



Minutes of the Ordinary Council Meeting held on Wednesday 8 February 2023 at Council Chambers, 83-85 Main Street, Proserpine

Council acknowledges and shows respect to the Traditional Custodian/owners in whose country we hold this meeting.

Councillors Present:

Julie Hall (Mayor/Chair), Jan Clifford, Clay Bauman, John Collins, Michelle Wright, Gary Simpson and Michael Brunker (via teleconference)

Council Officers Present:

Rod Ferguson (Chief Executive Officer); Julie Wright (Director Community Services); Neil McGaffin (Director Development Services); Jason Bradshaw (Director Corporate Services); Adam Hagy (Director Infrastructure Services); Greg Martin (Communications and Marketing Manager); Tailah Jensen (Governance Administration Officer/Minute Taker); James Ngoroyemoto (Manager, Governance and Administration); Rebekah Sinclair (Governance and Legal Coordinator)

Other Officers Present (Partial Attendance):

Gary Warrener (Economic Development Manager)

Meeting Schedule:

The meeting commenced at 9.00am
The meeting adjourned for morning tea at 10.12am
The meeting reconvened from morning tea at 10.32am
The meeting closed at 11.32am

Whitsunday Regional Council

Minutes of the Ordinary Council Meeting held at Council Chambers, 83-85 Main Street, Proserpine on Wednesday 8 February 2023 commencing at 9:00 AM

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1 APOLOGIES/LEAVE OF ABSENCE

There were no apologies/leaves of absence requests for this meeting.

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# 2 CONDOLENCES

# 2.1 - Condolences Report

# **PURPOSE**

To acknowledge and observe a minute silence for the recently deceased throughout the Whitsunday Region.

# OFFICER'S RECOMMENDATION

That Council observe one (1) minute's silence for the recently deceased.

# **RESOLUTION OM2023/02/08.1**

Moved By: CR J CLIFFORD Seconded By: CR M WRIGHT

That Council observe one (1) minute's silence for the recently deceased.

# **MEETING DETAILS**

The motion was Carried 7 / 0.

**CARRIED** 

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3.1 - Declaration of Declarable Conflict of Interest - Cr Clay Bauman

Cr Bauman submitted a declarable conflict of interest on the 30th of January 2023 as defined by section 150EQ of the Local Government Act 2009. Cr Bauman advised that his conflict of interest is due to the submission he made on the draft amendment and long term opposition to lack of Planning Scheme support for maintaining amenity with low-rise development in Airlie Beach.

Background Information - provided by Mayor Hall:

Council did seek legal advice regarding this declaration prior to this matter being discussed and the legal advice deemed that there was no conflict of interest due to the amendments of the Planning Scheme being exempt under the Local Government Act 2009. Having not submitted the declaration, would have resulted in no Conflict of Interest for Cr Bauman, but given the submission of the declaration, it is then considered a conflict of interest.

Cr Bauman advised during the meeting that his interest is not of sufficient significance that it would lead them to make a decision on the matter that is contrary to the public interest, however he advised that he will request the remaining Councillors decide whether he can stay and participate in the discussion and voting on this matter.

The Chief Executive Officer advised Council that there are several options to address this declaration which have been listed below:

- 1. Council approve Cr Bauman to participate by voting on and discussing the Planning Scheme Major Amendment in the future, with no conditions.
- 2. Council do not approve Cr Bauman to participate by voting on and discussing the Planning Scheme Major Amendment.
- 3. Council approve Cr Bauman to vote on and discuss this matter in future, subject to certain conditions made by Council.

Mayor Hall moved a resolution to that effect that Cr Bauman be allowed to participate in the discussion and voting on any future items regarding this matter.

RESOLUTION OM2023/02/08.2

Moved By: CR J HALL (MAYOR)

Seconded By: CR G SIMPSON

That Council resolve, in accordance with section 150ES(3) of the Local Government Act 2009, that Councillor C Bauman may participate in the decision on the Planning Scheme Major Amendment despite the councillor's conflict of interest declaration.

MEETING DETAILS

Cr Bauman remained in the room but did not participate in the voting on this resolution.

The motion was Carried 4 / 2.

4 MAYORAL MINUTE

Cr Clifford advised of a declarable conflict of interest in accordance with section 150EQ of the Local Government Act 2009 due to being the Chair of the Whitsunday Housing Company.

Cr Clifford left the meeting at 9.25am.

Mayors Mayoral Minute:

I am thrilled to announce the Mayoral Charity Ball is back after 3 years break due to Covid the last ball being in Bowen with Mayor Willcox.

My first Mayor's Charity Ball will be held in a spectacular setting at the revitalised Shute Harbour Marine Terminal on Saturday, July 22.

This year, funds raised from the Mayor's Charity Ball will go to my chosen charities, RACQ CQ Rescue and the Whitsunday Housing Company.

RACQ CQ Rescue is a community funded service that has been providing critical, lifesaving service to visitors and residents right across the Whitsunday Region for over 27 years.

They deliver world class treatment for emergencies to ensure that you, your loved ones, your employees, and friends are quickly and safely taken to medical care facilities necessary to make a full recovery.

Whitsunday Housing Company Ltd (WHCL) is a not-for-profit company managing emergency, transitional and long-term social housing throughout the Whitsunday Region.

WHCL seeks to provide housing for those on low incomes and/or those who are limited for other reasons in acquiring affordable, safe, secure and accessible long-term housing.

Through its association with other housing groups, government departments and housing forums, WHCL seeks to advocate, lobby, and support the housing needs of the Whitsunday Region.

At the 2023 Mayor's Charity Ball we are hoping to raise as much money as we can to support both charities and ensure they can continue the wonderful service they deliver to our region.

Cr Clifford returned to the meeting at 9.26am.

MAYORAL UPDATE

5

Wednesday 25 January	Council Meeting, in Bowen
Thursday 26 January	 Travelled to Collinsville to attend the Collinsville Community Association's Australia Day Awards Then travelled to Proserpine for the Australia Day Fun Day and Citizenship Ceremony
Friday 27 January	Met with ratepayers, in Cannonvale with Cr Bauman
Monday 30 January	 Attended Proserpine State High School Induction Ceremony Attended weekly weather teleconference with Bureau of Meteorology Met with Canegrowers Proserpine Travelled to Sunshine Coast
Tuesday 31 January	 Attended Bonza Launch at Sunshine Coast Airport being flying to Whitsunday Coast Airport to celebrate their first flight Had various media interviews and a press conference at Whitsunday Coast Airport to promote the new Bonza flights to Whitsunday.
Wednesday 1 February	Briefing Session, in Bowen
Thursday 2 February	 Recorded my Monthly Mayoral Talkback Segment with ABC Radio Internal meetings Met with ratepayer, in Proserpine
Friday 3 February	 Attended Stella Life's 1st birthday celebrations, in Bowen Toured Gilmour Space site at Abbot Point Community group meeting with residents at Bowen River along with Cr Michelle Wright, Director of Infrastructure Services and Manager of Roads & Drainage
Saturday 4 February	 Attended the Whitsunday Housing's Tiny Homes Project, in Airlie Beach
Monday 6 February	Internal meetings, in BowenMet with resident, in Bowen
Tuesday 7 February	 Attended new staff induction, in Proserpine Chaired Whitsunday Disaster Management Group meeting, in Proserpine Met with Whitsunday Neighbourhood Centre, in Proserpine

6 CONFIRMATION OF MINUTES

6.1 - Confirmation of Minutes

PURPOSE

At each Council meeting, the minutes of the previous meeting must be confirmed by the councillors present and signed by the person presiding at the later meeting. The Minutes of Council's Ordinary Council Meeting held on 25 January 2023 are provided for Councils review and confirmation.

OFFICER'S RECOMMENDATION

That Council confirms the Minutes of the Ordinary Meeting held on 25 January 2023.

RESOLUTION OM2023/02/08.3

Moved By: CR M WRIGHT
Seconded By: CR G SIMPSON

That Council confirms the Minutes of the Ordinary Meeting held on 25 January 2023.

MEETING DETAILS

The motion was Carried 7 / 0.

CARRIED

7 BUSINESS ARISING

There were no business arising matters for this meeting.

8 DEPUTATIONS

There were no deputations for this meeting.

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#### 9 PETITIONS

# 9.1 - Petition - Development Application 20220146 Rejection

#### **PURPOSE**

A petition was presented to Council for their consideration.

#### OFFICER'S RECOMMENDATION

#### That Council:

- Receive the petition from J Matthews and 87 other people requesting Council to refuse the Development Application 20220146 Material Change of Use Transport Depot.
- 2. Task the petition to the Director Development Services for consideration of the matters raised when the Development Application is brought to Council for a decision.

#### **RESOLUTION OM2023/02/08.4**

Moved By: CR J HALL (MAYOR)

Seconded By: CR J CLIFFORD

#### **That Council:**

- 1. Receive the petition from J Matthews and 87 other people requesting Council to refuse the Development Application 20220146 Material Change of Use Transport Depot.
- 2. Task the petition to the Director Development Services for consideration of the matters raised when the Development Application is brought to Council for a decision.

#### **MEETING DETAILS**

The motion was Carried 7 / 0.

**CARRIED** 

#### 10 NOTICES OF MOTION

There were no notice of motions for this meeting.

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11 QUESTIONS ON NOTICE

There were no questions taken on notice for this meeting.

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# 12 QUESTIONS FROM THE PUBLIC GALLERY

There were no public questions submitted during this meeting.

#### 13 OFFICERS REPORTS

#### 13.1 Office of the Mayor and CEO

# 13.1.1 - Greater Whitsunday Housing Project

#### **PURPOSE**

This report summarises the findings of Stage 1 of the Greater Whitsunday Housing Project. The Project's overall objective is to identify potential collaborative solutions to the housing stress being experienced in the Greater Whitsunday region at present. Stage 1 was a Housing Roundtable event which brain stormed causes for the shortages and developing a list of "Problem Statements for the Region".

#### OFFICER'S RECOMMENDATION

That Council:

- 1. Acknowledges receipt of the Greater Whitsunday Housing Project Report Housing Roundtable.
- 2. Agrees to payment of \$30,000 being Whitsunday Regional Council's portion of the research project cost.

Cr Clifford advised Council that she sits on the board of the Greater Whitsunday Communities, but she does not hold an executive position and is appointed by Council. Consequently, she has no conflict of interest in this matter.

# **RESOLUTION OM2023/02/08.5**

Moved By: CR J CLIFFORD Seconded By: CR C BAUMAN

#### **That Council:**

- 1. Acknowledges receipt of the Greater Whitsunday Housing Project Report Housing Roundtable.
- 2. Agrees to payment of \$30,000 being Whitsunday Regional Council's portion of the research project cost.

#### **MEETING DETAILS**

The motion was Carried 7 / 0.

# 13.2.1 - Lease Renewal - Customer Service Centre & Library Cannonvale - Whitsunday Plaza

#### **PURPOSE**

This report seeks the approval for the renewal of leases for the Cannonvale Customer Service Centre and the Cannonvale Library.

#### OFFICER'S RECOMMENDATION

That Council in accordance with Section 235 (a) Local Government Regulation 2012 authorise the Chief Executive Officer to negotiate and execute leases with Vicinity Managers Pty Ltd for:

- a. Unit Number SP023, Whitsunday Plaza (Lot 16 on SP177207) being the Cannonvale Customer Service Centre for 3 years commencing on the 01 April 2023; and
- b. Unit Number FS001, Whitsunday Plaza (Lot 16 on SP177207) being the Cannonvale Library for 3 years commencing on the 01 April 2023.

#### **RESOLUTION OM2023/02/08.6**

Moved By: CR J COLLINS
Seconded By: CR J CLIFFORD

That Council in accordance with Section 235 (a) Local Government Regulation 2012 authorise the Chief Executive Officer to negotiate and execute leases with Vicinity Managers Pty Ltd for:

- a. Unit Number SP023, Whitsunday Plaza (Lot 16 on SP177207) being the Cannonvale Customer Service Centre for 3 years commencing on the 01 April 2023; and
- b. Unit Number FS001, Whitsunday Plaza (Lot 16 on SP177207) being the Cannonvale Library for 3 years commencing on the 01 April 2023.

#### **MEETING DETAILS**

The motion was Carried 7 / 0.

13.3.1 - 20211031 - Development Application for Material Change of Use (Car Wash, Outdoor Sales & Associated Service Industry/Low Impact Industry) - 144-146 Main Street, Proserpine - 4 & 5 RP405787

#### **PURPOSE**

To present the assessment of the development application.

#### OFFICER'S RECOMMENDATION

That Council approve the Development Application for Development Permit for Material Change of Use - Car Wash, Outdoor Sales & Associated Service Industry/Low Impact Industry, made by Chapman Group Enterprises Pty Ltd As TTE, on L: 4 RP: 705787 T: N420/213, L: 5 RP: 705787 T: N420/213 and located at 144 and 146 Main Street Proserpine, subject to the conditions outlined in Attachment 1.

#### **RESOLUTION OM2023/02/08.7**

Moved By: CR M WRIGHT Seconded By: CR G SIMPSON

That Council approve the Development Application for Development Permit for Material Change of Use - Car Wash, Outdoor Sales & Associated Service Industry/Low Impact Industry, made by Chapman Group Enterprises Pty Ltd As TTE, on L: 4 RP: 705787 T: N420/213, L: 5 RP: 705787 T: N420/213 and located at 144 and 146 Main Street Proserpine, subject to the conditions outlined in Attachment 1.

#### **MEETING DETAILS**

The motion was Carried 4 / 3.

13.3.2 - 20220736 - Development Application Material Change of Use (Transport Depot) - Barclay Street, Mount Coolon - Searles Investments (QLD) Pty Ltd as TTE C/-Wynne Planning & Development Pty Ltd

#### **PURPOSE**

To present the assessment of the development application.

#### OFFICER'S RECOMMENDATION

That Council approve the Development Application for Development Permit for Material Change of Use for a Transport Depot, made by Searles Investments (Qld) Pty Ltd As TTE C/- Wynne Planning and Development Pty Ltd, on L: 210 MPH: 20088 and located at Barclay Street Mount Coolon, subject to the conditions outlined in Attachment 1.

#### **RESOLUTION OM2023/02/08.8**

Moved By: CR M WRIGHT
Seconded By: CR G SIMPSON

That Council approve the Development Application for Development Permit for Material Change of Use for a Transport Depot, made by Searles Investments (QId) Pty Ltd As TTE C/- Wynne Planning and Development Pty Ltd, on L: 210 MPH: 20088 and located at Barclay Street Mount Coolon, subject to the conditions outlined in Attachment 1.

#### **MEETING DETAILS**

The motion was Carried 5 / 2. Cr Bauman voted against the motion.

**CARRIED** 

PROCEDURAL MOTION - ADJOURNMENT OM2023/02/08.9

Moved by: CR J CLIFFORD Seconded by: CR C BAUMAN

That the meeting be adjourned for the purpose of morning tea at 10.12am.

#### **MEETING DETAILS:**

The procedural motion was Carried 7 / 0

PROCEDURAL MOTION - RECONVENE OM2023/02/08.10

Moved by: CR J CLIFFORD Seconded by: CR M WRIGHT

That the meeting be reconvened from morning tea at 10.32am.

#### **MEETING DETAILS:**

The procedural motion was Carried 7 / 0

**CARRIED** 

# 13.3.3 - Development Services Monthly Report - December 2022 / January 2023

#### **PURPOSE**

This report presents information relating to the operations of the Development Services Directorate for the month of December 2022 and January 2023.

#### OFFICER'S RECOMMENDATION

That Council receives the Development Services Monthly Report for December 2022 and January 2023.

#### **RESOLUTION OM2023/02/08.11**

Moved By: CR J CLIFFORD Seconded By: CR G SIMPSON

That Council receives the Development Services Monthly Report for December 2022 and January 2023.

# **MEETING DETAILS**

The motion was Carried 7 / 0.

# 13.4.1 - Queensland Climate Resilient Councils Symposium

# **PURPOSE**

To seek a nomination/s to attend the Queensland Climate Resilient Councils (Q CRC) Symposium hosted by the Local Government Association of Queensland (LGAQ) to be held

| Symposium hosted by the Local Government Association of Queensland (LGAQ) to be held in Brisbane on Thursday 2 March 2023.                                                                                                       |  |  |  |  |  |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|--|--|--|--|
| OFFICER'S RECOMMENDATION                                                                                                                                                                                                         |  |  |  |  |  |
| That Council nominatesand to attend the Queensland Climate Resilient Councils Symposium hosted by the Local Government Association of Queensland (LGAQ) to be held in Brisbane on Thursday 2 March 2023.                         |  |  |  |  |  |
| RESOLUTION OM2023/02/08.12                                                                                                                                                                                                       |  |  |  |  |  |
| Moved By: CR G SIMPSON                                                                                                                                                                                                           |  |  |  |  |  |
| Seconded By: CR C BAUMAN                                                                                                                                                                                                         |  |  |  |  |  |
| That Council nominates Mayor Hall and Cr Clifford to attend the Queensland Climate Resilient Councils Symposium hosted by the Local Government Association of Queensland (LGAQ) to be held in Brisbane on Thursday 2 March 2023. |  |  |  |  |  |
| MEETING DETAILS                                                                                                                                                                                                                  |  |  |  |  |  |
| The motion was Carried 7 / 0.                                                                                                                                                                                                    |  |  |  |  |  |
| CARRIED                                                                                                                                                                                                                          |  |  |  |  |  |

# 13.4.2 - Community Services Monthly Report - January 2023

# **PURPOSE**

The purpose of the report is to set out an account of statistics pertaining to the functions of each branch within the Community Services Directorate for the month of January 2023.

# OFFICER'S RECOMMENDATION

That Council receive the Community Services Monthly Report for January 2023.

# **RESOLUTION OM2023/02/08.13**

Moved By: CR J CLIFFORD Seconded By: CR M WRIGHT

That Council receive the Community Services Monthly Report for January 2023.

# **MEETING DETAILS**

Mayor Hall acknowledged and congratulated the 27 new citizens & award recipients from the Australian Citizenship ceremony.

The motion was Carried 7 / 0.

**CARRIED** 

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14 MATTERS OF IMPORTANCE

MATTERS OF IMPORTANCE – BOWEN AND WHITSUNDAYS NEIGHBOURHOOD CENTRES SUBMISSION

RESOLUTION OM2023/02/08.14

Moved By: CR M WRIGHT

Seconded By: CR J HALL (MAYOR)

That Council bring back the submission from the Bowen and Whitsundays Neighbourhood centres for further discussion.

MEETING DETAILS

The motion was Carried 7 / 0.

CARRIED

MATTERS OF IMPORTANCE – LOCAL LAW - HOUSING SHORTAGE RESOLUTION OM2023/02/08.15

Moved By: CR J CLIFFORD Seconded By: CR C BAUMAN

That a report be brought back to Council regarding the consideration of a local law that would enable owners or occupiers to allow public to live in caravans for up to twelve months in yards, to assist in addressing the housing shortage.

MEETING DETAILS

The motion was Carried 7 / 0.

CARRIED

Additional Matters of Importance (No resolution required):

- Cr Wright Update on Bowen River Bridge
- Cr Wright Pelican Park Trim trees and general tidy up

15 LATE REPORT ITEMS

Director Corporate Services, Jason Bradshaw advised of late report item to be discussed in closed session regarding a verbal update on a confidential rating matter.

16 CONFIDENTIAL MATTERS

PROCEDURAL MOTION - CLOSURE OF MEETING (CONFIDENTIAL SESSION)
OM2023/02/08.16

Moved by: CR J CLIFFORD Seconded by: CR G SIMPSON

That Council close the meeting to the public at 11.11am in accordance with Section 254J of the Local Government Regulations 2012 for closed meetings, for the purpose of discussing the following items and the reasons for going into closed session:

16.1.1 - General Debt Write-off - Liquidated Damages - Account # 34752

i) a matter the local government is required to keep confidential under a law of, or formal arrangement with, the Commonwealth or a State.

16.1.2 - VHF Replacement Project Update

(g) negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interests of the local government.

MEETING DETAILS:

The procedural motion was Carried 7 / 0

CARRIED

Cr Brunker left the meeting at 11.11am.

During Closed session Cr Collins left the meeting at 11.14am and returned at 11.17am.

During closed session Cr Collins declared a Prescribed Conflict of Interest as per section 150EL of the Local Government Act 2009 in regards to the late discussion matter raised by Director Corporate Services, Jason Bradshaw. Cr Collins advised the nature of the interest is as per previous declarations made on the matter with regards to past business dealings with the landowner.

Cr Collins left the meeting at 11.19am and returned to the meeting at 11.30am.

During closed session Cr Clifford declared a Declarable Conflict of Interest as per section 150EQ of the Local Government Act 2009 in regards to the late discussion matter raised by Director Corporate Services, Jason Bradshaw. Cr Clifford advised the nature of the interest is as per previous declarations made on the matter with regards to past dealings with the landowner.

Cr Clifford left the meeting at 11.19am and returned to the meeting at 11.30am.

PROCEDURAL MOTION - REOPEN MEETING OM2023/02/08.17

Moved by: CR J CLIFFORD Seconded by: CR M WRIGHT

That Council reopen the meeting to the general public at 11.30am.

MEETING DETAILS:

The motion was Carried 6 / 0

16.1.1 - General Debt Write-off - Liquidated Damages - Account # 34752

CONFIDENTIAL

S254J Local Government Regulation 2012 - Closed Meetings

- (1) A local government may resolve that all or part of a meeting of the local government be closed to the public.
- (3) However, a local government or a committee of a local government may make a resolution about a local government meeting under subsection (1) or (2) only if its councillors or members consider it necessary to close the meeting to discuss one or more of the following matters—
 - − i) a matter the local government is required to keep confidential under a law of, or formal arrangement with, the Commonwealth or a State.

PURPOSE

A Council decision is required to write-off outstanding debt due to Liquidated Damages being pursued and agreed upon.

OFFICER'S RECOMMENDATION

That Council resolve to write-off \$104,000 from General Debtor Account Number 34752 due to liquidated damages pursued and agreed to by Council.

RESOLUTION OM2023/02/08.18

Moved By: CR J CLIFFORD Seconded By: CR G SIMPSON

That Council resolve to write-off \$104,000 from General Debtor Account Number 34752 due to liquidated damages pursued and agreed to by Council.

MEETING DETAILS

The motion was Carried 6 / 0.

CARRIED

16.1.2 - VHF Replacement Project Update

CONFIDENTIAL

S254J Local Government Regulation 2012 - Closed Meetings

- (1) A local government may resolve that all or part of a meeting of the local government be closed to the public.
- (3) However, a local government or a committee of a local government may make a resolution about a local government meeting under subsection (1) or (2) only if its councillors or members consider it necessary to close the meeting to discuss one or more of the following matters—
 - (g) negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interests of the local government.

PURPOSE

The purpose of this document is to report back to Council on the change in technology solution proposed for the VHF Replacement project, and to seek Council's endorsement for the new solution.

OFFICER'S RECOMMENDATION

That Council approve the change in technology solution for the VHF replacement project from a digital VHF solution requiring construction of a microwave radio network to a combination solution using Telstra's LTE/4G network, Wi-Fi and a low earth orbit satellite network which does not require construction of ground-based infrastructure.

RESOLUTION OM2023/02/08.19

Moved By: CR J COLLINS
Seconded By: CR J CLIFFORD

That Council approve the change in technology solution for the VHF replacement project from a digital VHF solution requiring construction of a microwave radio network to a combination solution using Telstra's LTE/4G network, Wi-Fi and a low earth orbit satellite network which does not require construction of ground-based infrastructure.

MEETING DETAILS

The motion was Carried 6 / 0.

17 CLOSURE OF MEETING

The Meeting closed at 11.32am

Confirmed as a true and correct recording this 22 February 2023

Cr Julie Hall MAYOR