNCIL



MINUTES

ORDINARY COUNCIL MEETING

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

on 25 July 2017

COMMENCING AT 9:00AM



TUESDAY 25 JULY 2017

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ATTENDANCE

Councillors L.A. McLaughlin (Mayor), J.F. Woods, E.J. Bawden, J.T. Bonanno, U.E. Liessmann and S.P. Perry.

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. W. Saldumbide - Manager Operations
Mr. K. Byers - Manager Technical Services
Mrs. E. Robinson – Manager Client Services

Minutes Clerk - Mrs. S. Saunders

Apologies: A.J. Goddard (Deputy Mayor) – 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 - 11 July 2017

Recommendation

That the minutes of the Ordinary Council Meeting held on 11 July 2017 be received and confirmed.

Resolution

Moved Councillor Woods, seconded Councillor Perry that the recommendation be adopted.

CARRIED

3.2 Road Safety Meeting Minutes - 24 May 2017

Recommendation

That the minutes of the Road Safety Meeting held on 24 May 2017 be received and adopted.

Resolution

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

CARRIED

Business Arising

Item 5.6 - Zebra Crossing – Queen Street

Resolution

Moved Councillor Woods, seconded Councillor Bawden that Council strongly object to any proposal for the removal of the Zebra Crossing located on Queen Street, Ayr adjacent to the Ayr Swimming Pool.

CARRIED

Item 5.2, General Business – Causeway on Jerona Road

It was agreed that Council approve signage to be installed, at the Jerona Causeway on Jerona Road to discourage road users from stopping in the vicinity of the floodways creating traffic hazards and Council Officers continue to monitor the situation and update Council if required.

Road Safety Meeting Minutes – Follow-up Matters

Councillors requested the following matters be progressed:

- A progress report in relation to Item 3.1 of Business Arising on chevron line markings at the turning lanes of Sixteenth and Seventeenth Streets, off Seventh Avenue Home Hill.
- Liaise with the Home Hill Race Club Committee relating to Item 5.4 in Business Arising from Minutes section to discuss one of the access points into the Racecourse as this access point onto the Bruce Highway is not Department of Transport and Main Roads approved and may pose a safety risk.

Councillor McLaughlin suggested that an Action List be incorporated into future Burdekin Road Safety Advisory Committee Meeting Minutes as the recommendations/ outcomes from the meetings are not clear.

3.3 Burdekin Building Safer Communities Action Team Meeting Minutes - 14 June 2017

Recommendation

That the minutes of the Burdekin Building Safer Communities Action Team Meeting held on 14 June 2017 be received and adopted.

Resolution

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

CARRIED

3.4 Burdekin Be Active Meeting Minutes - 14 June 2017

Recommendation

That the minutes of the Burdekin Be Active Meeting held on 14 June 2017 be received and adopted.

Resolution

Moved Councillor Woods, seconded Councillor Perry that the recommendation be adopted.

CARRIED

3.5 Burdekin Shire Youth Council Meeting Minutes - 19 June 2017

Recommendation

That the minutes of the Burdekin Shire Youth Council Meeting held on 19 June 2017 be received and adopted.

Resolution

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

CARRIED

3.6 Community Grants Panel Meeting - 18 July 2017

Recommendation

That the minutes of the Community Grants Panel Meeting held on 18 July 2017 be received and adopted.

Resolution

Moved Councillor Liessmann, seconded Councillor Bawden that the recommendation be adopted with the inclusion that Council endorse the provision of in-kind support of up to \$4000 to the Golden Octopus Charity Bullride to be held at the Ayr Showgrounds on 19 August 2017.

CARRIED

4 REPORTS

4.1 Capital Projects Report for Period Ending 30 June 2017

Recommendation

That the Capital Projects Report for Period Ending 30 June 2017 be received.

Resolution

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

CARRIED

4.2 Operating Statement for Period Ending 30 June 2017

Recommendation

That the Operating Statement for Period Ending 30 June 2017 be received.

Resolution

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

CARRIED

4.3 Audit Committee Chairperson's Annual Report

Executive Summary

Council's Audit Committee is chaired by Independent Chairperson Ian Jessup. The Audit Committee meet at scheduled times throughout the year and work to an adopted agenda to review and analyse various financial management and governance activities of Council.

Recommendation

That Council notes the Burdekin Shire Council Audit Committee Chairman's Annual Report for 2017.

Resolution

Moved Councillor Woods, seconded Councillor Perry that the recommendation be adopted.

CARRIED

5 GOVERNANCE & LOCAL LAWS

5.1 Amendment of Lease - Burdekin Touch Association Inc.

Executive Summary

The Burdekin Touch Association Inc. was originally granted a lease over the Old Junior Soccer Fields in Macmillan Street, Ayr from Anzac Park end up to the PCYC lease area, excluding the old clubhouse and sheds.

Council has proposed to excise some of this area from the Touch lease in order to provide the opportunity and flexibility for Council to utilise and develop the area for other public and recreational purposes.

This report progresses this matter.

Recommendation

1. That Council acknowledges the advice received from NQ Employment to gift the 7m x 7m colour bond shed to Council for the benefit of the Burdekin Community and forward a letter of appreciation for their donation.
2. That in respect of the proposed amendment to Lease B on Part of Lot 91 on GS980 (former Old Junior Soccer Fields) held by the Burdekin Touch Association Inc., the Council correspond with the Association advising:

-
- a. That both of the existing storage sheds located at the Old Junior Soccer Fields will be available for their use and that an agreement covering the occupation and use of the sheds be prepared and signed by both parties, noting that Council retains ownership of the sheds and would be responsible for property insurance.
 - b. That access will be granted to the Association, including its contractors, employees or members, over Council reserve land to access the submersible pump;
 - c. That in the event of any future activity or development undertaken by Council which necessitates the removal of the submersible pump or sheds or renders the submersible pump or sheds obsolete, the Council will in the first instance discuss and negotiate with the Association to arrive at a mutually acceptable solution to the Association and the Council.

Resolution

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

CARRIED

5.2 Adoption of Revised Complaints Management Policy

Executive Summary

A full review of Council's Complaints Management Policy has been conducted by management and a revised policy has been prepared for Council adoption. It is a statutory requirement for Council to adopt a process for resolving administrative action complaints. Council's Complaints Management Policy aims to improve services to the community through the effective and efficient handling and response to complaints. A strong Complaints Management System allows Council to monitor trends in complaints and address arising issues to improve service provision. The Complaints Management Policy helps to distinguish between a complaint and a request for service.

Recommendation

That Council adopts the revised Complaints Management Policy attached to the report.

Resolution

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

CARRIED

6 CLIENT SERVICES

7 FINANCIAL & ADMINISTRATIVE SERVICES

8 OPERATIONS

Executive Summary

Tenders for the Removal of CO2 at the Home Hill Water Tower closing at 3pm on the 10 May 2017 were advertised in the Townsville Bulletin on the 8 April 2017 and Council's Web page.

Seventeen (17) sets of documents were requested during the tender period.

Two conforming tenders were received at the time of closing and one tender was received after the time of closing.

Recommendation

It is recommended council accept the tender from Aquatec Maxcon Pty Ltd. for the Fixed Price of \$607,200. The recommendation is in accordance with the Report on Tenders received from Council's project consultant AECOM.

Resolution

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

CARRIED

9 TECHNICAL SERVICES

9.1 School Zone - Giru State Primary School

Executive Summary

Request to install a School Zone at the Giru State Primary School.

Recommendation

That Council resolves to install a School Zone not more than 100m beyond the limits of the school frontage.

Resolution

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

CARRIED

9.2 Plaque in Footpath - Edwards Street Ayr

Executive Summary

Request to place plaque in footpath where the original Caledonian Hall in Ayr was situated.

Recommendation

That council resolves to allow the installation of a commemorative plaque in Edwards Street adjacent to the location of the prior Caledonian Hall on conditions that

- Approval from Transport and Main Roads is obtained and;
- Approval for Works on Footpath is obtained from Council

Resolution

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

CARRIED

10 PLANNING & DEVELOPMENT

10.1 Development Application Material Change of Use for Commercial Uses and Light Industry and Reconfiguring a Lot at 5-11 Beach Road and 1-3 Crofton Street, Ayr (Lot 3 on RP708323 and Lots 4-6 on RP708421)

Executive Summary

An application has been received from Milford Planning on behalf of their client George Populin seeking approval for a Material Change of Use for Commercial Uses and Light Industry and Reconfiguring a Lot at 5-11 Beach Road and 1-3 Crofton Street, Ayr (Lot 3 on RP708323 and Lots 4-6 on RP708421)

Recommendation

That Council approves the Development Application for a Material Change of Use for Commercial Uses and Light Industry and Reconfiguring a Lot at 5-11 Beach Road and 1-3 Crofton Street, Ayr (Lot 3 on RP708323 and Lots 4-6 on RP708421) subject to the following conditions:

Reconfiguring a Lot (Four Lots into Two Lots)

General

- 1.1 The Council will not release the formal Plan of Reconfiguration until all rates and charges in arrears in respect of the land, the subject of the application, are paid in full.
- 1.2 Pay the sum of \$70.50 calculated on the basis of a charge per lot to be levied on the Council by the Department of Natural Resources and Mines for each new valuation.

Roadworks

2. 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.

Proposal Plan

3. The reconfiguration of the land must be carried out generally in accordance with:-
 - (a) (i) the Rowlands Surveys Pty Ltd proposal plan numbered 43099/08;
 - (ii) the plans, specifications, facts and circumstances as set out in the application submitted to Council;
Except where modified by the conditions of approval and any approval issued there under; and
 - (b) any approval issued under this approval; and
 - (c) any development permit for operational works relating to the reconfiguring of a lot;

Drainage/Stormwater

4. 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.

Public Utility Services

5. 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.

Water Supply Works

6. The applicant must provide a certified statement from a licensed plumber that no interconnecting water supply plumbing crosses the boundaries of the proposed Lots.

Material Change of Use

Approved Plans/Staging

- 1.1 (a) The development and conduct of the approved use of the premises, the carrying out and maintenance of any works on the premises and construction and maintenance of any building on the premises must be generally in accordance with the applications supporting material including all drawings/documents identified in the Table below, except where modified by the conditions of this Development Permit and any approval issued there under.

Document/Title	Reference	Sheet No	Date
Proposed Development	1617-534	P1/A	March 17
Proposed Development	1617-534	P2/A	March 17

- (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.
- 1.2 The development may be staged in accordance with the timeframes and capacities located in section 3.8, Staging; of the Planning Report submitted as part of the Development Application.

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.

Building Work

- 6.1 A development permit for Building Works is to be obtained before any building works are carried out on the premise. Proposed buildings to be constructed within allowable setbacks must achieve acceptable solutions in accordance with the requirements of Section C; Building Code of Australia
- 6.2 Submit an application for – Variation to the Building line under Queensland Development Code PM 1.2.

Access and Car parking

- 7.1 Parking space and layout must be designed in accordance with the provisions contained in the supporting material included in the plans submitted with the application.
- 7.2 Access to the premises, car parking and manoeuvring areas must be constructed in an all-weather low glare paving, exposed aggregate concrete or similar material to the satisfaction of the Chief Executive Officer.
- 7.3 Construct a minimum 8m wide industrial crossover (150mm thick, 32 mPa concrete, F72 mesh) at the proposed entry points on Beach Road and Crofton Street. The crossovers are to be constructed from the invert of the existing kerb and channelling to the property boundary and re-profile the footpath each side of the proposed driveway to comply with AS1428 – Design for access and mobility.

Roadworks

- 8. An approval under Council's Subordinate Local Law 1.01 (Alteration or Improvement to Local Government Controlled Areas or Roads) 2012 must be obtained for any awnings that overhang road reserves.

Drainage

- 9.1 Stormwater drainage from paved/sealed and roofed areas must be discharged under the footpath to kerb and channelling within the adjoining road reserves in accordance with AS3500.2.2003 or via the proposed easement, shown on application plan number 1617-534-P1/A, linking the western boundary of the lot with the existing drainage easement within Lot 32 SP291842. Water from

paved areas is to be captured in suitable pits at the boundary before discharge under the footpath.

- 9.2 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.
- 9.3 Any external catchments discharging to the premises must be accepted and accommodated within the development's stormwater drainage system.

Drainage Easement

10. Provide evidence that consent has been obtained to create Proposed Easement B for Drainage shown on Rowlands Survey Pty Ltd Plan43099/088. The easement is to benefit proposed Lot 3.

Operational Works

11. Where operational works are required to be carried out for the reconfiguration, 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) 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;

Water Supply Works Internal

- 12.1 The development must be connected to Council's reticulated water supply. The water connection must be provided at a location approved by Council and at the full cost of the developer.
- 12.2 Any connection or upgrades to Council's existing water infrastructure required by the development shall be carried out by the Council at the developers full cost.

Sewerage Supply

- 13.1 The development must be connected to Council's reticulated sewerage system. All works required are to be carried out at the developers full cost.

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- 13.2 Any connection or upgrades to Councils existing sewerage infrastructure required by the development shall be carried out by the Council at the developers full cost.
- 13.3 The lawful point of discharge into Council's sewerage infrastructure shall be at a location approved by Council.

Amenity – Screen Fencing

14. A screen fence and associated landscaping must be provided in accordance with site plan 1617-534. The fence must be designed to achieve an adequate level of privacy for neighbours. The type and design must be submitted and approved by the Chief Executive Officer prior to construction of the screen fence.

Environment and Health

- 15.1 The operation of the premises, including operation of any plant or equipment or vehicles on the site to which this development permit relates shall be undertaken in such a manner that shall not cause an environmental nuisance to occupants of nearby noise sensitive sites.
- 15.2 Heavy vehicles including refrigerated trailers shall not remain parked and running on site in a manner that may cause a noise nuisance to occupants of nearby noise sensitive sites.
- 15.3 Lighting used to illuminate any areas of the premises shall be angled or shaded in such a way that lighting does not directly illuminate any nearby premises or roadways in such a manner as to constitute an environmental nuisance.
- 15.4 Car parks, landscaping and paved areas shall be regularly maintained to remove litter. Any potential contaminants shall be cleaned from the site on a regular basis.
- 15.5 There shall be no release of litter or contaminants from the site to any roadside gutter, drain or waters.
- 15.6 The applicant shall provide and maintain permanent stormwater quality control devices within the proposed new car park site for the purpose of trapping sediment and rubbish prior to discharge from the site.
- 15.7 Food premises fit out plans must be submitted to Council for approval prior to construction and fit out of any new tenancies. All food preparation areas must comply with the *Food Act 2006* and Food Safety Standards (Chapter 3 of the Food Standards Code Australian New Zealand).
- 15.8 The activity must be operated in accordance with Council's Waste Management Policy and the *Environmental Protection (Waste Management) Regulation 2000*. The enclosure provided for the storage of waste bins must be sized sufficiently for the storage of refuse and recycling bins. The enclosure must be

provided with an impervious floor, provided with a suitable hosecock and drained to sewer in accordance with Burdekin Shire Council plumbing and drainage requirements. The requirements must incorporate a roof or stormwater diversion valves to prevent the ingress of stormwater to the sewerage system and be fitted with traps and back flow prevention devices as required.

ADVICE

- *A build over or adjacent to sewer application will be required for the proposed buildings.*
- *Any proposed new use to operate in the service trades depot (Stage two) may trigger assessable development in accordance with Council's IPA Planning Scheme.*

Resolution

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

CARRIED

11 COMMUNITY DEVELOPMENT

12 ECONOMIC DEVELOPMENT

13 NOTICES OF MOTION

14 CORRESPONDENCE FOR INFORMATION

14.1 The Returned & Services Leagues of Australia Home Hill Sub Branch - Relocation of War Memorial Cenotaph

Resolution

Moved Councillor Liessmann, seconded Councillor Bawden that Council support the relocation of the War Memorial Cenotaph to the Home Hill Memorial Park as

discussed with the Home Hill Sub Branch RSL QLD and an estimate of the cost to undertake the relocation be prepared by Officers to accompany the grant application.

CARRIED

14.2 Request for Council Approval and Assistance - Shipping Container - Storage of RSL Equipment and Memorabilia

Council resolved that in reference to the request for Council approval and assistance in locating a shipping container to store RSL Equipment and Memorabilia (Letter 5) the request lay on the table until the next Ordinary Council Meeting held on 8 August 2017 pending further information from the RSL.

10.27am – Councillor Liessmann left the meeting.

14.3 Dr. Chris Brown's Pet Friendly Park Grants Program 2017 - Now Open

Resolution

Moved Councillor Woods, seconded Councillor Perry that Council Officers apply for Dr. Chris Brown's Pet Friendly Park Grants Program 2017 to assist with upgrading the existing dog off-leash area in Plantation Park.

CARRIED

10.31am – Councillor Liessmann returned to the meeting.

10.32am – Morning Tea break.

10.55am – Meeting resumed.

15 GENERAL BUSINESS

15.1 Date Change - Seniors' Week Luncheon

Councillor Bawden advised that the Seniors' Week Luncheon date has been rescheduled from the 25 August 2017 to 18 August 2017.

15.2 Update - Public Artwork - Comfort Stop Precinct - Home Hill

Council endorsed the Public Artwork concept as presented by Councillor Liessmann, to be painted on the second location, opposite the Commercial Hotel at the Comfort Stop Precinct, Home Hill.

16 CLOSED MEETING ITEMS

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

Resolution

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

- 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:

- Works for Queensland Program – Re-allocation of funds
- Works for Queensland Program Submission
- Ayr Industrial Estate - Additional lots
- Ayr Brandon Sewerage Treatment Plant – Pilot project for treatment of effluent

CARRIED

Council Meeting opened to Public

Resolution

Moved Councillor Woods, seconded Councillor Liessmann that the Council meeting be opened to the public.

CARRIED

16.1 Works for Queensland Program – Re-allocation of Funds

Resolution

Moved Councillor Woods, seconded Councillor Perry that further to Council resolution 15.3 recorded on 27 June 2017 regarding the deletion of the exercise station project for \$40,000 Council agrees to reallocate the funding as follows:

- Additional \$20,000 to the asphalt seal for the Ayr Transfer Station; and
- Additional \$20,000 to the entrance feature – Ayr Industrial Estate.

CARRIED

16.2 Submission - 2017-2019 Works for Queensland Program

Resolution

Moved Councillor Woods, seconded Councillor Liessmann that Council approves the submission of an application to the 2017-19 Works for Queensland Program administered by the Department of Infrastructure, Local Government and Planning, such application comprising of 14 projects.

CARRIED

17 DELEGATIONS

There being no further business the meeting closed at 12.40pm.

These minutes were confirmed by Council at the Ordinary Council Meeting held on Tuesday 8 August 2017.

MAYOR