



ORDINARY MEETING

MINUTES

20 DECEMBER 2022

The resolutions contained within these minutes were confirmed at the Ordinary Council meeting of 17 January 2023.

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MINUTES OF THE ORDINARY MEETING HELD AT COUNCIL CHAMBERS, 4 LAGOON PLACE, YEPPON ON TUESDAY, 20 DECEMBER 2022 COMMENCING AT 9.00AM

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 Father Andrew Hogan of the Capricorn Coast Catholic Parish.

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

Officers in Attendance:

Cale Dendle - Chief Executive Officer
Chris Ireland – General Manager Communities
Michael Kriedemann – General Manager Infrastructure
Christine Macdonald – Principal Property Officer
Leise Childs – Coordinator Resource Management
Trish Weir – Manager Community and Cultural Services
Greg Lancaster – Coordinator Safety
Sonia Barber – Manager Economy and Places
Maddie Crigan – Property Development Strategist
Justine Schofield – Executive Support Officer

3 LEAVE OF ABSENCE / APOLOGIES

COUNCIL RESOLUTION

THAT Councillor Adam Belot be granted a leave of absence from the 12th – 19th January 2023.

Moved by: Councillor Mather

Seconded by: Councillor Friend

MOTION CARRIED UNANIMOUSLY

COUNCIL RESOLUTION

THAT Councillor Andrea Friend be granted a leave of absence from the 21st December 2022 – 11th January 2023.

Moved by: Councillor Belot

Seconded by: Mayor, Councillor Ireland

MOTION CARRIED UNANIMOUSLY

COUNCIL RESOLUTION

THAT Councillor Pat Eastwood be granted a leave of absence from the 23rd – 30th December 2022.

Moved by: Deputy Mayor, Councillor Belot

Seconded by: Councillor Friend

MOTION CARRIED UNANIMOUSLY

COUNCIL RESOLUTION

THAT Councillor Rhodes Watson be granted a leave of absence from the 17th – 31st December 2022.

The meeting noted that Councillor Watson had previously been granted leave for this meeting.

COUNCIL RESOLUTION

THAT, in accordance with Clause 2.22 of the Meeting Procedures Policy, Council waive the notice obligation (Clause 2.22.3) and permit remote attendance by Cr Rhodes Watson for Item 15.1 (Emu Park Development Appeal Update) at the Ordinary Meeting of 20 December 2022.

Moved by: Mayor, Councillor Ireland

Seconded by: Councillor Eastwood

MOTION CARRIED

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

Cr N Hutton voted in the negative.

4 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

COUNCIL RESOLUTION

THAT the minutes of the Ordinary Meeting held on 15 November 2022 be taken as read and adopted as a correct record.

Moved by: Councillor Mather

Seconded by: Deputy Mayor, Councillor Belot

MOTION CARRIED UNANIMOUSLY

5 DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA

I, Councillor Adam Belot, have a declarable conflict of interest in Item 11.4 – Strategic Review of Infrastructure Requirements for Cooe Bay as I own my residence in Cooe Bay and the property's value may be influenced by future decisions made. Consequently, I will leave the Chamber for the discussion and voting in relation to this matter.

I, Councillor Pat Eastwood, have a declarable conflict of interest in Item 11.4 – Strategic Review of Infrastructure Requirements for Cooe Bay as I own my residence in Cooe Bay and the property's value may be influenced by future decisions made. Consequently, I will leave the Chamber for the discussion and voting in relation to this matter.

I, Mayor Andy Ireland, publicly declare that in previous matters pertaining to Cooe Bay, I have declared a conflict of interest as I was the owner of a property in Cooe Bay. I no longer own that property and will remain in the room for Item 11.4 – Strategic Review of Infrastructure Requirements for Cooe Bay.

6 DEPUTATIONS

Nil

7 BUSINESS ARISING OR OUTSTANDING FROM PREVIOUS MEETINGS

7.1 BUSINESS OUTSTANDING TABLE FOR ORDINARY COUNCIL MEETING

File No: GV13.4

Attachments: 1. Business Outstanding Table - December 2022

Responsible Officer: Amanda Ivers - Coordinator Executive Support
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 Eastwood

MOTION CARRIED UNANIMOUSLY

8 PRESENTATION OF PETITIONS

COUNCIL RESOLUTION

THAT the report from the Secretary of the Jardine Rural Fire Brigade tabled by Councillor Mather be received and referred to a briefing session.

Moved by: Councillor Mather

Seconded by: Councillor Friend

MOTION CARRIED UNANIMOUSLY

9 COUNCILLOR/DELEGATE REPORTS

Nil

10 QUESTIONS/STATEMENT/MOTIONS ON NOTICE FROM COUNCILLORS

10.1 QUESTIONS ON NOTICE - CR HUTTON - MARLBOROUGH DEPOT COSTINGS

File No: qA24221

Attachments: 1. Questions On Notice - Cr Hutton - Marlborough Depot

Responsible Officer: Amanda Ivers - Coordinator Executive Support

SUMMARY

Councillor Nigel Hutton has submitted a 'Questions on Notice in relation to Marlborough Depot Costings.

COUNCIL RESOLUTION

THAT the Questions on Notice be received.

Moved by: Councillor Hutton

Seconded by: Councillor Eastwood

MOTION CARRIED UNANIMOUSLY

10.2 NOTICE OF MOTION - CR FRIEND - PARAMOUNT PARK RECREATIONAL FACILITIES**File No:** qA24221**Attachments:**

1. Notice of Motion - Cr Friend - Paramount Park Recreational Facilities
2. Business Case - Paramount Park Playground
3. Map - Proximity of Proposed Locations to Existing Playgrounds

Responsible Officer: Amanda Ivers - Coordinator Executive Support
Daniel Pearce - Manager Community Assets
Michael Kriedemann - General Manager Infrastructure

SUMMARY

Councillor Andrea Friend has submitted a 'Notice of Motion' in relation to Paramount Park Recreational Facilities.

COUNCILLOR MOTION**PART A**

THAT council, in February 2023 undertake public consultation with residents of Rockyview, Glenlee, and Glendale for the construction of a playground recreational park to be located at Paramount Park.

PART B

THAT Councillors and Officers meet onsite with engaged community members in order to view the two locations referenced in the business plan.

PART C

THAT Council allocate \$350,000 in the 2023 to 2024 budget for the planning and construction of this recreational park.

COUNCIL RESOLUTION**PART A**

THAT council, in February 2023 undertake public consultation with residents of Rockyview for the construction of a playground recreational park to be located at Paramount Park.

PART B

THAT Councillors and Officers meet onsite with engaged community members in order to view the two locations referenced in the business plan.

PART C

THAT Council consider the allocation of \$350,000 in the 2023 to 2024 budget for the planning and construction of this recreational park.

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

10.3 NOTICE OF MOTION - CR FRIEND - SIGNAGE RAIL TRAIL BRAITHWAITE STREET YEPPON**File No:** GV13.4.1**Attachments:**

1. NOM - Cr Friend - Rail Trail Signage
2. Braithwaite Street Entrance

Responsible Officer: Amanda Ivers - Coordinator Executive Support

SUMMARY

Councillor Andrea Friend has submitted a 'Notice of Motion' in relation to signage Rail Trail Braithwaite Street Yeppoon.

COUNCIL RESOLUTION

THAT Council erect a sign showcasing the Capricorn Coast Pineapple Rail Trail with information including the total length of the trail, the length to Barmaryee Road, the length to Thornbill Avenue, and the length to Rockhampton Road, located at the entrance on Braithwaite Street.

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

10.4 NOTICE OF MOTION - CR BELOT - REVIEW OF DA PROCESS FOR COMMUNITY GROUPS**File No:** GV13.4.1**Attachments:** 1. Notice of Motion - Cr Belot - Review of DA Process for Community Groups**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 Review of DA Process for Community Groups.

COUNCILLOR MOTION

THAT Council review the current Development Application process applicable to Community groups like the Show Society / Yeppoon Go Kart Club and provide a report (within ? months) with potential recommendations on how to stream line the DA process and thus assist our community groups save valuable time and money.

COUNCIL RESOLUTION

THAT Council review the current Development Application process applicable to Community groups like the Show Society / Yeppoon Go Kart Club and provide a report within six months with potential recommendations on how to streamline the DA process and thus assist our community groups save valuable time and money.

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

10.5 NOTICE OF MOTION - CR BELOT - FARNBOROUGH BEACH MASTERPLAN**File No:** GV13.4.1**Attachments:** 1. Notice of Motion - Cr Belot - Farnborough Beach Masterplan**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 Farnborough Beach Masterplan.

COUNCIL RESOLUTION

THAT Council reaches out to key stakeholders including Iwasaki Sangyo and relevant government agencies, to develop a Farnborough Beach Master Plan incorporating future beach access points and continued access to Corio Bay for the public.

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

10.6 NOTICE OF MOTION - CR BELOT - BANGALEE BOAT RAMP**File No:** qA24221**Attachments:** 1. NoM Cr Belot Bangalee Boat Ramp**Responsible Officer:** Cale Dendle - Chief Executive Officer

SUMMARY

Councillor Adam Belot has submitted a 'Notice of Motion' in relation to Bangalee Boat Access.

COUNCIL RESOLUTION

THAT the historical references to the development of the access to Farnborough Beach in the vicinity of Bangalee compiled by Yeppoon Historical Society be received.

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

10.7 NOTICE OF MOTION - CR MATHER - ROCKHAMPTON-YEPPOON ROAD UPGRADE**File No:** GV13.4.1**Attachments:** 1. Notice of Motion Cr Mather Rockhampton Yeppoon Road Upgrade**Responsible Officer:** Amanda Ivers - Coordinator Executive Support
Cale Dendle - Chief Executive Officer**SUMMARY**

Councillor Glenda Mather has submitted a 'Notice of Motion' in relation to Rockhampton-Yeppoon Road Upgrade.

COUNCILLOR MOTION

THAT

- 1) In view of ongoing community concern regarding the Queensland Government's design of the Rockhampton-Yeppoon Road upgrade (specifically the risks posed by the configuration of turning lanes at the Artillery/Dairy Inn Road intersection), Council insists that further community consultation is initiated at the earliest opportunity prior to the works commencing; and
- 2) Council formally requests the Department of Transport and Main Roads publish the business case (or intersection performance review or equivalent) for the Artillery/Dairy Road intersection job showing the analysis of options (including roundabout, grade-separation, traffic signals et al.) that led to the final design selection; and
- 3) Council notifies the Member for Keppel for these proposed actions and calls on her assistance to:
 - a. Ensure meaningful community consultation is undertaken.
 - b. Ensure that the government's analysis of options for this investment is made available publicly.

COUNCIL RESOLUTION

THAT

- 1) In view of ongoing community concern regarding the Queensland Government's design of the Rockhampton-Yeppoon Road upgrade (specifically the risks posed by the configuration of turning lanes at the Artillery/Dairy Inn Road intersection), Council requests that further community consultation is initiated at the earliest opportunity prior to the works commencing; and
- 2) Council formally requests the Department of Transport and Main Roads publish the business case (or intersection performance review or equivalent) for the Artillery/Dairy Road intersection job showing the analysis of options (including roundabout, grade-separation, traffic signals et al.) that led to the final design selection; and
- 3) Council notifies the Member for Keppel for these proposed actions and calls on her assistance to:
 - a. Ensure meaningful community consultation is undertaken.
 - b. Ensure that the government's analysis of options for this investment is made available publicly.

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

11 REPORTS

11.1 NAMING OF ROAD RESERVE OFF TARANGANBA ROAD, TARANGABA

File No: qA24494
Attachments: Nil
Responsible Officer: Michael Kriedemann - General Manager Infrastructure
Author: Tony Lau - Manager Engineering Services

SUMMARY

Council received a request from a member of the community to name a section of road reserve off Taranganba Road, Taranganba. The road reserve is located adjacent to Lot 102 SP274669 (Taranganba State School – 61-81 Taranganba Road, Taranganba). Council's Naming Infrastructure Assets Procedure was applied and the preferred name of 'Malrose Place, Taranganba' is recommended.

COUNCIL RESOLUTION

THAT Council resolve to name the section of road reserve off Taranganba Road, Taranganba (adjacent to Lot 102 SP274669), 'Malrose Place'.

Moved by: Councillor Mather

Seconded by: Councillor Friend

MOTION CARRIED UNANIMOUSLY

11.2 APPLICATION FOR PERMANENT ROAD CLOSURE - ADJACENT TO 69 REEF STREET ZILZIE (LOT 18 RP619240)

File No: fA18137
Attachments: 1. Plan
2. Application for Road Closure
Responsible Officer: Tony Lau - Manager Engineering Services
Michael Kriedemann - General Manager Infrastructure
Author: Carrie Burnett - Policy & Planning Officer

SUMMARY

This report pertains to an application to permanently close an area of the Reef Street road reserve at Zilzie.

COUNCIL RESOLUTION

THAT Council resolve to:

- 1) advise the applicant that it objects to the proposal to permanently close part of the Reef Street road reserve adjacent to Lot 18 RP619240 because:
 - a) the subject site is mapped under the planning scheme as a matter of local environment significance and has a healthy stand of native vegetation;
 - b) part of the subject site is mapped by the Department of Resources as containing remnant vegetation;
 - c) the current road reserve width is 20m which is:
 - consistent with the road hierarchy and similar to surrounding roads; and
 - the second road frontage for the adjacent land (Lot 500 SP179511);
 - d) should the adjacent land to the south (Lot 406 SP240860) be developed, the subject site would become the secondary access and compliment the road network; and
 - e) reducing the road reserve width would not facilitate future road extensions to the adjacent lots.
- 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 part of the Reef Street road reserve adjacent to Lot 18 RP619240 for the reasons detailed above.

Moved by: Councillor Mather
Seconded by: Mayor, Councillor Ireland

MOTION CARRIED

Crs N Hutton, A Ireland and G Mather voted in the affirmative.

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

Mayor used casting vote in the affirmative.

11.3 JABIRU DRIVE EXTENSION AND UPGRADE WORKS

File No: qA77243
Attachments: Nil
Responsible Officer: Michael Kriedemann - General Manager Infrastructure
Author: Tony Lau - Manager Engineering Services

SUMMARY

Currently there is a project in the Forward Works Program to construct the Jabiru Drive Extension and Upgrade works in the 2023/24 financial year. The Department of Transport and Main Roads is seeking assurance from Council for the project to proceed as planned.

COUNCIL RESOLUTION

THAT Council resolves to:

- 1) Endorse the Jabiru Drive Extension and Upgrade works project; and
- 2) Allocates \$1,570,000 in the 2023/2024 budget for construction.

Moved by: Councillor Mather
Seconded by: Councillor Eastwood

MOTION CARRIED UNANIMOUSLY

PROCEDURAL MOTION

10.33AM

THAT the meeting be adjourned.

Moved by: Mayor, Councillor Ireland

MOTION CARRIED UNANIMOUSLY

PROCEDURAL MOTION

10.59AM

THAT the meeting be resumed.

Moved by: Councillor Mather

MOTION CARRIED UNANIMOUSLY

I, Councillor Adam Belot, have a declarable conflict of interest in Item 11.4 – Strategic Review of Infrastructure Requirements for Cooee Bay as I own my residence in Cooee Bay and the property's value may be influenced by future decisions made. Consequently, I will leave the Chamber for the discussion and voting in relation to this matter.

I, Councillor Pat Eastwood, have a declarable conflict of interest in Item 11.4 – Strategic Review of Infrastructure Requirements for Cooee Bay as I own my residence in Cooee Bay and the property's value may be influenced by future decisions made. Consequently, I will leave the Chamber for the discussion and voting in relation to this matter.

I, Chief Executive Officer, Cale Dendle, recognising that I do not vote on matters, will still absent myself from the meeting during this item as my sister owns a property in Cooee Bay.

11:00AM Deputy Mayor, Councillor Belot left the meeting.

11:00AM Councillor Eastwood left the meeting.

11:00AM CEO Cale Dendle left the meeting

11.4 STRATEGIC REVIEW OF INFRASTRUCTURE REQUIREMENTS FOR COOEE BAY

File No: qA77399

Attachments: 1. Cooee Bay Precinct Staging Strategy

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

Author: Elvis Tsang - Graduate Engineer, Infrastructure Planning

Previous Items: 7.4 - Strategic Review of Infrastructure Requirements for Cooee Bay - Briefing Session - 01 Nov 2022 9.00am
11.21 - Wreck Point Shared Pathway - Ordinary Council - 19 Apr 2022 9.00am

SUMMARY

In accordance with section 1.3.2.a of the 2022/23 Operational Plan, a strategic review has been undertaken to identify the appropriate sequence of infrastructure delivery with the Cooee Bay precinct.

COUNCIL RESOLUTION

THAT Council resolves to adopt the Cooee Bay Precinct Staging Strategy.

Moved by: Councillor Mather

Seconded by: Councillor Friend

MOTION LOST UNANIMOUSLY

11:26AM CEO returned to meeting.

11:26AM Councillor Eastwood returned to the meeting.

11:27AM Deputy Mayor, Councillor Belot returned to the meeting.

11.5 REQUEST FOR VIEWS - CONVERSION OF UNALLOCATED STATE LAND - LOTS 23 - 29 ON RP602303, PYBUS STREET, EMU PARK TO FREEHOLD

File No: aQ24797

Attachments: 1. Correspondence from Department of Resources
2. Aerial

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

Author: Christine Macdonald - Principal Property Officer

SUMMARY

The purpose of this report is to provide information in relation to a proposed dealing by the Department of Resources for conversion of Unallocated State Land described as Lots 23 – 29 on Registered Plan 602303, located at Pybus Street, Emu Park to freehold.

COUNCIL RESOLUTION

THAT Council resolves to object to the conversion of Unallocated State Land described as Lots 23 – 29 on Registered Plan 602303, located at Pybus Street, Emu Park to freehold for the following reasons:-

- (a) the lots do not have frontage to a formed road; and
- (b) the average grade of the road that would need to be constructed is around 18%, which exceeds the maximum allowable grade of 16%; and
- (c) construction of a road would be a considerable expense, for which Council will be left with a financial burden to construct the road if these lots are converted to freehold.

Moved by: Councillor Mather

Seconded by: Councillor Hutton

MOTION CARRIED UNANIMOUSLY

11.6 REGIONAL ARTS DEVELOPMENT FUND ROUND 1 2022/2023**File No:** GS15.2.5**Attachments:** Nil**Responsible Officer:** Trish Weir - Manager Customer Engagement & Communications
Chris Ireland - General Manager Communities**Author:** Meegan Armstrong - Coordinator Engagement & Events**SUMMARY**

Council received a total of eight (8) Regional Arts Development Fund Applications (Round One (2022/2023) with a total requested amount of \$39,594.

The Regional Arts Development Fund Assessment Panel assessed the applications and have recommended approval of \$28,844 leaving \$37,406 for Round Two in 2023.

COUNCIL RESOLUTION

THAT in accordance with the recommendation of the Livingstone Shire Regional Arts Development Fund Assessment Panel, the following grant applications be funded from the Regional Arts Development Fund.

Name	Purpose	Total expenses	Grant Requested	Grant Recommended
Will Hearn	Travel to the Gold Coast to record 4 EP tracks with music producer, George Carpenter.	\$13,630	\$7,800	\$7,800
Vicki Lomansey: Yeppoon Little Theatre	Contract Lock&Hock Productions to provide professional development, training and support for the play Children of the Black Skirt.	\$10,400	\$6,000	\$6,000
Shae O'Reilly: High Valley Dawn Festival	New Dawn - Arts, culture and sustainability event to be held in Sept 2023.	\$34,050	\$7,100	\$1,600
Angela Lomas: East Coast Arts	Production of 3D installation of black cockatoos for CQ Village Festival 2023.	\$27,097	\$6,000	\$3,000
Leanne Smith: Writers Festival	Delivering a series of workshops, artists presentations and panel discussion as part of Capricorn Coast Writers Festival 2023.	\$73,194	\$5,694	\$5,694
Erin Fisher: Capricorn Film Festival	Pop-up light installation - Glow in the Dark - a film centric journey through cinema's history presented as an immersive experience in Beaman Park.	\$27,650	\$4,500	\$2,250
Sienna Westcott (IPD)	Undertake classical ballet training with Classical Coaching Australia in Brisbane.	\$1,730	\$1,000	\$1,000
Janelle Westcott	Professional development through BBODANCE in Melbourne to gain the	\$2,615	\$1,500	\$1,000

(IPD)	latest teaching techniques and choreography styles, attend specific training for ballet to boys.			
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Moved by: Councillor Eastwood

Seconded by: Councillor Friend

MOTION CARRIED UNANIMOUSLY

11.7 REEF GUARDIAN COUNCILS ACTION PLAN 2022-23

File No: 11.12.3
Attachments: 1. Livingstone Shire Reef Guardian Action Plan 2022-23
Responsible Officer: Bob Truscott - Acting Manager Liveability
Chris Ireland - General Manager Communities
Author: Leise Childs - Coordinator Natural Resource Management

SUMMARY

As a member of the Reef Guardian Councils program with the Great Barrier Reef Marine Park Authority it is a requirement for Councils to develop an annual Action Plan.

COUNCIL RESOLUTION

THAT Council endorse the Reef Guardian Action Plan 2022-23.

Moved by: Councillor Friend
Seconded by: Mayor, Councillor Ireland

MOTION CARRIED UNANIMOUSLY

11.8 EXTERNAL AUDIT FINANCIAL MANAGEMENT REPORT 2021-22

File No: qA24384
Attachments: 1. 2021-22 Final Management Report
Responsible Officer: Cale Dendle - Chief Executive Officer
Author: Andrea Ellis - Chief Financial Officer

SUMMARY

Presentation of the Final Management Report (Observation Report) from the Queensland Audit Office following the completion of the 2021-22 financial audit for Livingstone Shire Council.

COUNCIL RESOLUTION

THAT Council notes the observations contained within the Final Management Report (Observation Report) from the Queensland Audit Office for the 2021-22 financial year.

Moved by: Deputy Mayor, Councillor Belot

Seconded by: Councillor Friend

MOTION CARRIED UNANIMOUSLY

11.9 MONTHLY FINANCIAL REPORT FOR THE PERIOD ENDING 30 NOVEMBER 2022**File No:** FM12.14.1**Attachments:** 1. Monthly Financial Report 30 November 2022**Responsible Officer:** Andrea Ellis - Chief Financial Officer**Author:** Sasha Kolega - Financial Accountant

SUMMARY

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

11:45AM Mayor, Councillor Ireland left the meeting.

In accordance with s2.6.2 of the *Meeting Procedures Policy*, Deputy Mayor Belot assumed the chair.

11:47AM Mayor, Councillor Ireland returned to the meeting and Mayor resumed the chair.

COUNCIL RESOLUTION

THAT the Livingstone Shire Council Monthly Financial Report for the period ending 30 November 2022 be received (Attachment 1).

Moved by: Deputy Mayor, Councillor Belot

Seconded by: Councillor Eastwood

MOTION CARRIED UNANIMOUSLY

11.10 OFFICE OF THE CEO QUARTERLY MANAGEMENT REPORT

File No: GV
Attachments: Nil
Responsible Officer: Cale Dendle - Chief Executive Officer
Author: Amanda Ivers - Coordinator Executive Support

SUMMARY

This report provides a summary of a range of strategic and operational activities within the Office of Chief Executive portfolio of Council for the period of 1 September 2022 to 30 November 2022.

11:54AM Councillor Friend left the meeting.

11:55AM Councillor Friend returned to the meeting.

COUNCIL RESOLUTION

THAT The Corporate Management report for the period 1 September 2022 to 30 November 2022 be received.

Moved by: Deputy Mayor, Councillor Belot

Seconded by: Councillor Friend

MOTION CARRIED UNANIMOUSLY

11.11 MONTHLY WORKPLACE HEALTH & SAFETY REPORT - NOVEMBER 2022

File No: PC
Attachments: 1. Workplace Health & Safety Report - November 2022
Responsible Officer: Kristy Mansfield - Chief Human Resources Officer
Author: Greg Lancaster - Coordinator Safety

SUMMARY

Presentation of the Livingstone Shire Council Monthly Workplace Health & Safety Report for the period ending 30 November 2022.

COUNCIL RESOLUTION

THAT the Livingstone Shire Council Monthly Workplace Health & Safety Report for the period ending 30 November 2022 be received.

Moved by: Councillor Mather

Seconded by: Councillor Friend

MOTION CARRIED UNANIMOUSLY

12 AUDIT, RISK AND IMPROVEMENT COMMITTEE REPORTS

Nil

13 URGENT BUSINESS\QUESTIONS

Councillors and staff observed a minute's silence as a show of respect to the Police Officers who were killed in the line of duty at Tara last week.

14 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

12.28PM

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.

15.1 Emu Park Development Appeal Update

This report is considered confidential in accordance with section 254J(3)(e), of the *Local Government Regulation 2012*, as it contains information relating to legal advice obtained by the local government or legal proceedings involving the local government including, for example, legal proceedings that may be taken by or against the local government.

Moved by: Councillor Mather

Seconded by: Councillor Eastwood

MOTION CARRIED

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

Cr N Hutton voted in the negative.

In accordance with Clause 2.22 of the Meeting Procedures Policy, Council waive the notice obligation (Clause 2.22.3) and permit remote attendance by Cr Rhodes Watson for Item 15.1 (Emu Park Development Appeal Update) at the Ordinary Meeting of 20 December 2022.

12.28PM – Councillor Watson joined the meeting.

COUNCIL RESOLUTION

1.10PM

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

15 CONFIDENTIAL REPORTS

15.1 EMU PARK DEVELOPMENT APPEAL UPDATE

File No: D-417-2021

Attachments: 1. Current Plans as at 7.12.2022

Responsible Officer: Bob Truscott - Acting Manager Liveability
Chris Ireland - General Manager Communities

Author: Jenna Davies - Principal Planning Officer

This report is considered confidential in accordance with section 254J(3)(e), of the *Local Government Regulation 2012*, as it contains information relating to legal advice obtained by the local government or legal proceedings involving the local government including, for example, legal proceedings that may be taken by or against the local government.

SUMMARY

This report refers to a current Planning and Environment Court appeal in relation to an Emu Park development. It serves as a key milestone update and opportunity for Council to review the status and respond as it may determine necessary prior to the next court listing scheduled for 25 January 2023.

The appeal is currently in an Alternative dispute resolution process (called mediation). The process is a confidential process in accordance with the Planning and Environment Court Act 2016 and the Planning and Environment Court Rules 2018. Information relating to the appeal is available on the eCourts (Queensland Courts) website whereby a party search can be undertaken. This significantly limits the extent of any public disclosure during the process.

COUNCIL RESOLUTION

THAT the appellant and court be advised that Council supports the amended suite of plans submitted for the Emu Park unit development.

Moved by: Mayor, Councillor Ireland

Seconded by: Councillor Mather

MOTION CARRIED

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

Crs A Friend, Cr R Watson and N Hutton voted in the negative.

1.10PM – Councillor Watson left the meeting.

COUNCIL RESOLUTION**1.20PM**

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.

15.2 The Station Western Precinct - Lease Proposal

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.

15.3 The Station Eastern Precinct Site - Development Option

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.

15.4 Request for Renewal of Lease to Amplitel Pty Ltd over part of Lot 75 on Registered Plan 601977

This report is considered confidential in accordance with section 254J(3)(g), of the *Local Government Regulation 2012*, as it contains information relating to negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interest of the local government.

Moved by: Councillor Friend

Seconded by: Councillor Mather

MOTION CARRIED

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

Cr N Hutton voted in the negative.

RECOMMENDATION**2.02PM**

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

15.2 THE STATION WESTERN PRECINCT - LEASE PROPOSAL

File No: ED8.05.26

Attachments:

1. Site Plan
2. Tender Proposal
3. Summary of Lease Conditions

Responsible Officer: Chris Ireland - General Manager Communities

Author: Arna Hart - Project Support Officer
Maddie Crigan - Manager Economy & Places

Previous Items:

11.14 - The Station Building Better Regions Submission
- Ordinary Council - 16 Feb 2021 9.00am

12.4 - Future of the Station Site - Tenancy and
Development Options - Ordinary Council - 21 Jun 2022
9.00am

10.2 - The Station - Invitation to Tender - Ordinary
Council - 23 Aug 2022 9.00am (Special)

8.1 - Notice of Motion - Councillor Belot - The Station
Tender - Ordinary Council - 04 Oct 2022 9.00am
(Special)

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

This report pertains to leasehold negotiations over proposed Lot 1 – The Station western precinct at 23 James Street, Yeppoon.

COUNCIL RESOLUTION

THAT Council resolve to delegate the Chief Executive Officer to negotiate with Limestone Pacific Pty Ltd for a lease over proposed Lot 1 - The Station western precinct at 23 James Street, Yeppoon.

Moved by: Councillor Eastwood

Seconded by: Councillor Friend

MOTION CARRIED UNANIMOUSLY

15.3 THE STATION EASTERN PRECINCT SITE - DEVELOPMENT OPTION

File No: ED8.05.26

Attachments:

1. SVDP Proposal
2. SVDP Masterplan
3. Siteplan

Responsible Officer: Chris Ireland - General Manager Communities

Author: Arna Hart - Project Support Officer
Sonia Tomkinson - Manager Economy and Places
Maddie Crigan - Manager Economy & Places

Previous Items: 11.14 - The Station Building Better Regions Submission - Ordinary Council - 16 Feb 2021 9.00am
12.4 - Future of the Station Site - Tenancy and Development Options - Ordinary Council - 21 Jun 2022 9.00am
10.2 - The Station - Invitation to Tender - Ordinary Council - 23 Aug 2022 9.00am (Special)
8.1 - Notice of Motion - Councillor Belot - The Station Tender - Ordinary Council - 04 Oct 2022 9.00am (Special)

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

This report pertains to the disposal of proposed Lot 2 – The Station eastern precinct at 23 James Street, Yeppoon.

COUNCIL RESOLUTION

THAT Council resolve to:

- 1) Apply the exceptions mentioned in section 236(1)(a) and 236(1)(b) of the *Local Government Regulation 2012* in its dealing with Saint Vincent De Paul Society over proposed Lot 2 - The Station eastern precinct at 23 James Street, Yeppoon; and
- 2) Authorise the Chief Executive Officer to negotiate with Saint Vincent De Paul Society for the disposal of proposed Lot 2 for an amount at or above the current market value; and
- 3) Condition that the sale of proposed Lot 2 be subject to Saint Vincent De Paul Society obtaining the necessary development approvals and any associated public consultation.

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

15.4 REQUEST FOR RENEWAL OF LEASE TO AMPLITEL PTY LTD OVER PART OF LOT 75 ON REGISTERED PLAN 601977**File No:** qA24867**Attachments:** 1. Aerial**Responsible Officer:** Maddie Crigan - Manager Economy & Places
Chris Ireland - General Manager Communities**Author:** Christine Macdonald - Principal Property Officer

This report is considered confidential in accordance with section 254J(3)(g), of the *Local Government Regulation 2012*, as it contains information relating to negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interest of the local government.

SUMMARY

This report pertains to a request from Amplitel Pty Ltd to renew its freehold lease over part of land described as Lease B on Lot 75 on Registered Plan 601977 at Wilson Street, Yeppoon.

COUNCIL RESOLUTION

THAT Council resolve:

1. that the exception mentioned in Section 236(1)(c)(vi) of the *Local Government Regulation 2012* may apply in its dealing with Amplitel Pty Ltd over part of Lot 75 on Registered Plan 601977 described as Lease B;
2. pursuant to section 236(2) of the *Local Government Regulation 2012* to apply section 236(1)(c)(vi) of the *Local Government Regulation 2012* in its dealing with Amplitel Pty Ltd over part of Lot 75 on Registered Plan 601977 described as Lease B;
3. to provide a ten (10) year lease to Amplitel Pty Ltd at an initial rent which is yet to be determined but in accordance with section 236(3) of the *Local Government Regulation 2012* will be equal to, or more than, the market value of the interest in the land, part of Lot 75 on Registered Plan 601977 over Lease B; and
4. to delegate to the Chief Executive Officer, pursuant to section 257(1)(b) of the *Local Government Act 2009*, to negotiate the terms and conditions of the lease provided to Amplitel Pty Ltd.

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

16 CLOSURE OF MEETING

There being no further business the meeting closed at 2.36pm.



Mayor, Councillor Andy Ireland
CHAIRPERSON

17 January 2022

DATE