



Burdekin Shire Council

MINUTES

ORDINARY COUNCIL MEETING

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

on 27 October 2020

COMMENCING AT 9:00AM



Burdekin Shire Council

TUESDAY 27 OCTOBER 2020

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ATTENDANCE

Councillors L.A. McLaughlin (Mayor), S.P. Perry (Deputy Mayor), K.D. Boccalatte, J.T. Bonanno, M.J. Detenon, J.A.G. Furnell and M. Musumeci

Mr. N. O'Connor - Acting Chief Executive Officer
Mr. N. Wellwood - Director of Infrastructure, Planning and Environmental Services
Mrs. K. Olsen - Manager Financial & Administrative Services (Part)
Mr. D. Cornwell - Manager Community Services (Part)
Mr. D. Mulcahy - Manager Environmental & Health Services (Part)
Mr. W. Saldumbide - Manager Operations (Part)
Mr. S. Great - Manager Planning and Development (Part)

Minutes Clerk – Ms. G. Biffanti

Apologies: Mr. T. Brennan - Chief Executive Officer

9.02am Mr. Cornwell entered the meeting.

1 PRAYER

The meeting prayer was delivered by Pastor Gerry MacManus of the Australian Christian Churches.

2 DECLARATIONS OF INTEREST

The Mayor called for declarations of interest.

Councillor Bonanno declared a Prescribed Conflict of Interest in relation to Item 6.3.2 - Development Application - Material Change of Use for Health and Fitness Centre at 5 Little Drysdale Street, Ayr (Lot 5 on RP882395) as his business, Sportsfirst supplies uniforms to the applicant Josh Tonion of The Shed NQ. Councillor Bonanno advised of his intention to leave the meeting during this discussion.

During General Business, a discussion commenced regarding the Burdekin Netball Association. At this point in time Councillor McLaughlin advised of a possible Declarable Conflict of Interest in relation to Item 10.1 as she is a Life Member of the Burdekin Netball Association. Councillor McLaughlin left the meeting during this discussion.

3 MINUTES AND BUSINESS ARISING

3.1 Ordinary Council Meeting Minutes - 13 October 2020

Recommendation

That the minutes of the Ordinary Council Meeting held on 13 October 2020 be received as a true and correct record.

Resolution

Moved Councillor Furnell, seconded Councillor Boccalatte that the recommendation be adopted.

CARRIED

4 EXECUTIVE

4.1 CEO

4.1.1 Ordinary Council Meetings - December 2020 and January 2021

Executive Summary

The Council's Ordinary Meeting cycle is normally varied during the December/January period each year to accommodate the absence of Councillors and key staff due to personal and leave commitments over this period. It is proposed to hold only one (1) Ordinary Council Meeting in December 2020 and also one meeting in January 2021. The workshop meeting cycle will also be varied during this period.

Recommendation

That the normal Council Ordinary Meeting cycle be varied in December 2020 and January 2021 with only one (1) meeting being held in each month on the following dates:

- Tuesday, 15 December 2020; and
 - Tuesday, 19 January 2021.
- and the Council Workshop Meeting cycle also be varied during this period.

Resolution

Moved Councillor Detenon, seconded Councillor Boccalatte that the recommendation be adopted.

CARRIED

4.2 ECONOMIC DEVELOPMENT

5 CORPORATE AND COMMUNITY SERVICES

5.1 CLIENT SERVICES

5.2 COMMUNITY DEVELOPMENT

5.2.1 Appointment of Arts and Cultural Strategy Consultant

Executive Summary

Council, as part of its 2020/2021 budget, allocated \$20,000 to appoint a consultant to develop an Arts and Cultural Strategy for the Shire.

A consultation quotation brief was raised in February 2020 and a consultant was short listed for selection. However due to COVID-19 restrictions relating to inter-state travel, this consultant was unable to be appointed. A second request for quotation was raised in August 2020 and three (3) companies responded with quotations to undertake the Arts and Cultural Strategy planning for Council.

The purpose of this report is to seek Council's endorsement for the appointment of 'aha! good thinking' to undertake community consultation and prepare a comprehensive Arts and Cultural Strategy.

Recommendation

That Council endorse the appointment of 'aha! good thinking' to develop an Arts and Cultural Strategy for the Burdekin Shire Council for a total cost of \$18,500 (excluding GST).

Resolution

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

CARRIED

5.2.2 Watson's Green and Memorial Park Home Hill Draft Master Plan

Executive Summary

At Council's Ordinary Council Meeting on 11 February 2020, Ross Planning Pty Ltd was endorsed to undertake community consultation and prepare detailed master plans for Watson's Green and Memorial Park, Home Hill. A draft masterplan has now been produced.

The purpose of this report is to seek Council's approval for the draft master plan to be released for further community and stakeholder consultation prior to formal adoption.

Recommendation

That Council approve the draft of Watson's Green and Memorial Park Master Plan for community and stakeholder consultation.

Resolution

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

CARRIED

9.13am Mr. Cornwell left the meeting.

9.16am Mr. Mulcahy entered the meeting.

5.3 FINANCIAL AND ADMINISTRATIVE SERVICES

5.3.1 Monthly Financial Report for Period Ending 30 September 2020

Recommendation

That the Monthly Financial Report for Period Ending 30 September 2020 be received.

Resolution

Moved Councillor Detenon, seconded Councillor Furnell that the recommendation be adopted.

CARRIED

9.25am Mrs. Olsen left the meeting.

5.4 GOVERNANCE

6 INFRASTRUCTURE, PLANNING AND ENVIRONMENTAL SERVICES

6.1 ENVIRONMENTAL AND HEALTH SERVICES

6.1.1 Adoption of Compliance and Enforcement Policy

Executive Summary

Council does not have an existing Compliance and Enforcement Policy or similar document to guide Council Officers in enforcing the variety of laws that are in place to protect public infrastructure, public health and safety and the environment.

Recommendation

That Council adopt the attached Compliance and Enforcement Policy.

Resolution

Moved Councillor Detenon, seconded Councillor Musumeci that the recommendation be adopted noting minor administration changes.

CARRIED

6.1.2 Proposed Amendment to Local Law and Subordinate Local Law 3 (Community and Environmental and Health Management) 2012

Executive Summary

Council has been made aware of two (2) matters that have a deleterious impact on the health and safety of the public, such matters being pigeon droppings on footpaths and buildings in a state of disrepair.

Existing Local Law provisions do not provide Council with the legal authority to take action or regulate the two (2) matters of concern.

It is recommended that Council take action to amend its relevant Local Law and Subordinate Local Law to provide Council with the power and authority to take appropriate action.

Recommendation

That as a means to be able to take appropriate action in response to public health and safety matters, Council agrees to commence the Local Law making process to amend *Local Law No 3 and Subordinate Local Law No. 3 (Community and Environmental Management) 2012* to provide for the following:

1. Include provisions to specify pigeon droppings on footpaths as a community safety hazard and prescribe actions to remedy such hazard; and
2. Include provisions to regulate the maintenance of buildings in designated areas so as prevent public injury or harm.

Resolution

Moved Councillor Boccalatte, seconded Councillor Musumeci that the recommendation be adopted with the following amendment to Item two:

2. Include provisions to regulate the maintenance of buildings in designated areas so as prevent public injury or harm or to detract from the appearance of other buildings in the designated area.

CARRIED

9.58am Mr. Mulcahy left the meeting.

6.2 OPERATIONS

6.2.1 Establish a Register of Pre-Qualified Suppliers - Supply of Bore and Pump Maintenance Services

Executive Summary

Tenders for TBSC/20/017 – Register of Pre-qualified Suppliers – Supply of Bore and Pump Maintenance Services closed at 12 noon on the 23 September 2020.

Eight (8) sets of documents were requested and issued to prospective tenderers.

Five (5) tenders were received at the nominated closing time. Two (2) of the tenderers were from local companies.

Recommendation

That Council accepts all five (5) of the tenders submitted by Ayr Boring Company, B & M Drilling, Kelair Pumps, Professional Pump Services and D.G.H. Engineering for the purpose of establishing a Register of Pre-qualified Suppliers – Supply of Bore and Pump Maintenance Services.

The register will be effective for a period of three (3) years from the date of Council's resolution.

Resolution

Moved Councillor Perry, seconded Councillor Furnell that the recommendation be adopted noting the inclusion of the effective commencement date being 1 November 2020.

CARRIED

6.2.2 Quotations Received - QBSC/20/039 - Home Hill Water Supply - Supply of Containerised UV Treatment Package

Executive Summary

At the Ordinary Council Meeting held on 11 August 2020, Council endorsed a Value Engineering proposal to fabricate and erect a 5ML reservoir at Home Hill with a revised estimated total project budget allocation of \$3,750,000, with Council assuming the role of Principal Contractor. The revised total budget allocation included a previously adopted budget allocation of \$350,000 for Inline Ultra-Violet Disinfection under the 2020-2021 COVID Works for Queensland Program.

Council has sourced quotations for the first of the project packages to fabricate and erect a 5ML Reservoir through Vendor Panel under QBSC/20/039 – Home Hill Water Supply – Supply of Containerised UV Water Treatment Package.

The quotation includes the supply, delivery, commissioning, and training associated with the operation of the Ultra-Violet Treatment System. It will be Council's responsibility to install the container on an elevated platform above the Q100 flood levels to ensure flood immunity and connect to the required power, control systems and pipework.

Recommendation

That Council accepts the fixed price quotation of \$220,108.00 excl. GST from Aquatec Maxcon Pty Ltd as the most advantageous quotation received for QBSC/20/039 based on multi-criteria scoring and ranking for the Home Hill Water Supply – Supply of Containerised UV Water Treatment Package.

Resolution

Moved Councillor Detenon, seconded Councillor Muscumeci that the recommendation be adopted.

CARRIED

10.05am Mr. Great entered the meeting.

9 CORRESPONDENCE FOR INFORMATION

9.1 Endorsement - Participation in State of Volunteering - Queensland Advisory Committee

Background Information

Council received a letter from the Chief Executive Officer of Volunteering Queensland inviting participation in the State of Volunteering in Queensland's Advisory Committee to share solutions and strategies to increase volunteering participation rates.

Resolution

Moved Councillor Perry, seconded Councillor Boccalatte that Council endorse Councillor McLaughlin's participation in the State of Volunteering in Queensland's Advisory Committee.

CARRIED

6.3 PLANNING AND DEVELOPMENT

6.3.1 Development Application - Material Change of Use for Educational Establishment Over Part of 1 - 45 Cunningham Street, Ayr (Part Lot 1 on GS95)

Executive Summary

Council has received a Development Application from Dillon Architects on behalf of their client Edmund Rice Education Australia seeking a Development Permit for a Material Change of Use for an Educational Establishment over part of 1 – 45 Cunningham Street, Ayr (Part Lot 1 on GS95).

The proposal is defined as an Educational Establishment and triggers an 'Impact Assessable' Development Application in accordance with the provisions of the Burdekin Shire Council's IPA Planning Scheme (*the scheme*). As the application is Impact Assessable it was required to be publicly notified for 15 business days.

The proposed development has not triggered referral to any State technical agencies.

Recommendation

That Council approves the Development Application for a Material Change of Use for an Educational Establishment over part of 1 - 45 Cunningham Street, Ayr (Part Lot 1 on GS95) subject to the following conditions:

General

1. The following student numbers are permitted on the proposed Educational Establishment.
 - No more than 45 students are to be enrolled.

Approved Plans

2. (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	Plan No & Revision	Date
Cover Sheet	SK.00, Rev: A	12/08/2020
Part Site Plan – Existing Ground Floor Part Site Plan	MD.01, Rev: A	12/08/2020
Part Site Plan – Proposed Ground Floor Part Site Plan	SK.02, Rev: A	12/08/2020
Former Greyhound Building – Plan and Elevations (Demolition)	MD.03, Rev: A	12/08/2020
Proposed Block ‘A’ – Plan and Elevations	SK.04, Rev: A	12/08/2020

- (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

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

Outstanding Charges

4. 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

5. 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

- 6.1 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.
- 6.2 Any damage which is caused to Council's infrastructure as a result of the proposed development must be repaired immediately.

Building Work

7. A development permit for Building Works is to be obtained before any building works are carried out on the premise.

Access and Carparking

- 8.6 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 by 'Dillon Architects'.
- 8.2 Access to the premises, car parking and manoeuvring areas must be constructed of a suitable dust suppressant material to the satisfaction of the Chief Executive Officer.

Drainage/Stormwater

- 9.1 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.
- 9.2 Any external catchments discharging to the premises must be accepted and accommodated within the development's stormwater drainage system.

Amenity – Screen Fencing

10. The existing fencing must be maintained along and within the property and boundaries. Any changes to the type and design of the existing fence must be submitted and approved by the Chief Executive Officer prior to any new screen fence being constructed.

Environment and Health

- 11.1 No release of contaminants, including, but not limited to dust, fumes, odour or aerosols or emission of noise is to cause or be likely to cause an environmental nuisance beyond the boundaries of the premises to which this development permit relates.
- 11.2 Upon receipt of a complaint regarding the emission of dust, odour or other air or noise emission, the operator must within a reasonable period of time:
- a) take any actions necessary to resolve the complaint, and
 - b) implement abatement measures to minimise the emissions from the site.
- 11.3 There shall be no release of litter or contaminants from the site to any roadside, drain or waters.
- 11.4 All waste generated in carrying out the activity must be lawfully reused, recycled or removed to a facility that can lawfully accept the waste.

ADVICE

- *Waste and recycling services must be provided in accordance with Council's Waste Management Policy.*

Resolution

Moved Councillor Furnell, seconded Councillor Musumeci that the recommendation be adopted.

CARRIED

6.3.2 Development Application - Material Change of Use for Health and Fitness Centre at 5 Little Drysdale Street, Ayr (Lot 5 on RP882395)

10.20am Councillor Bonanno left the meeting prior to this discussion as he declared a Prescribed Conflict of Interest in relation to Item 6.3.2 Development Application - Material Change of Use for Health and Fitness Centre at 5 Little Drysdale Street, Ayr (Lot 5 on RP882395) as his business, Sportsfirst supplies uniforms to the applicant Josh Tonion of The Shed NQ.

Executive Summary

Council has received a Development Application from “The Shed NQ” seeking a development permit for Material Change of Use Health and Fitness Centre at 5 Little Drysdale Street, Ayr (Lot 5 on RP882395).

The proposal is for a defined use (Sport, Recreation and Entertainment) 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 Material Change of Use Health and Fitness Centre at 5 Little Drysdale Street, Ayr (Lot 5 on RP882395) subject to the following conditions:

General

- 1.1 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, except where modified by the conditions of this Development Permit and any approval issued there under.
- 1.2 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.
- 1.3 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.

Building

- 6.1 A development permit for Building Works is to be obtained before any triggered assessable building works are carried out on the premises.
- 6.2 Provide evidence that the existing building has had a change of classification to a 9b - Assembly Building, finalised prior to the use commencing.

Access and Carparking

- 7.1 Parking space and layout must be maintained in accordance with the provisions contained in the supporting material included in the plans submitted with the application.
- 7.2 The applicant must provide five (5) additional line-marked on-street car parks in Macmillan Street, Ayr in accordance with AS.2890.5..2020 and the attached drawing. (Ref No. SP-104-1 Rev A)

Amenity - Lighting

- 8. Any night and outdoor lighting must be designed, conducted, and operated in accordance with 'AS 4282 – Control of the obtrusive effects of outdoor lighting'.

Drainage

- 9.1 Stormwater drainage from any new paved/sealed areas must be discharged under the footpath to kerb and channelling within the adjoining road reserves in accordance with AS3500.2.2003 or as otherwise required or agreed to in writing by the Chief Executive Officer.
- 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.

Amenity – Screen Fencing

- 10. The existing 1.8m high screen fence must be maintained along the property boundaries. Any changes to the type and design of the existing fence must be submitted and approved by the Chief Executive Officer prior to any new screen fence being constructed.

Environment and Health

- 11.1 Environmental nuisance is unreasonable interference with an environmental value caused by aerosols, fumes, light, noise, odour, particles, or smoke. It may also include an unhealthy, offensive, or unsightly condition because of contamination.

- 11.2 No release of contaminants, including, but not limited to dust, fumes, odour or aerosols or emission of noise is to cause or be likely to cause an environmental nuisance beyond the boundaries of the premises to which this development permit relates.
- 11.3 Upon receipt of a complaint regarding the emission of dust, odour or other air or noise emission, the operator must within a reasonable period of time:
- take any actions necessary to resolve the complaint, and
 - implement abatement measures to minimise the emissions from the site.
- 11.4 The occupier of the building must ensure that the following noise levels are not exceeded (measured at the receptor in dBA) at the specified time during the operation.

Sensitive Receptor	Time of Day	Acoustic Quality Objectives (measured at the receptor) dB(A)		
		L _{Aeq,adj,1hr}	L _{A10,adj,1hr}	L _{A1,adj,1hr}
for outdoor receptor	daytime and evening	50	55	65
for indoors receptor	daytime and evening	35	40	45
	night-time	30	35	40

daytime means the period after 7.00am on a day to 6.00pm on the day.

evening means the period after 6.00pm on a day to 10.00pm on the day.

night-time means the period after 10.00pm on a day to 7.00am on the next day

- 11.5 All solid wastes or other materials likely to produce contaminants shall be stored in bins with lids in place to prevent the ingress of stormwater.
- 11.6 There shall be no release of litter or contaminants from the site to any roadside, drain or waters.
- 11.7 All waste generated in carrying out the activity must be lawfully reused, recycled, or removed to a facility that can lawfully accept the waste.

Advice Only;

- The activity must be operated in accordance with Council's Waste Management Policy and the Environmental Protection (waste management) regulation 2000.

Resolution

Moved Councillor Musumeci, seconded Councillor Detenon that the recommendation be adopted.

CARRIED

10.36am Meeting adjourned for morning tea. Mr. Great left the meeting.

11.03am Meeting recommenced. Councillor Bonanno returned to the meeting.

6.4 TECHNICAL SERVICES

7 NOTICE OF MOTION

8 RECEIPT OF PETITIONS

9 CORRESPONDENCE FOR INFORMATION

10 GENERAL BUSINESS

10.1 Memorial Hall - Netball Sporting Events

11.12am During General Business, a discussion commenced regarding the Burdekin Netball Association. At this point in time Councillor McLaughlin advised of a possible Declarable Conflict of Interest in relation to the Item as she is a Life Member of the Burdekin Netball Association. Councillor McLaughlin left the meeting during this discussion.

Councillor Perry assumed the chair.

Councillor Bonanno requested that further discussion be held regarding the future use of the Memorial Hall and hosting major netball events inside the venue. Councillor Bonanno's request was acknowledged and it was confirmed that the matter is an agreed action in Council's 10 year Sports and Recreation Plan and would be addressed as part of implementation of the Plan.

11.15am Councillor McLaughlin resumed the chair.

10.2 Approval Leave of Absence - Councillor Bonanno - 10 November 2020

Resolution

Moved Councillor Musumeci, seconded Councillor Detenon that Council approves a leave of absence for Councillor Bonanno on Tuesday, 10 November 2020.

CARRIED

11 CLOSED BUSINESS ITEMS

12 DELEGATIONS

There being no further business the meeting closed at 11.35am.

These minutes were confirmed by Council at the Ordinary Council Meeting held on 10 November 2020.

MAYOR

