



ORDINARY MEETING

MINUTES

15 JUNE 2021

The resolutions contained within these Minutes were confirmed at the Ordinary Council meeting of 20 July 2021.

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MINUTES OF THE ORDINARY MEETING HELD AT COUNCIL CHAMBERS, 4 LAGOON PLACE, YEPPON ON TUESDAY, 15 JUNE 2021 COMMENCING AT 9.06AM

1 OPENING**Acknowledgement of Country**

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

Opening Prayer

The opening prayer was delivered by Pastor Peter Rollo of the Yeppoon Seventh Day Adventist Church.

2 PRESENT

Members Present:

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

Officers in Attendance:

Cale Dendle - Chief Executive Officer
Brett Bacon – Executive Director Liveability and Wellbeing
Michael Kriedemann – Executive Director Infrastructure
David Battese – Manager Liveability
Jonathon Trevett-Lyall – Planning Officer
Tammy Wardrop – Planning Officer
Molly Saunders –Principal Community Development and Engagement Officer
Maddie Crigan – Principal Property Officer
Anish Anthony – Acting Coordinator Accounting Services
Debbie Jarman – Quality Assurance and Compliance Officer
Justine Schofield – Executive Support 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 18 May 2021 be taken as read and adopted as a correct record.

THAT the minutes of the Special Meeting held on 8 June 2021 be taken as read and adopted as a correct record.

Moved by: Councillor Friend

Seconded by: Councillor Mather

MOTION CARRIED UNANIMOUSLY

5 DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA

I, Councillor Adam Belot declare that I may have a declarable conflict of interest in Item 11.2 – Council Planned Regional Arts Development Fund Strategic Initiative, as my son in law is a local videographer. I will leave the chambers for the discussion and voting in relation to this item.

I, Councillor Nigel Hutton declare that I may have a declarable conflict of interest in Item 15.3 – Potential Sale of Lot 6 at The Gateway Business and Industry Park, as I have a personal relationship with the applicant seeking to purchase this land and I will remove myself from the meeting.

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 June 2021
Responsible Officer: Amanda Ivers - Coordinator Executive Support
Brett Bacon - Acting Chief Executive Officer

SUMMARY

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

COUNCIL RESOLUTION

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

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

7.2 LIFTING MATTERS LAYING ON THE TABLE**File No:** GV13.04.06**Attachments:** Nil**Responsible Officer:** Cale Dendle - Chief Executive Officer

SUMMARY

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

COUNCIL RESOLUTION

THAT Council resolves that the following reports which are currently 'laying on the table', within the Business Outstanding Table awaiting return to a Council meeting, be lifted from the table to be dealt with later in this meeting:

1. Unsealed Roads Service Levels
2. Short Term Parking Sites for Recreational Vehicles and Caravans;
3. Notice of Motion – Cr Belot – Yeppoon Showgrounds; and
4. Development Application D-14-2021 for a Development Permit for a Material Change of Use for a Medium Impact Industry at 107 Artillery Road, Ironpot.

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

8 PRESENTATION OF PETITIONS

8.1 PETITION REQUESTING COUNCIL REJECT APPLICATION D-12-2021 - MATERIAL CHANGE OF USE - 107 ARTILLERY ROAD, IRONPOT

File No: GV13.4.7

Attachments: 1. Petition Request Council Reject Application D-14-2021 - 107 Artillery Road, Ironpot

Responsible Officer: Amanda Ivers - Coordinator Executive Support
Cale Dendle - Chief Executive Officer

SUMMARY

Council has received the following petition from petitioners requesting the rejection of Application D-14-2021 for a Material Change of Use for a Medium Impact Industry at 107 Artillery Road, Ironpot.

The Chief Petitioner requested on the 14th June 2021 that the petition be withdrawn.

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 the next item of business

Moved by: Councillor Hutton

MOTION CARRIED UNANIMOUSLY

9 COUNCILLOR/DELEGATE REPORTS

9.1 COMMUNITY VOICE PANEL - ORGANISATIONAL PERFORMANCE

File No: GV13.09.06

Attachments: Nil

Responsible Officer: Cale Dendle - Chief Executive Officer

Author: Amanda Ivers - Coordinator Executive Support

SUMMARY

Cr Adam Belot facilitated the Organisational Performance Community Voice Panel meeting on 24 May 2021.

COUNCIL RESOLUTION

THAT Council receives the Organisational Performance Community Voice Panel update from the meeting held 24 May 2021.

Moved by: Deputy Mayor, Councillor Belot

Seconded by: Councillor Eastwood

MOTION CARRIED UNANIMOUSLY

9.2 COMMUNITY VOICE PANEL - HEALTHY AND INCLUSIVE COMMUNITY

File No: GV13.09.05
Attachments: Nil
Responsible Officer: Brett Bacon - Executive Director Liveability & Wellbeing
Author: Jo McLennan - Executive Officer

SUMMARY

Cr Pat Eastwood facilitated the Healthy and Inclusive Community Voice Panel Meeting on 6 May 2021

COUNCIL RESOLUTION

THAT Council receives the Healthy and Inclusive Community Voice Panel update from the meeting held 6 May 2021.

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

9.3 COMMUNITY VOICE PANEL REPORT - VIBRANT COMMUNITY

File No: G13.9.01
Attachments: Nil
Responsible Officer: Trish Weir - Manager Customer Engagement & Communications
Brett Bacon - Executive Director Liveability & Wellbeing
Author: Jo McLennan - Executive Officer

SUMMARY

Cr Rhodes Watson facilitated the second Vibrant Community Voice Panel meeting on 28 May 2021.

COUNCIL RESOLUTION

THAT Council receives the Vibrant Community Voice Panel update from the meeting held 28 May 2021.

Moved by: Councillor Watson

Seconded by: Councillor Friend

MOTION CARRIED UNANIMOUSLY

9.4 COMMUNITY VOICE PANEL REPORT - PLANNING AND STRATEGIC INFRASTRUCTURE

File No: GV13.09.03
Attachments: Nil
Responsible Officer: Brett Bacon - Executive Director Liveability & Wellbeing
Author: Jo McLennan - Executive Officer

SUMMARY

Cr Nigel Hutton facilitated a joint Community Voice Panel meeting with Planning and Strategic Infrastructure and Healthy and Inclusive Community on 26 May 2021.

COUNCIL RESOLUTION

THAT Council receives the joint Planning and Strategic Infrastructure and Healthy and Inclusive Community Voice Panel update from the meeting held on 26 May 2021.

Moved by: Councillor Hutton
Seconded by: Councillor Eastwood

MOTION CARRIED UNANIMOUSLY

10 AUDIT, RISK AND IMPROVEMENT COMMITTEE REPORTS

Nil

PROCEDURAL MOTION

That the meeting proceeds to Item 11.18 – Development Application D-14-2021 for a Development Permit for a Material Change of Use for a Medium Impact Industry at 107 Artillery Road, Ironpot.

Moved by: Councillor Hutton

MOTION CARRIED UNANIMOUSLY

11 REPORTS**11.18 DEVELOPMENT APPLICATION D-14-2021 FOR A DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE FOR A MEDIUM IMPACT INDUSTRY AT 107 ARTILLERY ROAD, IRONPOT**

File No: D-14-2021

Attachments:

1. Locality Plan
2. Site Plan
3. Stormwater Management Plan
4. Environmental Report
5. Traffic Assessment
6. Environmental Authority Permit
7. Code Assessment

Responsible Officer: Maddie Ward - Principal Planning Officer
David Battese - Manager Liveability

Author: Jonathon Trevett-Lyall - Planning Officer

SUMMARY

<i>Applicant:</i>	<i>KB Waste Group Pty Ltd</i>
<i>Consultant:</i>	<i>Gideon Town Planning</i>
<i>Real Property Address:</i>	<i>Lot 1 on RP899412</i>
<i>Area of Site:</i>	<i>44 hectares</i>
<i>Planning Scheme:</i>	<i>Livingstone Planning Scheme 2018</i>
<i>Planning Scheme Zone:</i>	<i>Rural Zone</i>
<i>Planning Scheme Overlays:</i>	<i>OM07 Biodiversity – Habitat and Vegetation</i> <i>OM11 Biodiversity – Stream Order</i> <i>OM12 Bushfire Hazard Area</i> <i>OM15 Drainage Problem Area</i> <i>OM18 Landslide Hazard Area</i> <i>OM19 Regional Infrastructure</i> <i>OM27 Height Limits</i>
<i>Existing Development:</i>	<i>Sales and Hire Use – the use has ceased and the structures remain</i>
<i>Level of Assessment:</i>	<i>Impact Assessable</i>

<i>Submissions:</i>	<i>Eighteen (18) Submissions received</i>
<i>Referral matters:</i>	<i>Material Change of use that is assessable development under a local categorising instrument - Clearing Native Vegetation (10.3.4.3)</i> <i>Material change of use of premises near a substation site or subject to an easement (10.9.2.2)</i>
<i>Infrastructure Charge Area:</i>	<i>Outside the Priority Infrastructure Area</i>
<i>Application progress:</i>	

<i>Application received:</i>	<i>18 January 2021</i>
<i>Application properly made:</i>	<i>20 January 2021</i>
<i>Development control unit meeting:</i>	<i>20 January 2021</i>
<i>Confirmation notice issued:</i>	<i>2 February 2021</i>
<i>Confirmation notice re-issued (incorrect referral agency):</i>	<i>3 February 2021</i>
<i>Application referred to State agency:</i>	<i>5 February 2021</i>
<i>Application referred to Ergon:</i>	<i>3 February 2021</i>
<i>Request to extend the information request period (three (3) business days):</i>	<i>16 February 2021</i>
<i>Information request issued:</i>	<i>19 February 2021</i>
<i>Information request response received:</i>	<i>3 March 2021</i>
<i>Information request issued by Ergon:</i>	<i>19 February 2021</i>
<i>Information request response received by Ergon:</i>	<i>3 March 2021</i>
<i>State agency response:</i>	<i>3 March 2021</i>
<i>Ergon response:</i>	<i>19 March 2021</i>
<i>Environmental authority response:</i>	<i>18 March 2021</i>
<i>Public notification period:</i>	<i>8 March 2021 – 29 March 2021</i>
<i>Notice of compliance received:</i>	<i>29 March 2021</i>
<i>Submission consideration period:</i>	<i>29 March 2021 – 14 April 2021</i>
<i>Decision period commenced:</i>	<i>14 April 2021</i>
<i>Briefing session date:</i>	<i>4 May 2021</i>
<i>Council meeting date:</i>	<i>18 May 2021</i>

Statutory determination date:	21 May 2021
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COUNCIL RESOLUTION

RECOMMENDATION A

THAT in relation to the application for a Development Permit for a Material Change of Use for a Medium impact industry, made by KB Waste Group Pty Ltd, on land located at 107 Artillery Road, Ironpot, described as Lot 1 on RP899412, Council resolves to Approve the application subject to the following conditions:

1.0 ADMINISTRATION

- 1.1 The Developer is responsible for ensuring compliance with this approval and the Conditions of the approval by an employee, agent, contractor or invitee of the Developer.
 - 1.2 Where these Conditions refer to "Council" in relation to requiring Council to approve or to be satisfied as to any matter, or conferring on the Council a function, power or discretion, that role of the Council may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.
 - 1.3 All conditions of this approval must be undertaken and completed to the satisfaction of Council, at no cost to Council.
 - 1.4 All conditions, works, or requirements of this approval must be undertaken and completed prior to the commencement of the use.
 - 1.5 Where applicable, infrastructure requirements of this approval must be contributed to the relevant authorities, at no cost to Council, prior to the commencement of the use, unless stated otherwise.
 - 1.6 The following further Development Permits must be obtained prior to the commencement of any works associated with its purposes:
 - 1.6.1 Operational Works:
 - (i) Road Works;
 - (ii) Access Works;
 - (iii) Site Works; and
 - (iv) Clearing Works
 - 1.6.2 Plumbing and Drainage Works; and
 - 1.6.3 Building Works.
 - 1.7 All Development Permits for Operational Works must be obtained prior to the issue of a Development Permit for Plumbing and Drainage Works and Building Works.
 - 1.8 Unless otherwise stated, all works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards.
 - 1.9 All engineering drawings/specifications, design and construction works must comply with the requirements of the relevant *Australian Standards* and must be approved, supervised and certified by a Registered Professional Engineer of Queensland.
- #### 2.0 APPROVED PLANS AND DOCUMENTS
- 2.1 The approved development must be completed and maintained generally in accordance with the approved plans and documents, except where amended by the conditions of this permit:

<u>Plan/Document Name</u>	<u>Plan/Document Reference</u>	<u>Dated</u>
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Location Plan	SK-001 Project GG-042, Revision 8	3 March 2021
Site Plan	SK-002 Project GG-042, Revision 8	3 March 2021
Stormwater Management Plan	023-020-21, Rev A	4 November 2020
Traffic Assessment - Technical Memorandum	0232021	26 November 2020
Environmental Report	Project: Medium Impact Industry – Waste Management Facility at 107 Artillery Road, Ironpot QLD	22 December 2020

2.2 Where there is any conflict between the conditions of this approval and the details shown on the approved plans and documents, the conditions of approval must prevail.

2.3 Where conditions require the above plans or documents to be amended, the revised document(s) must be submitted for approval by Council.

3.0 ROAD WORKS

3.1 A Development Permit for Operational Works (road works) must be obtained prior to the commencement of any road works on the site.

3.2 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, relevant *Australian Standards* and the provisions of a Development Permit for Operational Works (road works).

3.3 Any application for a Development Permit for Operational Works (road works) must include;

3.3.1 detailed layout plans of the site access and Artillery Road, the layout must also include details of sight distance(s) and access spacing requirements with relevant calculations demonstrating compliance with relevant standards;

3.3.2 details of swept path movements for the relevant design vehicles;

3.3.3 details of turn warrant treatments at the intersection of the site access and Artillery Road including rural basic right-turn treatment (BAR) and rural basic left-turn treatment (BAL) complying with the requirements of the *Austroad Guidelines*; and

3.3.4 details of localised widening of Artillery Road including all necessary relocation of infrastructure.

3.4 Traffic signs and pavement markings must be provided in accordance with the *Manual of Uniform Traffic Control Devices – Queensland*.

3.5 The Developer must enter into a Road Maintenance Agreement between the developer and Council for the impacts to the external road network as a result of the use, generally in accordance with the Traffic Assessment/Technical Memorandum, dated 26 November 2020 (refer condition 2.1). The agreement must be prepared and finalised by Council's solicitors at no cost to Council (including the payment of any State tax) and must be executed by the Developer.

4.0 ACCESS AND PARKING WORKS

- 4.1 A Development Permit for Operational Works (access and parking works) must be obtained prior to the commencement of any access works on the site.
- 4.2 Access, parking and associated vehicle manoeuvring areas must:
- 4.2.1 have a minimum cleared width of six (6) metres;
 - 4.2.2 have a minimum cleared height of 4.8 metres;
 - 4.2.3 have a minimum formed width of four (4) metres;
 - 4.2.4 have a maximum gradient of twenty-five (25) per cent
 - 4.2.5 have an average gradient no greater than 14.4 per cent, where the length of the access way is greater than thirty (30) metres;
 - 4.2.6 have a cross fall no greater than eighteen (18) per cent;
 - 4.2.7 have adequate drainage to prevent soil erosion
 - 4.2.8 be sealed.
- 4.3 A minimum of sixteen (16) car parking spaces (including universal access spaces) must be provided on site.
- 4.4 Universal access spaces must be provided in accordance with *Australian Standard AS 2890.6. 2009 "Off-Street parking for people with disabilities"*.
- 4.5 All vehicle operations associated with the proposed use must be directed by suitable directional, informative, regulatory or warning signs in accordance with *"Manual of Uniform Traffic Control Devices"*.
- 5.0 PLUMBING AND DRAINAGE WORKS
- 5.1 A Development Permit for Plumbing and Drainage Works must be obtained prior to the commencement of any plumbing and drainage works on the site.
- 5.2 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines, Water Supply (Safety and Reliability) Act, Plumbing and Drainage Act*.
- 5.3 A minimum of 50,000 litres of on-site water storage must be available for firefighting purposes and must be:
- 5.3.1 Located more than nine (9) metres from any potential fire hazards;
 - 5.3.2 Located within six (6) metres of a hardstand area allowing access for a heavy rigid fire appliance; and
 - 5.3.3 Fitted with fire brigade tank fittings consisting of;
 - 5.3.3.1 For above ground tanks, a fifty (50) millimetre ball valve and male camlock coupling and metal pipe fittings; or
 - 5.3.3.2 For underground tanks, an access hole having a minimum diameter of 200 millimetres to allow access for suction lines.
- 6.0 STORMWATER WORKS
- 6.1 All stormwater drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Queensland Urban Drainage Manual, Capricorn Municipal Development Guidelines*, and sound engineering practice
- 6.2 All stormwater including roof and allotment drainage must achieve demonstrated lawful discharge and must not adversely affect the upstream or downstream land when compared to pre-development condition by way of blocking, altering or diverting existing stormwater runoff patterns or cause a nuisance or damage infrastructure.
- 7.0 SITE WORKS
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- 7.1 A Development Permit for Operational Works (site works) must be obtained prior to the commencement of any site works.
- 7.2 Any application for a Development Permit for Operational Works (site works) must be accompanied by an earthworks' plan which clearly identifies the following:
- 7.2.1 the location of cut and/or fill;
 - 7.2.2 the type of fill to be used and the manner in which it is to be compacted;
 - 7.2.3 the quantum of fill to be deposited or removed and finished cut and/or fill levels;
 - 7.2.4 details of any proposed access routes to the site which are intended to be used to transport fill to or from the site; and
 - 7.2.5 the maintenance of access roads to and from the site so that they are free of all cut and/or fill material and cleaned as necessary.
- 7.3 Site works must be constructed such that they do not, at any time, in any way restrict, impair or change the natural flow of runoff water, or cause a nuisance to adjoining properties or infrastructure.
- 7.4 All site works must be undertaken to ensure that no actionable nuisance results from:
- 7.4.1 an increase in peak discharge immediately downstream of the development for a selected range of storm durations, and a selected range of Annual Exceedance Probability (AEP) events up to Defined Flood Event (inclusive);
 - 7.4.2 an increase in downstream or upstream inundation levels; and
 - 7.4.3 increase in velocity profiles.

8.0 ELECTRICITY AND TELECOMMUNICATIONS

- 8.1 Electricity and telecommunication connections must be provided to the proposed development to the standards of the relevant authorities prior to the commencement of use.

9.0 ASSET MANAGEMENT

- 9.1 Any alteration necessary to electricity, telephone, water mains, sewerage mains, and/or public utility installations resulting from the development or in connection with the development, must be at full cost to the Developer.
- 9.2 Any damage to existing kerb and channel, pathway or roadway (including removal of concrete slurry from public land, pathway, roads, kerb and channel and stormwater gullies and drainage lines) which may occur during any works carried out in association with the approved development must be repaired. This must include the reinstatement of the existing traffic signs and pavement markings which may have been removed.
- 9.3 'As constructed' information pertaining to assets to be handed over to Council and those which may have an impact on Council's existing and future assets must be provided prior to the issue of the Compliance Certificate for the Survey Plan. This information must be provided in accordance with the Manual for Submission of Digital As Constructed Information.

10.0 VEGETATION CLEARING

- 10.1 A Development Permit for Operational Works (Clearing Works) must be obtained prior to the commencement of any clearing works on the site.
- 10.2 Any application for Operational Works (Clearing Works) must be accompanied with the following:
- 10.2.1 A Site Plan (drawn to scale) indicating the extent of all vegetation clearing on the site;

- 10.2.2 The identification of significant mature trees;
- 10.2.3 The identification of a compensatory area of an equivalent size to the area where vegetation is cleared. The compensatory area must be within riparian areas, buffer areas and existing cleared areas;
- 10.2.4 The details of a rehabilitation planting plan and maintenance plan for the ongoing management of the proposed compensatory area. This must include, but not be limited to:
 - (i) trees, shrubs and groundcovers for all areas to be revegetated;
 - (ii) position and canopy spread of all trees and shrubs;
 - (iii) the extent and type of works;
 - (iv) a plant schedule with the botanic and common names, total plant numbers and pot sizes at the time of planting. Endemic species must be incorporated;
 - (v) maintenance schedule for establishment and maintenance phases including weed management, replacement plantings and fire mitigation; and
 - (vi) long term protection for the compensatory area.

11.0 ENVIRONMENTAL

- 11.1 Any application for a Development Permit for Operational Works must be accompanied by an Erosion and Sediment Control Plan certified by a suitably qualified person.
- 11.2 The Erosion and Sediment Control Management Plan must be implemented, maintained and be available on-site for inspection by Council Officers for the duration of the development works / use.
- 11.3 When requested by Council, nuisance monitoring must be undertaken and recorded within three (3) months, to investigate any genuine complaint of nuisance caused by noise, light or dust. An analysis of the monitoring data and a report, including nuisance mitigation measures, must be provided to Council within fourteen (14) days of the completion of the investigation.
- 11.4 Adequate drainage and erosion control devices are required on access routes to prevent erosion and sedimentation impacts to matters of environmental significance and areas identified as scenic/visual amenity, erosion prone or steep land.

12.0 BUILDING WORKS

- 12.1 All buildings associated with the use must not exceed twelve (12) metres above ground level.

13.0 OPERATING PROCEDURES

- 13.1 The hours of operations for the development must be limited to:
 - (i) 0700 hours to 1800 hours Mondays to Fridays; and
 - (ii) No operations on Saturdays, Sundays or Public Holidays
- 13.2 Any lighting devices associated with the development, such as sensory lighting, must be positioned on the site and shielded so as not to cause glare or other nuisance to nearby residents and motorists. Night lighting must be designed, constructed and operated in accordance with '*Australian Standard AS4282 – Control of the obtrusive effects of outdoor lighting*'.
- 13.3 All un-sealed surface treatments must be operated and maintained in a manner so that there is no significant impact on the amenity of adjoining premises or the surrounding area being caused due to the emission of dust or resulting in sediment

laden water.

Note: If the amenity impacts cannot be mitigated, the area must be sealed to Council's satisfaction.

- 13.4 All construction materials, waste, waste skips, machinery and contractors' vehicles must be located and stored or parked within the site. No storage of materials, parking of construction machinery or contractors' vehicles will be permitted in Artillery Road.

ADVISORY NOTES

NOTE 1. Aboriginal Cultural Heritage

It is advised that under Section 23 of the *Aboriginal Cultural Heritage Act*, a person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal Cultural Heritage (the "cultural heritage duty of care"). Maximum penalties for breaching the duty of care are listed in the Aboriginal Cultural Heritage legislation. The information on Aboriginal Cultural Heritage is available on the Department of Aboriginal and Torres Strait Islander Partnerships website www.datsip.qld.gov.au

NOTE 2. General Environmental Duty

General environmental duty under the *Environmental Protection Act* prohibits unlawful environmental nuisance caused by noise, aerosols, particles dust, ash, fumes, light, odour or smoke beyond the boundaries of the property during all stages of the development including earthworks, construction and operation.

NOTE 3. General Safety of Public During Construction

The *Workplace Health and Safety Act* and *Manual of Uniform Traffic Control Devices* must be complied with in carrying out any construction works, and to ensure safe traffic control and safe public access in respect of works being constructed on a road.

NOTE 4. Environmental

- a. the land subject to the above development application must be free of declared pest plants; as declared at the date of development application in *Local Law No. 3 (Community & Environmental Management) 2011* and Schedule 1 of *Subordinate Local Law 3 (Community & Environmental Management) 2011*; and restricted invasive species in the *Biosecurity Act 2014* or as amended; to the satisfaction of Council's Pest Management Officer, prior to the commencement of any site works. Council will supply a free inspection and advice service on the request of the land owner.
- b. It is advised that part of the subject site is mapped by the Department of Natural Resources, Mines and Energy as containing Least Concern and Of Concern Remnant Vegetation. The *Vegetation Management Act 1999* has requirements with regard to the clearing of vegetation. Information on Vegetation Management is available at:
<https://www.qld.gov.au/environment/land/vegetation/management/>

NOTE 5. Infrastructure Charges Notice

This application is subject to infrastructure charges in accordance with the *Infrastructure Charges Resolution (No.4) 2019*. The charges are presented on an Infrastructure Charges Notice which has been supplied with this decision notice.

RECOMMENDATION B

THAT in relation to the application for a Development Permit for a Material Change of Use for a Medium impact industry, made by KB Waste Group Pty Ltd, on land located at 107 Artillery Road, Ironpot, described as Lot 1 on RP899412, Council resolves to issue an

Infrastructure Charges Notice for the amount of **\$33,413.20**.

COUNCIL RESOLUTION

THAT in relation to the Application for a Development Permit for a Material Change of Use for a Medium Impact Industry, made by KB Waste Group Pty. Ltd, on land located at 107 Artillery Road, Ironpot, described as Lot 1 on RP899412, Council resolves to REFUSE the Application given the following reasons:

- 1) The proposal fails to satisfy the Strategic framework under the Livingstone Planning Scheme 2018 as the proposal will result in:
 - (i) development that causes adverse impacts on areas containing matters of local and state environmental significance, due to clearing of native vegetation, contamination of stormwater runoff, and air and noise emissions;
 - (ii) adverse impacts on the health, amenity and safety of communities, individuals and the natural environment due to potential contamination of stormwater runoff, air and noise emissions, and management of potential harm or nuisance, and
 - (iii) development which is not appropriately separated and buffered from sensitive land uses relative to the potential to generate air and noise emissions.
- 2) The proposal fails to satisfy the purpose of the Rural zone code under the Livingstone Planning Scheme 2018 as the proposal will result in:
 - (i) development that will limit or compromise the potential for uses within the Rural activities group to occur on surrounding properties.
- 3) The proposal fails to satisfy the purpose of the Biodiversity overlay code under the Livingstone Planning Scheme 2018 as the proposal will result in:
 - (i) development that will adversely impact on areas containing matters of local and state environmental significance including water quality and ecological values.
- 4) On balance, the Application should be refused because the development does not comply with the purpose of above aspects of the assessment benchmarks and compliance is unable to be reasonably or relevantly conditioned.

Moved by: Councillor Mather

Seconded by: Councillor Watson

MOTION CARRIED

Cr Hutton voted in the negative

Cr Eastwood voted in the affirmative

Cr Friend voted in the affirmative

In accordance with s. 254H(2) of the *Local Government Regulation 2012*, the statement of reasons for Council not adopting the officer's recommendation are those outlined in the alternative resolution passed.

**11.1 LOCAL GOVERNMENT ASSOCIATION OF QUEENSLAND ANNUAL
CONFERENCE 25-27 OCTOBER 2021 - ATTENDANCE**

File No: CR2.2.13
Attachments: Nil
Responsible Officer: Cale Dendle - Chief Executive Officer
Author: Justine Schofield - Executive Support Officer

SUMMARY

This report is seeking a decision regarding elected member attendance at the 2020 Local Government Association Queensland Annual Conference, which is being held in Mackay on 25 - 27 October 2021.

COUNCIL RESOLUTION

THAT Council endorses that Mayor Ireland and all Councillors attend the 2021 Local Government Association Queensland Annual Conference at Mackay on 25 – 27 October 2021. Mayor Ireland and Councillor Watson to be Council's delegates.

Moved by: Councillor Eastwood

Seconded by: Councillor Watson

MOTION CARRIED UNANIMOUSLY

11.2 2021-22 INVESTMENT POLICY

File No: CM4.7.33
Attachments: 1. 2021-22 Investment Policy
Responsible Officer: Andrea Ellis - Chief Financial Officer
Author: Anish Antony - Coordinator Accounting

SUMMARY

Council's 2021-22 Investment Policy is presented to Council for adoption in accordance with Section 191 of the Local Government Regulation 2012.

COUNCIL RESOLUTION

THAT pursuant to Section 191 of the *Local Government Regulation 2012*, Council adopts the attached Investment Policy for the 2021-22 financial year.

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

MOTION CARRIED UNANIMOUSLY

PROCEDURAL MOTION

10.28AM THAT the meeting be adjourned.

Moved by: Mayor, Councillor Ireland

MOTION CARRIED UNANIMOUSLY

PROCEDURAL MOTION

10.46AM THAT the meeting be resumed.

Moved by: Councillor Mather

MOTION CARRIED UNANIMOUSLY

11.3 MONTHLY FINANCIAL REPORT FOR THE PERIOD ENDING 31 MAY 2021

File No: FM12.14.1
Attachments: 1. Monthly Financial Report May-2021
Responsible Officer: Andrea Ellis - Chief Financial Officer
Author: Anish Antony - Coordinator Accounting Services
Andrea Ellis - Chief Financial Officer
Katie Donovan - Graduate Accountant

SUMMARY

Presentation of the Livingstone Shire Council Monthly Financial Report for the Period Ending 31 May 2021 by the Chief Financial Officer.

COUNCIL RESOLUTION

THAT the Livingstone Shire Council Monthly Financial Report for the period ending 31 May 2021 be received.

Moved by: Deputy Mayor, Councillor Belot

Seconded by: Councillor Friend

MOTION CARRIED UNANIMOUSLY

11.4 CONTRACTING EXCEPTIONS - SOLE SUPPLIER REPORT

File No: FM12.07.07

Attachments: Nil

Responsible Officer: Naomi Nixon - Coordinator Procurement
Andrea Ellis - Chief Financial Officer

Author: Deb Jarman - Acting Quality Assurance and Compliance Officer

SUMMARY

The main purpose of this report is to provide a list of suppliers for whom Livingstone Shire Council is seeking resolution for annual purchases as an exception to the Local Government Regulation 2012 (s235).

COUNCIL RESOLUTION

THAT Council resolves to apply the exception to the services and suppliers listed in the report in accordance with Section 235 (a) or (b), where a local government may enter into a medium-sized contractual arrangement, or a large-sized contractual arrangement without first inviting written quotes or tenders.

AAXA (allaboutXpert)	Specialised nature because of their intimate knowledge of the software and technology – any variations that are not covered under the contract should be covered by sole supplier exception.	S235 (b)
ABB	Original Equipment Manufacturer (OEM) for instrumentation and spares across LSC water and sewer sites - Level instruments, flow instruments, chemical instruments - necessary to maintain warranty.	s235 (a)
Agseptance	Original Equipment Manufacturer (OEM) for inlet screens and spares for Emu Park STP - Brushes for screen, baskets for screen, wear bars for screens - necessary to maintain warranty.	s235 (a)
Aerzen	Original Equipment Manufacturer (OEM) for Membrane blowers at YSTP - spares - necessary to maintain warranty.	s235 (a)
Akvotek	Supplier of membrane cartridges at YSTP	s235 (a)
Andritz	Original Equipment Manufacturer (OEM) for centrifuge and spares at Woodbury Water Treatment Plant (WTP) and Emu Park STP - unique spares for Centrifuge operations - necessary to maintain warranty.	s235 (a)
Arris Pty Ltd	Original Equipment Manufacturer (OEM) Supplier of Rhizopod system for no-release Wastewater Treatment and Dispersal System at Keppel Sands Caravan Park.	s235 (a)
Aurion Corporation Pty Ltd	Sole supplier of Aurion software.	s235 (a)

Bang the Table	Engagement HQ Licence approx. \$20,000 per annum. Platform utilised for community engagement, dedicated IPA 2 software budget simulation tool included.	s235 (a)
Barlows Earthmoving Pty Ltd	<p>Barlows are manufacturers of precision moulded concrete retaining wall blocks (Keppel Blocks, and Kinka Blocks), located on Tanby Rd, Tanby. Transportation costs are a major factor when building retaining walls with interlocking concrete blocks. The blocks enable us to quickly build engineered retaining walls and other permanent retaining structures to standard drawings, reducing construction and design costs.</p> <p>Keppel and Kinka Blocks are a much large sized block size than other retaining blocks available locally. They have a front face area of 0.7 and 0.6 square meters respectively. This compares to a front face area of 0.08 square meters for other commonly available standard blocks. Thus 8 to 9 commonly available standard blocks are required for the same face area as 1 Keppel/Kinka block. Lay the smaller block is labour intensive, whilst the Keppel/Kinka blocks are installed with the aide of machinery.</p> <p>For mass block retaining walls that are manufactured locally this avoids the high freight costs associated with any other possible supplier outside of our region.</p>	s235 (a)
Cardno QLD P/L (for CMDG only)	Sole supply as the Capricorn Municipal Development Guidelines (CMDG) Group elected Cardno to draft and facilitate the CMDG for the collective councils ongoing.	s235 (a)
Civica	Sole Supplier of Reflect software.	s235 (a)
Civil Survey Solutions	Sole supplier of Civil Survey products, bundled with Autodesk.	s235 (a)
Clarivate Analytics (Australia) Pty Ltd	Sole supplier of TechStreet software to access Industry Codes and Standards.	s235 (a)
Conquest Solutions Pty Ltd	Sole supplier of Conquest software.	s235 (a)

Coral Coast Composites	<p>Coral Coast Composites have been manufacturing suitable base liners for over 25 years and they are the only Queensland manufacturer of these fibre reinforced vinyl-ester lined sewer manhole base liners that complies with the Capricorn Municipal Development Guidelines standard drawing CMDG-S-024. The product is proven to resist the corrosive environment found in sewers.</p> <p>A product/supplier search conducted in April 2020 for CMDG-S-024 compliant base liners for the Arthur Street Sewer Project provided only alternative products to which none were suitable.</p> <p>The service provided by Coral Coast Composites is also extends to the lining of concrete manhole chambers with vinyl-ester.</p>	s235 (a)
Darumbal Enterprises Pty Ltd	For when there is a need to deal with the Darumbal People as traditional owners of the land eg: for the purpose of Cultural Heritage searches and Native Title, within the Darumbal Title area	s235 (a)
<p>DWF Enterprises Pty Ltd</p> <p><i>No website available</i></p>	DWF are the only local supplier of machine formed extruded kerb and channel within Central Queensland. They are based in Yeppoon and we incur no mobilisation or accommodation costs. Extruded kerb provides a superior and very durable product compared to kerb constructed in stationary formwork.	s235 (b)
Endress and Hauser	OEM for instrumentation and spares across LSC water and sewer sites - Level instruments, flow instruments, chemical instruments - necessary to maintain warranty.	s235 (a)
Ergon Energy	Sole electricity supplier infrastructure in Central Queensland.	s235 (a)
ESRI Australia Pty Ltd	Sole supplier of ESRI mapping software.	s235 (a)
Evoqua Water Technologies	<p>Original Equipment Manufacturer (OEM) for instrumentation / chemical pumps and spares across LSC water and sewer sites - chlorine dosing pumps, chlorine gas equipment, chlorine measuring instruments, pH measuring instruments - necessary to maintain warranty.</p> <p>Salt, Vacuum Tablets - to supply for Chlorine Membrane Electrolysis system installed at Yeppoon Lagoon - as well as Evoqua salt dissolving tank. Manufacturer Instructions specify Evoqua OSEC Saline salt tablet.</p>	s235 (a)

Flottweg	Original Equipment Manufacturer (OEM) for Centrifuge and spares at Yeppoon Sewage Treatment Plant (STP) - unique spares for Centrifuge operations - necessary to maintain warranty.	s235 (a)
GEA	Original Equipment Manufacturer (OEM) for Centrifuge and spares at Yeppoon STP - unique spares for Centrifuge operations - necessary to maintain warranty.	s235 (a)
Genelite	Original Equipment Manufacturer (OEM) for generators across LSC water and sewer sites - necessary to maintain warranty.	s235 (a)
GlobalPOS	Exclusive supplier of GPS and survey gear purchased by Council. Globalpos installed the permanent base station located at the Depot and undertake routine servicing on the base station, GPS's and other survey gear supplied by them.	s235 (a)
Grundfos	Original Equipment Manufacturer (OEM) for pumps and spares across LSC sewer pump stations, water pump stations, and various other sites - water pumps and spares, sewer pumps and spares, chemical dosing pumps and spares - necessary to maintain warranty.	s235 (a)
HACH	Original Equipment Manufacturer (OEM) for instrumentation and spares across water and sewer sites. –process instruments, desktop instruments, chemical instruments. Necessary to maintain warranty.	s235 (a)
Hastings Deering	Exclusive distributor of Caterpillar Machinery parts.	s235 (a)
Honeywell	SCADA Vendor - ongoing maintenance to the SCADA system.	s235 (a)
Hydroflux	Sole supplier of longopac bags at both STP's - specific bags required for inlet screen disposal.	s235 (a)
InfoCouncil	Sole supplier of Info Council.	s235 (a)
Infor	Sole supplier Pathway.	s235 (a)
Insight Informatics Pty Ltd	Provider of Libero Library Software.	s235 (a)
iPlatinum	Sole supplier of iFerret software.	s235 (a)
iWeigh Solutions Pty Ltd	Weighbridge Software Vendor - ongoing system maintenance.	s235 (a)
KSB	Original Equipment Manufacturer (OEM) for pumps and spares across LSC sewer pump stations, water pump stations, and various other sites - water pumps and spares, sewer pumps and spares - necessary to maintain warranty.	s235 (a)

LG Software Solutions Pty Ltd	Sole supplier of Pulse software.	s235 (a)
Magiq Software Ltd	Sole supplier of Chameleon software.	s235 (a)
Mike Trace Engineering Sales & Services	Exclusive distributor of City Ray and Holder street sweeper parts.	s235 (a)
Nearmap	Sole supplier of high resolution aerial imagery.	s235 (a)
NHP	Exclusive distributor of Allan Bradley SCADA components.	s235 (a)
Nintex	Sole supplier of Pro Map software.	s235 (a)
Objective	Sole Supplier of Trapeze software.	s235 (a)
QIT+	Sole supplier of Guardian - IT used by Local Government managing disaster events under the Queensland Disaster Management Arrangements.	s235 (a)
Royce Technologies	OEM for instrumentation, chemicals and spares for Yeppoon STP - dissolved oxygen sensors and head units, mixed liquor sensors and head units, CHEMSCAN unit - necessary to maintain warranty.	s235 (a)
Siemens	Exclusive supplier of Siemens Magflo meters which are used throughout Council treatment plants for reliable and consistent process control and monitoring with significant advantages for staff familiarity and training, single spares holding and warranty etc Council cannot afford to have multiple different brands of flowmeters.	s235 (a)
SITECH Construction Systems Pty Ltd	<p>SITECH is the global Trimble dealership who distribute site wide technology solutions to the Civil Construction industry, and they have a branch located in Rockhampton.</p> <p>Council has Trimble site positioning equipment installed to its' new Caterpillar Earthmoving machines and a Trimble base station installed on the roof of the Cordingley Street Depot.</p> <p>SITECH will be required on an ongoing basis for the hire and sales of equipment, as well as the ongoing technical support for software and training.</p>	s235(b)
SmartyGrant	Sole Supplier of SmartyGrant software.	s235 (a)
Technology One Pty Ltd	Sole Supplier of TechOne software.	s235 (a)
TechStreet	Provider of web based platform of Australian (and international) standards along with other documents such as ISO and IEC materials.	s235 (a)
Telstra	Sole supplier for telecommunications.	s235 (a)
Temetra	Sole supplier for current Meter Data Management & Mobile Data Collection Software. No other reseller exists for this software.	s235 (a)

Terrequipe Pty Ltd	Exclusive distributor of JCB machinery parts.	s235 (a)
Vega	Original Equipment Manufacturer (OEM) for instrumentation and spares across LSC water and sewer sites - Level instruments, flow instruments - necessary to maintain warranty.	s235 (a)
Waterform Technologies	Original Equipment Manufacturer (OEM) for UV Systems and spares for Emu Park STP - unique spares for disinfectant unit - necessary to maintain warranty.	s235 (a)
Xylem	Original Equipment Manufacturer (OEM) for pumps and spares across LSC sewer pump stations - sewer pumps and spares - necessary to maintain warranty.	s235 (a)

Moved by: Councillor Hutton
Seconded by: Councillor Eastwood
MOTION CARRIED UNANIMOUSLY

11.5 END OF YEAR CLOSEDOWN

File No: PL22.08.06
Attachments: Nil
Responsible Officer: Cale Dendle - Chief Executive Officer
Author: Belinda Housman - Acting Chief Human Resources Officer

SUMMARY

Council is required to inform its employees which offices and depots shall remain open over the Christmas/New Year period. This in turn assists Council to communicate to the community of Council's operating hours during this time. Whilst Council has a legal obligation to notify their employees at least 12 weeks prior to the Christmas/New Year break, traditionally this decision is communicated in July to allow employees and teams sufficient time to plan appropriate staffing levels across the organisation.

COUNCIL RESOLUTION

THAT Council endorses the closure of Council offices/depots from midday Friday, 24 December 2021 and reopens for business on Tuesday, 4 January 2022.

Moved by: Councillor Friend
Seconded by: Councillor Watson

MOTION CARRIED UNANIMOUSLY

11.6 APPLICATION FOR PERMANENT ROAD CLOSURE - HAMS ROAD/NICKEL ROAD, CANOONA**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 located between Lots 175 & 176 LN473 (off Hams Road/Nickel Road, Canoona).

COUNCIL RESOLUTION

THAT Council resolve to:

- 1) advise the applicant, in relation to the proposal to permanently close the road located between Lots 175 & 176 LN473 (off Hams/Nickel Road) that:
 - a) Council does not support the current proposal as it would result in Lot 174 LN473 having no formal access to a dedicated road; and
 - b) Council would support the proposal subject to:
 - i) an access easement in favour of Lot 174 LN473 being dedicated over a neighbouring parcel to an adjacent road reserve; or
 - ii) Lot 174 LN473 being amalgamated with a neighbouring parcel to ensure that this property is not land locked.
- 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:
 - a) does not support the current proposal to permanently close the road located between Lots 175 & 176 LN473 (off Hams/Nickel Road) as it would result in Lot 174 LN473 having no formal access to a dedicated road; and
 - b) Council would support the proposal subject to:
 - i) an access easement in favour of Lot 174 LN473 being dedicated over a neighbouring parcel to an adjacent road reserve; or
 - ii) Lot 174 LN473 being amalgamated with a neighbouring parcel to ensure that this property is not land locked.

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

11.7 APPLICATION FOR PERMANENT ROAD CLOSURE - CLIFF STREET YEPPON

File No:	14.4.2
Attachments:	1. Plan 2. Application for road closure 3. SP314281
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

SUMMARY

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

COUNCIL RESOLUTION

THAT Council resolve to:

1. advise the applicant that it objects to the proposal to permanently close the road adjoining Lot 1 SP314281 (47 Cliff Street, Yeppoon) because it would result in:
 - a) inadequate width to cater for services;
 - b) a road reserve that does not comply with CMDG standards; and
 - c) a road that is inconsistent with the surrounding road reserves of similar or lower road hierarchies.
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 proposal to permanently close the road adjoining Lot 1 SP314281 (47 Cliff Street, Yeppoon) because it would result in:
 - a) inadequate width to cater for services;
 - b) a road reserve that does not comply with CMDG standards; and
 - c) a road that is inconsistent with the surrounding road reserves of similar or lower road hierarchies.

Moved by: Councillor Mather

Seconded by: Councillor Friend

MOTION CARRIED UNANIMOUSLY

11.8 PACIFIC HEIGHTS ROAD TRAFFIC ISSUES**File No:** CR2.13.40**Attachments:**

1. Mid block raised platform
2. Intersection raised platform
3. Diamond mid-block slow point
4. Angled mid block slow point

Responsible Officer: Michael Kriedemann - Executive Director Infrastructure
Author: Kat Groves - Executive Assistant to Director Infrastructure Services**Previous Items:** 12.7 - Response to Mayoral Minute - Pacific Heights Road Traffic Issues - Ordinary Council - 18 Aug 2020 9.00am
9.1 - Mayoral Minute - Pacific Heights Road - Ordinary Council - 18 Aug 2020 9.00am

SUMMARY

On 18 August 2020 Council resolved to reduce the speed limit along Pacific Heights Road to 40 kilometers per hour. The speed limit reduction has been the subject of an internal officer speed limit review, an external independent speed limit review and discussed at the Fitzroy District 3E Speed Management Committee.

Some confusion exists as to the Chief Executive Officers powers under the Manual of Uniform Traffic Control Devices to approve the changes considering the recommendation is not supported by the Road Safety Committee.

Council Officers are interested to explore the option of a Local Area Traffic Management Scheme whereby horizontal or vertical deflection devices may be installed to lower the average speed in the street. In order to further explore this traffic management treatment, Officers propose to conduct community consultation with residents of Pacific Heights Road, bus companies and emergency services to gauge the support for this option.

COUNCIL RESOLUTION

That Council resolves to:

1. Reaffirm its commitment to explore ways to reduce traffic speeds along Pacific Heights Road between Roberts Road and St Benedict's School;
2. Postpone changing the speed limit along Pacific Heights Road from Roberts Road through to St Benedict's School to 40 kilometers per hour until after the community engagement activity is completed and the results are presented to Council;
3. Commence community engagement activities and seek feedback from residents on the proposal to install Local Area Traffic Management devices; and
4. Provide a report within 3 months detailing the community engagement results and estimated cost to install a Local Area Traffic Management Scheme.

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

11.9 RESPONSE TO NOTICE OF MOTION - COUNCILLOR MATHER - MOUNT CHARLTON PIPELINE

File No: GV13.4.4
Attachments: Nil
Responsible Officer: Michael Kriedemann - Executive Director Infrastructure
Author: Nige Deacon - Manager Water and Waste Operations
Previous Items: 12.1 - Notice of Motion - Councillor Mather - Mt Charlton Pipeline Report - Ordinary Council - 20 Apr 2021 9.00am
5.5 - Response to Notice of Motion - Councillor Mather - Mount Charlton Pipeline - Briefing Session - 01 Jun 2021 9.00am

SUMMARY

This report is in response to a Notice of Motion tabled by Councillor Mather at the Ordinary Council meeting on 20 April 2021 regarding the Mt Charlton pipeline.

PROCEDURAL MOTION

11.34AM

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 11.9 – Response to Notice of Motion – Cr Mather – Mount Charlton Pipeline prior to entering into formal debate.

Moved by: Councillor Mather

MOTION CARRIED

PROCEDURAL MOTION

11.40AM

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 resolves:

1. to note the urgent repairs to the failed line valve near the Greenlake / Dawson Road intersection that officers are programmed to replace in the coming months;
2. that officers use the costs of the urgent repairs to the failed line valve to inform a future funding submission for further essential works;
3. that Council Officers investigate long term funding options for the renewal of the pipeline and present these at future budget discussions.

Moved by: Councillor Mather

Seconded by: Councillor Friend

MOTION CARRIED UNANIMOUSLY

11.10 SHORT TERM PARKING SITES FOR RECREATIONAL VEHICLES AND CARAVANS

File No: GV13.4.4

Attachments: 1. Site Locations

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

Author: Amal Meegahawattage - Co-ordinator Infrastructure Planning

Previous Items: 9.2 - Mayoral Minute - Caravan and RV Parking - Yeppoon - Ordinary Council - 16 Jun 2020 9.00am
Potential Short Term Parking Sites for Recreational Vehicles and Caravans - Briefing Session - 01 Sep 2020 9.00am
11.6 - Short Term Parking Sites for Recreational Vehicles and Caravans - Ordinary Council - 20 Apr 2021 9.00am

SUMMARY

This report provides information in relation to the outcome of community consultation for constructing short term parking facilities for recreational vehicles and caravans close to or within Livingstone Shire's townships and the resulting priority locations.

COUNCIL RESOLUTION

THAT Council resolves to endorse the priority locations for the future construction of parking facilities for recreational vehicles and caravans as identified in this report, in order of ranking subject to confirmation of costings and constraints.

Moved by: Deputy Mayor, Councillor Belot

Seconded by: Councillor Hutton

MOTION CARRIED UNANIMOUSLY

11.11 UNSEALED ROADS SERVICE LEVELS**File No:** RD28.4.4**Attachments:** Nil**Responsible Officer:** Michael Kriedemann - Executive Director Infrastructure**Author:** Jeff Carter - Manager Construction & Maintenance**Previous Items:** 12.10 - Unsealed Roads Service Levels - Ordinary Council - 21 Jul 2020 9.00am
5.1 - Unsealed Roads Service Levels - Briefing Session - 06 Apr 2021 9.00am

SUMMARY

Council's current service levels for unsealed roads provides for grading works once the average roughness along an entire section of road exceeds a roughness count of 7.0. At recent 2021/2022 budget workshops to discuss levels of service, this intervention level was generally endorsed by Councillors on the proviso that an intervention level of 6.0 be used on those unsealed roads that are school bus routes.

12:02PM Mayor, Councillor Ireland left the meeting.**12:02PM** Cr Friend left the meeting.

Pursuant to Section 2.6.2 of the Meeting Procedure Policy, Deputy Mayor Belot assumed the chair.

12:04PM Cr Friend returned to the meeting.**12:05PM** Mayor, Councillor Ireland returned to the meeting.**Mayor Ireland resumed the chair.****COUNCIL RESOLUTION**

THAT Council resolves that:

1. The current intervention level for engaging grading maintenance on unsealed roads remain at an International Roughness Index of 7.0; and
2. Grading maintenance on active school bus routes is increased to an intervention level of an International Roughness Index of 6.0.

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

11.12 COUNCIL PLANNED REGIONAL ARTS DEVELOPMENT FUND STRATEGIC INITIATIVE

File No: GS15.2.5
Attachments: Nil
Responsible Officer: Trish Weir - Manager Customer Engagement & Communications
Brett Bacon - Executive Director Liveability & Wellbeing
Author: Julie Bickley - Coordinator Library, Arts & Culture

SUMMARY

There is \$5,141 of unexpended funds in the 2020/2021 Regional Arts Development Fund budget. There have been two successful rounds and a third round was offered recently; however, there were no applications. The Regional Arts Development Fund Assessment Panel has nominated to invite a local videographer to develop a short visual record of four current projects funded by the Regional Arts Development Fund. This documentation will be utilised for the purpose of showcasing and promoting the diverse and vibrant projects undertaken throughout the community with the Regional Arts Development Funding grants, with a view to encouraging and informing future applicants.

I, Councillor Adam Belot, declare that I may have a declarable conflict of interest in Item 11.2 – Council Planned Regional Arts Development Fund Strategic Initiative, as my son in law is a local videographer. I will leave the chambers for the discussion and voting in relation to this item.

12:17PM Deputy Mayor, Councillor Belot left the meeting.

COUNCIL RESOLUTION

THAT the remaining funds of \$5,141 in the 2020/2021 Regional Arts Development Fund budget be utilised to engage a local videographer (through invitation to quote) to develop a short visual documentary of four current projects funded by the Regional Arts Development Fund.

Moved by: Councillor Watson

Seconded by: Councillor Mather

MOTION CARRIED UNANIMOUSLY

12:24PM Deputy Mayor, Councillor Belot returned to the meeting.

11.13 REVIEW OF KEPPEL BAY SAILING CLUB MEMORANDUM OF UNDERSTANDING**File No:** EB8.5.12**Attachments:**

1. Copy of SP307490 with Permit to Occupy area highlighted
2. Aerial Image Yeppoon Lagoon proposed lease area
3. Yeppoon Lagoon designated area map

Responsible Officer: Trish Weir - Manager Customer Engagement & Communications
Brett Bacon - Executive Director Liveability & Wellbeing**Author:** Meegan Armstrong - Coordinator Engagement and Events

SUMMARY

The report discusses the Memorandum of Understanding between Keppel Bay Sailing Club and Livingstone Shire Council for the use of a section of the Yeppoon foreshore and Anzac Parade by the Sailing club. Discussions between internal stakeholders and the Keppel Bay Sailing Club have concluded that the memorandum of understanding can be formally discontinued.

COUNCIL RESOLUTION

THAT Council resolves to:

- (1) discontinue the current Memorandum of Understanding with the Keppel Bay Sailing Club (sailing days/regattas);
- (2) manage future sailing events and regattas conducted by the Keppel Bay Sailing Club through the Temporary Event process, as prescribed by *Local Law No. 1 (Administration) 2011* and *Subordinate Local Law No. 1.12 (Operation of Temporary Entertainment Events) 2011*;
- (3) approve road closure times for Sunday sailing days from 23:00 hours on the Saturday night prior to the sailing day until 16:00 hours on the Sunday of the event;
- (4) authorise Council's officers to progress discussions with the Keppel Bay Sailing Club with respect to possible options regarding tenure over the area indicated on Attachment One (1), which is part of the road reserve and part of the Reserve for Recreation described as Lot 65 on SP307490; and
- (5) waive the park hire and administration fee in accordance with Council's adopted fees and charges; and
- (6) require payment of an annual security bond of \$3,000.

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

11.14 EMU PARK COMMUNITY ARTS CENTRE 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 Community Arts Centre with Emu Park Art Gallery Incorporated.

12:33PM Councillor Hutton left the meeting.

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 Art Gallery Incorporated over Lot 98 on Crown Plan LN1999;
- 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 Art Gallery Incorporated over Lot 98 on Crown Plan LN1999; and
- 3) to provide tenure for a three year period to Emu Park Art Gallery Incorporated over Lot 98 on Crown Plan LN1999, once construction of the Emu Park Community Arts Centre is completed.

Moved by: Councillor Watson
Seconded by: Councillor Eastwood

MOTION CARRIED UNANIMOUSLY

COUNCIL RESOLUTION

12.37PM THAT the meeting be adjourned.

Moved by: Cr Mather
MOTION CARRIED UNANIMOUSLY

01:15PM Councillor Hutton returned to the meeting.

COUNCIL RESOLUTION

1.15PM THAT the meeting be resumed.

Moved by: Councillor Hutton
MOTION CARRIED UNANIMOUSLY

**11.15 CESSATION OF COOEE BAY PROGRESS AND SPORTS ASSOCIATION
TENURE AND ASSOCIATED RATES ARREARS.**

File No: CP5.9.2-247
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 discusses the transition of the Cooee Bay Sports Complex to Council's control due to the expiry of tenure held by the Cooee Bay Sports and Progress Association Incorporated over the premises and associated rates arrears.

COUNCIL RESOLUTION

THAT Council

- 1) recognises the Cooee Bay Sports and Progress Association's debt of \$2,636.20 plus any interest accrued as unrecoverable and proceeds to write off the arrears as a bad debt; and
- 2) writes to the former members of the Cooee Bay Progress and Sports Association thanking them for their past service and their involvement in the progress of the facility.

Moved by: Councillor Hutton
Seconded by: Councillor Eastwood

MOTION CARRIED UNANIMOUSLY

11.16 CAWARRAL CRICKET CLUB INCORPORATED - REQUEST FOR FEE RELIEF.**File No:** CP5.09.02-370**Attachments:**

1. Livingstone Shire Council Invoice to Cawarral Cricket Club - January 2021
2. Letters from Cawarral Cricket Club Incorporated to Livingstone Shire Council requesting fee relief.

Responsible Officer: David Mazzaferri - Manager Community Wellbeing**Author:** Molly Saunders - Principal Community Development & Engagement Officer

SUMMARY

This report details the request from the Cawarral Cricket Club Incorporated to waive survey fees associated with their lease renewal over portions of Trustee Land located at Lot 71 Annie Drive, Cawarral.

COUNCIL RESOLUTION

THAT Council waive the survey related fees invoiced to the Cawarral Cricket Club Incorporated (invoice number 7361), amounting to two thousand, one hundred and seventy nine dollars and fifty cents (\$2,179.50), in recognition of the lack of communication provided by Council regarding these fees and the recent impact of COVID-19 on Cawarral Cricket Club Incorporated's operations in 2020.

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

11.17 THE CAPRICORN COAST SOCIETY OF ARTS INCORPORATED (THE PAINT POT GALLERY) - REQUEST FOR RENT RELIEF.

File No: CP5.09.02-264

Attachments: 1. Letter from the Capricorn Coast Society of Arts Incorporated requesting fee relief.

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

Author: Molly Saunders - Principal Community Development & Engagement Officer

SUMMARY

This report discusses the request from The Capricorn Coast Society of Arts Incorporated (The Paint Pot Gallery) for rent relief due to COVID-19 impacts on their operations in 2020.

OFFICER'S RECOMMENDATION

THAT Council waives fifty per cent (totalling \$800) of the 2021/2022 rental fee (totalling \$1,600) levied to the Capricorn Coast Society of Arts Incorporated in recognition of the impact COVID-19 and infrastructure works on The Mil Gallery has had on its operations.

COUNCIL RESOLUTION

THAT Council waives the 2021/2022 rental fee (totalling \$1,600) levied to the Capricorn Coast Society of Arts Incorporated in recognition of the impact COVID-19 and infrastructure works on The Mil Gallery has had on its operations.

Moved by: Councillor Hutton
Seconded by: Councillor Watson

MOTION CARRIED

Mayor Ireland voted in the negative
Cr Hutton voted in the affirmative
Cr Eastwood voted in the affirmative
Cr Friend voted in the affirmative

11.19 DEVELOPMENT APPLICATION D-412-2020 FOR A DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE FOR NON-RESIDENT WORKFORCE ACCOMODATION (243 PERSONS) AT LOT 1 KUNWARARA ROAD, MARLBOROUGH

File No: D-412-2020

Attachments:

1. D-412-2020 - Proposal Plan
2. D-412-2020 - Locality Plan
3. D-412-2020 - Code Assessment

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

Author: Tammy Wardrop - Planning Officer

SUMMARY

Applicant: Laing O'Rourke Australia Construction Pty Ltd
A.B.N. 39 112 099 000

Consultant: Capricorn Survey Group (CQ) Pty Ltd

Real Property Address: Lot 1 on RP860084

Area of Site: 14.12 hectares

Planning Scheme: Livingstone Planning Scheme 2018

Planning Scheme Zone: Rural zone

Planning Scheme Overlays: OM10 Biodiversity – Wetlands and waterways

- MLES Wetlands

OM11 Biodiversity – Stream Order

- Stream order 3
- Waterway potential assessment area

OM15 Drainage problem area

OM20 Road Hierarchy

- State road

OM23 Transport Noise Corridor – Mandatory

- Category 1, 2 and 3

Existing Development: Shed and water tanks

Level of Assessment: Impact Assessable

Submissions: One (1) properly made submission received

Referral matters: State-controlled Road

Infrastructure Charge Area: Outside the Priority Infrastructure Area

Application progress:

<i>Application received:</i>	23 December 2020
<i>Application properly made:</i>	22 February 2021
<i>Development control unit meeting:</i>	13 January 2021
<i>Action notice issued:</i>	20 January 2021
<i>Response to Action notice received:</i>	22 February 2021
<i>Confirmation notice issued:</i>	26 February 2021

<i>Application referred to State agency:</i>	<i>18 March 2021</i>
<i>Public notification period:</i>	<i>9 April 2021 to 6 May 2021</i>
<i>State agency response:</i>	<i>14 April 2021</i>
<i>Notice of compliance received:</i>	<i>11 May 2021</i>
<i>Submission consideration period:</i>	<i>11 May 2021 – 25 May 2021</i>
<i>Minor or other change received:</i>	<i>27 April 2021 (amended site plan)</i>
<i>Council Briefing date:</i>	<i>4 May 2021</i>
<i>Changed State agency response:</i>	<i>7 May 2021</i>
<i>Decision period commenced:</i>	<i>25 May 2021</i>
<i>Council meeting date:</i>	<i>15 June 2021</i>
<i>Statutory determination date:</i>	<i>13 July 2021</i>

COUNCIL RESOLUTION

THAT in relation to the application for a Development Permit for a Material Change of Use for Non-resident workforce accommodation, made by Laing O'Rourke Australia Construction Pty Ltd A.B.N. 39 112 099 000, on Lot 1 on RP860084 and located at Lot 1 Kunwarara Road, Marlborough, Council resolves to Approve the application subject to the following conditions:

1.0 ADMINISTRATION

- 1.1 The Developer is responsible for ensuring compliance with this approval and the Conditions of the approval by an employee, agent, contractor or invitee of the Developer.
- 1.2 Where these Conditions refer to "Council" in relation to requiring Council to approve or to be satisfied as to any matter, or conferring on the Council a function, power or discretion, that role of the Council may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.
- 1.3 All conditions of this approval must be undertaken and completed to the satisfaction of Council, at no cost to Council.
- 1.4 Where applicable, infrastructure requirements of this approval must be contributed to the relevant authorities, at no cost to Council, prior to the commencement of the use, unless otherwise stated.
- 1.5 The following further Development Permits must be obtained prior to the commencement of any works associated with its purposes:
 - 1.5.1 Operational Works:
 - (i) Road Works; and
 - (ii) Access and Parking Works.
 - 1.5.2 Building Works; and
 - 1.5.3 Plumbing and Drainage Works.
- 1.6 All Development Permits for Operational Works must be obtained prior to the issue of a Development Permit for Plumbing and Drainage Works and Building Works.
- 1.7 Unless otherwise stated, all works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards.

- 1.8 All engineering drawings/specifications, design and construction works must comply with the requirements of the relevant *Australian Standards* and must be approved, supervised and certified by a Registered Professional Engineer of Queensland.

2.0 APPROVED PLANS AND DOCUMENTS

- 2.1 The approved development must be completed and maintained generally in accordance with the approved plans and documents, except where amended by the conditions of this permit:

<u>Plan/Document Name</u>	<u>Plan/Document Reference</u>	<u>Dated</u>
Overall Layout Plan	SKC002 Revision 2	30 April 2021
Manager's Accommodation	MA-A02-FP01 Revision C	30 October 2012
Double Room Plan	Not numbered	Not dated
Standard Room Plan	Not numbered	Not dated
Traffic Impact Assessment	Report No. SWB0003/R01 Revision C	22 December 2020
Engineering Infrastructure Report	Report No. SWB0003/R02 Revision C	22 December 2020

- 2.2 Where there is any conflict between the conditions of this approval and the details shown on the approved plans and documents, the conditions of approval must prevail.

- 2.3 Where conditions require the above plans or documents to be amended, the revised document(s) must be submitted for approval by Council prior to the submission of a Development Application for Operational Works.

3.0 CESSATION OF USE

- 3.1 This approval is for a development to be undertaken for a period of five (5) years from the date of commencement of use.

- 3.2 At the cessation of the use all buildings, equipment and infrastructure must be removed from the site and the area re-instated to the pre-development condition. Remove and re-instatement must occur within three (3) months of the cessation of the use and documentation confirming the actions must be provided to Council advising of the actions taken.

4.0 ROAD WORKS

- 4.1 A Development Permit for Operational Works (road works) must be obtained prior to the commencement of any road works on the site.

- 4.2 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, relevant *Australian Standards* and the provisions of a Development Permit for Operational Works (road works).

- 4.3 The section of Old Bruce Highway located between the existing access of the Marlborough Motel and Caravan Park (chainage approximately 400 metres measured from the intersection of Kunwarara Road and Old Bruce Highway) and the proposed access of the development site, must be upgraded to:

- 4.3.1 a minimum pavement width (including shoulders) of 6.5 metres or to align with the existing pavement width of Old Bruce Highway at the existing access of the Marlborough Motel and Caravan Park (chainage approx.400

metres measured from the intersection of Kunwarara Road and Old Bruce Highway);

4.3.2 have a minimum sealed width of four (4) metres; and

4.3.3 have all necessary drainage infrastructure (for example, table drains and any road cross drainage infrastructure).

4.4 Traffic signs and pavement markings including any alterations must be provided in accordance with the *Manual of Uniform Traffic Control Devices (Queensland)*.

5.0 ACCESS AND PARKING WORKS

5.1 A Development Permit for Operational Works (access and parking works) must be obtained prior to the commencement of any access works on the site.

5.2 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, *Australian Standard AS2890 "Off Street Car Parking"* and the provisions of a Development Permit for Operational Works (access and parking works).

5.3 All parking and associated vehicle manoeuvring areas as demonstrated on "Overall Layout Plan" sheet number SKC002 revision 2 dated 30 April 2021, must be sealed.

5.4 A commercial standard access driveway must be designed and constructed. The width of the access driveway and its location must demonstrate compliance with the detailed swept path analysis of the design vehicle.

5.5 A minimum of sixty (60) standard off-street parking spaces (including universal parking spaces) must be provided.

5.6 All stormwater runoff from parking and vehicular manoeuvring areas must demonstrate lawful discharge.

5.7 All vehicle operations associated with the proposed use must be directed by suitable directional, informative, regulatory or warning signs in accordance with *Manual of Uniform Traffic Control Devices (Queensland)*.

6.0 PLUMBING AND DRAINAGE WORKS

6.1 Development Permit for Plumbing and Drainage Works must be obtained prior to commencement of any plumbing and drainage works.

6.2 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Queensland Plumbing and Wastewater Code*, *Capricorn Municipal Development Guidelines*, Council's Plumbing and Drainage Policies and the provisions of a Development Permit for Plumbing and Drainage Works.

6.3 A suitably sized on-site sewerage treatment and disposal facility must be provided within the site in accordance with the *Queensland Plumbing and Wastewater Code*.

6.4 Wastewater must be removed by an approved waste removalist. Contaminants must not discharge into water courses or adjoining properties.

6.5 On-site water storage for potable water supply purposes, with a minimum storage capacity of 280,000 litres must be provided for the development.

7.0 BUILDING WORKS

7.1 A Development Permit for Building Works must be obtained prior to the commencement of any building works on the site.

7.2 The habitable floor level must be certified by a suitably qualified *Registered Professional Engineer of Queensland*, taking into account relevant flood information (refer advisory note 4). If necessary, certification must also include an "Emergency Evacuation Plan".

7.3 All hazardous materials in excess of 2,500 litres or 2,500 kilograms, must be stored

above the defined flood hazard level.

- 7.4 All roof and allotment drainage must be discharged lawfully in accordance with the requirements of the *Queensland Urban Drainage Manual* and the *Capricorn Municipal Development Guidelines*.

- 7.5 Site works must be constructed such that they do not, at any time, in any way restrict, impair or change the natural flow of runoff water, or cause an actionable nuisance to adjoining properties or damage infrastructure.

- 7.6 Structures or buildings must not conflict with separation distances as detailed with the *Queensland Plumbing and Wastewater Code*.

8.0 LANDSCAPING WORKS

- 8.1 A minimum five (5) metre wide, 100 metre long vegetation buffer must be provided along the northern boundary of the site fronting Kunwarara Road, commencing at the northwest corner of the site adjoining the Marlborough Motel and Caravan Park.

The vegetation buffers must assist with visually screening the development from Kunwarara Road and must be established with fast growing or mature screening species that are endemic to the location.

- 8.2 All landscaping must be constructed and or established, prior to the commencement of the use.

- 8.3 The landscaped areas must be subject to an ongoing maintenance and replanting programme (if necessary) for the lifespan of the use.

9.0 ELECTRICITY AND TELECOMMUNICATIONS

- 9.1 Electricity and telecommunication connections must be provided to the proposed development to the requirements of the relevant authority, prior to the commencement of the use.

10.0 ASSET MANAGEMENT

- 10.1 Any alteration necessary to electricity, telephone, water mains, sewerage mains, and/or public utility installations resulting from the development or in connection with the development, must be at full cost to the Developer.

- 10.2 'As constructed' information pertaining to assets to be handed over to Council and those which may have an impact on Council's existing and future assets must be provided prior to the commencement of use. This information must be provided in accordance with the Manual for Submission of Digital As Constructed Information.

11.0 ENVIRONMENTAL

- 11.1 Any application for a Development Permit for Operational Works must be accompanied by an Erosion and Sediment Control Plan certified by a suitably qualified person.

- 11.2 The Erosion Control and Stormwater Control Management Plan must be implemented and maintained on-site for the duration of the works, and until all exposed soil areas are permanently stabilised (for example, turfed, hydromulched, concreted, landscaped). The Erosion and Sediment Control Plan must be available on-site for inspection by Council Officers during those works.

12.0 OPERATING PROCEDURES

- 12.1 A Site Based Management Plan must be provided, implemented and maintained on-site for the duration of the works and the use detailing daily operations of the use including, but not limited to:

12.1.1 Water delivery; licenced contractor details and frequency of deliveries.

12.1.2 Wastewater removal; licenced contractor details, frequency of removals and

- location of approved waste water treatment plant.
- 12.1.3 General waste management; licenced contractor details and details of removal.
 - 12.1.4 Fuel storage; use, quantity and storage method.
 - 12.1.5 Waste Cooking oil disposal; licenced contractor details and details of removal.
 - 12.1.6 Water compliance with the Australian Drinking Water Guidelines
- 12.2 All construction materials, waste, waste skips, machinery and contractors' vehicles must be located and stored or parked within the site. No storage of materials, parking of construction machinery or contractors' vehicles will be permitted in Old Bruce Highway and Kunwarara Road.
 - 12.3 An adequately sized waste storage area must be provided with an imperviously sealed pad. All waste and waste water from wash down areas and drains must be directed to an approved waste water disposal system or approved storage system to be removed and disposed of off-site as required.
 - 12.4 All waste storage areas must be aesthetically screened, kept in a clean, tidy condition.
 - 12.5 Any lighting devices associated with the development, such as sensory lighting, must be positioned on the site and shielded so as not to cause glare or other nuisance to nearby residents and motorists. Night lighting must be designed, constructed and operated in accordance with '*Australian Standard AS4282 – Control of the obtrusive effects of outdoor lighting*'.
 - 12.6 The on-site office building must be clearly signed and all accommodation rooms must be clearly defined and numbered.

ADVISORY NOTES

NOTE 1. Aboriginal Cultural Heritage

It is advised that under Section 23 of the *Aboriginal Cultural Heritage Act 2003*, a person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal Cultural Heritage (the "cultural heritage duty of care"). Maximum penalties for breaching the duty of care are listed in the Aboriginal Cultural Heritage legislation. The information on Aboriginal Cultural Heritage is available on the Department of Aboriginal and Torres Strait Islander and Multicultural Affairs website <https://www.datsip.qld.gov.au/>

NOTE 2. General Environmental Duty

General environmental duty under the *Environmental Protection Act* prohibits unlawful environmental nuisance caused by noise, aerosols, particles dust, ash, fumes, light, odour or smoke beyond the boundaries of the property during all stages of the development including earthworks, construction and operation.

NOTE 3. General Safety Of Public During Construction

The *Workplace Health and Safety Act* and *Manual of Uniform Traffic Control Devices* must be complied with in carrying out any construction works, and to ensure safe traffic control and safe public access in respect of works being constructed on a road.

NOTE 4. Flood Hazard

The development site is affected by creek flooding as per the information provided by Queensland Globe. Council has no records to substantiate the level

of flooding that occurs on the land and the property owner(s) are made aware that the site is subject to flood hazard. Anecdotal evidence may provide further information.

NOTE 5. Licensable Activities

Should an activity licensable by Livingstone Shire Council be proposed for the premises, Council's Environmental Health Unit must be consulted to determine whether any approvals are required, such as food business licensing. Approval for such activities is required before 'fit out' and operation. A food business licence will require the periodic testing of potable water.

NOTE 6. Infrastructure Charges Notice

This application is subject to infrastructure charges in accordance with Council policies. The charges are presented on an Infrastructure Charges Notice which has been supplied with this decision notice.

RECOMMENDATION B

That in relation to the application for a Development Permit for a Material Change of Use for Non-resident workforce accommodation, made by Laing O'Rourke Australia Construction Pty Ltd A.B.N. 39 112 099 000, on Lot 1 on RP860084 and located at Lot 1 Kunwarara Road, Marlborough, Council resolves to issue an Infrastructure Charges Notice for the amount of **\$123,752.50** which incorporates a reduction to the standard charge due to the temporary nature of the development.

Moved by: Councillor Hutton

Seconded by: Councillor Eastwood

MOTION CARRIED

Cr Friend voted in the negative

Cr Hutton voted in the affirmative

Cr Eastwood voted in the affirmative

**11.20 PROPOSED FREEHOLD LEASE TO COMMONWEALTH OF AUSTRALIA
BUREAU OF METEOROLOGY OVER PART OF LOT 11 ON SURVEY PLAN
239039 - BARMARYEE**

File No: CP5.9.2

Attachments:

1. Proposed installation
2. Aerial of proposed location

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

Author: Maddie Crigan - Principal Property Officer

SUMMARY

This report pertains to a request received from the Commonwealth of Australia Bureau of Meteorology to locate an Automated Meteorological Balloon Launching System on Council land at Neils Road, Barmaryee, which is the site of the Barmaryee Effluent Treatment Station.

COUNCIL RESOLUTION

THAT Council resolve:

1. that the exception mentioned in section 236(1)(b)(i) of the *Local Government Regulation 2012* may apply in its dealing with the Commonwealth of Australia through the Bureau of Meteorology over part of Lot 11 on Survey Plan 239039;
2. pursuant to section 236(2) of the *Local Government Regulation 2012* to apply section 236(1)(b)(i) of the *Local Government Regulation 2012* in its dealing with the Commonwealth of Australia through the Bureau of Meteorology over part of Lot 11 on Survey Plan 239039; and
3. to provide a ten (10) year lease to the Commonwealth of Australia through the Bureau of Meteorology, at a nominal rent amount of \$1 per annum, over part of Lot 11 on Survey Plan 239039.

Moved by: Deputy Mayor, Councillor Belot

Seconded by: Councillor Hutton

MOTION CARRIED UNANIMOUSLY

11.21 REQUEST FOR LETTER OF SUPPORT - DARUMBAL TRADITIONAL USE OF MARINE RESOURCES AGREEMENT DEVELOPMENT**File No:** GV**Attachments:**

1. Letter of Confirmation
2. Darumbal - Native Title Extract
3. Darumbal TUMRA

Responsible Officer: David Mazzaferri - Manager Community Wellbeing**Author:** Molly Saunders - Principal Community Development & Engagement Officer
Justine Schofield - Executive Support Officer

SUMMARY

The Darumbal People Aboriginal Corporation Registered Native Title Body (DPAC RNTBC) requests a letter of support from Livingstone Shire Council to assist the Darumbal People Aboriginal Corporation (RNTBC) in gaining accreditation of the Darumbal Traditional Use of Marine Resources Agreement (TUMRA).

OFFICERS RECOMMENDATION

THAT Livingstone Shire Council provides a letter of support to the Darumbal People Aboriginal Corporation RNTBC to support their application for accreditation of the Darumbal Traditional Use of Marine Resources Agreement.

COUNCIL RESOLUTION

That pursuant to s2.18.1(c) and s2.18.8 of Livingstone Shire Council's Meeting Procedures Policy the meeting proceeds to the next item of business.

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

11.22 COUNCILLOR REMUNERATION 2021-22

File No: GV13.5.2
Attachments: Nil
Responsible Officer: Cale Dendle - Chief Executive Officer
Author: Andrea Ellis - Chief Financial Officer

SUMMARY

This report seeks to inform and advise of legislative requirements with regards to Councillor remuneration.

OFFICER'S RECOMMENDATION

That Council receives the annual review of Councillor remuneration conducted by the Local Government Remuneration Commission.

COUNCIL RESOLUTION

THAT Council adopts the remuneration schedule as recommended by the Local Government Remuneration Commission.

Moved by: Councillor Eastwood

Seconded by: Councillor Hutton

DIVISION:

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

Crs A Friend, A Ireland and G Mather voted in the negative.

MOTION CARRIED

12 QUESTIONS/STATEMENT/MOTIONS ON NOTICE FROM COUNCILLORS

12.1 NOTICE OF MOTION - COUNCILLOR BELOT - YEPPOON SHOWGROUNDS

File No: GV13.4.4

Attachments:

1. Notice of Motion - Councillor Belot - Yeppoon Showgrounds
2. Ecosure Flora and Fauna Assessment

Responsible Officer: Amanda Ivers - Coordinator Executive Support

SUMMARY

Councillor Adam Belot has submitted a 'Notice of Motion' in relation to Yeppoon Showgrounds.

COUNCIL RESOLUTION

THAT in order to assist the Yeppoon Show Society, advance their goals to develop the new Showgrounds at the corner of Millroy Drive and Stanley Avenue, Council will:

1. Receive the attached Ecosure Flora and Fauna Assessment Report: Lot 11 RP848831; and
2. Support in principle an alternate biodiversity corridor as shown in Figure 5 identified as being more appropriate for the Developer (Show Society) and the wildlife (as described on page 16 report); and
3. Request costings from Ergon Energy to reconfigure the power line easement to a more suitable location (within the subject land) and further consider what financial support Council can provide toward this cost.

Moved by: Deputy Mayor, Councillor Belot

Seconded by: Councillor Mather

MOTION CARRIED UNANIMOUSLY

12.2 NOTICE OF MOTION - COUNCILLOR MATHER - TOOKERS ROAD**File No:** GV13.4.4**Attachments:** 1. Notice of Motion - Councillor Mather -
Tookers Road**Responsible Officer:** Amanda Ivers - Coordinator Executive Support

SUMMARY

Councillor Glenda Mather has submitted a 'Notice of Motion' in relation to the soil binder trial at Tookers Road.

COUNCIL RESOLUTION

THAT due to the incomplete spread of soilbinding material at the Tookers Road Annie Drive intersection by approximately three (3) metres, Council complete the work which will include the full width of the gravel intersection, and include a dividing white line to separate the in-coming and out-going vehicles on Tookers Road.

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

12.3 NOTICE OF MOTION - MAYOR ANDY IRELAND - ROAD MAINTENANCE EQUIPMENT**File No:** GV13.4.4**Attachments:** 1. Notice of Motion - Mayor Andy Ireland - Road Maintenance Equipment**Responsible Officer:** Amanda Ivers - Coordinator Executive Support

SUMMARY

Councillor Andy Ireland has submitted a 'Notice of Motion' in relation to Road Maintenance Equipment.

COUNCIL RESOLUTION

THAT the Chief Executive Officer be tasked to research the suitability and cost verse benefit analysis of the skid steer equipment, as depicted in the video material circulated to Councillors and attached to this Notice of Motion, and report back to Council within three months.

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

12.4 NOTICE OF MOTION - MAYOR ANDY IRELAND - SHOW CAUSE NOTICES**File No:** GV13.4.4**Attachments:** 1. Notice of Motion - Mayor Andy Ireland - Show Cause Notices**Responsible Officer:** Amanda Ivers - Coordinator Executive Support

SUMMARY

Councillor Andy Ireland has submitted a 'Notice of Motion' in relation to Show Cause Notices.

COUNCIL RESOLUTION

THAT prior to Show Cause Notices being issued to ratepayers or members of the Livingstone community, Councillors be provided details of the circumstances relating to the notices and the reason for their issue. Said details may be provided to Councillors without the need for a formal report to Council.

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

12.5 NOTICE OF MOTION - COUNCILLOR MATHER - BRETTS ROAD**File No:** GV13.4.4**Attachments:** 1. Notice of Motion - Councillor Mather - Bretts Road**Responsible Officer:** Amanda Ivers - Coordinator Executive Support

SUMMARY*Councillor Glenda Mather has submitted a 'Notice of Motion' in relation to Bretts Road.***COUNCIL RESOLUTION**

THAT Council

- 1) undertake remedial work as soon as possible on the first hill on Brett Road as an interim safety measure to safely transport cattle; and
- 2) undertake a comprehensive review of the model for asset maintenance and associated policies and procedures along with the prioritisation of unsealed rural road maintenance.

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

13 URGENT BUSINESS\QUESTIONS

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

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 Biosolids / Filter Cake Management Services - Request for Expression of Interest

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.

15.2 Proposed Road Opening - Stanage Bay Road, Stanage

This report is considered confidential in accordance with section 254J(3)(h), of the *Local Government Regulation 2012*, as it contains information relating to negotiations relating to the taking of land by the local government under Acquisition of Land Act 1967.

15.3 Potential Sale of Lot 6 at The Gateway Business and Industry Park

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

Seconded by: Deputy Mayor, Councillor Belot

MOTION CARRIED

Cr Hutton voted in the negative

Cr Eastwood voted in the affirmative

Cr Friend voted in the affirmative

03:06pm Councillor Eastwood left the meeting.

I, Councillor Nigel Hutton, declare that I may have a possible conflict of interest in Item 15.3 – Potential Sale of Lot 6 at The Gateway Business and Industry Park, as I have a personal relationship with the applicant seeking to purchase this land and I will remove myself from the meeting.

03:10PM Councillor Hutton left the meeting.

03:10PM Councillor Eastwood returned to the meeting.

COUNCIL RESOLUTION

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

Moved by: Deputy Mayor, Councillor Belot

Seconded by: Councillor Mather

MOTION CARRIED UNANIMOUSLY

15 CONFIDENTIAL REPORTS

15.1 BIOSOLIDS / FILTER CAKE MANAGEMENT SERVICES - REQUEST FOR EXPRESSION OF INTEREST

File No: SD29.05.03

Attachments: 1. Estimate to establish a Council owned processing facility

Responsible Officer: Nige Deacon - Manager Water and Waste Operations
Michael Kriedemann - Executive Director Infrastructure

Author: Angus Bowles - Coordinator Water and Sewerage Process Operations

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

The Water and Waste Operations team are requesting approval to seek Expressions of Interest (EOI) for suitably qualified service providers to manage the collection, transport and reuse of biosolids from the Yeppoon and Emu Park Sewage Treatment Plants (STPs) and filter cake waste/water treatment residuals from the Woodbury Water Treatment Plant (WTP).

Council has requested consideration of developing its own commercial composting business as an alternative to considering an EOI to provide raw materials for development of local industry.

03:12PM Councillor Hutton returned to the meeting.

COUNCIL RESOLUTION

THAT Council resolve to:

- 1) Invite Expressions of Interest for the provision of biosolids recovery and beneficial reuse (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 environmental controls;
 - d. Enabling the market to better understand the logistics of delivering the project to mutual benefit of avoiding costs and environmental impact of biosolids to landfill and utilising a potentially valuable nutrient resource; and
- 3) Undertake an evaluation of the Expression of Interest responses and shortlist a maximum of three contractors to tender commercial terms for a proposed solution.

Moved by: Councillor Friend

Seconded by: Deputy Mayor, Councillor Belot

MOTION CARRIED

Cr Hutton voted in the negative
Cr Eastwood voted in the affirmative
Cr Friend voted in the affirmative

15.2 PROPOSED ROAD OPENING - STANAGE BAY ROAD, STANAGE

File No: 5.2.5-21
Attachments: 1. Drawing No 20-012-C-02 (ver B)
Responsible Officer: Tony Lau - Manager Engineering Services
Michael Kriedemann - Executive Director Infrastructure
Author: Carrie Burnett - Policy & Planning Officer
Previous Items: 15.1 - Proposed Road Opening - Stanage Bay Road,
Stanage - Ordinary Council - 16 Mar 2021 9.00am

This report is considered confidential in accordance with section 254J(3)(h), of the *Local Government Regulation 2012*, as it contains information relating to negotiations relating to the taking of land by the local government under Acquisition of Land Act 1967.

SUMMARY

This report seeks Council's approval to continue the Taking of Land process to obtain land for road purposes at Stanage Bay Road, Stanage.

COUNCIL RESOLUTION

THAT:

1. In relation to Lot 243 PS11, having considered the report, Council is of the opinion that the land described as 'Total area required for Road Opening' on Drawing No 20-012-C-02 (ver B) is required for the purpose of road, for which it is proposed to be taken; and
2. The Council apply to the appropriate Minister that the land be taken as prescribed by Section 9 of the Acquisition of Land Act 1967.

Moved by: Mayor, Councillor Ireland

Seconded by: Deputy Mayor, Councillor Belot

MOTION CARRIED

Cr Hutton voted in the affirmative

Cr Eastwood voted in the affirmative

Cr Friend voted in the affirmative

Declaration of Interest

I, Councillor Nigel Hutton, declare that I may have a declarable conflict of interest in Item 15.3 – Potential Sale of Lot 6 at The Gateway Business and Industry Park, as I have a personal relationship with the applicant seeking to purchase this land and I will remove myself from the meeting.

03:22PM Councillor Hutton left the meeting.

15.3 POTENTIAL SALE OF LOT 6 AT THE GATEWAY BUSINESS AND INDUSTRY PARK**File No:** ED8.5.02

Attachments:

1. Overall Masterplan - The Gateway Business and Industry Park Stages 1-6
2. Aerial Map including Infrastructure Plan - 6 Pineapple Drive, Hidden Valley
3. Offer to Purchase 2 Pineapple Drive, Hidden Valley including proposed Site Plan

Responsible Officer: Brett Bacon - Executive Director Liveability & Wellbeing

Author: Sonia Barber - Manager Economy and Places
Elle Wallin - Principal Economic Development & Innovation 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

Council has received an offer for the purchase of Lot 6 on Survey Plan 285453, known as 2 Pineapple Drive, Hidden Valley, located within Stage One of The Gateway Business and Industry Park.

COUNCIL RESOLUTION


THAT Council accept the offer presented for the purchase of Lot 6 on Survey Plan 285453, also known as 2 Pineapple Drive, Hidden Valley.

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

03:23PM Councillor Hutton returned to the meeting.

16 CLOSURE OF MEETING

There being no further business the meeting closed at 3.33pm.



Mayor, Councillor Andy Ireland
CHAIRPERSON

20 July 2021

DATE