

## **General Council Meeting**

Meeting of the Central Highlands Regional Council held  
in the **Council Chambers, 65 Egerton Street, Emerald**  
on

**Tuesday, 11 December 2018**  
**Commenced at 2.30pm**

**COUNCIL MINUTES**

# CENTRAL HIGHLANDS REGIONAL COUNCIL

## GENERAL MEETING OF COUNCIL

TUESDAY 11 DECEMBER 2018

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**MINUTES – GENERAL COUNCIL MEETING**  
**HELD AT 2.30PM TUESDAY 11 DECEMBER 2018 IN THE CENTRAL HIGHLANDS REGIONAL**  
**COUNCIL CHAMBERS, EMERALD OFFICE**

**PRESENT**

**Councillors**

Councillor (Cr) K. Hayes (Mayor), G. Godwin-Smith (Deputy Mayor)  
Councillors (Cr) C. Brimblecombe, M. Daniels, A. McIndoe, G. Nixon, C. Rolfe and G. Sypher

**Officers**

Chief Executive Officer S. Mason, General Manager Communities D. Fletcher, General Manager Corporate Services J. Bradshaw, General Manager Customer and Commercial Services M. Webster, General Manager Infrastructure and Utilities G. Joubert, General Manager Central Highlands Development Corporation S. Hobbs, Coordinator Communications A. Ferris, Minute Secretary M. Wills

**APOLOGIES**

Councillor P. Bell AM

***Resolution:***

Cr Godwin-Smith moved and seconded by Cr Nixon “That a leave of absence as previously granted for Councillor Bell for today’s meeting be recorded.”

**2018 / 12 / 11 / 001**

Carried (8-0)

**LEAVE OF ABSENCE**

***Resolution:***

Cr Sypher moved and seconded by Cr Brimblecombe “That a leave of absence be granted for Cr Rolfe for the meeting of 22 January 2019.”

**2018 / 12 / 11 / 002**

Carried (8-0)

**Opening Prayer**

Pastor Stephen Jaensch from the Emerald St John’s Lutheran Church delivered the opening prayer.

**CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

**General Council Meeting: 27 November 2018**

***Resolution:***

Cr Sypher moved and seconded by Cr McIndoe “That the minutes of the previous General Council Meeting held on 27 November 2018 be confirmed.”

**2018 / 12 / 11 / 003**

Carried (8-0)

**Business Arising Out of Minutes**

Cr McIndoe requested an update regarding the follow up report to Council regarding Lot 163 on RP 210551 Rifle Range Road, Emerald that was discussed at the last meeting. *CEO advised that arrangements are being made to meet with the landowner and that a report should be brought back to Council early 2019.*

Cr Brimblecombe requested that consideration be given to amending the Standing Orders to extend the membership of the standing committees to include all eight Councillors and advised that he will raise it in General Business.

**Outstanding Meeting Actions**

Nil

**Review of Upcoming Agenda Items**

Nil

**MATERIAL PERSONAL INTEREST, CONFLICT OF INTEREST, PERSONAL GIFTS AND BENEFITS**

Cr McIndoe declared that he has a conflict of interest in item 12.4 – Game Plan - Tenure Framework (as defined by section 175D of the *Local Government Act 2009*) as follows: -

- (a) Due to a sporting facility that currently carries Cr McIndoe's name

Cr McIndoe declared that he proposes to stay in the meeting.

Cr Rolfe declared that she has a conflict of interest in item 12.4 – Game Plan - Tenure Framework (as defined by section 175D of the *Local Government Act 2009*) as follows: -

- (a) President of the Springsure Pastoral and Agricultural Show Society

Cr Rolfe declared that she proposes to stay in the meeting.

Cr Sypher declared that she has a conflict of interest in item 12.4 – Game Plan - Tenure Framework (as defined by section 175D of the *Local Government Act 2009*) as follows: -

- (a) President of the Central Highlands Science Centre

Cr Sypher declared that she will be dealing with this declared conflict of interest by leaving the meeting while this matter is discussed and voted on.

**PETITIONS (IF ANY)**

Nil

**Attendance**

Manager Planning and Environment K. Byrne and Coordinator Strategic Land Use M. McIntyre attended the meeting at 2.45pm.

Acting Manager Customer Service R. Brosnan attended the meeting at 2.48pm and left at 2.48pm

**COMMUNITIES**

**Amendment to the Regional Economic Development Incentive Policy**

**Executive summary:**

The Regional Economic Development Incentive (REDI) policy needs to be amended to address an anomaly identified during assessment of a recent application.

The REDI policy adopted by Council 12 September 2017, reviewed 23 October 2018, under section 4.0 Policy Statement states that '*the core criteria for the application of any financial incentive is that the*


business successfully demonstrate a significant net economic benefit to the Central Highlands Region that delivers **both** capital investment and genuine ongoing job creation’.

Subsequent primary criteria stipulate that capital investment needs to be ‘(a) a minimum capital investment of \$500,000’; and, in terms of ‘genuine new jobs’ ‘(b) a start-up’ (with) a minimum of three (3) Full Time Equivalent (FTE) jobs created’.

Together the core criteria and primary criteria limits access to business incentives by legitimate existing local businesses who are significantly expanding their employment base, but with capital investments of less than \$500,000.

**Resolution:**

Cr Brimblecombe moved and seconded by Cr Rolfe “That Central Highlands Regional Council approve the revision of the Regional Economic Development Incentive Policy to accommodate application by existing local businesses who are proposing to significantly expand their employment base, but with capital investment of less than \$500,000.”

 <b>Central Highlands</b> Regional Council	<b>COUNCIL POLICY</b>	
	<b>Regional Economic Development Incentive Policy</b>	
POLICY NUMBER:	DEPARTMENT:	Communities
EFFECTIVE DATE: 01 August 2017	UNIT:	Strategic Planning

**1.0 Purpose and Scope**

The purpose of this policy is to implement a policy approach to attracting high quality economic development in all parts of the region. Furthermore, the purpose of the Regional Economic Development Incentive (REDI) policy is to practically demonstrate that the Central Highlands Regional Council is committed to the ongoing attraction of business investment in the region that improves the quality of life for its citizens.

The scope of the REDI policy is specifically designed to capture and evaluate applications for development incentives through a criteria based process that includes (1) amount of direct capital investment in the region and (2) new jobs created. Importantly, the detailed criteria (below) encourages applications to be flexible in their approach and does not eliminate any new or existing legitimate business entity from applying.

Insofar as the Council’s objectives are generally served by the enhancement and expansion of the local economy, the Council will, on a case by case basis, give consideration to providing development incentive packages as stimulation for economic development in the region.

**2.0 Reference**

Economic Develop Incentive Framework (expired)  
Central Highlands Economic Master Plan September 2017

**3.0 Definitions**

**CEO** refers to Chief Executive Officer

**Council** refers to Central Highlands Regional Council

**The Act** shall mean the *Local Government Act 2009* (as amended).

**The Regulation** shall mean the *Local Government Regulation 2012* (as amended).

#### **4.0 Policy Statement**

The core criteria for the application of any financial incentive is that the business successfully demonstrate a significant net economic benefit to the Central Highlands Region that delivers capital investment and/or genuine ongoing job creation. Typically, the incentive will apply for those industries recognised as key propulsive sectors or target industries as defined within the Central Highlands Economic Master Plan September 2017.

More specifically, in determining the suitability of applying any potential Regional Economic Development Incentives, the following guidelines and key eligibility criteria must be met. Assessments are to be completed initially by the Manager Planning and Environment and supported by General Manager Communities and General Manager Economic Development with a report presented to Council recommending support or refusal of applications based on the criteria.

Nothing in the Policy shall imply or suggest that the Council is under any obligation to provide any incentive to any applicant unless it meets the criteria for approval.

#### **Guidelines:**

1. Development Incentive packages apply to both facilities and structures for:
  - a) New business; and
  - b) Expansion to existing business
2. Development incentive packages may be applied in a lump sum, paid in instalments or may be linked to project milestones or development goals.

Development incentive packages will not be ordinarily considered for projects which would be developed without such incentives unless it can be demonstrated that higher development standards or other development and community goals will be achieved through the use of the incentive.

Any consideration will be provided in accordance with Council's adopted local laws, policies, procedures and minimum requirements and will be subject to the availability of adequate funds within Council's adopted and or revised budget.

#### **Minimum Requirements:**

The project shall:

1. Be consistent with Council's vision, mission and values.
2. Be in accordance with Council's planning scheme.
3. Have no significant negative environmental impacts on the community (e.g. pollution, hazardous waste or noise).

#### **Primary Criteria:**

1. The project provides a significant net economic and community benefit to the Central Highlands Region equivalent to a minimum of five (5) times the dollar value amount of the incentive applied;
2. The Project provides:
  - (a) a minimum capital investment of \$500,000; or,
  - (b) ~~€~~ in the interest of a 'start-up' a minimum of three (3) Full Time Equivalent (FTE) jobs created; or,
  - (c) for existing businesses, a significant expansion of Full Time Equivalent (FTE) jobs; where,
  - (d) for (b) and (c) above, the jobs are genuine 'new' jobs, not transported or a relocated workforce.

3. project is contestable, i.e. the company is or has been (and can provide evidence) of consideration of other locations and would not otherwise happen in the Central Highlands Region;
4. demonstrated commercial viability of the activity in the absence of any financial assistance through a fully costed business/project plan;
5. be a current operational business of more than two years and either have, or can obtain an Australian Business Number (ABN), or
  - (a) to encourage and support start-up businesses who have been in operation for less than two years, these business must have acquired additional grant funding from a dedicated start-up program or demonstrated other financial support structures which will satisfy operational costs during the first two years;
6. the project does not cause significant detriment to, and/or be in substitution for, existing businesses in the Region; and
7. the business activity commence operation within 12 months of approval.

**Secondary Criteria:**

(Additional conditions to be considered when reviewing applications based upon)

- 1) Environmental standards that could be impacted by applications;
- 2) Opportunities to reduce the carbon footprint; and
- 3) Where applicable, appropriate remissions to applicants where the demand on Council networks and infrastructure is substantially reduced to further benefit the community.

**Incentives available for consideration:**

- Rate remissions
- Reduction or elimination of fees and charges (charged to relevant business unit)
- Time schedule for payment of fees and charges
- Joint marketing and promotional packages

The components of the incentives available will be at the discretion of the CHRC by negotiation with the applicant and relate specifically to the needs of the project and the benefit to the Central Highlands economy.

Incentives are not limited to these areas and the applicant may also apply for other specific incentives relative to each project to be considered by Council.

Incentives may also be available from other sources and levels of government and these may be considered with each application.

**Key strategic industries:**

(Industries recognised as key propulsive sectors or target industries as defined within the Central Highlands Economic Master Plan September 2017)

- Aged care
- Early childcare
- Research and development
- Manufacturing
- Tourism
- Value-adding agricultural production
- Professional and business services

An approved application under this policy for any business activity which falls within the listed key strategic industries will be eligible for a 100% waiver of associated Council development application fees, and up to a 40% reduction in levied infrastructure charges by way of refund upon commencement of operation.

### **Procedure for REDI Assessment**

1. Application shall be made to Council on the approved application form and should also be accompanied by supporting information to assist in the assessment of the request.
2. The application must comply with the (1) guidelines, (2) minimum requirements and (3) criteria outlined in the REDI policy before proceeding further with any additional assessment.
3. A report will be presented to Council with recommendations for approval or denial of a REDI package within 3 months of receipt to Council.

### **5.0 Policy Review**

All policies will be reviewed annually or when any of the following occurs:

- Relevant legislation, regulations, standards and policies are amended or replaced; and
- Other circumstances as determined from time to time by the Chief Executive Officer / Executive Leadership Team / Managers.

**2018 / 12 / 11 / 004**

Carried (7-1)

#### Attendance

Coordinator Strategic Land Use M. McIntyre attended the meeting at 2.56pm

Chief Executive Officer S. Mason left the meeting at 2.56pm and returned to the meeting at 2.56pm

### **Endorsement of the Reef Councils' Major Integrated Projects Proposal**

#### **Executive summary:**

The Local Government Association of Queensland (LGAQ) facilitated the development of the Reef Council's Major Infrastructure Projects (MIP) Proposal in partnership with Reef Councils and the Great Barrier Reef Marine Park Authority (GBRMPA) Reef Guardian Program.

The MIP is principally an investment prospectus designed to attract external support of the three (3) priority initiatives being:

1. Wastewater Stewardship
2. Fish friendly Councils (community and industry)
3. Best Practice erosion and sediment control for unsealed roads

Final consultation on the draft MIP was completed at the end of October 2018. During the Reef Council's Steering Committee meeting in November 2018, it was requested that the Local Government Association Queensland (LGAQ) write to all Reef Council's requesting formal endorsement of the MIP proposal.

Please note that endorsement of the MIP prospectus does not commit Council to participation.

#### **Resolution:**

Cr Godwin-Smith moved and seconded by Cr Daniels "That Central Highlands Regional Council:

1. Endorse the proposed Major Integrated Projects Proposal as a prospectus for seeking external investment in priority collaborative actions by Queensland Reef region councils; and,
2. Approve the use of Council's logo in partnership with the Local Government Association Queensland to be included with the publication and promotion of the Reef Councils Major Infrastructure Projects."

**2018 / 12 / 11 / 005**

Carried (8-0)



Attendance

Manager Planning and Environment K. Byrne left the meeting at 3.01pm

Manager Community Recreation and Facilities J. Bryant attended the meeting at 3.02pm

Acting Manager Customer Service R. Brosnan attended the meeting at 3.08pm and left the meeting at 3.08pm

**Blackwater Art Society Building**

**Executive summary:**

The Blackwater Art Society building located at 6 Evans Street, Blackwater is at the end of its' asset life. This report provides options for Council's consideration in relation to the provision of suitable replacement facilities for the group.

This report was considered by Council. The report will be represented to Council at its January 2019 meeting to allow the proper timeframe to rescind the motion.

Attendance

Sport and Recreation Officer C. Wheeler attended the meeting at 3.12pm

Conflict of Interest

Cr Sypher confirmed her previous declaration of interest as President of the Central Highlands Science Centre and dealt with the conflict of interest by leaving the meeting and did not participate in discussion, debate and voting on the matter. Cr Sypher left the meeting at 3.12pm

Conflict of Interest

Cr Rolfe declared that she has a conflict of interest in item 12.4 – Game Plan - Tenure Framework (as defined by section 175D of the *Local Government Act 2009*) as follows: -

- (a) President of the Springsure Pastoral and Agricultural Show Society

Cr Rolfe determined that this personal interest is not of sufficient significance that it will lead her to making a decision on the matter that is contrary to the public interest. Cr Rolfe indicated she will best perform her responsibility of serving the overall public interest of the whole of the Council's area by participating in the discussion and voting on this matter.

However, Cr Rolfe acknowledged that the remaining councillors, entitled to vote, must now determine, pursuant to section 175E(4) of the *Local Government Act 2009*: -

- (a) Whether she has a real conflict of interest in this matter or a perceived conflict of interest in this matter; and
- (b) If so, whether: -
  - a. She must leave the meeting while this matter is discussed or voted on; or
  - b. If she may participate in the meeting in relation to the matter, including by voting on the matter.

Cr Rolfe left the meeting at 3.12pm

Conflict of Interest

Cr McIndoe declared that he has a conflict of interest in item 12.4 – Game Plan - Tenure Framework (as defined by section 175D of the *Local Government Act 2009*) as follows: -

(b) Due to a sporting facility that currently carries Cr McIndoe's name

Cr McIndoe determined that this personal interest is not of sufficient significance that it will lead him to making a decision on the matter that is contrary to the public interest. Cr McIndoe indicated he will best perform his responsibility of serving the overall public interest of the whole of the Council's area by participating in the discussion and voting on this matter.

However, Cr McIndoe acknowledged that the remaining councillors, entitled to vote, must now determine, pursuant to section 175E(4) of the *Local Government Act 2009*: -

(c) Whether he has a real conflict of interest in this matter or a perceived conflict of interest in this matter; and

(d) If so, whether: -

- a. He must leave the meeting while this matter is discussed or voted on; or
- b. If he may participate in the meeting in relation to the matter, including by voting on the matter.

Cr McIndoe left the meeting at 3.13pm

***Resolution:***

Cr Godwin-Smith moved and seconded by Cr Brimblecombe "That Cr Rolfe has a perceived conflict of interest in the matter and notwithstanding the conflict, Cr Rolfe may participate in the matter, discuss and vote upon it."

**2018 / 12 / 11 / 006**

Carried (5-0)

*Attendance*

General Manager Corporate Services J. Bradshaw left the meeting at 3.14pm

Cr Rolfe was invited to return to the meeting at 3.14pm

General Manager Corporate Services J. Bradshaw returned to the meeting at 3.15pm

***Resolution:***

Cr Brimblecombe moved and seconded by Cr Daniels "That Cr McIndoe has a perceived conflict of interest in the matter and notwithstanding the conflict, Cr McIndoe may participate in the matter, discuss and vote upon it."

**2018 / 12 / 11 / 007**

Carried (6-0)

*Attendance*

Cr McIndoe was invited to return to the meeting at 3.15pm

**Game Plan - Tenure Framework**

**Executive summary:**

To achieve the Game Plan objectives the need for consistent tenure arrangements for sport and active recreation organisations utilising council-owned and controlled land was identified. The Game Plan Advisory Committee has prepared the final Tenure Framework which advances the Game Plan objectives.

The final version of the Tenure Framework has been collaboratively constructed with our sport and active recreation organisations. This framework will provide clear and transparent policies and procedures that will lead to a sustainable and progressive sporting region. This report presents the final Tenure Framework as well as Draft Tenure agreements for adoption and implementation.

**Resolution:**

Cr Godwin-Smith moved and seconded by Cr Brimblecombe “That Central Highlands Regional Council adopt the Tenure Framework which consists of:

1. Tenure of Council Owned or Controlled Land to Sport and Active Recreation Organisations Policy;
2. Water and Waste for Sport and Active Recreation Organisations Policy

which will see the commencement of new tenure arrangements for sport and active recreation organisations across the region on Council owned and controlled land.”

 <p><b>Central Highlands</b> Regional Council</p>	<b>COUNCIL POLICY</b>
	<b>Tenure of Council Owned or Controlled Land to Sporting and Active Recreation Organisations Policy</b>
POLICY NUMBER: CHRC0037 EFFECTIVE DATE: [insert date] 2018	DEPARTMENT: Communities UNIT: Sport and Recreation

**1.0 Objective**

To provide Council with an operational framework for the granting and renewal of tenure on Council Owned or Controlled Land to Sporting or Active Recreation Organisations.

**2.0 Purpose and Scope**

This Policy will apply to the allocation, use and management of all tenure arrangements over Council Owned or Controlled Land for the purpose of providing sport and active recreation activities. This Policy seeks to:

- a) Provide a consistent framework for the granting and renewal of tenure;
- b) Provide certainty of tenure to Sporting or Active Recreation Organisations; and
- c) Proactively activate Council Owned or Controlled Land for the purpose of sport and active recreation.

**3.0 Reference**

*Land Act 1994 (Qld)*  
*Land Regulation 2009 (Qld)*  
*Local Government Act 2009 (Qld) (the Act)*  
*Local Government Regulation 2012 (Qld) (the Regulation)*  
 Remissions to Sport and Active Recreation Organisations Policy  
 Sport and Active Recreation Committee Terms of Reference

**4.0 Definitions**

**Act** means the *Local Government Act 2009 (Qld)* (as amended);

**Active Recreation Organisation** means an incorporated body that encourages community participation through active recreation activities;

**Business Process Model** means the business process model for Council asset management for Recreation Facilities;

**CEO** means Council's Chief Executive Officer;

**Club Planning Toolkit** means the Council template for a forward planning document that will assist Sport and Active Recreation Organisations to reach Key Performance Indicators;

**Club Strategic Plan** means the strategic plan to be developed by the Sporting or Active Recreation Organisation setting out its strategic objectives and implementation strategy;

**Committee** means the Sport and Active Recreation Committee established by Council from time to time;

**Council** means Central Highlands Regional Council;

**Council Owned or Controlled Land** includes land, built facilities, hard courts, sporting fields and arenas owned by Council or controlled by Council as trustee of a Reserve;

**Days** means normal calendar days (not business days);

**General Council** means the full Council as convened from time to time;

**Lease** means an agreement under which Council grants to a lessee, in return for valuable consideration, the right to occupy Council Owned or Controlled Land for an agreed period of time, and includes a Trustee Lease;

**Licence** means any allowable use as directed by Council (without allowing exclusive possession) from time to time and including a licence or permit;

**Parks People Play** means the plan for parks in the Council region (as adopted by Council from time to time);

**Regulation** shall mean the *Local Government Regulation 2012* (Qld) (as amended);

**Request to occupy** means the process undertaken by Council seeking expressions of interests and the making of applications by prospective lessees for access to Council Owned or Controlled Land ;

**Reserve** means land set aside for a community purpose or public purpose under the *Land Act 1994* (Qld);

**Specialised Facility** has the meaning provided in Parks People Play;

**Sporting Organisation** means an incorporated body that encourages community participation through sporting activities;

**Standard Tenure Documents** means the standard terms and conditions for Leases or Licences approved by Council from time to time;

**Tenure Agreement** means a Lease, Licence or other right of use granted by Council;

**Tenure Offer** means the issue of formal tenure documents by Council to a Sporting or Active Recreation Organisation following conclusion of engagement between Council and the Sporting or Active Recreation Organisation; and

**Trustee Lease** means a Lease of the whole or any part of a Reserve.

## 5.0 Policy Statement

This Policy is intended to ensure Council validly issues its Tenure Agreements using an open and transparent process.

The Granting of tenure to Sporting and Active Recreation Organisations will be a decision of Council. Council will consider granting tenure over Council Owned or Controlled Land where:

- a) The highest and best use of the site is achieved;
- b) Internal processes have been complied with;
- c) Tenure arrangements respond to unique social and demographic needs where applicable; and
- d) The term of the tenure is consistent with anticipated future requirements of the site.

## 5.1 Sport and Active Recreation Committee

### 5.1.1 Establishment of Committee

The Sport and Active Recreation Committee (Committee) will be comprised of five (5) Councillors, General Manager Communities and Manager of Community Recreation & Facilities. The Committee will commence from [insert date] 2019. The Committee will act in accordance to a Terms of Reference.

### 5.1.2 Role of Committee

The Committee will be convened for the purpose of the Manager of Community Recreation & Facilities referring the following matters for determination:

- a) Consideration and recommendation of requests for the granting and renewal of Tenure Agreements, where they are consistent with this Policy (i.e. as part of the renewal process, consider the achievement of key performance indicators);
- b) The undertaking of a request to occupy process, including the consideration and determination of responses to applications made through a request to occupy;
- c) Consideration and recommendation of a request for Council to consent to a sub-lease, where consistent with this Policy;
- d) Consideration and recommendation of a request for extension to the execution period for tenure documents, as prescribed under section 5.3.2;
- e) Consideration and recommendation of the sport and recreation grants program and applications received under that program;
- f) Consideration of willingness to support Sport and Active Recreation Organisations making grant applications to other grant funding sources, that relate to Council owned or controlled sporting and active recreation facilities;
- g) Consideration and recommendation of strategic planning matters that relate to sporting and active recreation facilities that advance Council's Parks People Play strategy;
- h) Making recommendations and referring matters to General Council in accordance with this Policy including:
  - i. Where a request for the granting or renewal of tenure is not consistent with this Policy;
  - ii. Consideration of a request for Council to consent to a sub-lease, where not consistent with this Policy; and
  - iii. Strategic planning matters that relate to sporting and active recreation facilities that do not advance Council's Parks People Play strategy.

## 5.2 General Council

The following matters must be considered and decided by the General Council:

- a) The Standard Tenure Documents, including standardised terms such as Key Performance Indicators, maintenance responsibilities and eligibility;

- b) Any tenure-related matters which are not consistent with this Policy or have been referred from the Committee; and
- c) Where a recommendation is made which is not consistent with other Council policies, plans or strategic documents (i.e. all decisions which do not advance this Policy or Parks People Play).

Where matters are not identified to be decided by the General Council, the Sport and Active Recreation Committee is the decision maker.

Council has resolved, in accordance with section 236(2) of the Regulation, that the exception in section 236(1)(b)(ii) applies to Council in relation to the disposal of a valuable non-current asset, by way of lease, for Council Owned or Controlled Land to a Sport and Active Recreation Organisations under this Policy.

### 5.3 Tenure process

#### 5.3.1 Granting of Tenure

- a) Sporting or Active Recreation Organisations shall generally be granted tenure in accordance with the terms and conditions specified in the Standard Tenure Documents.
- b) Council's preferred length of tenure is five (5) years. Freehold leases may include options to renew the lease or holding over clauses if appropriate.
- c) Council's preferred length of tenure for a renewed term is five (5) years. Under the provisions of the *Land Act 1994*, trustee leases cannot include options to renew or hold over at the expiry of the arrangement.
- d) For clarity, holding over refers to a situation where, at the expiry of the lease, the lessee is able to remain in occupation on a month by month basis on the same terms and conditions as the expired lease until terminated as provided for in the lease.
- e) The form of tenure to be offered by Council for facilities may include tenure over specialised fields, courts and buildings (i.e. excluding carpark areas and any surplus undeveloped reserved/freehold land).
- f) Individual tenure arrangements may be required to be subject to a security bon or bank guarantee in favour of Council.

#### 5.3.2 Execution of Tenure Agreement

- a) Upon receipt of a formal Tenure Offer from Council the Sporting or Active Recreation Organisation has a period of forty-five (45) days to return the signed Tenure Agreement, unless an extension is granted by the Committee. If this is not achieved Council may offer the facility through a request to occupy process.
- b) All applications for a Lease or Licence over a Reserve are subject to Ministerial approval.

#### 5.3.3 Eligibility and Suitability

To be eligible to hold tenure over Council Owned or Controlled Land, the following criteria must be met:

- a) All applicants must be incorporated under the Association Incorporation Act 1981 or similar legislation, prior to tenure being granted;
- b) All applicants must provide evidence of public liability insurance for a minimum amount of twenty million dollars (\$20,000,000.00) in respect of any one event. There may be circumstances where Council will request a higher level of public liability cover and this is at the sole discretion of Council;
- c) Sporting or Active Recreation Originations must take out and maintain:
  - i. Contents insurance for any and all plant and equipment at the facility;
  - ii. Plate glass insurance;
  - iii. Workers compensation insurance as required by the *Workers' Compensation and Rehabilitation Act 2003*;
- d) Current registration with the relevant state or national sporting organisation/body (if any);

- e) In determining an application for tenure, Council may take into account the following factors:
  - i. The (demonstrated) capacity of the Sporting or Active Recreation Organisation to undertake development and maintenance of the facility/identified tenure area, including over specialised fields, courts and buildings, as required by the Standard Tenure Documents;
  - ii. The ability of the Sporting or Active Recreation Organisation to share facilities, fully activate and utilise the facilities and resources;
  - iii. The submission to Council of a compliant Club Strategic Plan;
  - iv. The potential to grow membership and participation from the community and capitalise on the opportunities the tenure offers; and
  - v. An ability to meet key performance indicators required by the Standard Tenure Documents.

#### 5.4 Activation of Council Owned or Controlled Land

##### 5.4.1 Tenure obligations

Sporting or Active Recreation Organisations, in accepting an offer of tenure from Council, will generally be responsible for:

- a) Payment of tax invoices for refuse collection service costs in line with the Water and Waste for Sport and Active Recreation Organisations Policy;
- b) All services and utilities used by the Sporting or Active Recreation Organisation including, electricity and telecommunications and associated connection and disconnection fees;
- c) Achievement of key performance indicators specified in the tenure document;
- d) Obtaining all necessary licences and approvals to engage in the activities permitted by the tenure and that require licences and/or approvals to allow that activity to be undertaken; and
- e) Sporting and Active Recreation Organisations will take responsibility for the general maintenance and upkeep on infrastructure and site improvements as per the signed Tenure Agreement.

##### 5.4.2 Key performance indicators

The following are the minimum key performance indicators which are included in the Standard Tenure Documents:

- a) Attendance or participation by one or more committee members in 2 online or face-to-face workshops per annum that are deemed mandatory by Council;
- b) Submission to Council of an annual report or survey, completed using the Council template and submitted at the time specified in the Tenure Agreement, detailing the Sporting or Active Recreation Organisation's performance over the past 12 months, including:
  - i. A maintenance log including all parts of the leased area where works have been carried out including contractor details, licence details and the nature of work completed;
  - ii. A risk management assessment of the building (if relevant), grounds, space and courts identifying all relevant safety issues either known or considered an imminent risk;
  - iii. A compliance checklist (i.e. test and tag, chemical storage);
  - iv. A summary of achievements for the Sporting or Active Recreation Organisation, including:
    - A. participation and membership numbers;
    - B. number of events held;
    - C. athlete development;
    - D. internal or external training that was provided to members and volunteers; and
    - E. facility matters requiring attention by Council, consistent with Council's maintenance obligations in the standard Lease or Licence;
  - v. Operation in accordance with approved governing body regulations, the association's constitution, rules and by-laws and with Council and other regulating body rules.

- vi. Demonstrated evidence of engaging with the community through activating the space over which the organisation holds tenure (e.g. hiring the facility to other community organisations, holding events open to the broader community); and
- vii. Completion of the Club Planning Toolkit.

#### 5.4.3 Council Responsibilities

- a) Sporting or Active Recreation Organisations will not be responsible for Council's legal costs associated with the tenure document preparation (including survey costs and lease registration fees, variation, extension or surrender.
- b) Council will undertake condition audits every 3 years on Council Owned or Controlled Land as outlined in the Business Process Model, including of the following structures:
  - i. Fields and hard courts;
  - ii. Clubhouses;
  - iii. Specialised Facilities; and
  - iv. Infrastructure and site improvements.
- c) Compliance audits of all Council Owned or Controlled Land will be progressively undertaken to ensure certificates of classification have been issued.
- d) In addition to the condition audits stated in section 5.4.3 (b) above, Council's sport and recreation unit will undertake yearly visual reviews/inspections of facilities on Council Owned and Controlled Land.
- e) Information accumulated from the yearly review will be used to inform:
  - i. Maintenance priorities for the lessees or licencees;
  - ii. Sporting or Active Recreation Organisation /Club development opportunities;
  - iii. Council's Master Plans and long-term planning;
  - iv. Capital Investment;
  - v. Sport and Recreation Grants program (funding opportunities); and
  - vi. Risk Management.
- f) Council will take responsibility for the repair and replacement of any items identified in the condition audit as:
  - i. Major asset failure;
  - ii. Major replacement; and
  - iii. High risk/Vulnerable asset (including major/scheduled maintenance).
- g) Mowing of the tenure and surrounding areas consistent with the obligations outlined in the Standard Tenure Documents.
- h) Major field maintenance of the playing surfaces consistent with the obligations outlined in the Standard Tenure documents.
- i) Maintenance of the general community's right to access the sporting facilities outside of organised sport or recreation participation, subject to the nature of the facility and the terms and conditions of the tenure granted to any particular Sport and Active Recreation Organisation.
- j) Council will be responsible for insurance of capital assets including all infrastructure that is in an acceptable condition as per asset ratings (e.g. buildings and grandstands) on Council Owned or Controlled Land leased or licenced for Sport and Active Recreation Organisations.
- k) Council will be responsible in coordinating the online and face to face mandatory workshops.
- l) Specialised maintenance responsibilities will be a shared responsibility between Council and the Sporting or Active Recreation Organisation as outlined in the Maintenance Schedule.

#### 5.4.4 Failure to perform

The Standard Tenure Document will detail the process for non-compliance and dispute resolution.

In summary however, if the Sport or Active Recreation Organisation breaches its obligations under its Tenure Agreement, Council may:

- a) Be able to perform the Sport or Active Recreation Organisation's obligations and recover the cost of doing so from the Sport or Active Recreation Organisation;



- b) Re-enter and take possession of the Premises and the Tenure Agreement may be terminated; and/or
- c) Sue to recover damages from the Sport or Active Recreation Organisation for any loss or cost incurred by Council as a result of the breach.

#### 5.5 Tenure Fees

The following annual tenure fee will be applied for Sporting or Active Recreation Organisations with tenure over Council Owned or Controlled Land:

Annual tenure fee amount	Tenure classification
\$1 (including GST), payable on demand	Sporting or Active Recreation Organisations

#### 5.6 Essential Requirements

- a) Before a Tenure Agreement may be signed the following must be provided/completed:
  - i. Certificate of Incorporation;
  - ii. Copy of the Constitution of the Sporting or Active Recreation Organisation; and
  - iii. Certificate of Currency.
- b) Before funding applications will be considered the following essential elements must be provided or completed:
  - i. Current annual financial statements;
  - ii. Club Planning Toolkit;
  - iii. No outstanding debt to Council;
  - iv. Certificate of classification check; and
  - v. Food business and Liquor Licence check (if relevant).

### 6.0 Council's Standard Tenure Documents

Council will adopt Standard Tenure Documents, consistent with this Policy.

A Tenure Agreement may include additional or special conditions relevant to a particular facility, having regard to the particular nature of that facility and the requirements of the Sporting or Active Recreation Organisation.

### 7.0 Policy Review

This Policy will be reviewed annually or when any of the following occurs:

- a) Relevant legislation, regulations, standards and policies are amended or replaced; or
- b) Other circumstances as determined from time to time by the Chief Executive Officer/Executive Leadership Team/Managers.

 <b>Central Highlands</b> Regional Council	<b>COUNCIL POLICY</b>	
	<b>Water and Waste for Sport and Active Recreation Organisations Policy</b>	
POLICY NUMBER:	DEPARTMENT:	Communities
EFFECTIVE DATE: [insert date] 2018		UNIT: Sport and Recreation

### 1.0 Purpose and Scope

In accordance with Council's policy titled "Tenure of Council Owned or Controlled Land to Sporting and Active Recreation Organisations", this Policy will apply to Sporting and Active Recreation Organisations that hold Tenure over Council Owned or Controlled Land.

Council will issue a tax invoice for water and waste service charges to each Sport and Active Recreation Organisation with a Tenure Agreement over Council Owned or Controlled Land. The Organisations will be responsible for payment of the tax invoice in full in accordance with the Water Usage Charges and Waste Management Charges set out in this Policy.

### 2.0 Reference

*Local Government Act 2009 (Qld)*

*Local Government Regulation 2012 (Qld)*

Tenure of Council Owned or Controlled Land to Sporting and Active Recreation Organisations Policy  
Donations Policy

### 3.0 Definitions

**Act** means the *Local Government Act 2009 (Qld)* (as amended);

**CEO** means Council's Chief Executive Officer;

**Council** means the Central Highlands Regional Council; and

**Regulation** means the *Local Government Regulation 2012 (Qld)* (as amended).

### 4.0 Policy Statement

#### 4.1 Payment of Tax Invoice

- (a) Council will issue a tax invoice to each Sport and Active Recreation Organisation with a Tenure Agreement over Council Owned or Controlled Land.
- (b) All Sport and Active Recreation Organisations must attend to payment of the tax invoice in full and in accordance with the terms of the tax invoice

#### 4.2 Fees and Charges

Category of Charge	Cost	Responsibility
General Rate		Council
Waste Management Charge		Council

Sewerage Charges	As per rates schedule	Council
Refuse Collection Charge * **		Sport and Active Recreation Organisation
Water Access Charges		Council
<p>*Note Sport and Active Recreation Organisations will select the number of bins required and may opt to manage waste through other services.</p> <p>** Disposal of industrial waste will be at the Sport and Active Recreation Organisation's cost unless approved through Council's Donations Policy.</p>		

(a) Water Consumption Charges

Water Usage Charges are to be reviewed over the next 12 months by Council. Such charges will not be implemented until further consultation with Sport and Active Recreation Organisations has been completed.

**5.0 Policy Review**

This Policy (including Fees and Charges) will be reviewed annually or more frequently if any of the following occurs:

- a) Relevant legislation, regulations, standards and policies are amended or replaced; or
- b) Other circumstances as determined from time to time by the Chief Executive Officer / Executive Leadership Team / Managers.

**2018 / 12 / 11 / 008**

Carried (6-1)

Cr McIndoe thanked Sport and Recreation Officer Ms Wheeler and her team for their dedication, passion, hard work and efforts that they have put into working with the Game Plan Advisory Committee and the sporting and recreational community groups associated with the Game Plan. Cr McIndoe also thanked community members Mr Clinton Adams, Mrs Lyn Brown, Mrs Anne Carpenter and Mrs Daniella Spiccia for their commitment to the community. Cr McIndoe said that it was not an easy task and that they have achieved a benefit for the community.

Attendance

Chief Executive Officer S. Mason left the meeting at 3.43pm  
 Chief Executive Officer S. Mason returned to the meeting at 3.44pm  
 Cr Sypher was invited to return to the meeting at 3.44pm  
 Sport and Recreation Officer C. Wheeler left the meeting at 3.48pm

**Blackwater Aquatic Centre Defects**

**Executive summary:**

Council officers have worked closely with the lessees of the Blackwater Aquatic Centre to review the condition of the facility following the first 2 years of operation. The report outlines several defect, condition and/or warranty items that have been identified and require monitoring and/or attention.

**Resolution:**

Cr Brimblecombe moved and seconded by Cr Godwin-Smith "That Central Highlands Regional Council receive the report detailing the defects, condition and warranty items that have become evident at the Blackwater Aquatic Centre.

And further that a report outlining the rectification of defect warranty items or maintenance issues is provided to Council.”

2018 / 12 / 11 / 009

Carried (8-0)

Attendance

Manager Community Recreation and Facilities J. Bryant left the meeting at 3.58pm  
Manager Planning and Environment K. Byrne, Coordinator Development and Planning J. Kirkwood and Senior Planner R. Tait attended the meeting at 3.58pm

**Development Application Update for November 2018**

**Executive summary:**

The purpose of this report is to provide the monthly update on development activities currently before Council for assessment and decision within the planning team. This report is intended to inform Councillors regarding decisions made during the past month as well as give an overview of the current applications lodged with Council. Should the need arise, time can be scheduled to discuss specific applications offline with the Manager of Planning and Environment, and the Assessment Manager.

Conflict of Interest

Cr Rolfe declared that she has a real conflict of interest in item 12.6 – Development Applications Update – #7 Santos Toga Pty Ltd MCU028.1-2018 (as defined by section 175D of the *Local Government Act 2009*) as follows: -

(a) Shareholding in Santos Ltd;

Cr Rolfe determined that this personal interest is not of sufficient significance that it will lead her to making a decision on the matter that is contrary to the public interest. Cr Rolfe will best perform her responsibility of serving the overall public interest of the whole of the Council’s area by participating in the discussion and voting on this matter.

*Council’s Chief Executive Officer advised that this was an information report update only.*

**Resolution:**

Cr Daniels moved and seconded by Cr Brimblecombe “That Central Highlands Regional Council receive this report.”

2018 / 12 / 11 / 010

Carried (8-0)

Attendance

Manager Planning and Environment K. Byrne, Coordinator Development and Planning J. Kirkwood and Senior Planner R. Tait left the meeting at 4.08pm  
Manager Asset Management M. Gatt, Consultant Corporate Services W. Jensen and Coordinator Asset Accounting A. Dias attended the meeting at 4.08pm

## **CORPORATE SERVICES**

### **Monthly Financial Report - November 2018**

#### **Executive summary:**

Operating activities are generally in accordance with forecasts, though there have been some delays in rural roads maintenance, recoverable works, and work on the Yamala Inland Port project.

Capital works delivery continues to run vary with the original forecast cashflows, though Managers have expressed confidence that the works will be substantially completed within the budget year. The newly created Project Management Office have conducted a review of all projects and are now reviewing the proposed timelines to ensure forecast delivery is realistic or what changes will be needed to ensure completion within the identified timelines.

#### **Resolution:**

Cr Brimblecombe moved and seconded by Cr Rolfe “That Central Highlands Regional Council receive the Monthly Financial Report for the period ended 30 November 2018.”

**2018 / 12 / 11 / 011**

Carried (8-0)

The Mayor acknowledged the work that the General Manager Corporate Services Mr Jason Bradshaw and his team has provided to Council over the last three years and took the opportunity to personally thank Mr Bradshaw on behalf of Council to acknowledge the work and the commitment that he has for Council and the community. The Mayor wished Mr Bradshaw all the best with his new position of Chief Executive Officer with Somerset Regional Council.

Chief Executive Officer Mr Scott Mason complimented Mr Bradshaw on his dedication and work with Council and his staff over the past three years and wished him all the best wishes for his new position as Chief Executive Officer for Somerset Regional Council.

#### **Attendance**

Manager Asset Management M. Gatt, Consultant Corporate Services W. Jensen and Coordinator Asset Accounting A. Dias left the meeting at 4.33pm  
Cr Daniels left the meeting at 4.33pm  
Cr Daniels returned to the meeting at 4.35pm

### **Report of Audit Committee Meeting - 4 December 2018**

#### **Executive summary:**

The Audit Committee is established as required under s. 105 of the *Local Government Act 2009* and met on Tuesday 4 December 2018.

#### **Resolution:**

Cr Rolfe moved and seconded by Cr Sypher “That Central Highlands Regional Council receive the minutes of the Audit Committee meeting held on 4 December 2018 and note the following reports:

- Internal Audit Progress Report – November 2018
- External Audit Briefing paper – December 2018
- TechnologyOne Project Assurance Review
- TechnologyOne Project update
- ICT Strategic Plan review
- Operational Risk Registers – Update
- PKF status report

And further, that Central Highlands Regional Council approve the recommendation of the Audit Committee to offer the vacant position of Chairman of Councils' Audit Committee for a three (3) year term (with an option to extend) to Mr Graham Webb PSM of Reinforcements Management Consulting effective from the next meeting confirmed for 14 February 2019."

2018 / 12 / 11 / 012

Carried (8-0)

Attendance

General Manager Infrastructure and Utilities G. Joubert left the meeting at 4.42pm

General Manager Infrastructure and Utilities G. Joubert returned to the meeting at 4.45pm

## **CENTRAL HIGHLANDS DEVELOPMENT CORPORATION**

### **Central Highlands Development Corporation – Service Level Agreement Update Q2 2019**

**Executive summary:**

The following report provides an update on key activities for the Central Highlands Development Corporation.

Central Highlands Development Corporation (CHDC) works in collaboration with Central Highlands Regional Council (CHRC), stakeholders, businesses, the community and government to activate and accelerate sustainable and cohesive responses through innovative and entrepreneurial strategies that facilitate the opportunities to grow the region's economic potential and future sustainability. Central Highlands Regional Council provides financial contribution to CHDC for the delivery of services responding to Key Priority 3 of the CHRC 2018/19 Operational Plan.

**Resolution:**

Cr Brimblecombe moved and seconded by Cr Sypher "That Central Highlands Regional Council receive the Central Highlands Development Corporation departmental update report highlighting key activities for Quarter 2 as at 30 November 2018."

2018 / 12 / 11 / 013

Carried (8-0)

## **CHIEF EXECUTIVE OFFICER**

### **LGAQ 2019 Local Government Finance and Strategic Leadership Summit**

**Executive summary:**

The Local Government Association of Queensland is holding its 2019 Local Government Finance and Strategic Leadership Summit *Facing the Future* is being held at Gladstone from 26-27 February 2019.

This report is to determine Council's and Councillors attendance at the conference.

**Resolution:**

Cr Nixon moved and seconded by Cr Sypher "That Central Highlands Regional Council authorise the Mayor, Councillors Brimblecombe, Rolfe and Chief Executive Officer to attend the LGAQ 2019 Local Government Finance and Strategic Leadership Summit *Facing the Future* from 26-27 February 2019 as its representatives."

2018 / 12 / 11 / 014

Carried (8-0)

## **LATE AGENDA ITEMS**

### **Minutes of Meeting – Finance and Infrastructure Standing Committee Meeting: 11 December 2018, Communities Standing Committee Meeting: 11 December 2018 and Leadership and Governance Standing Committee Meeting: 11 December 2018**

#### ***Resolution:***

Cr Rolfe moved and seconded by Cr Nixon “That the minutes of the

1. Finance and Infrastructure Standing Committee Meeting held on 11 December 2018;
2. Communities Standing Committee Meeting held on 11 December 2018; and
3. Leadership and Governance Standing Committee Meeting held on 11 December 2018

be confirmed.”

2018 / 12 / 11 / 015

Carried (8-0)

## **GENERAL BUSINESS**

*(Verbal matters raised by Councillors either as a question, acknowledgement and or additional follow-up by officers)*

Cr Rolfe

- Provided an update with regards to the Emerald Agricultural College and Longreach Pastoral College advising that they will transition to a multi service educational trainer research centre within rural industries. Remote Area Planning Development Board (RAPAD) at Longreach are a regional training organisation and have moved to towards securing the right combination of interested parties to deliver an education service that meets the needs of the regional to economically diversify.

#### **Conflict of Interest**

Cr Rolfe declared a conflict of interest in the general business item that she wishes to raise regarding the Emerald Agricultural College as the deputy chair and with the Queensland Agricultural Training Colleges as a board member.

*Chief Executive Officer advised that a decision was not made by Council.*

Cr Brimblecombe

- Requested for Council consider an amendment to the Standing Orders Policy to consider a change of the membership to the standing committees so that all councillors are members of the standing committees. – *The Chief Executive Officer was directed to prepare a report for Councils consideration with options to expand membership or discontinue the standing committees.*

#### **Attendance**

Cr Sypher left the meeting at 5.10pm and did not return

Cr Godwin-Smith

- Attended the Capricorn Enterprise Industry Celebration Night in Rockhampton on 30 November 2018 noting winners from our region Mrs Oliva Evans from Sandstone Park received the 2018 Young Tourism Leader Award and the Best of Queensland 2018 Pilot Program Award. And additionally, Peter and Eileen Brown of the Rubyvale Gem Gallery where awarded the Pioneers of Industry Award was acknowledged for 30 years of operation

Attendance

Cr Daniels left the meeting at 5.11pm and did not return

**CLOSED SESSION**

**Into Closed Session**

***Resolution:***

Cr Rolfe moved and seconded by Cr Brimblecombe “That Council close its meeting to the public in accordance with Section 275 (1) (h) of the Local Government Regulation 2012 and that Council staff involved in the closed discussions remain in the room.”

**2018 / 12 / 11 / 016**

Carried (6-0)

Attendance

General Manager Community Services D. Fletcher, General Manager Corporate Services J. Bradshaw, General Manager Customer and Commercial Services M. Webster, General Manager Central Highlands Development Corporation S. Hobbs and Coordinator Communications A. Ferris left the meeting.

The meeting was closed at 5.12pm

**Departmental Updates – Infrastructure and Utilities**

Attendance

Manager Water Utilities P. Manning attended the meeting at 5.18pm

**Out of Closed Session**

***Resolution:***

Cr Godwin-Smith moved and seconded by Cr Nixon “That the meeting now be re-opened to the public.”

**2018 / 12 / 11 / 017**

Carried (6-0)

The meeting was opened at 5.30pm

**Departmental Update – Infrastructure and Utilities**

**Executive summary:**

The following report provides an update on key activities for the Infrastructure and Utilities Department for the month of November.

- ❖ Capricorn Highway (Codenwarra Road to Opal Street) Planning Update
- ❖ SunWater presentation to LGAQ - Urban water pricing

***Resolution:***

Cr Rolfe moved and seconded by Cr Brimblecombe “That Central Highlands Regional Council receive the Infrastructure and Utilities departmental update report, highlighting key activities for the month of November.”

**2018 / 12 / 11 / 018**

Carried (6-0)



**CLOSURE OF MEETING**

There being no further business, the Mayor closed the meeting at 5.31pm.

CONFIRMED

MAYOR

DATE