



ORDINARY MEETING

MINUTES

4 FEBRUARY 2020

The resolutions contained within these Minutes were confirmed at the Council meeting held on 18 February 2020.

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MINUTES OF THE ORDINARY MEETING HELD AT COUNCIL CHAMBERS, 4 LAGOON PLACE, YEPPON ON TUESDAY, 4 FEBRUARY 2020 COMMENCING AT 9.0AM**1 OPENING***Acknowledgement of Country*

"I would like to take this opportunity to respectfully acknowledge the Darumbal People. The traditional custodians and elders past, present and emerging of the land on which this meeting is taking place today."

2 PRESENT

Members Present:

Mayor, Councillor Bill Ludwig (Chairperson)
Deputy Mayor, Councillor Nigel Hutton
Councillor Adam Belot
Councillor Pat Eastwood
Councillor Jan Kelly
Councillor Glenda Mather
Councillor Tom Wyatt

Officers in Attendance:

Mr Brett Bacon – Acting Chief Executive Officer
Mr Jeff Carter – Acting Executive Director Infrastructure
Mrs Andrea Ellis – Chief Financial Officer
Mr Matthew Willcocks - Chief Technology Officer
Mrs Belinda Housman – Acting Chief Human Resources Officer
Mr David Battese – Manager Liveability
Mrs Priscilla Graham – Coordinator Revenue
Ms Justine Schofield – Executive Support Officer

3 LEAVE OF ABSENCE / APOLOGIES

Nil

4 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

COUNCIL RESOLUTION

THAT the minutes of the Special Meeting held on 17 January 2020 be taken as read and adopted as a correct record.

Moved by: Councillor Kelly
Seconded by: Councillor Eastwood

MOTION CARRIED

COUNCIL RESOLUTION

THAT the minutes of the Ordinary Meeting held on 21 January 2020 be taken as read and adopted as a correct record.

Moved by: Councillor Mather
Seconded by: Councillor Kelly

MOTION CARRIED

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

6 PUBLIC FORUMS/DEPUTATIONS

6.1 9.00AM - DEPUTATION - LEGACY ROCKHAMPTON & CENTRAL QUEENSLAND

File No: GV13.4.3
Attachments: Nil
Responsible Officer: Brett Bacon - Acting Chief Executive Officer
Author: Justine Schofield - Administration Officer

SUMMARY

Mr Brendan Cox, Chief Executive Officer of the Legacy Club of Brisbane and Mrs Carol Gorton, Community Engagement Volunteer Legacy Rockhampton and Central Queensland, will address Council to provide information regarding the work of Legacy in regional Queensland and more specifically, within the Livingstone Shire.

COUNCIL RESOLUTION

THAT the deputation be received.

Moved by: Mayor Ludwig
Seconded by: Deputy Mayor, Councillor Hutton
MOTION CARRIED UNANIMOUSLY

7 BUSINESS ARISING OR OUTSTANDING FROM PREVIOUS MEETINGS

7.1 LIFTING MATTERS LAYING ON THE TABLE - BANGALEE BEACH ACCESS

File No: GV13.4.1
Attachments: Nil
Responsible Officer: Brett Bacon - Acting Chief Executive Officer
Author: Nicole Robertson - Coordinator Executive Support

SUMMARY

This report is being presented to Council in order for the stated matter to be formally lifted from the table prior to being dealt with at this meeting.

COUNCIL RESOLUTION

THAT Council resolve that the report *Notice of Motion - Councillor Adam Belot – Bangalee Beach Access Consultation*, which is currently 'laying on the table' within the Business Outstanding Table awaiting return to a Council meeting, be lifted from the table to be dealt with later in this meeting.

Moved by: Councillor Mather
Seconded by: Councillor Eastwood

MOTION CARRIED

7.2 LIFTING MATTER LAYING ON THE TABLE - PROPOSED TOURIST PARK

File No: GV13.4.1
Attachments: Nil
Responsible Officer: Brett Bacon - Acting Chief Executive Officer
Author: Nicole Robertson - Coordinator Executive Support

SUMMARY

This report is being presented to Council in order for the stated matters to be formally lifted from the table prior to being dealt with at this meeting.

COUNCIL RESOLUTION

THAT Council resolve that the report Proposed *Tourist Park at 176 Cobraball Road, Bondoola*, which is currently 'laying on the Table' within the Business Outstanding Table awaiting return to a Council meeting, be lifted from the table to be dealt with later in this meeting.

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

8 PRESENTATION OF PETITIONS

Nil

9 MAYORAL MINUTE

Nil

10 COUNCILLOR/DELEGATE REPORTS

Nil

11 AUDIT, RISK AND BUSINESS IMPROVEMENT COMMITTEE REPORTS

11.1 AUDIT, RISK AND BUSINESS IMPROVEMENT COMMITTEE MEETING - 2 DECEMBER 2019

File No: GV13.4.2

Attachments:

Responsible Officer: Andrea Ellis - Chief Financial Officer

Author: Tanya Callaghan - Support Services Officer

SUMMARY

The Audit, Risk and Business Improvement Committee met on 2 December 2019 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 ARaBIC and Councillor Portals.

COUNCIL RESOLUTION

THAT the unconfirmed minutes of the Audit, Risk and Business Improvement Committee held on 2 December 2019 be received and the following recommendations contained within those minutes be adopted.

3 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

10 THAT the minutes of the Audit, Risk and Business Improvement Committee held on October 2019 be taken as read and adopted as a correct record.

7.1 COMMITTEE WORK PROGRAM STATUS

THAT the Committee receives the status of the Annual Work Program.

7.2 CFO UPDATE

THAT the Committee receive the Chief Financial Officer's update.

7.3 INTERNAL AUDIT METHODOLOGY

THAT the Committee receive this report on the Internal Audit Methodology.

7.4 UPDATES TO ARaBIC AND INTERNAL AUDIT POLICIES

THAT the draft changes to the ARaBIC and Internal Audit Policies and related documents be endorsed for consideration by Council.

7.5 INTERNAL AUDIT UPDATE

THAT the Committee receive the report on Internal Audit.

7.6 OVERVIEW OF POLICY FRAMEWORK

THAT the Committee receive the overview of the Policy Framework, with further documentation in regards to the summary of the statutory policy review to be presented at the March ARaBIC meeting in 2020.

Business Continuity and Disaster response related policies to be provided as part of the General Risk Management Report in the March ARaBIC meeting in 2020.

7.7 OPERATIONAL RISK REPORT FBE UPDATE

& THAT the Committee receive the update of the Operational Risk Register – Finance Business Excellence

7.8 BUSINESS TRANSFORMATION TEAM WORKS PROGRAMME HIGHLIGHTS

AND UPDATES

THAT the Audit, Risk and Business Improvement Committee receive this report.

7.9 ARABIC 2020 MEETING DATES

THAT the Audit, Risk and Business Improvement Committee endorses proposed schedule of committee meeting dates:

- 2nd March 2020
- 18th May 2020
- 15th June 2020
- 17th August 2020
- 12th October 2020
- 30th November 2020

7.10 EXTERNAL AUDIT UPDATE

THAT the Audit Risk and Business Improvement Committee:

- a) receive the update from the External Auditors;
- b) note the finalisation of the 2018-19 General Purpose Financial Statements and the unmodified audit opinion issued by the Queensland Audit Office on the 15 October 2019 has been presented to the Audit, Risk and Business Improvement Committee; and
- c) endorse the 2018-19 Final Management Report for Livingstone Shire Council dated 25 October 2019

7.11 REVIEW OF EXTERNAL AUDITOR EFFECTIVENESS

THAT it be noted that a discussion considering the effectiveness of the external audit has occurred.

7.12 SUMMARY OF QAO REPORT: MANAGING THE SUSTAINABILITY OF LOCAL GOVERNMENT SERVICES (REPORT 2: 2019-20)

THAT the Audit, Risk and Business Improvement Committee receive this report on the QAO Report 2: 2019-20 "Managing the Sustainability of Local Government Services".

7.13 CEO UPDATE ON EMERGING ISSUES

THAT the Committee receive the verbal update provided by the Chief Executive Officer on emerging issues.

7.14 EXECUTIVE LEADERSHIP TEAM UPDATE TO THE COMMITTEE

THAT the Committee receives the verbal updates provided by the Leadership Team on key activities or issues.

L1 MANAGING CYBER SECURITY RISKS (REPORT 3: 2019-20)

THAT the Audit, Risk and Business Improvement Committee receive this report on the Queensland Audit Office Report "Managing cyber security risks (Report 3: 2019-20)".

12.1 RISK MANAGEMENT UPDATE

THAT the Committee receive the Risk Management Report for information.

Moved by: Deputy Mayor, Councillor Hutton

Seconded by: Councillor Kelly

MOTION CARRIED

12 REPORTS

12.1 MONTHLY FINANCIAL REPORT FOR THE PERIOD ENDING 31 DECEMBER 2019

File No: FM12.14.1

Attachments: 1. [Monthly Finance Report - December 2019](#) ⇨

Responsible Officer: Andrea Ellis - Chief Financial Officer

Author: Damien Cross - Coordinator - Accounting Services
Rachel Jackson - Coordinator Procurement

SUMMARY

Presentation of the Livingstone Shire Council Monthly Financial Report for the period ending 31 December 2019 by the Chief Financial Officer.

COUNCIL RESOLUTION

THAT the Livingstone Shire Council Monthly Financial Report for the period ending 31 December 2019 be received.

Moved by: Deputy Mayor, Councillor Hutton

Seconded by: Councillor Kelly

MOTION CARRIED UNANIMOUSLY

12.2 QUARTERLY BUDGET REVIEW (20Q2)

File No: FM12.5.2

Attachments:

1. [20Q2 Budget Review Statements](#)
2. [20Q2 Measures of Financial Sustainability](#)
3. [20Q2 Change in Rates](#)
4. [20Q2 Estimated Activity Statements](#)

Responsible Officer: Brett Bacon - Acting Chief Executive Officer

Author: Andrea Ellis - Chief Financial Officer

SUMMARY

The Quarterly Budget Review (20Q2) is presented to Council for adoption recognising changes to the financial position since the 2019-20 Revised Budget (20Q1) was adopted on 21 October 2019.

COUNCIL RESOLUTION

THAT Council resolve to adopt, pursuant to section 107A of the *Local Government Act 2009* and sections 169 and 170 of the *Local Government Regulation 2012*, the Quarter 2 Revised Budget (20Q2) for the financial year 2019-20 and the Long Term Financial Forecast for the financial years 2019-20 to 2028-29, as contained within the document entitled 2019-20 Revised Budget and Long Term Financial Forecast (Attachment One) and set out in the pages contained therein:

- 1) Statement of Financial Position (Attachment One);
- 2) Statement of Cash Flows (Attachment One);
- 3) Statement of Income and Expenditure (Attachment One);
- 4) Statement of Changes in Equity (Attachment One);
- 5) Long-Term Financial Forecast (Attachment One);
- 6) Relevant Measures of Financial Sustainability (Attachment Two);
- 7) Total Value of change in the rates and charges expressed as a percentage (Attachment Three); and
- 8) Revised estimated business activity costs for the period ending 30 June 2020 (Attachment Four).

Moved by: Mayor Ludwig
Seconded by: Deputy Mayor, Councillor Hutton

MOTION CARRIED

DIVISION:

Crs A Belot, P Eastwood, N Hutton, J Kelly, B Ludwig and T Wyatt voted in the affirmative.
Cr G Mather voted in the negative.

12.3 PROPOSED TOURIST PARK AT 176 COBRABALL ROAD BONDOOLA

File No: CR 515016
Attachments: 1. [Attachment one - Locality Plan](#)
2. [Attachment two - Site layout](#)
Responsible Officer: David Battese - Manager Liveability
Author: Michelle Ballenger - Principal Planning Officer

SUMMARY

This matter was presented at the Council meeting held on 19 November 2019 and was laid on the table. The matter is now presented to be lifted from the table and dealt with.

The report seeks to provide information to Council in regards to the Tourist park operating on the property at 176 Cobraball Road, Bondoola, known as Savannah Park.

COUNCIL RESOLUTION

THAT Council;

- (1) not waive or reduce the development application fees for the Tourist park development at 176 Cobraball Road, Bondoola, known as Savannah Park; and
- (2) postpone the decision to waive or reduce the Infrastructure Charges until the internal review of Infrastructure Charges is completed.

Moved by: Deputy Mayor, Councillor Hutton

Seconded by: Councillor Kelly

MOTION CARRIED**DIVISION:**

Crs A Belot, P Eastwood, N Hutton, J Kelly, B Ludwig and T Wyatt voted in the affirmative.

Cr G Mather voted in the negative.

12.4 CYCLE NETWORK LOCAL GOVERNMENT GRANTS PROGRAM 2020/21 - SHARED PATH FUNDING

File No: TT30.8.5
Attachments: Nil
Responsible Officer: Dan Toon - Executive Director Infrastructure
Author: Amal Meegahawattage - Co-ordinator Infrastructure Planning

SUMMARY

The purpose of this report is to gain endorsement for design and construction of shared path links that have been applied for funds under the Cycle Network Local Government Grants Program 2020-21.

COUNCIL RESOLUTION

THAT Council endorses implementation of following two (2) projects under the Cycle Network Local Government Grants Program 2020/21, subjected to receiving approval for 50% State funding:

- Taranganba Road West shared path; and
- Hartley Street shared path upgrade.

Moved by: Councillor Eastwood

Seconded by: Councillor Kelly

MOTION CARRIED UNANIMOUSLY

13 QUESTIONS/STATEMENT/MOTIONS ON NOTICE FROM COUNCILLORS

13.1 NOTICE OF MOTION - COUNCILLOR ADAM BELOT - BANGALEE BEACH ACCESS CONSULTATION.

File No: GV13.4.4
Attachments: 1. [Notice of Motion](#) ⇨
Responsible Officer: Brett Bacon - Acting Chief Executive Officer

SUMMARY

Councillor Adam Belot indicated his intention to move the attached Notice of Motion at the Council Meeting 3 December 2019.

Suspension of Standing Orders

PROCEDURAL MOTION

11.45AM

That pursuant to s2.19.1(i) and s2.19.13 of Livingstone Shire Council's Meeting Procedures Policy the provisions of the Meeting Procedures be suspended to allow adequate time for informal discussion on Item 13.1 – Notice of Motion – Councillor Adam Belot – Bangalee Beach Access Consultation prior to entering into formal debate.

Moved by: Councillor Belot

Seconded by: Mayor Ludwig

MOTION CARRIED

11:50AM Deputy Mayor, Councillor Hutton left the meeting and did not return.

Resumption of Standing Orders

PROCEDURAL MOTION

11.54AM

That pursuant to s2.19.1(i) and s2.19.13 of Livingstone Shire Council's Meeting Procedures Policy the provisions of the Meeting Procedures be resumed.

Moved by: Mayor Ludwig

Seconded by: Councillor Belot

MOTION CARRIED

COUNCIL RESOLUTION

THAT Livingstone Shire Council undertake meaningful community consultation with the Bangalee community and (any other key stakeholders) to determine their level of support for the following in relation to vehicle access onto Farnborough Beach

1/ Do you support Council investigating a viable additional and/or alternate northern vehicle beach access point accessing onto Farnborough Beach.

Moved by: Councillor Belot

Seconded by: Mayor Ludwig

MOTION CARRIED UNANIMOUSLY

13.2 QUESTIONS ON NOTICE - COUNCILLOR GLENDA MATHER - GREAT KEPPEL ISLAND REVITALISATION PROJECT**File No:** GV13.4.4**Attachments:** 1. QoN - Great Keppel Island Revitalisation Project [⇒](#)**Responsible Officer:** Brett Bacon - Acting Chief Executive Officer

SUMMARY

Councillor Glenda Mather submitted the attached 'Questions on Notice' for inclusion on the Council meeting agenda of 4 February 2020.

COUNCIL RESOLUTION

THAT the 'Questions on Notice' be received and a report providing a response to the questions be brought to a future Council meeting.

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

14 URGENT BUSINESS QUESTIONS

14.1 INTERVENTION LEVELS

Responsible Officer: Dan Toon – Executive Director Infrastructure

SUMMARY

Mayor Ludwig requested a review of the methodology and criteria for road intervention levels.

COUNCIL RESOLUTION

THAT Council review the methodology and criteria for road intervention levels.

Moved by: Mayor Ludwig
Seconded by: Councillor Kelly
MOTION CARRIED UNANIMOUSLY

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

12.34PM

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 Potential Sale of Lot 18 on Survey Plan 296924 at The Gateway Business and Industry Park

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 Council.

16.2 Properties Eligible for Sale of Land for Rate Arrears

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.

16.3 ACQUISITION OF LAND

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 Council.

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

COUNCIL RESOLUTION

1.02PM

THAT the meeting moves out of closed session and be opened to the public.

Moved by: Councillor Wyatt
Seconded by: Councillor Kelly
MOTION CARRIED

16 CONFIDENTIAL REPORTS

16.1 POTENTIAL SALE OF LOT 18 ON SURVEY PLAN 296924 AT THE GATEWAY BUSINESS AND INDUSTRY PARK

File No: ED8.5.2

Attachments: 1. **Concept Plan of Stage Two, The Gateway Business and Industry Park**

Responsible Officer: **Brett Bacon - Acting Chief Executive Officer
Jan Anfruns - Manager Economy and Places**

Author: **Elle Wallin - Project Support 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 Council.

SUMMARY

An investor has expressed interest in purchasing a parcel of land at The Gateway Business and Industry Park described as Lot 18 on Survey Plan 296924.

COUNCIL RESOLUTION

THAT Council accept the offer, as detailed in the below report, to sell Lot 18 on SP296924, known as 6 Macadamia Drive, Hidden Valley.

Moved by: **Councillor Eastwood**

Seconded by: **Councillor Kelly**

MOTION CARRIED

16.2 PROPERTIES ELIGIBLE FOR SALE OF LAND FOR RATE ARREARS**File No:** FM12.1.9**Attachments:**

1. Table of Properties
2. Sale of Land - Workflow

Responsible Officer: Andrea Ellis - Chief Financial Officer**Author:** Priscilla Graham - Coordinator Revenue

This report is considered confidential in accordance with section 275(1)(h), of the *Local Government Regulation 2012*, as it contains information relating to other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.

SUMMARY

Under the provisions of the Local Government Regulation 2012 Council has the authority to recover outstanding rates and charges through a land sale process where the amounts have been overdue for three or more years. The attachment (1), there are twelve (12) properties that have both, received the pre land sale correspondence and meet the criteria being eligible for land sale. The total value of the assessment balances is now \$356,409 including water accounts. This represents 18 accounts and 9% of the total Rates & Utilities overdue.

COUNCIL RESOLUTION

THAT

- (a) pursuant to section 140(2) of the Local Government Regulation 2012 Council proceed with action to sell the land listed below, and also detailed in attachment 1 to the report for overdue rates and charges; and
- (b) that Council delegate to the Chief Executive Officer the power to take all further steps under Chapter 4, Part 12, Division 3 of the *Local Government Regulation 2012* to effect sale of the land (including, for avoidance of doubt, the power to end sale procedures).

127032 – L5 RP 601484

135251 – L1 RP 605760

131221 – L3 RP 617035

139480 – L 5 SP 269992

131847 – L29 MPH 14441

140000 – L2 RP 616623

132462 – L11 SP 226589

143633 – L142 SP 203612

132798 – L7 SP 112046

302419 – L52 SP 237553

134330 – L178 RP 610896

127596 – L71 RP 604123

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

16.3 ACQUISITION OF LAND**File No:** ED8.5.12**Attachments:**

1. Section of land proposed to be sold to Council
2. Report to Ordinary Council Meeting of 20 August 2019
3. Report to Ordinary Council Meeting of 5 November 2019

Responsible Officer: Brett Bacon - Acting Chief Executive Officer**Author:** Brett Bacon - Acting Chief Executive 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 Council.

SUMMARY

This report considers a potential acquisition of land.

COUNCIL RESOLUTION

THAT Council resolves to proceed in accordance with Option One, as detailed within the body of this report.

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

17 CLOSURE OF MEETING

There being no further business the meeting closed at 1.05pm.

Mayor Councillor Bill Ludwig
CHAIRPERSON

DATE