

Whitsunday Regional Council
Minutes of the **Ordinary Meeting** held at
Bowen Council Chambers, 67 Herbert Street Bowen on
22 November 2017 commencing at 9:00am

Councillors Present:

A Willcox; J Clifford; R Petterson; J Collins; P Ramage and D Clark

Council Officers Present:

B Omundson (Chief Executive Officer); N Kent (Acting Chief Financial Officer); J Raiteri (Director Engineering Services); G Jarvis (Director Corporate Services); J Wright (Director Community & Environment); N McGaffin (Director Planning & Development); A Hagy (Director Customer Experience); G Martin (Manager Communications & Marketing); A Felix (Research Officer Economic Development and Tourism)

Other Details:

The meeting commenced at 9.00am

The meeting closed at 12.07pm

Whitsunday Regional Council
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 22 November 2017 commencing at 9:00am

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- 2. **Condolences**
- 2.1 **2017/11/22.01 CONDOLENCES**

Moved by: J CLIFFORD
Seconded by: P RAMAGE

Council observes one (1) minutes silence for the recently deceased.

MEETING DETAILS:

The motion was Carried 6/0

CARRIED

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## 3.2 Mayoral Update

### 22<sup>nd</sup> November 2017 - Ordinary Council Meeting

|                                        |                                                                                                                                                                                                                                                                                                                                                   |
|----------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Wednesday<br>8 <sup>th</sup> November  | <ul style="list-style-type: none"> <li>Insurance Forum with Member for Dawson George Christensen and Insurance Council</li> <li>Afternoon tea with Proserpine Historical Museum Society - Proserpine</li> </ul>                                                                                                                                   |
| Thursday<br>9 <sup>th</sup> November   | <ul style="list-style-type: none"> <li>Meeting with Ratepayer - Bowen</li> <li>Meeting with Ratepayer - Proserpine</li> <li>Meeting with General Manager, Project Manager and Representatives from Daydream Island - Airlie Beach</li> <li>Meeting with GW3 Board Member Bob Bogie - Airlie Beach</li> </ul>                                      |
| Friday<br>10 <sup>th</sup> November    | <ul style="list-style-type: none"> <li>Monthly Mayors Cooking Video Shoot - Bowen</li> <li>Granting and Exercising Freedom of Entry Parade - Bowen</li> <li>Granting and Exercising Freedom of Entry Mayors Reception - Bowen</li> </ul>                                                                                                          |
| Saturday<br>11 <sup>th</sup> November  | <ul style="list-style-type: none"> <li>Remembrance Day Ceremony - Bowen</li> <li>Cunningham Villas Remembrance Day Ceremony - Bowen</li> </ul>                                                                                                                                                                                                    |
| Monday<br>13 <sup>th</sup> November    | <ul style="list-style-type: none"> <li>Interviews for Chief Financial Officer - Bowen</li> <li>Major Projects Advisory Board Meeting - Bowen</li> <li>BCE Meeting - Bowen</li> </ul>                                                                                                                                                              |
| Tuesday<br>14 <sup>th</sup> November   | <ul style="list-style-type: none"> <li>Interviews for Director of Customer Experience - Proserpine</li> <li>Bowen District Music Concert - Bowen</li> </ul>                                                                                                                                                                                       |
| Wednesday<br>15 <sup>th</sup> November | <ul style="list-style-type: none"> <li>Briefing Session - Proserpine</li> <li>Meeting with Premier Anastacia Palaszczuk - Proserpine Airport and Bowen</li> <li>Meeting with LNP Deputy Leader Deb Frecklington, Shadow Minister for Infrastructure, State Development, Trade and Investment and Member for Burdekin Dale Last - Bowen</li> </ul> |
| Friday<br>17 <sup>th</sup> November    | <ul style="list-style-type: none"> <li>Meeting with Director General Neil Scales, TMR Representatives - Bowen</li> </ul>                                                                                                                                                                                                                          |
| Saturday<br>18 <sup>th</sup> November  | <ul style="list-style-type: none"> <li>End of Year Cocktail Reception for Brigadier Chris Field - Townsville</li> </ul>                                                                                                                                                                                                                           |
| Monday<br>20 <sup>th</sup> November    | <ul style="list-style-type: none"> <li>The promotion of Brigadier Chris Field, AM, CSC to the rank of Major General - Townsville</li> </ul>                                                                                                                                                                                                       |
| Tuesday<br>21 <sup>st</sup> November   | <ul style="list-style-type: none"> <li>State of Sector Forum - Brisbane Convention and Exhibition Centre</li> <li>2017 Queensland Resources Council Annual Lunch - Brisbane Convention and Exhibition Centre</li> </ul>                                                                                                                           |

**4. Confirmation of Minutes**

**4.1 2017/11/22.02 CONFIRMATION OF MINUTES**

**Moved by: D CLARK**

**Seconded by: R PETERSON**

**Council confirms the Minutes of the Ordinary Meeting held on 8 November, 2017.**

**MEETING DETAILS:**

The motion was Carried 6/0

**CARRIED**

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9. Questions from Public Gallery

PUBLIC QUESTION TIME

At this time in the meeting the opportunity is provided to members of the gallery to ask questions of the Council or to make statements about the Council and its operations. Under Council's Standing Orders the following applies in relation to this public question time:

1. In every Council Meeting time shall be set aside to permit members of the public to address the Council on matters of public interest related to local government. Questions from the Public Gallery will be taken on notice and may or may not be responded to at the Meeting and must be submitted in writing to Council prior to the Council Meeting in accordance with Council's Policy for Standing Orders – Meetings. The time allocated shall not exceed fifteen (15) minutes and no more than three (3) speakers shall be permitted to speak at any one (1) meeting. The right of any individual to address the Council during this period shall be at absolute discretion of the Council.
2. If any address or comment is irrelevant, offensive, or unduly long, the Chairperson may require the person to cease making the submission or comment.
3. Any person addressing the Council shall stand, state their name and address, act and speak with decorum and frame any remarks in respectful and courteous language

10. Office of the Mayor and CEO
10.1 2017/11/22.03 MONTHLY FINANCIAL REPORT - OCTOBER 2017

Moved by: J CLIFFORD
Seconded by: D CLARK

Council receives the Monthly Financial Report for October 2017.

MEETING DETAILS:

The motion was Carried 6/0

CARRIED

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10. Office of the Mayor and CEO  
10.2 2017/11/22.04 SHUTE HARBOUR ENGAGEMENT OF  
ARCHITECTURAL CONCEPT DESIGNER AND  
QUANTITY SURVEYOR

Moved by: J CLIFFORD  
Seconded by: D CLARK

Council resolves to:

1. Adopt the proposal for a two-stage design and reconstruction project of the Shute Harbour Marine Precinct comprising:

Stage 1 - Redevelopment of the Precinct in accordance with federal funding Conditions and functional requirements; and

Stage 2 - Future Works including:

a. Reclamation of Grubby Bay:

- i. The four-lane boat ramp,
- ii. Boat trailer parking area
- iii Separated area for industry; and

b. Any expansion works required in the future for Stage 1 of the project;

2. Engage an experienced Architectural Concept Designer to develop concept option/s drawings and a fly-through video, based on the defined requirements of Stage 1 works.

3. Incorporate the Stage 2 proposal into the concept drawings and fly-through;

4. Engage a suitably qualified Quantity Surveyor to provide P50 estimates for the concept designs;



**5. Approve the application to define the Shute Harbour Redevelopment.  
(Stages 1 and 2) as a Prescribed Project with the State Government.**

**6. Proposed final design and proposed business plan to be brought to Council for approval**

**MEETING DETAILS:**

The motion was Carried 6/0

**CARRIED**

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10. Office of the Mayor and CEO

10.3 2017/11/22.05 COUNCIL MEETING DATES 2018

Moved by: D CLARK

Seconded by: J COLLINS

Council resolves to adopt the schedule of Ordinary Council Meeting Dates and Venues for 2018.

MEETING DETAILS:

The motion was Carried 6/0

CARRIED

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**11. Corporate Services**

**11.1 2017/11/22.06 APPOINTMENT OF INDEPENDENT EXTERNAL MEMBERS TO THE RATES RELIEF ADVISORY COMMITTEE**

**Moved by: J CLIFFORD**

**Seconded by: R PETERSON**

**Council resolves to appoint Jillian Grant and Stuart Grice as the Independent External Members of the Rates Relief Advisory Committee.**

**MEETING DETAILS:**

The motion was Carried 6/0

**CARRIED**

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12. Planning and Development Services

12.1 2017/11/22.07 20170309 - DEVELOPMENT PERMIT FOR RECONFIGURATION OF A LOT - ONE (1) LOT INTO FOUR (4) LOTS, WRIGHTS ROAD, R J BENNETT

Moved by: D CLARK

Seconded by: R PETERSON

Council resolves to approve the application for Development Permit for Reconfiguring a Lot - Whitsunday Regional Council Meeting Standard, pending Council's approval of the conditions at its next meeting.

MEETING DETAILS:

“Council Officers have recommended that Council refuse the application for Development Permit for Reconfiguring a Lot - Whitsunday Regional Council Meeting Standard, on the following grounds:

- a) The proposal is not consistent with the State Planning Policy in respect of fragmentation of Agricultural Land Classification (ALC) Class A and Class B land. The applicant has not provided an assessment against the State Planning Policy in this regard;
- b) The proposal is not consistent with the Mackay, Isaac and Whitsunday Regional Plan in respect of rural residential development in an area which is not identified as a rural living area, compromising the intent of the regional plan to protect productive agricultural land. The applicant has not provided an assessment under the Mackay, Isaac and Whitsunday Regional Plan in this regard;
- c) The proposal conflicts with the Whitsunday Shire Planning Scheme 2009 and sufficient grounds have not been demonstrated to support the proposal despite the conflict. Specifically:
 - i. The Rural zone is the correct zone for this site. The site is located in an area of identified good quality agricultural land and has been farmed for sugar cane for many years. The site forms part of a large, contiguous, productive farming area;
 - ii. The planning scheme has not been overtaken by events in this locality to the extent that agricultural production cannot continue;
 - iii. The planning scheme anticipates rural residential development and includes provisions to regulate this form of development in the Rural Residential Zone. This site is not located in the Rural Residential Zone;
 - iv. The applicant has not adequately demonstrated that there is an exceptional and urgent need for additional rural residential development within this locality or within the planning scheme area.

- d) Having regards for the draft Whitsunday Regional Planning Scheme 2017;
 - i. The site is included in the Rural Zone and not in the Rural Residential Zone;
 - ii. The predicted demand and supply of rural residential land within the planning scheme area was modelled and adequate land is zoned to accommodate predicted demand;
 - iii. The proposal is not consistent with the Rural Zone code, which specifies a minimum lot size of 100 hectares;
 - iv. The proposal is not consistent with the agricultural land overlay, which does not support fragmentation of land.
- a) Council resolves to include this site in the current review of Rural Residential land requirements as part of the first amendment of the Whitsunday Regional Council Planning Scheme.

However, in accordance with sections 273(1)(b)(i) and 273(3) of the Local Government Regulation 2012 and section 335(1)(n) of the *Sustainable Planning Act, 2009*, the statement of reasons for not adopting the recommendation or advice of the Council Officer is as follows:

Council supports the approval of this application on the basis that;

- a) the inclusion of the development site in the Rural Zone of the *Whitsunday Shire Planning Scheme, 2009* is incorrect and the planning scheme has been overtaken by events;
- b) the site adjoins the rural residential zone on two sides and the development represents infill;
- c) an overriding community benefit exists to approve the development on good quality agricultural land;
- d) no weight should be given to the draft *Whitsunday Regional Planning Scheme, 2017*; and
- e) conditions will be provided to minimise conflicts with the planning scheme, for Council's consideration at the next Council Meeting.

The motion was Carried 6/0

CARRIED

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**12. Planning and Development Services**

- 12.2 2017/11/22.08 20150275 - REQUEST FOR CHANGE OR CANCEL CONDITIONS OF APPROVAL - DEVELOPMENT APPLICATION FOR DEVELOPMENT PERMIT FOR RECONFIGURATION OF A LOT - ONE (1) LOT INTO SEVEN (7) LOTS; AND OPERATIONAL WORKS FOR CLEARING OF VEGETATION, 579 GLOUCESTER AVENUE CAPE GL**

**Moved by: D CLARK**

**Seconded by: J COLLINS**

**Council resolves to approve the Request to Change or Cancel Conditions of the Development Permit for Reconfiguration of a Lot - One (1) Lot into Seven (7) Lots; and Operational Works for Clearing of Vegetation lodged by RPS on behalf of M S Begun on land described as Lot 52 SP212259, 579 Gloucester Avenue Cape Gloucester, as follows:**

- 1.1 The approved development must be completed and maintained generally in accordance with the approved drawings and documents:**

| <b>Plan/Document Name</b>                                            | <b>Prepared By</b>                        | <b>Plan Number</b>          | <b>Dated</b>             |
|----------------------------------------------------------------------|-------------------------------------------|-----------------------------|--------------------------|
| <b>Proposal Plan</b>                                                 | <b>RPS Pty Ltd</b>                        | <b>124890-1 PD-02 Rev G</b> | <b>26/04/2017</b>        |
| <b>Geotechnical Investigation &amp; Effluent Disposal Assessment</b> | <b>Ground Environments Pty Ltd</b>        | <b>1502.1000</b>            | <b>3 March 2015</b>      |
| <b>Additional Geotechnical Assessment</b>                            | <b>Ground Environments Pty Ltd</b>        | <b>1502.1000</b>            | <b>1 September 2015</b>  |
| <b>Cape Gloucester Bushfire Management Plan</b>                      | <b>SLR Global Environmental Solutions</b> | <b>626.10207</b>            | <b>18 September 2015</b> |

- 1.7 The development is to be staged in accordance with plan number PD-02 Rev G or otherwise agreed by Council.**

- 2.1 The applicant is required to submit for approval, prior to the sealing of the survey plan, documentation including a survey plan for the designation of environmental covenants outside of proposed firebreak areas as noted on the plan 124890-1 PD-02 Rev G by RPS Pty Ltd. The environmental covenants shall be entered on the property titles to ensure no further clearing or modification of the lot will be permitted to take place in the covenanted area for perpetuity.**

**MEETING DETAILS:**

The motion was Carried 6/0

CARRIED

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12. Planning and Development Services

12.3 2017/11/22.09 SIZE OF OUTBUILDINGS IN RESIDENTIAL AREAS

Moved by:

Seconded by:

Council resolves that:

- a) A threshold of 72m² be adopted as the cumulative, total floor area of outbuildings on a lot in the Low Density Residential, Low-Medium Density Residential and Medium Density Residential zones, beyond which Council requires a Code Assessment MCU application to be made;
- b) An application for an outbuilding which exceeds a total floor area of 72m² on any one lot, will be required to demonstrate that a dwelling exists on the lot, or there is space to accommodate a future dwelling (minimum 100m²) including necessary setbacks, total site coverage, access requirements and space for on-site sewage treatment, where relevant.

PROCEDURAL MOTION

Moved By: D CLARK

That the report be tabled pending further information.

MEETING DETAILS:

The motion was Carried 6/0

CARRIED

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**12. Planning and Development Services**

**12.4 2017/11/22.10 PLANNING & DEVELOPMENT MONTHLY REPORT - OCTOBER 2017**

**Moved by: J CLIFFORD**

**Seconded by: D CLARK**

**Council receives the Planning and Development Monthly Report for October 2017.**

**MEETING DETAILS:**

The motion was Carried 6/0

**CARRIED**

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13. Community and Environment

13.1 2017/11/22.11 2017/18 SPECIAL PROJECTS GRANTS APPLICATIONS - ROUND 1

Moved by: P RAMAGE

Seconded by: J CLIFFORD

Council resolves to approve the payment of Special Projects Grants Round 1 of 2017/18 to the following recipient:

- **Queensland Country Women's Association, Bowen Branch - \$8,505.75**

MEETING DETAILS:

Councillor Clark declared a Material Personal Interest in accordance with Section 172(2)(c) of the Local Government Act 2009 due to the matter that he has provided a quote through his personal business to undertake work for one of the grant applicants and left the meeting room at 9.49am taking no part in the debate on this matter.

The motion was Carried 5/0

CARRIED

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*Cr Clark returned to the room at 9.50am*

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13. Community and Environment

**13.2 2017/11/22.12 REQUEST FOR COUNCIL FEE WAIVERS -
NOVEMBER 2017**

Moved by: P RAMAGE

Seconded by: J CLIFFORD

Council approves the waiving of fees for the following recipient;

- **Collinsville Christian Fellowship;**
- **Bowen & District Child Care Centre;**
- **Rotary Club of Airlie Beach Inc; and**
- **Bowen Lions Club Convention Committee.**

MEETING DETAILS:

The motion was Carried 6/0

CARRIED

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**13. Community and Environment**

**13.3 2017/11/22.13 FINANCIAL SUPPORT FOR ELITE PERFORMANCE -  
OCTOBER/NOVEMBER 2017**

**Moved by: J COLLINS**

**Seconded by: P RAMAGE**

**Council resolves to approve financial support for the following Elite Athletes from the Whitsunday region:**

- **Elliarna Mitchell - \$1,000**
- **Brodie Toms - \$2,000**
- **Kieran Klaus - \$1,000.**

**MEETING DETAILS:**

The motion was Carried 6/0

**CARRIED**

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13. Community and Environment

13.4 2017/11/22.14 COMMUNITY & ENVIRONMENT - MONTHLY REPORT - OCTOBER 2017

Moved by: J CLIFFORD

Seconded by: P RAMAGE

Council receives the Community & Environment Monthly Report for October 2017.

MEETING DETAILS:

The motion was Carried 6/0

CARRIED

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**14. Engineering Services**

**14.1 2017/11/22.15 ENGINEERING SERVICES MONTHLY REPORT - OCTOBER 2017**

**Moved by: P RAMAGE**

**Seconded by: J COLLINS**

**Council receives the Engineering Services Monthly Report for the period ending 31 October 2017.**

**MEETING DETAILS:**

The motion was Carried 6/0

**CARRIED**

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15. Customer Experience

15.1 2017/11/22.16 CUSTOMER EXPERIENCE MONTHLY REPORT - OCTOBER 2017

Moved by: J CLIFFORD

Seconded by: D CLARK

Council receives the Customer Experience Monthly Report for October 2017.

MEETING DETAILS:

The motion was Carried 6/0

CARRIED

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**18. Procedural Motion**

**18.1 2017/11/22.17 PROCEDURAL MOTION - ADJOURN**

**Moved by: J CLIFFORD**

**Seconded by: P RAMAGE**

**That Council adjourn the meeting at 10.13am for the purpose of morning tea.**

**MEETING DETAILS:**

The motion was Carried 6/0

**CARRIED**

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18. Procedural Motion

18.2 2017/11/22.18 PROCEDURAL MOTION - RECONVENE

Moved by: J CLIFFORD

Seconded by: D CLARK

That Council reconvene the meeting at 10.44am from morning tea.

MEETING DETAILS:

The motion was Carried 6/0

CARRIED

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**18. Procedural Motion**

**18.3 2017/11/22.19 PROCEDURAL MOTION - CLOSURE OF MEETING**

**Moved by: J CLIFFORD**

**Seconded by: D CLARK**

**That Council close the meeting to the public at 10.45am in accordance with Section 275 of the Local Government Regulations 2012, for the purpose of discussing employee or industrial matters, budget, rating concessions, contractual matters, legal proceedings, planning matters or other business likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.**

**17.1.1 Business Activities Report - October 2017**

(c) the local government's budget

**17.2.1 Rates and Sundry Debtors - October 2017**

(f) starting or defending legal proceedings involving it

*Deputy Mayor Collins declared a Material Personal Interest left the meeting room at 10.59am taking no part in the discussion on this matter. Deputy Mayor Collins returned to the room at 11.04am*

**17.5.1 Low Pressure Sewerage Reticulation Policy**

(c) the local government's budget

**MEETING DETAILS:**

The motion was Carried 6/0

**CARRIED**

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18. Procedural Motion

18.4 2017/11/22.20 PROCEDURAL MOTION - REOPEN OF MEETING

Moved by: J CLIFFORD

Seconded by: R PETERSON

That Council reopen the meeting to the general public at 12.04pm.

MEETING DETAILS:

The motion was Carried 6/0

CARRIED

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**17.1 Confidential Matters - Office of the Mayor and CEO**

**17.1.1 2017/11/22.21 BUSINESS ACTIVITIES REPORT - OCTOBER 2017**

**Moved by: J CLIFFORD**

**Seconded by: J COLLINS**

**Council receives the Business Activities report for October 2017.**

**MEETING DETAILS:**

The motion was Carried 6/0

**CARRIED**

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17.2 Confidential Matters - Corporate Services

17.2.1 2017/11/22.22 RATES AND SUNDRY DEBTORS - OCTOBER 2017

Moved by: P RAMAGE

Seconded by: R PETERSON

Council receives the October 2017 report detailing actions taken to collect outstanding debtors and rates.

MEETING DETAILS:

Deputy Mayor Collins declared a Material Personal Interest in accordance with Section 172(2)(c) of the Local Government Act 2009 due to the matter relating to current court proceedings concerning a debtor and left the meeting room at 12.05pm taking no part in the debate on this matter.

The motion was Carried 5/0

CARRIED

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Deputy Mayor Collins returned to the room at 12.06pm

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17.5 Confidential Matters - Engineering Services

17.5.1 2017/11/22.23 LOW PRESSURE SEWERAGE RETICULATION POLICY

Moved by: D CLARK

Seconded by: J COLLINS

Council resolves to:

- a) Endorse the Low Pressure Sewerage Reticulation Policy; and**
- b) Formulate a community consultation plan for affected residents, and Council's approval, based on Option 4, to resolve current legacy pump station maintenance issues**

MEETING DETAILS:

The motion was Carried 6/0

CARRIED

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The meeting closed at 12.07pm

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Confirmed as a true and correct recording this 6 December 2017

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**Cr Andrew Willcox  
MAYOR**