

# **Livingstone**

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## Shire Council

### **ORDINARY MEETING**

### **MINUTES**

**28 JUNE 2016**

The Council resolutions contained within these minutes were confirmed at the Council meeting on 12 July 2016.

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**MINUTES OF THE ORDINARY MEETING HELD AT COUNCIL CHAMBERS, ANZAC PARADE, YEPPON ON TUESDAY, 28 JUNE 2016 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 Jan Kelly  
Councillor Glenda Mather  
Councillor Tom Wyatt

In Attendance:

Mrs Chris Murdoch – Chief Executive Officer  
Mr David Mazzaferri – Acting Director Corporate Services  
Mr Brett Bacon – Director Community and Planning Services  
Mr Dan Toon – Director Infrastructure Services  
Mrs Suzanne Pambid – Coordinator Executive Support  
Mrs Trish Weir - Manager Customer Engagement and Communication  
Mrs Meegan Armstrong - Coordinator Stakeholder Engagement and Events  
Mr Jared Thomsen - Senior Sport and Education Officer  
Mrs Catherine Rivett – Corporate Strategist

**3 LEAVE OF ABSENCE / APOLOGIES**

Nil

**4 PUBLIC FORUMS/DEPUTATIONS**

Nil

**5 MAYORAL MINUTE**

Nil

## **6 CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

### **COUNCIL RESOLUTION**

THAT the minutes of the Ordinary Meeting held on 14 June 2016 be taken as read and adopted as a correct record.

**Moved by:** Councillor Hutton

**Seconded by:** Councillor Wyatt

**MOTION CARRIED**



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

Nil

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## 8 BUSINESS ARISING OR OUTSTANDING FROM PREVIOUS MEETINGS

### 8.1 LIFTING MATTERS LYING ON THE TABLE

**File No:** GV13.4.1  
**Attachments:** Nil  
**Responsible Officer:** Chris Murdoch - Chief Executive Officer  
**Author:** Lucy Merry - Executive Support Officer

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#### SUMMARY

*The Business Outstanding table is used as a tool to identify when reports are due back to the table. Items lying on the table require a report to be lifted from the table before being dealt with. This report is designed to lift one report from the table to be dealt with at the current meeting on 28 June 2016.*

#### COUNCIL RESOLUTION

THAT the following matter(s) "lying on the table" in the Business Outstanding table, be lifted from the table and be dealt with accordingly:

- Notice of Motion – Councillor Belot – Wreck Point Lookout

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

**8.2 BUSINESS OUTSTANDING TABLE FOR ORDINARY COUNCIL MEETING**

**File No:** GV13.4.1  
**Attachments:** 1. Business Outstanding Table  
**Responsible Officer:** Chris Murdoch - Chief Executive Officer

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**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 Wyatt  
**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 SUMMARY BUDGET MANAGEMENT REPORT FOR THE PERIOD ENDED 30 APRIL 2016

**File No:** FM12.14.1

**Attachments:**

1. **Income Statement - April 2016**
2. **Graphs - April 2016**
3. **Monthly Report - April 2016**

**Responsible Officer:** David Mazzaferri - Manager Disaster Management

**Author:** Andrea Ellis - Chief Financial Officer

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#### SUMMARY

*Presentation of Livingstone Shire Council's Summary Budget Management Report and Revenue Report for the Period Ended 30 April 2016 by the Chief Financial Officer.*

#### COUNCIL RESOLUTION

THAT the Livingstone Shire Council Summary Budget Management Report for the Period Ended 30 April 2016 be 'received'.

**Moved by:** Councillor Hutton

**Seconded by:** Councillor Kelly

**MOTION CARRIED**

**12.2 SUMMARY BUDGET MANAGEMENT REPORT FOR THE PERIOD ENDED 31 MAY 2016****File No:** FM12.14.1**Attachments:**

1. **Income Statement - May 2016**
2. **Graphs - May 2016**
3. **Monthly Report - May 2016**

**Responsible Officer:** David Mazzaferri - Manager Disaster Management**Author:** Andrea Ellis - Chief Financial Officer

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**SUMMARY**

*Presentation of Livingstone Shire Council's Summary Budget Management Report and Revenue Report for the Period Ended 31 May 2016 by the Chief Financial Officer.*

**COUNCIL RESOLUTION**

THAT the Livingstone Shire Council Summary Budget Management Report for the Period Ended 31 May 2016 be 'received'.

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



**12.3 AUDIT RISK AND BUSINESS IMPROVEMENT COMMITTEE - 23 FEBRUARY 2016**

**File No:** GV13.4.2  
**Attachments:** Nil  
**Responsible Officer:** Chris Murdoch - Chief Executive Officer  
**Author:** Linda Benson - Executive Assistant to the CEO

**SUMMARY**

*The Audit Risk and Business Improvement Committee met on 23 February 2016 and this report provides the recommendations from the Committee for consideration and adoption by Council. The reports from the meeting are available for viewing by Councillors on the Councillor Portal.*

**COUNCIL RESOLUTION**

THAT the minutes of the Audit Risk and Business Improvement Committee meeting held on 23 February 2016 be received and the following recommendations contained within those minutes be adopted.

**4 CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

THAT the minutes of the Audit Risk and Business Improvement Committee held on 14 December 2015 be taken as read and adopted as a correct record.

**6.1 BUSINESS ARISING OR OUTSTANDING FROM PREVIOUS MEETINGS**

THAT the Business Outstanding table for the Audit Risk and Business Improvement Committee meeting be noted.

**7.1 AUDIT RISK AND BUSINESS IMPROVEMENT COMMITTEE 2016 ANNUAL PROGRAM OF WORK**

THAT Council adopt the 2016 draft annual program of work for the ARaBIC as endorsed by ARaBIC.

**7.2 SUMMARY BUDGET MANAGEMENT REPORT FOR THE PERIOD ENDED 31 JANUARY 2016**

THAT the Council note that the Summary Budget Management Report for the Period Ended 31 January 2016 has been received by the Audit Risk and Business Improvement Committee.

**7.3 REPORT ON NATURAL DISASTER OPERATIONS**

THAT the Council note that the report on natural disaster operations has been received by the Audit Risk and Business Improvement Committee.

**7.4 EXTERNAL AUDIT PLAN FOR LIVINGSTONE SHIRE COUNCIL 2015-16 (AS PRESENTED BY DELOITTE AND QUEENSLAND AUDIT OFFICE)**

THAT Council notes the information contained in the Briefing Paper from Deloitte's as endorsed by ARaBIC.

**7.5 QAO STRATEGIC PLAN 2015-2018**

THAT the Queensland Audit Office Strategic Audit Plan 2015-18 be noted.

**7.6 FRAUD AND CORRUPTION PREVENTION**

THAT Council adopt the Fraud and Corruption Prevention Policy and the Fraud and Corruption Control Procedure as adopted by ARaBIC.

**7.7 ENTERPRISE RISK MANAGEMENT IMPLEMENTATION**

THAT Council note the update on the implementation update of Enterprise Risk Management as presented to the Audit Risk and business Improvement Committee (ARaBIC).

**7.8 BUSINESS IMPROVEMENT UPDATE**

THAT Council note the Business Improvement update report as endorsed by ARaBIC.

**7.9 AUDIT RISK AND BUSINESS IMPROVEMENT COMMITTEE MEETING DATES – POST LOCAL GOVERNMENT ELECTIONS**

THAT Council notes the Schedule of ARaBIC meetings will be subject to the deliberations of ARaBIC post the local government elections.

**L1 ROADS ASSET MANAGEMENT PLAN QUERIES**

THAT the responses below are appropriate and the plan is endorsed by the Committee.

**L2 WATER AND SEWER ASSET MANAGEMENT PLANS**

THAT the Audit Risk and Business Improvement Committee provides support for the plans to proceed to Council for adoption.

**12.1 RECRUITMENT OF EXTERNAL MEMBERS OF THE AUDIT RISK AND BUSINESS IMPROVEMENT COMMITTEE AND TERMS OF REFERENCE**

THAT:

1. ARaBIC note the amendment to the Terms of Reference of the Committee and change in membership approved by Council on 9 February 2016; and
2. Council note that ARaBIC acknowledged the contribution of Mr Ross Cook whose membership of ARaBIC concludes in March 2016.

**12.2 EMERGING ISSUES REPORT**

THAT the ARaBIC notes the verbal updates in relation to emerging issues as noted within the report.

**12.3 INTERNAL AUDIT PERFORMANCE REPORT**

THAT the February 2016 Internal Audit Report be noted.

**12.4 INTERNAL AUDIT REPORT – COMMUTER AND PERSONAL USE OF VEHICLES**

THAT the Internal Audit Report – Commuter and Personal Use of Vehicles be accepted.

**12.5 INSURANCE UPDATE**

THAT Council notes the Insurance Update report as provided to ARaBIC.

**12.6 CHIEF FINANCIAL OFFICER, LIVINGSTONE SHIRE COUNCIL UPDATE**

THAT Council notes that the Audit Risk and Business Improvement Committee was advised of the Chief Financial Officer resignation from Livingstone Shire Council effective 11 March 2016 and that ARaBIC placed on record their thanks for Mr Schurmann's contribution to Council.

**12.7 LEGAL MATTERS REPORT**

THAT the update on legal matters involving Council be noted.

**12.8 INFORMATION SYSTEMS BREACHES**

THAT Council notes the Information System Breaches Report as provided to ARaBIC.

**12.9 COMPLAINT MANAGEMENT REPORT**

THAT Council notes the update on complaints as provided to ARaBIC.

**12.10 WORKPLACE HEALTH AND SAFETY REPORT**

THAT the update on the organisation's performance in relation to Workplace Health and Safety be noted.

**Moved by: Councillor Hutton**

**Seconded by: Councillor Kelly**

**MOTION CARRIED**

**12.4 SPONSORSHIP - NORTHERN UNIVERSITY GAMES 2017**

**File No:** CR2.3.1  
**Attachments:** 1. NUG 2017 Sponsorship Presentation  
**Responsible Officer:** David Mazzaferri - Manager Disaster Management  
**Author:** Trish Weir - Manager Customer Service

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**SUMMARY**

*Representatives from Australian University Support made a deputation to Council Workshop on 21 June 2016 requesting sponsorship support for the 2017 Northern University Games. The request is for \$15,000 cash from both Rockhampton Regional Council and Livingstone Shire Council's and combined in-kind support of up to \$15,000. Central Queensland University will provide \$20,000 cash towards the games and in-kind as required.*

**COUNCIL RESOLUTION**

THAT Council provide sponsorship of \$10,000 cash and \$2,000 in-kind support towards securing the Northern University Games in July 2017 provided 50% of the participants are based on the Capricorn Coast.

**Moved by:** Deputy Mayor, Councillor Scott

**Seconded by:** Councillor Wyatt

**MOTION CARRIED UNANIMOUSLY**

**12.5 SPONSORSHIP CAPRICORN COAST LANDCARE**

**File No:** CR2.3.1  
**Attachments:** Nil  
**Responsible Officer:** David Mazzaferri - Manager Disaster Management  
**Author:** Trish Weir - Manager Customer Service

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**SUMMARY**

*Capricorn Coast Landcare Group is a group of environmental volunteers working in partnership with the community and government to promote wise management of our land, water and living natural resources for the benefit of all through on-ground projects and educational activities.*

*Representatives from Landcare attended Council Workshop on 21 June 2016 requesting cash sponsorship support for their Figtree Community Creek Care Awareness Day which will be held on Saturday 20 August 2016.*

**COUNCIL RESOLUTION**

THAT Council partner with Capricorn Coast Landcare and provide \$5,000 sponsorship towards the Figtree Creek Care Awareness Day.

**Moved by:** Councillor Mather  
**Seconded by:** Councillor Kelly

**MOTION CARRIED**

## 13 QUESTIONS/STATEMENT/MOTIONS ON NOTICE FROM COUNCILLORS

### 13.1 NOTICE OF MOTION - COUNCILLOR BELOT - WRECK POINT LOOKOUT

**File No:** GV13.4.4  
**Attachments:** 1. Notice of Motion - Wreck Point Lookout  
**Responsible Officer:** Chris Murdoch - Chief Executive Officer

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#### SUMMARY

*Councillor Adam Belot has indicated his intention to move the following Notice of Motion at the next Council Meeting on Tuesday, 28 June 2016, as follows:*

#### COUNCIL RESOLUTION

THAT as a result of the recent funding success for the Wreck Point Lookout, Council establish a steering committee to provide a report outlining further support for the project concept, including costs associated with implementing site works plan for Wreck Point to enhance the setting of the lookout. These works to include community consultation, Urban landscape design of the site, clarification of the road and parking spaces, integration of walkways, pedestrian and disabled access, and additional landscaping to complement the lookout, similar to the approach adopted at Centenary of Anzacs at Emu Park.

**Moved by:** Councillor Belot  
**Seconded by:** Deputy Mayor, Councillor Scott

**MOTION CARRIED**

**13.2 NOTICE OF MOTION - COUNCILLOR MATHER - YEPPON AND DISTRICT SHOW SOCIETY INC.**

**File No:** GV13.4.4.  
**Attachments:** 1. Notice of Motion - Yeppoon and District Show Society Inc.  
**Responsible Officer:** Chris Murdoch - Chief Executive Officer

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**SUMMARY**

*Councillor Glenda Mather has indicated her intention to move the following Notice of Motion at the next Council Meeting on 28 June 2016, as follows:*

**RECOMMENDATION**

THAT given the financial assistance provided by Council to the Yeppoon and District Show Society Inc. together with the verbal approval in 2010 for the organisation to have a 'trial of caravan camping', Council request the Society to provide copies of its annual reports from the financial year that approval was given, through to and including 2014-2015, and further the Society also provide a copy of the 2015-2016 annual report after 30 June when that report has been completed.

**MOTION LOST****DIVISION:**

Crs A Belot, G Mather and T Wyatt voted in the affirmative.

Crs N Hutton, J Kelly, B Ludwig and G Scott voted in the negative.

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

**Leave granted**

Meeting procedures were suspended at 9.55am

Meeting procedures resumed at 10.05am

**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

#### 10.05AM

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 Notice to Rescind - Councillor Mather - Easement for Drainage Purposes Park Street**

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 .

#### **16.2 Multi-Deck Car Park - Expressions of Interest**

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

#### **L.1 Acquisition of Easement for Stormwater Infrastructure - Park Street Yeppoon**

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 .

#### **L.2 Tender Assessment for Management of Aquatic Facilities**

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

**Moved by: Councillor Mather**

**Seconded by: Councillor Kelly**

**MOTION CARRIED**

### COUNCIL RESOLUTION

#### 11.07AM

That the meeting move out of closed session and be reopened to the public.

**Moved by: Councillor Wyatt**

**Seconded by: Councillor Kelly**

**MOTION CARRIED**

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## 16 CONFIDENTIAL REPORTS

### 16.1 NOTICE TO RESCIND - COUNCILLOR MATHER - EASEMENT FOR DRAINAGE PURPOSES PARK STREET

**File No:** GV13.4.4

**Attachments:** 1. Notice to Rescind - Easement for Drainage Purposes Park Street

**Responsible Officer:** Chris Murdoch - Chief Executive 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 .

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#### SUMMARY

*Councillor Glenda Mather has indicated her intention to move for the rescission of the following resolution regarding easement for drainage purpose Park Street which was carried at the Ordinary Meeting on 15 June 2016:*

*THAT*

1. In relation to Lot 2 SP210339, having considered the grounds of objection and the report of the delegate on the matters put forth by the Objectors in support of such grounds, the Council is of the opinion that the land described as "Easement Area" on Drawing No 2012-066-92 (Ver B) is required for the purpose of drainage, for which it is proposed to be taken, and
2. The Council apply to the appropriate Minister that the land be taken as prescribed by S9 of the Acquisition of Land Act 1967.

#### RECOMMENDATION

THAT the notice to rescind the resolution be received.

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**16.2 MULTI-DECK CAR PARK - EXPRESSIONS OF INTEREST**

**File No:** ED8.5.3  
**Attachments:** Nil  
**Responsible Officer:** Chris Murdoch - Chief Executive Officer  
**Author:** Catherine Rivett - Corporate Strategist  
James Gallagher - Executive Manager Economic & Property Development

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

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**SUMMARY**

*This report seeks Council's approval to commence the procurement process for two Yeppoon Multi-Deck Car Park tenancies, in accordance with section 228 of the Local Government Regulation 2012.*

**COUNCIL RESOLUTION**

THAT Council adopts a two stage tender process (Expression of Interest (EOI) followed by an Invitation to Tender (ITT) for the lease of two Multi-Deck Car Park tenancies, as it is in the public interest to invite EOI's prior to ITT's to manage and control the process within the desired timeframes and budget resources.

**Moved by:** Councillor Hutton  
**Seconded by:** Deputy Mayor, Councillor Scott

**MOTION CARRIED UNANIMOUSLY**

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**L.1 ACQUISITION OF EASEMENT FOR STORMWATER INFRASTRUCTURE - PARK STREET YEPPON****File No: CP5.2.2-001****Attachments: Nil****Responsible Officer: Chris Murdoch - Chief Executive Officer****Author: Dan Toon - Director Infrastructure Services**

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 .

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**SUMMARY**

*This report provides an assessment of the risks associated with pursuing acquisition of an easement for stormwater drainage purposes over a property in Park Street, Yeppoon.*

**COUNCIL RESOLUTION**

1. THAT Council receive this report and note its contents when considering the subject matter.
2. THAT Council notes the verbal briefing by the Chief Executive Officer regarding the meeting with the property owners on 23 June 2016.
3. THAT subject to a letter of agreement for access to do any necessary maintenance or repair work on the existing stormwater infrastructure, that the matter of acquisition of a stormwater easement over the property at 2 Park St, Yeppoon be deferred and discontinue the current Notice of Intention to Resume process until such time as the development of a long term master plan and associated stormwater infrastructure networks for the railway precinct and adjoining properties is further advanced.

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

**L.2 TENDER ASSESSMENT FOR MANAGEMENT OF AQUATIC FACILITIES****File No:** RC26.6.3**Attachments:** 1. tenders for management of aquatic centres - evaluation spreadsheet**Responsible Officer:** Brett Bacon - Director Community & Planning Services**Author:** Jared Thomsen - Senior Sport & Education Officer

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

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**SUMMARY**

*This report pertains to the evaluation of tenders received for the management of Council's Swimming Pool Facilities (Tender 2016.022).*

**COUNCIL RESOLUTION**

THAT Council endorse the evaluation completed by the Tender Assessment Panel for the management of Council's swimming pool facilities (Tender 2016.022).

**Moved by:** Councillor Hutton**Seconded by:** Councillor Wyatt**MOTION CARRIED UNANIMOUSLY**

**17 CLOSURE OF MEETING**

There being no further business the meeting closed at 11.12am.

\_\_\_\_\_  
Bill Ludwig  
CHAIRPERSON

\_\_\_\_\_  
DATE