



ORDINARY MEETING

MINUTES

17 JANUARY 2023

The resolutions contained within these Minutes were confirmed at the Ordinary Council Meeting of the 21st February 2023.

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MINUTES OF THE ORDINARY MEETING HELD AT COUNCIL CHAMBERS, 4 LAGOON PLACE, YEPPON ON TUESDAY, 17 JANUARY 2023 COMMENCING AT 9.01AM

1 OPENING**Acknowledgement of Country**

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

Opening Prayer

The opening prayer was delivered by Councillor Eastwood.

2 PRESENT**Members Present:**

Mayor, Councillor Andrew Ireland (Chairperson)
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
Daniel Pearce – Acting General Manager Infrastructure
Kristy Mansfield - Chief Human Resources Officer
Jeff Carter – Manager Construction and Maintenance
Molly Saunders – Principal Community Development and Engagement Officer
Christine Macdonald – Principal Property Officer
Caitlyn Good – Management and Treasury Accountant
Richard Mills – Coordinator Project Management Office
Doug Bergman - Infrastructure Project Engineer/Project Manager
Erin McCabe – Coordinator Development Assessment
Gretta Cowie – Planning Officer
Greg Lancaster – Coordinator Safety

3 LEAVE OF ABSENCE / APOLOGIES

Deputy Mayor, Councillor Adam Belot as resolved at the Ordinary Council Meeting of 20th December 2022.

4 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

COUNCIL RESOLUTION

THAT the minutes of the Ordinary Meeting held on 20 December 2022 be taken as read and adopted as a correct record.

Moved by: Councillor Mather

Seconded by: Councillor Eastwood

MOTION CARRIED

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

Cr N Hutton voted in the negative.

5 DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA

I, Councillor Andrea Friend, have a declarable conflict of interest in Item 11.8 – Error!
No document variable supplied. **as I own my residence within the vicinity of the development. Consequently, I will leave the Chamber for the discussion and voting in relation to this matter.**

6 DEPUTATIONS

NIL

7 BUSINESS ARISING OR OUTSTANDING FROM PREVIOUS MEETINGS

7.1 BUSINESS OUTSTANDING TABLE FOR ORDINARY COUNCIL MEETING

File No: GV13.4

Attachments: 1. Business Outstanding Table January 2023

Responsible Officer: Andrea Ellis - 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 Friend

Seconded by: Councillor Mather

MOTION CARRIED UNANIMOUSLY

7.2 LIFTING MATTERS LAYING ON THE TABLE**File No:** GV13.04.06**Attachments:** Nil**Responsible Officer:** Amanda Ivers - Coordinator Executive Support

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. Notice of Motion – Councillor Friend – Sealing of Minimal Area Adelaide Park Road*

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

8 PRESENTATION OF PETITIONS

Nil

9 COUNCILLOR/DELEGATE REPORTS

Nil

10 QUESTIONS/STATEMENT/MOTIONS ON NOTICE FROM COUNCILLORS

10.1 NOTICE OF MOTION - COUNCILLOR MATHER - RESHEET JEPSON'S ROAD

File No: qA24221

Attachments:

1. NoM - Cr Mather - Resheet Jepsons Road
2. Upgrading Unsealed Road to a Higher Standard Procedure

Responsible Officer: Amanda Ivers - Coordinator Executive Support
Andrea Ellis - Acting Chief Executive Officer

SUMMARY

Councillor Glenda Mather has submitted a 'Notice of Motion' in relation to Re-sheet Jepsons Road.

COUNCILLOR RECOMMENDATION

THAT due to the slippery surface on the red soil which comprises Jepson's Road, causing the milk tanker to slip off the road surface into the table drain, necessitating a tow truck to pull it out, a gravel resheet be applied to a section of the road, from the Heaslips / Jepsons Rd intersection, to the bend in the road, a length of approximately 200-250mtrs, as a matter of priority."

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 an inspection of Jepsons Road by officers and Councillors by the 20th January 2023 to return to the Ordinary Council meeting of 21st February 2023.

Moved by: Councillor Friend

MOTION CARRIED UNANIMOUSLY

10.2 NOTICE OF MOTION - CR FRIEND - SEALING OF MINIMAL AREA ADELAIDE PARK ROAD**File No:** GV13.4.1**Attachments:** 1. NoM - Cr Friend - Sealing of minimal area
Adelaide Park Road**Responsible Officer:** Amanda Ivers - Coordinator Executive Support

SUMMARY

Councillor Andrea Friend has submitted a 'Notice of Motion' in relation to the sealing of an area located on Adelaide Park Road.

COUNCILLOR RECOMMENDATION

That council resolve to seal an off-road area located between 28 -34 Adelaide Park Road for the purpose of minimising dust nuisance.

Or

That council resolve to lay 30-50 ml aggregate to an off-road area located between 28 -34 Adelaide Park Road for the purpose of minimising dust nuisance

Or

"That council resolve to install bollards to an off-road area located between 28 -34 Adelaide Park Road for the purpose of minimising dust nuisance and to inhibit the potential of larger vehicles to park.

COUNCIL RESOLUTION

That council resolve to seal an off-road area located between 28 -34 Adelaide Park Road for the purpose of minimising dust nuisance in 2023/2024.

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

Crs A Friend and R Watson voted in the affirmative.

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

11 REPORTS

11.1 RESPONSE TO NOTICE OF MOTION - COUNCILLOR FRIEND - SEALING OF MINIMAL AREA ADELAIDE PARK ROAD

File No:	qA24221
Attachments:	Nil
Responsible Officer:	Michael Kriedemann - General Manager Infrastructure
Author:	Kylie Keech - Executive Assistant to General Manager Infrastructure
Previous Items:	10.4 - Notice of Motion - Cr Friend - Sealing of Minimal Area Adelaide Park Road - Ordinary Council - 20 Sep 2022 9.00am

SUMMARY

At the Ordinary Meeting of Council held 20 September 2022, Councillor Friend submitted a 'Notice of Motion' in relation to the sealing of an area located adjacent to 28 – 34 Adelaide Park Road. Council resolved to lay the matter on the table pending a site visit by Councillors and Officers.

A site visit was conducted on 8 November 2022 and a report was presented at the Briefing Session held on 6 December 2022. The outcome of the briefing session was for officers to liaise with Councillor Friend to identify potential projects in the Forward Works Program that could be removed from the program in order to fund this project in 2023/2024.

OFFICER RECOMMENDATION

THAT Council resolves to:

1. Allocate \$125,000 in the 2027/2028 capital budget for sealing the shoulder adjacent to 28-34 Adelaide Park Road; and
2. install additional guide posts to deter motorists using the unsealed shoulder as an informal slip lane.

COUNCIL RESOLUTION

THAT Council resolves to:

1. Allocate \$125,000 in the 2027/2028 capital budget for sealing the shoulder adjacent to 28-34 Adelaide Park Road; and
2. install additional guide posts to deter motorists using the unsealed shoulder as an informal slip lane whilst maintaining access to residents through their driveways.

Moved by: **Councillor Hutton**

Seconded by: **Councillor Friend**

MOTION CARRIED

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

Crs G Mather and R Watson voted in the negative.

11.2 RESPONSE TO QUESTIONS ON NOTICE - CR HUTTON - MARLBOROUGH DEPOT COSTINGS

File No: qA24221
Attachments: Nil
Responsible Officer: Michael Kriedemann - General Manager Infrastructure
Author: Kylie Keech - Executive Assistant to General Manager Infrastructure
Previous Items: 8.10 - Marlborough Crew Relocation - Briefing Session - 07 Jun 2022 9.00am

SUMMARY

At the Ordinary Meeting of Council held 20December 2022, Councillor Hutton requested the following information in relation to Marlborough Depot:

- The annual costs of maintaining the Marlborough Depot into the future*
- The quantum of the cost savings identified with the officers' former alternative model of service provision*

Based on the information provided at the Briefing Session in June 2022, the following has been determined.

1. The annual cost of maintaining the Marlborough Depot into the future is estimated to be \$8,000 (\$3,000 for the Queensland Rail lease at the Council accommodation and \$5,000 for accommodation & depot maintenance activities).
2. The quantum of the cost savings identified with the officers former alternative model of service provision is \$71,000 in annual operational savings and \$35,000 in one-off revenue (net) from the sale of the accommodation units, Marlborough Depot property and minor upgrades to the Caves Depot).

COUNCIL RESOLUTION

THAT the officer responses to the Questions on Notice be received.

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

**11.3 CENTRAL QUEENSLAND REGIONAL ORGANISATION OF COUNCILS UPDATE
- JUNE-DECEMBER 2022 MEETINGS**

File No:	CM4.7.36
Attachments:	<ol style="list-style-type: none">1. CQROC Minutes 24 June 2022 - (<i>Confidential</i>)2. CQROC Minutes 23 September 2022 - (<i>Confidential</i>)3. CQROC Minutes 17 November 2022 - (<i>Confidential</i>)4. CQROC Minutes 18 November 2022 - (<i>Confidential</i>)
Responsible Officer:	Andrea Ellis - Acting Chief Executive Officer
Author:	Amanda Ivers - Coordinator Executive Support
Previous Items:	11.2 - CENTRAL QUEENSLAND REGIONAL ORGANISATION OF COUNCILS UPDATE - 31 May 2021 Meeting - Ordinary Council - 20 Jul 2021 9.00am 11.1 - CENTRAL QUEENSLAND REGIONAL ORGANISATION OF COUNCILS UPDATE - 25 March 2022 Meeting - Ordinary Council - 19 Apr 2022 9.00am

SUMMARY

Chief Executive Officer reporting on outcomes of Central Queensland Regional Organisation of Councils Ltd meetings held 24 June 2022 in Emerald, 23 September 2022 in Yeppoon, 17&18 November 2022 in Biloela.

OFFICER'S RECOMMENDATION

THAT the confidential minutes of the meeting of Central Queensland Regional Organisation of Councils Ltd (CQROC) held 24 June 2022 in Emerald, 23 September 2022 in Yeppoon, 17 & 18 November 2022 in Biloela be 'received'.

Item withdrawn from agenda until next meeting.

11.4 COMMUNITIES - PORTFOLIO REPORT

File No: GV
Attachments: Nil
Responsible Officer: Chris Ireland - General Manager Communities
Author: Jo McLennan - Executive Officer

SUMMARY

This report provides a summary of a range of strategic and operational activities within the Communities portfolio of Council for the period 1 October 2022 to 31st December 2022.

COUNCIL RESOLUTION

THAT the Communities portfolio management report for the period 1 October 2022 to 31 December 2022 be received.

Moved by: Councillor Friend
Seconded by: Councillor Mather

MOTION CARRIED UNANIMOUSLY

11.5 REGIONAL ARTS DEVELOPMENT ROUND 1 2022/23

File No: GS15.2.5
Attachments: Nil
Responsible Officer: Chris Ireland - General Manager Communities
Author: Jo McLennan - Executive Officer

SUMMARY

Council received a total of eight (8) Regional Arts Development Fund Applications (Round One (2022/2023) with a total requested amount of \$39,594.

The Regional Arts Development Fund Assessment Panel assessed the application and have recommended approval of \$28,844 leaving \$37,406 for Round Two in 2023.

COUNCIL RESOLUTION

THAT in accordance with the recommendation of the Livingstone Shire Regional Arts Development Fund Assessment Panel, the following grant application be funded from the Regional Arts Development Fund.

Name	Purpose	Total Expenses	Grant Requested	Grant Recommended
Janelle Westcott (IPD)	Professional development through BBODANCE in Melbourne to gain the latest teaching techniques and choreography styles, attend specific training for ballet to boys.	\$2,615	\$1,500	\$1,500

Moved by: Councillor Mather
Seconded by: Councillor Eastwood

MOTION CARRIED UNANIMOUSLY

11.6 REQUEST TO UTILISE A PORTION OF RESERVE FOR PARK AND RECREATION (R978) - LOT 71 ON SURVEY PLAN 294284**File No:** CP5.09.02**Attachments:**

1. Aerial
2. Beachside Land Management Plan
3. Feedback from internal stakeholder consultation for KBSC Temporary Permit
4. Amended Land Management Plan_KBSC Proposal
5. Engagement Plan_KBSC Temporary Permit
6. Get Involved Project Report

Responsible Officer: Sonia Tomkinson - Manager Economy and Places
Chris Ireland - General Manager Communities**Author:** Molly Saunders - Principal Community Development & Engagement Officer
Christine Macdonald - Principal Property Officer

SUMMARY

This report pertains to a request by Keppel Bay Sailing Club Limited to utilise a portion of Reserve for Park and Recreation (R978) to facilitate the temporary relocation of the Club's sailing operations during the period of construction of their new facility.

OFFICER'S RECOMMENDATION

THAT Council resolve to issue a trustee permit to Keppel Bay Sailing Club Limited to utilise a portion of R978 - Reserve for Park and Recreation, located at Farnborough Road, Yeppoon, described as Lot 71 on Survey Plan 294284, for the temporary relocation of the Club's sailing operations for a period of twelve months.

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 information being provided to Councillors.

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

10.23AM - THAT the meeting be adjourned for morning tea.

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

10.46AM - THAT the meeting be resumed.

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

11.7 2022/2023 LANDFILL CELL DESIGN BUDGET

File No: qA24577
Attachments: Nil
Responsible Officer: Michael Kriedemann - General Manager Infrastructure
Author: Nige Deacon - Manager Water and Waste Operations

SUMMARY

Following tender it has been identified that additional budget is required for the design of the next landfill cells (3A and 3B) and for design of the capping for the current cells (2A now full and 2B currently in use).

COUNCIL RESOLUTION

THAT Council resolves to bring forward additional design budget from the waste reserve for landfill capping to increase the total design budget from \$250,000 to \$370,000 for both new cells 3A and 3B and rehabilitation (capping) of existing cells 2A and 2B.

Moved by: Councillor Friend
Seconded by: Councillor Hutton

MOTION CARRIED UNANIMOUSLY

I, Councillor Andrea Friend, have a declarable conflict of interest in Item 11.8 – Error!
No document variable supplied. **as I own my residence within the vicinity of the development. Consequently, I will leave the Chamber for the discussion and voting in relation to this matter.**

10:55AM Councillor Friend left the meeting.

11.8 DEVELOPMENT APPLICATION D-246-2022 FOR A DEVELOPMENT PERMIT FOR RECONFIGURING A LOT (ONE LOT INTO TWO LOTS AND SERVICES EASEMENT) AT 6 ROSS STREET, YEPPOON

File No: D-246-2022

Attachments:

1. Plans
2. Technical Memorandum
3. Locality Plan

Responsible Officer: Gretta Cowie - Planning Officer
Greg Abbotts - Manager Development and Environment

Author: Gretta Cowie - Planning Officer

SUMMARY

Applicant: Grant Moffitt and Kim Moffitt

Consultant: Vision Surveys (Qld) Pty Ltd

Real Property Address: Lot 46 on RP601977 *Area of Site:* 1,012 square metres

Planning Scheme: Livingstone Planning Scheme 2018

Planning Scheme Zone: Medium density residential zone

Planning Scheme Overlays: OM02 Agricultural Land Classification
OM12 Bushfire hazard area
OM18 Landslide hazard area
OM20 Road hierarchy – Urban Access Street
OM27 Height limits

Existing Development: Dwelling house

Level of Assessment: Impact Assessable

Submissions: 2 Submissions received

Referral matters: Not applicable

Infrastructure Charge Area: Charge Area 1

Application progress:

<i>Application received:</i>	7 June 2022
<i>Application properly made:</i>	9 June 2022
<i>Development control unit meeting:</i>	15 June 2022
<i>Confirmation notice issued:</i>	16 June 2022
<i>Public notification period:</i>	30 June – 20 July 2022
<i>Notice of compliance received:</i>	21 July 2022
<i>Submission consideration period:</i>	22 July – 4 August 2022
<i>Decision period commenced:</i>	4 August 2022
<i>Change (minor) received:</i>	6 September 2022
<i>Extension by agreement:</i>	21 September 2022 – 21 October 2022
<i>Extension by agreement:</i>	21 October 2022 – 20 December 2022
<i>Extension by agreement:</i>	21 December 2022 – 19 January 2023
<i>Statutory determination date:</i>	19 January 2023

COUNCIL RESOLUTION

THAT in relation to the application for a Development Permit for Reconfiguring a Lot (one into two lots and services easement), made by Grant Moffitt and Kim Moffitt, on Lot 46 on RP601977, and located at 6 Ross Street, Yeppoon 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 the survey plan for 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 to the approval of the survey plan for 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 (if required)
 - (ii) Sewerage Works; and
 - (iii) Water 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 subdivision plan	22266-PP01 sheet 1 of 1 revision B	31/08/2022
Technical Memorandum	108-21-22	3/06/22

- 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 ACCESS WORKS

3.1 The internal access way within proposed Lot 2 must be designed and constructed to comply with following standards for the extent of the handle (minimum 29.3 metres):

3.1.1 Minimum five (5) metre wide access way; and

3.1.2 Minimum three (3) metre wide compacted gravel pavement not less than 100 millimetres thick and sealed with:

- 25 millimetres of asphaltic concrete; or
- hot sprayed bitumen consisting of a prime and two (2) seal coats; or
- interlocking pavers;

or

3.1.3 Minimum three (3) metre wide reinforced concrete driveway (not car tracks) not less than 100 millimetres thick.

3.2 A compliant vehicle access must be designed and constructed to proposed Lot 1 in accordance with the *Capricorn Municipal Development Guidelines, standard drawing CMDG-R-041 revision D*, titled as “*residential driveway slab and tracks*”, and located minimum one (1) metre away from any sewer connections, access chambers, valves, fire hydrant, water meter boxes, and any other utility services.

Any non-compliant vehicle access driveway will require a Development Permit for Operational Works (access works) prior to the commencement of any vehicle access works associated with that lot.

3.3 The proposed services easement must be provided over proposed Lot 2 in favour of proposed Lot 1.

4.0 SEWERAGE WORKS

4.1 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*, and the *Plumbing and Drainage Act*.

4.2 All lots must be connected to the Council sewer network and must be provided with its own separate property point of connections and located wholly within its respective property boundaries.

4.3 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*.

4.4 A building height restriction (floor level) easement must be provided over the entirety of Proposed Lot 2 (less the access handle):

4.4.1 nominating a minimum floor level to command fixtures of 38.7 metres Australia Height Datum.

5.0 The sewerage property point of connection must be located on a standard alignment (1 metre) from the western boundary of proposed Lot 2

6.0 WATER WORKS

6.1 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* and the *Plumbing and Drainage Act*.

6.2 All lots must be connected to Council water supply network and must be provided with its own separate property point of connection.

6.3 The water meter for proposed lot 2 must be located within the Ross Street road reserve.

7.0 STORMWATER WORKS

- 7.1 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.
- 7.2 All stormwater management works must be designed and constructed in accordance with the recommendations of the submitted Technical Memorandum (refer to condition 2.1).
- 7.3 An easement must be provided over the entirety of proposed Lot 2 (less the access handle):
- 7.3.1 Any building located within the site must be elevated on columns or posts with minimal change to the existing site grades and remain one hundred percent permeable beneath the dwelling.

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.
- 8.2 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.

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 in accordance with the Manual for Submission of Digital As Constructed Information.

10.0 ENVIRONMENTAL

- 10.1 An 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.

11.0 OPERATING PROCEDURES

- 11.1 All construction materials, waste and waste skips must be located and stored on-site. All construction materials and waste must be secured and not allowed to be washed or blown by the wind off-site. At all times machinery and contractor's vehicles must be parked so as to not unreasonably obstruct the road pavement, road verges/footpaths or any neighbouring property accesses.

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 Partnerships 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. 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 Reconfiguring a Lot (one into two lots and access easement) only, made by Grant Moffitt and Kim Moffitt, on Lot 46 on RP601977, and located at 6 Ross Street, Yeppoon, Council resolves to issue an Infrastructure Charges Notice for the amount of \$25,000.00.

Moved by: Councillor Hutton

Seconded by: Councillor Eastwood

MOTION CARRIED UNANIMOUSLY

11:01AM Councillor Friend returned to the meeting.

11.9 MONTHLY FINANCIAL REPORT FOR THE PERIOD ENDING 31 DECEMBER 2022

File No: FM12.14.1
Attachments: 1. Monthly Financial Report 31 December 2022
Responsible Officer: Richard Mills - Acting Chief Financial Officer
Author: Caitlyn Good - Management and Treasury Accountant

SUMMARY

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

COUNCIL RESOLUTION

THAT the Livingstone Shire Council Monthly Financial Report for the period ending 31 December 2022 be received (Attachment 1).

Moved by: Councillor Hutton
Seconded by: Councillor Eastwood

MOTION CARRIED UNANIMOUSLY

11.10 MONTHLY WORKPLACE HEALTH & SAFETY REPORT - NOVEMBER 2022

File No: PC
Attachments: 1. Workplace Health & Safety Report - December 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 December 2022.

COUNCIL RESOLUTION

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

Moved by: Councillor Hutton
Seconded by: Councillor Eastwood

MOTION CARRIED UNANIMOUSLY

12 AUDIT, RISK AND IMPROVEMENT COMMITTEE REPORTS

Nil

PROCEDURAL MOTION

11.25AM - THAT the meeting be adjourned.

Moved by: Mayor, Councillor Ireland
MOTION CARRIED UNANIMOUSLY

PROCEDURAL MOTION

11.36AM - THAT the meeting be resumed.

Moved by: Mayor, Councillor Mather
MOTION CARRIED UNANIMOUSLY

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 Friend
MOTION CARRIED UNANIMOUSLY

11.6 REQUEST TO UTILISE A PORTION OF RESERVE FOR PARK AND RECREATION (R978) - LOT 71 ON SURVEY PLAN 294284**File No:** CP5.09.02**Attachments:**

1. Aerial
2. Beachside Land Management Plan
3. Feedback from internal stakeholder consultation for KBSC Temporary Permit
4. Amended Land Management Plan_KBSC Proposal
5. Engagement Plan_KBSC Temporary Permit
6. Get Involved Project Report

Responsible Officer: Sonia Tomkinson - Manager Economy and Places
Chris Ireland - General Manager Communities**Author:** Molly Saunders - Principal Community Development & Engagement Officer
Christine Macdonald - Principal Property Officer

SUMMARY

This report pertains to a request by Keppel Bay Sailing Club Limited to utilise a portion of Reserve for Park and Recreation (R978) to facilitate the temporary relocation of the Club's sailing operations during the period of construction of their new facility.

COUNCIL RESOLUTION

THAT Council resolve to issue a trustee permit to Keppel Bay Sailing Club Limited to utilise a portion of R978 - Reserve for Park and Recreation, located at Farnborough Road, Yeppoon, described as Lot 71 on Survey Plan 294284, for the temporary relocation of the Club's sailing operations for a period of twelve months.

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

13 URGENT BUSINESS\QUESTIONS

13.1 URGENT BUSINESS – COUNCILLOR MATHER - MARLBOROUGH ISSUES

File No: GV

Responsible Officer: Justine Schofield - Executive Assistant to the Mayor

SUMMARY

Councillor Glenda Mather submitted the following during Urgent Business.

COUNCIL RESOLUTION

THAT Council

- 1) write to the Minister for Police and Corrective Services referring him to the serious assault in Marlborough last weekend necessitating police and ambulance involvement. The Minister be asked to assign a temporary police officer to the Marlborough station until the process of the appointment of the new permanent officer be completed; and
- 2) forward a copy to the Assistant Police Commissioner Central Queensland region.

Moved by: Councillor Mather

Seconded by: Councillor Friend

MOTION CARRIED UNANIMOUSLY

13.2 URGENT BUSINESS – COUNCILLOR HUTTON - RESIGNATION AS COUNCILLOR**File No:** GV**Responsible Officer:** Justine Schofield - Executive Assistant to the Mayor

SUMMARY

Councillor Nigel Hutton submitted the following during Urgent Business.

COUNCIL RESOLUTION

THAT Council regretfully receives the resignation of Cr Nigel Hutton effective 31 March 2023 and notes the process prescribed by s. 166 of the *Local Government Act 2009* for inviting of public nominations to fill the vacancy once the resignation takes effect.

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

14 CLOSURE OF MEETING

There being no further business the meeting closed at 12.04 pm.

Mayor, Councillor Andy Ireland
CHAIRPERSON

DATE