



ORDINARY MEETING

MINUTES

15 NOVEMBER 2022

The resolutions contained within these minutes were confirmed at the Ordinary Council meeting of the 20th December 2022.

TABLE OF CONTENTS

ITEM	SUBJECT	PAGE NO
1	OPENING.....	1
2	PRESENT	1
3	LEAVE OF ABSENCE / APOLOGIES	2
4	CONFIRMATION OF MINUTES OF PREVIOUS MEETING.....	3
5	DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA	4
6	DEPUTATIONS.....	4
7	BUSINESS ARISING OR OUTSTANDING FROM PREVIOUS MEETINGS	5
7.1	BUSINESS OUTSTANDING TABLE FOR ORDINARY COUNCIL MEETING	5
7.2	LIFTING MATTERS LAYING ON THE TABLE	6
8	PRESENTATION OF PETITIONS.....	7
9	COUNCILLOR/DELEGATE REPORTS	8
9.1	POSTAL SAVINGS BANK	8
10	QUESTIONS/STATEMENT/MOTIONS ON NOTICE FROM COUNCILLORS	9
10.1	NOTICE OF MOTION - CR MATHER - MARLBOROUGH DEPOT.....	9
10.2	NOTICE OF MOTION - CR BELOT - LINDSAY STREET BOAT RAMP	10
10.3	NOTICE OF MOTION - CR MATHER - QPS MARLBOROUGH	13
10.4	QUESTIONS ON NOTICE - CR MATHER - RURAL ROAD RESHEETING EXPENDITURE	14
11	REPORTS.....	17
11.1	COUNCILLOR PORTFOLIO POLICY AND APPOINTMENTS.....	17
11.2	INFRASTRUCTURE CHARGES RESOLUTION (NO. 5) 2022	18
11.3	APPLICATION FOR PERMANENT ROAD CLOSURE - ADJACENT TO LOT 23 LI68 (NINE MILE ROAD MARLBOROUGH).....	20
11.4	APPLICATION FOR PERMANENT ROAD CLOSURE - VENTURE TRAIL OFF DAIRY INN ROAD, CAWARRAL ADJACENT TO LOT 1 RP848851.....	21
11.5	CAPITAL WORKS PROGRESS REPORT FOR THE 1ST QUARTER 2022/2023.....	22
11.6	INFRASTRUCTURE PORTFOLIO QUARTERLY MANAGEMENT REPORT FOR PERIOD 1 JULY 2022 TO 30 SEPTEMBER 2022	23
11.7	RECONFIGURING A LOT (ONE LOT INTO TWELVE LOTS) AT 1161 TANBY ROAD, TANBY	24
11.8	RECONFIGURING A LOT (ONE LOT INTO FIVE LOTS) AT LOT 550 SYPHER DRIVE, INVERNESS.....	31

11.9	LIVINGSTONE SHIRE LOCAL DISASTER MANAGEMENT PLAN 2022	38
11.10	OPERATIONAL PLAN 2022-2023 Q1 PROGRESS REPORT	39
11.11	MONTHLY FINANCIAL REPORT FOR THE PERIOD ENDING 31 OCTOBER 2022	40
11.12	ANNUAL REPORT - 1 JULY 2021 - 30 JUNE 2022	41
11.13	MONTHLY WORKPLACE HEALTH & SAFETY REPORT - OCTOBER 2022	42
11.14	EXECUTIVE PERFORMANCE MANAGEMENT FRAMEWORK AND SENIOR CONTRACT STAFF REMUNERATION PRINCIPLES	43
11.15	FUTURE OF COMMUNITY VOICE PANELS	44
12	AUDIT, RISK AND IMPROVEMENT COMMITTEE REPORTS.....	45
	NIL	45
13	URGENT BUSINESS\QUESTIONS	46
13.1	URGENT BUSINESS – MAYOR IRELAND - SUPPORT FOR CONTINUATION OF THE ROCKHAMPTON RING ROAD PROJECT	46
14	CLOSED SESSION	47
15	CONFIDENTIAL REPORTS.....	48
15.1	CONTRACTUAL MATTER	48
16	CLOSURE OF MEETING.....	49

MINUTES OF THE ORDINARY MEETING HELD AT COUNCIL CHAMBERS, 4 LAGOON PLACE, YEPPON ON TUESDAY, 15 NOVEMBER 2022 COMMENCING AT 9.01

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 Councillor Pat Eastwood.

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
Chris Ireland – General Manager Communities
Michael Kriedemann – General Manager Infrastructure
Matthew Willcocks - Chief Technology Officer
Kristy Mansfield - Chief Human Resources Officer
Tony Lau – Manager Engineering Services
Tracy Jones – Planning Officer
Erin McCabe – Coordinator Development Assessment
Ursula Sleeman – Governance Officer
Alister Gill – Implementation Project Manager
Justine Schofield – Executive Support Officer

3 LEAVE OF ABSENCE / APOLOGIES

COUNCIL RESOLUTION

THAT Councillor Rhodes Watson be granted a leave of absence for the Ordinary Council meeting of the 20th December 2022.

Moved by: Councillor Watson

Seconded by: Councillor Friend

MOTION CARRIED UNANIMOUSLY

4 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

COUNCIL RESOLUTION

THAT the minutes of the Ordinary Meeting held on 25 October 2022 be adopted as a correct record of proceedings.

Moved by: Councillor Mather

Seconded by: Councillor Friend

MOTION CARRIED UNANIMOUSLY

**5 DECLARATIONS OF INTEREST IN MATTERS ON THE
AGENDA**

6 DEPUTATIONS

Nil

7 BUSINESS ARISING OR OUTSTANDING FROM PREVIOUS MEETINGS

7.1 BUSINESS OUTSTANDING TABLE FOR ORDINARY COUNCIL MEETING

File No: GV

Attachments: 1. Business Outstanding Table November 2022 [↗](#)

Responsible Officer: Cale Dendle - Chief Executive Officer

SUMMARY

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

COUNCIL RESOLUTION

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

Moved by: Councillor Friend

Seconded by: Councillor Eastwood

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. Postal Savings Bank.
2. Application for Permanent Road Closure - Adjacent to Lot 23 LI68 (Nine Mile Road Marlborough).
3. Application for Permanent Road Closure – Venture Trail off Dairy Inn Road, Cawarral adjacent to Lot 1 RP848851.
4. Executive Performance Management Framework and Senior Contract Staff Remuneration Principles.

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

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

Cr A Belot voted in the negative.

8 PRESENTATION OF PETITIONS

Nil

9 COUNCILLOR/DELEGATE REPORTS

9.1 POSTAL SAVINGS BANK

File No: GV13.05.07

Attachments: 1. Further Correspondence Dated 7 October 2022 [↗](#)

Responsible Officer: Cale Dendle - Chief Executive Officer

Author: Andrew Ireland - Mayor

SUMMARY

Correspondence was received by the Australian Citizens Party seeking support for the establishment of a Postal Savings Bank in Australia.

COUNCIL RESOLUTION

THAT Council:

1. Calls on the Commonwealth Parliament to pass the Commonwealth Postal Savings Bank Bill to establish a post office people's bank, fully guaranteed by the Commonwealth, as a dedicated postal savings bank, operating exclusively through Australia Post's corporate and licensed post offices, which will ensure basic banking services—including deposit-taking, business and personal lending, and access to cash—are available to all Australians, and will contribute to Australia's national economic development.
2. Write to the Local State and Federal Members of Parliament, to inform them of Councils desire to support the passage of the Commonwealth Postal Savings Bank Bill through Parliament.

Moved by: Mayor, Councillor Ireland

Seconded by: Councillor Eastwood

MOTION CARRIED

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

Cr N Hutton voted in the negative.

10 QUESTIONS/STATEMENT/MOTIONS ON NOTICE FROM COUNCILLORS

10.1 NOTICE OF MOTION - CR MATHER - MARLBOROUGH DEPOT

File No: qA24221

Attachments: 1. NOM - Cr Mather - Marlborough Depot [⇒](#)

Responsible Officer: Amanda Ivers - Coordinator Executive Support

SUMMARY

Councillor Glenda Mather has submitted a 'Notice of Motion' in relation to Marlborough Depot.

PROCEDURAL MOTION

That pursuant to s2.18.1(d) and s2.18.11 of Livingstone Shire Council's Meeting Procedures Policy the matter lay on the table until later in the meeting.

Moved by: Councillor Hutton

MOTION LOST

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

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

COUNCIL RESOLUTION

THAT Council demonstrates its election promise to support ALL the people in the shire, including those in the smaller rural communities, by Council giving an undertaking to support the community of Marlborough, by retaining the current works depot and gang within the town.

Moved by: Councillor Mather

Seconded by: Councillor Friend

MOTION CARRIED

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

Cr N Hutton voted in the negative.

10.2 NOTICE OF MOTION - CR BELOT - LINDSAY STREET BOAT RAMP**File No:** qA24221**Attachments:** 1. NOM - Cr Belot - Lindsay Street Boat Ramp [⇒](#)**Responsible Officer:** Cale Dendle - Chief Executive Officer**SUMMARY**

Councillor Adam Belot has submitted a 'Notice of Motion' in relation to the Lindsay Street Boat Ramp.

COUNCIL RESOLUTION**PART A**

THAT:

- 1) In accordance with s262 of the Local Government Regulation 2012 and Clause 2.17 of Council's Meeting Procedures Policy, Council repeals its resolution of 20 September 2022, viz:

"COUNCIL RESOLUTION*THAT Council*

- 1) *Re-opens the Lindsay Street, Emu Park beach access only for launching and retrieving small craft under a twelve month trial to determine whether permanent access for boat launching should be re-instated; and*
- 2) *Have officers monitor the usage of the access point over the twelve month trial to determine the level of boat launching activity.*

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

- 2) *And, instead, take no action to re-open the Lindsay Street Beach Access for boat launching.*

PART B

THAT in order to improve our liveability and recreational appeal to both residents and visitors at the Southern End of the Capricorn Coast, Council establish a Reference group entrusted with the responsibility of providing recommendations to Council about potential vehicle usage on unpopulated beaches ie:

- 1) Ritamada Bathing Reserve
- 2) Timbers beach Zilzie
- 3) Long beach Joskeliegh.

PROCEDURAL MOTION

That pursuant to s2.18.1(d) and s2.18.11 of Livingstone Shire Council's Meeting Procedures Policy the matter lay on the table until later in the meeting.

Moved by: Councillor Mather**MOTION LOST**

Cr G Mather voted in the affirmative.

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

PROCEDURAL MOTION

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

Moved by: Councillor Watson

MOTION LOST

Crs G Mather and R Watson voted in the affirmative.

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

COUNCIL RESOLUTION**PART A**

THAT:

- 1) In accordance with s262 of the Local Government Regulation 2012 and Clause 2.17 of Council's Meeting Procedures Policy, Council repeals its resolution of 20 September 2022, viz:

"COUNCIL RESOLUTION

THAT Council

- 1) Re-opens the Lindsay Street, Emu Park beach access only for launching and retrieving small craft under a twelve month trial to determine whether permanent access for boat launching should be re-instated; and*
- 2) Have officers monitor the usage of the access point over the twelve month trial to determine the level of boat launching activity.*

Moved by: Mayor, Councillor Ireland

Seconded by: Councillor Eastwood

MOTION CARRIED UNANIMOUSLY

- 2) And, instead, take no action to re-open the Lindsay Street Beach Access for boat launching.*

Moved by: Deputy Mayor, Councillor Belot

Seconded by: Councillor Eastwood

MOTION CARRIED

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

Crs A Ireland and G Mather voted in the negative.

PROCEDURAL MOTION

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

Moved by: Councillor Friend

MOTION LOST

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

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

COUNCIL RESOLUTION**PART B**

THAT in order to improve our liveability and recreational appeal to both residents and visitors at the Southern End of the Capricorn Coast, Council establish a Reference group entrusted with the responsibility of providing recommendations to Council about potential vehicle usage on unpopulated beaches, e.g.:

- 1) Ritamada Bathing Reserve
- 2) Timbers Beach Zilzie
- 3) Long Beach Joskeliegh.

Moved by: Deputy Mayor, Councillor Belot

Seconded by: Councillor Eastwood

COUNCIL RESOLUTION**PART B**

That Council undertakes public consultation for vehicular access on the bathing reserves of, for example, Ritamada Bathing Reserve, Timbers Beach, Zilzie, and Long Beach, Joskeleigh, promptly, preceding establishment of a reference group entrusted with the responsibility of providing recommendations to Council for vehicular usage within these areas.

Moved by: Deputy Mayor, Councillor Belot

Seconded by: Councillor Eastwood

MOTION CARRIED

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

Crs N Hutton and G Mather voted in the negative.

10.3 NOTICE OF MOTION - CR MATHER - QPS MARLBOROUGH**File No:** qA24221**Attachments:** 1. Cr Mather Notice Of Motion QPS Marlborough [⇒](#)**Responsible Officer:** Amanda Ivers - Coordinator Executive Support

SUMMARY

Councillor Glenda Mather has submitted a 'Notice of Motion' in relation to QPS Marlborough.

COUNCIL RESOLUTION

THAT Council write to the Minister for Police and Corrective Services, voicing its extreme concerns over the prolonged absence of a permanent Police presence in the township of Marlborough outlining the details provided within the attached Notice.

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

10.4 QUESTIONS ON NOTICE - CR MATHER - RURAL ROAD RESHEETING EXPENDITURE

File No: qA24221

Attachments: 1. Questions on Notice - Cr Mather - Rural Road Resheeting Expenditure [⇒](#)

Responsible Officer: Amanda Ivers - Coordinator Executive Support

SUMMARY

Councillor Glenda Mather has submitted Questions on Notice in relation to Rural Road Resheeting Expenditure.

10:08AM Councillor Friend left the meeting.

Question 1 - What was the expenditure for resheeting of rural roads for the following financial years?

- 2019 – 2020
- 2020 – 2021
- 2021 – 2022

Answer:

- 2019 – 2020 - \$1,081,297
- 2020 – 2021 - \$1,106,752
- 2021 – 2022 - \$1,588,634

Question 2 – how much was apportioned to each benefitted road?

Answer:

2019-20

(R)-RC-GR-Stanage Bay Ch 47- 49est \$1110	\$ 134,245.62
(R)-RC-GR-Sleipner Rd Ch 4.8 - 5.8est \$6	\$46,945.88
(R)-RC-GR-Lake Mary Rd Ch2.8 - 4.4est \$1	\$161,757.28
(R)-RC-GR-Old Byfield Rd Ch 4.8 - 7.2est	\$210,429.50
(R)-RC-GR-Thompson Point Rd Ch 6.8 - 8.3	48,769.53
(R)-RC-GR-Plentiful Creek Rd Ch 1.1 - 2.	72,078.07
(R)-RC-GR-Flood Rd Ch 4.3 - 4.7est \$2245	26,142.53
(R)-RC-GR-Whitings Rd Ch 2.5 - 3.3est \$5	35,171.83
(R)-RC-GR-Greenlake Ch13.2 - 14.5est \$86	85,703.62
(R)-RC-GR-CH Barretts Rd Ch 0 - .370est	28,346.58
(R)-RC-GR-Coorumburra Rd Ch 2.4 - 5.4est	72,707.75
(R)-RC-GR-Canfells Rd Ch 0 - 1.3est \$727	72,012.34
(R)-RC-GR-Stoney Creek Rd Ch 2.2- 3.8 es	63,713.23
(R)-RC-GR-Mt Rae Rd Ch 1.65-2.15 est\$280	23,272.79

2020-21

(R)-RC-GR-Lake Mary Rd Ch2.8 - 4.4est \$1	\$ 4,690.77
(R)-RC-GR-Old Byfield Rd Ch 4.8 - 7.2est	\$ 8,471.86
(R)-RC-GR-Atkinson Rd Ch2.1 - 4.6 Ch 6.1	\$ 66,905.82
(R)-RC-GR-2021-Kooltandra Road-\$160k	\$ 133,051.24
(R)-RC-GR-2021-Currumburra Road-\$210k	\$ 62,907.11
(R)-RC-GR-2021-Anglewood Road-\$130k	\$ 68,689.28

(R)-RC-GR-2021-Paddys Swamp Road-\$80k	\$ 84,952.32
(R)-RC-GR-2021-Mt Bison Rd-\$55k	\$ 29,008.06
(R)-RC-GR-2021-Dalcalmah Road-\$45k	\$ 38,453.13
(R)-RC-GR-2021-Mapes Road-\$45k	\$ 37,117.20
(R)-RC-GR-2021-Todds Road-\$45k	\$ 17,219.65
(R)-RC-GR-2021-Raspberry Creek Road-\$55k	\$ 53,602.92
(R)-RC-GR-2021-Fourteen Mile Road \$45k	\$ 43,424.66
(R)-RC-GR-2021-Stoney Creek Road \$45k	\$ 31,820.69
(R)-RC-GR-2021-Hoffmans Road \$55k	\$ 57,368.90
(R)-RC-GR-2021-Milman North Road \$30k	\$ 47,296.47
(R)-RC-GR-2021-Tookers Road \$50k	\$ 74,313.84
(R)-RC-GR-2021-Milman Road \$55k	\$ 61,690.64
(R)-RC-GR-2021-Old Byfield Road \$100k	\$ 98,006.80
(R)-RC-GR-2021-Budarick Road \$55k	\$ 35,718.93
(R)-RC-GR-2021-Hinz Avenue \$55k	\$ 52,041.81

2021-22

(R)-RC-GR-2122-Glenprarie Rd-1.5km est60	\$ 40,427.35
(R)-RC-GR-2122-Mount Bison Rd-1.5km est6	\$ 87,856.28
(R)-RC-GR-2122-Canal Creek Rd-1.0km est4	\$ 47,588.66
(R)-RC-GR-2122-Bondoola-0.5km est25000-2	\$ 22,707.36
(R)-RC-GR-2122-Clifton Rd-1.0km est40000	\$ 54,221.79
(R)-RC-GR-2122-Shaws Rd-0.3km est15000-2	\$ 13,022.88
(R)-RC-GR-2122-A & J Farris Rd-0.3km est1	\$ 22,329.00
(R)-RC-GR-2122-Whitings Rd-0.3km est1500	\$ 9,610.85
(R)-RC-GR-2122-Mackays Rd-0.3km est15000	\$ 16,919.72
(R)-RC-GR-2122-Mt Wheeler Rd-0.3km est15	\$ 19,034.83
(R)-RC-GR-2122-Gravel Pit Rd-0.3km est15	\$ 5,995.98
(R)-RC-GR-2122-Barmoya Rd-1.0km est40000	\$ 45,920.29
(R)-RC-GR-2122-Fourteen Mile Rd-1.0km es	\$ 48,449.60
(R)-RC-GR-2122-Werribee Rd-0.5km est2500	\$ 33,567.23
(R)-RC-GR-2122-Styx Rd-1.0km est50000-22	\$ 30,004.85
(R)-RC-GR-2122-Milman Rd-1.0km est40000-	\$ 69,103.10
(R)-RC-GR-2122-Doonside Rd-1.0km est4000	\$ 67,722.40
(R)-RC-GR-2122-Cobb & Co Rd-1.0km est400	\$ 43,106.76
(R)-RC-GR-2122-Stanage Bay Rd-2.0km est8	\$ 115,140.77
(R)-RC-GR-2122-Dalcalmah Rd-1.0km est400	\$ 45,822.45
(R)-RC-GR-2122-Belmont Rd-1.0km est40000	\$ 51,988.90
(R)-RC-GR-2122-South Yaamba Rd-0.5km est	\$ 29,520.99
(R)-RC-GR-2122-Dry Weather Rd-1km est400	\$ 61,581.57
(R)-RC-GR-2122-Sherwin Rd-1.0km est40000	\$ 65,197.25
(R)-RC-GR-2122-Hincliffs Rd-0.5km est250	\$ 26,013.41
(R)-RC-GR-2122-Costello Rd-0.5km est2500	\$ 18,414.62
(R)-RC-GR-2122-Richters Rd-0.5km est\$250	\$ 13,182.66
(R)-RC-GR-2122-Stoney Creek Rd-0.5km est	\$ 16,320.24
(R)-RC-GR-2122-Greenlake Rd-2.0km est\$80	\$ 77,272.07
(R)-RC-GR-2122-Paddy's Swamp Rd-1.0km es	\$ 34,763.71
(R)-RC-GR-2122-Sandy Creek Rd-0.5km est\$	\$ 15,617.63
(R)-RC-GR-2122-Atkinson Rd-4.5km est\$140	\$ 197,613.02
(R)-RC-GR-2122-Kooltandra Rd-3.0km est12	\$ 141,891.60

Question 3 - what is the proposed expenditure for 2022 – 2023?

Answer: \$1,400,000 (resheets)

Question 4 - What is the apportioned benefit for each of these (2022 -23) roads?

Answer:

Task Name	Budget
RC - Williams Rd resheet - .5km	\$25,000.00
RC - Evans Rd resheet - 2km	\$70,000.00
RC - Ingrey Rd resheet - 2.0km	\$70,000.00
RC - Anglewood Rd resheet - 3km	\$100,000.00
RC - Manns Rd resheet - .5km	\$25,000.00
RC - Paddys Swamp Rd resheet - 2.0km	\$70,000.00
RC - Palm Valley Rd resheet - .5km	\$25,000.00
RC - Pershouse Rd resheet - .5km	\$25,000.00
RC - Woodvale Park Rd resheet - 1km	\$40,000.00
RC - Milman North Rd resheet - 2km	\$70,000.00
RC - Reynold Rd resheet - .5km	\$25,000.00
RC - East Barmoya Rd resheet - 0.5km	\$25,000.00
RC - Kooltandra Rd resheet - 2km	\$70,000.00
RC - Charon Ferry Rd resheet - 1.0km	\$40,000.00
RC - Lake Mary Rd resheet - 1km	\$40,000.00
RC - Polka Rd resheet - .5km	\$25,000.00
RC - Childs Rd resheet - 0.5km	\$25,000.00
RC - Druces Rd resheet - 0.5km	\$25,000.00
RC - Atkinson Rd resheet - 3.0km	\$100,000.00
RC - Mount Chalmers Rd resheet - .5km	\$25,000.00
RC - Leaholme Rd resheet - 1km	\$40,000.00
RC - Black Creek Rd resheet - .5km	\$25,000.00
RC - Hoys Rd resheet - .5km	\$25,000.00
RC - Delandells Rd resheet - 0.5km	\$25,000.00
RC - Tanby P O Rd resheet - 2km	\$70,000.00
RC - Coorumburra Rd resheet - 2.0km	\$70,000.00
RC - Whiting Rd resheet - .5km	\$25,000.00
RC - Mark Rd resheet - .5km	\$25,000.00
RC - Arnold Drive resheet - 1km	\$40,000.00
RC - Glenora Rd resheet - 0.5km	\$25,000.00
RC - Mount Bison Rd resheet - 2km	\$65,000.00
RC - Hedlow Rd resheet - 0.5km	\$10,000.00
RC - Mona Vale Rd resheet - 1.0km	\$35,000.00

Question 5 - Separate to resheeting, what is the balance of the maintenance budget for rural roads 2022 – 2023?

Answer \$3,786,662.00

COUNCIL RESOLUTION

THAT the Questions on Notice and officer responses be received.

Moved by: Councillor Mather

Seconded by: Councillor Watson

MOTION CARRIED UNANIMOUSLY

11 REPORTS

11.1 COUNCILLOR PORTFOLIO POLICY AND APPOINTMENTS

File No: CM4.7.36

Attachments:

1. Cr Hutton Resignation as Director of Capricorn Enterprise⇒
2. Councillor Portfolio Policy (v5.0)⇒

Responsible Officer: Cale Dendle - Chief Executive Officer

Author: Amanda Ivers - Coordinator Executive Support

SUMMARY

This report is to present the Councillor Portfolio Policy and proposed portfolio appointments for consideration by Councillors for adoption.

10:11AM Councillor Friend returned to the meeting.

OFFICER'S RECOMMENDATION

THAT:

1. Endorses the nomination of Cr Andrea Friend for appointment to the Local Government Association of Queensland's Natural Assets & NRM Advisory Group; and
2. Notes the resignation of Cr Nigel Hutton as a board director of Capricorn Enterprise and nominates Cr Adam Belot for the vacancy; and
3. The Chief Executive Officer be authorised to amend the Councillor Portfolio Policy to reflect the changes.

Moved by: Councillor Hutton

Seconded by: Councillor Eastwood

PROCEDURAL MOTION

That pursuant to s2.18.1(d) and s2.18.11 of Livingstone Shire Council's Meeting Procedures Policy the matter lay on the table until later in the meeting pending further advice from the CEO.

Moved by: Mayor, Councillor Ireland

MOTION CARRIED UNANIMOUSLY

11.2 INFRASTRUCTURE CHARGES RESOLUTION (NO. 5) 2022**File No:** qA24374**Attachments:** 1. Draft Adopted Infrastructure Charges Resolution (No.5) 2022 [📄](#)**Responsible Officer:** Michael Kriedemann - Executive Director Infrastructure**Author:** Tony Lau - Manager Engineering Services**SUMMARY**

This report outlines amendments to the current Adopted Infrastructure Charges Resolution (No.4) Livingstone Shire 2019. The report proposes a new Infrastructure Charges Resolution (No.5) Livingstone Shire 2022. The process for an amendment of a Local Government Infrastructure Charge Resolution sits within the Planning Act 2016. Making a new resolution is not an amendment to the planning scheme, and does not involve the amendments to be subject to submissions; however, Council is required to provide a summary of the amendments in relevant public notices and on Council's website.

COUNCIL RESOLUTION

THAT Council adopts the *Infrastructure Charges Resolution (No.5) Livingstone Shire 2022*, to commence on 1 January 2023.

Moved by: Councillor Hutton**Seconded by:** Councillor Watson**MOTION CARRIED****DIVISION:**

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

Crs A Belot and P Eastwood voted in the negative.

PROCEDURAL MOTION

10.45AM

THAT the meeting be adjourned.

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

11.04AM

THAT the meeting be resumed.

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

11.1 COUNCILLOR PORTFOLIO POLICY AND APPOINTMENTS

File No: CM4.7.36
Attachments: 1. Cr Hutton Resignation as Director of Capricorn Enterprise
2. Councillor Portfolio Policy (v5.0)
Responsible Officer: Cale Dendle - Chief Executive Officer
Author: Amanda Ivers - Coordinator Executive Support

SUMMARY

This report is to present the Councillor Portfolio Policy and proposed portfolio appointments for consideration by Councillors for adoption.

PROCEDURAL MOTION

That pursuant to s2.18.1(d) and s2.18.13 of Livingstone Shire Council's Meeting Procedures Policy the matter be lifted from the table to be dealt with

Moved by: Councillor Watson
MOTION CARRIED UNANIMOUSLY / LOST

OFFICER'S RECOMMENDATION

THAT:

1. Endorses the nomination of Cr Andrea Friend for appointment to the Local Government Association of Queensland's Natural Assets & NRM Advisory Group; and
2. Notes the resignation of Cr Nigel Hutton as a board director of Capricorn Enterprise and nominates Cr Adam Belot for the vacancy; and
3. The Chief Executive Officer be authorised to amend the Councillor Portfolio Policy to reflect the changes.

Moved by: Councillor Hutton
Seconded by: Councillor Eastwood

COUNCIL RESOLUTION

THAT Council

1. Endorses the nomination of Cr Andrea Friend for appointment to the Local Government Association of Queensland's Natural Assets & NRM Advisory Group; and
2. Notes the resignation of Cr Nigel Hutton as a board director of Capricorn Enterprise and nominates Cr Rhodes Watson for the vacancy; and
3. The Chief Executive Officer be authorised to amend the Councillor Portfolio Policy to reflect the changes.

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

11.3 APPLICATION FOR PERMANENT ROAD CLOSURE - ADJACENT TO LOT 23 LI68 (NINE MILE ROAD MARLBOROUGH)**File No:** fA14915**Attachments:**

1. Letter from Department of Resources [⇒](#)
2. Workshop Agenda 21 May 2018 [⇒](#)
3. Letter to landowner [⇒](#)

Responsible Officer: Michael Kriedemann - Executive Director Infrastructure**Author:** Carrie Burnett - Policy & Planning Officer

SUMMARY

This report pertains to a proposed permanent road closure of part of Nine Mile Road, Marlborough adjoining Lot 23 LI68.

COUNCIL RESOLUTION

THAT Council resolve to advise the Department of Resources that it does not object to the permanent closure of parts of Nine Mile Road Marlborough, shown as Areas A and B on Drawing No 17/017C/CEN, subject to a minimum 40 metre width being retained, which is located across topography that provides for construction of a future road at a reasonable cost.

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

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

Cr G Mather voted in the negative.

11.4 APPLICATION FOR PERMANENT ROAD CLOSURE - VENTURE TRAIL OFF DAIRY INN ROAD, CAWARRAL ADJACENT TO LOT 1 RP848851

File No: fA15784
Attachments: 1. [Plan](#)
2. [Application for road closure](#)
Responsible Officer: Michael Kriedemann - Executive Director Infrastructure
Author: Carrie Burnett - Policy & Planning Officer
Previous Items: 12.9 - Proposed permanent road closure adjoining Lot 1 on RP848851 - Ordinary Council - 19 Mar 2019 8.30am

SUMMARY

This report pertains to an application to permanently close an area of road off Dairy Inn Road Cawarral known as Venture Trail.

COUNCIL RESOLUTION

THAT Council resolve to:

1. Advise the applicant that it objects to the proposal to permanently close Venture Trail off Dairy Inn Road Cawarral adjacent to Lot 1 RP848851 because the Venture Trail road reserve:
 - a) has been identified as a fire trail due to historic fire activity and needs to remain accessible;
 - b) has strategic, environmental and community value;
 - c) has been used as a secondary (albeit informal) link to Dairy Inn Road during times of disaster;
 - d) could be required in the future for its gazetted purpose/potential strategic road reserve links; and
 - e) may provide Lot 26 SP251105 with:
 - access to Dairy Inn Road or Venture Road; and
 - a potential road frontage via a future road and the flexibility to position an access anywhere along its entire eastern boundary.
2. Authorise the Chief Executive Officer to sign a 'Statement in relation to an application under the *Land Act 1994* over State land (Part C)' advising the Department of Resources that Council, as road manager, objects to the proposal to permanently close Venture Trail off Dairy Inn Road Cawarral adjacent to Lot 1 RP848851 for the same reasons identified above.

Moved by: Councillor Mather

Seconded by: Councillor Watson

MOTION CARRIED

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

Crs A Belot and N Hutton voted in the negative.

11.5 CAPITAL WORKS PROGRESS REPORT FOR THE 1ST QUARTER 2022/2023

File No: FM12.05.02
Attachments: 1. 2022-23 Capital Program Progress Report [⇒](#)
Responsible Officer: Andrea Ellis - Chief Financial Officer
Author: Richard Mills - Coordinator Project Management Officer
Michael Kriedemann - Executive Director Infrastructure

SUMMARY

Presentation of the capital works progress report for the 1st quarter 2022/2023.

COUNCIL RESOLUTION

THAT Council resolves to receive and note the progress of the capital works program to 30 September 2022 for the 2022/2023 financial year.

Moved by: Councillor Friend
Seconded by: Councillor Mather

MOTION CARRIED UNANIMOUSLY

**11.6 INFRASTRUCTURE PORTFOLIO QUARTERLY MANAGEMENT REPORT FOR
PERIOD 1 JULY 2022 TO 30 SEPTEMBER 2022**

File No: qA25480
Attachments: Nil
Responsible Officer: Michael Kriedemann - Executive Director Infrastructure
Author: Kat Groves - Executive Assistant to Director
Infrastructure Services

SUMMARY

This report provides a summary of a range of operational activities within the Infrastructure portfolio of Council for the period 1 July 2022 to 30 September 2022.

COUNCIL RESOLUTION

THAT the Infrastructure portfolio management report for the period 1 July 2022 to 30 September 2022 be received.

Moved by: Councillor Friend
Seconded by: Councillor Watson

MOTION CARRIED UNANIMOUSLY

11.7 RECONFIGURING A LOT (ONE LOT INTO TWELVE LOTS) AT 1161 TANBY ROAD, TANBY

File No: D-421-2021

Attachments:

1. Locality Plan [⇒](#)
2. Proposal Plan [⇒](#)
3. Code Assessment [⇒](#)

Responsible Officer: Erin McCabe - Co-ordinator Development Assessment
David Battese - Manager Liveability
Chris Ireland - General Manager Communities

Author: Tracy Jones - Planning Officer

SUMMARY

Applicant: Edward Milford

Consultant: Milford Planning

Real Property Address: Lot 3 on SP266508

Area of Site: 284,530 square metres (28.453 hectares)

Planning Scheme: Livingstone Planning Scheme 2018

Planning Scheme Zone: Rural zone
Rural Residential zone

Planning Scheme Precinct: Park Residential Precinct

Planning Scheme Overlays: OM01 – Acid Sulfate Soils
OM02 – Agricultural Land Classification
OM07 – Biodiversity – Habitat and Vegetation
OM10 – Biodiversity – Wetlands and Waterways
OM11 – Biodiversity – Stream Order
OM12 – Bushfire Hazard Area
OM15 - Drainage Problem Area
OM20 – Road Hierarchy
OM21 – Scenic Amenity
OM27 – Heights Limits

Existing Development: Dwelling house and shed

Level of Assessment: Impact Assessable

Submissions: Nil Submissions received

Referral matters: Part 3, Division 4, Table 2, Item 1 of Schedule 10 for vegetation clearing

Infrastructure Charge Area: Outside the Priority Infrastructure Area

Application progress:

<i>Application received:</i>	26 October 2021
<i>Development control unit meeting:</i>	3 November 2021
<i>Application properly made:</i>	29 October 2021
<i>Confirmation notice issued:</i>	10 November 2021

<i>Extension by agreement (Information request):</i>	<i>24 November 2021 to 3 December 2021</i>
<i>Information request issued:</i>	<i>3 December 2021</i>
<i>Extension by agreement (Information response period):</i>	<i>3 March 2022 to 3 June 2022 3 June 2022 to 2 September 2022</i>
<i>Information request response received:</i>	<i>22 August 2022</i>
<i>State response issued:</i>	<i>15 December 2021 6 October 2022</i>
<i>Public notification period:</i>	<i>25 August 2022 to 15 September 2022</i>
<i>Notice of compliance received:</i>	<i>21 September 2022</i>
<i>Submission consideration period:</i>	<i>Not applicable</i>
<i>Decision period commenced:</i>	<i>21 September 2022</i>
<i>Extension by agreement (Decision period):</i>	<i>15 November 2022</i>
<i>Statutory determination date:</i>	<i>15 November 2022</i>

COUNCIL RESOLUTION

RECOMMENDATION A

THAT in relation to the application for a Development Permit for Reconfiguring a Lot (one lot into twelve lots), made by Edward Milford, on Lot 3 on SP266508 and located at 1161 Tanby Road, Tanby, 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 approval of a plan of subdivision (survey plan endorsement), unless otherwise stated.
- 1.5 Where applicable, infrastructure requirements of this approval must be contributed to the relevant authorities, at no cost to Council prior, prior to the approval of a plan of subdivision (survey plan endorsement), unless otherwise stated.
- 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) Access works;
 - (ii) Road works;
 - (iii) Water works;

(iv) Stormwater works; and

(v) Clearing 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>
Proposed Development Layout Plan and Rural Access Road Typical Cross Section	0627-001 sheet 1 of 1 revision D	22/08/2022
Flood Report for Development Application D-421-2021, 1161 Tanby Road	MJ:L.M00363.001.00_FloodAssessment.docx	16/08/2022
Water Main Layout	0627-101 sheet 1 of 1	25/07/2022
Intersection Assessment for 1161 Tanby Road	0627/TM-AR0119	07/07/2022

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 STAGED DEVELOPMENT

3.1 This approval is for a development to be undertaken in two (2) discrete stages, namely:

3.1.1 Stage 1 – Lots 1, 4 to 12 and Road A; and

3.1.2 Stage 2 – Lots 2 and 3, and Road B,

in accordance with the approved reconfiguring a lot plan (refer to condition 2.1).

3.2 Multiple development stages may be undertaken concurrently, provided all proposed lots can be connected to the full range of urban infrastructure outlined in this development permit.

3.3 Development infrastructure must be provided by the developer in a coordinated and planned manner having regard to the overall catchment and staging of the development in a logical and orderly sequence to facilitate ease of extension and integration of infrastructure during future stages.

4.0 ACCESS WORKS

- 4.1 A Development Permit for Operational Works (access works) must be obtained prior to the commencement of any access works on the site.
- 4.2 The vehicle access driveway for proposed Lot 4 must be:
- 4.2.1 Designed and constructed in accordance with the standard drawing *Capricorn Municipal Design Guidelines CMDG-R-040* revision E, titled as “rural road access and property access over table drain”; and
 - 4.2.2 Located a minimum one (1) metre away from valves, fire hydrant, water meter boxes, and any other utility services.

5.0 ROAD WORKS

- 5.1 A Development Permit for Operational Works (road works) must be obtained prior to the commencement of any road works on the site.
- 5.2 All new roads must be designed and constructed in accordance with the relevant standards and approved plans (refer to condition 2.1), including all necessary infrastructure to comply with the road classification requirements of a Rural Access Road.
- 5.3 Any application for a Development Permit for Operational Works (road works) must include an amended Intersection Assessment that reflects the warrant turn treatment to the current posted speed limit of 100km/hr on Tanby Road in accordance with the *Austroads Guide to Road Design Part 4A: Unsignalised and Signalised Intersections*.
- 5.4 Any additional works identified by an amended Intersection Assessment must be carried out as part of the Operational Works (road works).
- 5.5 The ten (10) metre diameter cul-de-sac head, as shown on the submitted plans (refer to condition 2.1), is not approved in its current form. The dimension of the cul-de-sac head on the proposed Road A must indicate that the dimension is in radius, otherwise, a swept path analysis must be provided showing adequate turning area for a Council refuse collection vehicle as part of the Operational Works (road works).
- 5.6 The terminating road of proposed Road B must include a temporary turning area (sealed) to facilitate turning movements for a Council refuse collection vehicle.
- 5.7 Traffic signs and pavement markings including any alterations must be provided in accordance with the *Manual of Uniform Traffic Control Devices (Queensland)*. Where necessary, existing traffic signs and pavement markings must be modified in accordance with the *Manual of Uniform Traffic Control Devices (Queensland)*.
- 5.8 Street and public space lighting must be provided in accordance with *Australian Standard AS1158 "Lighting for Roads and Public Spaces"*, and Road, street and public place lighting policy and procedures.

6.0 PLUMBING AND DRAINAGE WORKS

- 6.1 The existing Dwelling house on proposed Lot 4 must be serviced with an on-site sewerage system which are wholly retained within the lot it serves.

7.0 WATER WORKS

- 7.1 A Development Permit for Operational Works (Water works) must be obtained prior to the commencement of any water works on the site.
- 7.2 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* and the provisions of a Development Permit for Operational Works (water works).
- 7.3 All lots within the development must be connected to Council's water network and must be provided with its own separate property point of connection located wholly

within its respective property boundaries.

- 7.4 The minimum service pressure requirements must be provided to all lots in accordance with the *Capricorn Municipal Design Guidelines*.

- 7.5 In addition to the extension of the watermain along Road A, the water main must be extended to the development boundaries on Road B to enable future connectivity to the north.

8.0 EARTHWORKS

- 8.1 All earthworks must be undertaken such that stormwater runoff is managed and discharged lawfully and must not adversely affect the adjoining properties compared to pre-development conditions or damage infrastructure.

9.0 STORMWATER WORKS

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

- 9.2 All stormwater management works must be designed, constructed in accordance with the Flood Report, *Capricorn Municipal Design Guidelines*, *Queensland Urban Drainage Manual*, sound engineering practice, and the provisions of a Development Permit for Operational Works (stormwater works).

- 9.3 Any application for Development Permit for Operational Works (stormwater works) must demonstrate that any future building locations will not be impacted by the 1% AEP flood. A Building Location Envelope and freeboard details must be provided within relevant lots.

- 9.4 All roof and allotment drainage must be discharged lawfully and must not adversely affect the upstream or downstream land when compared to pre-development conditions or damage infrastructure.

- 9.5 Any new culvert structure associated with the development must be designed and constructed to ensure safe trafficability during the Defined Flood Event (1% AEP flood).

10.0 ELECTRICITY AND TELECOMMUNICATIONS

- 10.1 Electricity and telecommunication connections must be provided to the proposed development to the standards of the relevant authorities.

- 10.2 Evidence must be provided of a certificate of supply with the relevant service providers to provide each lot with live electricity and telecommunication connections, in accordance with the requirements of the relevant authorities.

11.0 ASSET MANAGEMENT

- 11.1 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.

- 11.2 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.

- 11.3 '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. This information must be provided in accordance with the Manual for Submission of Digital As Constructed Information.

12.0 ENVIRONMENTAL

- 12.1 Any application for a Development Permit for Operational Works must be accompanied by an Erosion and Sediment Control Plan certified by a Certified Professional in Erosion and Sediment Control (CPESC) or suitably qualified Registered Professional Engineer of Queensland.
- 12.2 The plan must demonstrate how the Construction-Phase stormwater management design objectives of the State Planning Policy (Appendix 2 Table A) will be achieved and also addresses the following, but is not limited to;
- (i) top soil management;
 - (ii) dust suppression;
 - (iii) acid sulphate soils (if applicable);
 - (iv) erosion susceptibility and risk;
 - (v) interim drainage plan during construction; and
 - (vi) Implementation and maintenance procedures during construction phases of work.
- 12.3 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 prepared Erosion Control and Stormwater Control Management Plan must be available on-site for inspection by Council Officers during those works.
- 12.4 A Bushfire management plan must be submitted as part of the first Development Permit for Operational Works in accordance with the Bushfire hazard overlay code and Bushfire hazard planning scheme policy. The Bushfire management plan must also identify Building location envelopes for each lot relevant to the report recommendations. The building location envelopes should include consideration of other site constraints and built form siting including but not limited to the following:
- (i) Maximum 4,000 square metre development area per lot;
 - (ii) Siting requirements in accordance with Schedule 10 of the Livingstone Planning Scheme 2018;
 - (iii) Minimum twenty (20) metre road setbacks for lots fronting Tanby Road;
 - (iv) Locations outside the extent of mapped vegetation where possible;
 - (v) Setbacks of a minimum of ten (10) metres from mapped or physical waterways;
 - (vi) Locations outside of any 1% AEP flows as demonstrated in the approved Flood Assessment report (refer condition 2.1) or any updated flood assessment submitted and approved as part of an Operational Works application.

13.0 OPERATING PROCEDURES

- 13.1 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 Tanby Road.

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 Seniors, Disability Services and Aboriginal and Torres Strait Islander and Multicultural Affairs website <https://www.dsdsatsip.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. Water and Sewerage Services

In accordance with the Water Supply (Safety & Reliability) Act 2008, it is an offence to interfere with a service provider's infrastructure. Livingstone Shire Council is the service provider and Infrastructure is the department responsible for water service. Alterations to existing services consequential to necessary connections to existing water infrastructure must be at the responsibility and cost of the Developer. Please contact Infrastructure for further information. Negotiation with other service authorities such as Telstra and Ergon may also be required to adequately affect these connections.

NOTE 5. 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.

NOTE 6. Future applications

Lots approved by this development permit are affected by mapped overlays under Council's planning scheme which may necessitate future development on the lots being subject to development applications for Material Change of Use and/or Building Work regulated under the planning scheme.

RECOMMENDATION B

THAT in relation to the application for a Development Permit for Reconfiguring a Lot (one lot into twelve lots), made by Edward Milford, on Lot 3 on SP266508 and located at 1161 Tanby Road, Tanby, Council resolves to issue an Infrastructure Charges Notice for the amount of \$228,250.00.

Moved by: Councillor Hutton

Seconded by: Deputy Mayor, Councillor Belot

MOTION CARRIED UNANIMOUSLY

11.8 RECONFIGURING A LOT (ONE LOT INTO FIVE LOTS) AT LOT 550 SYPHER DRIVE, INVERNESS

File No: D-360-2021

Attachments:

1. [Locality Plan](#)
2. [Proposal Plan](#)
3. [Code Assessment](#)

Responsible Officer: Erin McCabe - Co-ordinator Development Assessment
David Battese - Manager Liveability
Chris Ireland - General Manager Communities

Author: Tracy Jones - Planning Officer

SUMMARY

Applicant: Siris and Associates Consulting Engineers Pty Ltd

Consultant: Capricorn Survey Group (CQ) Pty Ltd

Real Property Address: Lot 550 on SP268397

Area of Site: 16.1 hectares

Planning Scheme: Livingstone Planning Scheme 2018

Planning Scheme Zone: Rural zone

Planning Scheme Precinct: Not applicable

Planning Scheme Overlays: OM02 Agricultural Land Class A and Class B
OM07 Biodiversity – Habitat and Vegetation (Matters of State Environmental Significance – Wildlife Habitat) and Biodiversity corridor
OM10 Biodiversity – Wetlands and Waterways
OM11 Biodiversity – Stream Order
OM12 Bushfire Hazard Area (High and Medium potential bushfire intensity and Potential impact buffer)
OM14 Coastal Hazard Area – Storm Tide Hazard Area
OM17 Flood Hazard Area
OM21 Scenic Amenity
OM20 Road Hierarchy (Urban Access Street – Meilland Street)
OM27 Height Limits

Existing Development: Vacant

Level of Assessment: Impact Assessable

Submissions: Eleven (11) Submissions received

Referral matters: Part 3, Division 4, Table 2, Item 1 of Schedule 10 for vegetation clearing

Infrastructure Charge Area: Outside the Priority Infrastructure Area

Application progress:

<i>Application received:</i>	<i>14 September 2021</i>
<i>Development control unit meeting:</i>	<i>15 September 2021</i>
<i>Application properly made:</i>	<i>20 September 2021</i>
<i>Confirmation notice issued:</i>	<i>30 September 2021</i>
<i>Information request issued:</i>	<i>Not applicable</i>
<i>State Issued information request issued:</i>	<i>22 October 2021 (Information request) 25 October 2021 (advice)</i>
<i>Information request response to State received:</i>	<i>15 February 2022</i>
<i>State response issued:</i>	<i>21 April 2022 9 September 2022 (changed response)</i>
<i>Public notification period:</i>	<i>28 February 2022 to 23 March 2022</i>
<i>Notice of compliance received:</i>	<i>25 March 2022</i>
<i>Submission consideration period:</i>	<i>23 March to 6 April 2022</i>
<i>Decision period commenced:</i>	<i>11 April 2022</i>
<i>Extension by agreement:</i>	<i>15 November 2022</i>
<i>Statutory determination date:</i>	<i>15 November 2022</i>

COUNCIL RESOLUTION

RECOMMENDATION A

THAT in relation to the application for a Development Permit for Reconfiguring a Lot (one lot into five lots), made by Siris and Associates Consulting Engineers Pty Ltd, on Lot 550 on SP268397 and located at Lot 550 Sypher Drive, Inverness, 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 approval of a plan of subdivision (survey plan endorsement), unless otherwise stated.
- 1.5 Where applicable, infrastructure requirements of this approval must be contributed to the relevant authorities, at no cost to Council prior, prior to the approval of a plan of subdivision (survey plan endorsement), unless otherwise stated.
- 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) Access works;
- (ii) Water works;
- (iii) Sewerage works; and
- (v) Clearing 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.

1.9 A minimum twenty (20) metre wide easement must be established for access and services burdening Lot 5 and in favour of lots 1, 2, 3, and 4. The easement must be shown on the survey plan and the respective documentation submitted to Council as part of the request for approval of the plan of subdivision.

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>
8280-01-ROL-A	8281-01-ROL, Issue B	17-08-2022

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 ACCESS WORKS

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

3.2 A *Capricorn Municipal Design Guideline* compliant shared vehicle access driveway must be:

3.2.1 Designed and constructed in accordance with the standard drawing *Capricorn Municipal Design Guidelines CMDG-R-040* revision E, titled as "rural road access and property access over table drain"; and

3.2.2 Located a minimum one (1) metre away from any sewer connections, access chambers, valves, fire hydrant, water meter boxes, and any other utility services.

3.3 A shared internal access way, for full length of the access and services easement located within the proposed Lot 5, must be designed and constructed to have:

3.3.1 A minimum four (4) metres wide all weather gravel pavement;

3.3.2 A minimum four (4) metres wide sealed pavement on a six (6) metres wide formation if the grade of the access way is steeper than ten (10) % at any point;

3.3.3 A minimum four (4) metres wide sealed pavement on a six (6) metres wide formation if within twenty (20) metres of an existing dwelling house on an adjacent allotment for a distance of at least twenty (20) metres past the extremities of the dwelling house projected perpendicular from the access

way boundary;

3.3.4 A minimum cleared width of six (6) metres;

3.3.5 A minimum cleared height of 4.8 metres;

3.3.6 A maximum longitudinal gradient of 18% (where unsealed, if sealed maximum longitudinal gradient is 25% as above);

3.3.7 Where the length of the access way is greater than 30 metres, an average longitudinal gradient no greater than 14.4%;

3.3.8 A crossfall no greater than 5%; and

3.3.9 Immunity from inundation in an event with 10% AEP event flood.

3.4 Any new culvert structure associated with the development must be designed and constructed to ensure safe trafficability during the Defined Flood Event.

3.5 Stormwater runoff from vehicular manoeuvring areas including from the internal access way, must be discharged lawfully.

3.6 Rural addressing must be provided to each new lot.

4.0 SEWERAGE WORKS

4.1 A Development Permit for Operational Works (sewerage works) must be obtained prior to the commencement of any sewerage 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, Water Supply (Safety and Reliability) Act, Plumbing and Drainage Act* and the provisions of a Development Permit for Operational Works (sewerage works).

4.3 All lots must be connected to Council's sewer network and must be provided with its own separate property point of connection located wholly within its respective property boundaries.

4.4 Easements must be provided over all sewerage infrastructure located within private property. The easement location(s) and width(s) must be in accordance with the requirements of the *Capricorn Municipal Development Guidelines*.

5.0 WATER WORKS

5.1 A Development Permit for Operational Works (water works) must be obtained prior to the commencement of any water 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* and the provisions of a Development Permit for Operational Works (water works).

5.3 All lots within the development must be connected to Council's water network and must be provided with its own separate property point of connection located wholly within its respective property boundaries.

5.4 A covenant must be registered on title to exclude the parts of the lots above fifty-two (52) metres Australian Height Datum from the standard reticulated water service connections. The covenant document must include the requirement that each lot be provided with a private booster pump and associated private plumbing system in accordance with a Special water supply arrangement.

6.0 EARTHWORKS

6.1 All earthworks must be undertaken such that stormwater runoff is managed and discharged lawfully and must not adversely affect the adjoining properties compared to pre-development conditions or damage infrastructure.

7.0 ELECTRICITY AND TELECOMMUNICATIONS

- 7.1 Underground electricity and telecommunication connections must be provided to the proposed development to the standards of the relevant authorities.
- 7.2 Evidence must be provided of a certificate of supply with the relevant service providers to provide each lot with live electricity and telecommunication connections, in accordance with the requirements of the relevant authorities.

8.0 ASSET MANAGEMENT

- 8.1 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.
- 8.2 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.
- 8.3 '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. This information must be provided in accordance with the Manual for Submission of Digital As Constructed Information.

9.0 ENVIRONMENTAL

- 9.1 Any application for a Development Permit for Operational Works must be accompanied by an Erosion and Sediment Control Plan certified by a Certified Professional in Erosion and Sediment Control (CPESC) or suitably qualified Registered Professional Engineer of Queensland.
- 9.2 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 prepared Erosion Control and Stormwater Control Management Plan must be available on-site for inspection by Council Officers during those works.
- 9.3 A Bushfire Management Plan must be submitted, as part of the first Development Application for Operational Works, to reflect changes made to the subdivision layout, and include but not limited to, the following;
- (i) Identified building location envelopes and nominated fire buffer around building location envelopes;
 - (ii) All fencing (including boundary fencing) be constructed using non-combustible or fire retardant materials within twenty (20) metres of any building used for accommodation;
 - (iii) Gates within the fire buffer must be freely accessed for fire-fighting purposes; and
 - (iv) The Bushfire hazard overlay code and Bushfire hazard planning scheme policy.
- 9.4 An environmental covenant must be registered over Lots 1, 3, 4 and 5 pursuant to Section 97A of the *Land Title Act 1994* in accordance with the approved plan (refer condition 2.1) to the effect that:
- 9.4.1 The covenant is protected as a vegetated flora habitat and all native vegetation must be retained.
- 9.4.2 There is to be no artificial interference or disturbance of the habitat. Approval may be sought from Council to remove hazards to safety of persons outside

of the habitat, or remove weeds and revegetate with local native species under an approved plan.

9.4.3 Where fencing is proposed, fauna friendly fencing must be constructed within the covenants.

9.5 The covenant area must be shown on the Survey Plan and the respective documentation submitted to Council.

9.6 The cleared area within the waterway impacted for the bridge/access construction must be revegetated with suitable local native species. A planting plan must be developed in consultation with Council's Natural Resource Management Unit showing the location and type of species. The Rehabilitation Planting Plan must include a maintenance schedule over a three (3) year period to ensure the plantings are self-sustaining. Submitted with Survey Plan.

9.7 All fencing (including boundary fences) to lots must:

- (i) be constructed using non-combustible or fire retardant materials within twenty (20) metres of any building used for accommodation;
- (ii) have gates that can be freely accessed for fire-fighting purposes (if applicable); and
- (iii) be designed to not impede the safe movement of fauna (where applicable).

10.0 OPERATING PROCEDURES

10.1 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 Meiland Street and Sypher Drive.

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 Seniors, Disability Services and Aboriginal and Torres Strait Islander and Multicultural Affairs website <https://www.dsdsatsip.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. Water and Sewerage Services

In accordance with the *Water Supply (Safety & Reliability) Act 2008*, it is an offence to interfere with a service provider's infrastructure. Livingstone Shire Council is the service provider and Infrastructure is the department responsible for water and sewerage services. Alterations to existing services consequential to necessary connections to existing sewerage and / or water infrastructure must be

at the responsibility and cost of the Developer. Please contact Infrastructure for further information. Negotiation with other service authorities such as Telstra and Ergon may also be required to adequately affect these connections.

NOTE 5. 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.

NOTE 6. Planning Scheme Requirements

Lots approved by this development permit are affected by mapped overlays under Council's planning scheme which may necessitate future development on the lots being subject to development applications for Material Change of Use and/or Building Work regulated under the planning scheme.

RECOMMENDATION B

THAT in relation to the application for a Development Permit for Reconfiguring a Lot (one lot into five lots), made by Siris and Associates Consulting Engineers, on Lot 550 on SP268397 and located at Lot 550 Sypher Drive, Inverness, Council resolves to issue an Infrastructure Charges Notice for the amount of \$100,000.00.

Moved by: Councillor Hutton

Seconded by: Councillor Eastwood

MOTION CARRIED

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

Crs G Mather and R Watson voted in the negative.

PROCEDURAL MOTION

12.28PM

THAT the meeting be adjourned for lunch.

Moved by: Mayor, Councillor Ireland

MOTION CARRIED UNANIMOUSLY

PROCEDURAL MOTION

1.08PM

THAT the meeting be resumed.

Moved by: Councillor Mather

Seconded by:

MOTION CARRIED UNANIMOUSLY

11.9 LIVINGSTONE SHIRE LOCAL DISASTER MANAGEMENT PLAN 2022

File No: ES9.05.02

Attachments: 1. Livingstone Shire Local Disaster Management Plan 2022 [⇒](#)

Responsible Officer: Karen Sandy - Coordinator Disaster Management and Community Resilience
Greg Abbotts - Local Disaster Coordinator
Chris Ireland - General Manager Communities

Author: Sara Sale - Support Services Officer Disaster Management

SUMMARY

Livingstone Shire Council is dedicated to the continuous improvement of Disaster Management through all levels, including prevention, preparedness, response, and recovery. The Local Disaster Management Plan has been prepared by the Livingstone Shire Local Disaster Management Group for Livingstone Shire Council under the provisions of Section 57(1) of the Disaster Management Act 2003. The annual review and amendment of the Livingstone Shire Local Disaster Management Plan is a part of this continuous improvement process.

COUNCIL RESOLUTION

THAT Council adopts the *Livingstone Shire Local Disaster Management Plan* as endorsed by the Livingstone Shire Local Disaster Management Group on 31 August 2022.

Moved by: Mayor, Councillor Ireland

Seconded by: Councillor Mather

MOTION CARRIED UNANIMOUSLY

11.10 OPERATIONAL PLAN 2022-2023 Q1 PROGRESS REPORT

File No: CM4.6.2
Attachments: 1. Q1 Operational Plan 2022-2023 [🔗](#)
Responsible Officer: Poala Santini - Coordinator Governance
Andrea Ellis - Chief Financial Officer
Author: Ursula Sleeman - Governance Officer

SUMMARY

The 2022-2023 Operational Plan progress report for Quarter 1 as of 30 September 2022 is presented, pursuant to Section 174(3) of the Local Government Regulation 2012.

COUNCIL RESOLUTION

THAT Council receives the 2022-2023 Operational Plan Performance Report as of 30 September 2022.

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

MOTION CARRIED UNANIMOUSLY

11.11 MONTHLY FINANCIAL REPORT FOR THE PERIOD ENDING 31 OCTOBER 2022**File No:** FM12.14.1**Attachments:**
1. **Monthly Financial Report October 2022** [⇒](#)
2. **Capital Works Revised Budget 1** [⇒](#)**Responsible Officer:** Andrea Ellis - Chief Financial Officer**Author:** Sasha Kolega - Financial Accountant
Caitlyn Good - Management and Treasury Accountant

SUMMARY

Presentation of the Livingstone Shire Council Monthly Financial Report for the Period Ending 31 October 2022 by the Chief Financial Officer.

COUNCIL RESOLUTION

THAT

1. The Livingstone Shire Council Monthly Financial Report for the period ending 31 October 2022 be received (Attachment 1); and
2. Council approve the revised capital program expenditure of \$45,053,015 and \$20,161,000 in revenue to be recognised as capital grants, subsidies (Attachment 2)

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

11.12 ANNUAL REPORT - 1 JULY 2021 - 30 JUNE 2022

File No: qA24779
Attachments: 1. Annual Report 2021-2022 [↗](#)
Responsible Officer: Poala Santini - Coordinator Governance
Andrea Ellis - Chief Financial Officer
Author: Ursula Sleeman - Governance Officer

SUMMARY

The Annual Report 2021–2022 for the period from 1 July 2021 to 30 June 2022 is presented to Council, pursuant to section 182 of the Local Government Regulation 2012.

COUNCIL RESOLUTION

THAT Council adopts the Annual Report 2021–2022 for the period 1 July 2021 to 30 June 2022.

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

MOTION CARRIED UNANIMOUSLY

11.13 MONTHLY WORKPLACE HEALTH & SAFETY REPORT - OCTOBER 2022

File No: PC
Attachments: 1. Workplace Health & Safety Report - October 2022 [↗](#)
Responsible Officer: Kristy Mansfield - Chief Human Resources Officer
Author: Greg Lancaster - Coordinator Safety

SUMMARY

Presentation of the Livingstone Shire Council Monthly Workplace Health & Safety Report for the period ending 31 October 2022.

COUNCIL RESOLUTION

THAT the Livingstone Shire Council Monthly Workplace Health & Safety Report for the period ending 31 October 2022 be received.

Moved by: Councillor Friend
Seconded by: Councillor Eastwood

MOTION CARRIED UNANIMOUSLY

11.14 EXECUTIVE PERFORMANCE MANAGEMENT FRAMEWORK AND SENIOR CONTRACT STAFF REMUNERATION PRINCIPLES**File No:** PC**Attachments:**

1. Executive Performance Management Framework [⇒](#)
2. Contract Staff Remuneration Policy [⇒](#)
3. Model Senior Employment Contract Template [⇒](#)

Responsible Officer: Cale Dendle - Chief Executive Officer**Author:** Kristy Mansfield - Chief Human Resources Officer

SUMMARY

This report seeks resolution of Council to adopt Council's Executive Performance Management Framework and Senior Contract Staff Remuneration Principles.

COUNCIL RESOLUTION

THAT Council resolves to

1. Adopt the Contract Staff Remuneration Policy; and
2. Endorse the model Senior Employment Contract for implementation by the Chief Executive Officer; and
3. Endorse the Executive Performance Management Framework for implementation by the Chief Executive Officer, noting future involvement of councillors on executive staff performance assessment panels.

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

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

Cr G Mather voted in the negative.

11.15 FUTURE OF COMMUNITY VOICE PANELS

File No: qA26344
Attachments: Nil
Responsible Officer: Cale Dendle - Chief Executive Officer
Author: Cale Dendle - Chief Executive Officer

SUMMARY

Chief Executive Officer reporting on proposals to wind-up Community Voice Panels in line with Terms of Reference adopted in 2020.

COUNCIL RESOLUTION

THAT Council

1. Discontinue the current Community Voice Panels and thank all members for their respective contributions; and
2. Invite outgoing members of the Community Voice Panels to join refreshed Community Resilience Taskforces which have been tasked to implement the *Livingstone Community Plan: Towards 2050*:
 - a. Regional & Economic Development Taskforce (chaired by Mayor Andy Ireland).
 - b. Environment & Regulatory Taskforce (to be chaired by Cr Andrea Friend and Leise Childs).
 - c. Community Development Taskforce (to be chaired by Cr Rhodes Watson); and
3. The Chief Executive Officer be authorised to update the Councillor Portfolio Policy to reflect these additions.

Moved by: Councillor Eastwood

Seconded by: Councillor Watson

MOTION CARRIED UNANIMOUSLY

12 AUDIT, RISK AND IMPROVEMENT COMMITTEE REPORTS

Nil

6 URGENT BUSINESS\QUESTIONS

13.1 URGENT BUSINESS – MAYOR IRELAND - SUPPORT FOR CONTINUATION OF THE ROCKHAMPTON RING ROAD PROJECT

File No: GV13.4.1

Attachments: Nil

Responsible Officer: Cale Dendle - Chief Executive Officer

SUMMARY

Councillor Andrew Ireland has submitted Urgent Business in relation to Livingstone Shire Council supporting the continuation of the Rockhampton Ring Road Project.

COUNCIL RESOLUTION

THAT Council resolves to:

1. Request that the Rockhampton Ring Road Project be reinstated into the 2023/24 Federal and State Budgets with sufficient funding to reduce the entire project without reducing its scope; and
2. Seek commitments from both Federal and State Governments to commence construction of the Rockhampton Ring Road within the 2023/24 financial year.

Moved by: Mayor, Councillor Ireland

Seconded by: Deputy Mayor, Councillor Belot

MOTION CARRIED UNANIMOUSLY

7 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

1.56PM

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 CONTRACTUAL MATTER

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: Councillor Eastwood

MOTION CARRIED

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

Cr N Hutton voted in the negative.

COUNCIL RESOLUTION

2.33PM

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

Moved by: Councillor Friend

Seconded by: Councillor Watson

MOTION CARRIED UNANIMOUSLY

8 CONFIDENTIAL REPORTS

15.1 CONTRACTUAL MATTER

File No: ICT

Attachments: Nil

Responsible Officer: Cale Dendle - Chief Executive Officer

Author: Matthew Willcocks - Chief Technology Officer
Alister Gill - Project Implementation Manager

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

Chief Executive Officer reporting on contractual matter requiring resolution.

COUNCIL RESOLUTION

THAT:

1. Council terminates the contract with allaboutXpert (aaX) for the ERP Project on the basis of aaX's breaches of the contract and the Chief Executive Officer be authorised to take the necessary steps to effect that termination and pursue Council's rights against aaX under the contract and at law (including damages).
2. In accordance with s. 235(a) of *Local Government Regulation 2012*, Council resolves that it is satisfied that there is only one supplier who is reasonably available to perform the remainder of the ERP Project, that supplier being CountERPart Solutions, on the basis that:
 - a. The supplier was engaged as principal subcontractor to aaX and has a detailed understanding of the ERP project, including significant intellectual property.
 - b. It would be impractical or disadvantageous to use any other supplier, because it would be likely to result in a significant portion of the work that has been done to date being wasted, resulting in significant additional delay and cost.
 - c. The supplier has been recommended by software vendor, Oracle.
3. Accordingly, Council authorises the CEO to conclude negotiations and execute a contract with CountERPart Solutions.

Moved by: Mayor, Councillor Ireland

Seconded by: Councillor Watson

MOTION CARRIED UNANIMOUSLY

9 CLOSURE OF MEETING

There being no further business the meeting closed at 2.34pm.



<Insert Chairperson Name>
CHAIRPERSON

20 December 2022

DATE