

Livingstone

Shire Council

ORDINARY MEETING

MINUTES

26 AUGUST 2014

The Council Resolutions contained within these minutes were confirmed at the Council Meeting on 09 September 2014.

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MINUTES OF THE ORDINARY MEETING HELD AT COUNCIL CHAMBERS, QUEEN STREET, YEPPON ON TUESDAY, 26 AUGUST 2014 COMMENCING AT 9:03AM

1 OPENING

2 PRESENT

Members Present:

Mayor, Councillor Bill Ludwig (Chairperson)
Deputy Mayor, Councillor Graham Scott
Councillor Adam Belot
Councillor Nigel Hutton
Councillor Glenda Mather

In Attendance:

Mr Justin Commons – Chief Executive Officer
Mr Tony Hayward – Acting Director Corporate Services
Mr Brett Bacon – Director Community and Planning Services
Mr Dan Toon – Director Infrastructure Services
Mr Darryll Schurmann – Manager Finance
Ms Catherine Rivett – Corporate Strategist
Ms Rebecca French – Manager Marketing and Engagement
Ms Lucy Merry – Acting PA to Mayor

3 LEAVE OF ABSENCE / APOLOGIES

3.1 LEAVE OF ABSENCE - COUNCILLOR NIGEL HUTTON - 9 SEPTEMBER 2014

File No: GV13.4.1
Responsible Officer: Justin Commons - Chief Executive Officer

Councillor Hutton has requested leave of absence on 9 September 2014.

COUNCIL RESOLUTION

THAT leave of absence be granted to Councillor Nigel Hutton for the period of 9 September 2014.

Moved by: Councillor Belot
Seconded by: Councillor Mather

MOTION CARRIED

Councillor Wyatt has tendered his apology and will not be in attendance.

COUNCIL RESOLUTION

That the apology tendered for the absence of Councillor Wyatt be received.

Moved by: Councillor Hutton
Seconded by: Councillor Mather

MOTION CARRIED

Leave of Absence for the meeting was previously granted to Councillor Jan Kelly.

4 PUBLIC FORUMS/DEPUTATIONS

Nil

5 MAYORAL MINUTE

L.1 MAYORAL MINUTE - RECIPROCAL LIBRARY ARRANGEMENTS

File No: CS3.1.5

Attachments: 1. **Service Level Agreement For Public Library Services 2014 - 2017**

Responsible Officer: Justin Commons - Chief Executive Officer

SUMMARY

The intention of this report is to recommend that

- a) *As a gesture of goodwill and in recognition of the number of Livingstone Shire residents that access Rockhampton for their primary library needs, Livingstone Shire Council maintain its previous offer to contribute \$45,000 per annum (indexed accordingly) to Rockhampton Regional Council (RRC) as part of any reciprocal library agreement.*
- b) *The annual amount is to be paid in two instalments with an associated mid-year review.*
- c) *The CEO write to RRC requesting that as a reciprocal gesture of goodwill, RRC consider reimbursing LSC residents who have previously paid to access RRC library services.*

MAYOR'S RECOMMENDATION

THAT:

1. As a gesture of goodwill and in recognition of the number of Livingstone Shire residents that access Rockhampton for their primary library needs, Livingstone Shire Council maintain its previous offer to contribute \$45,000 per annum to Rockhampton Regional Council (RRC) as part of reciprocal library arrangements.
2. The annual amount is to be paid in two instalments with an associated mid-year review.
3. The CEO write to RRC requesting that as a reciprocal gesture of goodwill, RRC consider reimbursing LSC residents who have previously paid to access RRC library services.

Procedural Motion

COUNCIL RESOLUTION

That the matter be deferred pending further advice from Queensland Libraries.

Moved by: Mayor Ludwig

Seconded by: Deputy Mayor, Councillor Scott

MOTION CARRIED

6 CONFIRMATION OF MINUTES OF PREVIOUS MEETING**COUNCIL RESOLUTION**

THAT the minutes of the Ordinary Meeting held on 12 August 2014 be taken as read and adopted as a correct record.

Moved by: Councillor Hutton

Seconded by: Deputy Mayor, Councillor Scott

MOTION CARRIED

**7 DECLARATIONS OF INTEREST IN MATTERS ON THE
 AGENDA**

8 BUSINESS ARISING OR OUTSTANDING FROM PREVIOUS MEETINGS

8.1 BUSINESS OUTSTANDING TABLE FOR ORDINARY COUNCIL MEETING

File No: GV13.4.1
Attachments: 1. Business Outstanding 26 Aug 2014
Responsible Officer: Justin Commons - Chief Executive Officer

SUMMARY

The Business Outstanding table is used as a tool to monitor outstanding items resolved at previous Council or Committee Meetings. The current Business Outstanding table for the Ordinary Council Meeting is presented for Councillors' information.

COUNCIL RESOLUTION

THAT the Business Outstanding table for the Ordinary Council Meeting be received.

Moved by: Councillor Belot
Seconded by: Councillor Mather
MOTION CARRIED

9 PRESENTATION OF PETITIONS

Nil

10 BUSINESS IMPROVEMENT COMMITTEE REPORTS

Nil

11 COUNCILLOR/DELEGATE REPORTS

Nil

12 REPORTS

12.1 DE-MAINING SECTION OF ROCKHAMPTON-YEPPON ROAD

File No: RD 28.8.2

Attachments:

1. Letter to DTMR requesting de-maining section of Rockhampton-Yeppoon Road
2. Response from DTMR regarding request to de-main section of Rockhampton-Yeppoon Road

Responsible Officer: Dan Toon - Director Infrastructure Services

Author: Michael Prior - Manager Infrastructure Operations

SUMMARY

Council has formally approached Department of Transport and Main Roads (DTMR) with a proposal to de-main that section of Rockhampton-Yeppoon Road between the Tanby Road roundabout and the Tourist Information Centre roundabout, subject to certain works being undertaken.

Main Roads have responded agreeing to the de-maining but subject to Council accepting the road in its current condition, or in the condition at the time the agreement being formalised.

COUNCIL RESOLUTION

THAT Council, having considered that a Sustainable Planning Act development of the Cordingley Street Depot site will possibly trigger a concurrence agency referral to the Department of Transport Main Roads regardless of road ownership, proceeds to seek de-maining of the section of Rockhampton-Yeppoon Road between the Tanby Road roundabout and the Tourist Information Centre roundabout.

Moved by: Deputy Mayor, Councillor Scott

Seconded by: Councillor Belot

MOTION CARRIED

12.2 PLOVER DRIVE SEWER MAIN EXTENSION**File No:** CP5.9.2-189

- Attachments:**
1. Preliminary Design - Plover Drive Sewer Extension - Option 1a
 2. Preliminary Design - Plover Drive Sewer Extension - Option 1b
 3. Preliminary Design - Plover Drive Sewer Extension - Option 1c
 4. Preliminary Design - Plover Drive Sewer Extension - Option 2a
 5. Preliminary Design - Plover Drive Sewer Extension - Option 2b

Responsible Officer: Philip McKone - Manager Infrastructure Planning & Design
Dan Toon - Director Infrastructure Services**Author:** Tony Lau - Technical Officer

SUMMARY

This report provides information to facilitate a response to requests from the Yeppoon Hack and Pony Club (YHPC) and the Keppel Coast Country Music Club (KCCMC) for Council to consider providing connections to reticulated sewerage services for the proposed and existing ablution buildings respectively.

COUNCIL RESOLUTION

THAT Council resolves to:

1. Provide a letter of support to the Yeppoon Hack and Pony Club to accompany a grant application for construction of a new ablution building at the Millroy Drive site.
2. Provide a commitment that should the grant application be successful that Council will provide funding assistance for connection to the reticulated sewerage system or to install an advance onsite treatment system with the level of assistance to be determined in conjunction with adoption of the 2015-16 budget.

Moved by: Mayor Ludwig
Seconded by: Councillor Mather**MOTION CARRIED**

**12.3 LOCAL LAW MAKING RESOLUTION AND AMENDMENT TO LOCAL LAW NO. 2
SUBORDINATE LOCAL LAW NO. 2 - CAT REGISTRATION**

File No: LE19.5.1
Attachments: 1. Attachment 1 - Local Law Making Process Resolution
Responsible Officer: Ian Dare - Manager Community Wellbeing
Brett Bacon - Director Community & Planning Services
Author: Craig Newsome - Coordinator Public Environments

SUMMARY

In late 2013 the Animal Management Act (Cats and Dogs) 2008 was amended to vest the decision to register cats to each local authority. Prior to this amendment it was mandatory for cats to be registered. The continuance of cat registration within the Livingstone Shire requires Council to undertake a process of local law amendment to include a regime for cat registration.

COUNCIL RESOLUTION

THAT Council resolves to:

- 1) adopt a process for making each local law of Council as detailed in Attachment 1 - Local Law Making Process Resolution; and
- 2) propose to make each of:
 - (i) *Animal Management (Amendment) Local Law (No. 2) 2014; and*
 - (ii) *Animal Management (Amendment) Subordinate Local Law (No. 2) 2014.*

Moved by: Councillor Mather
Seconded by: Deputy Mayor, Councillor Scott
MOTION CARRIED

12.4 SUMMARY BUDGET MANAGEMENT REPORT FOR THE PERIOD ENDED 30 JUNE 2014**File No:** FM12.4.1**Attachments:**

1. Income Statement - June 2014
2. Graphs - June 2014

Responsible Officer: Tony Hayward - Acting Director Corporate Services**Author:** Darryll Schurmann - Manager Finance

SUMMARY

The Manager Finance presenting the Livingstone Shire Council Summary Budget Management Report for the Period Ended 30 June 2014.

COUNCIL RESOLUTION

That the Livingstone Shire Council Summary Budget Management Report for the Period Ended 30 June 2014 be 'received'.

Moved by: Councillor Mather**Seconded by:** Deputy Mayor, Councillor Scott**MOTION CARRIED**

12.5 SUMMARY BUDGET MANAGEMENT REPORT FOR THE PERIOD ENDED 31 JULY 2014**File No:** FM12.4.1**Attachments:**

1. Income Statement - July 2014
2. Graphs - July 2014

Responsible Officer: Tony Hayward - Acting Director Corporate Services**Author:** Darryll Schurmann - Manager Finance

SUMMARY

The Manager Finance presenting the Livingstone Shire Council Summary Budget Management Report for the Period Ended 31 July 2014.

COUNCIL RESOLUTION

That the Livingstone Shire Council Summary Budget Management Report for the Period Ended 31 July 2014 be 'received'.

Moved by: Councillor Hutton**Seconded by:** Councillor Belot**MOTION CARRIED**

12.6 AMENDMENT TO CHARGES FOR COMMERCIAL WASTE

File No: WM31.8.1
Attachments: Nil
Responsible Officer: Dan Toon - Director Infrastructure Services
Author: Sean Fallis - Manager Water & Waste Operations

SUMMARY

The intention of this report is to amend the Commercial Waste Charge within the Livingstone Shire Council's Fees and Charges Schedule for the 2014-15 financial year.

COUNCIL RESOLUTION

THAT the charge of \$125.00 per tonne be adopted for Commercial Waste for the 2014/2015 Financial Year.

Moved by: Councillor Belot
Seconded by: Councillor Mather

MOTION CARRIED

12.7 DEVELOPMENT APPLICATION FOR RECONFIGURING A LOT (ONE LOT INTO THREE LOTS)

File No: D/62-2014

Attachments: 1. Locality Plan
2. Proposal Plan

Responsible Officer: Erin McCabe - Coordinator Development Assessment
Brett Bacon - Director Community & Planning Services

Author: Jane Witham - Planning Officer

SUMMARY

Development Application Number: D/62-2014

Applicant: Benedict Thomas and Christine Carroll

Real Property Address: Lot 4 on SP207064, Parish of Yeppoon

Common Property Address: 343 Neils Road, Barmaryee

Area of Site: 7.689 hectares

Planning Scheme: Livingstone Shire Planning Scheme 2005

Planning Scheme Zoning: Rural Zone

Planning Scheme Overlays: Overlay Map O2A: Drainage Problems
Overlay Map O3B: Waterway

Existing Development: Single Dwelling House

Existing Approvals: Nil

Approval Sought: Development Permit for Reconfiguring a Lot (one lot into three lots)

Level of Assessment: Code Assessable

Submissions: Not Applicable

Referral Agency(s): Department of State Development, Infrastructure and Planning

Adopted Infrastructure Charges Area: Outside the Priority Infrastructure Area

Application Progress:

<i>Application Properly Made:</i>	7 May 2014
<i>Request for Further Information sent:</i>	4 June 2014
<i>Request for Further Information responded to:</i>	23 July 2014
<i>Government Agency Response:</i>	27 June 2014
<i>Last receipt of information from applicant:</i>	23 July 2014
<i>Council Meeting date:</i>	26 August 2014
<i>Statutory determination date:</i>	03 September 2014

OFFICER'S RECOMMENDATION

THAT in relation to the application for a Development Permit for Reconfiguring a Lot (one lot

into two lots), made by Benedict Thomas and Christine Carroll, on Lot 4 on SP207064, Parish of Yeppoon, and located at 343 Neils Road, Barmaryee, Council resolves to Refuse the application for the following reasons:

- 1.0 The proposal compromises the achievement of several Shire Wide Outcomes of the *Livingstone Shire Planning Scheme 2005*, including inter alia:
 - (i) the proposal will further fragment rural land and therefore is not consistent with the intent of the Rural Zone;
 - (ii) there is no overriding need for new lots and given the proximity to Park Residential zoned land, it is considered that any need for smaller 'lifestyle allotments' can be adequately provided within appropriately zoned land;
 - (iii) The fragmentation of land outside the Priority Infrastructure Area is setting precedence for future demand and subsequent pressure for infrastructure provision; and
 - (iv) Access from Barmaryee Road and Neils Road (north and south of the subject site) may be restricted in major flood events.
- 2.0 The proposal conflicts with the provisions of the *Livingstone Shire Planning Scheme 2005* in regard to the Outcomes of the Rural Zone Code, including inter alia:
 - (i) the proposed development does not comply with the minimum lot size requirements of the Rural Zone;
 - (ii) the proposed subdivision is not seeking to preserve rural land with productive capacity, therefore significantly infringing on the landscape setting and rural amenity of the Shire; and
 - (iii) residential purposes are not proposed to be ancillary to primary rural purposes in the rural area.

Procedural Motion

COUNCIL RESOLUTION

That the matter lay on the table pending further discussion at Council Workshop on 2 September 2014.

Moved by: Deputy Mayor, Councillor Scott

Seconded by: Councillor Hutton

MOTION CARRIED

12.8 DELEGATION OF COUNCIL POWERS TO CHIEF EXECUTIVE OFFICER**File No:** PL22.1.1**Attachments:**

1. **Body Corporate and Community Management Act 1997**
2. **Building Units and Group Titles Act 1980**
3. **Coastal Protection and Management Act 1995**
4. **Disaster Management Act 2003**
5. **Food Production (Safety) Act 2000**
6. **Health (Drugs and Poisons) Regulations 1996**
7. **Information Privacy Act 2009**
8. **Land Act 1994**
9. **Public Health Act 2005**
10. **Public Health Regulation 2005**
11. **Right to Information Act 2009**
12. **Sustainable Planning Act 2009**

Responsible Officer: Tony Hayward - Acting Director Corporate Services**Author:** Catherine Rivett - Corporate Strategist**SUMMARY**

This Report seeks Council's approval to delegate under State legislation to the position of Chief Executive Officer.

COUNCIL RESOLUTION

THAT as per section 257 of the *Local Government Act 2009* Council resolves to:

1. Delegate to the Chief Executive Officer, the exercise of powers contained in Schedule 1 of the attached Instruments of Delegation, limited by the scope contained in Schedule 2, namely:

1. *Body Corporate and Community Management Act 1997*
2. *Building Units and Group Titles Act 1980*
3. *Coastal Protection and Management Act 1995*
4. *Disaster Management Act 2003*
5. *Food Production (Safety) Act 2000*
6. *Health (Drugs and Poisons) Regulations 1996*
7. *Information Privacy Act 2009*
8. *Land Act 1994*
9. *Public Health Act 2005*
10. *Public Health Regulation 2005*
11. *Right to Information Act 2009*
12. *Sustainable Planning Act 2009*

2. Repeal all prior resolutions delegating powers to the Chief Executive Officer under the abovementioned Acts.

Moved by: Deputy Mayor, Councillor Scott

Seconded by: Councillor Belot

MOTION CARRIED

12.9 LIVINGSTONE SHIRE COUNCIL ORGANISATIONAL STRUCTURE

File No: PL22.5.3
Attachments: Nil
Responsible Officer: Justin Commons - Chief Executive Officer
Author: Tony Hayward - Acting Director Corporate Services

SUMMARY

This Report seeks Council's adoption to grant approval to the Chief Executive Officer to approve and redesign positions as necessary within the structure in line with budget allocations for projects and the employment of staff resources to meet the priorities of Council.

COUNCIL RESOLUTION

THAT Council resolves to:

1. Note the current Organisational Structure comprises 344 Full Time Equivalent (FTE) staff; and
2. Authorize the Chief Executive Office to re-design positions during 2014-15 in accordance with operational needs, whilst remaining within the Council approved budget for the 2014-15 financial year.

Moved by: Councillor Hutton
Seconded by: Deputy Mayor, Councillor Scott
MOTION CARRIED

Mayor Ludwig sought leave of the meeting to suspend meeting procedures for morning tea.

Leave granted.

Meeting procedures were suspended at 10am.

Meeting Procedures resumed at 10:24am.

12.10 MOTION TO LOCAL GOVERNMENT ASSOCIATION OF QUEENSLAND CONFERENCE

File No: EM11.7.1

Attachments:

1. Plastic Shopping Bags (Waste Avoidance) Act 2008
2. Plastic Shopping Bags (Waste Avoidance) Regulations 2008
3. Plastic Bag Ban Research
4. Review of the Plastic Shopping Bags (Waste Avoidance) Act 2008

Responsible Officer: Ian Dare - Manager Community Wellbeing
Brett Bacon - Director Community & Planning Services

Author: Matthew Baldock - Senior Sustainability Officer

SUMMARY

The Local Government Association of Queensland is calling for motions from representative local governments for the 2014 Annual Local Government Association of Queensland Conference to be held in Mackay from 27-29 October 2014.

At a recent workshop, Councillors discussed putting forward a motion regarding advocating for the Queensland Government, Local Councils and relevant agencies and groups to progress discussions regarding the introduction of legislation to encourage the mass adoption of re-useable bags over single use plastic bags. At the workshop Councillor support was confirmed for a motion to be framed around the general premise of the Local Government Association of Queensland advocating on behalf of Queensland local governments for the Queensland Government to take a leadership role in addressing the environmental issues attributed to single-use plastic bags.

This report seeks approval for Council to put forward a motion to the Local Government Association of Queensland Conference.

COUNCIL RESOLUTION

THAT Council approve the raising of a motion at the Local Government Association of Queensland conference with the following wording:

“To further advance the environmental and economic benefits associated with a significant reduction in the consumption of single use plastic shopping bags and to advance the State’s Waste Strategy Vision, (i.e. Queensland will become a national leader in avoiding unnecessary consumption and waste generation, adopting innovative resources recovery approaches, and managing all products and materials as valuable and finite resources), the LGAQ calls on the Queensland State Government to develop a Priority Product Statement for inclusion in the Waste Avoidance and Resource Productivity Strategy for Queensland to determine the costs, benefits and implications of the current use and disposal of plastic bags, including options to address identified issues.”

Moved by: Deputy Mayor, Councillor Scott

Seconded by: Councillor Hutton

MOTION CARRIED

13 QUESTIONS/STATEMENT/MOTIONS ON NOTICE FROM COUNCILLORS

Nil

14 URGENT BUSINESS\QUESTIONS

Nil

15 CLOSED SESSION

In accordance with the provisions of section 275 of the *Local Government Regulation 2012*, a local government may resolve to close a meeting to the public to discuss confidential items, such that its Councillors or members consider it necessary to close the meeting.

COUNCIL RESOLUTION

10.26 AM

THAT the meeting be closed to the public to discuss the following items, which are considered confidential in accordance with section 275 of the *Local Government Regulation 2012*, for the reasons indicated.

16.1 Access to Land - Northern Strategic Link Road - Panorama Drive

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

Moved by: Councillor Mather

Seconded by: Deputy Mayor, Councillor Scott

MOTION CARRIED

COUNCIL RESOLUTION

10:44 AM

THAT the meeting moves out of Closed Session and be opened to the public.

Moved by: Councillor Belot

Seconded by: Deputy Mayor, Councillor Scott

MOTION CARRIED

16 CONFIDENTIAL REPORTS

16.1 ACCESS TO LAND - NORTHERN STRATEGIC LINK ROAD - PANORAMA DRIVE

File No: CP5.2.5-001

Attachments: 1. Option O - (*Confidential*)

Responsible Officer: Dan Toon - Director Infrastructure Services

Author: Carrie Burnett - Policy & Planning Officer

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

SUMMARY

This report is to discuss issues in regards to access to land for the Northern Strategic Link Road – Panorama Drive.

COUNCIL RESOLUTION

THAT Council resolve:

1. To undertake survey and design work in connection with the Northern Strategic Link Road – Panorama Drive; and
2. Utilise its powers under section 36 of the Acquisition of Land Act 1967 to enter land for the purposes of survey and design of the Northern Strategic Link Road – Panorama Drive.

Moved by: Councillor Hutton

Seconded by: Deputy Mayor, Councillor Scott

MOTION CARRIED

17 CLOSURE OF MEETING

There being no further business the meeting closed at 10:45am.

Mayor Bill Ludwig
CHAIRPERSON

DATE