ORDINARY MEETING

AGENDA

17 NOVEMBER 2026

Your attendance is required at an Ordinary meeting of Council to be held in the Council Chambers, 4 Lagoon Place, Yeppoon on 17 November 2026 commencing at 9:00 AM for transaction of the enclosed business.

Thomas Upton
CHIEF EXECUTIVE OFFICER
12 November 2026

Next Meeting Date: 19 November 2026

Please note:

In accordance with the *Local Government Regulation 2012*, please be advised that all discussion held during the meeting is recorded for the purpose of verifying the minutes. This will include any discussion involving a Councillor, staff member or a member of the public.

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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

Councillor Pat Eastwood is scheduled to deliver an opening prayer.

2 ATTENDANCE

Members Present:

Mayor, Councillor Adam Belot
Deputy Mayor, Councillor Pat Eastwood
Councillor Glenda Mather
Councillor Rhodes Watson
Councillor Wade Rothery
Councillor Lance Warcon
Councillor Andrea Friend

Officers in Attendance:

Thomas Upton – Chief Executive Officer
Michael Kriedemann – General Manager Infrastructure
Katrina Paterson – General Manager Communities and Environment
Andrea Ellis – General Manager Corporate Services
Kristy Mansfield - Chief People and Performance Officer
Graham Scott – Project Director Blueprint Livingstone

3 LEAVE OF ABSENCE / APOLOGIES

Nil

4 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Minutes of the Ordinary Meeting held 26 October 2026

5 DECLARATION OF INTEREST IN MATTERS ON THE AGENDA

6 DEPUTATIONS

6.1 9:00AM - DEPUTATION - CAPRICORN ENTERPRISE - BI ANNUAL REPORT TO COUNCIL

File No:	**ED8.02.01**
Attachments:	**Nil**
Responsible Officer:	**Sonia Tomkinson - Manager Economy and Places** **Katrina Paterson - General Manager Communities and Environment**
Author:	**Arna Hart - Economic Development Officer**

SUMMARY

Mary Carroll, Chief Executive Officer Capricorn Enterprise, will provide Councillors with a 6 month update.

OFFICER'S RECOMMENDATION

THAT the deputation be received.

7 BUSINESS ARISING OR OUTSTANDING FROM PREVIOUS MEETINGS

7.1 BUSINESS OUTSTANDING TABLE FOR ORDINARY COUNCIL MEETING

File No: fA2206

Attachments: 1. Business Outstanding Table - November 2026

Responsible Officer: Lucy Walker - Coordinator Executive Support

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.

OFFICER'S RECOMMENDATION

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

7.1 - BUSINESS OUTSTANDING TABLE FOR ORDINARY COUNCIL MEETING

Business Outstanding Table - November 2026

Meeting Date: 17 November 2026

Attachment No: 1

***Please note that the notes contained within the Business Outstanding Table are correct at the time of the Agenda being published.**

Item	Date	Report Title	Resolution	Comments
1	17/06/2025	Permit to Occupy Application – Adjacent to 6 Flood Road Milman (Lot 4 RP848806)	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 consideration of a DA to return to a Council Meeting at a later date.	**10 November 2026** A report will be tabled at the 17 November Council Meeting.
2	16/09/2025	Road Reserve Acquisition - 118 Barmaryee Road Barmaryee	THAT Council resolve to delegate authority under s 257 of the Local Government Act 2009 to the Chief Executive Officer to negotiate and finalise all matters relating to the acquisition of land for road purposes from Lot 3 RP610365 (118 Barmaryee Road Barmaryee). In exercising this delegation, the Chief Executive Officer is to comply with Council's 'Acquiring Land and Easements for Infrastructure Services Procedure' And THAT funding for the design and construction of the road be confirmed through the budget review process in late 2025.	**11 November 2026** The acquisition of land has been completed and registered with the Titles Office. A meeting with affected residents has been organised for 25th November 2026 and will include Councillors and key project staff.
3	09/10/2025	Tender responses to Capricorn Homemaker Stage 2 selective tender	That Council resolve to: approve the tenderer detailed in the section, Evaluation and overview of proposals, number (2) of this report to advance to preferred tender stage; and delegate to the CEO to enter contract negotiations with the preferred tenderer to advance the development of the Capricorn Coast Homemaker 2.	**09 November 2026** Due diligence investigations are continuing meeting scheduled for 10 November 2026.
4	27/10/2025	Notice of Motion - Cr Lance Warcon - Bell Park Master Plan	THAT Council resolves to request Officers to prepare a report outlining the options for the creation of a master plan for Bell Park at Emu Park, which outlines plans for creation of resources sought by the community, including the consideration of a half basketball court, all abilities toilet facilities at the Skate Park, resolution of car park drainage issues, completion of works to repair the Heritage listed tower on site and other facilities as may be identified through a community consultation program in the area.	**11 November 2026** Draft scope of work under review with internal stakeholders then procurement will seek a request for quote. Consultant will be engaged by late November.

***Please note that the notes contained within the Business Outstanding Table are correct at the time of the Agenda being published.**

Item	Date	Report Title	Resolution	Comments
5	Ordinary Council 17/02/2026	Proposed Acquisition of Land - Water Supply Reservoir	THAT Council resolve to 1. Receive and note the contents of this report; 2. Delegate authority under s 257 of the Local Government Act 2009 to the Chief Executive Officer to negotiate and finalise all matters relating to the acquisition of land for water supply purposes associated with L5 RP619660, Bondoola; and 3. In exercising this delegation, the Chief Executive Officer is to comply with Council's '*Acquiring Land and Easements for Infrastructure Services Procedure*'.	**08 October 2026** The matter was presented at the Ordinary Meeting of Council 26th October 2026 where a resolution was determined. This item will be removed from the Business Outstanding Table.
6	Ordinary Council 17/03/2026	Community Housing Location Options	THAT Council resolve to: 1) Authorise the Chief Executive Office to negotiate the disposal terms of Council owned land with the proponent named in this report, for the purposes of developing a future community housing and support services hub; and 2) Apply the exception mentioned in 236(1)(b) of the *Local Government Regulation 2012* in its dealing with the proponent named in this report over the Council owned land detailed in this report; and 3) If disposal is successful and development proceeds, support the proponent submitting a development application via the Ministerial Infrastructure Designation (MID) process.	**09 November 2026** Special Council Meeting scheduled for 19 November 2026 for Council to consider officer recommended option.
7	Ordinary Council 17/03/2026	Yeppoon Town Centre and Community Activation Proposal	THAT Council authorises the CEO to initiate project feasibility investigations, as described in the milestone section of this report.	**09 November 2026** Dedicated stakeholder engagement continues. Preliminary design and cost estimates on Stevenson Park community precinct options progressed. Special Council meeting scheduled for the 19 November 2026 to present recommended option for Council consideration.

*Please note that the notes contained within the Business Outstanding Table are correct at the time of the Agenda being published.

Item	Date	Report Title	Resolution	Comments
8	Ordinary Council 17/03/2026	Notice of Motion - Cr Andrea Friend - Installation of a potable Water Bubbler/Fountain	THAT Council install a water bubbler/fountain inclusive of a dog dish at the amenities side of Merv Anderson Park near Ross Creek. THAT Council undertake an audit of all parks in the Shire to identify the need for any further bubblers/fountains inclusive of dog dishes and a report be brought back to Council.	**10 November 2026** The water filling station has been received by Council, and the installation will progress following the connection of a backflow prevention device.
9	Ordinary Council 07/04/2026	Timbers Beach Access - Local Law Review	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 the outcome of land acquisition to return to a future Council meeting.	**11 November 2026** This access no longer impacts the local law review. Council is investigating alternate land acquisition for pedestrian access to this beach (see below item). The local laws still apply to vehicle access on beaches. A report will be presented at a future Council meeting to lift the matter from the table.
10	Ordinary Council 19/05/2026	Notice of Motion - Mayor Adam Belot - Beach access at Muskers/Zilzie Beach	THAT in order to improve the recreational lifestyle of residents within and around the Zilzie south location, Council resolve to delegate to the CEO to undertake the formal process to acquire land on Lot 508 SP 166188 in order to allow public access to the beach adjacent to this lot which has been blocked off since at least June 2000 which resulted in no public beach access points.	**04 November 2026** Briefed Council on 27 October 2026 and this matter will return to a briefing in the first quarter of 2027.
11	Ordinary Council 04/08/2026	Hidden Valley Road Study	THAT a Land Use, Traffic and Transport Assessment of Hidden Valley Road is to be completed ahead of any further intensification of development within the Hidden Valley Road corridor by the end of October 2026.	**09 November 2026** Scheduled for Briefing Session 24 November 2026 and Ordinary Council 1 December 2026

***Please note that the notes contained within the Business Outstanding Table are correct at the time of the Agenda being published.**

Item	Date	Report Title	Resolution	Comments
12	Ordinary Council 04/08/2026	Concerns raised from Community Meeting - Proposed relocation of Yeppoon library and Community Centre	THAT Council resolves that the concerns of Community Voice in respect to the possible changes to the Yeppoon Community Centre and Library be "Received" and a response sent to Community Voice. Council to continue to actively engage the community in respect to the project.	**11 November 2026** Finalisation of the matter to be presented at the 19 November Special Council Meeting.
13	Ordinary Council 17/08/2026	Notice of Motion - Cr Andrea Friend - Potholes Price & Emmerson Drive, Glenlee	THAT Council undertake immediate rectification of Price Drive and Emmerson Drive Glenlee, to a high standard.	**11 November 2026** Crews have completed some pothole patching and larger pavement rehabilitation in the first week of September. Work has been inspected to ensure quality objectives have been met. Roads are currently being assessed for the reseal program and final list for 26/27 will be workshopped with Council prior to Christmas 2026.
14	Ordinary Council 17/08/2026	Notice of Motion - Mayor Adam Belot - Waste vouchers for mixed use properties	THAT the CEO prepare a report to Council on a process to extend waste vouchers to businesses which are also the primary residence of the operator.	**10 November 2026** Report will be tabled at the November briefing meeting.
15	Ordinary Council 17/08/2026	Divided Council Electoral Arrangement	THAT Council resolve to: 1. Investigate the feasibility of Livingstone Shire Council transitioning to a divided Council for electoral purposes to take effect from the 2032 local government elections. 2. A suitable community engagement strategy be developed to discuss any potential change with the community and test community support for any change.	**10 November 2026** The CEO is currently developing an engagement proposal to be costed. A report will be presented at a future Council meeting.

***Please note that the notes contained within the Business Outstanding Table are correct at the time of the Agenda being published.**

Item	Date	Report Title	Resolution	Comments
16	Ordinary Council 17/08/2026	Potential Acquisition of Land at 9 Casey Drive, Yeppoon.	THAT Council: 1. Approve the acquisition of a portion of land situated at 9 Casey Drive, Yeppoon, described as part of Lot 28 on RP860145, for environmental protection, stormwater management and public open space purposes. 2. Delegate authority to the Chief Executive Officer to negotiate the terms and conditions of a Contract of Sale for the acquisition of the land. 3. Approve the waiver of applicable Council fees associated with the proposed boundary realignment required to facilitate the acquisition.	**11 November 2026** The contract of sale is fully executed by the parties with settlement to be affected after the special conditions has been satisfied.

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Item	Date	Report Title	Resolution	Comments
17	BluePrint Committee Meeting 1/09/2026	Request for Expression of Interest - Fill requirements Gateway Stage 4/5 and East West Connector Stage 1	THAT Council resolve to: 1. Invite Expressions of Interest for the supply of fill material (under Section 228 (3) of the Local Government Regulations 2012) and; 2. Notes it is in the public interest to invite expressions of interest before inviting written tenders for the following reasons: a. Undertaking early engagement with potential suppliers; b. Understanding the scope potential and what the market may be able to offer; c. Enabling the market to better understand potential compliance issues with the project and social and environmental controls; d. Enabling the market to better understand the logistics of delivering or supplying the required material to mutual benefit of avoiding costs, social and environmental impacts. e. Enable the market to better understand the opportunities to backfill materials (topsoil and mulch) surplus to Council requirements that may benefit fill suppliers. 3. Undertake an evaluation of the Expression of Interest responses and shortlist a minimum of three landowners and/or contractors to tender commercial terms for a proposed solution.	**10 November 2026** 7 submissions received. Evaluation underway to produce a shortlist of tenderers. Timing of tenders to align with the projects requiring fill (East West Connector Stage 1 and Gateway Stage 5)
18	BluePrint Committee Meeting 1/09/2026	Land Acquisition EWC Stage 2 - Lot 26 SP190985	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 the outcomes of a briefing session and to return to a future Council Meeting.	**10 November 2026** Funds for the purchase have been confirmed and the report will be re-presented at the the Blueprint Livingstone Committee meeting in November.

***Please note that the notes contained within the Business Outstanding Table are correct at the time of the Agenda being published.**

Item	Date	Report Title	Resolution	Comments
19	BluePrint Committee Meeting 1/09/2026	Land Acquisition - EWC Roundabout and Connection Roads - Lot 1 SP358022	THAT Council delegates to the CEO to acquire the additional road reserve to accommodate the construction of a roundabout on Lot 1 SP358022 as part of the East West Connector Stage 1 project. The CEO provide a report to the Councillors before a final decision is made at the next available meeting.	**10 November 2026** Draft survey plan has been received, currently under review.
20	Ordinary Council 15/09/2026	Adelaide Street - Speed Reduction and Linemarking	THAT Council endorse the Adelaide Street speed reduction, signage and line-marking works for delivery through a maintenance works order in 2026/27.	**11 November 2026** Line marking and signage changes were completed in mid to late October 2026. This item will be removed from the Business Outstanding Table.
21	Ordinary Council 6/10/2026	Notice of Motion - Rural Roadworks	THAT due to the rapid deterioration of our rural roads, especially the extreme corrugation on Tanby Post Office Rd, Cobb&Co Rd, and Hoffmans Rd, the Infrastructure Department place priority on addressing these 3 roads in that order as a matter of urgency, including the employment of contractors to alleviate the distress currently caused to rural residents and their vehicles on these roads. Further, due to the prolonged waiting time to address rural road maintenance due to only 3 grader crews in operation, priority should focus on those roads with the greatest damage until such time improved weather conditions permit otherwise.	**4 November 2026** Maintenance work on all 3 roads was completed during October.

***Please note that the notes contained within the Business Outstanding Table are correct at the time of the Agenda being published.**

Item	Date	Report Title	Resolution	Comments
22	Ordinary Council 26/10/2026	Notice of Motion - Cr Lance Warcon - Marlborough Pool extension of Saturday summer operating hours	THAT Council: 1. Contact PCYC to discuss and request an extension of the operating hours available for the Marlborough Pool during the summer season; 2. Request that PCYC facilitate an additional three (3) hours of pool access on a Saturday during the summer season, to provide increased access and recreational opportunities for the community; 3. Note that the proposed additional Saturday hours are to be in addition to, and not replace, reduce or otherwise alter, the hours currently allocated to the Marlborough Pool; and 4. Request that Council officers report back to Council on the outcome of discussions with PCYC, including the feasibility, proposed timing and any costs associated with providing the additional Saturday hours.	**10 November 2026** Officer is following up with PCYC for the detailed breakdown of the proposed cost of extending the opening hours.
23	Ordinary Council 26/10/2026	Notice of Motion - Cr Lance Warcon - The Resting Place Tree	THAT 1. Council add The Resting Place tree to the Local Heritage Register 2. Council applies to the Queensland Department of Environment, Science and innovation to add The Resting Place tree to the Queensland Heritage Register	**05 November 2026** Tasked to Community Development Team. Applications in progress.
24	Ordinary Council 26/10/2026	Notice of Motion - Cr Rhodes Watson - Mackay Road Safety Improvements	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 to return to a future Council Meeting.	**04 November 2026** Officers will brief Councillors at a future Briefing Session before returning to an Ordinary Meeting of Council
25	Ordinary Council 26/10/2026	Notice of Motion - Cr Glenda Mather - Mildura Rise Update	THAT given the variety of information provided to members of the community, with the suggestion of a "new plan," The Planning Department be asked to provide an update on the current position of the development, and the current plan provided to Council.	**09 November 2026** Report scheduled for Ordinary Council 1 December 2026

***Please note that the notes contained within the Business Outstanding Table are correct at the time of the Agenda being published.**

Item	Date	Report Title	Resolution	Comments
26	Ordinary Council 26/10/2026	Questions on Notice - Cr Glenda Mather - Clearing on hills Tanby Road	THAT staff prepare a report for the November Ordinary Meeting on the circumstances surrounding the total indiscriminate clearing of the hills on the northern entrance to Tanby Road.	**02 November 2026** Scheduled for Briefing Session 24 November 2026 and Ordinary Council meeting 1 December 2026
27	Ordinary Council 26/10/2026	Naming of Area - Mike Prior Place	THAT the area at the northern end of Wattle Grove adjacent to the mouth of Ross Creek, be named Mike Prior Place.	**04 November 2026** Officers will complete the signage and name change in our mapping system as per resolution.
28	Ordinary Council 26/10/2026	Acquisition of Land - Yeppoon West Reservoir	THAT Council resolve to: 1. Rescind Item 16.2 Proposed Acquisition of Land Water Supply Reservoir that was resolved at the Ordinary Meeting of Council held on 17 February 2026; 2. Delegate authority under s 257 of the Local Government Act 2009 to the Chief Executive Officer to negotiate and finalise all matters relating to the acquisition of land for water supply purposes associated with L1 MPH3839, Bondoola; and 3. In exercising this delegation, the Chief Executive Officer is to comply with Council's '*Acquiring Land and Easements for Infrastructure Services Procedure*'	**04 November 2026** Officers will continue negotiations with the landowner.

7.2 LIFTING MATTERS LAYING ON THE TABLE

File No: **fA2206**

Attachments: **Nil**

Responsible Officer: **Lucy Walker - 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.

OFFICER'S RECOMMENDATION

THAT Council resolves that the following report which is currently 'laying on the table' within the Business Outstanding Table awaiting return to a Council meeting, be lifted from the table:

- Permit to occupy application – Adjacent to 6 Flood Road Milman (Lot 4 RP848806)

BACKGROUND

The report was presented at the Council Meeting on 17 June 2025 at which time Council resolved to lay on the table pending consideration of a DA to return to a Council Meeting at a later date. A report has been prepared for further discussion and consideration at today's Council meeting.

8 PRESENTATION OF PETITIONS

Nil

9 NOTICES OF MOTION

Nil

10 QUESTIONS ON NOTICE

Nil

11 COMMITTEE REPORTS

Nil

12 AUDIT, RISK AND IMPROVEMENT COMMITTEE REPORTS

Nil

13 REPORTS

13.1 UPDATED REPORT - APPLICATION FOR PERMANENT ROAD CLOSURE – 64387 BRUCE HIGHWAY MILMAN (LOT 3 SP362574) AND APPLICATION FOR PERMIT TO OCCUPY – 6 FLOOD ROAD MILMAN (LOT 4 RP848806)

File No:	**qA88294 and qA88292**
Attachments:	**1. Plans⇩** **2. Permit to Occupy Application - Lot 4 RP848806⇩** **3. Permanent Road Closure Application - Lot 3 SP362574⇩** **4. Recommended Proposal for Council Support⇩**
Responsible Officer:	**Michael Kriedemann - General Manager Infrastructure**
Author:	**Carrie Burnett - Policy & Planning Officer**
Previous Items:	**11.1 - Road Closure Application - Adjacent to 64387 Bruce Highway Milman (Lot 3 RP848802) - Standing Committee - Infrastructure - 06 Aug 2024 8:30 AM** **13.4 - Permit to Occupy Application – Adjacent to 6 Flood Road Milman (Lot 4 RP848806) - Ordinary Council - 17 Jun 2025 9:00 AM** **5.2 - Application for Permanent Road Closure - 64387 Bruce Highway Milman (Lot 3 RP848802) and Application for Permit to Occupy - 6 Flood Road Milman (Lot 4 RP848806) - Briefing Session - 02 Dec 2025**

SUMMARY

This is an updated report pertaining to a Permit to Occupy Application over road reserve adjacent to 6 Flood Road Milman (Lot 4 RP848806) and a Permanent Road Closure Application over road reserve adjacent to 64387 Bruce Highway Milman (Lot 3 SP362574). This report includes an updated Officer's Recommendation.

OFFICER'S RECOMMENDATION

THAT the information is received and the alternate resolution is presented to the table.

BACKGROUND

AUGUST 2024 (shown in green on Attachment 1)

At its 6 August 2024 Infrastructure Standing Committee Meeting, Council considered a Permanent Road Closure Application ('*PRCA*') submitted by the owners of 64387 Bruce Highway Milman - Lot 3 RP848802 (now Lot 3 SP362574) ('*Lot 3*').

Council did not object to this road closure proposal, which has now been finalised.

MAY 2025 (shown in blue on Attachment 1)

The owners of Lot 4 RP848806 ('*Lot 4*') (6 Flood Road Milman) submitted a Permit to Occupy Application ('*PTO*') for grazing purposes over part of an unnamed road off Flood Road (shown in blue on Attachment 1). The applicants claim to have maintained this section of road for 25 years (grading, road base, weed management and mowing) and state they would like to run cattle on it to control grass and provide a fire break.

The owners state that this road provides the only access to their property, however, it should be noted that it also provides access to neighbouring *Lot 3*.

JUNE 2025

The *PTO* was considered by Council at its 17 June 2025 Ordinary Meeting. Council resolved as follows:

> '*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 consideration of a DA to return to a Council Meeting at a later date.*'
>
> Moved by: Councillor Friend
>
> MOTION CARRIED UNANIMOUSLY

SEPTEMBER 2025 (shown in red on Attachment 1)

Council received a *PRCA* from the owners of 64387 Bruce Highway Milman - *Lot 3*. This application overlaps part of the application for *PTO* submitted by the owners of *Lot 4*.

OCTOBER 2025

At its 27 October 2025 Ordinary Meeting Council considered a Material Change of Use for Non-Resident Workforce Accommodation, Low Impact Industry (Metal Fabrication) and High Impact Industry (Concrete Batching) (D-266-2024) over *Lot 3* and resolved as follows:

> '*THAT Council move to refuse the application on the basis that:*
>
> a. *The development does not comply with Overall Outcomes (2) and (3) of the Rural Zone Code as the Development is not for a preferred or identified use for the zone.*'
>
> Moved by: Councillor Rothery
>
> Seconded by: Deputy Mayor, Councillor Eastwood
>
> MOTION CARRIED UNANIMOUSLY

NOVEMBER 2025

A Notice of Appeal was filed in the Planning and Environment Court on 14 November 2025 against Council's decision.

2 DECEMBER 2025

At its 2 December 2025 Briefing Session Council were briefed on the following:

- 64387 Bruce Highway Milman - *Lot 3*

  two *PRCA*

  (one application is now finalised and the outstanding application overlaps the proposed *PTO* lodged by the neighbouring landowners)

- 6 Flood Road Milman (*Lot 4*)

  proposed *PTO*

AUGUST 2026

The Planning and Environment Court set aside Council's decision and replaced it with a decision to approve the development application (Appeal No. 3233 of 2025).

Now that Council has clarity on development application (D-266-2024), it is time to lift the *PTO* off the table and consider it in conjunction with the *PRCA* submitted by the owners of *Lot 3*.

The land in road reserves is owned by the State represented by the Department of Natural Resources and Mines, Manufacturing and Regional and Rural Development ('*the Department*'). Pursuant to s 60 of the *Local Government Act 2009*, Council has control of all roads in its local government area (excluding State-controlled roads). Given Council's status as road manager, before the State considers an *PRCA* or a *PTO* it seeks Council's comment in the form of a 'Statement in relation to an application under the *Land Act 1994* over State land (Part C)'.

The following information regarding the issuing of a *PTO* is provided:

1. Guideline – Roads under the *Land Act 1994* – SLM/2013/725:

   '*Roads do not need to be closed for a permit to occupy to be able to be issued over the road. Permits provide rights for non-exclusive occupation of the land, and the land remains road,…*'

   '*A permit to occupy may be cancelled at short notice with no compensation.*'

2. Guideline – Permit to Occupy – SLM/2013/482:

   '*A permit to occupy gives personal permission to use the land; it does not create an interest in land – the base tenure remains USL, reserve or road.*'

3. Part B Form LA03 – Permit to Occupy Application:

   Permits to occupy:

   - '*do not allow exclusive possession of the land'*
   - *'the proposed use must be able to co-exist with the purpose of the land …*
   - *Can be cancelled at any time without compensation being paid by the state.*'

Unlike *PRCA*, which are always reported to Council as required by Council resolutions of 20 June 2019, 18 February 2020 and 15 August 2023, *PTO* applications are usually dealt with at officer level. This is because, if approved by *the Department*, the road remains open and must also remain available for use by the public as a road. In this instance, it has been decided to present this matter to Council for consideration because the proposed *PTO* covers road reserve which is also the subject of a *PRCA* by the neighbouring landowner.

The purpose of this report is to establish Council's stance with regards to the proposed *PTO* and the *PRCA* so that a Part C can be completed and provided to each of the applicants.

The following advice was provided by Council stakeholders.

Coordinator Natural Resource Management

No comments provided.

Manager Water and Waste Operations

'*No objections are raised from a water and wastewater perspective, as the proposed permanent road closure does not impact any water or sewer infrastructure.*'

Acting Coordinator Community Development & Events

'*Community Development and Events has no comments on this one.*'

Development Engineer

No objection

Coordinator Disaster Management & Community Resilience

'*From a Disaster Management and Community Resilience perspective, there are no objections to either of the following applications:*

- *Permanent Road Closure, 64387 Bruce Highway, Milman (Lot 3 SP362574).*
- *Permit to Occupy for grazing purposes, 6 Flood Road, Milman (Lot 4 RP848806).*'

Property Officer

'*As the road closure and permit to occupy does not adjoin or impact Council-owned or controlled land, Property has no further comment to provide regarding either proposal.*'

Technical Officer (Environment & Approvals)

'*…no comment.*'

Planning and Infrastructure Officer

Duty Planner supports comments provided by the Principal Transport Engineer.

Acting Coordinator Corridor Management

'*I have reviewed the documents and would suggest that there would be no problem with application a). The area appears to have been maintained by the property owner, with no access issues for neighbouring properties or access from Yaamba Rd, I believe this application could be approved, no objection*

I would object to the second application b) as I have noticed some property access issues as the neighbouring property, #64387 Bruce Highways access point would be affected by the permit if approved in full. Photo attached for reference.

I would suggest that the applicant reduce the length of permit to occupy by approx 100m to allow neighbouring property unimpeded access to property before approval. Photo attached for reference'

Note: the reference to:

- '*application a)*' is to the *PRCA*
- '*application b)*' is to the *PTO*

Principal Transport Engineer

'*Application for Permit to Occupy – 6 Flood Road, Milman (Lot 4 RP848806) Object. The proposed permit area includes road reserve used to access 64387 Bruce Highway, Milman (Lot 3 SP362574). Under the Planning and Environment Court approval for D-266-2024, direct access to the Bruce Highway (Yaamba Road) is not permitted (SARA condition 2, ref. 2411-43254 SRA), so the development relies on access via Flood Road and Milman Road.*

Application for Permanent Road Closure – 64387 Bruce Highway, Milman (Lot 3 SP362574)

No objection, subject to the Department of Transport and Main Roads, as the road manager for the adjoining Bruce Highway (state-controlled road), confirming it has no objection to the closure.'

Author's Conclusion and Recommendation

The Principal Transport Engineer and the Acting Coordinator Corridor Management have identified that the proposed *PTO* is over road used by the owners of *Lot 3* to gain access to their property. While a *PTO* does not allow for exclusive possession and the owners of *Lot 3* would still have a right to traverse the road if the *PTO* was approved, the better solution would be for Council to support a *PTO* over a reduced area of road reserve which commences no less than 100m away from the vehicle access of *Lot 3*, as shown on Attachment 4.

According to the owners of *Lot 3*, the road reserve they wish to close was fenced into their property by the former owners. The area in question is enlarged on the last page of Attachment 1 and fencing is clearly seen. The plan submitted in support of the *PTO* encompasses this fenced in area. The author's proposal at Attachment 4, amends the alignment of the northern end of the proposed *PTO* to exclude the fenced area.

In summary, the author recommends that Council not object to a *PTO* by the owners of *Lot 4* and a *PRCA* by the owners of *Lot 3* as amended on Attachment 4.

ALTERNATE OFFICER'S RECOMMENDATION

The alternative recommendation presented below is the Officer's current recommendation based on current information as at November 2026.

THAT Council resolve:

1) To authorise the Chief Executive Officer to sign a 'Statement in relation to an application under the *Land Act 1994* over State land (Part C)' referring to the proposal outlined in Attachment 4 to this report and stating that Council, as road manager, does not object to:

   b) an application by the owners of Lot 4 RP848806 for a permit to occupy over the unnamed road reserve adjacent to their land which is to commence no less than 100m away from the vehicle access of Lot 3 SP362574; and

   c) an application by the owners of Lot 3 SP362574 for a permanent road closure over that part of the unnamed road reserve adjacent to their land which is fenced into their property, subject to the Department of Transport and Main Roads confirming it has no objection to the closure.

2) That the applicants be advised of Council's decision and provided with the completed Part C.

PREVIOUS DECISIONS

Council decisions are outlined in the Background of this report.

ENGAGEMENT AND CONSULTATION

On their website, *the Department* states 'We will seek the views of other stakeholders (e.g. state, regional and local agencies) and inspect the land if required.

BUDGET IMPLICATIONS

There are no foreseeable budget implications associated with this matter.

LEGISLATIVE CONTEXT AND LEGAL IMPLICATIONS

Land Act 1994

Section 93 of the *Land Act 1994* provides for the meaning of road as follows:

'*(1) A road means an area of land, whether surveyed or unsurveyed-*

(a) *dedicated, notified or declared to be a road for public use; or*

(b) *taken under an Act, for the purpose of a road for public use.*

(2) The term includes-

(a) *a street, esplanade, reserve for esplanade, highway, pathway, thoroughfare, track or stock route; and*

(b) *a bridge, causeway, culvert or other works in, on, over or under a road; and*

(c) *any part of a road.*'

Pursuant to s 99 of the *Land Act 1994* an owner of land that adjoins road may apply for the permanent closure of the road. Notice must be given to Council under s 68 of the *Local Government Act 2009* which also states that the Land Act Minister must have regard to any objections made by Council.

The chief executive is authorised to issue a *PTO* in accordance with the provisions of ch 4 pt 4 of the *Land Act 1994*.

Human Rights Act 2019

Section 4(b) of the *Human Rights Act 2019* requires public entities such as Council '*to act and make decisions in a way compatible with human rights*'.

There are no adverse human rights implications associated with this report.

RISK ASSESSMENT

If the area of the proposed *PTO* is not reduced at its southern end, there could be negative impacts on the access to *Lot 3* resulting in potential conflict between neighbours.

CORPORATE PLAN REFERENCE

Transparent, Accountable & Progressive Leadership

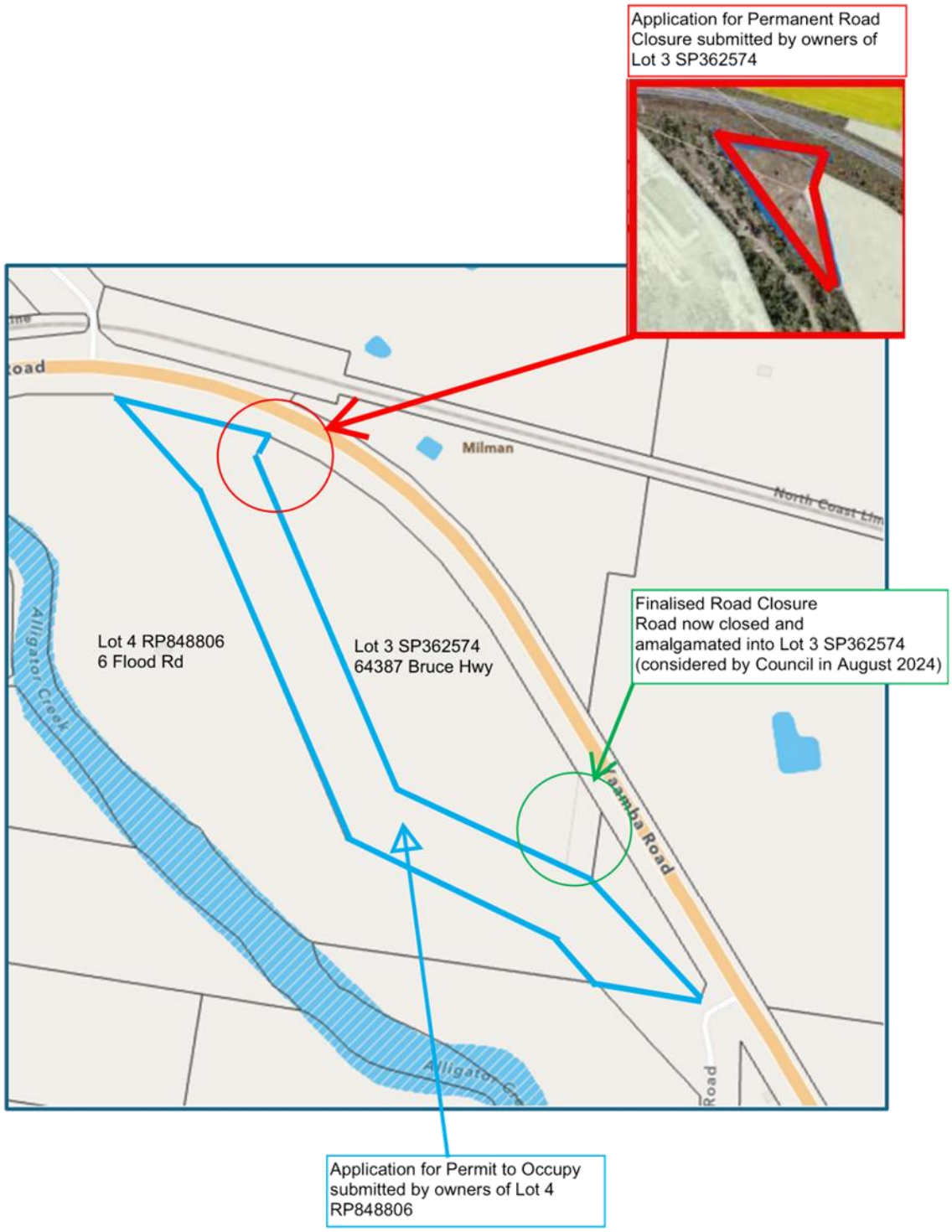
Advocate and collaborate with state and federal governments in the best interest of the community

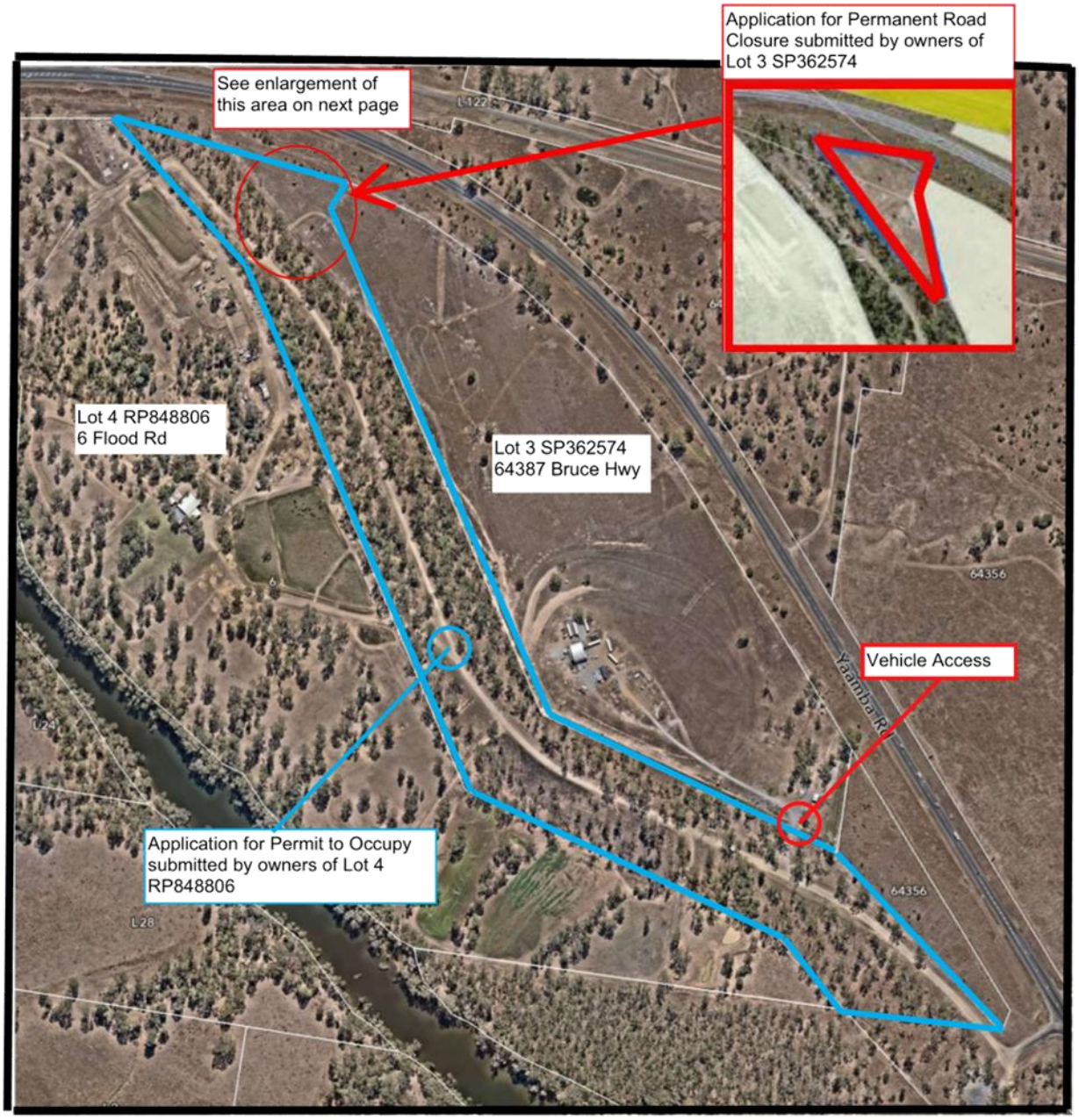
13.1 - UPDATED REPORT - APPLICATION FOR PERMANENT ROAD CLOSURE – 64387 BRUCE HIGHWAY MILMAN (LOT 3 SP362574) AND APPLICATION FOR PERMIT TO OCCUPY – 6 FLOOD ROAD MILMAN (LOT 4 RP848806)

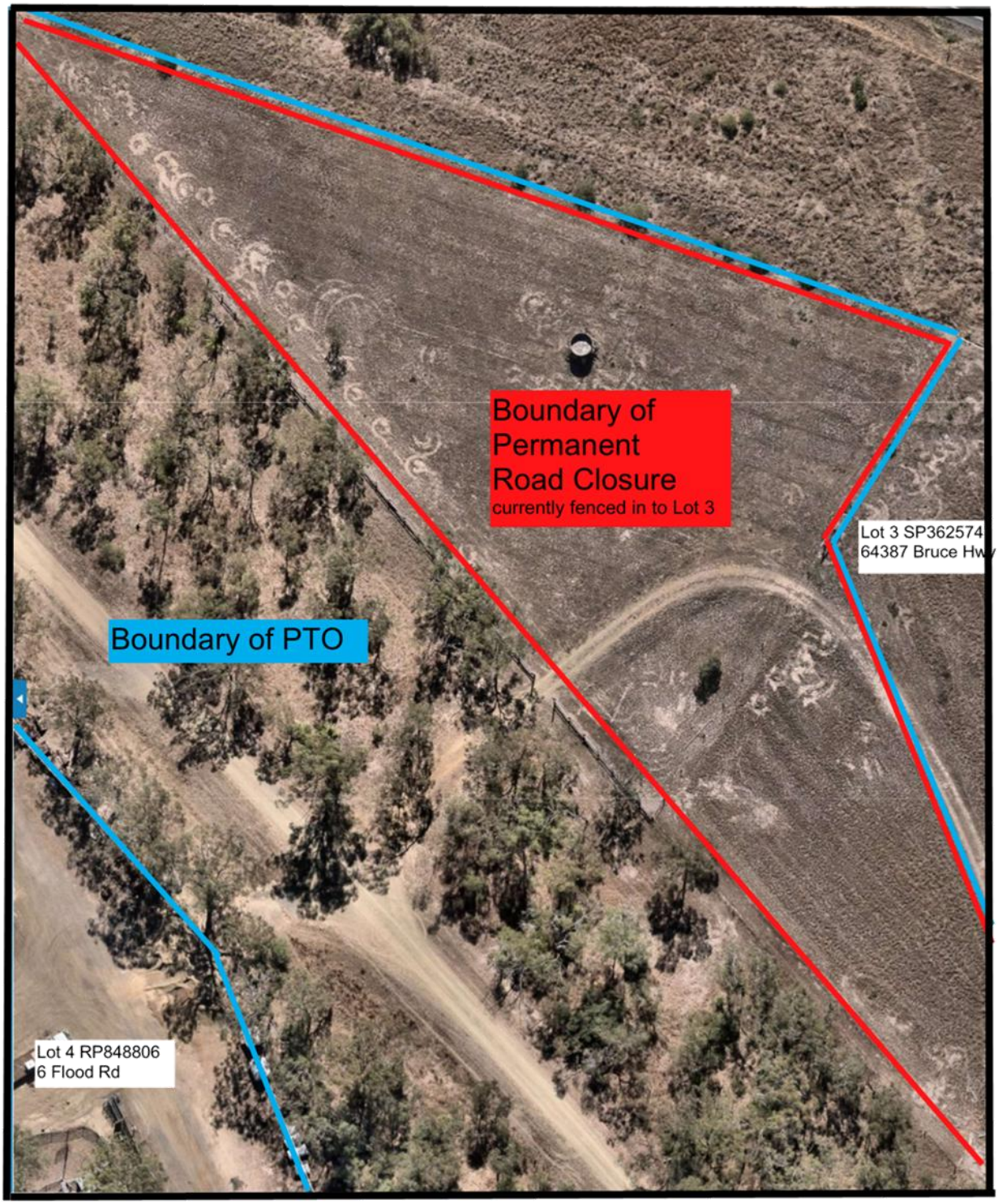
Plans

Meeting Date: 17 November 2026

Attachment No: 1


Application for Permanent Road Closure submitted by owners of Lot 3 SP362574
Milman
North Coast Line
Lot 4 RP848806
6 Flood Rd
Lot 3 SP362574
64387 Bruce Hwy
Finalised Road Closure
Road now closed and amalgamated into Lot 3 SP362574
(considered by Council in August 2024)
Alligator Creek
Yamba Road
Application for Permit to Occupy submitted by owners of Lot 4 RP848806


Application for Permanent Road Closure submitted by owners of Lot 3 SP362574
See enlargement of this area on next page
Lot 4 RP848806
6 Flood Rd
Lot 3 SP362574
64387 Bruce Hwy
Vehicle Access
Application for Permit to Occupy submitted by owners of Lot 4 RP848806
64356
64356
L122
L28


Boundary of
Permanent
Road Closure
currently fenced in to Lot 3
Lot 3 SP362574
64387 Bruce Hwy
Boundary of PTO
Lot 4 RP848806
6 Flood Rd

13.1 - UPDATED REPORT - APPLICATION FOR PERMANENT ROAD CLOSURE – 64387 BRUCE HIGHWAY MILMAN (LOT 3 SP362574) AND APPLICATION FOR PERMIT TO OCCUPY – 6 FLOOD ROAD MILMAN (LOT 4 RP848806)

Permit to Occupy Application - Lot 4 RP848806

Meeting Date: 17 November 2026

Attachment No: 2

Queensland Government

Department of Natural Resources and Mines, Manufacturing and Regional and Rural Development

You can now apply for all *Land Act 1994* applications online.

Part A – Form LA00

Contact and Land Details

Land Act 1994

Requirements

1. **Part A:** Contact and land details is required when the applicant is wanting to submit a Part B form (application specific form) . Part A – Contact and land details – you can apply online or via Part A – Contact and land details (PDF).

2. Payment of the prescribed Application fee for relevant Part B forms is per title reference. A refund of application fees will not be given. Details of fees are available on the Department of Natural Resources and Mines, Manufacturing and Regional and Rural Development website at < https://www.qld.gov.au/environment/land/state/application/forms/state-land-application-forms-and-fees> or by contacting your nearest business centre or call 13 QGOV 13 74 68.

3. The appropriate application form Part B must be signed by the applicant or a legal practitioner on behalf of the applicant.

4. For your application to be processed, all parts of this application form must be completed and accurately, otherwise your application may be returned to you to complete or refused.

Important information

5. For detailed information and to ensure you complete the correct application form, we encourage you to arrange a pre-lodgement meeting and refer to the *Land Act 1994*. Contact your nearest business centre to arrange a meeting..

6. All applications will be processed having regard to the requirements of the *Land Act 1994* <https://www.legislation.qld.gov.au/> and related legislation, approved policies and procedures and the requirements of all other agencies with an interest in the land.

7. You can lodge your state land application online by completing the Part A online guide, or through the Part A – Contact and land details PDF and relevant Part B application form PDF. If you complete the PDF forms, you can submit the application via:

8. **Email:** SLAMlodgement@resources.qld.gov.au

9. **Post:**
Department of Natural Resources and Mines, Manufacturing and Regional and Rural Development
PO Box 5318
Townsville QLD 4810

Information and Data collection

10. In terms of the *Right to Information Act 2009,* interested parties may seek access to the department's records and view relevant documents.

11. Information on this form, and any attachments, is being collected to process and assess your application under the *Land Act 1994*. If required, we may need to consult with third parties such as relevant local or state agencies and adjoining property owners. Details provided to third parties will generally be limited to type of application, area applied for and intended use. Your personal information will not otherwise be disclosed unless authorised or required by law.

12. Please note that we may wish to contact you to seek your views on our service, to advise you of any legislative changes that might affect you or to seek your participation in surveys or programs relevant to your application type. Any participation will be voluntary and you may email stateland@resources.qld.gov.au if you do not wish for the department to contact you.

13. The department may also compile or analyse statistics and conduct research. Any publication of findings will not involve the publication of identifying personal information.

14. For further privacy information click Privacy or go to <https://www.nrmmrrd.qld.gov.au/legal/privacy>.

Contact Details

Lodger Details and Mailing Address

A lodger is only required when a legal practitioner, or consultant lodges the application on behalf of the applicant.

Full Names

Title	First Name	Surname

Company Name(s)

If a corporation then record:-

☐ ACN ☐ ARBN ☐ ABN

Contact Details

Postal Address:

Phone Number: Mobile Number:

Email:

Applicant(s) Details and Mailing Address

If the Applicant is a Corporation, either the Australian Company number, Australian Registered Body number or the Australian Business number must be shown.

Full Names

Title	First Name	Surname

Company Name(s)

If a corporation then record:-

☐ ACN ☐ ARBN ☐ ABN

Note: if the applicant is a Corporation, a requirement of the application is providing evidence (as at the date of application), that the Corporation is registered with the Australian Securities and Investments Commission (ASIC) at https://asic.gov.au/online-services/search-asic-s-registers/ (company summary printout) and if applicable, also registered with the Australian Business Register (ABR) at https://www.abr.business.gov.au (ABN lookup record extract).

Contact Details

Postal Address:

Phone Number: **Mobile Number:**

Email:

Future correspondence should be sent to:

☐ Lodger ☒ Applicant

1. Are the applicant/s a foreign acquirer as defined by the Additional Foreign Acquirer Duty (AFAD)?

Note: For further information refer to the Queensland Government website to determine if the applicant/s are a foreign person (acquirer) for AFAD at https://qro.qld.gov.au/duties/investors/afad/.

2. Is the application related to the purchase of land, for example a permanent road closure, or conversion of a lease where the land is or will be used solely or primarily for residential purposes as defined for the Additional Foreign Acquirer Duty (AFAD) under the *Duties Act 2001*? This includes current and future use of the land.

Note: Under the *Duties Act 2001* an additional amount of duty applies where the land is residential land and the applicant is a foreign person (acquirer) for AFAD at https://qro.qld.gov.au/duties/investors/afad/>.

3. Enter full name/s of the foreign acquirer/s
(If there is insufficient space, please lodge as an attachment)

Full Names (If a Company, also provide a contact name)	**Share Held**

go to 4

4. Are the Applicant/s registered for GST and acquiring the land for a creditable purpose?

Note: Under the *Tax Administrator Act (Cth) 1953* certain purchasers of new residential premises or potential residential land are required to withhold the Goods and Services Tax (GST) amount from the price of the supply (purchase price) for payment directly to the Australian Taxation Office (ATO) as outlined on the ATO's website. The department is unable to provide further advice on the ATO's requirements. For further information contact the ATO on 13 28 65 or visit the ATO website <https://www.ato.gov.au/business/gst/in-detail/your-industry/property/gst-property-settlement-online-forms-and-instructions/> or seek advice from a financial or legal expert.

Details of land for which the application is being lodged

5. Select the type of land for which the application is being lodged:

- ☐ Permit
- ☐ Licence
- ☐ Lease
- ☐ Unallocated State Land (USL)
- ☒ Road (ROAD RESERVE) *NOT MAINTAINED BY COUNCIL
- ☐ Trust Land Reserve/ Deed of Grant in Trust (DOGIT)
- ☐ Dealing Number (refer to current title information item 6)
- ☐ Other

go to 6

6. Enter the description of the land for which the application is being lodged. If this application concerns a road, enter the description of the land adjoining the road.

Schedule 1

You must enter either the Lot on Plan or Title Reference of the land for which the application is being lodged

Lot	Plan	Title Reference
L4	RP 848806	6 Flood Rd, MILMAN.

go to 7

The details of the land can be found on a current title. To check this you can purchase a title search by calling(07) 3497 3479, visiting the Titles Queensland website https://www.titlesqld.com.au/ (and select 'Searches') Lot on Plan details are located on your rates notice or downloading the Queensland Globe https://www.business.qld.gov.au/business/support-tools-grants/services/mapping-data-imagery/ to help access current Lot on Plan details. If insufficient space, please add additional description as an attachment.

7. Enter additional details of the land

Dealing number: (if relevant)

Tenure Type: Tenure Number:

Local Government: LIVINGSTONE SHIRE COUNCIL

Other details of land location (optional)

ROAD RESERVE ADJOINING OUR PROPERTY.

go to 8

8. Provide details of any timeframe limitations you have (e.g. a settlement date). go to 9

NO LIMIT OF TIMEFRAME. AS SOON AS POSSIBLE

9. If this application relates to a project, provide an overview and how your application relates to the project. go to 10

NO PROJECT.

10. Have you participated in a pre-lodgement meeting with the department (strongly encouraged)?

☒ Yes go to 11

☐ No

Please provide name of officer you spoke with and this department's associated reference.

Department Contact Officer: Alison Bell

Pre-lodgement ID (eLVAS CI Ref):

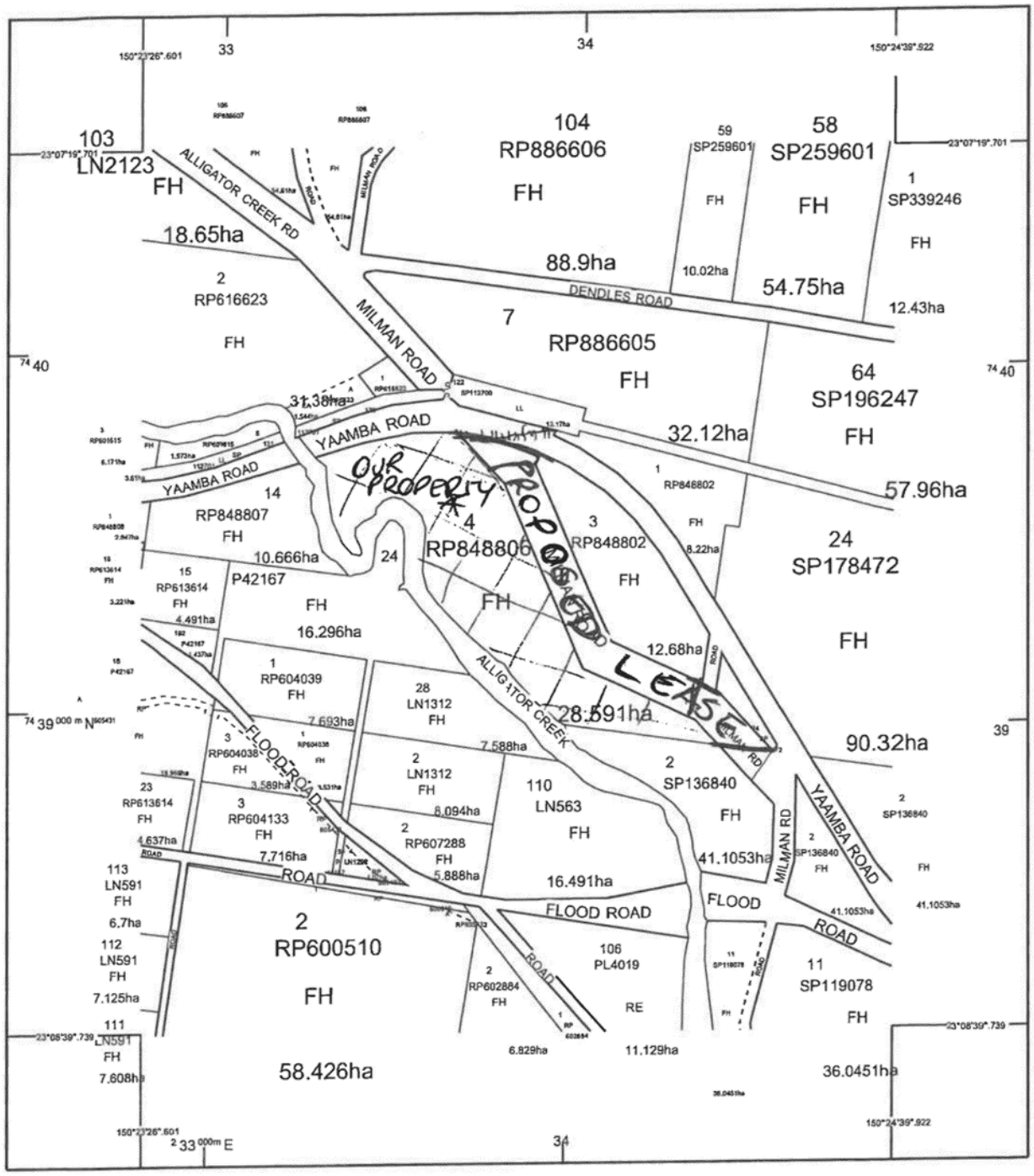
11. Provide details of pre-lodgement meeting.
(If there is insufficient space, please lodge as an attachment)

WENT IN TO DEPT OF NATURAL RESOURCES AND SPOKE TO OFFICER THERE. EXPLAINED THAT THE OWNERS OF 6 FLOOD ROAD HAVE BEEN MAINTAINING ROAD RESERVE FOR 25 YEARS (GRADING, ROAD BASE, WEED MANAGEMENT & MOWING) AND WE WOULD LIKE TO RUN CATTLE ON IT PART TIME TO KEEP GRASS IN CHECK (FIRE BREAK)

Note: Departmental Officers contact details and any reference number should be included if known.

THIS FORM MUST BE ACCOMPANIED BY THE RELEVANT PART B APPLICATION FORM

CLEAR FORM



STANDARD MAP NUMBER
8951-12441

0 300 600 900 1200 1500 m

HORIZONTAL DATUM:GDA94 ZONE:56 SCALE 1 : 15000

MAP WINDOW POSITION & NEAREST LOCATION

SUBJECT PARCEL DESCRIPTION

DCDB

Lot/Plan	4/RP848806
Area/Volume	28.591ha
Tenure	FREEHOLD
Local Government	LIVINGSTONE SHIRE
Locality	MILMAN
Segment/Parcel	33692/114

CLIENT SERVICE STANDARDS

PRINTED 22/04/2025

DCDB 20/04/2025 (Lots with an area less than 1500m² are not shown)

Users of the information recorded in this document (the Information) accept all responsibility and risk associated with the use of the Information and should seek independent professional advice in relation to dealings with property.

Despite Department of Resources best efforts, RESOURCES makes no representations or warranties in relation to the Information, and, to the extent permitted by law, exclude or limit all warranties relating to correctness, accuracy, reliability, completeness or currency and all liability for any direct, indirect and consequential costs, losses, damages and expenses incurred in any way (including but not limited to that arising from negligence) in connection with any use of or reliance on the Information

For further information on SmartMap products visit https://www.qld.gov.au/housing/buying-owning-home/property-land-valuations/smartmaps

GDA

SmartMap

An External Product of SmartMap Information Services

Based upon an extraction from the Digital Cadastral Data Base

Queensland Government

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Queensland Government

Department of Natural Resources and Mines, Manufacturing and Regional and Rural Development

You can now apply for all *Land Act 1994* applications online.

Part B – Form LA03

Permit to Occupy Application

Land Act 1994

Requirements

1. Use this application form to apply for a permit to occupy.
2. Please read the respective permit to occupy guide, which includes application restrictions. The content on this page may help you decide if this application form applies to you and your needs. It will also help guide you through the application process.
3. Payment of the prescribed Application fee is required. A refund of application fees will not be given. (Details of fees are available on the Department of Natural Resources and Mines, Manufacturing and Regional and Rural Development website or contact your nearest business centre or call 13 QGOV (13 74 68).
4. Part A online form: Contact and land details or Part A – Contact and land details (PDF) must be completed and submitted with your application.
5. **Part C - Form LA30**: Statement in relation to an application under the *Land Act 1994* over state land, that is a reserve or a dedicated road area, must be completed and submitted with your application.
6. A drawing showing the general location, Lot on Plan information and the proposed permit to occupy area including dimensions must be submitted with your application.
7. Any additional information to support the application.
8. For your application to be processed, all parts of this application form must be completed accurately, otherwise your application may be returned to you to complete or refused.

Important information

9. For detailed information and to ensure you complete the correct application form, we encourage you to arrange a pre-lodgement meeting and refer to the *Land Act 1994*. Contact your nearest business centre to arrange a meeting.
10. A permit to occupy is issued for a minor or temporary purpose including short-term grazing, pump sites, advertising signs on roads, apiary sites or an entrance ramp to a building site during construction.
11. A permit to occupy may be issued over a road, a reserve or unallocated state land. If the proposed permit to occupy area is over more than 1 type of these lands, separate permits to occupy will be required.
12. An application for a permit to occupy is NOT required if the proposed use is located on a local road, state-controlled road or reserve and can be authorised by the road manager or reserve trustee (refer to following items 13 to 15).
13. If the proposed use is on a local road, contact the relevant local government for authorisation of this use. If the local government can authorise the proposed use on a local road under a specific local law for administering the use of local roads, an application for a permit to occupy is not required by this department.
14. If the proposed use is on a state-controlled road, contact the Department of Transport and Main Roads to authorise the proposed use. An application for permit to occupy under the *Land Act 1994* is not required.
15. If the proposed use is over a reserve, contact the trustee of the reserve. If they can authorise the proposed use as a trustee lease or trustee permit an application is not required.

16. A permit to occupy may be issued for areas that are below high-water mark if:
    - it would not unduly affect safe navigation and sound development of the state's waterway and ports
    - its impact on marine infrastructure has been considered
    - it would not have a detrimental effect on coastal management; and
    - it would not be inconsistent with the intent of any relevant state management plan.
17. Permits to occupy:
    - do not allow exclusive possession of the land
    - the proposed use must be able to co-exist with the purpose of the land (for example, infrastructure does not co-exist on a gazetted road)
    - cannot be transferred, sublet or mortgaged
    - cannot be issued over freehold or leasehold land
    - can be cancelled at any time without compensation being paid by the state.
18. A permit to occupy can only be held by individuals or corporations and cannot be held by deceased estates (executors/beneficiaries) or on trust.
19. If an existing property fence is to be used as a boundary fence for the permit to occupy and you do not own the fence, you must submit a written agreement signed by you and the fence owner with the application for a permit to occupy, detailing agreed conditions about the maintenance of the fence. This agreement must be submitted before we can issue the permit to occupy. An agreement about the maintenance of a fence does not mean that your application will be approved.

Information and Data collection

20. Information on this form, and any attachments, is being collected to process and assess your application under section 177A of the *Land Act 1994*. If required, we may need to consult with third parties such as relevant local or state agencies and adjoining property owners. Details provided to third parties will generally be limited to type of application, area applied for and intended use. Your personal information will not otherwise be disclosed unless authorised or required by law.
21. Please note that we may wish to contact you to seek your views on our service, to advise you of any legislative changes that might affect you or to seek your participation in surveys or programs relevant to your application type. Any participation will be voluntary and you may email stateland@resources.qld.gov.au if you do not wish for the department to contact you.
22. The department may also compile or analyse statistics and conduct research. Any publication of findings will not involve the publication of identifying personal information.
23. For further privacy information click Privacy or go to <https://www.nrmmrrd.qld.gov.au/legal/privacy>.

Office Use Only	Application for a Permit to Occupy	9 311662 190130

1. The application is for a permit to occupy over:

- ☐ Road — **go to 2**
- ☒ Reserve — **go to 3**
- ☐ Unallocated State Land — **go to 3**

Where an application is associated with a reserve or road, the applicant is to first discuss the application with the trustee of the reserve or for a road that is under the control of the local government — the local government, to determine if the relevant agency can authorise the use.

If the proposed use is located on a state-controlled road, a permit to occupy under the *Land Act 1994* is not required. Contact the Department of Transport and Main Roads to authorise the proposed use. This includes where the application is for the issue of a new permit to occupy on a State controlled road, as a result of the transfer of the parcel of land associated with the permit to occupy.

If a permit to occupy is to issue over a reserve and the purpose of the permit is inconsistent with the purpose of the reserve, no improvements, other than boundary fences, are to be built by the permittee, as required under section 177(4) of the *Land Act 1994*.

A signed Part C Form LA30 – Statement in relation to an application under the *Land Act 1994* over State land from the trustee of the reserve or road manager will need to accompany this application.

2. Is the application over:

- ☐ Road (local road administered under the *Local Government Act 2009* or *City of Brisbane Act 2010*) — **go to 3**
- ☐ State-controlled road administered under the *Transport Infrastructure Act 1994* — **application not required**

3. Is the proposed use:

- ☐ Short Term (not more than 12 months) — **go to 4**
- ☒ Long Term (more than 12 months) — **go to 4**

4. Provide details of the proposed use including information on existing improvements. **go to 5**
(If there is insufficient space, please lodge as an attachment)

OWNERS OF 6 FLOOD ROAD HAVE BEEN PROVIDING UPKEEP OF ADJOINING ROAD RESERVE BY WAY OF GRADING, ROAD BASE, WEED MANAGEMENT & MOWING FOR 25 YRS SINCE HIGHWAY WAS DIVERTED. THIS ROAD RESERVE IS THE ONLY ACCESS TO OUR PROPERTY. WE TAKE GREAT PRIDE IN OUR ENTRYWAY. WE WOULD LIKE TO RUN CATTLE ON IT PART TIME TO CONTROL GRASS AND PROVIDE A FIRE BREAK.

5. Provide details of approximate time the short term permit will be required

Commencement date: ASAP

Expiry date: LONGTERM 50+ years. **go to 6**

6. Proposed use:

☐ Access	go to 10
☐ Apiary Site	go to 7
☐ Bore site	go to 9
☐ Environmental	go to 10
☐ Event – entertainment and sporting	go to 10
☐ Event – promotional or commercial	go to 10
☒ Grazing	go to 10
☐ Parking (unallocated state land only)	go to 10
☐ Pump site	go to 9
☐ Storage	go to 10
☐ Other	go to 10

7. To hold a permit for an apiary site, you must be -

☐ Registered "Beekeeper" in accordance with the *Biosecurity Act 2014*; and

☐ The person who holds the permit will be the owner and operator of the hive/s. go to 8

The application must be accompanied by evidence of the registration and details of hive identification number (HIN) < https://www.business.qld.gov.au/industries/farms-fishing-forestry/agriculture/animal/industries/bees/register >.

If your application is for apiary site purposes, you must submit a completed Part D – Form LA32 – Apiary checklist for permit to occupy with your application.

8. Provide details of the proposed use. go to 10

(If there is insufficient space, please lodge as an attachment)

9. Do you have a current water licence/allocation associated with the subject land?

☐ Yes **go to 10**

☐ No **go to 10**

Where water is obtained from a stream or natural water hole and the associated pump is to be located on unallocated State land, and a current water licence/allocation issued under the *Water Act 2000* is required, the following must accompany this application –

- a copy of current licence/allocation; or
- copy of evidence of an application being made for a water licence; or
- evidence that the allocation has been transferred to the applicant.

A bore wherever possible should be located on the owner's land and not State controlled lands, particularly a dedicated road as such infrastructure is not compatible with road use.

10. Is any of the area applied for below high water mark?

☐ Yes **go to 11**

☒ No **go to 11**

11. Is the area applied for to be used for the construction of a jetty/pontoon/boat ramp?

☐ Yes **go to 12**

☒ No **go to 13**

12. Which of the following best describes your intended use of the jetty/pontoon/boat ramp?

☐ Non-commercial use immediately adjoining your land **go to 13**

☐ Commercial Use **(application for purchase or lease state land should be made on** Part B - Form LA10**)**

Non-commercial use - Where section 123 of the *Coastal Protection and Management Act 1995* applies, Department of Natural Resources and Mines, Manufacturing and Regional and Rural Development does not require you to hold a permit to occupy for works of this nature. However, you are required to obtain a development approval under the *Planning Act 2016* for the works. Refer to the Department of Environment, Tourism, Science and Innovation website at <https://www.qld.gov.au/environment/coasts-waterways/plans> (go to 'Coastal development' and select 'tidal works and prescribed tidal works').

Commercial Use – You are required to hold a term lease for commercial works below high water mark, an application via Part B – Form LA10 to purchase or lease state land must be made with department.

13. Provide details in Schedule 1 of any land you lease from the state or are the registered owner that adjoins or is in the vicinity of the land applied for.

Schedule 1

You must enter either the Lot on Plan or Title Reference of the land.

Lot	Plan	Title Reference
L4	RP848806	

go to 14

The description of the land can be found on a current title search or on your rates notice. To check this you can purchase a title search by calling **(07) 3497 3479**, visiting the Titles Queensland website <https://www.titlesqld.com.au/> (and select 'Searches').

If insufficient space, please add additional description as an attachment.

14. Provide details of the proposed use of the area, including information on existing improvements, if any. go to 15

(If there is insufficient space, please lodge as an attachment)

PROPOSED LEASE WOULD MAINTAIN ACCESS AND BE USED FOR PART TIME CATTLE GRAZING. OWNERS OF 6 FLOOD ROAD CURRENTLY MAINTAIN THIS ROAD RESERVE AS IT IS OUR ONLY ACCESS AND WAS PREVIOUSLY DIFFICULT TO NAVIGATE IN WET WEATHER AND COVERED IN WEEDS (RUBBERVINE & LANTANA)

15. Is the applicant the adjoining landholder (owner/lessee/permittee) of all properties adjoining the applied area?

☐ Yes go to 16

☒ No go to 16

If No, written agreement detailing agreed conditions about the maintenance of any existing boundary fence must be submitted with this application. This agreement must be signed by the owner of the boundary fence and the applicant for this permit to occupy.

Agreement about maintenance of a fence does not mean that your application will be approved.

16. Provide details of any additional information to support the application. (optional) go to 17

(If there is insufficient space, please lodge as an attachment)

NEIGHBOURING PROPERTY IS NOT FENCED AND DOES NOT RUN STOCK. APPLICANTS WOULD FENCE THE LEASE AND MAINTAIN AS STOCK PROOF FOR THE DURATION OF THE LEASE.

Attachments

The following will need to be lodged with your application for it to be processed. If all this information is not submitted, your application will be returned or refused.

17. Tick the box to confirm the attachments for part of the application:

- ☐ Application Fee
- ☐ Part A – online form – Contact and Land details or Part A – Contact and land details PDF
- ☐ Part C – Form LA30 – Statement in relation to an application under the *Land Act 1994*, required if application is over a reserve or road.
- ☐ Part D – Form LA32 – Apiary checklist for permit to occupy, required if application is for apiary site purposes.
- ☑ Drawing showing general location, Lot on Plan information, any improvements and the permit to occupy area including dimensions., if applicable.
- ☐ Details of any improvements, if applicable.
- ☐ Evidence of pre-lodgement discussions with the department, if applicable
- ☐ Copy of the agreement on conditions about the maintenance of any existing boundary fence, if applicable.
- ☐ Copy of current water licence/allocation in the name of person making application, if applicable.
- ☐ Copy of evidence of an application being made for a water licence in the name of person making application, if applicable.
- ☐ Evidence that the water allocation has been transferred to the person making application, if applicable.
- ☐ Evidence of registration as a "Beekeeper" under the *Biosecurity Act 2014*, if applicable.
- ☐ Details of hive identification number (HIN), if applicable.

It is recommended that any attached plans, sketches or maps be of A4 or A3-size. Your application will not be considered as having been properly made, unless all parts of this application form are completed accurately. In this instance your application may be returned to you for completion.

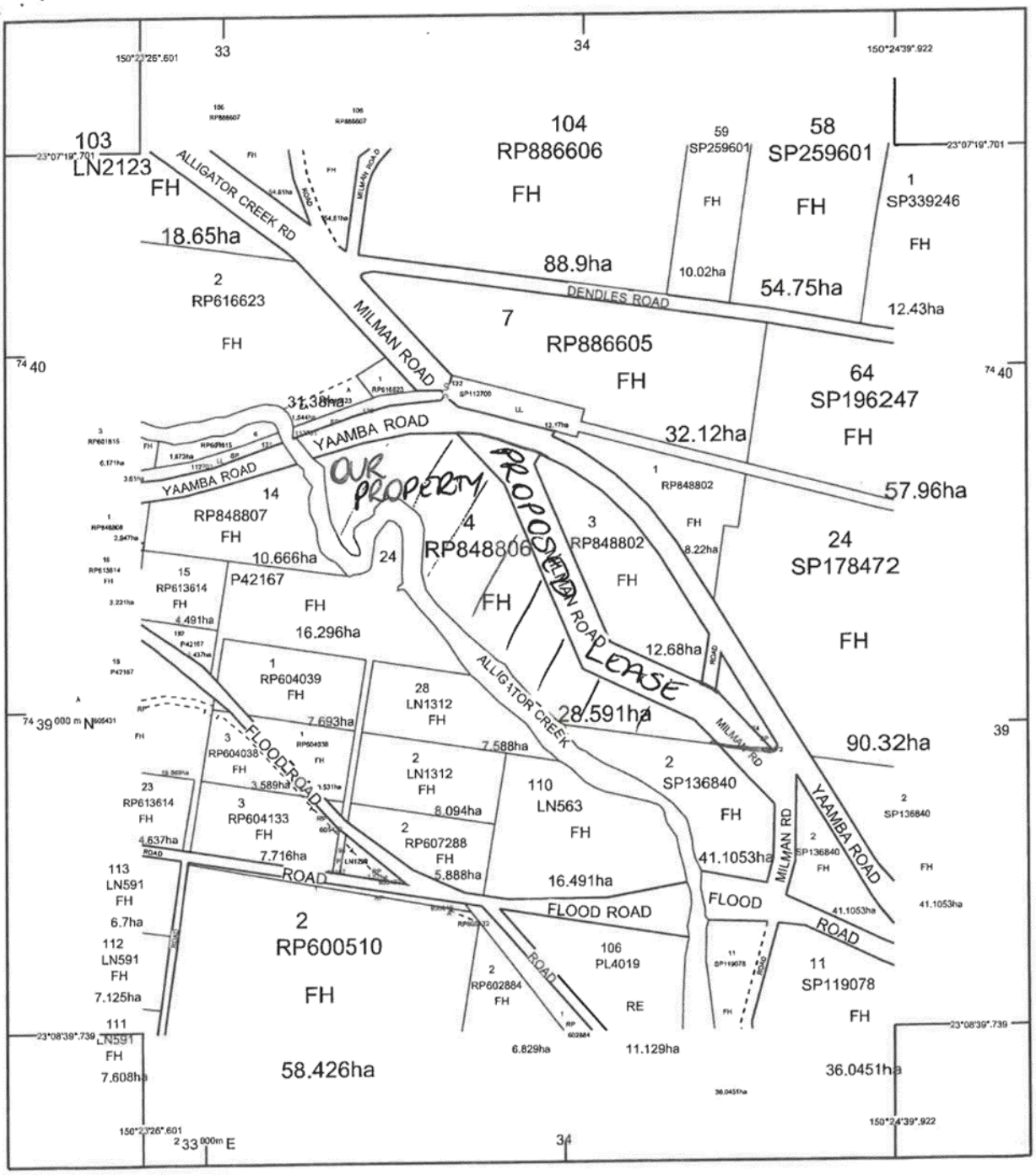
Declaration

I certify that I have read the information, which forms part of this application and the information I have provided is true and accurate.

Signature of applicant (or their legal practitioner)

Date: 10 MAY 2025.

If applicant, section 142 of the *Land Act 1994* states a person is eligible to apply for, buy or hold land under the *Land Act 1994* if the person is an adult, that is, 18 years of age or over. If the legal practitioner of the applicant is signing as the applicant then the legal practitioner's full name must be printed immediately below the signature.



STANDARD MAP NUMBER
8951-12441

0 300 600 900 1200 1500 m
HORIZONTAL DATUM:GDA94 ZONE:56 SCALE 1 : 15000

MAP WINDOW POSITION & NEAREST LOCATION

150°24'03".261
23°07'58".720
YAAMBA
2.93 KM

SUBJECT PARCEL DESCRIPTION

DCDB

Lot/Plan	4/RP848806
Area/Volume	28.591ha
Tenure	FREEHOLD
Local Government	LIVINGSTONE SHIRE
Locality	MILMAN
Segment/Parcel	33692/114

CLIENT SERVICE STANDARDS

PRINTED 22/04/2025

DCDB 20/04/2025 (Lots with an area less than 1500m² are not shown)

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GDA

SmartMap
An External Product of SmartMap Information Services
Based upon an extraction from the Digital Cadastral Data Base

Queensland Government

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13.1 - UPDATED REPORT - APPLICATION FOR PERMANENT ROAD CLOSURE – 64387 BRUCE HIGHWAY MILMAN (LOT 3 SP362574) AND APPLICATION FOR PERMIT TO OCCUPY – 6 FLOOD ROAD MILMAN (LOT 4 RP848806)

Permanent Road Closure Application - Lot 3 SP362574

Meeting Date: 17 November 2026

Attachment No: 3

Queensland Government

LA18e - Road closure (requires LA30e) online application

Before you apply

Before you can complete this application

Required fields are marked with an asterisk (*).

The relevant road manager must complete an *LA30 – Statement in relation to an application under the Land Act 1994 over State Land (LA30 statement)* before we can assess your application. We'll send them the appropriate form automatically as part of this application process.

Contact the road manager to discuss your application before you complete this form. Make sure they provide an email address so the department can send them the LA30 statement.

The road manager is:

- the Department of Transport and Main Roads for a state-controlled road
- the relevant local authority for a local road.

I acknowledge:

The relevant road manager must complete an *LA30 – Statement in relation to an application under the Land Act 1994 over State Land (LA30 statement)* before we can assess your application. We'll send them the appropriate form automatically as part of this application process.

Contact the road manager to discuss your application before you complete this form. Make sure they provide an email address so the department can send them the LA30 statement.

The road manager is:

- the Department of Transport and Main Roads for a state-controlled road
- the relevant local authority for a local road.

I acknowledge:

- [x] Once completed, this application and all its contents and attachments will be sent to the road manager's email I provide in this application form. *
- [x] Once the road manager has submitted the LA30 statement, my application and all attachments will be sent to the department for verifying and payment of application fee. *
- [x] I will need to pay the application fee to complete this application. *

Provide the road manager's email address *

enquiries@livingstone.qld.gov.au

Start your application

Are you lodging this on behalf of the applicant?

Required fields are marked with an asterisk (*).

Queensland Government

LA18e - Road closure (requires LA30e) online application

Are you the applicant or lodger *

- ○ Lodger – a legal practitioner lodging this application on behalf of the applicant.
- ◉ Applicant – the person, company or organisation requiring the state land service.

Enter your email *

Enter email above and then you can select the 'save and exit' button at any time and we will email you a link to access and complete your saved application.

Pre-lodgement information

Pre-lodgement information

Have you contacted us to discuss this application (strongly encouraged)? *

- ○ Yes
- ◉ No

For detailed information and to ensure you complete the correct application form, we encourage you to arrange a pre-lodgement meeting and refer to the Land Act 1994. You can contact your nearest business centre to arrange a meeting.

Provide details of any timeframes limitations you have (e.g. a settlement date)

The subject site is an unused pocket of land adjoining our property only. Research undertaken with our solicitor, building designer, and land surveyor shows it was left over from the Bruce Highway upgrade and adjoins a council road. It had previously been offered to the former owner, who fenced it into the property.

We would like to purchase and incorporate this land into our property so it can be maintained in its current form. At present it is not maintained, poses potential fire risks, and detracts from the appearance of the area. Adding it to our property would allow us to properly maintain it, improve amenity, and reduce associated risks.

We have not spoken with council as yet but were advised to follow the same process as our previous application at the southern end of the property. This application relates to the northern end.

If this application relates to a project, provide an overview and how your application relates to the project

You can select the 'save and exit' button at any time and we will email you a link to access and complete your saved application.

Road closure

Road closure

This application is for a *

- ◉ Permanent road closure
- ○ Temporary road closure

Queensland Government

LA18e - Road closure (requires LA30e) online application

To be eligible, you must be *

- (●) The registered owner, lessee or trustee of the land adjoining the proposed road closure
- ( ) A utility provider, eligible under the Land Act 1994 to make this application

Foreign acquirer and GST

Foreign acquirer and GST

Are any of the applicants a foreign acquirer as defined by the Additional Foreign Acquirer Duty (AFAD)? Find out if an applicant is a foreign acquirer for AFAD. *

Are the applicants registered for GST and acquiring the land for a creditable purpose as defined in the Tax Administrator Act 1953 (Cwth). *

Under the Tax Administrator Act 1953 (Cwlth) certain purchasers of new residential premises or potential residential land are required to withhold GST from the purchase price for payment directly to the Australian Taxation Office (ATO). For more information contact the ATO on 13 28 65, visit the ATO website or seek advice from a financial or legal expert.

Use details

Use details

Is the road area currently being used? *

- ( ) Yes
- (●) No

Provide details of the proposed use of the road area *

> We would like to purchase and incorporate this land into our property so it can be maintained in its current form. At present it is not maintained, poses potential fire risks, and detracts from the appearance of the area. Adding it to our property would allow us to properly maintain it, improve amenity, and reduce associated risks.

Additional details

Additional details

Upload a copy of a Dial before you dig enquiry detail page for the road area you're applying for *

File Name Size
BYDA Responses - Enquiry 51206515.pdf 4.83 MB

Queensland Government

LA18e - Road closure (requires LA30e) online application

Does this application relate to an application you are lodging to dedicate state land as road? *

- Yes
- No

Upload any additional documents to support your application.

File Name Size
2livingstone shot 2025-08-24 133010.png 1.59 MB

Applicant's details

Applicant's details

The applicant is the person or corporation wishing to apply for a state land service.

Is there more than one applicant *

- Yes
- No

The applicants are: *

- All companies or organisations
- All individuals
- A combination of individuals, companies or organisations

Provide details of all individuals

Title

Mr

First name *

Last name *

Email *

Contact number *

Main contact for all applicants

Queensland Government

LA18e - Road closure (requires LA30e) online application

First name *

Last name *

Email

Postal address *

Enter address / PO Box manually

Upload proof of consent for the lodgement of this application from all applicants (other than the applicant completing this application) *

File Name Size
Consent_Acknowledgement_ 150.31 kB

For each consent make sure you include the following information:

- full name of applicant
- confirmation that they agree to the lodgement of this application
- their signature
- date
- email

Land details

Land details

Enter the land details of any land you lease from the State or are the registered owner that adjoins the land being applied for.

Address search

Address search

64387 BRUCE HWY, MILMAN QLD 4702 (lot/plan: 3/RP848802)

Lot and plan search

Lot search

2

Queensland Government

LA18e - Road closure (requires LA30e) online application

Plan search

RP1

Coordinates search

Latitude

23°07'47"S

Use decimal degrees format e.g. Latitude: -27.8025 (instead of 27°48'09"S)

Longitude

150°24'03"E

Use decimal degrees format e.g. Longitude: 153.4344 (instead of 153°26'04"E)

Land details list *

Address item *
64387 BRUCE HWY, MILMAN QLD 4702, 3/RP848802, -23.13280979, 150.40399285 *

Local government *

Livingstone Shire Council

Other details of land location

FOLLOWING GOOGLE LINK LOCATION ADJOINS 64387 BRUCE HWY lot/plan: 3/RP848802)
https://earth.google.com/web/@-23.13031994,150.40123826,21.92052837a,712.22802008d,35y,0h,0t,0r/data=CgRCAggBMikKJwolCiExSzdTSWQ1U1hxdXJ1ZEZBOXVCRjVBU2VMVjV1ZmtSYnQgAToDCgEwQgIIAEoICPnKh_8DEAE

Upload a drawing of the proposed road closure *

File Name Size
RoadClosureSectionOfApplication.png 1.59 MB

The drawing (minimum size A4) must include:

- general location including your land
- area of road to be closed
- lot on plan information
- a north point
- scale
- dimensions.

The drawing (minimum size A4) must include:

Queensland Government

LA18e - Road closure (requires LA30e) online application

- general location including your land
- area of road to be closed
- lot on plan information
- a north point
- scale
- dimensions.

Declaration

Signature of applicant (or their legal practitioner) *

⊟ Before you apply

⊟ Start your application

⊟ Pre-lodgement information

⊟ Road closure

⊟ Foreign acquirer and GST

⊟ Use details

⊟ Additional details

⊟ Applicant's details

⊟ Land details

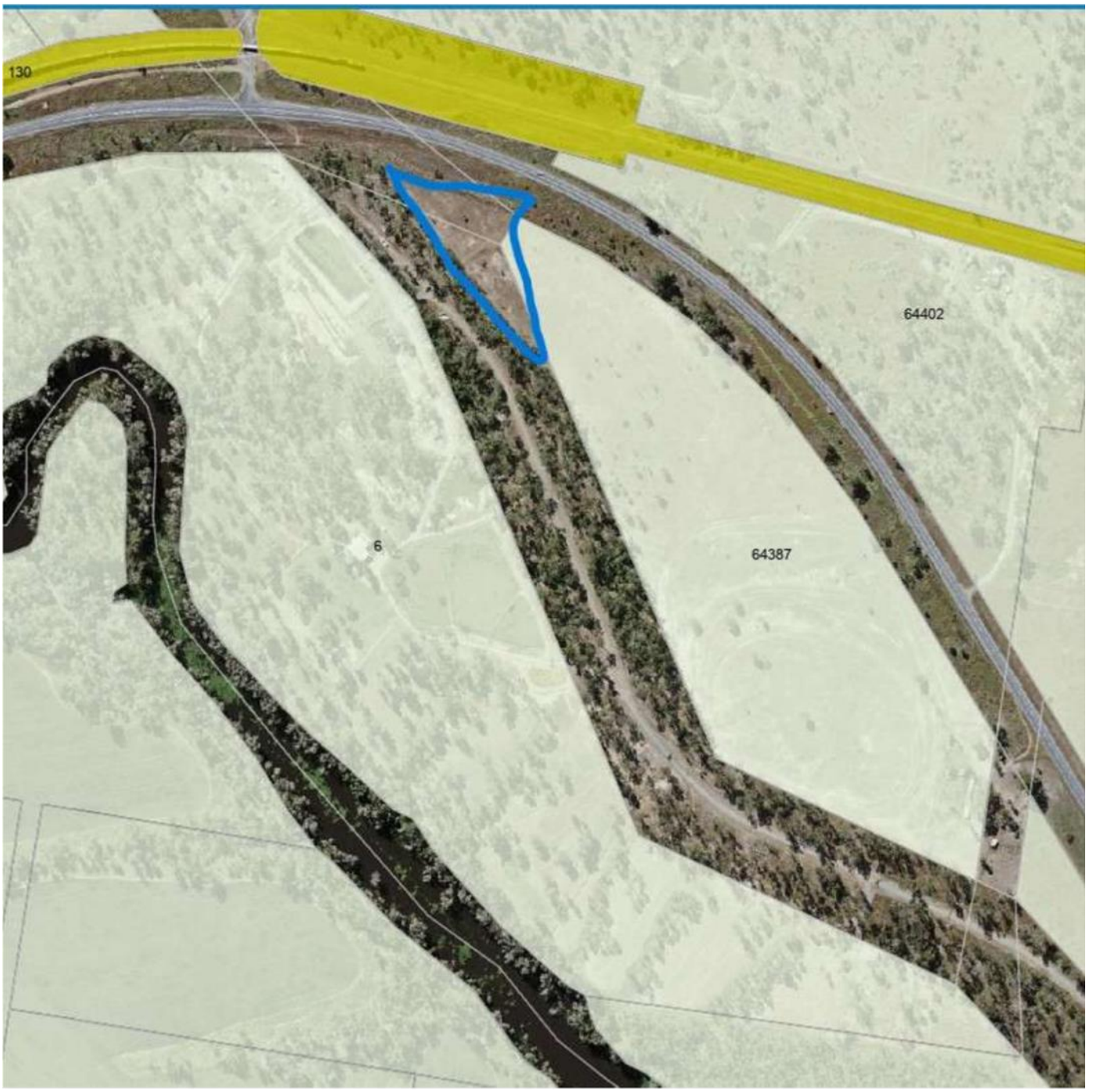
Declaration

☑ I have read the information that forms part of this application, and the information I have provided is true and accurate. I am aware my application will not be considered unless all parts of this application form are completed accurately. In this instance, my application may be returned to me to complete. *

Queensland Government

LA18e - Road closure (requires LA30e) online application

Full name of signee *

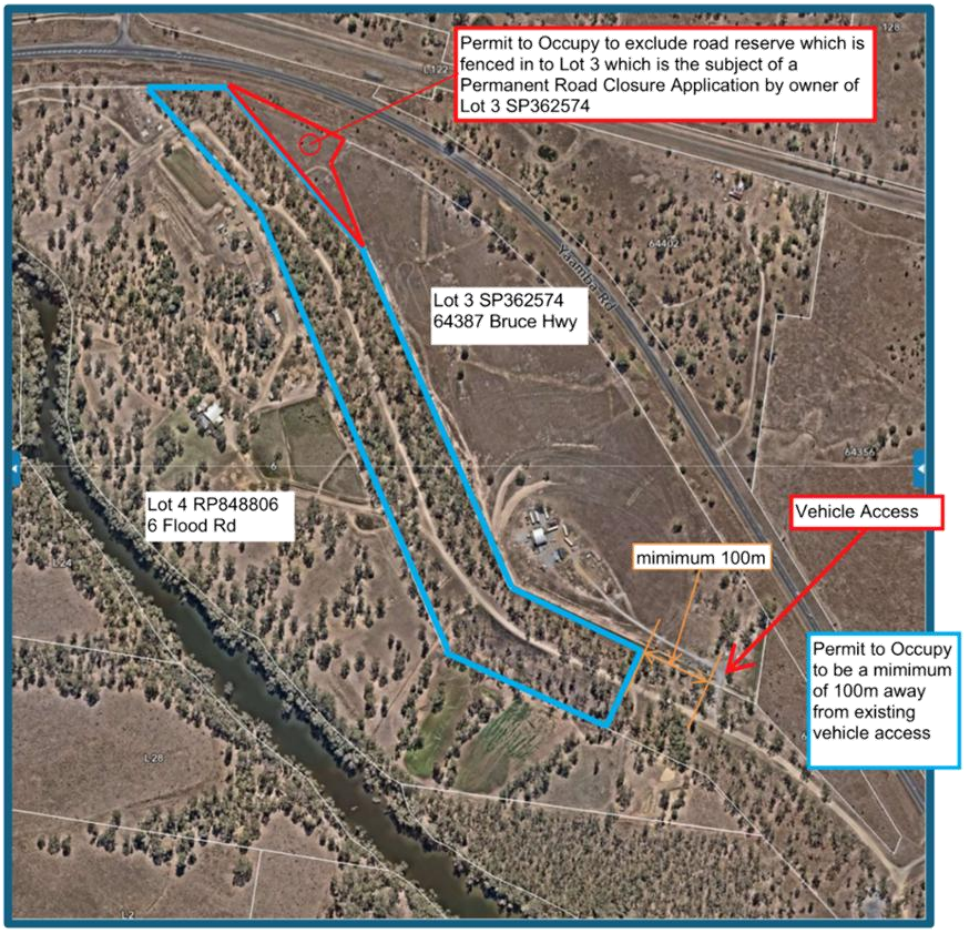

130
64402
6
64387

13.1 - UPDATED REPORT - APPLICATION FOR PERMANENT ROAD CLOSURE – 64387 BRUCE HIGHWAY MILMAN (LOT 3 SP362574) AND APPLICATION FOR PERMIT TO OCCUPY – 6 FLOOD ROAD MILMAN (LOT 4 RP848806)

Recommended Proposal for Council Support

Meeting Date: 17 November 2026

Attachment No: 4


Permit to Occupy to exclude road reserve which is fenced in to Lot 3 which is the subject of a Permanent Road Closure Application by owner of Lot 3 SP362574
Lot 3 SP362574
64387 Bruce Hwy
Lot 4 RP848806
6 Flood Rd
Vehicle Access
mimimum 100m
Permit to Occupy to be a mimimum of 100m away from existing vehicle access

13.2 PERMIT TO OCCUPY APPLICATION – ADJACENT TO 6 FLOOD ROAD MILMAN (LOT 4 RP848806)

File No:	**fA77440**
Attachments:	**1. Plans**  **2. Permit to Occupy Application** 
Responsible Officer:	**Michael Kriedemann - General Manager Infrastructure**
Author:	**Carrie Burnett - Policy & Planning Officer**
Previous Items:	**11.1 - Road Closure Application - Adjacent to 64387 Bruce Highway Milman (Lot 3 RP848802) - Standing Committee - Infrastructure - 06 Aug 2024 8:30 AM**

SUMMARY

This is the original report pertaining to a Permit to Occupy Application over road reserve adjacent to 6 Flood Road Milman. The below recommendation was before Council when the matter was laid on the table on 17 June 2025 pending consideration of a DA to return to a Council Meeting at a later date. Having regard to the further information contained in the previous report, an alternative recommendation is now being presented.

OFFICER'S RECOMMENDATION AT COUNCIL MEETING 17 JUNE 2025

THAT Council resolve:

1. To authorise the Chief Executive Officer to sign a 'Statement in relation to an application under the *Land Act 1994* over State land (Part C)' stating that Council, as road manager, objects to the proposed permit to occupy over an area of road reserve adjacent to 6 Flood Road Milman (Lot 4 RP848806) for the following reasons:

    a) There is a current development application adjoining the site at 64387 Bruce Highway Milman (Lot 3 RP848802).

    b) The primary access for this development is within the footprint of the proposed permit to occupy.

    c) This potentially changes the nature of the development application and may require the applicant to publicly notify again.

    d) Council supporting the permit to occupy could be construed as not acting in good faith with respect to the development application and could open legal avenues for the applicant to appeal in the P&E court against Council.

    e) The permit to occupy application proposes to utilise road reserve currently serving as the primary access point for 64387 Bruce Highway Milman.

    f) If approved by the Department of Natural Resources and Mines, Manufacturing and Regional and Rural Development, the permit to occupy could result in the primary access point for 64387 Bruce Highway Milman needing to be relocated, possibly to an area under the control of the Department of Transport and Main Roads.

    g) It is uncertain whether the Department of Transport and Main Roads would grant direct access to the state-controlled road network, which would result in uncertainty for the owner of 64387 Bruce Highway Milman as any future proposed access may not be approved.

    h) A permit to occupy may impact vegetation which is subject to the current State trigger mapping for Protected Plants; and Matters of State Environmental Significance - being habitat (endangered or vulnerable) and vegetation Category B (endangered or of concern).

2. That the applicant be advised of Council's decision and provided with the completed Part C.

ALTERNATE OFFICER'S RECOMMENDATION

THAT Council resolve:

1) To authorise the Chief Executive Officer to sign a 'Statement in relation to an application under the *Land Act 1994* over State land (Part C)' referring to the proposal outlined in Attachment 4 to this report and stating that Council, as road manager, does not object to:

   a) an application by the owners of Lot 4 RP848806 for a permit to occupy over the unnamed road reserve adjacent to their land which is to commence no less than 100m away from the vehicle access of Lot 3 SP362574; and

   b) an application by the owners of Lot 3 SP362574 for a permanent road closure over that part of the unnamed road reserve adjacent to their land which is fenced into their property, subject to the Department of Transport and Main Roads confirming it has no objection to the closure.

2) That the applicants be advised of Council's decision and provided with the completed Part C.

BACKGROUND

In May 2025, the owners of Lot 4 RP848806 (6 Flood Road Milman) submitted a Permit to Occupy Application ('*PTO*') for grazing purposes over part of an unnamed road off Flood Road. The applicants claim to have maintained this section of road for 25 years (grading, road base, weed management and mowing) and while they state that this road provides the only access to their property, it should be noted that it also provides access to neighbouring Lot 3 RP848802.

COMMENTARY

The land in road reserves is owned by the State represented by the Department of Natural Resources and Mines, Manufacturing and Regional and Rural Development ('*the Department*'). Pursuant to s 60 of the *Local Government Act 2009*, Council has control of all roads in its local government area (excluding State-controlled roads). Given Council's status as road manager, before the State considers an application for road closure or a permit to occupy it seeks Council's comment in the form of a 'Statement in relation to an application under the *Land Act 1994* over State land (Part C)'.

The following information regarding the issuing of a *PTO* is provided:

1. Guideline – Roads under the *Land Act 1994* – SLM/2013/725:

   '*Roads do not need to be closed for a permit to occupy to be able to be issued over the road. Permits provides rights for non-exclusive occupation of the land, and the land remains road,…*'

   '*A permit to occupy may be cancelled at short notice with no compensation.*'

2. Guideline – Permit to Occupy – SLM/2013/482:

   '*A permit to occupy gives personal permission to use the land; it does not create an interest in land – the base tenure remains … road.*'

3. Part B Form LA03 – Permit to Occupy Application:

   Permits to occupy:

   - '*do not allow exclusive possession of the land*'
   - '*the proposed use must be able to co-exist with the purpose of the land …*'

Unlike permanent road closure applications, which are always reported to Council as required by Council resolutions of 20 June 2019, 18 February 2020 and 15 August 2023, *PTO* applications are usually dealt with at officer level. This is because, if approved by *the*

Department, the road remains open and must also remain available for use by the public as a road. In this instance, it has been decided to present this matter to Council for consideration because there appears to be an ongoing dispute between the landowners on either side of the road the subject of this *PTO* application. A review of Council's customer request system reveals that some Councillors are familiar with the issues between the adjoining landowners.

The purpose of this report is to establish Council's stance with regards to the proposed *PTO* so that a Part C can be completed and provided to the applicant. Upon receipt of the application advice was sought from Council stakeholders which is included below.

Acting Coordinator Water and Waste

'*From an operational perspective this does not affect water and waste infrastructure.*'

Technical Officer - Engineering

'*Engineering Services offer no objection the proposed Permit To Occupy.*'

Principal Property Officer - Communities

'*Property have no objections to a Permit to Occupy being granted by the Department of Natural Resources and Mines, Manufacturing and Regional and Rural Development to the adjoining owners for the proposed use.*'

Manager Construction & Maintenance

'*C&M has no issue with the "Permit to Occupy" being granted*'

Principal Community Development & Engagement Officer

'*The Community Development Sport and Recreation (CDSR) Team have no objection to the application for Permit to Occupy. Officers are not aware of any current or proposed future community use of this land which would be negatively impacted by the use of the road reserve for grazing.*'

Acting Coordinator Disaster Management and Community Resilience

'*Disaster Management and Community Resilience have no objection to a Permit to Occupy ('PTO') over an area of road adjacent to 6 Flood Road Milman for grazing purposes.*'

Coordinator Natural Resource Management

The Coordinator Natural Resource Management did not submit a comment.

Principal Transport Engineer and Technical Officer - Engineering

Infrastructure Planning objects to the proposed Permit to Occupy application.

The subject road reserve provides access to 64387 Bruce Highway. The Permit to occupy may limit this access.

It is also noted that the vegetation in this road reserve is subject to the current State trigger mapping for Protected Plants; and Matters of State Environmental Significance - being habitat (endangered or vulnerable) and vegetation Category B (endangered or of concern). A permit to occupy may impact this vegetation.

Manager Development and Environment

'*Development assessment objects to the proposal on the following basis:*

- *Currently there is a development application adjoining the site which is impact assessable known as 64387 Bruce Highway Millman also as Lot 3 RP848802. The primary access for this development application is within the footprint of the application for permit to occupy, this potentially changes the nature of the development application and may require the applicant to publicly notify again – further, Council agreeing to the permit to occupy could be construed as not acting in*

good faith with respect to the development application – this could potentially open legal avenues by the applicant for an appeal in the P&E court against Council;

- *The Permit to occupy application proposes to utilise an area of road reserve that currently serves as the primary access point for 64387 Bruce Highway, Milman. The proposed permit to occupy could result in the primary access point for 64387 Bruce Highway, Milman needing to be shifted (as it would be within the area of the permit to occupy). This potentially could trigger the owner of 64387 Bruce Highway, Milman to relocate their access to an area that is under the control of TMR – it is uncertain whether TMR would grant direct access to the state controlled road network – this creates uncertainty for the owner of 64387 Bruce Highway as any future proposed access may not be approved by TMR. No information has been provided in the permit to occupy application which states how the primary access point to 64387 Bruce Highway, Milman will be affected or whether it is proposed to maintain the existing access rights and point;*'

Given the comments provided by the Manager Development and Environment regarding the potential implications for the neighbouring development and its access, Council should object to the proposed *PTO* over the road reserve adjacent to Lot 4 RP848806 for the following reasons:

- There is a current development application adjoining the site at 64387 Bruce Highway Milman (Lot 3 RP848802).
- The primary access for this development is within the footprint of the proposed *PTO*.
- This potentially changes the nature of the development application and may require the applicant to publicly notify again.
- Council supporting the *PTO* could be construed as not acting in good faith with respect to the development application and could open legal avenues for the applicant to appeal in the P&E court against Council.
- The *PTO* application proposes to utilise road reserve currently serving as the primary access point for 64387 Bruce Highway Milman.
- If approved by *the Department*, the *PTO* could result in the primary access point for 64387 Bruce Highway Milman needing to be relocated, possibly to an area under the control of the Department of Transport and Main Roads ('*TMR*').
- It is uncertain whether *TMR* would grant direct access to the state-controlled road network, which would result in uncertainty for the owner of 64387 Bruce Highway as any future proposed access may not be approved.

Infrastructure Planning has identified the following which also supports an objection by Council:

- A *PTO* may impact vegetation which is subject to the current State trigger mapping for Protected Plants; and Matters of State Environmental Significance - being habitat (endangered or vulnerable) and vegetation Category B (endangered or of concern).

PREVIOUS DECISIONS

At its 6 August 2024 Infrastructure Committee Council considered an application for permanent road closure by the owners of the neighbouring property at 64387 Bruce Highway Milman (Lot 3 RP848802). The following recommendation was made:

'*THAT the Committee recommends Council resolve:*

i. To authorise the Chief Executive Officer to sign a 'Statement in relation to an application under the Land Act 1994 over State land (Part C)' stating that Council, as road manager, does not object to the proposed permanent closure of road reserve between Lot 3 RP848802 and Lot 24 SP178472; and

ii. That a copy of the Part C be provided to the Department of Resources and the applicant.'

Moved by: **Mayor, Councillor Belot**

Seconded by: **Councillor Warcon**

MOTION CARRIED UNANIMOUSLY

The recommendations from the Infrastructure Committee were adopted by Council at its 20 August 2024 meeting.

ACCESS AND INCLUSION

There are no access and inclusion implications associated with the consideration of this *PTO* Application.

ENGAGEMENT AND CONSULTATION

On their website, *the Department* states '*We will seek the views of other stakeholders (e.g. state, regional and local agencies) and inspect the land if required.*'

HUMAN RIGHTS IMPLICATIONS

Section 4(b) of the *Human Rights Act 2019* requires public entities such as Council '*to act and make decisions in a way compatible with human rights*'.

There are no adverse human rights implications associated with this report.

BUDGET IMPLICATIONS

There is no foreseeable budget implications associated with this matter.

LEGISLATIVE CONTEXT

The chief executive is authorised to issue a *PTO* in accordance with the provisions of ch 4 pt 4 of the *Land Act 1994*.

LEGAL IMPLICATIONS

In his comments, the Manager Development and Environment has identified that if Council supports the *PTO*, it could be construed as not acting in good faith with respect to the development application over 64387 Bruce Highway Milman and could open legal avenues for the applicant to appeal in the P&E court against Council.

STAFFING IMPLICATIONS

There are no staffing implications.

RISK ASSESSMENT

Based on the comments provided by the Manager Development and Environment and Infrastructure Planning, the following potential risks could transpire if Council supports the *PTO* and it is approved by *the Department*:

a) Council could be seen as not acting in good faith with respect to the development application over 64387 Bruce Highway which could open legal avenues for the applicant to appeal in the P&E court against Council.

b) The applicant for the development application may need to publicly notify again.

c) The primary access point for 64387 Bruce Highway may need to be relocated, possibly to an area under the control of *TMR*, approval of which is uncertain.

d) A *PTO* may impact vegetation which is subject to the current State trigger mapping for Protected Plants; and Matters of State Environmental Significance - being habitat (endangered or vulnerable) and vegetation Category B (endangered or of concern).

CORPORATE PLAN REFERENCE

Transparent, Accountable & Progressive Leadership

Advocate and collaborate with state and federal governments in the best interest of the community

4.2.1 Build and maintain strong, collaborative, and co-operative relationships across all levels of government, industry, business and community.

CONCLUSION

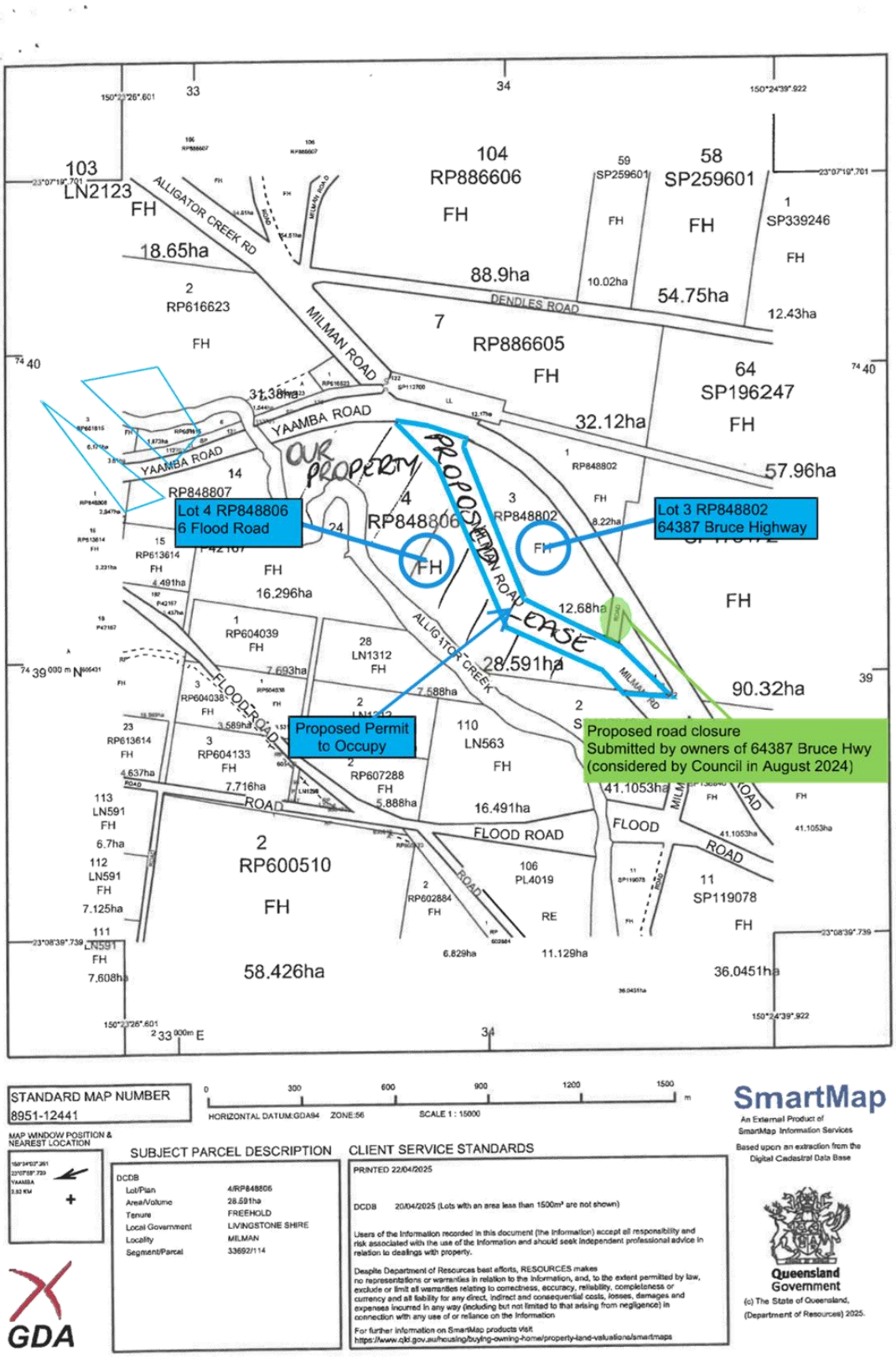
Consultation has been undertaken with internal Council stakeholders. The Manager Development and Environment and Infrastructure Planning have raised several concerns if the *PTO* is approved by *the Department*. Given the potential implications, Council should object to the proposed *PTO*.

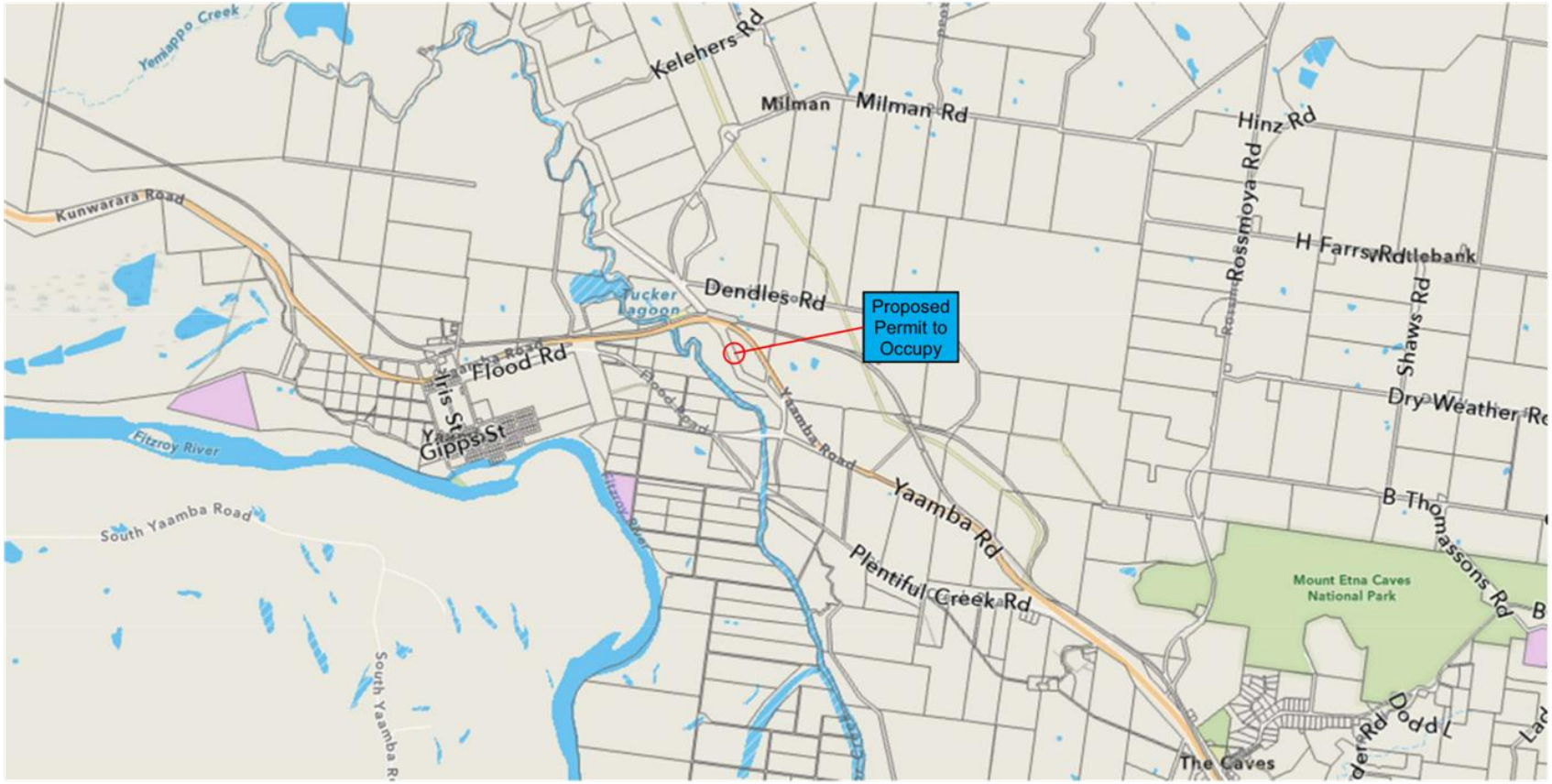
13.2 - PERMIT TO OCCUPY APPLICATION – ADJACENT TO 6 FLOOD ROAD MILMAN (LOT 4 RP848806)

Plans

Meeting Date: 17 November 2026

Attachment No: 1


Lot 4 RP848806
6 Flood Road
Lot 3 RP848802
64387 Bruce Highway
OUR PROPERTY
PROPOSED PERMIT TO OCCUPY
EASE
Proposed Permit to Occupy
Proposed road closure
Submitted by owners of 64387 Bruce Hwy
(considered by Council in August 2024)
ALLIGATOR CREEK RD
MILMAN ROAD
DENDLES ROAD
YAAMBA ROAD
FLOOD ROAD
ALLIGATOR CREEK
103 LN2123 FH 18.65ha
104 RP886606 FH 88.9ha
58 SP259601 FH 54.75ha
1 SP339246 FH 12.43ha
2 RP616623 FH 31.38ha
7 RP886605 FH 32.12ha
64 SP196247 FH 57.96ha
14 RP848807 16.296ha
4 RP848806 FH 28.591ha
3 RP848802 FH 12.68ha
1 RP604039 FH 7.693ha
28 LN1312 FH 7.588ha
90.32ha
23 RP613614 FH 4.637ha
3 RP604133 FH 7.716ha
2 RP607288 FH 5.888ha
110 LN563 FH 16.491ha
41.1053ha
113 LN591 FH 6.7ha
112 LN591 FH 7.125ha
2 RP600510 FH 58.426ha
106 PL4019 RE 11.129ha
11 SP119078 FH 36.0451ha
111 LN591 FH 7.608ha
STANDARD MAP NUMBER 8951-12441
HORIZONTAL DATUM:GDA94 ZONE:56 SCALE 1 : 15000
SmartMap
An External Product of SmartMap Information Services
Based upon an extraction from the Digital Cadastral Data Base
SUBJECT PARCEL DESCRIPTION
DCDB
Lot/Plan 4/RP848806
Area/Volume 28.591ha
Tenure FREEHOLD
Local Government LIVINGSTONE SHIRE
Locality MILMAN
Segment/Parcel 33692/114
CLIENT SERVICE STANDARDS
PRINTED 22/04/2025
DCDB 20/04/2025 (Lots with an area less than 1500m² are not shown)
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GDA
Queensland Government
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Yenappo Creek
Kelehers Rd
Milman
Milman Rd
Hinz Rd
Rossmoya Rd
Kunwarara Road
H Farrs Rd
Tucker Lagoon
Dendles Rd
Proposed Permit to Occupy
Shaws Rd
Flood Rd
Iris St
Gipps St
Fitzroy River
Yaamba Road
Dry Weather Rd
B Thomassons Rd
South Yaamba Road
Yaamba Rd
Plentiful Creek Rd
Mount Etna Caves National Park
The Caves

13.2 - PERMIT TO OCCUPY APPLICATION – ADJACENT TO 6 FLOOD ROAD MILMAN (LOT 4 RP848806)

Permit to Occupy Application

Meeting Date: 17 November 2026

Attachment No: 2

Queensland Government

Department of Natural Resources and Mines, Manufacturing and Regional and Rural Development

You can now apply for all *Land Act 1994* applications online.

Part A – Form LA00

Contact and Land Details

Land Act 1994

Requirements

1. **Part A:** Contact and land details is required when the applicant is wanting to submit a Part B form (application specific form) . Part A – Contact and land details – you can apply online or via Part A – Contact and land details (PDF).

2. Payment of the prescribed Application fee for relevant Part B forms is per title reference. A refund of application fees will not be given. Details of fees are available on the Department of Natural Resources and Mines, Manufacturing and Regional and Rural Development website at < https://www.qld.gov.au/environment/land/state/application/forms/state-land-application-forms-and-fees> or by contacting your nearest business centre or call 13 QGOV 13 74 68.

3. The appropriate application form Part B must be signed by the applicant or a legal practitioner on behalf of the applicant.

4. For your application to be processed, all parts of this application form must be completed and accurately, otherwise your application may be returned to you to complete or refused.

Important information

5. For detailed information and to ensure you complete the correct application form, we encourage you to arrange a pre-lodgement meeting and refer to the *Land Act 1994*. Contact your nearest business centre to arrange a meeting..

6. All applications will be processed having regard to the requirements of the *Land Act 1994* <https://www.legislation.qld.gov.au/> and related legislation, approved policies and procedures and the requirements of all other agencies with an interest in the land.

7. You can lodge your state land application online by completing the Part A online guide, or through the Part A – Contact and land details PDF and relevant Part B application form PDF. If you complete the PDF forms, you can submit the application via:

8. **Email:** SLAMlodgement@resources.qld.gov.au

9. **Post:**
Department of Natural Resources and Mines, Manufacturing and Regional and Rural Development
PO Box 5318
Townsville QLD 4810

Information and Data collection

10. In terms of the *Right to Information Act 2009,* interested parties may seek access to the department's records and view relevant documents.

11. Information on this form, and any attachments, is being collected to process and assess your application under the *Land Act 1994*. If required, we may need to consult with third parties such as relevant local or state agencies and adjoining property owners. Details provided to third parties will generally be limited to type of application, area applied for and intended use. Your personal information will not otherwise be disclosed unless authorised or required by law.

12. Please note that we may wish to contact you to seek your views on our service, to advise you of any legislative changes that might affect you or to seek your participation in surveys or programs relevant to your application type. Any participation will be voluntary and you may email stateland@resources.qld.gov.au if you do not wish for the department to contact you.

13. The department may also compile or analyse statistics and conduct research. Any publication of findings will not involve the publication of identifying personal information.

14. For further privacy information click Privacy or go to <https://www.nrmmrrd.qld.gov.au/legal/privacy>.

Contact Details

Lodger Details and Mailing Address

A lodger is only required when a legal practitioner, or consultant lodges the application on behalf of the applicant.

Full Names

Title	First Name	Surname

Company Name(s)

If a corporation then record:-

☐ ACN ☐ ARBN ☐ ABN

Contact Details

Postal Address:

Phone Number: Mobile Number:

Email:

Applicant(s) Details and Mailing Address

If the Applicant is a Corporation, either the Australian Company number, Australian Registered Body number or the Australian Business number must be shown.

Full Names

Title	First Name	Surname

Company Name(s)

If a corporation then record:-

☐ ACN ☐ ARBN ☐ ABN

Note: if the applicant is a Corporation, a requirement of the application is providing evidence (as at the date of application), that the Corporation is registered with the Australian Securities and Investments Commission (ASIC) at https://asic.gov.au/online-services/search-asic-s-registers/ (company summary printout) and if applicable, also registered with the Australian Business Register (ABR) at https://www.abr.business.gov.au (ABN lookup record extract).

Contact Details

Postal Address:

Phone Number: **Mobile Number:**

Email:

Future correspondence should be sent to:

☐ Lodger ☒ Applicant

1. Are the applicant/s a foreign acquirer as defined by the Additional Foreign Acquirer Duty (AFAD)?

☐ go to 2

☐ go to 4

Note: For further information refer to the Queensland Government website to determine if the applicant/s are a foreign person (acquirer) for AFAD at https://qro.qld.gov.au/duties/investors/afad/.

2. Is the application related to the purchase of land, for example a permanent road closure, or conversion of a lease where the land is or will be used solely or primarily for residential purposes as defined for the Additional Foreign Acquirer Duty (AFAD) under the *Duties Act 2001*? This includes current and future use of the land.

☐ go to 3

☐ go to 4

Note: Under the *Duties Act 2001* an additional amount of duty applies where the land is residential land and the applicant is a foreign person (acquirer) for AFAD at https://qro.qld.gov.au/duties/investors/afad/>.

3. Enter full name/s of the foreign acquirer/s
(If there is insufficient space, please lodge as an attachment)

Full Names (If a Company, also provide a contact name)	**Share Held**

go to 4

4. Are the Applicant/s registered for GST and acquiring the land for a creditable purpose?

☐ go to 5

Note: Under the *Tax Administrator Act (Cth) 1953* certain purchasers of new residential premises or potential residential land are required to withhold the Goods and Services Tax (GST) amount from the price of the supply (purchase price) for payment directly to the Australian Taxation Office (ATO) as outlined on the ATO's website. The department is unable to provide further advice on the ATO's requirements. For further information contact the ATO on 13 28 65 or visit the ATO website <https://www.ato.gov.au/business/gst/in-detail/your-industry/property/gst-property-settlement-online-forms-and-instructions/> or seek advice from a financial or legal expert.

Details of land for which the application is being lodged

5. Select the type of land for which the application is being lodged:

- ☐ Permit
- ☐ Licence
- ☐ Lease
- ☐ Unallocated State Land (USL)
- ☒ Road (ROAD RESERVE) *NOT MAINTAINED BY COUNCIL
- ☐ Trust Land Reserve/ Deed of Grant in Trust (DOGIT)
- ☐ Dealing Number (refer to current title information item 6)
- ☐ Other

go to 6

6. Enter the description of the land for which the application is being lodged. If this application concerns a road, enter the description of the land adjoining the road.

Schedule 1

You must enter either the Lot on Plan or Title Reference of the land for which the application is being lodged

Lot	Plan	Title Reference
L4	RP 848806	6 Flood Rd, MILMAN.

go to 7

The details of the land can be found on a current title. To check this you can purchase a title search by calling(07) 3497 3479, visiting the Titles Queensland website https://www.titlesqld.com.au/ (and select 'Searches') Lot on Plan details are located on your rates notice or downloading the Queensland Globe https://www.business.qld.gov.au/business/support-tools-grants/services/mapping-data-imagery/ to help access current Lot on Plan details. If insufficient space, please add additional description as an attachment.

7. Enter additional details of the land

Dealing number: (if relevant)

Tenure Type: Tenure Number:

Local Government: LIVINGSTONE SHIRE COUNCIL

Other details of land location (optional)

ROAD RESERVE ADJOINING OUR PROPERTY.

go to 8

8. Provide details of any timeframe limitations you have (e.g. a settlement date). go to 9

NO LIMIT OF TIMEFRAME. AS SOON AS POSSIBLE

9. If this application relates to a project, provide an overview and how your application relates to the project. go to 10

NO PROJECT.

10. Have you participated in a pre-lodgement meeting with the department (strongly encouraged)?

☒ Yes go to 11

☐ No

Please provide name of officer you spoke with and this department's associated reference.

Department Contact Officer: Alison Bell

Pre-lodgement ID (eLVAS CI Ref):

11. Provide details of pre-lodgement meeting.
(If there is insufficient space, please lodge as an attachment)

WENT IN TO DEPT OF NATURAL RESOURCES AND SPOKE TO OFFICER THERE. EXPLAINED THAT THE OWNERS OF 6 FLOOD ROAD HAVE BEEN MAINTAINING ROAD RESERVE FOR 25 YEARS (GRADING, ROAD BASE, WEED MANAGEMENT & MOWING) AND WE WOULD LIKE TO RUN CATTLE ON IT PART TIME TO KEEP GRASS IN CHECK (FIRE BREAK)

Note: Departmental Officers contact details and any reference number should be included if known.

THIS FORM MUST BE ACCOMPANIED BY THE RELEVANT PART B APPLICATION FORM

CLEAR FORM

Queensland Government

Department of Natural Resources and Mines, Manufacturing and Regional and Rural Development

You can now apply for all *Land Act 1994* applications online.

Part B – Form LA03

Permit to Occupy Application

Land Act 1994

Requirements

1. Use this application form to apply for a permit to occupy.
2. Please read the respective permit to occupy guide, which includes application restrictions. The content on this page may help you decide if this application form applies to you and your needs. It will also help guide you through the application process.
3. Payment of the prescribed Application fee is required. A refund of application fees will not be given. (Details of fees are available on the Department of Natural Resources and Mines, Manufacturing and Regional and Rural Development website or contact your nearest business centre or call 13 QGOV (13 74 68).
4. Part A online form: Contact and land details or Part A – Contact and land details (PDF) must be completed and submitted with your application.
5. **Part C - Form LA30**: Statement in relation to an application under the *Land Act 1994* over state land, that is a reserve or a dedicated road area, must be completed and submitted with your application.
6. A drawing showing the general location, Lot on Plan information and the proposed permit to occupy area including dimensions must be submitted with your application.
7. Any additional information to support the application.
8. For your application to be processed, all parts of this application form must be completed accurately, otherwise your application may be returned to you to complete or refused.

Important information

9. For detailed information and to ensure you complete the correct application form, we encourage you to arrange a pre-lodgement meeting and refer to the *Land Act 1994*. Contact your nearest business centre to arrange a meeting.
10. A permit to occupy is issued for a minor or temporary purpose including short-term grazing, pump sites, advertising signs on roads, apiary sites or an entrance ramp to a building site during construction.
11. A permit to occupy may be issued over a road, a reserve or unallocated state land. If the proposed permit to occupy area is over more than 1 type of these lands, separate permits to occupy will be required.
12. An application for a permit to occupy is NOT required if the proposed use is located on a local road, state-controlled road or reserve and can be authorised by the road manager or reserve trustee (refer to following items 13 to 15).
13. If the proposed use is on a local road, contact the relevant local government for authorisation of this use. If the local government can authorise the proposed use on a local road under a specific local law for administering the use of local roads, an application for a permit to occupy is not required by this department.
14. If the proposed use is on a state-controlled road, contact the Department of Transport and Main Roads to authorise the proposed use. An application for permit to occupy under the *Land Act 1994* is not required.
15. If the proposed use is over a reserve, contact the trustee of the reserve. If they can authorise the proposed use as a trustee lease or trustee permit an application is not required.

16. A permit to occupy may be issued for areas that are below high-water mark if:
    - it would not unduly affect safe navigation and sound development of the state's waterway and ports
    - its impact on marine infrastructure has been considered
    - it would not have a detrimental effect on coastal management; and
    - it would not be inconsistent with the intent of any relevant state management plan.
17. Permits to occupy:
    - do not allow exclusive possession of the land
    - the proposed use must be able to co-exist with the purpose of the land (for example, infrastructure does not co-exist on a gazetted road)
    - cannot be transferred, sublet or mortgaged
    - cannot be issued over freehold or leasehold land
    - can be cancelled at any time without compensation being paid by the state.
18. A permit to occupy can only be held by individuals or corporations and cannot be held by deceased estates (executors/beneficiaries) or on trust.
19. If an existing property fence is to be used as a boundary fence for the permit to occupy and you do not own the fence, you must submit a written agreement signed by you and the fence owner with the application for a permit to occupy, detailing agreed conditions about the maintenance of the fence. This agreement must be submitted before we can issue the permit to occupy. An agreement about the maintenance of a fence does not mean that your application will be approved.

Information and Data collection

20. Information on this form, and any attachments, is being collected to process and assess your application under section 177A of the *Land Act 1994*. If required, we may need to consult with third parties such as relevant local or state agencies and adjoining property owners. Details provided to third parties will generally be limited to type of application, area applied for and intended use. Your personal information will not otherwise be disclosed unless authorised or required by law.
21. Please note that we may wish to contact you to seek your views on our service, to advise you of any legislative changes that might affect you or to seek your participation in surveys or programs relevant to your application type. Any participation will be voluntary and you may email stateland@resources.qld.gov.au if you do not wish for the department to contact you.
22. The department may also compile or analyse statistics and conduct research. Any publication of findings will not involve the publication of identifying personal information.
23. For further privacy information click Privacy or go to <https://www.nrmmrrd.qld.gov.au/legal/privacy>.

Office Use Only	Application for a Permit to Occupy	9 311662 190130

1. The application is for a permit to occupy over:

- ☐ Road — **go to 2**
- ☒ Reserve — **go to 3**
- ☐ Unallocated State Land — **go to 3**

Where an application is associated with a reserve or road, the applicant is to first discuss the application with the trustee of the reserve or for a road that is under the control of the local government — the local government, to determine if the relevant agency can authorise the use.

If the proposed use is located on a state-controlled road, a permit to occupy under the *Land Act 1994* is not required. Contact the Department of Transport and Main Roads to authorise the proposed use. This includes where the application is for the issue of a new permit to occupy on a State controlled road, as a result of the transfer of the parcel of land associated with the permit to occupy.

If a permit to occupy is to issue over a reserve and the purpose of the permit is inconsistent with the purpose of the reserve, no improvements, other than boundary fences, are to be built by the permittee, as required under section 177(4) of the *Land Act 1994*.

A signed Part C Form LA30 – Statement in relation to an application under the *Land Act 1994* over State land from the trustee of the reserve or road manager will need to accompany this application.

2. Is the application over:

- ☐ Road (local road administered under the *Local Government Act 2009* or *City of Brisbane Act 2010*) — **go to 3**
- ☐ State-controlled road administered under the *Transport Infrastructure Act 1994* — **application not required**

3. Is the proposed use:

- ☐ Short Term (not more than 12 months) — **go to 4**
- ☒ Long Term (more than 12 months) — **go to 4**

4. Provide details of the proposed use including information on existing improvements. **go to 5**

(If there is insufficient space, please lodge as an attachment)

OWNERS OF 6 FLOOD ROAD HAVE BEEN PROVIDING UPKEEP OF ADJOINING ROAD RESERVE BY WAY OF GRADING, ROAD BASE, WEED MANAGEMENT & MOWING FOR 25 YRS SINCE HIGHWAY WAS DIVERTED. THIS ROAD RESERVE IS THE ONLY ACCESS TO OUR PROPERTY. WE TAKE GREAT PRIDE IN OUR ENTRYWAY. WE WOULD LIKE TO RUN CATTLE ON IT PART TIME TO CONTROL GRASS AND PROVIDE A FIRE BREAK.

5. Provide details of approximate time the short term permit will be required

Commencement date: ASAP

Expiry date: LONGTERM 50+ years. **go to 6**

6. Proposed use:

☐ Access	go to 10
☐ Apiary Site	go to 7
☐ Bore site	go to 9
☐ Environmental	go to 10
☐ Event – entertainment and sporting	go to 10
☐ Event – promotional or commercial	go to 10
☒ Grazing	go to 10
☐ Parking (unallocated state land only)	go to 10
☐ Pump site	go to 9
☐ Storage	go to 10
☐ Other	go to 10

7. To hold a permit for an apiary site, you must be -

☐ Registered "Beekeeper" in accordance with the *Biosecurity Act 2014*; and

☐ The person who holds the permit will be the owner and operator of the hive/s. go to 8

The application must be accompanied by evidence of the registration and details of hive identification number (HIN) < https://www.business.qld.gov.au/industries/farms-fishing-forestry/agriculture/animal/industries/bees/register >.

If your application is for apiary site purposes, you must submit a completed Part D – Form LA32 – Apiary checklist for permit to occupy with your application.

8. Provide details of the proposed use. go to 10

(If there is insufficient space, please lodge as an attachment)

9. Do you have a current water licence/allocation associated with the subject land?

☐ Yes **go to 10**

☐ No **go to 10**

Where water is obtained from a stream or natural water hole and the associated pump is to be located on unallocated State land, and a current water licence/allocation issued under the *Water Act 2000* is required, the following must accompany this application –

- a copy of current licence/allocation; or
- copy of evidence of an application being made for a water licence; or
- evidence that the allocation has been transferred to the applicant.

A bore wherever possible should be located on the owner's land and not State controlled lands, particularly a dedicated road as such infrastructure is not compatible with road use.

10. Is any of the area applied for below high water mark?

☐ Yes **go to 11**

☒ No **go to 11**

11. Is the area applied for to be used for the construction of a jetty/pontoon/boat ramp?

☐ Yes **go to 12**

☒ No **go to 13**

12. Which of the following best describes your intended use of the jetty/pontoon/boat ramp?

☐ Non-commercial use immediately adjoining your land **go to 13**

☐ Commercial Use **(application for purchase or lease state land should be made on** Part B - Form LA10**)**

Non-commercial use - Where section 123 of the *Coastal Protection and Management Act 1995* applies, Department of Natural Resources and Mines, Manufacturing and Regional and Rural Development does not require you to hold a permit to occupy for works of this nature. However, you are required to obtain a development approval under the *Planning Act 2016* for the works. Refer to the Department of Environment, Tourism, Science and Innovation website at <https://www.qld.gov.au/environment/coasts-waterways/plans> (go to 'Coastal development' and select 'tidal works and prescribed tidal works').

Commercial Use – You are required to hold a term lease for commercial works below high water mark, an application via Part B – Form LA10 to purchase or lease state land must be made with department.

13. Provide details in Schedule 1 of any land you lease from the state or are the registered owner that adjoins or is in the vicinity of the land applied for.

Schedule 1

You must enter either the Lot on Plan or Title Reference of the land.

Lot	Plan	Title Reference
L4	RP848806	

go to 14

The description of the land can be found on a current title search or on your rates notice. To check this you can purchase a title search by calling **(07) 3497 3479**, visiting the Titles Queensland website <https://www.titlesqld.com.au/> (and select 'Searches').

If insufficient space, please add additional description as an attachment.

14. Provide details of the proposed use of the area, including information on existing improvements, if any. go to 15

(If there is insufficient space, please lodge as an attachment)

PROPOSED LEASE WOULD MAINTAIN ACCESS AND BE USED FOR PART TIME CATTLE GRAZING. OWNERS OF 6 FLOOD ROAD CURRENTLY MAINTAIN THIS ROAD RESERVE AS IT IS OUR ONLY ACCESS AND WAS PREVIOUSLY DIFFICULT TO NAVIGATE IN WET WEATHER AND LOVERED IN WEEDS (RUBBERVINE & LANTANA)

15. Is the applicant the adjoining landholder (owner/lessee/permittee) of all properties adjoining the applied area?

☐ Yes go to 16

☒ No go to 16

If No, written agreement detailing agreed conditions about the maintenance of any existing boundary fence must be submitted with this application. This agreement must be signed by the owner of the boundary fence and the applicant for this permit to occupy.

Agreement about maintenance of a fence does not mean that your application will be approved.

16. Provide details of any additional information to support the application. (optional) go to 17

(If there is insufficient space, please lodge as an attachment)

NEIGHBOURING PROPERTY IS NOT FENCED AND DOES NOT RUN STOCK. APPLICANTS WOULD FENCE THE LEASE AND MAINTAIN AS STOCK PROOF FOR THE DURATION OF THE LEASE.

Attachments

The following will need to be lodged with your application for it to be processed. If all this information is not submitted, your application will be returned or refused.

17. Tick the box to confirm the attachments for part of the application:

- ☐ Application Fee
- ☐ Part A – online form – Contact and Land details or Part A – Contact and land details PDF
- ☐ Part C – Form LA30 – Statement in relation to an application under the *Land Act 1994*, required if application is over a reserve or road.
- ☐ Part D – Form LA32 – Apiary checklist for permit to occupy, required if application is for apiary site purposes.
- ☑ Drawing showing general location, Lot on Plan information, any improvements and the permit to occupy area including dimensions., if applicable.
- ☐ Details of any improvements, if applicable.
- ☐ Evidence of pre-lodgement discussions with the department, if applicable
- ☐ Copy of the agreement on conditions about the maintenance of any existing boundary fence, if applicable.
- ☐ Copy of current water licence/allocation in the name of person making application, if applicable.
- ☐ Copy of evidence of an application being made for a water licence in the name of person making application, if applicable.
- ☐ Evidence that the water allocation has been transferred to the person making application, if applicable.
- ☐ Evidence of registration as a "Beekeeper" under the *Biosecurity Act 2014*, if applicable.
- ☐ Details of hive identification number (HIN), if applicable.

It is recommended that any attached plans, sketches or maps be of A4 or A3-size. Your application will not be considered as having been properly made, unless all parts of this application form are completed accurately. In this instance your application may be returned to you for completion.

Declaration

I certify that I have read the information, which forms part of this application and the information I have provided is true and accurate.

Signature of applicant (or their legal practitioner)

Date: 10 MAY 2025.

If applicant, section 142 of the *Land Act 1994* states a person is eligible to apply for, buy or hold land under the *Land Act 1994* if the person is an adult, that is, 18 years of age or over. If the legal practitioner of the applicant is signing as the applicant then the legal practitioner's full name must be printed immediately below the signature.

13.3 MONTHLY FINANCIAL REPORT FOR THE PERIOD ENDING 31 OCTOBER 2026

File No: FM12.14.1

Attachments:
1. Monthly Financial Report for the Period ending 31 October 2026_(A2504720)
2. October 2026 - Contract Award Summaries (A2501620)

Responsible Officer: Jaye Robertson - Manager Financial Services
Andrea Ellis - General Manager Corporate Services

Author: Adriana Mendez - Acting Coordinator Acccounting Services

SUMMARY

The purpose of this report is to seek the Council's adoption of the Livingstone Shire Council Monthly Financial Report for the Period Ending 31 October 2026.

OFFICER'S RECOMMENDATION

THAT Council receive the Livingstone Shire Council Monthly Financial Report for the period ending 31 October 2026 (Attachment 1).

BACKGROUND

The attached Financial Report collates financial data within Council's Finance One and Pathway systems. The report presented includes:

1. Financial Position and Performance Snapshot
2. Financial Reports
3. Capital Expenditure
4. Capital Projects Detail Report
5. Glossary

The attached financial information presents the provisional year-to-date position of Council's financial performance to 31 October 2026. Commitments are excluded from the reported operating & capital expenditures.

All variances are reported against the 2026-27 Adopted Budget, adopted by Council on 23 June 2026.

The financial report compares actual performance against the Council's 2026-27 Adopted Budget and identifies significant variances or areas of concern. It also provides information about additional areas of financial interest to the Council and reinforces sound financial management practices throughout the organisation.

The Council's monthly report (attachment 1) contains the commentary and analysis, and for the sake of brevity, will not be repeated in this cover report.

Additional commentary is disclosed in the report when the monthly and/or year-to-date variance exceeds $100,000 and 10% of the budget.

1. Financial Position and Performance Snapshot – summary of the main financial operating results, capital expenditure and capital revenue, cash holdings, borrowings and a summary of financial performance indicators of year-to-date results. Indicators are based on achieving benchmark results. These have been aligned to the sustainability measures in the Financial Management (Sustainability) Guideline 2025.
2. Financial Reports –

a. Month and year-to-date results for operating activities, supplemented by commentary where either a major positive or negative variance exists and supporting graphical summaries or results, or previous information requests.

b. Balance sheet items with movement from the previous month, compared against the full-year budget, supplemented by commentary where either a major positive or negative variance exists and supporting graphical summaries of results, or where details were previously provided.

3. Capital Expenditure – summary of the overall portfolio of capital expenditure, including capital grants & subsidies streams.
4. Glossary – updated to reflect the current financial performance indicators.

Procurement

Current Contracts >$200,000 (GST exclusive)

In accordance with section 237 of the *Local Government Regulation 2012,* Council publishes the details of all contracts valued at $200,000 or more. These details are available on the Council's website (https://www.livingstone.qld.gov.au/doing-business/business-and-regulations/contracts-and-tenders) and on the public notice board at Yeppoon Town Hall.

In October 2026, four (4) contracts over the prescribed value ($200,000) were established via purchase order.

Current Tenders

At the end of October 2026, there were six (6) open tenders, nil (0) selective tenders, three (3) tenders under evaluation, one (1) preferred tenderer status, and three (3) contracts awarded (Attachment 2). The table below summarises current tenders to promote oversight of progress by Councillors.

Once all contract award documentation is completed, the contract details will be added to the published contract listing.

October 2026 - Open Tenders			
2026.021	Preferred Supplier Arrangement (PSA) for Supply & Delivery of Corporate & External Uniforms		
2026.018	Preferred Supplier Arrangement (PSA) for Supply & Delivery of Road Making Materials		
2026.030	Public Amenities Upgrade, Refurbishment and Replacement Program		
2026.55	Supply and Delivery of Specialised Operational and Heavy Fleet Vehicles		
2026.060	The Hub Fire Compliance Services Upgrade		
2026.020	Preferred Supplier Arrangement (PSA) for Provision of Compliance and Workplace Health and Safety (WHS) Training Services		
October 2026 - Selective Tenders			
Nil Selective Tenders for October 2026			
October 2026 - Tenders Evaluation			
2026.900	Landfill Gas Extraction and Flaring		
2026.019	Preferred Supplier Arrangement (PSA) for Supply & Delivery of Wet Cement		
2026.056	Expression of Interest - Supply of Imported Fill Material		
October 2026 - Preferred Tenderer Status			
2025.010	Homemaker Stage 2 - Land Sale		
October 2026 - Contracts Awarded		**Successful Tenderer/s**	**Contract Value (exc GST)**
2026.54	Fleet Renewal Program 26/27	Tropical Auto Group Pty Ltd T/as Mitsubishi	$550,785.28
2026.29	Construction of Rosslyn Street Sewage Pump Station (SPS42) Wet Well Renewal	Ironbuilt Infrastructure Pty Ltd	$1,891,514.46
2026.31	Barmaryee Sports Precinct Master Plan	Sporteng	$238,250.00

Status Legend:

Open Tender - The tender has been publicly advertised and is currently open to the market. Suppliers are preparing and submitting responses prior to the closing date. Officers and Councillors must maintain appropriate probity and direct all supplier enquiries to the Procurement Team while the tender remains open.

Selective Tender - The tender has been issued directly to a selected group of suppliers rather than publicly advertised. Invited suppliers are preparing and submitting responses. Officers and Councillors must maintain appropriate probity and direct all supplier enquiries to the Procurement Team.

Tender Evaluation - The tender has closed and is currently being assessed by the appointed Evaluation Panel against the approved evaluation criteria. Officers who are not members of the Evaluation Panel and Councillors must not participate in or influence the evaluation process.

Preferred Tenderer Status - The evaluation process has identified a preferred supplier, and Council is undertaking final clarifications, negotiations, reference checks, due diligence activities and/or obtaining internal approvals prior to contract award. No commitment has been made until the formal approval process is completed.

Contract Awarded - The tender evaluation and approval processes have been completed, and a supplier has been formally approved for award. A Letter of Acceptance has been issued, and the contract value has been confirmed.

Contract - The Letter of Acceptance has been issued, and the contract has been executed, and the supplier has been formally engaged to deliver the goods, services or works.

PREVIOUS DECISIONS

Council adopted the 2026-27 Budget on 23 June 2026.

ENGAGEMENT AND CONSULTATION

Information has been provided by the Council's Procurement and Revenue units for inclusion in this report.

BUDGET IMPLICATIONS

The Monthly Financial Report shows the Council's financial position in relation to the 2026-27 Adopted Budget.

LEGISLATIVE CONTEXT AND LEGAL IMPLICATIONS

In accordance with Section 204 of the *Local Government Regulation 2012*, a financial report is to be presented to Council on at least a monthly basis.

There are no anticipated legal implications because of this report.

RISK ASSESSMENT

Council's financial position remains strong, with operating performance, liquidity and debt levels tracking within adopted budget parameters. External economic factors that may influence Council's ability to achieve its budgeted outcomes include inflationary pressures, construction market conditions, interest rate movements, grant funding timing, and severe weather events. These factors have the potential to impact both operating costs and delivery of the capital works program. Council continues to actively monitor these risks through monthly financial reporting, budget review processes and executive oversight. Based on current performance, available liquidity and access to a working capital facility, the residual risk remains within Council's risk appetite.

CORPORATE PLAN REFERENCE

Transparent, Accountable & Progressive Leadership

Sustainably manage finances, assets and resources through strong governance

13.3 - MONTHLY FINANCIAL REPORT FOR THE PERIOD ENDING 31 OCTOBER 2026

Monthly Financial Report for the Period ending 31 October 2026_(A2504720)

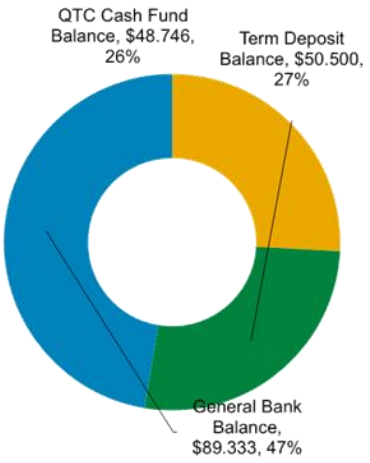
Meeting Date: 17 November 2026

Attachment No: 1

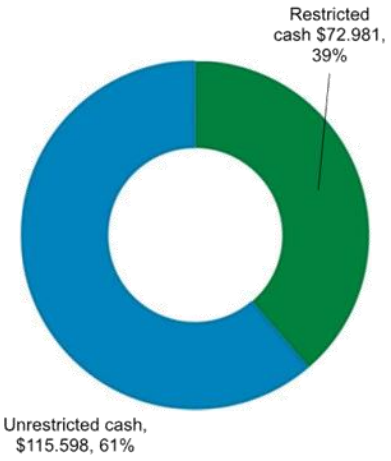
1. Financial Position and Performance Snapshot
Livingstone Shire Council
For the period ended 31 October 2026

YTD Cash Balance ($ million)	Restricted/unrestricted Cash balance ($ million)	YTD Total Borrowings ($ million)
$188.579	Restricted cash: $72.981 Unrestricted cash: $115.598	$34.326

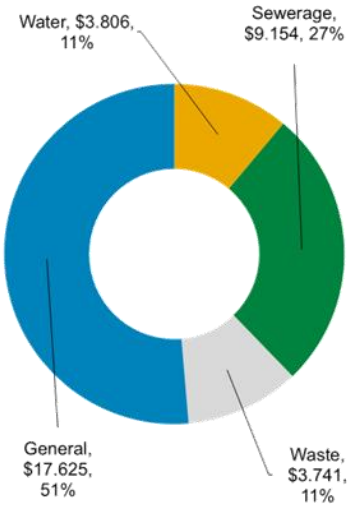
BREAKDOWN OF TOTAL CASH BALANCE



RESTRICTED VS UNRESTRICTED CASH

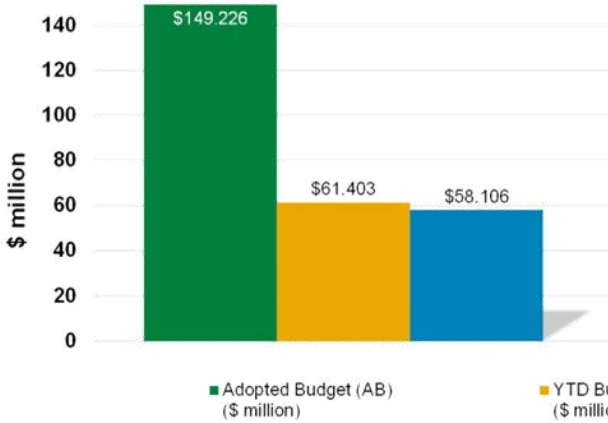


BREAKDOWN OF BORROWINGS

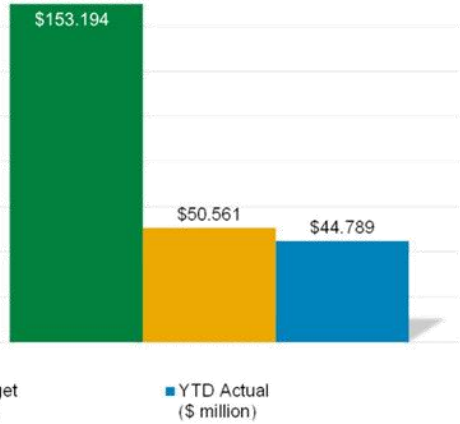


Operating results	Adopted Budget (AB) ($ million)	YTD Budget ($ million)	YTD Actual ($ million)	YTD Var ($ million)	YTD Var (%)
Operating Revenue	$149.226	$61.403	$58.106	-$3.297	-5.37%
Operating Expenditure	$153.194	$50.561	$44.789	-$5.772	-11.42%
Operating Surplus/(Deficit)	-$3.968	$10.842	$13.317	$2.475	22.83%

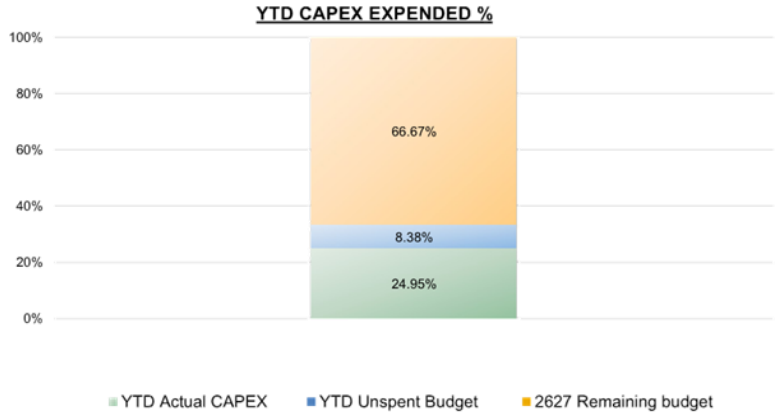
OPERATING REVENUE

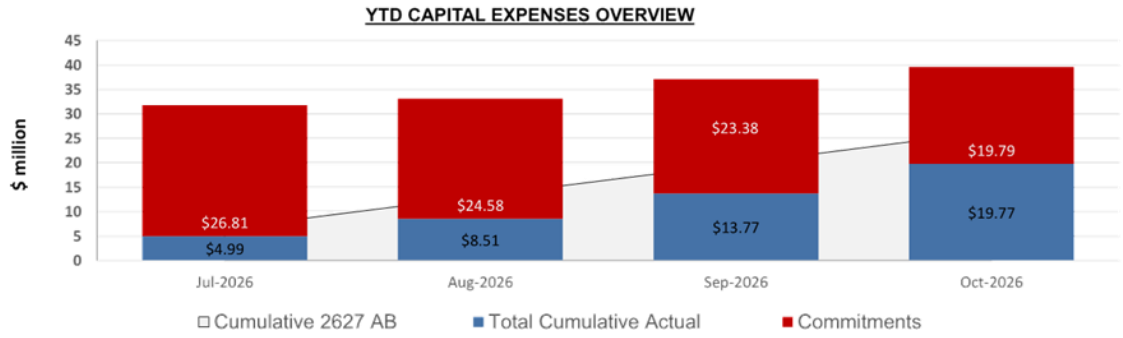


OPERATING EXPENDITURE



Capital results	AB ($ million)	YTD Budget ($ million)	YTD Actual ($ million)	YTD Var ($ million)	YTD Var (%)
Capital Revenue	$31.883	$10.628	$7.522	-$3.106	-29.23%
Capital Expenditure	$79.249	$26.416	$19.772	-$6.645	-25.15%





Ratio	YTD Actual	FY Budget	Tier 4 Target	Commentary to key points *
Council-Controlled Revenue Ratio (%) (Ratio reported but not audited)	✓ 90.63%	✓ 80.50%	Contextual	The majority of the Council's budgeted revenue is attributed to rates revenue. This ratio is favourable due to the levying of the 1st half-yearly General Rates & Utility Charges (including first-quarter water consumption) in August 2026.
Population Growth Ratio (%) (Ratio reported but not audited)	Data not available monthly	✓ 2.17%	Contextual	The population estimate for Livingstone Shire Council area as of the 30 June 2026 is 44,143. Since the previous year, the population has grown by 2.17%. Population growth in Regional QLD was 2.20%. (Source: Australian Bureau of Statistics, Regional Population Growth, Australia (3218.0).
Operating Surplus Ratio (%) (Audited)	✓ 22.92%	✗ -2.80%	0% - 10%	The ratio being 22.92% indicates Council's YTD result is an operational surplus and this YTD surplus assists in meeting quarterly loan repayments.
Operating Cash Ratio (%) (Audited)	✓ 45.08%	✓ 24.20%	Greater than 0%	The ratio being 45.08% indicates that Council has the ability to self-fund capital expenditure from surplus funds from core operations.
Unrestricted Cash Expense Cover Ratio (months) (Audited)	✓ 15.74	✓ 11.00	> 4 months	Council has sufficient unrestricted cash to meet ongoing and emergent financial demands for 15.74 months. Council has access to a $10m QTC working capital facility, which is equivalent to 1.25 months of cover.
Asset Sustainability Ratio (%) (Audited)	✓ 184.23%	! 73.90%	>90%	This ratio indicates the extent to which Council's existing infrastructure assets are being replaced as they reach the end of their useful lives.
Asset Consumption Ratio (%) (Audited)	✓ 64.31%	✓ 74.10%	> 60%	Council's infrastructure assets have been consumed by 64.31% compared to what it would cost to build a new asset with the same benefit to the community.
Asset Renewal Funding Ratio (%) (Audited)	✗ 65.22%	✓ 157.40%	Contextual	This ratio measures the ability of Council to fund projected infrastructure asset renewal/replacements into the future. The ratio being 65.22% is below the budgeted position, with the phasing of capital project expenditures having an affect on the calculation of this ratio on a monthly basis.
Leverage Ratio (times cover) (Audited)	✓ 1.31	✓ 0.80	0 - 3 Times	The ratio being 1.31 indicates the Council has some capacity to manage unforeseen financial shocks & meet loan repayments.

2. Financial Reports

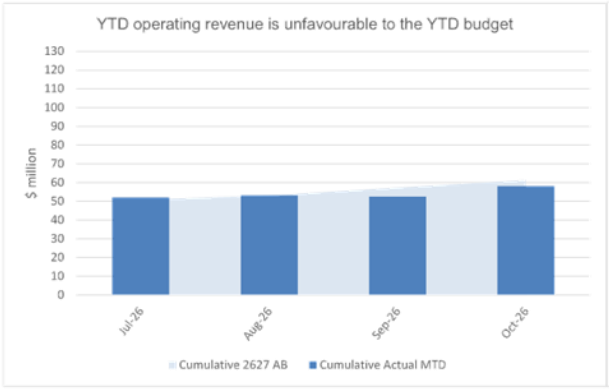
Operating Result for the period ending 31/10/2026

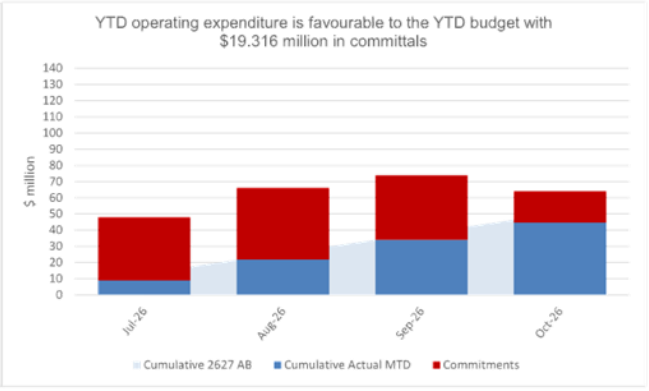
Month ($ million)					YTD 33.3%				FY	
Actual ($ million)	2627 AB ($ million)	Variance[1] ($ million)	>$100K & 10%		Actual ($ million)	2627 AB ($ million)	Variance[1] ($ million)	>$100K & 10%	% of Actual YTD %	2627 AB ($ million)
				Operating revenue						
3.326	2.228	1.099	✓	Rates, levies and charges	49.954	51.189	(1.235)	⇔	46%	108.073
0.723	0.703	0.020		Fees and charges	2.710	2.845	(0.135)	⇔	19%	14.162
0.237	0.217	0.020		Sales revenue	0.827	3.379	(2.552)	✗	7%	12.577
0.099	0.313	(0.214)	✗	Grants, subsidies and contributions	0.724	1.580	(0.856)	✗	10%	7.283
1.056	0.474	0.581	✓	Interest received	3.426	1.897	1.530	✓	60%	5.693
0.137	0.159	(0.021)		Other income	0.465	0.513	(0.048)		32%	1.438
5.578	***4.094***	***1.484***	✓	***Total operating revenue***	***58.106***	***61.403***	***(3.297)***	⇔	***39%***	***149.226***
				Operating expenses						
(3.890)	(3.917)	0.027		Employee and councillor benefits	(16.240)	(15.682)	(0.558)	⇔	35%	(46.920)
(3.607)	(5.290)	1.683	✓	Materials and services	(15.670)	(22.067)	6.397	✓	23%	(67.863)
(0.175)	(0.143)	(0.032)		Finance costs	(0.639)	(0.572)	(0.067)		37%	(1.713)
(3.059)	(3.059)	(0.000)		Depreciation and amortisation	(12.239)	(12.239)	(0.000)		33%	(36.698)
(10.732)	***(12.409)***	***1.677***	✓	***Total operating expenses***	***(44.789)***	***(50.561)***	***5.772***	✓	***29%***	***(153.194)***
(5.154)	***(8.315)***	***3.161***	✓	***Net operating result***	***13.317***	***10.842***	***2.475***	✓		***(3.968)***

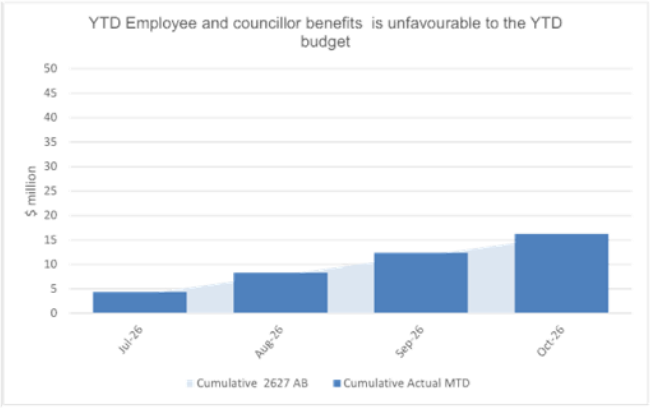
✓ *Major positive variance, comment required*
✗ *Major negative variance, comment required*
⇔ *Within expectations, no comment required*

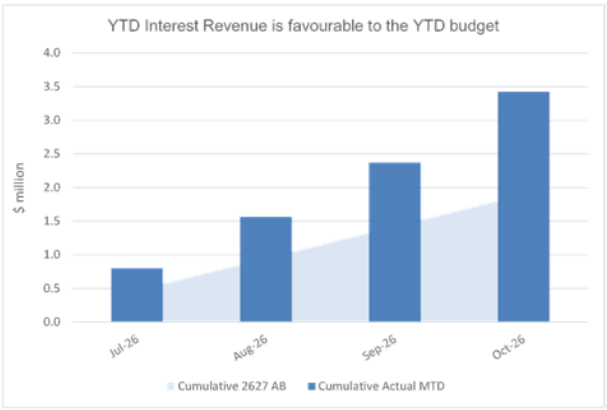
Areas to note

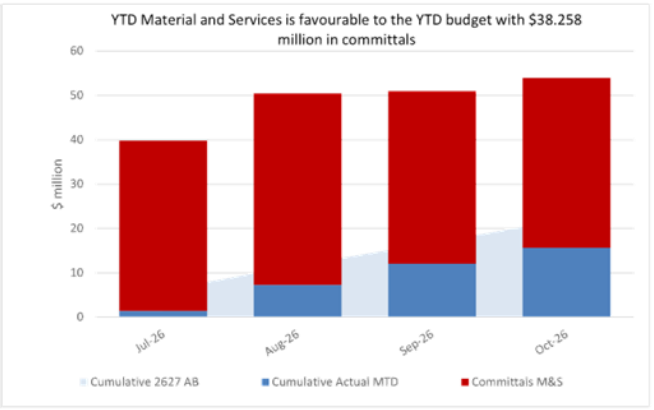
Rates, levies and charges	The favourable monthly actual to budget variance is primarily attributable to water utility charges being higher than the estimated budget allocation. This variance is due to the timing of water rate charges, with water consumption charges levied quarterly and where generated and issued in October 2026.
Sales revenue	The unfavourable YTD Actual to Budget variance is primarily driven by the quarterly budget allocation for the QRA-funded Rural Ex-TC Koji Emergent Works program. No expenditure has been incurred to date, as the project is currently in the planning stage. The budget allocation and project timing will be reviewed and adjusted as part of BR1.
Grants, subsidies and contributions	The unfavourable monthly and year-to-date Actual to Budget variance primarily reflects the timing of grant revenue. The 2026-27 Financial Assistance Grant budget was adjusted based on estimated funding, with the confirmed payment schedule subsequently received. Budget Review 1 (BR1) will update the budget to reflect the confirmed timing of payments. Timing differences in the recognition of other State and Commonwealth Government grants have also contributed to the variance.
Interest received	The favourable monthly and year to date (YTD) variance to budget is primarily attributable to the transfer of $50 million from the General Fund to QTC to optimise investment returns. As at 31 October 2026, the portfolio was earning an interest rate of 5.02%, slightly below the target rat of 5.10%. Market interest rates have continued to increase, reaching 5.07% asat October 2026. Interest rate movements will continue to be monitored, and any required budget adjustments will beconsidered as part of Budget Review 1 (BR1).
Materials and services	The favourable monthly and year to date (YTD) variance to budget for Materials and Services expenditure is primarily attributable to lower-than-budgeted building costs, bulk water expenses, and other costs associated with waste management. Finance is currently investigating these variances in consultation with the relevant cost centre managers. Budget forecasts will be reviewed and updated as part of the 2026/27 Budget Review 1 (BR1) process to ensure projections more accurately reflect expected expenditure, particularly in the areas of contractors, software and licensing, building and construction, maintenance, waste management, and other operational services.

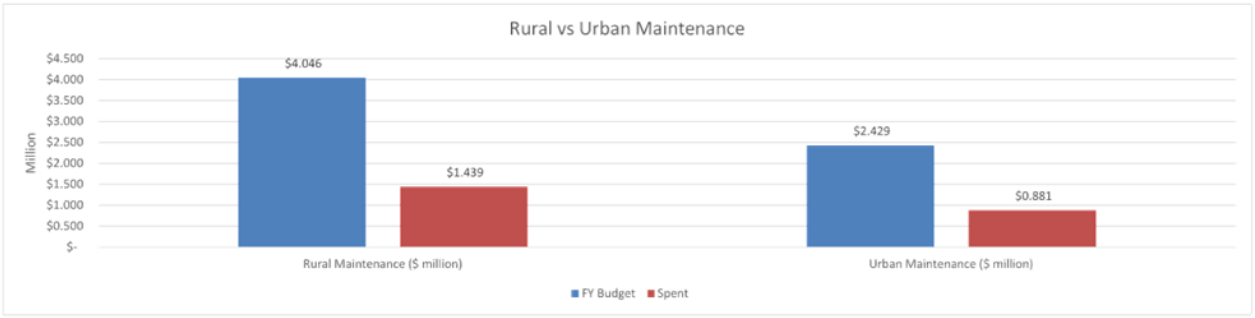

YTD operating revenue is unfavourable to the YTD budget
$ million
130
120
110
100
90
80
70
60
50
40
30
20
10
0
Jul-26
Aug-26
Sep-26
Oct-26
Cumulative 2627 AB
Cumulative Actual MTD


YTD operating expenditure is favourable to the YTD budget with $19.316 million in committals
$ million
140
130
120
110
100
90
80
70
60
50
40
30
20
10
0
Jul-26
Aug-26
Sep-26
Oct-26
Cumulative 2627 AB
Cumulative Actual MTD
Commitments


YTD Employee and councillor benefits is unfavourable to the YTD budget
$ million
50
45
40
35
30
25
20
15
10
5
0
Jul-26
Aug-26
Sep-26
Oct-26
Cumulative 2627 AB
Cumulative Actual MTD


YTD Interest Revenue is favourable to the YTD budget
$ million
4.0
3.5
3.0
2.5
2.0
1.5
1.0
0.5
0.0
Jul-26
Aug-26
Sep-26
Oct-26
Cumulative 2627 AB
Cumulative Actual MTD


YTD Material and Services is favourable to the YTD budget with $38.258 million in committals
$ million
60
50
40
30
20
10
0
Jul-26
Aug-26
Sep-26
Oct-26
Cumulative 2627 AB
Cumulative Actual MTD
Committals M&S


Rural vs Urban Maintenance
Million
$4.500
$4.000
$3.500
$3.000
$2.500
$2.000
$1.500
$1.000
$0.500
$-
$4.046
$1.439
$2.429
$0.881
Rural Maintenance ($ million)
Urban Maintenance ($ million)
FY Budget
Spent

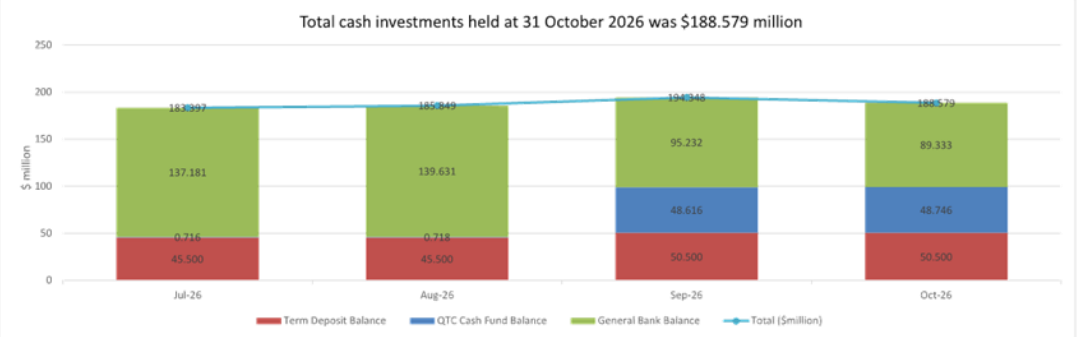
Statement of Financial Position for the period ending 31/10/2026

	Month-end Actual	Last month Actual	Movement	Full Year 2627 AB
	($ million)	($ million)	($ million)	($ million)
Cash and cash equivalents	188.579	194.348	(5.769)	130.873
Receivables	11.608	10.523	1.085	11.133
Inventories	1.435	1.504	(0.069)	1.046
Land held for development or sale	4.393	4.393	0.000	5.458
Contract assets	7.633	7.633	0.000	0.000
Other assets	1.953	1.975	(0.022)	5.199
Property, plant & equipment	1,285.400	1,288.450	(3.050)	1,506.612
Intangible assets	0.123	0.133	(0.010)	0.000
Capital works in progress	94.969	88.967	6.001	0.000
TOTAL ASSETS	**1,596.094**	**1,597.927**	**(1.833)**	**1,660.321**
Payables	10.400	8.913	1.488	6.936
Contract liabilities	29.607	29.356	0.252	14.200
Borrowings	34.326	34.187	0.139	29.378
Provisions	19.839	20.032	(0.193)	21.721
Other liabilities	5.054	5.229	(0.175)	0.000
TOTAL LIABILIITIES	**99.227**	**97.717**	**1.510**	**72.235**
Asset revaluation surplus	322.242	322.242	0.000	406.441
Retained surplus	1,174.625	1,177.969	(3.343)	1,181.644
TOTAL COMMUNITY EQUITY	**1,496.867**	**1,500.210**	**(3.343)**	**1,588.086**

Areas to note

Cash and cash equivalents	$72.981 million of the $188.579 million of total cash and cash equivalents is externally restricted cash funds. Council has sufficient unrestricted cash to meet ongoing and emergent financial demands for approximately 15.74 months.
Receivables	The increase in receivables is primarily attributable the first levy notices for water charges issue for the 2026-27 financial year.
Capital works in progress	The increase in capital works in progress from the previous month reflects capital expenditure in October 2026. Refer to the capital projects detail report for further information on year-to-date expenditure.
Payables	The increase in payables by $1.50M is primarily attributable to a higher volume of outstanding invoices that are not yet due and have been scheduled for payment in upcoming weekly payment runs.

Cash and Cash Equivalents



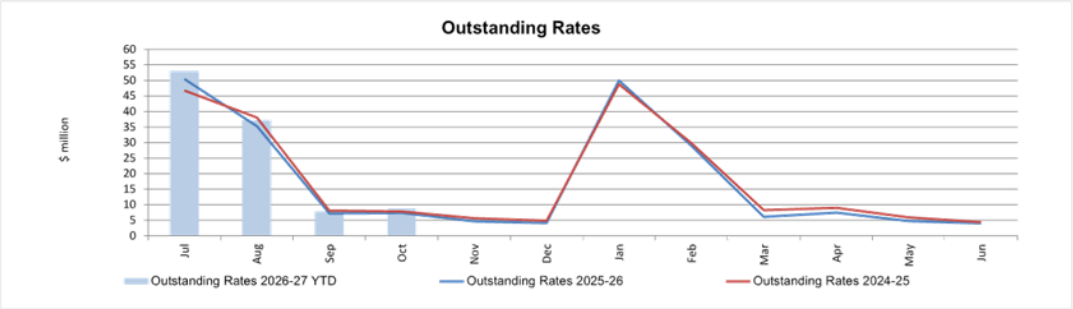
Council's cash investments are held in term deposits, Council's general banker, the Commonwealth Bank (CBA) and the Queensland Treasury Corporation (QTC) Capital Guaranteed Cash Fund. Council's interest-earning rate as at 31 October 2026 is 5.07% p.a. (net of 0.12% administration fees) with the QTC, and 5.10% p.a. with CBA. In October 2026, the weighted average interest rate was 5.02%, which is slightly below the target rate of 5.10% (the target rate is the RBA Cash Rate of 4.6% plus 0.50%). The weighted average interest rate includes the interest rates the Council earns on term deposits.

Term deposit rates are monitored regularly by Council officers to identify investment opportunities and ensure Council maximises its interest earnings, while balancing the need to invest cash for a fixed term.

The amount of interest earned from month to month is indicative of both the interest rate and the surplus cash balances held, the latter of which is affected by the Council's monthly cash flow requirements and the rating cycle.

Cash needed for day-to-day requirements is deposited with the QTC or CBA. Interest rates from both facilities are monitored regularly by the Council's finance officers to maximise interest earnings.

Receivables

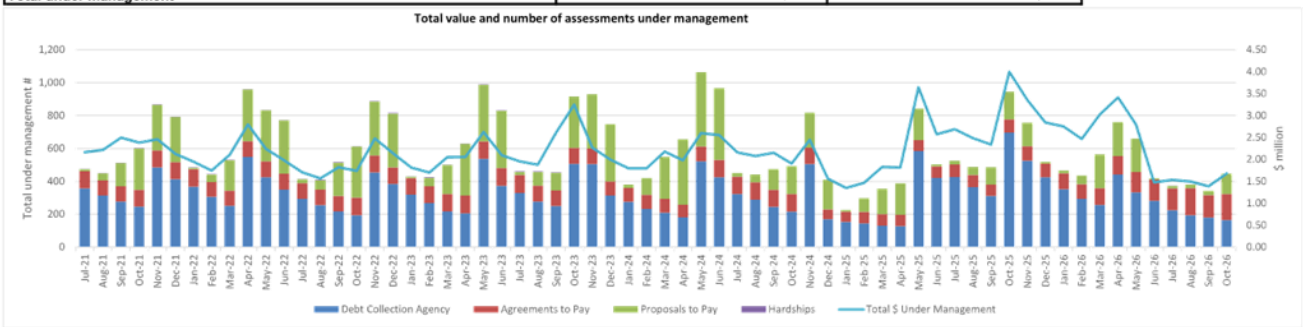


Ageing of Rates Receivable at Month End	($ million)	
Total Rates Outstanding	$8.856	
Less: Current and Prepayment	-$0.003	
Total Eligible for Collection	**$8.854**	
Current	$5.708	64.47%
1 years	$1.629	18.40%
2 years	$0.717	8.10%
3 years	$0.421	4.75%
4 years	$0.216	2.44%
5 years	$0.163	1.84%
Total Eligible for Collection	**$8.854**	**100.00%**

Total receivables under management as at 31 October 2026 are $1.682 million, which is lower than the $3.997 million as at 31 October 2025.
Interest on overdue rates and utility charges is applied at 10% per annum for the 2026–27 financial year, calculated monthly on all overdue balances, including those subject to formal payment arrangements.

Of the 19,130 rateable assessments, 448 (2.34% of ratepayers) are currently under management.

Debt Recovery under management	as at 31 October 2025		as at 31 October 2026	
	#	$ million	#	$ million
Debt Collection Agency	696	3.206	164	0.754
Agreements to pay	81	0.479	159	0.736
Proposals to Pay	168	0.312	125	0.192
Council Hardship	0	-	0	-
Total under management	**945**	**$3.997**	**448**	**$1.682**



Council officers are committed to working with any ratepayer who is experiencing difficulty in paying their rates & charges and strongly encourage anyone in this position to make early contact with Council.

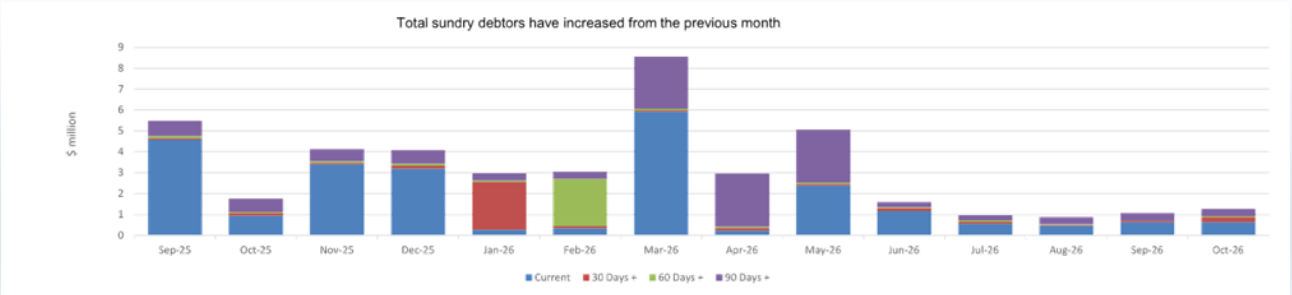
Sale of Land Activity

Under the Local Government Regulation 2012, Council may initiate a land sale process to recover rates arrears where:

- Residential property rates remain overdue for three or more years, or
- Commercial and Vacant Land are overdue by more than one year.
- Ordinary meeting, held 26th October, 2026 for resolution on identified land sale candiate properties.
- 7 properties remain eligible to proceed under the statutory land sale process as per resolution will receive a Notice of Intention to Sell in November 2026.
- Officers will provide ongoing updates throughout the process, with the CEO exercising delegated authority to make final determinations, including the cessation of the process where legally permitted.

Outstanding Sundry Trade Debtors

Total Sundry Trade Debtors Outstanding at Month End ($ m) $1.256



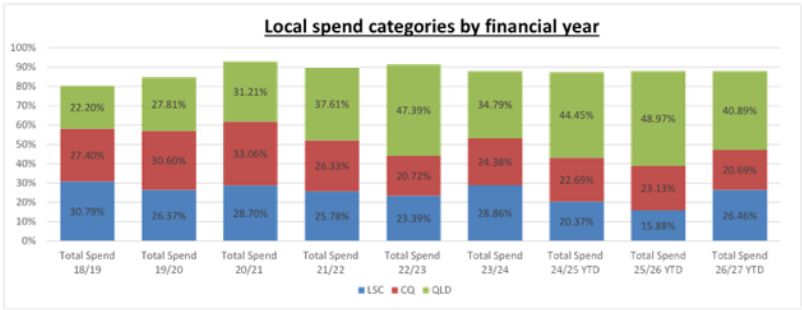
Payables - Procurement

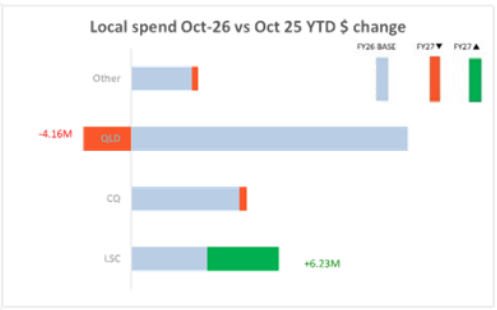
Council strongly supports locally owned and operated businesses, including those with an office or branch in our region. Council is able to report on direct local spend for both operational and capital expenditure in addition to employee salaries & wages.

Total expenditure with businesses located within the Shire boundaries, in the current financial year to date, is 26.46% or $12.813 million.Local investment within LSC has increase $6.232 million or 11.89%pp and compared to the same period last year

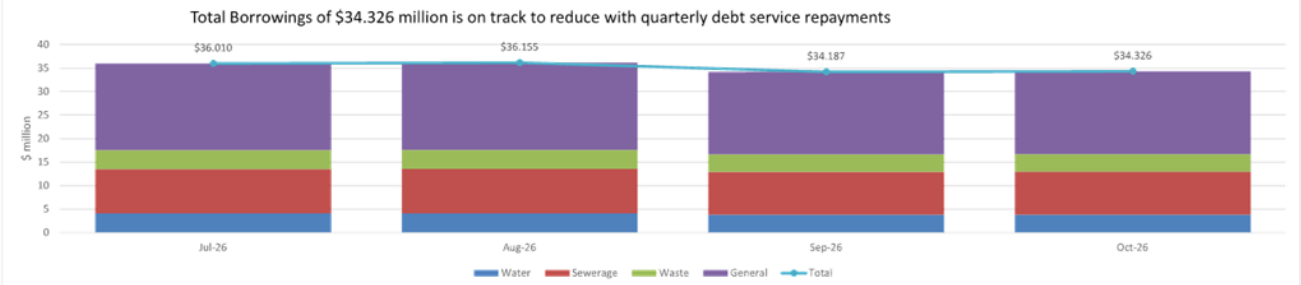
Local Spend	YTD Spend ($ million)	YTD Spend (%)	YTD PY Spend ($ million)	YTD PY Spend (%)	Change CY vs PY $ million	Change CY vs PY (%PP)
LSC - Business located within the shire boundaries.	12.813	26.46%	6.581	14.57%	+$6.23	11.89%
CQ - Business completely set up and run outside of LSC boundaries but within the Central Queensland region.	10.018	20.69%	9.373	20.75%	+$0.65	-0.06%
QLD - Business based outside of Central Queensland but within Queensland.	19.801	40.89%	23.965	53.07%	-$4.16	-12.17%
OTHER - Business based outside of Queensland.	5.791	11.96%	5.243	11.61%	+$0.55	0.35%
	48.424	**100.0%**	**45.162**	**100.0%**	**+$3.26**	0.00%

The bar graph below summarises the allocation by local spend categories for the previous seven (9) financial years. Since 1 January 2018 Council has procured, on average, 47.15% of materials & services from within the greater Central Queensland area, which includes Livingstone Shire Council.





Borrowings



Debt Position	YTD Actual ($ million)	2627 AB ($ million)
Total Debt held as at 1 July 2026	35.865	35.865
New borrowings drawn down in 2026-27	0.000	0.000
Interest & administrative charges	0.429	1.935
Total debt service payments	(2.105)	(8.422)
Total Debt held at reporting period	**34.189**	**29.378**

In line with Council's debt policy, a debt service payment of $2.105 million (being approximately $1.678 million repayment of principal and $0.427 million interest and administrative charges) is to be paid quarterly during 2026-27. Interest accrues monthly, calculated on a daily basis, until the next debt service payment. No new borrowings are budgeted to be drawn down throughout the 2026-27 financial year.

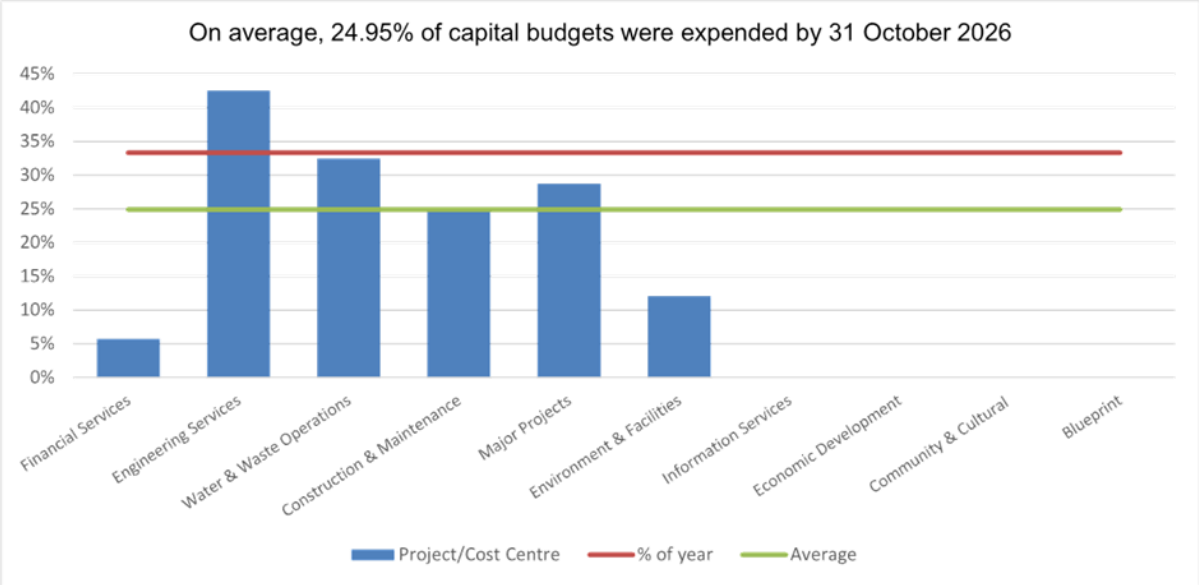
As of 31 October 2026, the weighted average interest rate of all Council debt is approximately 4.68%.

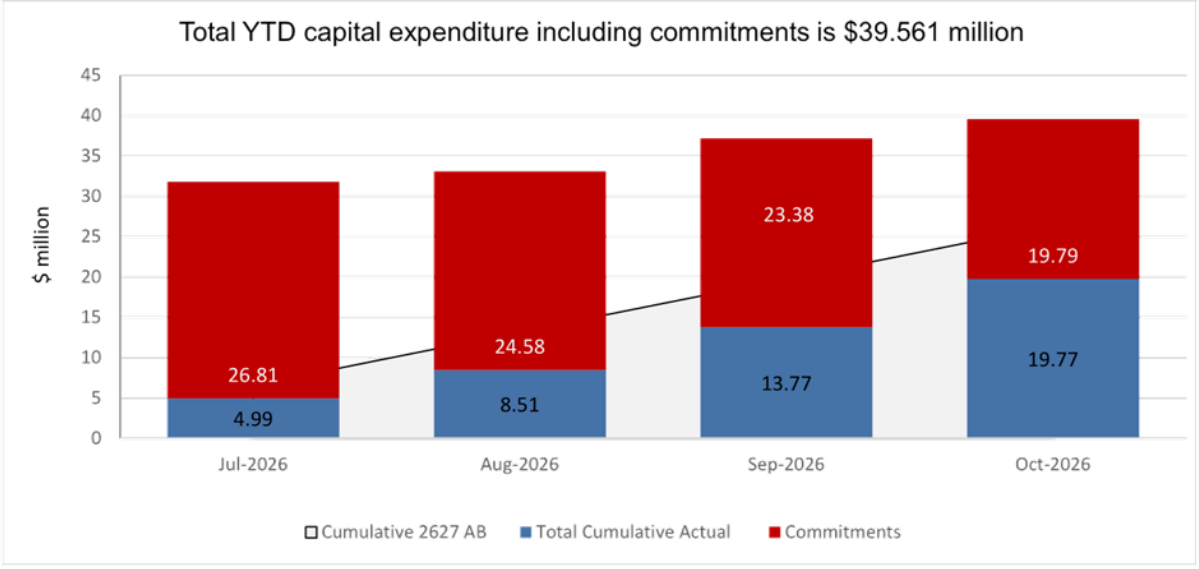
The Department of Local Government, Water & Volunteers has approved a working capital facility of $10 million on a permanent basis subject to an annual review by the Queensland Treasury Corporation in consultation with the department. Council has not accessed the available funds in the working capital facility.

3. Capital Expenditure

Capital revenue and expenditure report (all projects) for period ending 31/10/2026

Month ($ million)				YTD 33.3%		Full year ($ million)
Actual	2627 AB	Variance		Actual	% of Full year Budget	2627 AB
			Capital expenditure			
5.703	5.988	(0.285)	Materials & services	18.482	24.70%	74.831
0.298	0.616	(0.318)	Internal employee costs	1.290	29.20%	4.418
6.001	**6.604**	**(0.603)**		**19.772**	**24.95%**	**79.249**
			Capital Revenue			
0.353	2.158	(1.805)	Capital grants & subsidies	5.322	20.6%	25.895
1.701	0.499	1.202	Infrastructure contributions	2.087	34.8%	5.988
0.000	0.000	0.000	Other capital income	0.113	0.0%	0.000
2.054	**2.657**	**(0.603)**		**7.522**	**23.59%**	**31.883**





4. Capital Projects Detail Report

Capital Project Description	PROGRAM/ PROJECT COUNT	YEAR TO DATE ACTUAL EXPENDITURE $'000	ANNUAL BUDGETED EXPENDITURE $'000	COMMITTALS $'000	YEAR TO DATE ACTUAL EXPENDITURE AS % OF ANNUAL BUDGET	YEAR TO DATE ACTUAL REVENUE $'000	ANNUAL BUDGETED REVENUE $'000
Communities & Environment	**41**	**557**	**5,051**	**305**	**11.0%**	**0**	**0**
Environment & Facilities	**38**	**557**	**4,616**	**305**	**12.1%**	**0**	**0**
Program	10	327	468	81	69.9%	0	0
Project	28	230	4,148	224	5.5%	0	0
Community & Cultural	**2**	**0**	**410**	**0**	**0.0%**	**0**	**0**
Project	2	0	410	0	0.0%	0	0
Community Compliance	**1**	**0**	**25**	**0**	**0.0%**	**0**	**0**
Program	1	0	25	0	0.0%	0	0
Corporate Services	**6**	**390**	**7,374**	**708**	**5.3%**	**87**	**4,107**
Financial Services	**4**	**390**	**6,849**	**708**	**5.7%**	**87**	**4,107**
Program	1	785	3,274	702	24.0%	87	0
Project	3	(395)	3,575	6	-11.1%	0	4,107
Information Services	**2**	**0**	**525**	**0**	**0.0%**	**0**	**0**
Program	2	0	525	0	0.0%	0	0
Infrastructure	**96**	**18,793**	**64,954**	**20,639**	**28.9%**	**5,236**	**21,788**
Engineering Services	**28**	**1,911**	**4,493**	**484**	**42.5%**	**108**	**1,349**
Program	2	3	100	2	3.3%	108	0
Project	26	1,908	4,393	482	43.4%	0	1,349
Major Projects	**27**	**12,501**	**43,577**	**14,494**	**28.7%**	**4,450**	**17,197**
Program	2	13	400	474	3.2%	252	0
Project	25	12,488	43,177	14,019	28.9%	4,198	17,197
Water & Waste Operations	**13**	**670**	**2,065**	**640**	**32.4%**	**0**	**0**
Project	4	141	740	28	19.1%	0	0
Program	9	529	1,325	611	39.9%	0	0
Construction & Maintenance	**28**	**3,711**	**14,820**	**5,022**	**25.0%**	**678**	**3,242**
Program	13	1,506	6,192	678	24.3%	1	800
Project	15	2,205	8,627	4,344	25.6%	677	2,442
Office of the CEO	**1**	**0**	**1,870**	**0**	**0.0%**	**0**	**0**
Blueprint	**1**	**0**	**1,870**	**0**	**0.0%**	**0**	**0**
Project	1	0	1,870	0	0.0%	0	0
Grand Total	**144**	**19,740**	**79,249**	**21,652**	**24.9%**	**5,323**	**25,895**

Note: The annual budgeted revenue amount does not include infrastructure contributions or other capital income.

5. Glossary

Key Terms	
Operating Result	Total operating revenue less total operating expenses
Total Operating Expenditure	All council expenses minus capital items such as: - losses on disposal of assets, and - impairment losses - depreciation on right of use assets - interest on finance leases associated with right of use assets - other capital expenditure items as identified by Council
Total Operating Revenue	All council income minus capital items such as; - capital grants, subsidies, contributions and donations - gains on disposal of assets - other capital revenue items as identified by Council

Definition of Ratios	
Financial Capacity	
Council-Controlled Revenue Ratio (%)#	
Council-controlled revenue is an indicator of a council's financial flexibility, ability to influence its operating income, and capacity to respond to unexpected financial shocks. A higher council- controlled revenue indicates a stronger ability to generate operating revenue without relying on external sources. Councils with a high ratio generally have a healthy rate base and are better able to respond to unexpected financial obligations such as natural disaster recovery. A lower council-controlled revenue ratio indicates that a council has limited capacity to influence its operating revenue and that it is more reliant on external (and usually less reliable) sources of income such as operating grant funding, sales and recoverable works contracts, and rental income.	$\frac{\text{Net rates, levies and charges} + \text{Total Fees \& charges}}{\text{Total operating revenue}}$
Population Growth Ratio (%)#	
Population growth is a key driver of a council's operating income, service needs and infrastructure requirements into the future. A growing council population indicates a greater capacity to generate its own source revenue through rates as well as statutory charges. Population growth also puts additional pressure on councils to invest in new community infrastructure to support service needs.	$\frac{\text{Prior year estimated population}}{\text{Previous year estimated population}} - 1$
Operating Performance	
Operating Surplus Ratio (%)*#	
This is an indicator of the extent to which operating generated cover operational expenses. Any operating surplus would be available for capital funding or other purposes. An operating surplus ratio above 0% is an indication that council is managing its finances within its existing funding envelope and generating surplus funds for capital funding or other purposes. An operating surplus ratio below 0% is an indication that a council's operating expenses exceed its revenue. An operating deficit in any one year is not a cause for concern, if over the long term, a council achieves a balanced operating result or small surplus. Operating deficits over the long term affect a council's ability to internally fund its capital requirements and other initiatives as and when they fall due, potentially requiring external funding support.	$\frac{\text{Operating result}}{\text{Total operating revenue}}$
Operating Cash Ratio (%)#	
The operating cash ratio is a measure of councils ability to cover its core operational expenses and generate a cash surplus excluding depreciation, amortisation and finance costs. A positive operating cash ratio indicates that a council is generating surplus cash from its core operations, which suggests that council has the ability to self-fund its capital expenditure requirements. A negative operating cash ratio is a significant indicator of financial sustainability challenges and potential future liquidity issues, as all other things being equal, a negative result means that a council's cash position is declining and revenues are not offsetting the cost of core operational requirements.	$\frac{\text{Operating result } \textbf{add} \text{ Depreciation and amortisation } \textbf{add} \text{ finance costs}}{\text{Total operating revenue}}$
Liquidity	
Unrestricted Cash Expense Cover Ratio (months)#	
The unrestricted cash expense cover ratio is an indicator of the unconstrained liquidity available to a council to meet ongoing and emergent financial demands, which is a key component to solvency. It represents the number of months a council can continue operating based on current monthly expenses. A higher unrestricted cash expense cover ratio indicates that a council has sufficient free cash available to contribute to the cost of future planned and unplanned expenditures such as infrastructure investment or disaster recovery. An excessively high ratio may be indicative of cash hoarding, poor cash	$\frac{\text{(Total Cash and Equivalents } \textbf{add} \text{ Current investments } \textbf{add} \text{ available ongoing QTC working capital facility limit } \textbf{less} \text{ Externally Restricted Cash)}}{\text{(Total Operating Expenditure } \textbf{less} \text{ Depreciation and amortisation } \textbf{less} \text{ Finance Costs)}}$

management, or large upcoming capital investment requirements. A low ratio suggests limited unconstrained liquidity available to council to use for capital investment or in an emergency. For councils with efficient cash management practices and strong borrowing capacity, this is not a concern. Where a council also has a negative operating cash ratio, a very low or negative unrestricted cash expense cover ratio is an indicator of potential solvency concerns.	
Net Financial Liability Ratio (%)*	
This is an indicator of the extent to which the net financial liabilities of Council can be serviced by operating revenues. A ratio greater than zero (0) implies liabilities exceed current assets. This ratio is no longer reported against under the new financial management sustainability guideline.	$\frac{\text{Total Liabilities} - \text{Current Assets}}{\text{Total operating revenue}}$
Asset Management	
Asset Sustainability Ratio (%)*#	
The asset sustainability ratio approximates the extent to which the infrastructure assets managed by a council are being replaced as they reach the end of their useful lives. An asset sustainability ratio close to 100% suggests that a council is spending enough on the renewal of its assets to compensate for the deterioration in its asset base as loosely proxied by its reported depreciation, with outcomes too far below this level being potentially indicative of underspending against capital replacement requirements.	$\frac{\text{Capital expenditure on replacement of Infrastructure Assets (Renewals)}}{\text{Depreciation expenditure on Infrastructure Assets}}$
Asset Consumption Ratio (%)#	
The asset consumption ratio approximates the extent to which council's infrastructure assets have been consumed compared to what it would cost to build a new asset with the same benefit to the community. The minimum target of 60% indicates that a council's assets are being broadly consumed in line with their estimated useful lives. Councils with lower than target ratio will need to invest more in those assets (in terms of replacement or maintenance) to ensure they are maintained at a standard that will meet the needs of their communities. On the other hand, if the ratio is much higher than the target ratio, councils may need to revisit their asset management plans to asset their current service levels or whether their estimates of the assets useful lives are appropriate.	$\frac{\text{Written down replacement cost of depreciable infrastructure assets}}{\text{Current replacement cost of depreciable infrastructure assets}}$
Asset Renewal Funding Ratio (%)#	
The asset renewal funding ratio measures the ability of a council to fund its projected infrastructure asset renewal/replacements in the future. Ideally, the asset renewal funding ratio should be as close to 100% as possible, as this indicates that a council is appropriately funding and delivering the entirety of its required capital program as outlined by its asset management plans. A ratio that is too far in excess of 100% indicates capital spending above and beyond what is proposed by a council's asset management plans. A ratio that is too far below 100% may indicate an underfunded capital program and therefore a potentially increasing infrastructure backlog and asset failures. Either scenario suggests a mismatch between a council's capital requirements and forecast capital program, whether due to poor planning and/or limited resources or skills to deliver the assets required by the community.	$\frac{\text{Total of } \mathbf{Planned} \text{ Capital Expenditure on Infrastructure Asset Renewals over 10 years}}{\text{Total of } \mathbf{Required} \text{ Capital Expenditure on Infrastructure Asset Renewals over 10 years}}$
Debt Servicing Capacity	
Leverage Ratio (times cover)#	
The leverage ratio is an indicator of a council's ability to repay its existing debt. It measures the relative size of the councils debt to its operating performance. A higher leverage ratio indicates an increasingly limited capacity to support additional borrowings due to already high debt levels and/or decreasing operational performance, while a lower ratio indicates the opposite. A lower leverage ratio is not itself a guarantee that further debt will be approved for a council, while councils with higher leverage ratios are not necessarily precluded from having additional borrowings approved due to other mitigating circumstances.	$\frac{\text{Book Value of Debt}}{\text{Total Operating Revenue } \mathbf{less} \text{ Total Operating Expenditure } \mathbf{add} \text{ Depreciation and Amortisation } \mathbf{add} \text{ finance costs}}$

*Financial Management (Sustainability) 2013 legislated ratios
#Financial Management (Sustainability) 2023 legislated ratios

6. Reference Material

Local government sustainability framework	https://www.statedevelopment.qld.gov.au/local-government/for-councils/finance/local-government-sustainability-framework Sustainability Framework Financial Management (Sustainability) Guideline Risk Framework Frequently Asked Questions
Budget 2026-27	https://www.livingstone.qld.gov.au/current-budget
Estimated Resident Population (ERP)	https://profile.id.com.au/livingstone/population-estimate

13.3 - MONTHLY FINANCIAL REPORT FOR THE PERIOD ENDING 31 OCTOBER 2026

October 2026 - Contract Award Summaries (A2501620)

Meeting Date: 17 November 2026

Attachment No: 2

CONTRACT AWARD SUMMARIES OCTOBER 2026

Contract No: 2026.031
Contract Title: Barmaryee Sports Precinct Master Plan

Overview

Livingstone Shire Council has awarded a contract for the provision of consultancy services to develop a comprehensive Master Plan for the Barmaryee Multi Sports Precinct.

The project will establish a long-term strategic framework to guide the planning, development and staged delivery of sporting and recreational infrastructure at Barmaryee, supporting future community participation, regional sporting opportunities and population growth.

The scope includes stakeholder and community consultation, site investigations, technical assessments, sporting infrastructure and facility planning, transport and access arrangements, parking, drainage, landscaping, concept designs, indicative cost estimates and a staged implementation plan.

The Master Plan will provide Council with a coordinated, evidence-based approach to future infrastructure investment, funding opportunities and the long-term development of the precinct

Procurement Process

The procurement was undertaken through an open Invitation to Tender (ITT) process, advertised on 13 August 2026 and closing on 16 September 2026.

The procurement process was conducted in accordance with:

- Local Government Act 2009 (Qld)
- Local Government Regulation 2012
- Council's Procurement Policy

The process was undertaken in a fair, transparent and competitive manner, providing suitably qualified consultants with the opportunity to submit proposals.

Evaluation

A total of **16 submissions** were received and assessed against the approved evaluation criteria, including:

- Corporate and Financial Capacity
- Capability and Capacity
- Relevant Project Experience
- Project Methodology and Delivery Approach
- Local Content
- Price and Value for Money

Submissions were assessed using a combined qualitative and pricing evaluation methodology, with consideration given to the tenderers' demonstrated experience, proposed project teams, technical expertise, stakeholder engagement methodology, delivery programs and understanding of Council's requirements.

Particular consideration was given to demonstrated experience in sporting precinct master planning, multidisciplinary design capability, community and sporting stakeholder engagement, infrastructure planning and the development of practical, costed implementation strategies.

The evaluation process included panel assessment and moderation to determine the submission representing the best overall value for money.

Outcome

SPORTENG was identified as the preferred tenderer, demonstrating strong specialist experience in sporting infrastructure planning and design, a suitably qualified multidisciplinary project team and a comprehensive methodology aligned with Council's project objectives.

While SPORTENG was not the lowest-priced submission, the evaluation determined that its relevant project experience, technical capability, proposed methodology and understanding of sporting infrastructure requirements represented the best overall value for money.

The submission provided confidence in the consultant's ability to deliver a practical and achievable Master Plan that responds to current and future sporting needs while supporting Council's long-term infrastructure planning objectives.

CONTRACT AWARD SUMMARIES OCTOBER 2026

Key strengths included:

- Demonstrated specialist experience in sporting precinct master planning and infrastructure design;
- Relevant experience delivering comparable sporting and recreational infrastructure projects;
- Suitably qualified multidisciplinary project team;
- Comprehensive project methodology and stakeholder engagement approach;
- Strong understanding of sporting facility requirements, infrastructure planning and staged development;
- Practical approach to concept planning, cost estimation and implementation priorities;
- Overall value for money and confidence in project delivery.

Contract Details

- **Contractor:** SPORTENG
- **Contract Type:** Consultancy Services – AS4122 General Conditions of Contract for Consultants
- **Contract Value:** $238,250 excluding GST
- **Scope:** Development of the Barmaryee Multi Sports Precinct Master Plan
- **Completion Date:** 23 April 2027
- **Extension Options:** Nil

Local Content

SPORTENG is based in South East Queensland, with no permanent office identified within Livingstone Shire or the broader Central Queensland region. Accordingly, SPORTENG aligns with Council's 25% Queensland local content category.

Local economic benefits are expected through regional stakeholder engagement, potential use of local subconsultants and project-related expenditure, including accommodation, transport and other local services.

Governance

Council confirms that:

- All respondents were treated fairly and consistently throughout the procurement process;
- Procurement probity requirements were satisfied;
- Conflict of interest declarations were completed by all Evaluation Panel members;
- No declared conflicts of interest or probity concerns were identified;
- The procurement process complied with legislative and policy requirements;
- The outcome represents value for money in accordance with sound contracting principles.

CONTRACT AWARD SUMMARIES OCTOBER 2026

Contract No: 2026.029
Contract Title: Construction of Rosslyn Street Sewage Pump Station (SPS)

Overview

Livingstone Shire Council has awarded a contract for the construction of the Rosslyn Street Sewage Pump Station (SPS42) Wet Well Renewal.

The project involves civil, structural, mechanical and electrical construction works, including the replacement of the existing wet well, temporary sewer bypass pumping, commissioning and associated infrastructure works.

The project will improve the reliability and long-term performance of Council's wastewater infrastructure while maintaining continuity of essential sewerage services throughout construction.

Procurement Process

The procurement was undertaken through an open Invitation to Tender (ITT), advertised on 13 August 2026 and closing on 16 September 2026.

Six submissions were received and assessed in accordance with:

- Local Government Act 2009 (Qld)
- Local Government Regulation 2012
- Council's Procurement Policy

The process included a formal tender evaluation, probity checks and two rounds of post-tender clarifications to address technical requirements, construction risks and operational continuity.

Evaluation

A total of **6 submissions** were received and assessed against the approved evaluation criteria, including:

- Corporate and Financial Capacity
- Project Experience
- Construction Methodology
- Project Team & Resources
- Delivery Program
- Local Content
- Price

Ironbuilt Infrastructure Pty Ltd achieved the highest overall weighted evaluation score of **72.88%**, demonstrating relevant sewage pump station construction experience, sound financial capacity, technical capability and a well-developed construction methodology.

The evaluation identified strengths in Ironbuilt's civil and mechanical construction experience, temporary bypass pumping arrangements, safety management systems and detailed construction program.

Outcome

Following the evaluation and two rounds of post-tender clarifications, Council approved the award of the contract to **Ironbuilt Infrastructure Pty Ltd**.

During the clarification process, Ironbuilt submitted two alternative construction proposals to address concerns regarding the deteriorated condition and uncertain structural integrity of the existing wet well.

Council accepted **Option 2 – Full Construction Period Temporary Bypass**, providing for the installation and operation of a temporary bypass pumping system before construction commences and maintaining it until the new sewage pump station is fully commissioned and operational.

This approach reduces construction and operational risks while maintaining uninterrupted sewerage services throughout the works.

Key strengths included:

- Demonstrated experience in sewage pump station construction and wastewater infrastructure;
- Sound financial capacity and established quality, safety and environmental management systems;
- Detailed construction methodology and delivery program;
- Experience managing temporary bypass pumping and live sewer infrastructure;
- Comprehensive approach to managing the existing wet well's structural risks;

CONTRACT AWARD SUMMARIES OCTOBER 2026

- Overall value for money and confidence in project delivery.

Contract Details

- **Contractor:** Ironbuilt Infrastructure Pty Ltd
- **Contract Type:** Construction Contract – AS2124-1992
- **Original Tendered** Price: $1,761,514.46 excluding GST
- **Accepted Post-Tender Proposal – Option 2:** $130,000 excluding GST
- **Total Contract Value:** $1,891,514.46 excluding GST
- **Scope:** Construction of Rosslyn Street Sewage Pump Station (SPS42) Wet Well Renewal
- **Special Arrangement:** Full Construction Period Temporary Bypass

Local Content

Ironbuilt Infrastructure Pty Ltd is based in Unanderra, New South Wales, with no established permanent office or operational presence identified within Livingstone Shire or Central Queensland.

Accordingly, Ironbuilt was assessed under Council's interstate local content category.

Local economic benefits may arise through the engagement of regional subcontractors, suppliers, equipment hire and construction-related expenditure during project delivery.

Governance

Council confirms that:

- All respondents were treated fairly and consistently throughout the procurement process;
- Procurement probity requirements were satisfied;
- Conflict of interest declarations were completed by all Evaluation Panel members;
- No declared conflicts of interest or probity concerns were identified;
- The procurement process complied with legislative and policy requirements;
- The outcome represents value for money in accordance with sound contracting principles.

CONTRACT AWARD SUMMARIES OCTOBER 2026

Contract No: 2026.54
Contract Title: Fleet Renewal Program

Overview

The procurement was for the supply and delivery of twelve (12) utility vehicles, including all accessories, fit-out, documentation and warranties, as part of Council's Fleet Renewal Program. It was undertaken through an open Invitation to Tender (ITT) process advertised on 31 August 2026 on LinkedIn, VendorPanel Public Tender and the Livingstone Shire Council website.

The ITT was open for 23 days, closing at 2:00PM on 22 September 2026.

The procurement process was conducted in accordance with:

- Local Government Act 2009 (Qld)
- Local Government Regulation 2012
- Council's Procurement Policy

The process was undertaken in a fair, transparent and compliant manner.

Evaluation

A total of **5 submissions** were received. All tenders were conforming and were assessed against the approved weighted evaluation criteria, including:

- Price (40%)
- Delivery, Supply Capacity and Lead Times (25%)
- Local Content (15%)
- Corporate and Financial Capacity (10%)
- Vehicle Compliance, Specification and Fit for Purpose (10%)

Evaluation panel members independently scored each submission between 0 and 100 against each criterion, with the scores applied to the nominated weightings to determine a weighted score for each offer. The individual assessments were then compiled into a summary to assist panel discussion.

Outcome

Tropical Mitsubishi was identified as the preferred tenderer, achieving the highest overall weighted score of **90.28%** and ranking first of the five submissions evaluated.

While Tropical Mitsubishi was not the lowest-priced submission, the evaluation determined that its offer of **$550,785.28 excluding GST**, which is within the approved project budget of $604,000.00, represented the best overall value for money to Council. The lowest-priced submission did not demonstrate the same level of corporate, financial and delivery capability, and its lower price did not offset these limitations.

Key strengths included:

- Highest overall weighted evaluation score across the combined criteria;
- Tendered price within the approved project budget;
- Favourable local content scores based on its regional business presence;
- Conforming tender that met Council's vehicle requirements;
- Overall value for money.

Contract Details

- **Contractor:** Tropical Mitsubishi
- **Contract Type:** Supply and delivery of twelve (12) utility vehicles under Council's Goods and Services Agreement
- **Contract Term:** Delivery may occur in stages, in accordance with the delivery timeframes in the Tender Documents

CONTRACT AWARD SUMMARIES OCTOBER 2026

Local Content

Local content was assessed as a weighted evaluation criterion (15%). Tropical Mitsubishi received favourable local content scores based on its regional business presence, supporting Council's objective of encouraging competitive local and regional businesses.

Governance

Council confirms that:

- All respondents were treated fairly and consistently throughout the procurement process;
- Procurement probity requirements were satisfied;
- Conflict of interest declarations were completed by all Evaluation Panel members;
- No declared conflicts of interest or probity concerns were identified;
- The procurement process complied with legislative and policy requirements;
- The outcome represents value for money in accordance with sound contracting principles.

Council Resolution

The award of the contract to Tropical Mitsubishi for $550,785.28 excluding GST was approved by the authorised delegate in accordance with Livingstone Shire Council's Financial Delegations and the Instrument of Delegation made under the Local Government Act 2009.

13.4 ANNUAL REPORT - 1 JULY 2025 - 30 JUNE 2026

File No:	**qA24779**
Attachments:	**Nil**
Responsible Officer:	**Andrea Ellis - General Manager Corporate Services**
Author:	**Stacey Hogarth - Manager Strategy, Governance and Planning**

SUMMARY

The Annual Report 2025–2026 for the period from 1 July 2025 to 30 June 2026 is presented to Council, pursuant to section 182 of the Local Government Regulation 2012.

OFFICER'S RECOMMENDATION

THAT Council adopts the Annual Report 2025–2026 for the period 1 July 2025 to 30 June 2026.

BACKGROUND

The Annual Report informs the community of Council's operational and financial performance against the outcomes and service delivery commitments in the Corporate and Operational Plans.

COMMENTARY

Council is required by legislation to prepare and adopt an annual report detailing its activities and financial performance for the financial year.

The report must be adopted within one month following the Auditor-General's approval of the financial statements. The final annual report will be provided under separate cover, prior to the meeting being held.

PREVIOUS DECISIONS

Council adopted the annual report for the period 1 July 2024 to 30 June 2025 on 27 October 2025.

ACCESS AND INCLUSION

The activities undertaken are in accordance with the commitments and principles within Council's *Inclusive Community Policy*.

ENGAGEMENT AND CONSULTATION

Consultation was undertaken with internal stakeholders. Public consultation does not apply to this activity.

HUMAN RIGHTS IMPLICATIONS

Section 4(b) of the *Human Rights Act 2019* requires public entities such as Council *'to act and make decisions in a way compatible with human rights'.* There are no foreseen human rights implications associated with the Annual Report 2025-2026.

BUDGET IMPLICATIONS

No budget implications have been identified.

LEGISLATIVE CONTEXT

Section 182 of the *Local Government Regulation 2012* states:

(1) A Local Government must prepare an annual report for each financial year.

(2) The Local Government must adopt its annual report within 1 month after the day the Auditor-General gives the Auditor General's audit report about the Local Government's financial statement for the financial year to the Local Government.

LEGAL IMPLICATIONS

No legal implications have been identified.

STAFFING IMPLICATIONS

No staffing implications have been identified.

RISK ASSESSMENT

If the Annual Report is not adopted within the required legislative timeframe, Council will not meet its obligations under section 182 of the *Local Government Regulation 2012*.

CORPORATE PLAN REFERENCE

Transparent, Accountable & Progressive Leadership

Sustainably manage finances, assets and resources through strong governance.

The Annual Report 2025–2026 provides the community with an open and transparent overview of Council's performance over the past year.

CONCLUSION

The Annual Report 2025–2026 has been prepared in accordance with legislative requirements to provide the community with a comprehensive overview of Council's performance and operations throughout the 2025–2026 financial year. It is therefore recommended that Council adopt the *Annual Report 2025–2026*.

13.5 TENURE RENEWAL - BYFIELD AND DISTRICT HISTORICAL SOCIETY INC.

File No:	**LEA/200**
Attachments:	**1. Attachment One - Internal Consultation**
Responsible Officer:	**Lauren Beecroft - Community Development** **Molly Saunders - Manager Community and Cultural Services** **Katrina Paterson - General Manager Communities and Environment** **Tom Upton - Chief Executive Officer**
Author:	**Sarah Owen - Community Development Officer**

SUMMARY

This report seeks Council's approval to renew the trustee lease for the Byfield and District Historical Society Incorporated over whole of 2312 Byfield Road, Byfield, which expired on 31 October 2026. The organisation has requested a further 10-year term under existing conditions.

OFFICER'S RECOMMENDATION

THAT Council resolves:

1) that the exception mentioned in section 236(1)(b)(ii) of the Local Government Regulation 2012 may apply in its dealing with the Byfield and District Historical Society Incorporated over Lot 1 on RP620027, located at 2312 Byfield Road, Byfield;

2) pursuant to section 236(2) of Local Government Regulation 2012 to apply section 236(1)(b)(ii) of the Local Government Regulation 2012 in its dealing with the Byfield and District Historical Society Incorporated over Lot 1 on RP620027, located at 2312 Byfield Road, Byfield; and

3) to renew the trustee lease between Council and the Byfield and District Historical Society Incorporated over Lot 1 on RP620027, located at 2312 Byfield Road, Byfield, for a further term of ten (10) years under the existing terms and conditions.

BACKGROUND

Council manages tenure arrangements with not-for-profit organisations to facilitate access to Council-controlled land and infrastructure for community purposes. As leases approach expiry, a review and renewal process is undertaken to ensure continued alignment with community needs and Council policy.

The Byfield and District Historical Society Incorporated is a local community organisation overseeing the operations of the Byfield Raspberry Creek Homestead, which includes;

- Community based activities such as movie nights, yoga and book club
- The Byfield Museum
- The Byfield Library in an arrangement with Council

The trustee lease expired on 31 October 2026. The organisation has submitted a request for renewal for a further 10-year term, with no proposed changes to the existing tenure conditions or use of the site.

PREVIOUS DECISIONS

On the 1 November 2013 Council entered into a trustee lease agreement with the Byfield and District Historical Society Inc. over whole of 2312 Byfield Road, Byfield, for a 13-year term, recently expiring on 31 October 2026 for which this report seeks approval to renew.

ENGAGEMENT AND CONSULTATION

The Community Development and Events Team has liaised with the Byfield and District Historical Society Incorporated to discuss their tenure requirements and preferences.

Internal consultation was undertaken in October 2026 with relevant departments, including Property, Rates, Facilities, Development Assessment, Development Administration, Public Environment, Natural Resource Management, and Rates with no objections (See attachment one).

No external consultation was required as the renewal does not propose any changes to tenure, land use, or operational arrangements

BUDGET IMPLICATIONS

The lease is subject to a nominal annual rent of $1 plus GST (if applicable), in accordance with Council's Fees and Charges. Rates are applied in accordance with the Rates, Rebates and Remissions Policy (Category 9).

There are no significant budget implications arising from the proposed renewal. The organisation remains responsible for all operational costs, including utilities, maintenance, insurance and asset management.

LEGISLATIVE CONTEXT AND LEGAL IMPLICATIONS

Under section 236(1)(b)(ii) of the *Local Government Regulation 2012*, a local government may dispose of a valuable non current asset other than by tender or auction if the disposal is to a not for profit organisation

Pursuant to section 236(2), this exception applies only if Council has resolved that the exception may apply prior to disposing of the asset.

The proposed tenure renewal meets these requirements, enabling Council to renew the lease with the existing not for profit tenant without undertaking a tender process.

RISK ASSESSMENT

The primary risks associated with this matter include:

- Operational Risk: Failure to renew the lease could disrupt the organisation's activities and impact community services.
- Compliance Risk: Ensuring the lease is renewed in accordance with legislative requirements mitigates potential legal exposure.
- Reputational Risk: Non-renewal without justification could negatively impact Council's relationship with community organisations.
- Opportunity: Renewal supports continued delivery of social, recreational, and wellbeing outcomes, contributing positively to the local community.
- Financial Risk: *May* exist regarding maintenance of the relevant assets should a not for profit community organisation dissolve, Council as Trustee/owner of the land, may assume responsibility for the asset.

Overall, the risks associated with renewal are considered low and manageable.

CORPORATE PLAN REFERENCE

Vibrant Culture & Healthy Community

Create vibrant community spaces to encourage community activation

13.5 - TENURE RENEWAL - BYFIELD AND DISTRICT HISTORICAL SOCIETY INC.

Attachment One - Internal Consultation

Meeting Date: 17 November 2026

Attachment No: 1

ATTACHMENT ONE – COUNCIL ORDINARY MEETING 26 OCTOBER 2026
BYFIELD AND DISTRICT HISORICAL SOCIETY INCORPORATED – INTERNAL CONSULTATION

Byfield and District Historical Society Incorporated

Tenure renewal application over (LEA/200) Lot 1 on RP620027, 2312 Byfield Road, Byfield

Known as the Byfield Raspberry Creek Homestead



Consultation Details

Internal consultation was initiated on **15 July 2026** with the following Council departments:

- Property
- Facilities
- Development Assessment / Development Administration
- Public Environment
- Natural Resource Management (NRM)
- Rates (General)
- Community Development
- Library

The consultation related to the tenure renewal application received from the Byfield and District Historical Society Incorporated for a 10-year trustee lease over 2312 Byfield Road, Byfield.

The Byfield and District Historical Society Incorporated committee have noted that their future intentions for this site include:

- Partnering with Council to deliver a community led initiative at this site, which is likely to include the installation of playground equipment and a community BBQ precinct, and any other community infrastructure deemed appropriate and within Council budget. Project will be managed by Livingstone Shire Council and exact assets yet to be confirmed.

- Plans to upgrade water infrastructure including tanks and pumps (grant funding dependent).

- Plans for disability access upgrades including pathways (grant funding dependent).

- Other upgrades to align with Raspberry Creek Homestead Master Plan (grant funding dependent).

Summary of Feedback

Property

Lot 1 on RP620027, described as 2312 Byfield Road, Byfield is a Reserve for Local Government for which Council is Trustee.

I note the current Trustee Lease references Mandatory Standard Terms and was entered into prior to the implementation of the current Community Organisation Tenure Policy and Procedure. As a result, there may be changes to how they currently pay rates / utilities and anything else that was streamlined with the introduction of the policy and procedure. If Council resolves to enter into a new Trustee Lease, it will be prepared using the new template developed for this tenure type.

I have also completed a Native Title assessment for Lot 1 on RP620027. The lot is subject to the Darumbal People, Livingstone Shire and Rockhampton Regional Council Local Government ILUA. Following completion of the assessment, it was determined that the proposed dealing can proceed under Modules AB-AD of the Native Title Work Procedure.

The site is state reserve for historical and cultural purposes.

The Trustee Lessee owns the Building on the Premises, for which the Trustee Lessee is responsible for all maintenance.

Natural Resource Management

NRM have no objections to renewal of community tenure for this site.

Building and Plumbing

Building and Plumbing have no objection to the renewal.

Rates

Rates levied to Byfield & District Historical Society Inc for Disaster levy and Rural Fire Levy, annual levies are $87.00.

Compliance

No comment from community compliance perspective.

Library Services

The Livingstone Shire Library has a rooming agreement for hire of a room at the Byfield Raspberry Creek Homestead that goes until June 2027. We would support renewals for the Historical Society.

13.6 COMMUNITY EVENTS SPONSORSHIP FUND - ROUND 2 2026/2027

File No: CR2.05.01

Attachments: Nil

Responsible Officer: Molly Saunders - Manager Community and Cultural Services
Katrina Paterson - General Manager Communities and Environment
Tom Upton - Chief Executive Officer

Author: Lauren Beecroft - Community Development

SUMMARY

The purpose of this report seeks Council's consideration of the Livingstone Shire Council - Community Events Sponsorship Fund - Round 2 2026/2027 application assessment outcomes.

OFFICER'S RECOMMENDATION

THAT in accordance with the recommendation of the Livingstone Shire Council - Community Events Sponsorship Fund assessors, Council resolve to endorse the below applicants to be funded from the Livingstone Shire Council - Community Events Sponsorship Fund.

Community Events			
Applicant	**Event Name**	**Amount Requested (ex. GST)**	**Amount Proposed (ex. GST)**
Queensland Amateur Fishing Clubs Association Inc	Australian Anglers Association National Championships – Capricornia 2027	$5,000	$5,000
Yeppoon State School P&C Association	Community Colour Fun Run & Family Festival	$5,000	$5,000
Emu Park Surf Life Saving Club	Emu Park Chickadee Carnival	$5,000	$2,500
Yeppoon Hack & Pony Club Inc	YHPC Showjumping & Jumping Equitation	$3,500	$3,500
Queen Street Community Hall Yeppoon Inc	Queens Fest	$5,000	$5,000
Emu Park Surf Life Saving Club	Konomie Island Row Over	$3,000	$1,000
Yeppoon Hack & Pony Club Inc	Yeppoon One Day Event	$5,000	$2,500
Capras Community Care	Capras All Abilities 2027	$10,000	$1,000
Livingstone Living Well	Pride Month in Livingstone	$860	$860
Regional Events			
Applicant	**Event Name**	**Amount Requested (ex. GST)**	**Amount Proposed (ex. GST)**

Emu Park Surf Life Saving Club	2027 Wide Bay Capricorn Junior Branch Championships	$10,000	$10,000
All Classic Motor Club CQ Inc	Classics by the Coast	$10,000	$10,000
SCF Australia Pty Ltd	Capricorn King of Kings	$20,000	$10,000
Rocky Outrigger Canoe Club Inc	Australian Outrigger National Marathon Titles	$10,000	$10,000
TOTAL FUNDS TO BE DISTRIBUTED: $66,360			

BACKGROUND

Livingstone Shire Council recognises the positive impact social, cultural, and environmental events have on communities across the Shire and is committed to providing support and meaningful assistance through its various grant programs and activities.

Council's Community and Cultural Services Unit manage Council's sponsorship program and is proud to support both major and minor events in our region. Council's sponsorship program is aimed at events across our region that benefit the community, bring tourism, support the ideals of Livingstone Shire Council and are unique to our region.

This round of the Livingstone Shire Council Community Events Sponsorship Fund was open between 3rd August, 2026 – 31st August, 2026.

Two tiers of funding were available to applicants:

1. Community Event (up to $5,000)
2. Regional Event ($5,001 - $10,000)

In-kind sponsorship requests remain assessed by Council officers and can be accessed year-round.

PREVIOUS DECISIONS

No previous decisions have been made regarding this round of Community Event Sponsorship funding.

ENGAGEMENT AND CONSULTATION

A face-to-face information evening was provided the week the round opened. Information on the round was also made available on Council's website with contact details for applicants to use should they require any assistance or support with their application.

Officers in the Community Development and Events Team will continue monitoring feedback from applicants and assessors to continue to improve the application and assessment process.

BUDGET IMPLICATIONS

The provision of funds in line with the completed evaluation of applications is accommodated within the existing Livingstone Community Project Grants budget allocation.

LEGISLATIVE CONTEXT AND LEGAL IMPLICATIONS

There are no identified legislative or legal matters relevant to this subject.

RISK ASSESSMENT

A key risk associated with Livingstone Shire Council's Community Event Sponsorship Fund is Council's reputation. There may be a perception that Council is choosing to sponsor their preferred events for reasons outside of the criteria/application process (i.e. favouritism). To

mitigate this risk, assessors complete their assessment independently and scores are based on the assessment criteria only.

A further risk associated with the administration of Council's Event Sponsorship Fund is the potential for misappropriation of funds. Strict acquittal processes are established to ensure event sponsorship funding is spent in accordance with its designated purpose.

CORPORATE PLAN REFERENCE

Vibrant Culture & Healthy Community

Provide diverse and inclusive cultural, sporting and recreation opportunities to encourage community participation and that contribute to wellbeing

14 URGENT BUSINESS/QUESTIONS

Urgent Business is a provision in the Agenda for members to raise questions or matters of a genuinely urgent or emergent nature, that are not a change to Council Policy and cannot be delayed until the next scheduled Council or Committee Meeting.

15 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.

RECOMMENDATION

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.

16.1 The Gateway Business and Industry Park - Stage 4, offers received

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.

16.2 Application for Conversion of Term Lease to Freehold - Lot 2 on CP892678 - Quail Island, Stanage

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.

16.3 Encroachment onto Council Owned Land 52 Morris Street, Yeppoon - Lot 2 on SP296918

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.

16 CONFIDENTIAL REPORTS

16.1 THE GATEWAY BUSINESS AND INDUSTRY PARK - STAGE 4, OFFERS RECEIVED

File No:	**ED8.05.02**
Attachments:	**1. Lot 5001 on SP343633** **2. Gateway Stage 4 Overview and Evaluation Summary of all Offers Received**
Responsible Officer:	**Sonia Tomkinson - Manager Economy and Places** **Katrina Paterson - General Manager Communities and Environment**
Author:	**Arna Hart - Economic Development Officer** **Sonia Tomkinson - Manager Economy and Places**

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

Following an open market sales process undertaken by Elders Commercial, offers have been received for Stage 4 lots within The Gateway Business and Industry Park (Lot 5001 on SP343633, Attachment One). This report presents the assessment outcomes and seeks Council endorsement of the preferred purchasers and delegation to the Chief Executive Officer to finalise the sale transactions. This report is commercial in confidence.

16.2 APPLICATION FOR CONVERSION OF TERM LEASE TO FREEHOLD - LOT 2 ON CP892678 - QUAIL ISLAND, STANAGE

File No: **fA104479**

Attachments:
1. **Correspondence from the Department**
2. **SmartMap and Aerial Image**
3. **Survey Plan**
4. **Title Search**

Responsible Officer: **Leise Childs - Coordinator Natural Resource Management**
Katrina Paterson - General Manager Communities and Environment

Author: **Christine Macdonald - Principal Property Officer**
Monica Heaslip - Property Officer
Alison Morris - 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 Department of Natural Resources and Mines, Manufacturing and Regional and Rural Development (the Department) has requested Council's views or requirements regarding an application to convert Term Lease SL 0/201876, for grazing purposes, to freehold tenure over Lot 2 on CP892678, being Lot 2 Quail Island, Stange.

16.3 ENCROACHMENT ONTO COUNCIL OWNED LAND 52 MORRIS STREET, YEPPOON - LOT 2 ON SP296918

File No:	**fA85754**
Attachments:	**1. Valuation** **2. Workshop Presentation** **3. Legal Advice** **4. Waterway Photos**
Responsible Officer:	**Leise Childs - Coordinator Natural Resource Management** **Katrina Paterson - General Manager Communities and Environment**
Author:	**Christine Macdonald - Principal Property Officer** **Alison Morris - Property Officer** **Monica Heaslip - Property Officer**
Previous Items:	**15.6 - Proposed Sale of Portion of Land on Morris Street Yeppoon - Ordinary Council - 16 Apr 2024 9.00am**

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 to purchase or lease, a portion of Council-owned freehold land located at 52 Morris Street, Yeppoon, described as Lot 2 on SP296918 to resolve an encroachment, from the owner of adjoining land located at 9-11 Tanby Road, Yeppoon, described as Lot 1 on SP329792.

17 CLOSURE OF MEETING