



ORDINARY MEETING

MINUTES

20 JULY 2021

The resolutions contained within these Minutes were confirmed at the Ordinary Council meeting of 17 August 2021.

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MINUTES OF THE ORDINARY MEETING HELD AT COUNCIL CHAMBERS, 4 LAGOON PLACE, YEPPON ON TUESDAY, 20 JULY 2021 COMMENCING AT 9.01AM

1 OPENING**Acknowledgement of Country**

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

Opening Prayer

The opening prayer was delivered by *Father Matthew Moloney of the Capricorn Coast Catholic Parish.*

2 PRESENT**Members Present:**

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

Officers in Attendance:

Cale Dendle - Chief Executive Officer
Brett Bacon – Executive Director Liveability and Wellbeing
Michael Kriedemann – Executive Director Infrastructure
Andrea Ellis – Chief Financial Officer
Kristy Mansfield - Chief Human Resources Officer
Lucy Walker – Executive Support Officer
Nige Deacon – Manager Water and Waste Operations
Tony Lau – Manager Engineering Services
Maddie Crigan – Principal Property Officer
Molly Saunders – Principal Community Development and Engagement Officer

3 LEAVE OF ABSENCE / APOLOGIES

Nil

4 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

COUNCIL RESOLUTION

THAT the minutes of the Ordinary Meeting held on 15 June 2021 be taken as read and adopted as a correct record.

Moved by: Councillor Mather

Seconded by: Councillor Friend

MOTION CARRIED UNANIMOUSLY

COUNCIL RESOLUTION

THAT the minutes of the Special Meeting held on 29 June 2021 be taken as read and adopted as a correct record.

Moved by: Councillor Eastwood

Seconded by: Councillor Watson

MOTION CARRIED UNANIMOUSLY

5 DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA

I, Councillor Rhodes Watson declare that I may have a prescribed conflict of interest in relation to Item 11.18 – Response to Notice of Motion – Management Plan for Managing Traffic Issues, as I am a property owner in Bangalee. I will leave the chambers for the discussion and voting in relation to this item.

6 PUBLIC FORUMS/DEPUTATIONS

Nil

7 BUSINESS ARISING OR OUTSTANDING FROM PREVIOUS MEETINGS

7.1 BUSINESS OUTSTANDING TABLE FOR ORDINARY COUNCIL MEETING

File No: GV13.4.1

Attachments: 1. Business Outstanding Table - July

Responsible Officer: Amanda Ivers - 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.

COUNCIL RESOLUTION

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

Moved by: Councillor Eastwood

Seconded by: Deputy Mayor, Councillor Belot

MOTION CARRIED UNANIMOUSLY

7.2 LIFTING MATTERS LAYING ON THE TABLE

File No: CP5.04.04
Attachments: Nil
Responsible Officer: Cale Dendle - Chief Executive Officer
Previous Items: 11.8 - Response to Notice of Motion - Adelaide Street,
Yeppoon - Parking and Traffic Issues - Ordinary Council
- 20 Apr 2021 9.00am

SUMMARY

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

COUNCIL RESOLUTION

THAT Council resolves that the report *Response to Notice of Motion – Adelaide Street, Yeppoon – Parking and Traffic Issues* which is currently 'laying on the table' within the Business Outstanding Table awaiting return to a Council meeting, be lifted from the table to be dealt with later in this meeting.

Moved by: Councillor Mather
Seconded by: Councillor Watson

MOTION CARRIED UNANIMOUSLY

8 PRESENTATION OF PETITIONS

Nil

9 COUNCILLOR/DELEGATE REPORTS

9.1 COMMUNITY VOICE PANEL - WATER, WASTE MANAGEMENT AND ENVIRONMENT - UPDATE FROM MEETING HELD ON 4 JUNE 2021

File No: GV13.09.07
Attachments: Nil
Responsible Officer: Michael Kriedemann - Executive Director Infrastructure
Author: Kat Groves - Executive Assistant to Director Infrastructure Services

SUMMARY

Councillor Andrea Friend facilitated a Water, Waste Management and Environment Community Voice Panel meeting on 4 June 2021.

COUNCIL RESOLUTION

THAT Council receives the Water, Waste Management and Environment Community Voice Panel update from the meeting held on 4 June 2021.

Moved by: Councillor Friend
Seconded by: Councillor Eastwood

MOTION CARRIED UNANIMOUSLY

**9.2 ECONOMIC DEVELOPMENT, REGIONAL ADVOCACY AND
INTERGOVERNMENTAL RELATIONS COMMUNITY VOICE PANEL UPDATE
FROM MEETING HELD 22 JUNE 2021**

File No: GV13.09.03
Attachments: Nil
Responsible Officer: Amanda Ivers - Coordinator Executive Support
Author: Justine Schofield - Executive Assistant to the Mayor

SUMMARY

Economic Development, Regional Advocacy and Intergovernmental Relations Portfolio holder Mayor Andy Ireland facilitated the Community Voice Panel meeting on the 22nd June 2021.

COUNCIL RESOLUTION

THAT Council receives the Economic Development, Regional Advocacy and Intergovernmental Relations.

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

10 AUDIT, RISK AND IMPROVEMENT COMMITTEE REPORTS

10.1 AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING 21 JUNE 2021 VIA FLYING MINUTE

File No: GV13.4.2
Attachments: Nil
Responsible Officer: Andrea Ellis - Chief Financial Officer
Author: Nicole Carr - Support Services Officer

SUMMARY

The Audit, Risk and Improvement Committee met on 21 June 2021 via Flying Minute and this report provides the recommendations from the Committee for consideration and adoption by Council. The reports from the meeting are available for viewing by Councillors on the Audit, Risk and Improvement Committee and Councillor Portals.

COUNCIL RESOLUTION

THAT the unconfirmed minutes of the Audit, Risk and Improvement Committee held on 21 June 2021 via Flying Minute be received and the recommendations contained within those minutes be adopted.

Moved by: Deputy Mayor, Councillor Belot

Seconded by: Councillor Friend

MOTION CARRIED UNANIMOUSLY

10.2 AUDIT, RISK AND IMPROVEMENT COMMITTEE TERMS OF REFERENCE**File No:** CM4.2.1**Attachments:** 1. Audit, Risk and Improvement Committee Terms of Reference**Responsible Officer:** Poala Santini - Coordinator Governance
Andrea Ellis - Chief Financial Officer**Author:** Catherine Bettiens - Risk & Governance Officer

SUMMARY

The Audit, Risk and Improvement Committee Terms of Reference has been reviewed and endorsed by the Audit, Risk and Improvement Committee and is being presented to Council for adoption.

OFFICERS RECOMMENDATION

That Council adopt the revised Audit, Risk & Improvement Committee Terms of Reference.

Matter Lay on Table until another Meeting

COUNCIL RESOLUTION

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

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

10.3 INTERNAL AUDIT CHARTER**File No:** CM4.2.1**Attachments:**

1. Internal Audit Charter (v4) -clean version
2. Internal Audit Charter (v4) - marked up version

Responsible Officer: Poala Santini - Coordinator Governance
Cale Dendle - Chief Executive Officer**Author:** Catherine Bettiens - Risk & Governance Officer

SUMMARY

The Internal Audit Charter has been reviewed and endorsed by the Audit, Risk and Improvement Committee and is being presented to Council.

COUNCIL RESOLUTION

That Council adopt the revised Internal Audit Charter.

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

11 REPORTS

11.1 REVIEW OF ALLOCATION METHODOLOGY - QUEENSLAND LOCAL GOVERNMENT GRANTS COMMISSION

File No: GS15.3.1

Attachments:

1. 2021 QLGGC Presentation
2. QLD Local Government Grants 13.07.2021

Responsible Officer: Cale Dendle - Chief Executive Officer

Author: Cale Dendle - Chief Executive Officer

SUMMARY

Chief Executive Officer seeking endorsement of submission to the review of allocation methodology being undertaken by the Queensland Local Government Grants Commission.

COUNCIL RESOLUTION

THAT the response submitted by the Chief Executive Officer to the Review of Methodology by the Queensland Local Government Grants Commission be endorsed.

Moved by: Mayor, Councillor Ireland

Seconded by: Councillor Mather

MOTION CARRIED UNANIMOUSLY

**11.2 CENTRAL QUEENSLAND REGIONAL ORGANISATION OF COUNCILS UPDATE
- 31 MAY 2021 MEETING****File No:** CM4.7.36**Attachments:** 1. CQROC Unconfirmed Minutes 31 May 2021**Responsible Officer:** Cale Dendle - Chief Executive Officer**Author:** Cale Dendle - Chief Executive Officer**Previous Items:** 11.12 - CENTRAL QUEENSLAND REGIONAL
ORGANISATION OF COUNCILS UPDATE - Ordinary
Council - 18 May 2021 9.00am

SUMMARY

Chief Executive Officer reporting on outcomes of Central Queensland Regional Organisation of Councils Ltd meeting held in Yeppoon on 31 May 2021.

OFFICER'S RECOMMENDATION**THAT:**

1. The minutes of the meeting of Central Queensland Regional Organisation of Councils Ltd (CQROC) held in Yeppoon on 31 May 2021 be 'received'.
2. Council declines the offer to become a member of the Northern Alliance of Councils (Regional Council of Mayors).
3. Council endorses the actions of the Chief Executive Officer in committing \$20,000 to CQROC as its contribution to the Defence Industry Capability Project.

COUNCIL RESOLUTION**THAT:**

1. The minutes of the meeting of Central Queensland Regional Organisation of Councils Ltd (CQROC) held in Yeppoon on 31 May 2021 be 'received'.
2. Council endorses the actions of the Chief Executive Officer in committing \$20,000 to CQROC as its contribution to the Defence Industry Capability Project.

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

11.3 NOMINATION FOR SPECIAL HOLIDAY 2022

File No: LE19.2.1
Attachments: Nil
Responsible Officer: Cale Dendle - Chief Executive Officer
Author: Amanda Ivers - Coordinator Executive Support

SUMMARY

This report is for the briefing of Councillors prior to consideration of the matter at a future Council meeting.

This report is in relation to correspondence received from the Office of Industrial Relations inviting Council to make nominations for special holidays for 2022.

Suspension of Standing Orders**PROCEDURAL MOTION**

10.19AM

That pursuant to s2.18.1(i) and s2.18.27 of Livingstone Shire Council's Meeting Procedures Policy the provisions of the Meeting Procedures be suspended to allow adequate time for informal discussion on Item 11.3 - Nomination for Special Holiday 2022 prior to entering into formal debate.

Moved by: Councillor Friend

MOTION CARRIED UNANIMOUSLY

Resumption of Standing Orders**PROCEDURAL MOTION**

10.24AM

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

Moved by: Councillor Mather

MOTION CARRIED UNANIMOUSLY

COUNCIL RESOLUTION

THAT the Chief Executive Officer be authorised to submit a nomination for a Special Public Holiday for the Livingstone Shire local government area for Friday 10 June 2022 to align with the Rockhampton Show, subject to Rockhampton Regional Council determining its Show Holiday date in the coming weeks.

Moved by: Councillor Hutton

Seconded by: Councillor Friend

MOTION CARRIED

Cr Hutton, Cr Friend and Cr Eastwood voted in the affirmative

11.4 MONTHLY FINANCIAL REPORT FOR THE PERIOD ENDING 30 JUNE 2021**File No:** FM12.14.1**Attachments:**
1. Monthly Financial Report June 2021
2. Awarded Contracts > \$200,000**Responsible Officer:** Andrea Ellis - Chief Financial Officer**Author:** Katie Donovan - Management and Treasury Accountant
Andrea Ellis - Chief Financial Officer

SUMMARY

Presentation of the Livingstone Shire Council Monthly Financial Report for the Period Ending 30 June 2021 by the Chief Financial Officer.

COUNCIL RESOLUTION

THAT the Livingstone Shire Council Monthly Financial Report for the period ending 30 June 2021 be received.

Moved by: Deputy Mayor, Councillor Belot**Seconded by:** Councillor Eastwood**MOTION CARRIED UNANIMOUSLY*****Meeting Adjourned*****PROCEDURAL MOTION**

10.52AM THAT the meeting be adjourned.

Moved by: Mayor, Councillor Ireland**MOTION CARRIED UNANIMOUSLY*****Meeting Resumed*****PROCEDURAL MOTION**

11.12AM THAT the meeting be resumed.

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

I Cale Dendle (Chief Executive Officer) declare that I may have a declarable Conflict of Interest in relation to Item 11.5 – Sailability Capricornia Incorporated Tenure, as my father in law is the Treasurer of Sailability Capricornia Incorporated. I will leave the chambers for the discussion and voting in relation to this item.

11.14am - Chief Executive Officer Cale Dendle left the meeting.

11.5 SAILABILITY CAPRICORNIA INCORPORATED TENURE

File No: CP5.9.2
Attachments: Nil
Responsible Officer: David Mazzaferri - Manager Community Wellbeing
Brett Bacon - Executive Director Liveability & Wellbeing
Author: Molly Saunders - Principal Community Development & Engagement Officer

SUMMARY

This report details the proposed tenure arrangement for Sailability Capricornia Incorporated.

COUNCIL RESOLUTION

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 Sailability Capricornia Incorporated over Part Lot 41 on LN1518, Resada Esplanade, Causeway Lake;
- 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 Sailability Capricornia Incorporated over Part Lot 41 on LN1518, Resada Esplanade, Causeway Lake; and
- 3) to provide tenure for a five year period to Sailability Capricornia Incorporated over Part Lot 41 on LN1518, Resada Esplanade, Causeway Lake.

Moved by: Councillor Eastwood

Seconded by: Councillor Friend

MOTION CARRIED UNANIMOUSLY

11.23am - Chief Executive Officer Cale Dendle returned to the meeting.

11.6 EMU PARK AND DISTRICT MEN'S ACTIVITY SHED INCORPORATED TENURE

File No: CP5.9.2
Attachments: Nil
Responsible Officer: David Mazzaferri - Manager Community Wellbeing
Brett Bacon - Executive Director Liveability & Wellbeing
Author: Molly Saunders - Principal Community Development & Engagement Officer

SUMMARY

This report details the proposed tenure arrangement for the Emu Park and District Men's Activity Shed Incorporated.

COUNCIL RESOLUTION

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 Emu Park and District Men's Activity Shed Incorporated over Lot 111 on CP848762, 48 Hartley Street, Emu Park;
- 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 Emu Park and District Men's Activity Shed Incorporated over Lot 111 on CP848762, 48 Hartley Street, Emu Park; and
- 3) to provide tenure for a five year period to Emu Park and District Men's Activity Shed Incorporated over Lot 111 on CP848762, 48 Hartley Street, Emu Park.

Moved by: Councillor Eastwood
Seconded by: Deputy Mayor, Councillor Belot

MOTION CARRIED UNANIMOUSLY

11.7 CAPRICORN COAST GO KART CLUB INCORPORATED TENURE PROPOSAL

File No: CP5.9.2
Attachments: Nil
Responsible Officer: David Mazzaferri - Manager Community Wellbeing
Brett Bacon - Executive Director Liveability & Wellbeing
Author: Molly Saunders - Principal Community Development & Engagement Officer

SUMMARY

This report details the proposed tenure arrangement for the Capricorn Coast Go Kart Club Incorporated.

COUNCIL RESOLUTION

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 Capricorn Coast Go Kart Club Incorporated over a portion of Lot 270 on SP281980;
- 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 Capricorn Coast Go Kart Club Incorporated over a portion of Lot 270 on SP281980; and
- 3) to provide tenure for a three year period to Capricorn Coast Go Kart Club Incorporated over a portion of Lot 270 on SP281980 for the purpose of undertaking due diligence investigations on the site.

Moved by: Councillor Eastwood

Seconded by: Councillor Watson

MOTION CARRIED UNANIMOUSLY

11.8 DEALINGS WITH THE DEPARTMENT OF RESOURCES OVER LOTS 443, 444, AND 445 ON Y16911, YAAMBA

File No: GR14.4.2

Attachments: 1. Map and aerial of Lots 443, 444 and 445 on Y16911

Responsible Officer: David Mazzaferri - Manager Community Wellbeing
Brett Bacon - Executive Director Liveability & Wellbeing

Author: Maddie Crigan - Principal Property Officer

SUMMARY

This report relates to a request from the Department of Resources enquiring whether Council may have an interest in land described as Lots 443, 444 and 445 on Y16911 for expansion of the recreation area at Yaamba known as Joan Tierney Park of which Council is Trustee.

OFFICER'S RECOMMENDATION

THAT Council resolve to advise the Department of Resources that it does not have an interest in land described as Lots 443, 444 and 445 on Y16911 for expansion of the recreation area at Yaamba known as Joan Tierney Park.

Matter Lay on Table until another Meeting

PROCEDURAL MOTION

That pursuant to s2.18.1(d) and s2.18.11 of Livingstone Shire Council's Meeting Procedures Policy the matter lay on the table pending further investigation within the organisation and further information in relation to traffic data and to return to a future Council Meeting.

Moved by: Councillor Friend

MOTION CARRIED UNANIMOUSLY

11.9 REQUEST FOR FEE REDUCTION OF DEVELOPMENT APPLICATION FEES FOR PROPOSED MATERIAL CHANGE OF USE FOR HIGH IMPACT INDUSTRY (CONCRETE BATCHING X 2) AT LOT 1 MARLBOROUGH ROAD, MOUNT GARDINER AND LOT 3 MARLBOROUGH ROAD, MOUNT GARDINER

File No: D-239-2021
Attachments: Nil
Responsible Officer: Maddie Ward - Principal Planning Officer
David Battese - Manager Liveability
Author: Jonathon Trevett-Lyall - Planning Officer

SUMMARY

Clarke Creek Wind Farm have made representations to council seeking a reduction in development application fees for a high impact industry (two (2) temporary concrete batching plants) associated with the Clarke Creek Wind Farm. The application for the high impact industry was lodged without an accompanying fee on 18 June 2021.

COUNCIL RESOLUTION

THAT in relation to the development application D-239-2021 over Lot 1 on RP801235 and Lot 3 on RP801346 for a Material Change of Use for a High impact industry that Council resolve to reduce the fee from \$80,893.00 to \$20,000.00.

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

11.10 DOMESTIC GREEN WASTE FEE**File No:** FM12.8.1**Attachments:** Nil**Responsible Officer:** Michael Kriedemann - Executive Director Infrastructure**Author:** Nige Deacon - Manager Water and Waste Operations**SUMMARY**

This report addresses an issue arising from the adoption of new Waste Fees and Charges for the 2021/2022 financial year adopted at the Special Council Meeting held 29 June 2021 whereby changes to waste charges were included in a global resolution introducing all new fees and charges to commence from 1 July 2021. Waste charges should have been adopted to commence 2 August 2021 which is in line with previous Council discussions.

OFFICER'S RECOMMENDATION

THAT Council resolves to:

1. Delay the introduction of new Waste Fees and Charges for the 2021/2022 financial year (adopted at the Special Council Meeting held 29 June 2021) until 2 August 2021 to allow adequate time to communicate with the community.

Moved by: Councillor Friend**Seconded by:** Councillor Mather**MOTION LOST**

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

COUNCIL RESOLUTION

THAT Council resolves to:

1. Delay the introduction of the green waste charge for the 2021/2022 financial year (adopted at the Special Council Meeting held 29 June 2021) until 1 September 2021 to allow adequate time to communicate with the community.
2. Delay the introduction of new Waste Fees and Charges (excluding the green waste charge) for the 2021/2022 financial year (adopted at the Special Council Meeting held 29 June 2021) until 2 August 2021 to allow adequate time to communicate with the community.

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

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

Crs G Mather and R Watson voted in the negative.

11.11 APPLICATION FOR PERMANENT ROAD CLOSURE - THOMAS STREET, EMU PARK

File No: 14.4.2

Attachments:

1. Plan
2. Application for road closure
3. Plan of existing sewer

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

Author: Carrie Burnett - Policy & Planning Officer

SUMMARY

This report pertains to an application to permanently close an area of the Thomas Street road reserve at Emu Park.

OFFICER'S RECOMMENDATION

THAT Council resolve to:

1. advise the applicant that it does not object to the proposal to permanently close part of the Thomas Street road reserve adjacent to Lot 50 E15610 subject to the dedication of a four meter wide public utility easement for sewer purposes which is to:
 - a) be registered over the existing sewer main in favour of Council; and
 - b) reference Council's standard easement terms – Dealing No 718630483.
2. authorise the Chief Executive Officer (Manager Engineering Services) to sign a 'Statement in relation to an application under the *Land Act 1994* over State Land (Part C)' advising the Department of Resources that Council, as road manager, does not object to the proposal to permanently close part of the Thomas Street road reserve adjacent to Lot 50 E15610 subject to the dedication of a four meter wide public utility easement for sewer purposes which is to:
 - a) be registered over the existing sewer main in favour of Council; and
 - b) reference Council's standard easement terms – Dealing No 718630483.

Matter Lay on Table until another Meeting**PROCEDURAL MOTION**

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

Moved by: Councillor Mather

MOTION CARRIED

11.12 APPLICATION FOR PERMANENT ROAD CLOSURE - RAYMOND TERRACE, YEPPON

File No: 14.4.2
Attachments: 1. Plan
2. Application for road closure
Responsible Officer: Tony Lau - Manager Engineering Services
Michael Kriedemann - Executive Director Infrastructure
Author: Carrie Burnett - Policy & Planning Officer

SUMMARY

This report pertains to an application to permanently close an area of road reserve at Raymond Terrace, Yeppoon.

Matter Lay on Table until another Meeting

PROCEDURAL MOTION

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

Moved by: Deputy Mayor, Councillor Belot

MOTION LOST

Cr N Hutton voted in the affirmative.

Crs P Eastwood and A Friend voted in the negative.

Motion be put to a vote

PROCEDURAL MOTION

That pursuant to s2.18.1(a) and s2.18.2 of Livingstone Shire Council's Meeting Procedures Policy the motion be put to a vote.

Moved by: Councillor Mather

MOTION CARRIED UNANIMOUSLY**OFFICER'S RECOMMENDATION**

THAT Council resolve to:

- 1) advise the applicant that:
 - a) it does not support the proposal to permanently close part of the Raymond Terrace road reserve adjacent to Lot 4 RP609154 because:
 - i) the encroachment onto the road reserve does not materially affect the currently constructed road and its traffic function; and
 - ii) supporting permanent road closures to address unlawful constructions on individual properties, specifically in urban areas, is not good practice.
 - b) if Council needs to undertake any infrastructure upgrades involving the subject section of the road reserve in the future, Council may request the property owner to take necessary measures to rectify the unlawful parts of the

building for compliance.

- 2) authorise the Chief Executive Officer (Manager Engineering Services) to sign a 'Statement in relation to an application under the *Land Act 1994* over State Land (Part C)' advising the Department of Resources that Council, as road manager, does not support the proposal to permanently close part of the Raymond Terrace road reserve adjacent to Lot 4 RP609154 because:
 - a) the encroachment onto the road reserve does not materially affect the currently constructed road and its traffic function; and
 - b) supporting permanent road closures to address unlawful constructions on individual properties, specifically in urban areas, is not good practice.

Moved by: Councillor Mather

Seconded by: Councillor Watson

MOTION LOST

DIVISION:

Cr G Mather voted in the affirmative.

Crs Belot, P Eastwood, A Friend, N Hutton, A Ireland and R Watson voted in the negative.

Meeting Adjourned

PROCEDURAL MOTION

1.05PM THAT the meeting be adjourned.

Moved by: Mayor, Councillor Ireland

MOTION CARRIED UNANIMOUSLY

Meeting Resumed

PROCEDURAL MOTION

1.44PM THAT the meeting be resumed.

Moved by: Councillor Mather

MOTION CARRIED UNANIMOUSLY

Suspension of Standing Orders

PROCEDURAL MOTION

1.50PM That pursuant to s2.18.1(i) and s2.18.27 of Livingstone Shire Council's Meeting Procedures Policy the provisions of the Meeting Procedures be suspended to allow adequate time for informal discussion on Item 11.12 – Application for Permanent Road Closure – Raymond Terrace, Yeppoon prior to entering into formal debate.

Moved by: Mayor, Councillor Ireland

MOTION CARRIED UNANIMOUSLY

Resumption of Standing Orders**PROCEDURAL MOTION**

1.57PM That pursuant to s2.18.1(i) and s2.18.27 of Livingstone Shire Council's Meeting Procedures Policy the provisions of the Meeting Procedures be resumed.

Moved by: Mayor, Councillor Ireland

MOTION CARRIED UNANIMOUSLY

COUNCIL RESOLUTION

THAT:

1. Council offers no objection to the application for closure of road reserve adjacent 17 Raymond Terrace, Yeppoon, subject to:
 - a. The Department of Resources being notified that the Raymond Terrace road reserve should be restored to original alignment whenever that opportunity arises.
 - b. The relevant rate card being noted that future application for redevelopment of the site will be conditioned to be within the original property parcel and properly set back from the road reserve alignment.

Moved by: Councillor Hutton

Seconded by: Mayor, Councillor Ireland

MOTION CARRIED

Crs A Friend and N Hutton voted in the affirmative.

Cr P Eastwood voted in the negative.

11.13 APPLICATION FOR PERMANENT ROAD CLOSURE - CLIFF STREET, YEPPOON

| | |
|-----------------------------|--|
| File No: | 14.4.2 |
| Attachments: | <ol style="list-style-type: none">1. SP3142812. Application Forms3. April 2021 road closure proposal4. Amended road closure proposal5. Attachments referred to in comments from Manager Construction & Maintenance and Coordinator Infrastructure Planning |
| Responsible Officer: | Tony Lau - Manager Engineering Services Michael Kriedemann - Executive Director Infrastructure |
| Author: | Carrie Burnett - Policy & Planning Officer |
| Previous Items: | 0.0 - Mayoral Minute - DNR Application for Closure of Road - Ordinary Council - 20 Nov 2018 9:00am 12.8 - Proposed permanent road closure adjoining Lot 1 on RP605702 - Ordinary Council - 22 Jan 2019 9.00am 12.3 - Proposed permanent road closure adjoining Lot 1 on RP605702 - Ordinary Council - 19 Feb 2019 9.00am 12.4 - Proposed permanent road closure adjoining Lot 1 on RP605702 - Ordinary Council - 04 Mar 2019 10.30am 11.7 - Application for Permanent Road Closure - Cliff Street Yeppoon - Ordinary Council - 15 Jun 2021 9.00am |

SUMMARY

This report pertains to an amended proposal to permanently close an area of road adjoining Lot 1 SP314281 (47 Cliff Street, Yeppoon).

Suspension of Standing Orders**PROCEDURAL MOTION**

2.02PM That pursuant to s2.18.1(i) and s2.18.27 of Livingstone Shire Council's Meeting Procedures Policy the provisions of the Meeting Procedures be suspended to allow adequate time for informal discussion on Item 11.13 – Application for Permanent Road Closure – Cliff Street, Yeppoon prior to entering into formal debate.

Moved by: Councillor Mather

MOTION CARRIED UNANIMOUSLY

Resumption of Standing Orders**PROCEDURAL MOTION**

2.07PM That pursuant to s2.18.1(i) and s2.18.27 of Livingstone Shire Council's Meeting Procedures Policy the provisions of the Meeting Procedures be resumed.

Moved by: Councillor Mather

MOTION CARRIED UNANIMOUSLY

COUNCIL RESOLUTION

THAT Council resolve to:

1. advise the applicant that it objects to the amended proposal to permanently close an 8 meter wide area of the Mount Street road reserve adjoining Lot 1 SP314281 (47 Cliff Street, Yeppoon) and will not consider any further road closure proposals for this area for the following reasons:
 - a) a large parkland is located to the north of the proposed road closure and the existing road reserve may be required for future plans for this parkland;
 - b) the Mount Street road reserve is already narrow at this particular location and not consistent with the adjoining road reserve, which may impact future plans for this area; and
 - c) Council prefers the current road reserve to remain intact and available for community access and use.
2. authorise the Manager Engineering Services to sign a 'Statement in relation to an application under the *Land Act 1994* over State Land (Part C)' advising the Department of Resources that Council, as road manager, objects to the amended proposal to permanently close an 8 meter wide area of the Mount Street road reserve adjoining Lot 1 SP314281 (47 Cliff Street, Yeppoon) and will not consider any further road closure proposals for this area for the following reasons:
 - a) a large parkland is located to the north of the proposed road closure and the existing road reserve may be required for future plans for this parkland;
 - b) the Mount Street road reserve is already narrow at this particular location and not consistent with the adjoining road reserve, which may impact future plans for this area; and
 - c) Council prefers the current road reserve to remain intact and available for community access and use.

Moved by: Councillor Mather

Seconded by: Councillor Watson

MOTION CARRIED UNANIMOUSLY

11.14 APPLICATION FOR ROAD CLOSURE - INTERSECTION OF KEPPEL SANDS ROAD & JOSKELEIGH ROAD, KEPPEL SANDS

File No: 14.4.2

Attachments:

1. Plan
2. Application for road closure
3. Map referred to by Principal Sustainability Officer

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

Author: Carrie Burnett - Policy & Planning Officer

SUMMARY

This report pertains to an application to permanently close an area of road reserve at the intersection of Keppel Sands Road and Joskeleigh Road, Keppel Sands.

Suspension of Standing Orders**PROCEDURAL MOTION**

2.09PM That pursuant to s2.18.1(i) and s2.18.27 of Livingstone Shire Council's Meeting Procedures Policy the provisions of the Meeting Procedures be suspended to allow adequate time for informal discussion on Item 11.14 Application for Road Closure – Intersection of Keppel Sands Road and Joskeleigh Road, Keppel Sands prior to entering into formal debate.

Moved by: Councillor Mather

MOTION CARRIED UNANIMOUSLY

Resumption of Standing Orders**PROCEDURAL MOTION**

2.15PM That pursuant to s2.18.1(i) and s2.18.27 of Livingstone Shire Council's Meeting Procedures Policy the provisions of the Meeting Procedures be resumed.

Moved by: Councillor Mather

MOTION CARRIED UNANIMOUSLY

COUNCIL RESOLUTION

THAT Council resolve to:

1. advise the applicant that it objects to the permanent road closure because the road reserve proposed to be closed has significant environmental values including a waterway/wetland and mapped regulated vegetation which includes a significant community of *Livistona australis* (Cabbage Tree Palms); and
2. authorise the Manager Engineering Services to sign a 'Statement in relation to an application under the *Land Act 1994* over State Land (Part C)' advising the Department of Resources that Council, as road manager, objects to the permanent road closure because the road reserve proposed to be closed has significant environmental values including a waterway/wetland and mapped regulated vegetation which includes a significant community of *Livistona australis* (Cabbage Tree Palms).

Moved by: Councillor Friend

Seconded by: Councillor Mather

MOTION CARRIED UNANIMOUSLY

11.15 STRATEGIC ASSET MANAGEMENT PLAN

File No: FM12.2.2
Attachments: 1. Strategic Asset Management Plan
Responsible Officer: Michael Kriedemann - Executive Director Infrastructure
Author: Daniel Pearce - Manager Assets & GIS
Previous Items: 5.3 - Draft Strategic Asset Management Plan - Briefing Session - 01 Jun 2021 9.00am

SUMMARY

This report is to provide Councillors with the Strategic Asset Management Plan for adoption. The plan is an overarching document within Council's Asset Management System and provides a link between the corporate objectives and the asset management objectives of Council.

COUNCIL RESOLUTION

THAT the Strategic Asset Management Plan is adopted.

Moved by: Deputy Mayor, Councillor Belot

Seconded by: Mayor, Councillor Ireland

MOTION CARRIED UNANIMOUSLY

11.16 ASSET MANAGEMENT POLICY (V2)

File No: 4.7.12
Attachments: 1. Draft Policy (v2)
Responsible Officer: Daniel Pearce - Manager Assets & GIS
Michael Kriedemann - Executive Director Infrastructure
Author: Carrie Burnett - Policy & Planning Officer
Previous Items: 5.9 - Asset Management Policy (v2) - Briefing Session -
06 Jul 2021 9.00am

SUMMARY

This report seeks Council's adoption of version 2 of the Asset Management Policy.

COUNCIL RESOLUTION

THAT Council adopt the Asset Management Policy (version 2).

Moved by: Deputy Mayor, Councillor Belot

Seconded by: Councillor Eastwood

MOTION CARRIED UNANIMOUSLY

11.17 RESPONSE TO NOTICE OF MOTION - ADELAIDE STREET, YEPPOON - PARKING AND TRAFFIC ISSUES

| | |
|-----------------------------|--|
| File No: | CR2.13.40 |
| Attachments: | 1. Community Survey Results 2. Internal Memo - Adelaide St parking and Hang Glider activities |
| Responsible Officer: | Tony Lau - Manager Engineering Services Michael Kriedemann - Executive Director Infrastructure |
| Author: | Amal Meegahawattage - Co-ordinator Infrastructure Planning |
| Previous Items: | 13.6 - Notice of Motion - Councillor Mather - Adelaide Street Parking and Traffic Issues - Ordinary Council - 18 Aug 2020 9.00am 5.8 - Response to Notice of Motion - Adelaide Street, Yeppoon - Parking and Traffic Issues - Briefing Session - 01 Dec 2020 9.00am 11.8 - Response to Notice of Motion - Adelaide Street, Yeppoon - Parking and Traffic Issues - Ordinary Council - 20 Apr 2021 9.00am |

SUMMARY

This report is in response to a Notice of Motion tabled by Councillor Mather at the Ordinary Council meeting on 18 August 2020 in relation to parking and traffic issues on Adelaide Street, Yeppoon.

Suspension of Standing Orders**PROCEDURAL MOTION**

2.27PM That pursuant to s2.18.1(i) and s2.18.27 of Livingstone Shire Council's Meeting Procedures Policy the provisions of the Meeting Procedures be suspended to allow adequate time for informal discussion on Item 11.17 – Response to Notice of Motion – Adelaide Street, Yeppoon – Parking and Traffic Issues prior to entering into formal debate.

Moved by: Councillor Mather

MOTION CARRIED UNANIMOUSLY

Resumption of Standing Orders**PROCEDURAL MOTION**

2.36PM That pursuant to s2.18.1(i) and s2.18.27 of Livingstone Shire Council's Meeting Procedures Policy the provisions of the Meeting Procedures be resumed.

Moved by: Councillor Watson

MOTION CARRIED UNANIMOUSLY

OFFICERS RECOMMENDATION

THAT Council resolves to:

1. Notes the outcome of the community engagement activities;
2. Supports a business case for the upgrade of car parking and transport infrastructure as detailed in the proposed Adelaide Street Corridor Master Plan concept design;
3. Includes the project in Council's Forward Works Program; and
4. Task the Chief Executive Officer to further investigate the hang gliding activities in relation to risks and liabilities to Council.

Matter Lay on Table until another Meeting**PROCEDURAL MOTION**

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

Moved by: Mayor, Councillor Ireland

MOTION CARRIED UNANIMOUSLY

I, Councillor Rhodes Watson declare that I may have a prescribed conflict of interest in relation to Item 11.18 – Response to Notice of Motion – Management Plan for Managing Traffic Issues, as I am a property owner in Bangalee. I will leave the chambers for the discussion and voting in relation to this item.

02:37PM Councillor Watson left the meeting.

11.18 RESPONSE TO NOTICE OF MOTION - MANAGEMENT PLAN FOR MANAGING TRAFFIC ISSUES

| | |
|-----------------------------|---|
| File No: | CR2.13.40 |
| Attachments: | 1. Community Consultation Survey results |
| Responsible Officer: | Michael Kriedemann - Executive Director Infrastructure |
| Author: | Amal Meegahawattage - Co-ordinator Infrastructure Planning |
| Previous Items: | 13.2 - Notice of Motion - Councillor Andrea Friend - Management Plan for Managing Traffic Issues - Ordinary Council - 15 Sep 2020 9.00am 5.16 - Response to Notice of Motion - Management Plan for Managing Traffic Issues - Briefing Session - 02 Feb 2021 9.00am 5.3 - Hinz Avenue Bangalee Beach Access - Briefing Session - 01 Dec 2020 9.00am 11.5 - Response to Notice of Motion - Management Plan for Managing Traffic Issues - Ordinary Council - 16 Feb 2021 9.00am 5.10 - Response to Notice of Motion - Management Plan for Managing Traffic Issues - Briefing Session - 06 Jul 2021 9.00am |

SUMMARY

Following the Ordinary Council meeting on 16 February 2021, Council officers conducted a community consultation survey in relation to the Hinz Avenue, Bangalee vehicle beach access during the period 18 February 2021 to 15 March 2021 involving the broader community in Livingstone Shire.

A briefing session report was presented on 6 April 2021 tabling Council officers' conclusions based on the broader community consultation. Subsequently it was requested that further targeted community consultation be undertaken involving Bangalee residents from 31 May 2021 to 18 June 2018.

This report provides a summary of the community consultation outcomes.

COUNCIL RESOLUTION

That Council resolves to:

1. Notes the results of the community consultation;
2. Endorse the upgrade of the existing beach access at Hinz Avenue, Bangalee;
3. Finalise a business case for the upgrade of the existing beach access ramp for future budget considerations and
4. Endorse the further development of a traffic management strategy that aims to educate beach goers, reduce errant driver behaviour, and help protect the natural coastal habitat with a report being presented to the October 2021 Ordinary Meeting.

Moved by: **Councillor Mather**

Seconded by: **Councillor Hutton**

MOTION LOST

Cr N Hutton voted in the affirmative.

Crs P Eastwood and A Friend voted in the negative.

COUNCIL RESOLUTION

That Council resolves to:

1. Notes the results of the community consultation;
2. Only expend, necessary funds to maintain Bangalee ramps suitable functionality
3. Reaffirm Councils commitment to investigating an alternate/ additional, Farnborough Beach Big Dune Beach/Vehicle Access, north of Bangalee in order to address the current and future growth.
4. Endorse the further development of a traffic management strategy that aims to educate beach goers, reduce errant driver behaviour, and help protect the natural coastal habitat with a report being presented to the October Ordinary Meeting 2021.
5. Undertake a public meeting with the Bangalee community and interested stakeholders to facilitate input into the "Farnborough Beach Big Dune Beach Access".

Moved by: Deputy Mayor, Councillor Belot

Seconded by: Councillor Eastwood

MOTION CARRIED

Crs P Eastwood, A Friend and N Hutton voted in the affirmative.

03:42PM Councillor Watson returned to the meeting.

Meeting Proceeds to Item 12.3**PROCEDURAL MOTION**

That pursuant to s2.18.1(c) and s2.18.8 of Livingstone Shire Council's Meeting Procedures Policy the meeting proceeds to Item 12.3 - Questions on Notice - Councillor Friend - Taylor Street, Keppel Sands - Tree Removal before returning to Item 11.19 – Response to Questions of Notice – Councillor Friend – Taylor Street, Keppel Sands – Tree Removal of the agenda.

Moved by: Councillor Friend

MOTION CARRIED UNANIMOUSLY

12.3 QUESTIONS ON NOTICE - COUNCILLOR FRIEND - TAYLOR STREET, KEPPEL SANDS TREE REMOVAL**File No:** GV13.4.4**Attachments:** 1. Questions on Notice - Cr Friend - Taylor Street, Keppel Sands Tree Removal**Responsible Officer:** Amanda Ivers - Coordinator Executive Support

SUMMARY

Councillor Friend submitted a request to include the attached Questions on Notice at the Council Meeting 20 July 2021.

COUNCIL RESOLUTION

THAT the 'Questions on Notice' be received and a report providing a response to the Councillor's questions be responded to.

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

11.19 RESPONSE TO QUESTIONS ON NOTICE - COUNCILLOR FRIEND - TAYLOR STREET, KEPPEL SANDS - TREE REMOVAL**File No:** P-19-084**Attachments:**

1. Questions on Notice - Taylor Street, Keppel Sands Tree Removal
2. Notice of Works

Responsible Officer: Michael Kriedemann - Executive Director Infrastructure**Author:** Jeff Carter - Manager Construction & Maintenance**Previous Items:** 13.2 - Questions on Notice - Councillor Glenda Mather - Great Keppel Island Revitalisation Project - Ordinary Council - 04 Feb 2020 9.00am

SUMMARY

This report provides a response to Questions on Notice to be tendered by Councillor Friend to the Ordinary Council meeting on 20 July 2021.

COUNCIL RESOLUTION

THAT Council resolves to receive the report providing a response to Councillor Friend's Questions on Notice regarding the removal of trees during construction of the Taylor Street, Keppel Sands footpath.

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

12 QUESTIONS/STATEMENT/MOTIONS ON NOTICE FROM COUNCILLORS

12.1 NOTICE OF MOTION - COUNCILLOR HUTTON - RECORDING OF VOTES

File No: GV13.4.4

Attachments: 1. Notice of Motion - Councillor Hutton - Recording of Votes

Responsible Officer: Amanda Ivers - Coordinator Executive Support

SUMMARY

Councillor Nigel Hutton has submitted a 'Notice of Motion' on 16 March 2021 in relation to Recording of Votes. Following three (3) Councillor's requesting for their votes to be recorded, this matter is being brought back to the Council table for further consideration.

COUNCIL RESOLUTION

THAT Council update section 2.16 of the Meeting Procedures Policies as below.

2.16.6 The minute secretary shall record the names of Councillors voting in the affirmative and of those voting in the negative on all votes.

Moved by: Councillor Hutton

Seconded by: Councillor Eastwood

MOTION CARRIED

DIVISION:

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

Crs A Ireland and G Mather voted in the negative.

12.2 NOTICE OF MOTION - COUNCILLOR FRIEND - VEHICULAR BUFFER OCEAN PARADE COOEE BAY**File No:** GV13.4.3**Attachments:** 1. Notice of Motion - Councillor Friend -
Vehicular buffer Ocean Parade Cooe Bay**Responsible Officer:** Amanda Ivers - Coordinator Executive Support

SUMMARY

Councillor Andrea Friend has submitted a 'Notice of Motion' in relation to vehicular buffer Ocean Parade Cooe Bay.

COUNCIL RESOLUTION

THAT Council resolve to install a vehicular buffer with no less than three boulders in the location of Ocean Parade Cooe Bay.

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

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

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

13 URGENT BUSINESS\QUESTIONS

13.1 NOTICES OF MOTION - LOCAL GOVERNMENT ASSOCIATION OF QUEENSLAND CONFERENCE 2021

File No: GR14.4.1

Responsible Officer: Cale Dendle – Chief Executive Officer

SUMMARY

To provide Council with the opportunity to consider submission of motions to the Annual Conference of the Local Government Association of Queensland (LGAQ) to be held on 14 – 16 October 2021 in Mackay.

COUNCIL RESOLUTION

THAT Council resolves to present the following proposed motion to the LGAQ Annual Conference for discussion and debate:

That the Queensland Government be requested to:

1. Reaffirm its commitment to the Partners in Government Agreement 2019 <https://www.dlgrma.qld.gov.au/resources2/laws-policies/partners-in-government-agreement>, particularly the following sections:
 - a. Agree the relations between the parties should be conducted in a spirit of mutual respect and cooperation with an emphasis on partnership – a commitment to timely and frequent communication and with recognition of each other's roles and responsibilities (Section 4.1, pg.7).
 - b. Undertake timely and meaningful engagement on all policy, legislation, strategy and program initiatives where local government has an interest, with where practicable, a minimum consultation period of four weeks ... (Section 4.2, pg. 8).
2. And, accordingly, the following inclusion be made to the agreement, "Where applications are made to local government requiring input and approvals from State agencies, those agencies be obliged to consult with the local government before making a decision."

Moved by: Councillor Mather

Seconded by: Councillor Friend.

MOTION CARRIED

Cr P Eastwood and A Friend voted in the affirmative.

Cr N Hutton voted in the negative

COUNCIL RESOLUTION

THAT Council resolves to present the following proposed motions to the LGAQ Annual Conference for discussion and debate:

That LGAQ write to the Australian Department of Immigration requesting that the category 3

definition for regional incentive for skilled migrants be altered to exclude Perth, Adelaide, Gold Coast, Sunshine Coast, Canberra, Newcastle/Lake Macquarie, Wollongong/Illawarra Geelong and Hobart. The aforementioned cities to be included as Category 2 “Cities and Major Regional Centres”.

Moved by: Mayor, Councillor Ireland

Seconded by: Councillor Hutton

MOTION CARRIED UNANIMOUSLY

14 CLOSED SESSION

In accordance with the provisions of section 254J of the *Local Government Regulation 2012*, a local government may resolve to close a meeting to the public to discuss confidential items, such that its Councillors or members consider it necessary to close the meeting.

COUNCIL RESOLUTION

5.00PM

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

15.1 Encroachment onto public land - Scenic Highway, Kinka Beach

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

Moved by: Councillor Mather

MOTION CARRIED

Crs P Eastwood and A Friend voted in the affirmative.

Cr N Hutton voted in the negative.

COUNCIL RESOLUTION

5.04PM

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

Moved by: Councillor Friend

MOTION CARRIED UNANIMOUSLY

15 CONFIDENTIAL REPORTS

15.1 ENCROACHMENT ONTO PUBLIC LAND - SCENIC HIGHWAY, KINKA BEACH

File No: GR14.4.2

Attachments:

1. Letter from Department of Resources
2. Proposed purchase area (supplied by land owner)
3. Proposed purchase area (supported by Council)

Responsible Officer: David Mazzaferri - Manager Community Wellbeing
Brett Bacon - Executive Director Liveability & Wellbeing

Author: Maddie Crigan - Principal Property Officer

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

SUMMARY

This report pertains to a request by the owner of Lot 21 on Registered Plan 897758 for Council's support in an application to the Department of Resources to purchase part of a Reserve for Environmental Park purposes described as Lot 35 on Registered Plan 897757 to remedy an encroachment.

COUNCIL RESOLUTION

THAT Council resolve to advise the Department of Resources that:

1. it would not object to an application by the owner of Lot 21 on Registered Plan 897758 to purchase an area of the Reserve for Environmental Park purposes described as Lot 35 on Registered Plan 897757 that would extend the front boundary of Lot 21 on Registered Plan 897758 by approximately six (6) metres and remedy an existing encroachment;
2. the area of the reserve that is the subject of this application is no longer required for its dedicated purpose; and
3. Council will consider each encroachment onto public land independently and that its support of an application by the owner of Lot 21 on Registered Plan 897758 in no way indicates Council support for any other applications that may be received in relation to the Reserve for Environment Park described as Lot 35 on Registered Plan 897757.

Moved by: Councillor Friend

Seconded by: Councillor Watson

MOTION CARRIED UNANIMOUSLY

16 CLOSURE OF MEETING

There being no further business the meeting closed at 5.06pm.

Mayor Andy Ireland
CHAIRPERSON

DATE