



ORDINARY MEETING

MINUTES

15 AUGUST 2023

The resolutions contained within these minutes were confirmed at the Ordinary Council meeting of the 19th September 2023.

TABLE OF CONTENTS

ITEM	SUBJECT	PAGE NO
1	OPENING.....	1
2	PRESENT	1
3	LEAVE OF ABSENCE / APOLOGIES	2
	NIL	2
4	CONFIRMATION OF MINUTES OF PREVIOUS MEETING.....	2
5	DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA	2
6	DEPUTATIONS.....	3
6.1	9.15 AM - DEPUTATION - GIDEON TOWN PLANNING - D-519-2022	3
11.10	DEVELOPMENT APPLICATION FOR MULTIPLE DWELLING (23 DWELLINGS) AT 40 FARNBOROUGH ROAD, YEPPON	4
7	BUSINESS ARISING OR OUTSTANDING FROM PREVIOUS MEETINGS	16
7.1	BUSINESS OUTSTANDING TABLE FOR ORDINARY COUNCIL MEETING	16
8	PRESENTATION OF PETITIONS.....	17
8.1	PETITION REQUESTING THAT COUNCIL SEEK TO WITHDRAW APPLICATION WITH STATE GOVERNMENT FOR FLINDERS PARK.....	17
9	COUNCILLOR/DELEGATE REPORTS	18
	NIL	18
10	QUESTIONS/STATEMENT/MOTIONS ON NOTICE FROM COUNCILLORS	19
10.1	NOTICE OF MOTION - COUNCILLOR MATHER - COMPLAINTS ABOUT CEO CCC POLICY	19
10.2	NOTICE OF MOTION - COUNCILLOR FRIEND - DRAINAGE AT KEDRON PARK, LAMMERMOOR	20
10.3	NOTICE OF MOTION - COUNCILLOR FRIEND - REMOVAL OF PARKING STOPPERS, HILL STREET EMU PARK	21
11	REPORTS.....	22
11.1	APPLICATION TO CLOSE MATTHEW FLINDERS DRIVE ROAD RESERVE (FLINDERS PARK)	22
11.2	DELEGATIONS TO CEO - TO APPLY FOR PERMENENT ROAD CLOSURES.....	24
11.3	INDEPENDENT REVIEW OF PROPOSED FLINDERS PARK TRANSACTION.....	25

11.4	MONTHLY FINANCIAL REPORT FOR THE PERIOD ENDING 31 JULY 2023.....	26
11.5	PROPOSAL TO REPLACE DEBT RECOVERY POLICY	27
11.6	PROPOSAL TO REPEAL RURAL FIRE LEVY PROTOCOL POLICY	28
11.7	CONTRACTING EXCEPTIONS – SOLE SUPPLIER REPORT FOR 2023-24	29
11.8	OPERATIONAL PLAN 2022-2023 Q4 PERFORMANCE REPORT	30
11.9	AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING 19 JUNE 2023	31
11.11	LIVINGSTONE SHIRE COUNCIL SUBMISSION - WOPPA (GREAT KEPPEL ISLAND) DRAFT MASTER PLAN 2023	32
11.12	AMENDMENTS TO FEES AND CHARGES SCHEDULE 2023/2024	33
11.13	AUSTRALIA DAY AWARDS - COMMITTEE TERMS OF REFERENCE AND NOMINATION OF CHAIR.....	34
11.14	RESPONSE TO NOM - COUNCILLOR WATSON - COMMERCIAL USES OF YEPPON CBD MULTI STOREY CARPARK.....	35
11.15	QUEENSLAND GOVERNMENT RESPONSE TO HOUSING SUPPLY AND AFFORDABILITY	36
11.16	INFRASTRUCTURE PORTFOLIO - QUARTERLY MANAGEMENT REPORT FOR THE PERIOD 1 APRIL 2023 TO 30 JUNE 2023.....	37
11.17	ROAD CLOSURE APPLICATION - PART OF DENDLES ROAD MILMAN SEVERING LOT 2 RP851703 (260 PERSHOUSE ROAD MILMAN)	38
11.18	RETAIL WATER AND SEWERAGE SERVICE PROVIDER – MANAGEMENT AND FUNCTIONS POLICY (V4.0)	39
11.19	SEWER ACCESS CHAMBER AT 11-15 MIAMI CRESCENT - PACIFIC HEIGHTS.....	40
11.20	SEWER ACCESS CHAMBER AT 14 THOMAS STREET - EMU PARK.....	41
11.21	SUCCESSFUL 2023 BLACKSPOT NOMINATIONS - REQUEST TO ADOPTION INTO BUDGET.....	42
11.22	RESPONSE TO NOTICE OF MOTION - WADALLAH CREEK CROSSING, STANAGE BAY RD	43
11.23	ROCKHAMPTON REGIONAL ROAD TRANSPORT GROUP COUNCILLOR NOMINATION.....	44
12	AUDIT, RISK AND IMPROVEMENT COMMITTEE REPORTS.....	45
	NIL	45
13	URGENT BUSINESS\QUESTIONS	45
13.1	FLINDERS PARK INFORMATION	45
14	CLOSURE OF MEETING.....	45

MINUTES OF THE ORDINARY MEETING HELD AT COUNCIL CHAMBERS, 4 LAGOON PLACE, YEPPON ON TUESDAY, 15 AUGUST 2023 COMMENCING AT 9.00AM

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 Major Peter Sutcliffe of the Salvation Army Capricorn Region Corps.

2 PRESENT**Members Present:**

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

Officers in Attendance:

Cale Dendle - Chief Executive Officer
Chris Ireland – General Manager Communities
Michael Kriedemann – General Manager Infrastructure
Andrea Ellis – Chief Financial Officer
Matthew Willcocks - Chief Technology Officer
Kristy Mansfield - Chief Human Resources Officer

3 LEAVE OF ABSENCE / APOLOGIES

Nil

4 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

COUNCIL RESOLUTION

THAT the minutes of the Ordinary Meeting held on 18 July 2023 be taken as read and adopted as a correct record.

Moved by: Councillor Swadling

Seconded by: Councillor Mather

MOTION CARRIED UNANIMOUSLY

RECOMMENDATION

THAT the minutes of the Special Meeting held on 26 July 2023 be taken as read and adopted as a correct record.

Moved by: Councillor Swadling

Seconded by: Councillor Mather

MOTION CARRIED UNANIMOUSLY

5 DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA

Councillor Watson advised that he was reconsidering his earlier declarations of interest in matters relating to Great Keppel Island and may call on his colleagues to determine whether he can remain and vote on matters.

6 DEPUTATIONS

6.1 9.15 AM - DEPUTATION - GIDEON TOWN PLANNING - D-519-2022

File No: qA24261
Attachments: Nil
Responsible Officer: Amanda Ivers - Coordinator Executive Support
Cale Dendle - Chief Executive Officer
Author: Alarnie Casey - Executive Support Officer

SUMMARY

Gideon Genade, Matthew Lawless and Simon Greenhalgh from Gideon Town Planning will provide an overview of Development Application D-519-2022 for 40 Farnborough Road, Yeppoon.

COUNCIL RESOLUTION

THAT the Deputation be received.

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

PROCEDURAL MOTION

10.00 AM - THAT the meeting be adjourned.

Moved by: Mayor, Councillor Ireland
MOTION CARRIED UNANIMOUSLY

PROCEDURAL MOTION

10.24AM – THAT the meeting be resumed.

Moved by: Mayor, Councillor Ireland
MOTION CARRIED UNANIMOUSLY

PROCEDURAL MOTION

That pursuant to s2.18.1(c) and s2.18.8 of Livingstone Shire Council's Meeting Procedures Policy the meeting proceeds to item 11.10 - Development Application for Multiple Dwelling (23 dwellings) at 40 Farnborough Road, Yeppoon.

Moved by: Mayor, Councillor Ireland
MOTION CARRIED UNANIMOUSLY

11.10 DEVELOPMENT APPLICATION FOR MULTIPLE DWELLING (23 DWELLINGS) AT 40 FARNBOROUGH ROAD, YEPPON

File No: D-519-2022

Attachments:

1. Locality Plan
2. Proposal Plans
3. Planning Scheme Code Assessment

Responsible Officer: Erin McCabe - Coordinator Development Assessment
Greg Abbotts - Manager Development and Environment
Chris Ireland - General Manager Communities

Author: Tammy Wardrop - Principal Planning Officer

SUMMARY

Applicant: Keppview Pty Ltd

Consultant: Gideon Town Planning

Real Property Address: Lot 1 on RP602059 Area of Site: 3,035 square metres

Planning Scheme: Livingstone Planning Scheme 2018

Planning Scheme Zone: Medium density residential zone

Planning Scheme Overlays: OM01 Acid sulfate soils
OM02 Agricultural land classification
OM07 Biodiversity – Habitat and vegetation
OM13 Coastal hazard – Erosion prone
OM18 Landslide hazard area
OM20 Road hierarchy
OM21 Scenic amenity
OM27 Height limits

Existing Development: Dwelling house

Level of Assessment: Impact assessable

Submissions: 60 Submissions received

Referral matters: Nil

Infrastructure Charge Area: Charge Area 1

Application progress:

<i>Application received:</i>	8 December 2022
<i>Application properly made:</i>	13 December 2022
<i>Development control unit meeting:</i>	14 December 2022
<i>Confirmation notice issued:</i>	9 January 2023
<i>Information request issued:</i>	23 January 2023
<i>Change to application:</i>	28 March 2023

<i>Information request response received:</i>	<i>21 April 2023</i>
<i>Public notification period:</i>	<i>21 April 2023 – 16 May 2023</i>
<i>Notice of compliance received:</i>	<i>17 May 2023</i>
<i>Submission consideration period:</i>	<i>17 May 2023 – 31 May 2023</i>
<i>Further advice issued:</i>	<i>31 May 2023</i>
<i>Extension of time agreed to:</i>	<i>29 June 2023</i>
<i>Further advice responded to:</i>	<i>3 July 2023</i>
<i>Decision period commenced:</i>	<i>31 May 2023</i>
<i>Council meeting date:</i>	<i>15 August 2023</i>
<i>Statutory determination date:</i>	<i>22 August 2023</i>

OFFICER'S RECOMMENDATION

THAT in relation to the application for a Development Permit for a Material Change of Use for Multiple dwelling (23 dwellings), made by Keppview Pty Ltd, on Lot 1 on RP602059, and located at 40 Farnborough Road, Yeppoon, Council resolves to Approve the application despite the development not meeting some of the assessment benchmarks pursuant to Section 60(3) of the *Planning Act 2016*, there are considered to be circumstances that favour Council exercising its discretion to approve the development. The circumstances are:

- (i) The development does not comply with acceptable outcome AO1.1 and Overall outcome 7(c) of the Medium density residential zone code, as the building height exceeds the height nominated in the Farnborough Road Height Limits figure, which is based on the contours of the site. The proposed contour height for the development is 39.2 metres Australian Height Datum and the existing contour height for the site at the western boundary is 27 metres. The proposal exceeds the contour height by 12.2 metres.
 - (a) Despite the non-compliance, the design of the building incorporates contemporary architectural features including variation in balcony design, podiums, stepping of the building at various boundaries and a staggered roofline incorporating a green roof, to retain the character and amenity of the area.
 - (b) The development proposes a modest site cover, and the building is designed into the slope of the site, with established dense vegetation being retained, surrounding the development.
 - (c) The development considers adjoining properties, by attempting to retain outlooks of surrounding residents, and by keeping the height of the building below the contour level of balconies of dwellings to the rear of the site.
 - (d) The development is supported by a Visual Impact Assessment which demonstrates the proposal is of a well considered contemporary architectural design, focused on delivering a visually sympathetic and attractive building into the area.
- (ii) The development does not comply with acceptable outcome AO2.2 of the Medium density residential zone code, as the proposed building setbacks of the site are approximately 2.4 metres less than required, based on an building height above ground level at the specific boundaries.
 - (a) Despite the non-compliance, the design and siting of the development results in a

high level of amenity and the proposed setbacks are sufficient to support ventilation between buildings. The development is supported by shadow diagrams to predict potential impact over adjoining properties.

- (b) The conservative site cover also allows for existing vegetation to remain connected to adjoining vegetation and environmental corridors, which is integral to the adjoining environmental covenants and local species communities.
- (c) The development provides generous setbacks to the rear and street frontage, further, the built form will be in excess of twenty (20) metres to adjoining buildings.
- (iii) The development complies with the relevant outcomes of the Accommodation activities code. The proposed development provides the density sought for the Medium density residential zone, given the proposed density of seventy-five (75) dwellings per hectare exceeds the minimum stated density of fifty (50) dwellings per hectare. The development is able to maintain existing site features and vegetation with a modest building footprint (site cover) of 25.4%, resulting in protection of amenity and privacy of adjoining premises. The development complies with the relevant outcomes of the Biodiversity overlay code. The development is supported by an Ecological Assessment Report, supported and advised by a protected plants survey undertaken by a suitably qualified botanist. The assessment did not identify protected plants, or evidence of fauna breeding areas.
- (iv) The development complies with the relevant outcomes of the Coastal hazard overlay code, given only a minor portion of the front of the site (approximately 4 square metres) is located within the Erosion prone area and this area will be landscaped with no buildings or structures within the overlay location.
- (v) The development complies with the relevant outcomes of the Development works code subject to conditions and further development permits for Operational Works.
- (vi) The development does not comply with acceptable outcome AO7.2 of the General development code, given a traffic impact assessment report has not been undertaken.

Despite the non-compliance, a capacity assessment was undertaken of the Urban access place fronting the development site, and post development traffic generation is determined to be within the range for typical Urban access place. A 7.5 metre wide carriageway is proposed for the road link between Farnborough Road and the development.
- (vii) The development has been justified to comply with the Specific Outcomes of the Settlement pattern theme for urban places in the Strategic framework as it provides the desired density and contributes to diverse housing options consistent with intended role and function of the place in the settlement pattern. The development is close to the Major centre zone and public transport corridors contributing to a strong and vibrant centre, and to assist in making more efficient use of infrastructure and other public investment. The proposal as a whole results in development that does not compromise the policy direction embodied in the Strategic Framework.
- (viii) The development does not compromise the achievement of the State interests – Liveable Communities, Water Quality and Planning for Safety and Resilience to Hazards, outlined in the *State Planning Policy*.
- (ix) The development does not compromise the achievement of regional outcomes outlined in the *Central Queensland Regional Plan*.

On balance, the application should be approved because the circumstances favour Council exercising its discretion to approve the application even though the development does not comply with aspects of the assessment benchmarks.

RECOMMENDATION B

THAT in relation to the application for a Development Permit for a Material Change of Use for Multiple dwelling (23 dwellings), made by Keppview Pty Ltd, on Lot 1 on RP602059, and located at 40 Farnborough Road, 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 commencement of the use.
- 1.5 Where applicable, infrastructure requirements of this approval must be contributed to the relevant authorities, at no cost to Council prior to the commencement of the use.
- 1.6 The following Development Permits must be obtained prior to the commencement of any works associated with its purposes:

1.6.1 Operational Works:

- (i) Access and Parking Works;
- (ii) Stormwater Works;
- (iii) Sewer Works;
- (iv) Earthworks; and
- (v) Clearing Works;

1.6.2 Building Works; and

1.6.3 Plumbing and Drainage Works.

- 1.7 All Development Permits for Operational Works must be obtained prior to the issue of a Development Permit for Plumbing and Drainage Works and Building Works.
- 1.8 Unless otherwise stated, all works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards.
- 1.9 All engineering drawings/specifications, design and construction works must comply with the requirements of the relevant *Australian Standards* and must be approved, supervised and certified by a Registered Professional Engineer of Queensland.

2.0 APPROVED PLANS AND DOCUMENTS

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

<u>Plan/Document Name</u>	<u>Plan/Document Reference</u>	<u>Dated</u>
Pool Level	DA-100 Revision D	6 December 2022
Lower Basement	DA-103 Revision D	6 December 2022
Upper Basement	DA-104 Revision D	6 December 2022
Level 1	DA-105 Revision D	6 December 2022

Level 2	DA-107 Revision D	6 December 2022
Level 3-4	DA-108	6 December 2022
Level 5	DA-109 Revision D	6 December 2022
Level 6	DA-110 Revision D	6 December 2022
Level 7	DA-111 Revision D	6 December 2022
Roof Plan	DA-112 Revision D	6 December 2022
Elevations	DA-201 Revision D	6 December 2022
South West Elevation	DA-203 Revision D	6 December 2022
East Elevation	DA-204 Revision D	6 December 2022
West Elevation	DA-205 Revision D	6 December 2022
South East Elevation	DA-206 Revision D	6 December 2022
North Elevation	DA-207 Revision D	6 December 2022
Lower Basement Turning Paths	DA-530 Revision D	6 December 2022
Upper Basement Turning Paths	DA-531 Revision D	6 December 2022
Farnborough Road Access Plan	SK10[1]	6 April 2023
Garbage Truck Turnpath Plan 2	SK11[1]	6 April 2023
Landscape Concept Plan	2209-022 Revision B SK001 – SK040	29 November 2022
Stormwater Management Report	Project number 22071	25 November 2022
Preliminary Landslide Risk Assessment	Project number R22-243A Revision 1	8 December 2022
Ecological Assessment Report	-	14 July 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 AND PARKING WORKS

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

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

- 3.3 The carriage way (access driveway) must be constructed in accordance with the approved plans (refer to condition 2.1) and the provisions of a Development Permit for Operational Works (access and parking works).
- 3.4 Access, parking and associated vehicle manoeuvring areas must be sealed.
- 3.5 All ingress and egress movements to and from the development must be in a forward direction.
- 3.6 A minimum of forty-three (43) off-street covered parking spaces must be provided.
- 3.7 Universal parking spaces must be provided in accordance with *Australian Standard AS2890.6 "Parking Facilities - Off-Street parking for people with disabilities"*.
- 3.8 Tandem parking spaces P7 and P42 must be allocated to a single dwelling unit.
- 3.9 Tandem parking spaces P8 and P43 must be allocated to a single dwelling unit.
- 3.10 All vehicle operations associated with the proposed use must be directed by suitable directional, informative, regulatory or warning signs in accordance with the *Manual of Uniform Traffic Control Devices (Queensland)*.

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 The development must be connected to Council's reticulated sewerage service.
- 4.4 A new sewerage connection point must be provided.
- 4.5 Any redundant existing sewerage connection points must be disconnected.

5.0 WATER WORKS

- 5.1 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*.
- 5.2 The development must be connected to Council's reticulated water supply.
- 5.3 The existing water connection point must be retained and upgraded, if necessary, to service the development.
- 5.4 Any redundant existing water connection points must be disconnected.
- 5.5 The proposed development must be provided with a master meter at the property boundary (on the foot path) and sub meters for each sole occupancy unit in accordance with the *Queensland Plumbing and Wastewater Code* and Council's Sub-metering Policy.
- 5.6 Water meter boxes located within trafficable areas must be raised or lowered to suit the finished surface level and must be provided with heavy duty trafficable lids.

6.0 STORMWATER WORKS

- 6.1 A Development Permit for Operational Works (stormwater works) must be obtained prior to the commencement of any stormwater works on the site.
- 6.2 All stormwater drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Queensland Urban Drainage Manual, Capricorn Municipal Development Guidelines, Urban Stormwater Quality Planning Guidelines, State Planning Policy*, any Council flood study reports, sound engineering practice and the provisions of a Development Permit for Operational

Works (stormwater works).

- 6.3 All stormwater must achieve demonstrated lawful discharge and must not adversely affect the upstream or downstream land or damage infrastructure when compared to pre-development condition by way of blocking, altering or diverting existing stormwater runoff patterns or cause an actionable nuisance.
- 6.4 All major drainage systems must be designed and constructed to cater for peak flow characteristics of the one percent (1%) Annual Exceedance Probability event consistent with the provisions of the *Queensland Urban Drainage Manual*.
- 6.5 Any application for Operational works (stormwater works) must include the detailed design of any stormwater structures for the access driveway within the lot boundary (between road reserve and the proposed multiple dwelling building), demonstrating that this access driveway is resilient to one percent (1%) Annual Exceedance Probability event.
- 6.6 The potential pollutants in stormwater runoff, discharged from the site must be managed in accordance with *Urban Stormwater Quality Planning Guidelines* and *State Planning Policy*.

7.0 BUILDING WORKS

- 7.1 A Development Permit for Building Works must be obtained prior to the commencement of any building works on the site.
- 7.2 The external wall colours for the development must not exceed a light reflectance value (LRV) of eighty (80) per cent.
- 7.3 Any retaining structures one (1) metre or above in height must be separately approved for structural adequacy by a suitably qualified Registered Professional Engineer of Queensland or equally qualified person at design submission and certified on completion of construction for compliance with the design.
- 7.4 All building works must be undertaken in accordance with *Australian Standard, AS3798 "Guidelines on Earthworks for Commercial and Residential Developments"*, any recommendations of the *Preliminary Landslide Risk Assessment Report* (refer to condition 2.1) and any recommendations of subsequent geotechnical investigation reports.

8.0 ROOF AND ALLOTMENT DRAINAGE WORKS

- 8.1 All roof and allotment runoff must drain demonstrating lawful discharge in accordance with the requirements of the *Queensland Urban Drainage Manual* and the *Capricorn Municipal Development Guidelines* and any recommendations of the slope stability assessment report.
- 8.2 All roof and allotment runoff water must not adversely affect the upstream or downstream land when compared to pre-development conditions or cause an actionable nuisance or damage infrastructure.

9.0 EARTHWORKS

- 9.1 A Development Permit for Operational Works (earthworks) must be obtained prior to the commencement of any site works.
- 9.2 All earthworks must be undertaken in accordance with *Australian Standard, AS3798 "Guidelines on Earthworks for Commercial and Residential Developments"* and any recommendations of the *Preliminary Landslide Risk Assessment Report* (refer to condition 2.1).
- 9.3 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.
- 9.4 Any application for a Development Permit for Operational Works (earthworks) must

be accompanied by a detailed geotechnical assessment and design report certified by a qualified Registered Professional Engineer of Queensland with any feasible option and detailed design to reduce the risk of failure of the retaining wall along the boundary with Lot 0 on GTP105996 (38 Farnborough Road), as the recommendation of the *Preliminary Landslide Risk Assessment Report* (refer to condition 2.1).

- 9.5 Any application for a Development Permit for Operational Works (earthworks) must be accompanied by a detailed geotechnical assessment report certified by a qualified Registered Professional Engineer of Queensland, to address all the recommended additional investigation and analysis under Section 5.4 and Section 5.5 of the *Preliminary Landslide Risk Assessment Report* (refer to condition 2.1).
- 9.6 Any building foundations including any retaining structures and associated changes to natural landform (cut and fill) must be separately certified for structural adequacy and geological stability by a suitably qualified Registered Professional Engineer of Queensland at design submission for building works and certified on completion of construction for compliance with the design.
- 9.7 Any earthwork that results in batter slopes, which exceed twenty-five (25) per cent, must be separately certified by an engineer who qualifies as a registered professional engineer of Queensland as having been designed and constructed in accordance with best practice and as being structurally stable and safe.
- 9.8 Any application for a Development Permit for Operational Works (earthworks) must be accompanied by a preliminary site investigation into acid sulphate soils in accordance with State Planning Policy.

10.0 LANDSCAPING WORKS

- 10.1 A Planting Plan and supporting documentation must be submitted for endorsement by Council prior to establishment of the landscaping on site. The landscaping works must be generally in accordance with the approved plans (refer condition 2.1) and must document the "Extent of Works" which includes, but is not limited to:
- (i) location and name of existing trees, including those to be retained (the location of the trees shall be overlayed or be easily compared with the proposed development design);
 - (ii) the extent of soft and hard landscape proposed;
 - (iii) important spot levels and/or contours. The levels of the trees to be retained shall be provided in relation to the finished levels of the proposed buildings and works;
 - (iv) underground and overhead services;
 - (v) typical details of critical design elements (stabilisation of batters, retaining walls, podium/balcony planters, trees in car park areas, fences);
 - (vi) details of landscape structures including areas of deep planting;
 - (vii) specification notes on mulching and soil preparation;
 - (viii) trees, shrubs and groundcovers to all areas to be landscaped;
 - (ix) position and canopy spread of all trees and shrubs;
 - (x) the extent and type of works (inclusive but not limited to paving, fences and garden bed edging);
 - (xi) a plant schedule with the botanic and common names, total plant numbers and pot sizes at the time of planting. Endemic species must be incorporated in the landscaping; and
 - (xii) a maintenance schedule including a weed management and replanting program.

- 10.2 Native vegetation located west of the proposed building must be retained.
- 10.3 Large trees must not be planted within one (1) metre of the centreline of any sewerage infrastructure. Small shrubs and groundcover are acceptable.
- 10.4 Root barriers must be provided between proposed trees and relevant infrastructure.
- 10.5 Landscaping, or any part thereof, upon reaching full maturity, must not:
 - (i) obstruct sight visibility zones as defined in the *Austroads 'Guide to Traffic Engineering Practice'* series of publications;
 - (ii) adversely affect any road lighting or public space lighting; or
 - (iii) adversely affect any Council infrastructure, or public utility plant.
- 10.6 All landscaping must be constructed and or established, prior to the commencement of the use.
- 10.7 The landscaped areas must be subject to an ongoing maintenance and replanting programme (if necessary).

11.0 ELECTRICITY AND TELECOMMUNICATIONS

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

12.0 ASSET MANAGEMENT

- 12.1 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.
- 12.2 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.
- 12.3 'As constructed' information pertaining to assets to be handed over to Council and those which may have an impact on Council's existing and future assets must be provided prior to the commencement of the use. This information must be provided in accordance with the Manual for Submission of Digital As Constructed Information.

13.0 ENVIRONMENTAL

- 13.1 Any application for a Development Permit for Operational Works must be accompanied by a detailed Environmental Management Plan, which addresses, but is not limited to, the following matters:
 - (i) water quality and drainage;
 - (ii) erosion and silt/sedimentation management;
 - (iii) acid sulphate soils;
 - (iv) fauna management;
 - (v) vegetation management and clearing;
 - (vi) top soil management;
 - (vii) interim drainage plan during construction;
 - (viii) construction programme;
 - (ix) geotechnical issues;
 - (x) weed control;

- (xi) bushfire management;
 - (xii) emergency vehicle access;
 - (xiii) noise and dust suppression; and
 - (xiv) waste management.
- 13.2 The Environmental Management Plan approved as part of a Development Permit for Operational Works must be part of the contract documentation for the development works.
- 14.0 CLEARING WORKS
- 14.1 A Development Permit for Operational Works (clearing works) must be obtained prior to the commencement of any clearing works on the site.
- 14.2 Areas degraded as a result of development must be rehabilitated by the proponent as near as is practicable to the naturally occurring local native plant species and in accordance with any Development Permit for Operational Works (clearing works).
- 14.3 Supporting documentation must be submitted with the operational works application and must include, but not limited to:
- (i) A plan indicating the staged clearing of the site;
 - (ii) Clearing directions and procedures to allow for wildlife escape;
 - (iii) Procedures and mitigation actions to prevent impacts to retained vegetation of; construction and excavation, increased salt laden winds, increased sunlight and changed overland flow of water.
 - (iv) Treatment of buffer areas to retained vegetation.
 - (v) Management of run off water of the site to protect the existing native vegetation and natural waterway retained to the west of the proposed building.
- 15.0 OPERATING PROCEDURES
- 15.1 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 Farnborough Road.
- 15.2 Undertake the activity in a manner that does not allow environmental nuisance or water contamination caused by construction material, noise, aerosols, particles dust, ash, fumes, light, odour and smoke, which must not go beyond the boundaries of the property during all stages of the development including earthworks, construction and operation as stated in the *Environmental Protection Act 1994* and subordinate legislation.
- 15.3 The development must be provided with refuse containers and a container storage area that:
- (i) is screened from view from a public place by a solid screen fence, wall or dense vegetation having a minimum height of 1.5 metres;
 - (ii) is large enough to accommodate one (1) or more industrial bins of a size appropriate to the nature and scale of the use;
 - (iii) has an imperviously sealed pad, on which to stand the bin(s), and which is drained to an approved waste disposal system; and
 - (iv) is within proximity to a hose cock.
- 15.4 Individual units must be clearly numbered and appropriate way finding signage must be provided at each level.
- 15.5 Outdoor lighting must be designed, installed and maintained in accordance with the

parameters and requirements of the current version of the *Australian Standard AS4282 - Control of the obtrusive effects of outdoor lighting*.

- 15.6 To reduce artificial light that is directly visible from the beach or ocean and to avoid ambient lighting that contributes to sky glow, outside lighting must be:
- (i) shielded by twenty-five (25) centimetre shields; or
 - (ii) mounted down low or directed downwards and away from the coast.
- 15.7 Any building plant must be screened from view of the street by one or more of the following:
- (i) a solid screen fence, or
 - (ii) a roof design feature; or
 - (iii) a wall; or
 - (iv) dense vegetation; or
 - (v) be located within, underneath or central to the building so as to not be visible from the street.
- 15.8 Where necessary, air conditioning units must be provided with acoustic screening to meet the standards set out in the *Environmental Protection Regulation 2008*.

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. Asbestos Removal

Any demolition and/or removal works involving asbestos materials must be undertaken in accordance with the requirements of the *Workplace Health and Safety* legislation and *Public Health Act 2005*.

NOTE 3. 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 4. 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 5. 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 6. Infrastructure Charges Notice

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

RECOMMENDATION C

THAT in relation to the application for a Development Permit for a Material Change of Use for Multiple dwelling (23 dwellings), made by Keppview Pty Ltd, on Lot 1 on RP602059, and located at 40 Farnborough Road, Yeppoon, Council resolves to issue an Infrastructure Charges Notice for the amount of **\$518,000.00**.

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 receiving further detailed imaging from the applicant and an onsite meeting with officers and councillors, and the matter be referred to a special meeting of council to be convened as soon as possible.

Moved by: Deputy Mayor, Councillor Belot

MOTION CARRIED UNANIMOUSLY

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 - August 2023
Responsible Officer: Amanda Ivers - Coordinator Executive Support
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 Watson
MOTION CARRIED UNANIMOUSLY

8 PRESENTATION OF PETITIONS

8.1 PETITION REQUESTING THAT COUNCIL SEEK TO WITHDRAW APPLICATION WITH STATE GOVERNMENT FOR FLINDERS PARK

File No: GV
Attachments: 1. Petition
Responsible Officer: Amanda Ivers - Coordinator Executive Support
Cale Dendle - Chief Executive Officer

SUMMARY

Council has received the following petition from Adam Belot in relation to Flinders Park Road Reserve.

COUNCIL RESOLUTION

THAT the petition requesting that Council give consideration to notifying the State Government that Livingstone Shire Council seek to withdraw its application to convert Flinders Park Road Reserve into Freehold land and apply to have Flinders Park Road Reserve converted into a Reserve for Park and Recreation be received.

Moved by: Deputy Mayor, Councillor Belot

Seconded by: Councillor Eastwood

MOTION CARRIED UNANIMOUSLY

9 COUNCILLOR/DELEGATE REPORTS

Nil

10 QUESTIONS/STATEMENT/MOTIONS ON NOTICE FROM COUNCILLORS

10.1 NOTICE OF MOTION - COUNCILLOR MATHER - COMPLAINTS ABOUT CEO CCC POLICY

File No: qA24221

Attachments: 1. Notice of Motion - Councillor Mather -
Complaints about CEO CCC Policy

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

SUMMARY

Councillor Glenda Mather has submitted a 'Notice of Motion' in relation to Complaints about CEO CCC Policy.

COUNCIL RESOLUTION

THAT the *Complaints about the Chief Executive Officer Policy* be amended to include the following words:

"In the event of circumstances that the Mayor cannot perform the function of the nominated person in a complaint against the Chief Executive Officer due to Conflict of Interest, the Deputy Mayor will assume this responsibility."

The paragraph in 5.1 of Council's amended Policy would then read:

"Having regard to S48A(2) and (3) of the Crime and Corruption Act 2001, this Policy nominates the Mayor and Chief Financial Officer as the nominated persons to notify the Crime and Corruption Commission (CCC) of the complaint and to deal with the complaint under the Crime and Corruption Act of 2001.

In the event of circumstances that the Mayor cannot perform the function of the nominated person in a complaint against the Chief Executive Officer due to Conflict of Interest, the Deputy Mayor will assume this responsibility."

Moved by: Councillor Mather

Seconded by: Councillor Eastwood

MOTION CARRIED

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

Cr A Friend voted in the negative.

10.2 NOTICE OF MOTION - COUNCILLOR FRIEND - DRAINAGE AT KEDRON PARK, LAMMERMOOR**File No:** qA24221**Attachments:** 1. Notice of Motion - Councillor Friend -
Drainage at Kedron Park, Lammermoor**Responsible Officer:** Amanda Ivers - Coordinator Executive Support
Cale Dendle - Chief Executive Officer

SUMMARY

Councillor Andrea Friend has submitted a 'Notice of Motion' in relation to Drainage at Kedron Park, Lammermoor.

COUNCIL RESOLUTION

THAT Council immediately undertake the clearing of blocked drains and divert the stagnant water away from residences located on the boundary of Kedron Park Lammermoor.

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

10.3 NOTICE OF MOTION - COUNCILLOR FRIEND - REMOVAL OF PARKING STOPPERS, HILL STREET EMU PARK**File No:** qA24221**Attachments:** 1. Notice of Motion - Councillor Friend - Removal of Parking Stoppers, Hill Street Emu Park**Responsible Officer:** Amanda Ivers - Coordinator Executive Support
Cale Dendle - Chief Executive Officer**SUMMARY**

Councillor Andrea Friend has submitted a 'Notice of Motion' in relation to Removal of Parking Stoppers, Hill Street Emu Park.

COUNCIL RESOLUTION

THAT Council immediately undertake the removal of nine concrete parking stoppers located from the disabled carpark to the Lions Clubhouse located along Hill Street Emu Park.

Moved by: Councillor Friend**Seconded by:** Councillor Mather**MOTION CARRIED UNANIMOUSLY / LOST****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 the following, to return to a future council meeting:

- 1) Consultation with Department of Transport and Main Roads.
- 2) Consultation with Emu Park Lions.
- 3) Risk assessment being undertaken.
- 4) Onsite meeting with officers and councillors.

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

In accordance with S3.5.1 of the Meeting Procedures Policy, Councillor Adam Belot advised the chairperson that he believed that Councillor Andy Ireland had a declarable conflict of interest in Item 11.1 – Application to Close Matthew Flinders Drive Road Reserve (Flinders Park) due to his relationship with a staff member who was instrumental in making the application for closure of road reserve known as Flinders Park.

11:37AM The Chairperson Councillor Ireland Andy Ireland absented himself while the meeting discussed the matter.

In accordance with S.2.6.2 of the Meeting Procedures Policy, Deputy Mayor Adam Belot assumed the chair.

11 REPORTS

11.1 APPLICATION TO CLOSE MATTHEW FLINDERS DRIVE ROAD RESERVE (FLINDERS PARK)

File No: MFD
Attachments: 1. Application Flinders Park Road Reserve
Responsible Officer: Cale Dendle - Chief Executive Officer
Author: Cale Dendle - Chief Executive Officer

SUMMARY

Chief Executive Officer proposing to discontinue the process of applying to the Queensland Government to convert part of the Matthew Flinders Drive road reserve (commonly known as Flinders Park) to freehold land and explore residential development prospects.

PROCEDURAL MOTION

11.51AM

That pursuant to s2.18.1(i) and s2.18.27 of Livingstone Shire Council's Meeting Procedures Policy the provisions of the Meeting Procedures be suspended to allow adequate time for informal discussion on Item 11.1- Application to Close Matthew Flinders Drive Road Reserve (Flinders Park) prior to entering into formal debate.

Moved by: Councillor Friend

MOTION CARRIED

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

Cr G Mather voted in the negative.

PROCEDURAL MOTION

11.56AM

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

Moved by: Councillor Friend

MOTION CARRIED UNANIMOUSLY

PROCEDURAL MOTION

That pursuant to s2.18.1(d) and s2.18.11 of Livingstone Shire Council's Meeting Procedures Policy that Items 11.1, 11.2 and 11.3 lay on the table until later in the meeting pending the table seeking legal advice in relation to whether Mayor has a conflict of interest in these items.

Moved by: Councillor Mather

MOTION CARRIED UNANIMOUSLY

PROCEDURAL MOTION

11.58AM THAT the meeting be adjourned.

Moved by: Councillor Mather

MOTION CARRIED UNANIMOUSLY

PROCEDURAL MOTION

1.22PM THAT the meeting be resumed.

Moved by: Councillor Mather

MOTION CARRIED UNANIMOUSLY

01:29PM Mayor, Councillor Ireland returned to the meeting.

In accordance with S3.5.3 of the Meeting Procedures Policy, Mayor Ireland advised the meeting that he does not believe he has Conflict of Interest in items 11.1 as he was not involved in the application process.

COUNCILLOR RESOLUTION

THAT Mayor Ireland has a declarable conflict of interest in relation to Item 11.1 – Application to Close Matthew Flinders Drive Road Reserve (Flinders Park), because of the close relationship with the General Manager who was instrumental in the application for the road reserve closure of Flinders Park.

Moved by: Deputy Mayor, Councillor Belot

Seconded by: Councillor Mather

MOTION LOST

Crs A Belot and P Eastwood voted in the affirmative.

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

Mayor Ireland resumed the chair.

COUNCIL RESOLUTION

THAT Council directs that:

1. Residential development is not supported on the Matthew Flinders Drive road reserve that is commonly known as Flinders Park; and
2. The process initiated to convert part of the Matthew Flinders Drive road reserve to freehold land for residential development purposes be discontinued; and
3. A separate process to convert the Flinders Park road reserve to Park Reserve (or equivalent tenure that reflects the park/open space nature of the area) be initiated.

Moved by: Councillor Friend

Seconded by: Councillor Eastwood

MOTION CARRIED UNANIMOUSLY

11.2 DELEGATIONS TO CEO - TO APPLY FOR PERMENENT ROAD CLOSURES

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

SUMMARY

Chief Executive Officer proposing additional conditions to the delegation granted to make applications for permanent road closures.

In accordance with S3.5.3 of the Meeting Procedures Policy, Mayor Ireland advised the meeting that he does not believe he has Conflict of Interest in items 11.2 as he was not involved in the application process.

COUNCIL RESOLUTION

THAT Mayor Ireland has a declarable conflict of interest in relation to Item 11.2 – Delegations to CEO – To Apply for Permanent Road Closures, because of the close relationship with the General Manager who was instrumental in the application for the road reserve closure of Flinders Park.

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

MOTION LOST

Crs A Belot and P Eastwood voted in the affirmative.

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

COUNCIL RESOLUTION

THAT the delegation granted to the Chief Executive Officer to make applications for permanent road closures under s99 of the *Land Act 1994* be amended to:

- 1) Expand the current delegation condition (added by Council resolution of 20 June 2019) to remove any doubt that the condition only applies to applications made by third parties requiring Council to complete Part C - Form LA30 as the “road manager”. For the avoidance of doubt, applications for permanent road closure made as the local authority do not require Council resolution; and
- 2) Add a new condition to the same delegation that restricts its exercise for making any application to permanently close any road reserve that is used for another public purpose (for example a public park or recreation area whether named or not), without a resolution of Council.

Moved by: Councillor Watson
Seconded by: Councillor Friend

MOTION CARRIED

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

Crs A Belot and P Eastwood voted in the negative.

11.3 INDEPENDENT REVIEW OF PROPOSED FLINDERS PARK TRANSACTION

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

SUMMARY

Chief Executive Officer proposing independent review of the proposed Flinders Park transaction.

COUNCIL RESOLUTION

THAT

1. The Chief Executive Officer be authorised to commission an independent investigation into the decisions leading to and actions following the making of an application to close part of the Matthew Flinders Drive road reserve commonly known as Flinders Park; and
2. The appointed investigator undertake preliminary enquiries and assemble a scope of works (write-back brief) for approval by resolution of Council in the first instance.

Moved by: Councillor Watson
Seconded by: Councillor Swadling

MOTION CARRIED

Crs A Friend, A Ireland, Swadling and R Watson voted in the affirmative.

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

02:12PM Councillor Watson left the meeting and did not return.

11.4 MONTHLY FINANCIAL REPORT FOR THE PERIOD ENDING 31 JULY 2023**File No:** FM12.14.1**Attachments:**
1. Monthly Financial Report 31 July 2023
2. Contract Award Summary**Responsible Officer:** Andrea Ellis - Chief Financial Officer**Author:** Caitlyn Good - Acting Coordinator Accounting Services

SUMMARY

Presentation of the Livingstone Shire Council Monthly Financial Report for the Period Ending 31 July 2023 by the Chief Financial Officer.

COUNCIL RESOLUTION

THAT the Livingstone Shire Council Monthly Financial Report for the period ending 31 July 2023 be received (Attachment 1).

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

11.5 PROPOSAL TO REPLACE DEBT RECOVERY POLICY

File No: qA24734, qA43154, A1745423
Attachments: 1. Debt Recovery Procedure
Responsible Officer: Andrea Ellis - Chief Financial Officer
Author: Priscilla Graham - Coordinator Revenue

SUMMARY

This report addresses the proposal to repeal Debt Recovery Policy in order to replace with a Debt Recovery Procedure.

COUNCIL RESOLUTION

THAT Council

- 1) repeals the Debt Recovery Policy; and
- 2) endorses the Debt Recovery Procedure.

Moved by: Councillor Eastwood

Seconded by: Councillor Swadling

MOTION CARRIED UNANIMOUSLY

11.6 PROPOSAL TO REPEAL RURAL FIRE LEVY PROTOCOL POLICY**File No:** qA24734, qA25143**Attachments:**

1. Rural Fire Brigade Management Rules
2. Procedure Brigade Audits D3.3 and D3.2
3. Rural Fire Levy Protocol Policy v3 (to be repealed)

Responsible Officer: Andrea Ellis - Chief Financial Officer**Author:** Kim Cree - Coordinator - Revenue

SUMMARY

This report addresses the proposal to repeal Rural Fire Levy Protocol as the responsibilities and processes for each party is clearly referenced in the legislative references and the brigade management manual.

COUNCIL RESOLUTION

THAT Council repeals the Rural Fire Levy Protocol Policy.

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

11.7 CONTRACTING EXCEPTIONS – SOLE SUPPLIER REPORT FOR 2023-24

File No: FM12.07.07
Attachments: Nil
Responsible Officer: Andrea Ellis - Chief Financial Officer
Author: Denis Glacken - Coordinator Procurement

SUMMARY

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

COUNCIL RESOLUTION

THAT Council resolves to apply the exception to the services and suppliers listed in the report in accordance with the *Local Government Regulation 2012* Section 235 (a) or (b) where a local government may enter into a medium-sized contractual arrangement, or a large-sized contractual arrangement without first inviting written quotes or tenders.

- (a) the local government resolves it is satisfied that there is only 1 supplier who is reasonably available; or
- (b) the local government resolves that, because of the specialised or confidential nature of the services that are sought, it would be impractical or disadvantageous for the local government to invite quotes or tenders.

Moved by: Deputy Mayor, Councillor Belot

Seconded by: Councillor Swadling

MOTION CARRIED UNANIMOUSLY

11.8 OPERATIONAL PLAN 2022-2023 Q4 PERFORMANCE REPORT

File No: CM4.6.2
Attachments: 1. Q4 2022-2023 Operational Plan (*Under Separate Cover*)
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 4 as at 30 June 2023 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 at 30 June 2023.

Moved by: Mayor, Councillor Ireland

Seconded by: Councillor Swadling

MOTION CARRIED UNANIMOUSLY

11.9 AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING 19 JUNE 2023**File No:** A1761309**Attachments:**

1. Audit, Risk and Improvement Committee Minutes - 19 June 2023 UNCONFIRMED
2. LSC - FINAL FY2024 Annual Internal Audit Plan - STC 130723

Responsible Officer: Andrea Ellis - Chief Financial Officer**Author:** Catherine Parfitt - Risk & Governance Officer

SUMMARY

The Audit, Risk and Improvement Committee (ARaIC) met on 19 June 2023 and this report provides the recommendations from the Committee for consideration and adoption by Council. The reports from the meeting are available for viewing by Councillors on the Audit, Risk and Improvement Committee and Councillor portals.

The Strategic Three-Year Internal Audit Plan incorporating the Annual Internal Audit Plan FY2024, has been reviewed by Council's Executive Leadership Team and contracted internal auditors Pacifica Pty Ltd. The revised Plan was thereafter presented to the Audit, Risk and Improvement Committee at which time the Committee recommended that the revised Plan be presented to Council for adoption.

COUNCIL RESOLUTION

THAT the unconfirmed minutes of the Audit, Risk and Improvement Committee held on 19 June 2023 be received.

THAT Council approve the revised Strategic Internal Audit Plan Incorporating the Annual Internal Audit Plan FY2024.

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

2.43PM - THAT the meeting be adjourned.

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

2.46PM - THAT the meeting be resumed.

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

11.11 LIVINGSTONE SHIRE COUNCIL SUBMISSION - WOPPA (GREAT KEPPEL ISLAND) DRAFT MASTER PLAN 2023

File No: qA24324
Attachments: 1. Draft Submission
Responsible Officer: Chris Ireland - General Manager Communities
Author: Melissa Warwick - Principal Strategic Planner

SUMMARY

The Draft Woppa (Great Keppel Island) Master Plan 2023 (Draft Master Plan) was released for public consultation by the Queensland Government on 10 July 2023, with public submissions to close on 21 August 2023.

COUNCIL RESOLUTION

THAT the Chief Executive Officer be authorised to make a submission to the Queensland Government on the *Draft Woppa (Great Keppel Island) Master Plan 2023* consistent with feedback received on the draft submission presented to councillors.

Moved by: Councillor Friend
Seconded by: Councillor Swadling

MOTION CARRIED UNANIMOUSLY

11.12 AMENDMENTS TO FEES AND CHARGES SCHEDULE 2023/2024

File No: FM12.08.01
Attachments: 1. Fees and Charges 2023/24 proposed amendments.
Responsible Officer: Chris Ireland - General Manager Communities
Author: Molly Saunders - Acting Manager Community and Cultural Services

SUMMARY

This report details proposed amendments to Council's Fees and Charges Schedule 2023/24.

COUNCIL RESOLUTION

THAT Council adopts the attached amendments to the Fees and Charges Schedule 2023/2024.

Moved by: Councillor Eastwood

Seconded by: Councillor Friend

MOTION CARRIED UNANIMOUSLY

11.13 AUSTRALIA DAY AWARDS - COMMITTEE TERMS OF REFERENCE AND NOMINATION OF CHAIR.**File No:** CR2.215**Attachments:** 1. DRAFT Terms of Reference - Livingstone Australia Day Awards Advisory Committee 2024**Responsible Officer:** Chris Ireland - General Manager Communities**Author:** Molly Saunders - Acting Manager Community and Cultural Services

SUMMARY

The report presents the proposed Terms of Reference and nominations for Chair and membership of the Livingstone Australia Day Awards Advisory Committee 2024.

COUNCIL RESOLUTION

THAT Council;

- a) Adopts the Terms of Reference for the Livingstone Australia Day Awards Advisory Committee 2024; and
- b) Appoints Cr Clint Swadling as the chair of the Livingstone Australia Day Awards Committee 2024; and
- c) Appoints Cr Andrea Friend as a member of the Livingstone Australia Day Awards Advisory Committee 2024.

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

11.14 RESPONSE TO NOM - COUNCILLOR WATSON - COMMERCIAL USES OF YEPPON CBD MULTI STOREY CARPARK

File No: ED8.5.12
Attachments: Nil
Responsible Officer: Sonia Tomkinson - Manager Economy and Places
Chris Ireland - General Manager Communities
Author: Arna Hart - Project Support Officer
Previous Items: 10.1 - Notice of Motion - Councillor Watson - Commercial Uses of Yeppoon CBD Car Park - Ordinary Council - 16 May 2023 9.00am

SUMMARY

This report is presented in response to a Notice of Motion put forward by Councillor Watson regarding potential commercial uses of the Yeppoon multi-storey carpark.

COUNCIL RESOLUTION

THAT the response to the notice of motion requesting that Council investigate and ask for expressions of interest for the use of unused parking spaces in the Yeppoon multi-storey car park to be leased to an entrepreneur for new businesses be received.

Moved by: Mayor, Councillor Ireland

Seconded by: Councillor Friend

MOTION CARRIED UNANIMOUSLY

11.15 QUEENSLAND GOVERNMENT RESPONSE TO HOUSING SUPPLY AND AFFORDABILITY**File No:** GV**Attachments:**

1. Letter from Mike Kaiser 11 October 2022
2. Response attachment 1 - Enclosure
3. Response attachment 2 - Reserve Options
4. Response attachment 3 - Road Reserve Options - Housing

Responsible Officer: Cale Dendle - Chief Executive Officer**Author:** Cale Dendle - Chief Executive Officer

SUMMARY

Chief Executive Officer proposing to withdraw park and road reserve land from a list provided to the Queensland Government for consideration as part of the response to housing supply and affordability in advance of the Premier's Housing Summit in 2022.

COUNCIL RESOLUTION

THAT the Queensland Government be notified that Council withdraws its earlier (October 2022) nomination of properties for consideration as part of their response to housing supply and affordability matters, viz:

1. Lot 1 on LN813152, Bicentennial Park Emu Park
2. Lot 2 on LN2611, Cresta Park Taranganba
3. Road Reserve Hartley Street Emu Park
4. Road Reserve Clay Street Emu Park
5. Road Reserve Pattison/Sleeman Streets Emu Park

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

11.16 INFRASTRUCTURE PORTFOLIO - QUARTERLY MANAGEMENT REPORT FOR THE PERIOD 1 APRIL 2023 TO 30 JUNE 2023

File No: qA25480
Attachments: Nil
Responsible Officer: Michael Kriedemann - General Manager Infrastructure
Author: Jon Edge - Coordinator Water & Sewerage Operations
Jeff Carter - Manager Construction & Maintenance
Sean Fallis - Manager Infrastructure Projects
Donna Ward - Acting Supervisor Systems and QA
Sharon Sommerville - Coordinator Facilities

SUMMARY

This report provides a summary of a range of operational activities within the Infrastructure portfolio of Council for the period 1 April 2023 to 30 June 2023.

COUNCIL RESOLUTION

THAT the Infrastructure portfolio management report for the period 1 April 2023 to 30 June 2023 be received.

Moved by: Councillor Friend
Seconded by: Councillor Eastwood

MOTION CARRIED UNANIMOUSLY

**11.17 ROAD CLOSURE APPLICATION - PART OF DENDLES ROAD MILMAN
SEVERING LOT 2 RP851703 (260 PERSHOUSE ROAD MILMAN)**

File No: fA36763

Attachments: 1. Plan
2. Road Closure Application

Responsible Officer: Sean Fallis - Acting Manager Engineering Services
Michael Kriedemann - General Manager Infrastructure

Author: Carrie Burnett - Policy & Planning Officer

SUMMARY

This report pertains to an application to permanently close part of the Dendles Road road reserve at Milman.

OFFICER'S RECOMMENDATION

THAT Council resolve to:

1. Authorise the Chief Executive Officer to sign a 'Statement in relation to an application under the *Land Act 1994* over State land (Part C)' stating that Council, as road manager, does not object to the proposed permanent road closure of that part of Dendles Road Milman which severs Lot 2 RP851703.
2. Advise the applicant that Council:
 - a) does not object to the permanent closure of that part of Dendles Road Milman which severs Lot 2 RP851703; and
 - b) objects to the closure of that part of Dendles Road bordering Lot 69 LN716 because this closure may impact the ability for future development and access to Lot 69.

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 consultation with the local Rural Fire Brigades to return to the Council Meeting on the 19 September 2023.

Moved by: Councillor Mather

MOTION CARRIED UNANIMOUSLY

11.18 RETAIL WATER AND SEWERAGE SERVICE PROVIDER – MANAGEMENT AND FUNCTIONS POLICY (V4.0)

File No: A1146771

Attachments:

1. Retail Water and Sewerage Service Provider - Management and Functions Policy (v 4.0)
2. Interference With Service Provider's Infrastructure Procedure (v1.0)

Responsible Officer: Michael Kriedemann - General Manager Infrastructure

Author: Carrie Burnett - Policy & Planning Officer

Previous Items:

10.5 - Notice of Motion - Cr Friend - Sewer Access Chambers - Ordinary Council - 21 Feb 2023 9.00am

10.1 - *Lifting - Notice of Motion - Cr Friend - Sewer Access Chambers - Ordinary Council - 20 Jun 2023 9.00am

SUMMARY

This report seeks Council's adoption of Version 4 of the Retail Water and Sewerage Service Provider – Management and Functions Policy and endorsement of an associated procedure.

COUNCIL RESOLUTION

THAT Council

- 1) Adopt the Retail Water and Sewerage Service Provider – Management and Functions Policy (v4.0); and
- 2) Endorse the approval of the Interference With Service Provider's Infrastructure Procedure (v1.0) by the General Manager Infrastructure.

Moved by: Councillor Friend

Seconded by: Councillor Swadling

MOTION CARRIED UNANIMOUSLY

11.19 SEWER ACCESS CHAMBER AT 11-15 MIAMI CRESCENT - PACIFIC HEIGHTS

File No: qA24597

Attachments:

1. 6 October 2021 letter to resident
2. 21 December 2021 letter to resident
3. 19 January 2022 letter to resident
4. 2 March 2022 letter to resident

Responsible Officer: Michael Kriedemann - General Manager Infrastructure

Author: Dani Kowalski - Team Leader Administration

Previous Items: 10.1 - *Lifting - Notice of Motion - Cr Friend - Sewer Access Chambers - Ordinary Council - 20 Jun 2023 9.00am

SUMMARY

There is an ongoing risk to safe and sustainable provision of sewerage services due to increasing incidents where residents are covering or even building over sewerage access chambers. Water and Waste Operations advises landowners via letter where this problem is identified and notifies them of their obligation to remedy the situation and restore / remove any obstructions to the access chamber at their own expense. If, after multiple attempts, the landowner fails to restore / remove any obstructions, Council will undertake the work and invoice the landowner.

This issue was identified at 11-15 Miami Crescent, Pacific Heights and the work to raise the access chamber was completed by Council in February 2022. An invoice for the cost of work to the value of \$1948.35 was raised and the property owner is disputing that they are liable.

OFFICER'S RECOMMENDATION

THAT Council resolves to seek costs as per the invoiced amount and in accordance with Council's Debt Recovery Policy for raising the sewer access chamber at 11-15 Miami Crescent – Pacific Heights.

COUNCIL RESOLUTION

THAT Council waives the fee of \$1,948.35 for raising the sewer access chamber at 11-15 Miami Crescent – Pacific Heights.

Moved by: Councillor Friend

Seconded by: Councillor Mather

MOTION CARRIED

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

Crs A Belot and P Eastwood voted in the negative.

In accordance with s.254H of the *Local Government Regulation 2012*, a statement of reasons must be included in the minutes of a meeting where a decision is made that is not consistent with a policy of the local government. Councillors contended that it was not reasonable to pursue costs from the former owner of the property as that owner believed that the matter had been addressed as part of settlement of the sale. Councillors have requested that additional effort be made in future with local solicitors and conveyancers to ensure that property buyers are aware of their obligations about Council infrastructure located on their property.

11.20 SEWER ACCESS CHAMBER AT 14 THOMAS STREET - EMU PARK**File No:** qA24597**Attachments:**

1. 28 March 2022 letter to resident
2. 19 May 2022 letter to resident
3. 30 August 2022 letter to resident
4. 24 September 2022 letter to resident
5. 22 November 2022 letter to resident
6. 16 January 2023 letter to resident

Responsible Officer: Michael Kriedemann - General Manager Infrastructure**Author:** Dani Kowalski - Team Leader Administration**SUMMARY**

There is an ongoing risk to safe and sustainable provision of sewerage services due to increasing incidents where residents are covering or even building over sewerage access chambers. Water and Waste Operations advises landowners via letter where this problem is identified and notifies them of their obligation to remedy the situation and restore / remove any obstructions to the access chamber at their own expense. If, after multiple attempts, the landowner fails to restore / remove any obstructions, Council will undertake the work and invoice the landowner.

This issue was identified at 14 Thomas Street, Emu Park and the work to raise the access chamber was completed by Council in September 2022. An invoice for the cost of work to the value of \$1,581.15 was raised and the property owner is disputing that they are liable.

OFFICER'S RECOMMENDATION

THAT Council resolves to seek costs as per the invoiced amount and in accordance with Council's Debt Recovery Policy for raising the sewer access chamber at 14 Thomas Street – Emu Park.

04:25PM Councillor Swadling left the meeting.**04:27PM** Councillor Swadling returned to the meeting.**COUNCIL RESOLUTION**

THAT Council resolves to waive the fee of \$1,581.15 for raising the sewer access chamber at 14 Thomas Street – Emu Park.

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

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

Cr A Belot voted in the negative.

In accordance with s.254H of the *Local Government Regulation 2012*, a statement of reasons must be included in the minutes of a meeting where a decision is made that is not consistent with a policy of the local government. Councillors believe that reasonable effort had been made by the property owner to respond to notices and undertake some works to remedy the buried sewer access chamber and that it was not reasonable to pursue costs for additional work required to be undertaken by Council. Councillors have requested that additional effort be made in future with local solicitors and conveyancers to ensure that property buyers are aware of their obligations about Council infrastructure located on their property.

11.21 SUCCESSFUL 2023 BLACKSPOT NOMINATIONS - REQUEST TO ADOPTION INTO BUDGET

File No: fA36132
Attachments: Nil
Responsible Officer: Michael Kriedemann - General Manager Infrastructure
Sean Fallis - Acting Manager Engineering Services
Author: Jake Taylor - Principal Transport Engineer

SUMMARY

Livingstone Shire Council has secured \$856,500 from the Australian Government Black Spot Funding Program for four road safety projects based on crash data. The council aims to incorporate these into the 2023-2025 budget with full federal funding, enhancing community safety without incurring local financial burden.

04:40PM Councillor Friend left the meeting.

COUNCIL RESOLUTION

THAT Council resolves to endorse the inclusion of the successful Blackspot funding grant projects into the adopted budget for the forward works program, encompassing detailed design in the 2023/2024 financial year and construction in the 2024/2025 financial year.

Moved by: Mayor, Councillor Ireland

Seconded by: Councillor Mather

MOTION CARRIED UNANIMOUSLY

**11.22 RESPONSE TO NOTICE OF MOTION - WADALLAH CREEK CROSSING,
STANAGE BAY RD**

File No: 20-012
Attachments: Nil
Responsible Officer: Michael Kriedemann - General Manager Infrastructure
Author: Sean Fallis - Acting Manager Engineering Services
Previous Items: 10.3 - Notice of Motion - Mayor Ireland - Wadallah Creek Crossing - Ordinary Council - 18 Apr 2023 9.00am

SUMMARY

This report provides a response to the Notice of Motion from Council's Meeting on 18 April 2023 regarding a raised culvert crossing at Wadallah Creek on the Stanage Bay Road.

COUNCIL RESOLUTION

THAT Council

- 1) Notes the contents of this report; and
- 2) Allocates \$1,300,000 in the forwards works program for consideration for funding in 2024/2025.

Moved by: Councillor Mather
Seconded by: Mayor, Councillor Ireland

MOTION CARRIED

Crs P Eastwood, A Ireland, G Mather and Swadling voted in the affirmative.
Cr A Belot voted in the negative.

04:44PM Councillor Friend returned to the meeting.

**11.23 ROCKHAMPTON REGIONAL ROAD TRANSPORT GROUP COUNCILLOR
NOMINATION**

File No: fA2210
Attachments: 1. RRRTG Constitution - 19 September 2018
Responsible Officer: Cale Dendle - Chief Executive Officer
Author: Michael Kriedemann - General Manager Infrastructure

SUMMARY

Mayor Ireland is nominated as Livingstone Shire Council's sole representative on the Rockhampton Regional Road and Transport Group. To avoid rare occasions where the Mayor is unwell or away on business and is unable to attend the meeting, it is recommended that a Councillor is nominated as a proxy to ensure the meetings can proceed with appropriate quorum.

COUNCIL RESOLUTION

THAT Council resolve to:

- 1) Appoint Councillor Mather to be a proxy to Mayor Ireland on the Rockhampton Regional Road and Transport Group; and
- 2) Update the Councillor Portfolio Policy – Appendix 1 to reflect that Councillor Mather is the proxy to Mayor Ireland for the Rockhampton Regional Road and Transport Group.

Moved by: Mayor, Councillor Ireland

Seconded by: Councillor Eastwood

MOTION CARRIED UNANIMOUSLY

12 AUDIT, RISK AND IMPROVEMENT COMMITTEE REPORTS

Nil

13 URGENT BUSINESS\QUESTIONS

13.1 FLINDERS PARK INFORMATION

File No: GV

Responsible Officer: Justine Schofield - Executive Assistant to the Mayor

SUMMARY

Councillor Glenda Mather submitted the following urgent business in relation to Flinders Park matters.

COUNCIL RESOLUTION

THAT in order to bring members up to date in relation to the Flinders Park issue, the CEO be asked to provide all members all relevant information.

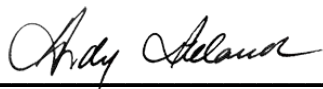
Moved by: Councillor Mather

Seconded by: Deputy Mayor, Councillor Belot

MOTION CARRIED UNANIMOUSLY

14 CLOSURE OF MEETING

There being no further business the meeting closed at 4.56pm.



Mayor, Councillor Andy Ireland
CHAIRPERSON

19 September 2023

DATE