



ORDINARY MEETING

CONFIRMED MINUTES

21 JANUARY 2025

The resolutions contained within these minutes were confirmed at the Ordinary Council Meeting on the 18 February 2025.

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MINUTES OF THE ORDINARY MEETING HELD AT COUNCIL CHAMBERS, 4 LAGOON PLACE, YEPPON ON TUESDAY, 21 JANUARY 2025 COMMENCING AT 9:01 AM

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 *Cr Lance Warcon*.

2 PRESENT**Members Present:**

Mayor, Councillor Adam Belot (Chairperson)
Councillor Glenda Mather
Councillor Rhodes Watson
Councillor Wade Rothery
Councillor Lance Warcon
Councillor Andrea Friend
Councillor Pat Eastwood

Officers in Attendance:

Terry Dodds PSM - Chief Executive Officer
Katrina Paterson - General Manager Communities
Jeff Carter – Acting General Manager Infrastructure
Denis Glacken – Acting Chief Financial Officer
Jon Rutledge – Acting Chief Technology Officer
Jackie Smith – Acting Chief Human Resources Officer
Caitlyn Good – Management And Treasury Accountant
Catherine Parfitt – Risk and Governance Officer
Siobhan Goodhew - Coordinator Development Assessment
Greg Abbotts – Manager Development and Environment
Lynda Bayliss – Executive Support Officer

3 LEAVE OF ABSENCE / APOLOGIES

Nil

4 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

COUNCIL RESOLUTION

THAT the minutes of the Ordinary Meeting held on 17 December 2024 be taken as read and adopted as a correct record.

Moved by: Councillor Friend

Seconded by: Councillor Warcon

MOTION CARRIED UNANIMOUSLY

5 DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA

Conflict of Interest Declared

Pursuant to Section 150EQ, as defined in Section 150EN of the Local Government Act, Councillor Rhodes Watson declared a conflict of Interest in Item 16.1 – Great Keppel Island Declared Sewer Area as his family has property on Great Keppel Island. Cr Watson will leave the meeting and not vote on this matter.

6 DEPUTATIONS

6.1 9AM - DEPUTATION - CAPRICORN ENTERPRISE UPDATE

File No: fA2214
Attachments: 1. Capricorn Enterprise KPI Report July 2024 to June 2025
Responsible Officer: Terry Dodds PSM - Chief Executive Officer
Author: Renee Dwyer - Executive Support Officer

SUMMARY

Mary Carroll, Chief Executive Office Capricorn Enterprise, will provide Councillors with a six-monthly update.

COUNCIL RESOLUTION

THAT the deputation be received.

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

7 BUSINESS ARISING OR OUTSTANDING FROM PREVIOUS MEETINGS

7.1 BUSINESS OUTSTANDING TABLE FOR ORDINARY COUNCIL MEETING

File No: GV
Attachments: 1. Business Outstanding Table - January 2025
Responsible Officer: Terry Dodds PSM - 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 Mather
Seconded by: Deputy Mayor, Councillor Eastwood
MOTION CARRIED UNANIMOUSLY

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

SUMMARY

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

COUNCIL RESOLUTION

THAT Council resolves that the following report which is 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:

- D-395-2020 – MCU for an Extractive Industry at Rossmoya Road, Milman Road and Yaamba Road.

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

8 PRESENTATION OF PETITIONS

Nil

9 QUESTIONS/STATEMENT/MOTIONS ON NOTICE FROM COUNCILLORS

9.1 NOTICE OF MOTION - MAYOR ADAM BELOT - HONOURING FORMER COUNCILLOR TOM WYATT

File No: fA2220

Attachments: Nil

Responsible Officer: Katrina Paterson - General Manager Communities

SUMMARY

Councillor Adam Belot has submitted a 'Notice of Motion' about honouring former Livingstone Shire Council Councillor Tom Wyatt.

COUNCILLOR RECOMMENDATION

THAT Council

1. Approves a ceremonial tree planting and memorial plaque in honour of Tom Wyatt.
2. Directs staff to work with his family to choose the right location and species.

AMENDED COUNCIL RESOLUTION

THAT in order to honour the late Tom Wyatt Council commits to delivering a significant public greenspace memorial to be named in honour of Tom Wyatt.

Moved by: Councillor Mather

Seconded by: Deputy Mayor, Councillor Eastwood

MOTION CARRIED UNANIMOUSLY

9.2 NOTICE OF MOTION - CR GLENDA MATHER - COOWONGA GREEN WASTE STATION**File No:** fA2220**Attachments:** 1. **NOM - Cr Mather - Coowonga Green Waste Station****Responsible Officer:** **Terry Dodds PSM - Chief Executive Officer**

SUMMARY

Councillor Glenda Mather has submitted a 'Notice of Motion' in relation to Coowonga Green Waste Station.

COUNCIL RESOLUTION

THAT due to the lack of appropriate and timely consultation with the residents/ratepayers of Keppel Sands in relation to a proposal to close the green waste station, Council organize an official public meeting in the town early in the New Year to discuss the investigations and options identified thus far, and the public be provided at that meeting, all the relevant information to substantiate various costs which have led to the proposal to close the site. Further that the green waste site remain open to Keppel Sands residents until such time this meeting has taken place and a resolution adopted.

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

Cr G Mather voted in the affirmative.

Crs A Belot, P Eastwood, A Friend, W Rothery, L Warcon and R Watson voted in the negative.

10 COUNCILLOR REPORTS

Nil

11 COMMITTEE REPORTS

Nil

12 REPORTS

12.1 D-395-2020 MCU FOR AN EXTRACTIVE INDUSTRY AT ROSSMOYA ROAD, MILMAN ROAD AND YAAMBA ROAD.

File No: D-395-2020

Attachments:

1. Locality Plan
2. Overlay Mapping
3. Code Assessment
4. Statement of Reasons

Responsible Officer: Greg Abbotts - Manager Development and Environment
Katrina Paterson - General Manager Communities

Author: Declan Cox - Principal Planning Officer
Aleena Suosaari - Support Services Officer
Trene Miller - Support Services Officer

SUMMARY

<i>Applicant:</i>	<i>The Caves Quarry CQ Pty Ltd</i>
<i>Consultant:</i>	<i>Gideon Town Planning</i>
<i>Real Property Address:</i>	<i>Lot 123 on SP208183, Lot 6 on RP908759, Lot 4 on RP908760</i>
<i>Area of Site:</i>	<i>203.4 hectares</i>
<i>Planning Scheme:</i>	<i>Livingstone Planning Scheme 2018</i>
<i>Planning Scheme Zone:</i>	<i>Rural zone</i>
<i>Planning Scheme Overlays:</i>	<i>OM07 Biodiversity – Habitat and Vegetation</i> <i>OM09 Biodiversity – Protected Area</i> <i>OM10 Biodiversity – Wetlands and Waterways</i> <i>OM11 Biodiversity – Stream Order</i> <i>OM12 Bushfire Hazard Area</i> <i>OM16 Extractive Mining and Resource Area</i> <i>OM18 Landslide Hazard Area</i> <i>OM19 Regional Infrastructure</i> <i>OM21 Scenic Amenity</i> <i>OM23 Transport Noise Corridors</i>
<i>Existing Development:</i>	<i>Quarry</i>
<i>Level of Assessment:</i>	<i>Impact Assessable</i>
<i>Submissions:</i>	<i>Five (5) Submissions received – two (2) not properly made</i>
<i>Referral matters:</i>	<i>Department of State Development, Infrastructure, Local Government and Planning - State Assessment and Referral Agency:</i> <ul style="list-style-type: none"> • <i>Schedule 10, Part 5, Division 4, Table 2, Item 1 - Non-devolved environmentally relevant activities (Environmentally Relevant</i>

Activity (ERA) 16 2(b) and 3(b) — Extractive and screening activities has not been devolved to a local government) (Planning Regulation 2017)

- *Schedule 10, Part 9, Division 4, Subdivision 1, Table 1, Item 1 - Material change of use for an aspect of development stated in Schedule 20: Development impacting on State transport infrastructure and thresholds (Extractive industry - Using machinery having an annual throughput of product of 10,000t) (Planning Regulation 2017)*
- *Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 1 – State transport corridors and future State transport corridors (Planning Regulation 2017)*

Ergon Energy – Advice Agency for:

- *Schedule 10, Part 9, Division 2, Table 2, Item 1 – Material change of use of premises near a substation site or subject to an easement (Planning Regulation 2017)*

Infrastructure Charge Area:

Outside the Priority Infrastructure Area

TABLE 1 – APPLICATION PROGRESS

APPLICATION MILESTONE	DATE
<i>Application received:</i>	<i>9 December 2020</i>
<i>Application properly made:</i>	<i>23 December 2021</i>
<i>Development control unit meeting:</i>	<i>16 December 2021</i>
<i>Confirmation notice issued:</i>	<i>23 December 2021</i>
<i>Application referred to State agency:</i>	<i>8 January 2021</i>
<i>Application referred to Ergon:</i>	<i>15 January 2021</i>
<i>Further advice issued:</i>	<i>27 January 2021</i>
<i>Further advice response received:</i>	<i>21 July 2021</i>
<i>Public notification period:</i>	<i>23 July 2021 – 13 August 2021</i>
<i>Notice of compliance received:</i>	<i>13 August 2021</i>
<i>Submission consideration period:</i>	<i>13 August 2021 -25 August 2021</i>
<i>State agency response:</i>	<i>24 May 2024</i>
<i>Ergon response:</i>	<i>25 January 2021</i>
<i>Amended Ergon response:</i>	<i>5 August 2021</i>
<i>Stop the clock with referral agency</i>	<i>24 August 2021</i>
<i>Decision period commenced:</i>	<i>24 May 2024</i>
<i>Standing Committee date:</i>	<i>1 October 2024</i>
<i>Ordinary Council date:</i>	<i>15 October 2024</i>
<i>Statutory determination date:</i>	<i>17 December 2024 (updated to reflect</i>

	<i>lifting off the table), and extended to 21 January 2025</i>
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COUNCIL RESOLUTION

RECOMMENDATION A

THAT in relation to the application for a Development Permit for Material Change Of Use For An Extractive Industry (Quarry) And Environmental Relevant Activity 16 At 232 Rossmoya Road, The Caves, Lot 6 Milman Road, Milman And Lot 4 Yaamba Road, Milman, that Council resolves to approve the application pursuant to Section 60(2)(b) of the *Planning Act 2016*, the assessment manager may decide to approve the application even if the development does not comply with some of the assessment benchmarks and circumstances/relevant matters have been established in support of the development as follows:

- (a) The proposed development is located in the south-west corridor of the subject lots not within significant vegetation or habitats overlays and only in a portion of the Medium Bushfire Hazard Area and Buffer Zone. No clearing in this area is proposed as per the quarry management plan and no additional structures/buildings are proposed.
- (b) The development complies with the Performance Outcomes and Overall Outcomes of the Rural Zone Code, Development Works Code, General Development Works Code, Bushfire Hazard Area Overlay Code and Landslide Hazard Area Overlay Code.
- (c) The development complies with the Strategic Framework - Natural Environment and Hazards Theme. The proposed development is an extension to the existing quarry onsite and no additional buildings or structures are proposed onsite and therefore reduces the severity of natural hazard through clearing and siting of the proposed expansion of the existing development. The development results in maintaining existing site access and the proposed development will have access to existing onsite water supply.
- (d) The proposed development will be conditioned to implement a blast monitoring program to mitigate mining impacts on ghost bat population.
- (e) The development does not compromise the achievement of regional outcomes outlined in the Central Queensland Regional Plan.

RECOMMENDATION B

THAT in relation to the application for a Development Permit for Material Change Of Use For An Extractive Industry (Quarry) And Environmental Relevant Activity 16 At 232 Rossmoya Road, The Caves, Lot 6 Milman Road, Milman And Lot 4 Yaamba Road, Milman, Council resolves to approve the application subject to the following conditions:

1.0 ADMINISTRATION

- 1.1 The owner, the owner's successors in title, and any occupier of the premises is responsible for ensuring compliance with the conditions of this development approval.
- 1.2 Where these Conditions refer to "Council" in relation to requiring Council to approve or to be satisfied as to any matter, or conferring on the Council a function, power or discretion, that role of the Council may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.
- 1.3 All conditions of this approval must be undertaken and completed to the satisfaction of Council, at no cost to Council.

- 1.4 All conditions, works, or requirements of this approval must be undertaken and completed prior to the approval of a plan of subdivision (survey plan endorsement), unless otherwise stated.
- 1.5 Where applicable, infrastructure requirements of this approval must be contributed to the relevant authorities, at no cost to Council prior to the approval of a plan of subdivision (survey plan endorsement), unless otherwise stated.
- 1.6 The following further Development Permits must be obtained prior to the commencement of any works associated with its purposes:
- 1.6.1 Operational Works:
- (i) Erosion and Sediment Control Plan;
 - (ii) Road Works; and
 - (iii) Stormwater Works;
- 1.7 All Development Permits for Operational Works must be obtained prior to the approval of a plan of subdivision (survey plan endorsement).
- 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, Capricorn Municipal Development Guidelines, Queensland Urban Drainage Manual* 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>Revision</u>	<u>Dated</u>
Short Term Site Layout Plan	2421.DRG.010	-	3 May 2023
Long Term Site Layout Plan	2421.DRG.011	-	25 October 2023
The Quarry Development Plan by Groundwork Plus	2421_230_001	-	January 2023
The Noise Impact Assessment V23-080 - The Caves Quarry Expansion by – Steer Environmental	V22-182.RT2.01	2	28 August 2023
Traffic Impact Assessment Report	0791819	B	November 2020

- 2.2 Where there is any conflict between the conditions of this approval and the details shown on the approved plans and documents, the conditions of approval must prevail.
- 2.3 Where conditions require the above plans or documents to be amended, the revised document(s) must be submitted for approval by Council prior to the submission of a Development Application for Operational Works.
- 3.0 STAGED DEVELOPMENT

- 3.1 This approval is for a development to be undertaken in three (3) discrete stages, namely:
- 3.1.1 1,260,000 Volume (Stage One);
 - 3.1.2 2,680,000 Volume (Stage Two); and
 - 3.1.3 1,280,000 Volume (Stage Three).

In accordance with the approved Quarry Management Plan (refer to condition 2.1).

- 3.2 Stage One must be completed prior to any other Stage. Except Stage One, multiple development stages may be undertaken concurrently.
- 3.3 Unless otherwise expressly stated, the conditions must be read as being applicable to all stages.

4.0 ROAD WORKS

- 4.1 A Development Permit for Operational Works (road works) must be obtained prior to the commencement of any road upgrade works on Mount Charlton Road and Rossmoya Road and Mount Charlton Road intersection.
- 4.2 All works must be designed and constructed in accordance with the approved Traffic Impact Assessment Report and approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, relevant *Australian Standards*
- 4.3 The Developer must enter into a Road Maintenance Agreement with Council for the impacts to the external Council road network as a result of the use, generally in accordance with the Traffic Assessment Impact Assessment Report dated November 2020 (refer condition 2.1). The agreement must be prepared and finalised by Council's solicitors at no cost to Council (including the payment of any State tax) and must be executed by the Developer.
- 4.3.1 Not exclusive but including Traffic Impact Assessment mitigation recommendation 5.1 Mount Charlton Road seal widening to a minimum 7.5 metre from prior Transfer Station to Rossmoya Road; and
 - 4.3.2 Traffic Impact Assessment mitigation recommendation 5.2 intersection widening of Mount Charlton Road and Rossmoya Road intersection.

5.0 ACCESS WORKS

- 5.1 The site must accommodate access suitable for the largest service vehicle in accordance with the Capricorn municipal Development Guidelines (CMDG) and maintained during the operational life of the quarry.
- 5.2 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, *Australian Standard AS2890 "Off Street Car Parking"*.
- 5.3 All ingress and egress movements to and from the development must be in a forward direction.
- 5.4 Stormwater runoff from parking and vehicular manoeuvring areas must be discharged lawfully.
- 5.5 All vehicle operations associated with the proposed use must be directed by suitable directional, informative, regulatory or warning signs in accordance with *"Manual of Uniform Traffic Control Devices"*.

6.0 PLUMBING AND DRAINAGE WORKS

- 6.1 A Development Permit for Plumbing and Drainage Works must be obtained prior to the commencement of any plumbing and drainage work associated with the development.
- 6.2 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* Council's Plumbing and Drainage Policies and the provisions of a Development Permit for Plumbing and Drainage Works.

- 6.3 Development must be connected to a suitably sized on-site sewage treatment and disposal system at the issue of building approvals.

- 6.4 On-site water storage for domestic water supply purpose and firefighting purpose must be provided for the proposed cabins. The storage of the water tanks must comply with Development Works Code and Bushfire Hazard Overlay of *Livingstone Planning Scheme 2018*, Version 3.

7.0 STORMWATER WORKS

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

- 7.2 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*, sound engineering practice and the provisions of a Development Permit for Operational Works (stormwater works).

- 7.3 All stormwater runoff 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.

- 7.4 Any application for a Development Permit for Operational Works (stormwater works) must be accompanied by a Stormwater Management Plan, prepared and certified by a Registered Professional Engineer of Queensland, which as a minimum includes:

7.4.1 Details addressing stormwater quantity impacts and any required measures to mitigate. The volume of detention must be sufficient to attenuate the peak discharge from the site to ensure pre-development flow regime, immediately downstream of the development for a selected range of Annual Exceedance Probability events, up to the Defined Flood Event (inclusive) for a range of storm durations, including critical storm duration;

7.4.2 Drainage catchment layout plans for pre and post-development scenarios and discharge points;

7.4.3 Details addressing the stormwater quality impacts and any required measures to mitigate. The potential pollutants in stormwater runoff, discharged from the site must be managed in accordance with *State Planning Policy 2017*;

7.4.4 Detailed engineering plans including any new drainage systems, or the amendment and upgrading of any existing drainage systems; and

7.4.5 Design of outlet systems must consider critical scour velocity, discharge frequency, duration at the discharge location(s) and relevant management measures.

8.0 SITE WORKS

- 8.1 Cut and fill in areas of Landslide Hazard Overlay must only be undertaken where site-specific slope stability assessments have been carried out by a Registered Professional Engineer of Queensland experienced in geotechnical investigations. In this regard, any works must comply with the recommendations of the site-specific assessments.

- 8.2 Slope stability must be managed as follows:

8.2.1 all engineering drawings/specifications and designs must comply with the

requirements of the relevant Australian Standard and must be approved by a Registered Professional Engineer of Queensland;

8.2.2 site inspections and full engineering certification must be undertaken by a Registered Professional Engineer of Queensland; and

8.2.3 All earth works must be undertaken to ensure that no nuisance results from an increase in:

8.2.3.1 peak discharge immediately downstream of the development for a selected range of storm durations, and a selected range of Annual Exceedance Probability (AEP) events up to Defined Flood Event (inclusive); or

8.2.3.2 downstream or upstream flood inundation levels; or velocity profiles.

9.0 ENVIRONMENTAL

9.1 Air blast overpressure and vibration Monitoring must be undertaken for every blast event as per Section 4.3 of the Noise Impact Assessment V23-080 – prepared by Steer Environmental - The Caves Quarry Expansion, for stages 2 and 3.

Advice Note: Monitoring must be carried out by a suitably qualified person or organisation in accordance Condition 9.1 and the Section 9 (conclusion and recommendations) of the Noise Impact Assessment Report to conduct monitoring and reporting in line with the Department of Environmental Science (DES) guidelines Noise and vibration from blasting (ESR/2016/2169) and requirements of the Nature Conservation Act 1992 to ensure there is no adverse impacts on the ghost bat colony.

9.2 Submit, as part of a Development Application for Operational Works, a site-specific Erosion and Sediment Control Plan, which is certified by Certified Professional in Erosion and Sediment Control (CPESC) or suitably qualified Registered Professional Engineer of Queensland (RPEQ).

9.3 The Erosion and Sediment Control Plan must:

9.3.1 Be prepared in accordance with the local best practice engineering reference standards and guidelines identified in SC7.13.3.1. of the *Livingstone Planning Scheme 2018, Version 3*; and

9.3.2 Demonstrate how the design objectives identified in Table 9.3.2.4.7. of the Development Works Code of the *Livingstone Planning Scheme 2018, Version 3* in effect at the time of making a Development Application for Operational Work will be achieved.

Advice Note: High efficiency sediment basins are the most effective way to achieve this outcome. Regular sampling must be undertaken in accordance with a sampling program specified in the site specific EMP and evidence of water quality leaving the site must be provided to an authorised officer upon request.

9.4 Identify sampling locations and sampling frequency. The water quality of discharge flows must be measured at each concentrated discharge point from the site and achieve < 50mg/L total suspended solids (or 60ntu) and maintain pH in the range 6.5 to 8.5 at the point of discharge from the site.

9.5 Identify suitable stages of works in order to minimise the area of soil exposed at any one time. Soil disturbances must be staged into manageable sized areas to ensure adequate erosion and sediment control management and progressive stabilisation of disturbed surfaces.

9.6 Set suitable hold points throughout the construction phase.

9.7 Identify short (temporary) and long-term (permanent) stabilisation measures for all exposed soils.

- 9.8 For peak flow for the 1-year and 100-year ARI event, use constructed sediment

10.0 ELECTRICITY AND TELECOMMUNICATIONS

- 10.1 The development must be provided with an on-site energy supply installed in accordance with all laws and regulations and current best practice.

Advice Note: if the development is provided with a reticulated electricity, the supply must be provided in accordance with the requirements of the relevant energy supply authority.

- 10.2 The development must be provided with on-site telecommunications infrastructure for the use sufficient to enable contact in normal circumstances with the each of the nearest emergency services.

Advice Note: if the development is provided with reticulated telecommunications infrastructure, the reticulated infrastructure must be provided in accordance with the requirements of the relevant telecommunications supply authority.

11.0 ASSET MANAGEMENT

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

- 11.2 Any damage to existing kerb and channel, pathway or roadway (including removal of concrete slurry from public land, pathway, roads, kerb and channel and stormwater gullies and drainage lines) which may occur during any works carried out in association with the approved development must be repaired. This must include the reinstatement of the existing traffic signs and pavement markings which may have been removed.

12.0 OPERATING PROCEDURES

- 12.1 The operating hours of the Extractive industry are restricted to;

- i) 0600 hours to 1800 hours, Monday to Saturday; and
- ii) no operations are permitted Sundays or public holidays.

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

- 12.3 All waste storage areas must be kept in a clean, tidy condition in accordance with Environmental Protection (Waste Management) Regulations.

- 12.4 Any lighting devices associated with the development, such as sensory lighting, must be positioned on the site and shielded so as not to cause glare or other nuisance to nearby residents and motorists. Night lighting must be designed, constructed and operated in accordance with *Australian Standard AS4282 "Control of the obtrusive effects of outdoor lighting"*.

- 12.5 When requested by Livingstone Shire Council, noise monitoring must be undertaken and recorded to investigate any complaint of noise nuisance. The monitoring data, an analysis of the data and a report, including noise mitigation measures, must be provided Livingstone Shire Council within fourteen days of the completion of the investigation.

ADVISORY NOTES

NOTE 1. Aboriginal Cultural Heritage

It is advised that under Section 23 of the Aboriginal Cultural Heritage Act 2003, a person who carries out an activity must take all reasonable and practicable

measures to ensure the activity does not harm Aboriginal Cultural Heritage (the “cultural heritage duty of care”). Maximum penalties for breaching the duty of care are listed in the Aboriginal Cultural Heritage legislation. The information on Aboriginal Cultural Heritage is available on the Department of Aboriginal and Torres Strait Islander and Multicultural Affairs website www.datsima.qld.gov.au

NOTE 2. General Environmental Duty

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

NOTE 3. General Safety Of Public During Construction

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

NOTE 4. Environmental Authority

The applicant is to comply with all conditions under the Environmental Authority Permit Number: P-EA-100499343.

RECOMMENDATION C

THAT in relation to the application for a Development Permit for Material Change of Use for an Extractive Industry (Quarry) and Environmental Relevant Activity at 232 Rossmoya Road, The Caves, Lot 6 Millman Road, Milman and Lot 4 Yaamba Road, Milman. Council resolves that an infrastructure charges notice is not required.

Moved by: Deputy Mayor, Councillor Eastwood

Seconded by: Councillor Warcon

MOTION CARRIED UNANIMOUSLY

Meeting Adjourned and Resumed

COUNCIL RESOLUTION

10.39AM

THAT the meeting be adjourned.

Moved by: Councillor Warcon

MOTION CARRIED UNANIMOUSLY

COUNCIL RESOLUTION

10.54 AM

THAT the meeting be resumed.

Moved by: Cr Eastwood

MOTION CARRIED UNANIMOUSLY

12.2 AMENDMENT TO COMMUNITY PLAN 2030

File No: CM4.6.1
Attachments: 1. Community Plan 2030 as adopted on 17 December 2024
2. Community Plan 2030 Tracked Change
Responsible Officer: Katrina Paterson - General Manager Communities
Terry Dodds PSM - Chief Executive Officer
Author: Greg Abbotts - Manager Development and Environment

SUMMARY

This report seeks approval to amend the Community Plan 2030.

COUNCIL RESOLUTION

THAT Council:

- a) Repeals the *Community Plan 2030* as adopted on 17 December 2024; and
- b) Adopts the amended *Community Plan 2030* pursuant to section 104(5) of the *Local Government Act 2009* and sections 165 and 166 of the *Local Government Regulation 2012* to be implemented in the 2025-26 financial year as the first financial year that is covered by the plan; and
- c) The amended *Community Plan 2030* reflects the inclusion of the East West Connector.

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

**12.3 EMU PARK CENTENARY OF ANZAC MEMORIAL WALK EXTENSION - RSL
REQUEST FOR A MEMORANDUM OF UNDERSTANDING****File No:** ED8.5**Attachments:**

1. Preliminary Design and Cost Estimate - Hartecs Group 2021
2. Memorandum Of Understanding Anzac Memorial Walk
3. Letter of support Nigel Hutton
4. Letter of support Michelle Landry

Responsible Officer: Katrina Paterson - General Manager Communities**Author:** Sonia Tomkinson - Manager Economy and Places**Previous Items:**

11.7 - Emu Park Surf Life Saving Club Revetment Wall - Ordinary Council - 19 Dec 2023 9.00am

12.3 - Emu Park Centenary of ANZAC Memorial Walk Extension - RSL request for a Memorandum of Understanding - Ordinary Council - 17 Dec 2024 9:00 AM

SUMMARY

This report provides an updated MOU relating to Council support for the progression of the ANZAC Memorial Walk extension.

COUNCIL RESOLUTION

THAT Council enter the updated Memorandum of Understanding (MOU Attachment 2) with Emu Park RSL to support the progression of the Emu Park Centenary of ANZAC Memorial Walk Extension Project.

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

12.4 MONTHLY FINANCIAL REPORT FOR THE PERIOD ENDING 31 DECEMBER 2024**File No:** FM12.14.1**Attachments:**

1. Monthly Financial Report 31 December 2024
2. December 2024 Contract Award Summary

Responsible Officer: Mandy Louda - Support Services Officer
Richard Mills - Principal Project Management Officer**Author:** Caitlyn Good - Management & Treasury Accountant

SUMMARY

Presentation of the Livingstone Shire Council Monthly Financial Report for the Period Ending 31 December 2024 by the Chief Financial Officer.

COUNCIL RESOLUTION

THAT the Livingstone Shire Council Monthly Financial Report for the period ending 31 December 2024 be received (Attachment 1).

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

Meeting Proceeds to the Next Item of Business

COUNCIL RESOLUTION

That pursuant to s2.18.1(c) and s2.18.8 of Livingstone Shire Council's Meeting Procedures Policy the meeting proceeds to item 12.6 of the agenda and will move back to Item 12.5 after that.

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

12.5 AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING 2 DECEMBER 2024**File No:** A176309**Attachments:** 1. Audit, Risk and Improvement Committee
Meeting Minutes - 2 December 2024**Responsible Officer:** Catherine Parfitt - Risk & Governance Officer
Richard Mills - Principal Project Management Officer**Author:** Nicole Carr - Support Services Officer

SUMMARY

The Audit, Risk and Improvement Committee (ARaIC) met in-person on 2 December 2024 and this report provides the recommendations from the Committee for consideration and adoption by Council. The reports from this meeting are available for viewing by Councillors on the Audit, Risk and Improvement Committee and Councillor portals.

COUNCIL RESOLUTION

THAT the unconfirmed meeting minutes of the Audit, Risk and Improvement Committee held on 2 December 2024 be received.

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

12.6 INTERNATIONAL ADVOCACY - IWASAKI SANYGO CO JAPAN AND YUEXING GROUP CHINA

File No: fA2148
Attachments: Nil
Responsible Officer: Terry Dodds PSM - Chief Executive Officer
Author: Adam Belot - Mayor

SUMMARY

This report outlines an advocacy trip to Japan and China for the Mayor and others to re-introduce themselves to Mr Iwasaki (Japan) and Mr Ding (China) to further showcase investment opportunities in the housing and tourism sectors.

COUNCIL RESOLUTION

THAT Council resolves to support the Mayor and an officer in a delegation to Japan and China as detailed in this report, to update Mr Iwasaki and Mr Ding on the significant growth of the region and outline investment opportunities for their land holdings in the region.

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

MOTION CARRIED UNANIMOUSLY

12.7 CEO KEY PERFORMANCE AGREEMENT

File No: fA2126
Attachments: 1. Livingstone Shire Council Or (*Under Separate Cover*) - (*Confidential*)
Responsible Officer: Terry Dodds PSM - Chief Executive Officer
Author: Terry Dodds PSM - Chief Executive Officer

SUMMARY

The purpose of this report is to set the Performance Agreement for the CEO for the period 1 February 2025 to 1 February 2026.

COUNCIL RESOLUTION

THAT the Performance Agreement for the CEO from 1 February 2025 to 1 February 2026 consists of Key Performance Indicators as follows:

- (i) Build and maintain a new Business Integration and Reporting System and manage monthly production stemming from the 5-Year Corporate Plan, and 1-Year Operational Plan requirements and other subsets.
- (ii) Lift the total average organisational culture score from 53.5% to 58.5%.
- (iii) Provide advice to the Council regards the workforce, our current and future assets, and the financial decisions that align with all macro-level plans.
- (iv) Negotiate a new Enterprise Bargaining Agreement.
- (v) Strategise with the Council on how to bring industries of the future and maintain a balance in the demographic spread (social and economic), ensuring communities are consulted as required.

Moved by: Councillor Friend
Seconded by: Councillor Watson

MOTION CARRIED UNANIMOUSLY

12:15PM Councillor Mather left the meeting and will not be returning.

13 AUDIT, RISK AND IMPROVEMENT COMMITTEE REPORTS

Nil

14 URGENT BUSINESS\QUESTIONS

15 CLOSED SESSION

In accordance with the provisions of section 254J of the *Local Government Regulation 2012*, a local government may resolve to close a meeting to the public to discuss confidential items, such that its Councillors or members consider it necessary to close the meeting.

COUNCIL RESOLUTION

12:18PM

THAT the meeting be closed to the public to discuss the following items, which are considered confidential in accordance with section 254J of the *Local Government Regulation 2012*, for the reasons indicated.

16.1 Great Keppel Island Declared Sewer Area

This report is considered confidential in accordance with section 254J(3)(g), of the *Local Government Regulation 2012*, as it contains information relating to negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interest of the local government (i.e. information in the report regarding potential utility charges for individual properties is considered confidential).

16.2 Ravcorp Appeal Update

This report is considered confidential in accordance with section 254J(3)(e), of the *Local Government Regulation 2012*, as it contains information relating to legal advice obtained by the local government or legal proceedings involving the local government including, for example, legal proceedings that may be taken by or against the local government.

Moved by: Councillor Mather

Seconded by: Councillor Warcon

MOTION CARRIED UNANIMOUSLY

COUNCIL RESOLUTION

1:05PM

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

Moved by: Councillor Warcon

Seconded by: Councillor Rothery

MOTION CARRIED UNANIMOUSLY

16 CONFIDENTIAL REPORTS

01:06PM Councillor Watson left the meeting due to Conflict of Interest – Declared (refer to page 4).

16.1 GREAT KEPPEL ISLAND DECLARED SEWER AREA

File No: C1142369

Attachments: Nil

Responsible Officer: Chris Hocking - Manager Water and Waste Operations
Michael Kriedemann - General Manager Infrastructure

Author: Daniel Stroud - Infrastructure Project Engineer/Project Manager
Priscilla Graham - Coordinator Revenue

This report is considered confidential in accordance with section 254J(3)(g), of the *Local Government Regulation 2012*, as it contains information relating to negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interest of the local government (i.e. information in the report regarding potential utility charges for individual properties is considered confidential).

SUMMARY

This report is for the recommendation to Councillors to resolve to approve a new Declared Sewer Area on Great Keppel Island.

COUNCIL RESOLUTION

THAT Council resolves to:

Approve a Declared Sewer Area for Great Keppel Island incorporating the residences in the northern half of The Esplanade, in accordance with Sections 161(2), 161(6) and 676(1) of the Water Supply (Safety and Reliability) Act 2008.

Moved by: Councillor Rothery

Seconded by: Deputy Mayor, Councillor Eastwood

MOTION CARRIED UNANIMOUSLY

01:08PM Councillor Watson returned to the meeting.

16.2 RAVCORP APPEAL UPDATE**File No:** D-183-2022**Attachments:**

1. Letter and Notice of Appeal
2. Early Overall High Level Concepts
3. Secret Valley Preliminary DRAFT Infrastructure Agreement
4. Marked up plan of Concept 1
5. Marked up plan of Concept 2

Responsible Officer: Katrina Paterson - General Manager Communities**Author:** Greg Abbotts - Manager Development and Environment

This report is considered confidential in accordance with section 254J(3)(e), of the *Local Government Regulation 2012*, as it contains information relating to legal advice obtained by the local government or legal proceedings involving the local government including, for example, legal proceedings that may be taken by or against the local government.

SUMMARY

This report discusses the applicant driven appeal with respect to DA –183-2022 – Hidden Valley.

COUNCIL RESOLUTION

THAT the Council delegates to the CEO to resolve the appeal.

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

17 CLOSURE OF MEETING

There being no further business the meeting closed at 1:09 pm.

Mayor Adam Belot
CHAIRPERSON

21 January 2025