



ORDINARY MEETING

MINUTES

25 OCTOBER 2022

The resolutions contained within these minutes were confirmed at the Ordinary Council Meeting of the 15th November 2022.

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MINUTES OF THE ORDINARY MEETING HELD AT COUNCIL CHAMBERS, 4 LAGOON PLACE, YEPPON ON TUESDAY, 25 OCTOBER 2022 COMMENCING AT 9.01AM

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."

Opening Prayer

The opening prayer was delivered by Pastor Ron McClintock of the Yeppoon Wesleyan Church.

2 PRESENT

Members Present:

Mayor, Councillor Andrew Ireland (Chairperson)
Deputy Mayor, Councillor Adam Belot
Councillor Nigel Hutton
Councillor Pat Eastwood
Councillor Glenda Mather
Councillor Andrea Friend
Councillor Rhodes Watson

Officers in Attendance:

Cale Dendle - Chief Executive Officer
Chris Ireland – General Manager Communities
Michael Kriedemann – Executive Director Infrastructure
Cameron Franklin – Infrastructure Project Engineer
Sean Fallis – Manager Infrastructure Projects
Tammy Wardrop – Principal Planning Officer
Erin McCabe – Coordinator Development Assessment
Nat Druery – Coordinator Public Environments
Hazel Chappell – Principal Environmental Health Officer
Sonia Barber – Acting Manager Economy and Places
Molly Saunders – Principal Community Development and Engagement Officer
Andrea Ellis – Chief Financial Officer
Maddie Crigan – Property Development Strategist
Christine Macdonald – Principal Property Officer

3 LEAVE OF ABSENCE / APOLOGIES

Nil

4 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

COUNCIL RESOLUTION

THAT the minutes of the Ordinary Meeting held on 20 September 2022 be taken as read and adopted as a correct record.

Moved by: Councillor Mather

Seconded by: Councillor Watson

MOTION CARRIED UNANIMOUSLY

COUNCIL RESOLUTION

THAT the minutes of the Special Meeting held on 4 October 2022 be taken as read and adopted as a correct record.

Moved by: Councillor Watson

Seconded by: Councillor Eastwood

MOTION CARRIED UNANIMOUSLY

5 DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA

I, Councillor Pat Eastwood, have a declarable conflict of interest in Item 11.2 – Upgrade to Gravel Pit Road and Tookers Road, Cawarral – Proposal by Rural Fire Brigades – as I am a shareholder in Surflakes Holdings Pty Ltd. Consequently, I will leave the chamber for the discussion and voting in relation to this matter.

I, Councillor Adam Belot, have a declarable conflict of interest in Item 11.2 – Upgrade to Gravel Pit Road and Tookers Road, Cawarral – Proposal by Rural Fire Brigades – as I am a shareholder in Surflakes Holdings Pty Ltd. Consequently, I will leave the chamber for the discussion and voting in relation to this matter.

I, Councillor Glenda Mather, have a declarable conflict of interest in Item 11.1 – Councillor Mileage Claims as I am the subject of the report. Consequently, I will leave the chamber for the discussion and voting in relation to this matter.

I, Councillor Rhodes Watson, have a declarable conflict of interest in Item 11.1 – Councillor Mileage Claims as I am the subject of the report. Consequently, I will leave the chamber for the discussion and voting in relation to this matter.

6 DEPUTATIONS

6.1 9.00AM DEPUTATION - MARTIN BROOKS - GREEN CAFFEEN

File No: GV
Attachments: 1. Proposal - LSC - Green Caffeen
Responsible Officer: Amanda Ivers - Coordinator Executive Support
Author: Renee Dwyer - Executive Support Officer

SUMMARY

Through Councillor Friend, Mr Martin Brooks will present a deputation to speak about partnerships with Councils to reduce single use coffee cup waste.

COUNCIL RESOLUTION

THAT the Deputation be received.

Moved by: Councillor Friend
Seconded by: Councillor Watson

MOTION CARRIED UNANIMOUSLY

6.2 9.30AM DEPUTATION - JAMES CALLAN - UPCYCLE CQ

File No: GV
Attachments: Nil
Responsible Officer: Amanda Ivers - Coordinator Executive Support
Author: Renee Dwyer - Executive Support Officer

SUMMARY

Through Councillor Andrea Friend, Mr James Callan will present a deputation to Council in relation to Upcycle CQ.

COUNCIL RESOLUTION

THAT the Deputation be received.

Moved by: Councillor Hutton

Seconded by: Councillor Friend

MOTION CARRIED UNANIMOUSLY

7 BUSINESS ARISING OR OUTSTANDING FROM PREVIOUS MEETINGS

7.1 BUSINESS OUTSTANDING TABLE FOR ORDINARY COUNCIL MEETING

File No: GV13.4.1

Attachments: 1. Business Outstanding Table - October 2022

Responsible Officer: Cale Dendle - Chief Executive Officer

SUMMARY

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

COUNCIL RESOLUTION

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

Moved by: Councillor Mather

Seconded by: Councillor Watson

MOTION CARRIED UNANIMOUSLY

7.2 LIFTING MATTERS LAYING ON THE TABLE**File No:** GV13.4.6**Attachments:** Nil**Responsible Officer:** Cale Dendle - Chief Executive Officer

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 resolves that the following reports which are 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:

1. Upgrade to Gravel Pit Road and Tookers Road, Cawarral – Proposal by Rural Fire Brigades.

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

8 PRESENTATION OF PETITIONS

Nil

9 COUNCILLOR/DELEGATE REPORTS

9.1 COMMUNITY VOICE PANEL - WATER, WASTE MANAGEMENT AND ENVIRONMENT - UPDATE

File No: qA26238
Attachments: Nil
Responsible Officer: Michael Kriedemann - Executive Director Infrastructure
Author: Kat Groves - Executive Assistant to Director Infrastructure Services

SUMMARY

Councillor Friend facilitated a Water, Waste Management and Environment Community Voice Panel meeting on 9 September 2022.

COUNCIL RESOLUTION

THAT Council receives the Water, Waste Management and Environment Community Voice Panel update from the meeting held on 9 September 2022.

Moved by: Councillor Friend
Seconded by: Deputy Mayor, Councillor Belot
MOTION CARRIED UNANIMOUSLY

9.2 COMMUNITY VOICE PANEL - ECONOMIC DEVELOPMENT, REGIONAL ADVOCACY AND INTERGOVERNMENTAL RELATIONS AND VIBRANT COMMUNITIES- UPDATE

File No: GV13.09.04
Attachments: Nil
Responsible Officer: Amanda Ivers - Coordinator Executive Support
Cale Dendle - Chief Executive Officer
Author: Justine Schofield - Executive Assistant to the Mayor

SUMMARY

Mayor Ireland and Cr Watson facilitated the joint Economic Development, Regional Advocacy and Intergovernmental Relations and Vibrant Communities, Community Voice Panel meeting on the 7th September 2022.

COUNCIL RESOLUTION

THAT Council receives the Economic Development, Regional Advocacy and Intergovernmental Relations and Vibrant Communities, Community Voice Panel update from the meeting held on 7th September 2022.

Moved by: Mayor, Councillor Ireland

Seconded by: Councillor Watson

MOTION CARRIED UNANIMOUSLY

10 QUESTIONS/STATEMENT/MOTIONS ON NOTICE FROM COUNCILLORS

10.1 NOTICE OF MOTION - CR HUTTON - CQ SPORTS INFRASTRUCTURE STRATEGY - QUEENSLAND OLYMPICS OPPORTUNITIES

File No: GV13.4.3

Attachments: 1. NOM - Cr Hutton - CQ Sports Infrastructure Strategy

Responsible Officer: Amanda Ivers - Coordinator Executive Support

SUMMARY

Councillor Nigel Hutton has submitted a 'Notice of Motion' in relation to CQ Sports Infrastructure Strategy – Queensland Olympics Opportunities.

COUNCILLOR RECOMMENDATION

THAT Council seek to partner with the Councils of CQROC, sporting groups, and the Queensland Department of Tourism, Innovation and Sport to create a Central Queensland Sports Infrastructure Strategy for the realisation of opportunities from the Queensland Olympics in 2032.

COUNCIL RESOLUTION

THAT Council seek to partner with the Councils of CQROC, local state and national political representatives, sporting groups, and the Queensland Department of Tourism, Innovation and Sport to create a Central Queensland Sports Infrastructure Strategy for the realisation of opportunities from the Queensland Olympics in 2032.

Moved by: Councillor Hutton

Seconded by: Councillor Eastwood

MOTION CARRIED UNANIMOUSLY

10.2 NOTICE OF MOTION - COUNCILLOR BELOT - GKI WASTEWATER TREATMENT PLANT**File No:** GV13.4.1**Attachments:** 1. Notice of Motion - Councillor Belot - GKI Wastewater Treatment Plant**Responsible Officer:** Amanda Ivers - Coordinator Executive Support
Cale Dendle - Chief Executive Officer

SUMMARY

Councillor Adam Belot has submitted a 'Notice of Motion' in relation to the Great Keppel Island Wastewater Treatment Plant.

COUNCILLOR MOTION

THAT in order to address short term risks identified with the Hideaway Sewerage Treatment Plant (STP) on GKI, Council officers collaborate with Hideaway and provide a urgent report with costings needed to ensure STP can function effectively until a long term plan can be established between all stakeholders.

COUNCIL RESOLUTION

That pursuant to s2.18.1(d) and s2.18.11 of Livingstone Shire Council's Meeting Procedures Policy the matter lay on the table pending further discussions with the State Government to return to a future Council Meeting.

Moved by: Councillor Friend**MOTION CARRIED**

Crs A Friend, A Ireland, G Mather and R Watson voted in the affirmative.

Crs A Belot, P Eastwood and N Hutton voted in the negative.

I, Councillor Glenda Mather, have a declarable conflict of interest in Item 11.1 – Councillor Mileage Claims as I am the subject of the report. Consequently, I will leave the chamber for the discussion and voting in relation to this matter.

I, Councillor Rhodes Watson, have a declarable conflict of interest in Item 11.1 – Councillor Mileage Claims as I am the subject of the report. Consequently, I will leave the chamber for the discussion and voting in relation to this matter.

10:13AM Councillor Mather left the meeting.

10:13AM Councillor Watson left the meeting.

11 REPORTS

11.1 COUNCILLOR MILEAGE CLAIMS - COUNCILLOR FACILITIES AND EXPENSES POLICY

File No: CM4.7.36

Attachments: Nil

Responsible Officer: Cale Dendle - Chief Executive Officer

Author: Amanda Ivers - Coordinator Executive Support

SUMMARY

Council endorsement of vehicle mileage claims made outside of normal policy is sought.

COUNCIL RESOLUTION

THAT Council resolves to approve the payment of Councillor Mileage claims for

1. Councillor Rhodes Watson for vehicle mileage submitted 5 October 2022, for the period of 1 March 2022 to 30 July 2022, and
2. Councillor Glenda Mather for vehicle mileage submitted 4 October 2022, for the period of 12 April 2022 to 14 July 2022.

Moved by: Deputy Mayor, Councillor Belot

Seconded by: Councillor Friend

MOTION CARRIED UNANIMOUSLY

10:18AM Councillor Mather returned to the meeting.

10:18AM Councillor Watson returned to the meeting.

I, Councillor Pat Eastwood, have a declarable conflict of interest in Item 11.2 – Upgrade to Gravel Pit Road and Tookers Road, Cawarral – Proposal by Rural Fire Brigades – as I am a shareholder in Surflakes Holdings Pty Ltd. Consequently, I will leave the chamber for the discussion and voting in relation to this matter.

I, Councillor Adam Belot, have a declarable conflict of interest in Item 11.2 – Upgrade to Gravel Pit Road and Tookers Road, Cawarral – Proposal by Rural Fire Brigades – as I am a shareholder in Surflakes Holdings Pty Ltd. Consequently, I will leave the chamber for the discussion and voting in relation to this matter.

10:19AM Councillor Eastwood left the meeting.

10:19AM Deputy Mayor, Councillor Belot left the meeting.

**11.2 UPGRADE TO GRAVEL PIT ROAD AND TOOKERS ROAD, CAWARRAL -
PROPOSAL BY RURAL FIRE BRIGADES**

File No:	fA3892
Attachments:	1. Road Upgrade Notes from Rural Fire Brigade 2. Capricorn Enterprise letter of support 3. Sporting Shooters Association letter of support
Responsible Officer:	Michael Kriedemann - Executive Director Infrastructure
Author:	Kat Groves - Executive Assistant to Director Infrastructure Services
Previous Items:	10.2 - Notice of Motion - Cr Hutton - Rural Fire Brigades - Ordinary Council - 17 May 2022 9.00am 7.2 - Upgrade to Gravel Pit Road and Tookers Road, Cawarral - Proposal by Rural Fire Brigades - Briefing Session - 02 Aug 2022 9.00am 12.1 - Upgrade to Gravel Pit Road and Tookers Road, Cawarral - Proposal by Rural Fire Brigades - Ordinary Council - 16 Aug 2022 9.00am

SUMMARY

This report provides a response to the Council Resolution from the Ordinary Meeting held on 17 May 2022. Council officers have spoken to the Rural Fire Brigade and reviewed the estimates to deliver an upgrade to Gravel Pit / Tookers Road in accordance with the desired level of service requested by the Rural Fire Brigade. Officers were not able to recommend any external funding sources that could be utilised in delivering this project and have instead listed a number of existing projects from the 2022/2023 capital budget that may be deferred.

PROCEDURAL MOTION**10.23AM**

That pursuant to s2.18.1(i) and s2.18.27 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 11.2 – Upgrade to Gravel Pit Road and Tookers Road prior to entering into formal debate.

Moved by: Councillor Mather

Seconded by: Councillor Watson

MOTION CARRIED UNANIMOUSLY

PROCEDURAL MOTION**10.52AM**

That pursuant to s2.18.1(i) and s2.18.27 of Livingstone Shire Council's Meeting Procedures Policy the provisions of the Meeting Procedures be resumed.

Moved by: Councillor Mather

Seconded by: Councillor Friend

MOTION CARRIED UNANIMOUSLY / LOST

OFFICER RECOMMENDATION

THAT Council resolves to:

1. Note that the transport function of the unsealed fire trail in Gravel Pit Road will remain classified as a fire trail in Council's road hierarchy;
2. Endorse that the constructed fire trail will remain as a substantially single lane unsealed road with minor gravel re-sheet improvements;
3. Note that the minor gravel re-sheet improvements are estimated to cost approximately \$100,000; and
4. Continue to advocate for this project and identify external funding opportunities to complete the minor gravel re-sheet improvements.

Moved by: Councillor Mather

MOTION LAPSED FOR WANT OF A SECONDER

COUNCIL RESOLUTION

THAT Council resolves to:

1. Note that the transport function of the unsealed fire trail in Gravel Pit Road will remain classified as a fire trail in Council's road hierarchy; and
2. Note that to construct an upgraded road through the existing low spots and form two lanes with isolated one lane sections, the concept estimate is \$500,000; and
3. Continue to advocate for this project and identify external funding opportunities to complete the minor gravel re-sheet improvements.

Moved by: Councillor Friend

MOTION LAPSED FOR WANT OF A SECONDER

10:53AM Deputy Mayor, Councillor Belot returned to the meeting.

10:53AM Councillor Eastwood returned to the meeting.

**11.3 DEVELOPMENT APPLICATION D-276-2019 AT 31 COUGHLAN STREET AND 12
& 14 SCHOOL STREET, YEPPON**

File No: D-276-2019

Attachments:

1. Locality and site plan
2. Development proposal plans
3. Planning Scheme Code Assessment

Responsible Officer: Erin McCabe - Co-ordinator Development Assessment
David Battese - Manager Liveability

Author: Tracy Jones - Planning Officer

WITHDRAWN FROM AGENDA

11.4 REQUEST FOR A NEGOTIATED INFRASTRUCTURE CHARGES NOTICE FOR DEVELOPMENT PERMIT D-228-2020

File No: D-228-2020

Attachments:

1. Locality Plan
2. Site Plan
3. Infrastructure Charges Notice
4. Applicant's Representations

Responsible Officer: Erin McCabe - Co-ordinator Development Assessment
David Battese - Manager Liveability
Chris Ireland - General Manager Communities

Author: Tammy Wardrop - Principal Planning Officer

SUMMARY

Development Application Number: D-228-2020

Applicant: MA Neave and CW Rogers

Real Property Address: Lot 3 on MPH25368

Common Property Address: 176 Cobraball Road, Bondoola

Area of Site: 16.187 hectares

Planning Scheme: Livingstone Planning Scheme 2018

Existing Development: Dwelling house and ancillary structures

Existing Approvals: Development Permit D-228-2020 for Material Change of Use for Nature based tourism (Naturist Tourist Park)

Adopted Infrastructure Charges Area: Outside the Priority Infrastructure Area

COUNCIL RESOLUTION

THAT in relation to the request for a Negotiated Infrastructure Charges Notice for Development Permit D-228-2020, made by MA Neave and CW Rogers, on land described as Lot 3 on MPH25368, and located at 176 Cobraball Road, Bondoola, Council resolves that the Negotiated Infrastructure Charges Notice (amended) issued for the amount of \$44,604.00 prevails and the applicant is invited to enter an Infrastructure Agreement to stage payment of the charge across a two (2) year period starting from the date of the resolution.

Moved by: Councillor Hutton

Seconded by: Councillor Watson

MOTION CARRIED UNANIMOUSLY / LOST

Crs A Belot, P Eastwood, N Hutton, A Ireland, G Mather and R Watson voted in the affirmative.

Cr A Friend voted in the negative.

COUNCIL RESOLUTION**11.20AM**

THAT the meeting be adjourned.

Moved by: Mayor, Councillor Ireland**Seconded by:****MOTION CARRIED UNANIMOUSLY / LOST****COUNCIL RESOLUTION****11.32AM**

THAT the meeting be resumed.

Moved by: Mayor, Councillor Ireland**MOTION CARRIED UNANIMOUSLY**

The Mayor advised the meeting that Councillor Hutton had given advance notice of his need to attend an offsite appointment for a period.

11:32AM Councillor Hutton left the meeting.

11.5 REQUEST FOR REDUCTION OF DEVELOPMENT APPLICATION FEES - LOT 5 ON RP614856

File No: CR614019

Attachments: 1. Fee Reduction Request letter
2. Site Plan and Proposal Plan

Responsible Officer: Erin McCabe - Co-ordinator Development Assessment
David Battese - Manager Liveability
Chris Ireland - General Manager Communities

Author: Jenna Davies - Principal Planning Officer

SUMMARY

Reel Planning on behalf of their client, Limestone Creek Road Developments Pty Ltd, have made representations to Council seeking a reduction in development application fees for Reconfiguring a Lot (one lot into two lots), Material Change of Use for a Relocatable home park, Reconfiguring a Lot (one lot into seventy six lots) and Preliminary approval for a variation request, located at 73 Limestone Creek Road, Inverness. The application has not yet been lodged with Council.

OFFICER'S RECOMMENDATION

THAT Council resolve to accept an application fee of \$160,838.00 for the Development Application, on the basis of the proposed fee representing the cost recovery allowable under section 97(4) of the *Local Government Act 2009*, with the fee reduction being valid for the 2022/23 financial year only.

COUNCIL RESOLUTION

THAT Council resolve to accept an application fee of \$95,500.00 for the Development Application, on the basis of the proposed fee representing the cost recovery allowable under section 97(4) of the *Local Government Act 2009*, with the fee reduction being valid for the 2022/23 financial year only.

Moved by: Councillor Friend
Seconded by: Mayor, Councillor Ireland
MOTION CARRIED UNANIMOUSLY

11.6 STANAGE BAY ROAD UPGRADE PROJECT - STAGE 4 - WADALLAH CREEK FLOODWAY CROSSING

File No: fA7032
Attachments: Nil
Responsible Officer: Michael Kriedemann - Executive Director Infrastructure
Author: Sean Fallis - Manager Infrastructure Projects
Previous Items: 7.3 - Stanage Bay Road Upgrade Project - Stage 4 - Wadallah Creek Floodway Crossing - Briefing Session - 06 Sep 2022 9.00am

SUMMARY

Council has received a request from the Stanage Township Organisation through Councillor Mather to consider alternative treatments at the Wadallah Creek floodway crossing to improve accessibility after flooding has receded with this work to be funded through cost savings from the current Stanage Bay Road upgrading works. Key stakeholders have been consulted on this matter and work priorities to compliment the current works.

OFFICER'S RECOMMENDATION

THAT Council resolve to:

- 1) Budget savings from the Stanage Bay Road upgrade project be prioritised to the rehabilitation of the first sealed section of Stanage Bay Road (approximately 4km) and widening of the existing single lane bridge at Tilpal Creek; and
- 2) Council Officers liaise with the Federal Government to formalise the change to funding deed and project scope; and
- 3) Council Officers inform the Stanage Community of Council's decision.

PROCEDURAL MOTION

That pursuant to s2.18.1(d) and s2.18.11 of Livingstone Shire Council's Meeting Procedures Policy the matter lay on the table until later in the meeting.

Moved by: Mayor, Councillor Ireland

MOTION CARRIED UNANIMOUSLY

11.7 COMMUNITIES QUARTERLY MANAGEMENT REPORT

File No: GV
Attachments: Nil
Responsible Officer: Chris Ireland - General Manager Communities
Author: Jo McLennan - Executive Officer

SUMMARY

This report provides a summary of a range of strategic and operational activities within the Communities portfolio of Council for the period 1 July 2022 to 30 September 2022.

COUNCIL RESOLUTION

THAT the Communities portfolio management report for the period 1 July 2022 to 30 September 2022 be received.

Moved by: Councillor Mather

Seconded by: Councillor Friend

MOTION CARRIED UNANIMOUSLY

11.8 POLICY REVIEW: REPEAL OF FAILURE TO RENEW LICENCE RESPONSE POLICY

File No: A742876
Attachments: 1. Failure To Renew Licence Response Policy (Community Policy)
Responsible Officer: David Battese - Manager Liveability
Chris Ireland - General Manager Communities
Author: Nat Druery - Coordinator Public Environments
Hazel Chappell - Principal Environmental Health Officer

SUMMARY

Following a review of the Failure to Renew Licence Response Policy (Community Policy), this report is presented to Council for consideration.

COUNCIL RESOLUTION

THAT the Renew Licence Response Policy (Community Policy) be repealed.

Moved by: Councillor Friend
Seconded by: Councillor Watson
MOTION CARRIED UNANIMOUSLY

11.9 REPEAL OF UNLICENCED PREMISES RESPONSE POLICY (COMMUNITY POLICY)

File No: A742876

Attachments: 1. Unlicensed Premises Response Policy (Community Policy)

Responsible Officer: David Battese - Manager Liveability
Chris Ireland - General Manager Communities

Author: Nat Druery - Coordinator Public Environments
Hazel Chappell - Principal Environmental Health Officer

SUMMARY

Following a review of the Unlicensed Premises Response Policy (Community Policy) this report is presented to Council for consideration.

COUNCIL RESOLUTION

THAT the Unlicensed Premises Response Policy (Community Policy) be repealed.

Moved by: Councillor Friend

Seconded by: Councillor Mather

MOTION CARRIED UNANIMOUSLY

11.10 REVISED 12 MONTH E-SCOOTER OPERATOR AGREEMENT**File No:** ED8.5.16**Attachments:**
1. FINAL E Scooter Operator Agreement
2. E Scooter Risk Assessment**Responsible Officer:** Chris Ireland - General Manager Communities**Author:** Emily Van Riet - Economic Development Officer

SUMMARY

This report seeks a Council resolution to accept the revised E-Scooter operator agreement between Neuron Mobility and Livingstone Shire Council and proceed with the 12-month E-scooter trial.

COUNCIL RESOLUTION

THAT Council resolve to proceed with a 12-month E-scooter trial with Neuron Mobility as per the updated operator agreement (refer Attachment One).

Moved by: Councillor Eastwood**Seconded by:** Deputy Mayor, Councillor Belot**MOTION CARRIED**

Crs A Belot, P Eastwood, A Friend, A Ireland and R Watson voted in the affirmative.

Cr G Mather voted in the negative.

11.6 STANAGE BAY ROAD UPGRADE PROJECT - STAGE 4 - WADALLAH CREEK FLOODWAY CROSSING

File No: fA7032
Attachments: Nil
Responsible Officer: Michael Kriedemann - Executive Director Infrastructure
Author: Sean Fallis - Manager Infrastructure Projects
Previous Items: 7.3 - Stanage Bay Road Upgrade Project - Stage 4 - Wadallah Creek Floodway Crossing - Briefing Session - 06 Sep 2022 9.00am

SUMMARY

Council has received a request from the Stanage Township Organisation through Councillor Mather to consider alternative treatments at the Wadallah Creek floodway crossing to improve accessibility after flooding has receded with this work to be funded through cost savings from the current Stanage Bay Road upgrading works. Key stakeholders have been consulted on this matter and work priorities to compliment the current works.

COUNCIL RESOLUTION

That pursuant to s2.18.1(d) and s2.18.13 of Livingstone Shire Council's Meeting Procedures Policy the matter be lifted from the table to be dealt with.

Moved by: Mayor, Councillor Ireland

MOTION CARRIED UNANIMOUSLY

OFFICER'S RECOMMENDATION

THAT Council resolve to:

- 1) Budget savings from the Stanage Bay Road upgrade project be prioritised to the rehabilitation of the first sealed section of Stanage Bay Road (approximately 4km) and widening of the existing single lane bridge at Tilpal Creek; and
- 2) Council Officers liaise with the Federal Government to formalise the change to funding deed and project scope; and
- 3) Council Officers inform the Stanage Community of Council's decision.

COUNCIL RESOLUTION

THAT Council resolve to:

1. Support the proposal to construct a concrete bed level floodway across Wadallah Creek on an improved alignment in accordance with the current funding deed;
2. Budget savings from the Stanage Bay Road upgrade project be prioritised to the rehabilitation of the first sealed section of Stanage Bay Road (approximately 4km) and widening of the existing single lane bridge at Tilpal Creek;
3. Council Officers liaise with the Federal Government to formalise the change to the funding deed and project scope; and
4. Council Officers inform the Stanage community of Council's decision.

Moved by: Councillor Mather

Seconded by: Councillor Eastwood

MOTION CARRIED UNANIMOUSLY

**11.11 APPLICATION FOR PERMANENT ROAD CLOSURE - ADJACENT TO LOT 23
LI68 (NINE MILE ROAD MARLBOROUGH)****File No:** fA14915**Attachments:**

1. Letter from Department of Resources
2. Workshop Agenda 21 May 2018
3. Letter to landowner

Responsible Officer: Tony Lau - Manager Engineering Services
Michael Kriedemann - Executive Director Infrastructure**Author:** Carrie Burnett - Policy & Planning Officer

SUMMARY

This report pertains to a proposed permanent road closure of part of Nine Mile Road, Marlborough adjoining Lot 23 LI68.

OFFICER'S RECOMMENDATION

THAT Council resolve to advise the Department of Resources that it does not object to the permanent closure of parts of Nine Mile Road Marlborough, shown as Areas A and B on Drawing No 17/017C/CEN, subject to a minimum 40 metre width being retained, which is located across topography that provides for construction of a future road at a reasonable cost.

PROCEDURAL MOTION

That pursuant to s2.18.1(d) and s2.18.11 of Livingstone Shire Council's Meeting Procedures Policy the matter lay on the table until later in the meeting.

Moved by: Councillor Mather**MOTION CARRIED UNANIMOUSLY**

11.12 APPLICATION FOR PERMANENT ROAD CLOSURE - VENTURE TRAIL OFF DAIRY INN ROAD, CAWARRAL ADJACENT TO LOT 1 RP848851

File No:	fA15784
Attachments:	1. Plan 2. Application for road closure
Responsible Officer:	Tony Lau - Manager Engineering Services Michael Kriedemann - Executive Director Infrastructure
Author:	Carrie Burnett - Policy & Planning Officer
Previous Items:	12.9 - Proposed permanent road closure adjoining Lot 1 on RP848851 - Ordinary Council - 19 Mar 2019 8.30am

SUMMARY

This report pertains to an application to permanently close an area of road off Dairy Inn Road Cawarral known as Venture Trail.

OFFICER'S RECOMMENDATION

THAT Council resolve to:

1. Advise the applicant that it objects to the proposal to permanently close Venture Trail off Dairy Inn Road Cawarral adjacent to Lot 1 RP848851 because the Venture Trail road reserve:
 - a) has been identified as a fire trail due to historic fire activity and needs to remain accessible;
 - b) has strategic, environmental and community value;
 - c) has been used as a secondary (albeit informal) link to Dairy Inn Road during times of disaster;
 - d) could be required in the future for its gazetted purpose/potential strategic road reserve links; and
 - e) may provide Lot 26 SP251105 with:
 - access to Dairy Inn Road or Venture Road; and
 - a potential road frontage via a future road and the flexibility to position an access anywhere along its entire eastern boundary.
2. Authorise the Chief Executive Officer to sign a 'Statement in relation to an application under the *Land Act 1994* over State land (Part C)' advising the Department of Resources that Council, as road manager, objects to the proposal to permanently close Venture Trail off Dairy Inn Road Cawarral adjacent to Lot 1 RP848851 for the same reasons identified above.

PROCEDURAL MOTION

That pursuant to s2.18.1(d) and s2.18.11 of Livingstone Shire Council's Meeting Procedures Policy the matter lay on the table pending an onsite inspection of the road to return to a future Council Meeting.

Moved by: Deputy Mayor, Councillor Belot

MOTION CARRIED UNANIMOUSLY

12:40PM Councillor Hutton returned to the meeting.

PROCEDURAL MOTION

12.40PM

THAT the meeting be adjourned.

Moved by: Mayor, Councillor Ireland

MOTION CARRIED UNANIMOUSLY

PROCEDURAL MOTION

1.23PM

THAT the meeting be resumed.

Moved by: Councillor Mather

MOTION CARRIED UNANIMOUSLY

11.11 APPLICATION FOR PERMANENT ROAD CLOSURE - ADJACENT TO LOT 23 LI68 (NINE MILE ROAD MARLBOROUGH)**File No:** fA14915**Attachments:**

1. Letter from Department of Resources
2. Workshop Agenda 21 May 2018
3. Letter to landowner

Responsible Officer: Tony Lau - Manager Engineering Services
Michael Kriedemann - Executive Director Infrastructure**Author:** Carrie Burnett - Policy & Planning Officer**SUMMARY**

This report pertains to a proposed permanent road closure of part of Nine Mile Road, Marlborough adjoining Lot 23 LI68.

PROCEDURAL MOTION

That pursuant to s2.18.1(d) and s2.18.13 of Livingstone Shire Council's Meeting Procedures Policy the matter be lifted from the table to be dealt with.

Moved by: Councillor Mather**MOTION CARRIED UNANIMOUSLY****OFFICER'S RECOMMENDATION**

THAT Council resolve to advise the Department of Resources that it does not object to the permanent closure of parts of Nine Mile Road Marlborough, shown as Areas A and B on Drawing No 17/017C/CEN, subject to a minimum 40 metre width being retained, which is located across topography that provides for construction of a future road at a reasonable cost.

PROCEDURAL MOTION

That pursuant to s2.18.1(d) and s2.18.11 of Livingstone Shire Council's Meeting Procedures Policy, the matter lay on the table pending further investigation to return to the Council Meeting of the 15th November 2022,

Moved by: Deputy Mayor, Councillor Belot**MOTION CARRIED UNANIMOUSLY**

11.13 AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING 19 SEPTEMBER 2022**File No:** GV13.4.2**Attachments:** 1. Audit, Risk and Improvement Committee
ARaIC Unconfirmed Meeting Minutes -
Meeting 19 September 2022**Responsible Officer:** Andrea Ellis - Chief Financial Officer**Author:** Nicole Carr - Support Services Officer

SUMMARY

The Audit, Risk and Improvement Committee (ARaIC) met on 19 September 2022 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 Audit, Risk and Improvement Committee and Councillor Portals.

COUNCIL RESOLUTION

THAT the unconfirmed minutes of the Audit, Risk and Improvement Committee held on 19 September 2022 be received.

Moved by: Councillor Mather**Seconded by:** Councillor Watson**MOTION CARRIED UNANIMOUSLY**

11.14 MONTHLY FINANCIAL REPORT FOR THE PERIOD ENDING 30 SEPTEMBER 2022**File No:** FM12.14.1**Attachments:**
1. Monthly Financial Report September 2022
2. Contract Award Summaries September 2022**Responsible Officer:** Andrea Ellis - Chief Financial Officer**Author:** Caitlyn Good - Management and Treasury Accountant

SUMMARY

Presentation of the Livingstone Shire Council Monthly Financial Report for the Period Ending 30 September 2022 by the Chief Financial Officer.

01:34PM Councillor Watson left the meeting.

01:42PM Councillor Watson returned to the meeting.

COUNCIL RESOLUTION

THAT the Livingstone Shire Council Monthly Financial Report for the period ending 30 September 2022 be received.

Moved by: Mayor, Councillor Ireland

Seconded by: Deputy Mayor, Councillor Belot

MOTION CARRIED UNANIMOUSLY

**11.15 POLICY REVIEW - ACQUIRING LAND AND EASEMENTS FOR
INFRASTRUCTURE SERVICES POLICY AND PROCEDURE**

File No: qA24914

Attachments: 1. Draft Policy (v4)
2. Draft Procedure (v3)

Responsible Officer: Tony Lau - Manager Engineering Services
Michael Kriedemann - Executive Director Infrastructure

Author: Carrie Burnett - Policy & Planning Officer

Previous Items: 7.4 - Policy Review - Acquiring Land and Easements for
Infrastructure Services Policy and Procedure - Briefing
Session - 04 Oct 2022 9.00am

SUMMARY

This report seeks Council's adoption of Version 4 of the Acquiring Land and Easements for Infrastructure Services Policy and endorsement of the associated procedure.

COUNCIL RESOLUTION

THAT Council:

1. Adopt the Acquiring Land and Easements for Infrastructure Services Policy (v4); and
2. Endorse the approval of the Acquiring Land and Easements for Infrastructure Services Procedure (v3) by the Executive Director Infrastructure.

Moved by: Councillor Mather

Seconded by: Councillor Friend

MOTION CARRIED UNANIMOUSLY

11.16 REQUEST FROM YEPPOON COASTGUARD (QF11) FOR COUNCIL TO PROVIDE BINS AND WEEKLY WASTE REMOVAL FOR FREE.

File No: CR2.13.41

Attachments:

1. Yeppoon Branch AVCG Rates Notice August 2022
2. Letter from Yeppoon Branch AVCG requesting free bins and waste service.

Responsible Officer: Trish Weir - Manager Customer Engagement & Communications
Chris Ireland - General Manager Communities

Author: Molly Saunders - Principal Community Development & Engagement Officer

SUMMARY

This report details the request from the Yeppoon branch of the Australian Volunteer Coastguard (QF11) to Livingstone Shire Council for the provision of general waste bins and permanent waste removal service of same at Lot 240 Anchor Drive, Rosslyn (SP102337) for free.

This report also provides a response to the questions on notice raised at 4 October Briefing Session regarding this matter.

COUNCIL RESOLUTION

THAT Council does not provide two general waste bins and an annual waste service to the Yeppoon Branch of the Australian Volunteer Coastguard for free.

Moved by: Mayor, Councillor Ireland

Seconded by: Councillor Watson

MOTION CARRIED UNANIMOUSLY

The meeting noted that the following councillors did not have conflict of interest in Item 11.17 – Livingstone Shire Council and The Real Group Community Grants Scheme Round 1 2022/23 Assessment Results as s. 150EO.1.b.ii of the *Local Government Act 2009* provides that a councillor does not have a declarable conflict of interest if the councillor is (merely): “a member or patron of a community group, sporting club or similar organisation and is not appointed as an executive officer of the organisation”:

- Cr Nigel Hutton as Zone Leader of the Lions Club (incorporating Emu Park Lions and The Caves Lions clubs)
- Cr Nigel Hutton as Patron of the Keppel Coast Music Club
- Cr Andrea Friend as member of the Yeppoon Choral Society

11.17 LIVINGSTONE SHIRE COUNCIL AND THE REAL GROUP COMMUNITY GRANTS SCHEME ROUND ONE 2022/23 ASSESSMENT RESULTS

File No: CR2.15.03

Attachments: Nil

Responsible Officer: Molly Saunders - Principal Community Development & Engagement Officer
Trish Weir - Manager Customer Engagement & Communications
Chris Ireland - General Manager Communities

Author: Jo Strohfeldt - Community Development & Engagement Officer

SUMMARY

This report outlines the outcome of assessments completed by the assessment panel for applications received by Livingstone Shire Council and The Real Group Community Grants Scheme, Round One 2022/23.

COUNCIL RESOLUTION

That Council resolves to approve the allocation of the Livingstone Shire Council and The Real Group Community Grants Scheme funding, as determined by the Livingstone Shire Council and The Real Group Community Grants Scheme assessment panel evaluation process, to the below successful applicants:

Successful Applicant	Initiative Description	Grant Amount
Keppel Coast Athletics Club	Sprint track rejuvenation and coach education	\$4,812.00
Cockscomb Veterans Bush Retreat Inc.	Construction of concrete entrance driveway to retreat to create all weather, accessible entrance	\$5,000.00
Yeppoon Junior Rugby League Football Club Inc.	Upgrade to club canteen point of sale system	\$1,696.00
Capricorn Coast Parkana Cricket Club Inc.	New synthetic netting for training facility	\$2,576.00
Emu Park & District Men's Activity Shed Inc.	Installation of concrete slab on western end of existing shed	\$5,000.00
Emu Park Historical Museum Society Inc.	Purchase fully automatic defibrillator. Purchase of self-propelled lawn mower and new wheelbarrow	\$3,655.73
Emu Park Art Gallery Inc.	Install energy efficient roller blind to main workshop	\$1,060.00
Lions Club of Emu Park Inc.	Purchase of router and equipment to provide a free WIFI access point at the Emu Park Lions shack	\$1,931.50
Yeppoon Choral Society Inc.	Upgrade existing sound equipment. Laptop computer and portable printer. Purchase of additional microphones and stands	\$3,617.76
The Cave & District Lions Club	Replacement of verandah flooring in Lions clubhouse	\$5,000.00
Yeppoon Recreation	Purchase of new stove and fridge	\$3,698.00

Youth Club Inc.		
Yeppoon Little Theatre Group Inc.	Replacement sound desk, speakers and microphones	\$5,000.00
Yeppoon Tennis Club Inc.	Purchase of two x three tier 15/20 person spectator stands	\$5,000.00
Keppel Coast Country Music Club Inc.	Installation of LED lights and weather proofing, power points in bbq area. Purchase of defibrillator. Improved mobile reception for communications	\$5,000.00
Cawarral Cricket Club Inc.	Supply and install floor coverings to clubhouse	\$1,953.01 (partial)
	TOTAL	\$55,000.00

Moved by: Councillor Eastwood

Seconded by: Councillor Friend

MOTION CARRIED UNANIMOUSLY

12 URGENT BUSINESS\QUESTIONS

12.1 SURF ON THE CAPRICORN COAST

File No: GV13.4

Responsible Officer: Justine Schofield - Executive Assistant to the Mayor

SUMMARY

Councillor Adam Belot submitted the following Urgent Business.

2.11PM Councillor Eastwood left the meeting due to having a declarable conflict of interest in relation to this item as he is the proprietor of Capricorn Coast Learn to Surf.

COUNCIL RESOLUTION

That Livingstone Shire Council contact The Living Room TV program and advise Dr Chris Brown that the Capricorn Coast does get good quality surf at some of our beaches and we would further invite the good Dr Chris Brown to come back to the Capricorn Coast to experience a surf experience with our local surfers.

Moved by: Deputy Mayor, Councillor Belot

Seconded by: Councillor Friend

MOTION CARRIED

Crs A Belot, A Friend, N Hutton, A Ireland and R Watson voted in the affirmative.

Cr G Mather voted in the negative.

02:07PM Councillor Eastwood returned to the meeting.

13 CLOSED SESSION

In accordance with the provisions of section 254J 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

2.07PM

THAT the meeting be closed to the public to discuss the following items, which are considered confidential in accordance with section 254J of the *Local Government Regulation 2012*, for the reasons indicated.

14.1 Emu Park West Residential Subdivision

This report is considered confidential in accordance with section 254J(3)(c), of the *Local Government Regulation 2012*, as it contains information relating to the local government's budget.

14.2 Sale of Land at the Gateway Business and Industry Park

This report is considered confidential in accordance with section 254J(3)(c), of the *Local Government Regulation 2012*, as it contains information relating to the local government's budget.

14.3 Request for Council's Views in relation to renewal of Term Lease 222013 over Lot 43 on Crown Plan LN2442

This report is considered confidential in accordance with section 254J(3)(i), of the *Local Government Regulation 2012*, as it contains information relating to a matter that local government is required to keep confidential under a law of, or formal arrangement with, the Commonwealth or a State.

Moved by: Councillor Watson

Seconded by: Councillor Friend

MOTION CARRIED

Crs A Belot, P Eastwood, A Friend, A Ireland, G Mather and R Watson voted in the affirmative.

Cr N Hutton voted in the negative.

COUNCIL RESOLUTION

2.27PM

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

Moved by: Councillor Mather

Seconded by: Councillor Eastwood

MOTION CARRIED UNANIMOUSLY / LOST

14 CONFIDENTIAL REPORTS

14.1 EMU PARK WEST RESIDENTIAL SUBDIVISION

File No: ED08.05

Attachments:

1. Copy of subdivision plans
2. Estimate of costs
3. Comparison of options

Responsible Officer: Sonia Barber - Manager Economy and Places
Chris Ireland - General Manager Communities

Author: Maddie Crigan - Property Development Strategist

This report is considered confidential in accordance with section 254J(3)(c), of the *Local Government Regulation 2012*, as it contains information relating to the local government's budget.

SUMMARY

This report pertains to a proposed residential subdivision in Emu Park West.

COUNCIL RESOLUTION

THAT Council resolve to allocate the amount contained in this report for detailed civil and electrical design and operational works documentation for Council's Emu Park West residential subdivision in the 2022/2023 financial year.

Moved by: Councillor Friend

Seconded by: Mayor, Councillor Ireland

MOTION CARRIED UNANIMOUSLY

14.2 SALE OF LAND AT THE GATEWAY BUSINESS AND INDUSTRY PARK**File No:** ED08.05**Attachments:** 1. Offer Document**Responsible Officer:** Sonia Barber - Manager Economy and Places
Chris Ireland - General Manager Communities**Author:** Maddie Crigan - Property Development Strategist

This report is considered confidential in accordance with section 254J(3)(c), of the *Local Government Regulation 2012*, as it contains information relating to the local government's budget.

SUMMARY

This report pertains to an offer received on proposed Lot 26 at the Gateway Business and Industry Park.

COUNCIL RESOLUTION

- 1) Council resolves to apply the exception mentioned in section 236(1)(a) of the Local Government Regulation 2012 to this transaction as Lot 26 of Gateway Business and Industry Park was previously offered for sale via a public tender process and was not sold.
- 2) Accordingly, Council accepts the offer on proposed Lot 26 at the Gateway Business and Industry Park contained in this report; and
- 3) Council delegates the Chief Executive Officer to enter into a contract of sale in relation to the offer on proposed Lot 26 at the Gateway Business and Industry Park contained in this report.

Moved by: Councillor Eastwood**Seconded by:** Councillor Watson**MOTION CARRIED**

Crs A Belot, P Eastwood, A Friend, A Ireland, G Mather and R Watson voted in the affirmative.

Cr N Hutton voted in the negative.

14.3 REQUEST FOR COUNCIL'S VIEWS IN RELATION TO RENEWAL OF TERM LEASE 222013 OVER LOT 43 ON CROWN PLAN LN2442**File No:** GR14.4.2**Attachments:**

1. Email request
2. Aerial of locality
3. Title Search

Responsible Officer: Sonia Barber - Manager Economy and Places
Chris Ireland - General Manager Communities**Author:** Christine Macdonald - Principal Property Officer

This report is considered confidential in accordance with section 254J(3)(i), of the *Local Government Regulation 2012*, as it contains information relating to a matter that local government is required to keep confidential under a law of, or formal arrangement with, the Commonwealth or a State.

SUMMARY

The purpose of this report is to obtain Council's views in relation to a request received by the Department of Resources who are assessing the renewal of Term Lease 222013 over Lot 43 on Crown Plan LN2442.

COUNCIL RESOLUTION

THAT Council resolves to advise the Department of Resources that it does not support the renewal of Term Lease 222013 over Lot 43 on Crown Plan LN2442.

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

15 CLOSURE OF MEETING

There being no further business the meeting closed at 2.28pm.



Mayor, Councillor Andy Ireland
CHAIRPERSON

15 November 2022

DATE