



# **ORDINARY COUNCIL MEETING**

## **CONFIRMED MINUTES**

**2 JUNE 2026**

The resolutions contained within these minutes were confirmed at the Ordinary Council Meeting on the 16 June 2026.

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**MINUTES OF THE ORDINARY MEETING HELD AT COUNCIL CHAMBERS, 4 LAGOON PLACE, YEPPON ON TUESDAY, 2 JUNE 2026 COMMENCING AT 9:00 AM  
(DEVELOPMENT & STRATEGIC PLANNING)**

## **1 OPENING**

### **Welcome to 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 *Deputy Mayor, Councillor Pat Eastwood*.

## **2 PRESENT**

### Members Present:

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

### Officers in Attendance:

Alastair Dawson – Interim Chief Executive Officer  
Graham Scott – Project Director Blueprint Livingstone  
Gretta Cowie – Executive Support Officer  
Shari Rankin – Coordinator Development Assessment  
Melissa Warwick – Principal Strategic Planner

### 3 LEAVE OF ABSENCE / APOLOGIES

#### 3.1 LEAVE OF ABSENCE FOR COUNCILLOR WADE ROTHERY - 14TH JUNE TO 19TH JUNE 2026

**File No:** fA2206  
**Attachments:** Nil  
**Responsible Officer:** Alastair Dawson - Interim Chief Executive Officer

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#### SUMMARY

*Councillor Wade Rothery requested a leave of absence from 14 to 19 June 2026 inclusive.*

#### COUNCIL RESOLUTION

THAT Leave of Absence be granted to Councillor Wade Rothery for the period of 14 to 19 June 2026 inclusive.

**Moved by:** Councillor Rothery

**Seconded by:** Councillor Warcon

**MOTION CARRIED UNANIMOUSLY**

## 4 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

### COUNCIL RESOLUTION

THAT the minutes of the Ordinary Meeting held on 19 May 2026 be taken as read and adopted as a correct record.

**Moved by:** Councillor Warcon

**Seconded by:** Councillor Mather

**MOTION CARRIED UNANIMOUSLY**

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

Nil

**6 DEPUTATIONS**

Nil

**7 BUSINESS ARISING OR OUTSTANDING FROM PREVIOUS MEETINGS**

Nil

**8 PRESENTATION OF PETITIONS**

Nil

**9 NOTICES OF MOTION**

Nil

**10 QUESTIONS ON NOTICE**

Nil

**11 COMMITTEE REPORTS**

Nil

**12 AUDIT, RISK AND IMPROVEMENT COMMITTEE REPORTS**

Nil

## 13 REPORTS

### 13.1 DEVELOPMENT APPLICATION FOR A ROL (1 LOT INTO 2 LOTS AND ACCESS EASEMENT)

<b>File No:</b>	<b>D-83-2025</b>
<b>Attachments:</b>	<ol style="list-style-type: none"> <li>1. ROL Plan</li> <li>2. Locality Plan &amp; Overlays</li> <li>3. Code Assessment</li> </ol>
<b>Responsible Officer:</b>	<b>Shari Rankin - Coordinator Development Assessment</b> <b>Sonia Tomkinson - Manager Economy and Places</b> <b>Katrina Paterson - General Manager Communities and Environment</b> <b>Alastair Dawson - Interim Chief Executive Officer</b>
<b>Author:</b>	<b>Jenna Davies - Principal Planning Officer</b>

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#### SUMMARY

<i>Application:</i>	<i>Development Application D-83-2025 for a Development Permit for Reconfiguring a Lot (1 lot into 2 lots and access easement)</i>
<i>Applicant:</i>	<i>Sunil Kumar Govind Trustee Under Instrument 7122551867, Mayus Lata Nath &amp; Arun Kumar Nath</i>
<i>Consultant:</i>	<i>Gracemere Surveying &amp; Planning Consultants Pty Ltd</i>
<i>Real Property Address:</i>	<i>Lot 3 on RP614523 Area of Site: 8.48 hectares</i>
<i>Planning Scheme:</i>	<i>Livingstone Planning Scheme 2018</i>
<i>Planning Scheme Zone:</i>	<i>Rural, Capricorn Coast Rural Precinct</i>
<i>Planning Scheme Overlays:</i>	<i>OM02 - Agricultural Land Class A and Class B</i> <i>OM07 - Biodiversity - MSES - Regulated Vegetation</i> <i>OM10 - Biodiversity - Wetlands and waterways</i> <i>OM11 - Biodiversity - Waterway Potential Assessment Area - stream order 1</i> <i>OM12 - Bushfire Hazard Area - High Potential Intensity and Potential impact buffer</i> <i>OM22 - Within Proximity to a State Controlled Road</i> <i>OM23 - Transport Noise Corridors - State Controlled Road</i> <i>OM27 - Height limits</i>
<i>Existing Development:</i>	<i>Vacant land</i>
<i>Level of Assessment:</i>	<i>Impact Assessable</i>
<i>Submissions:</i>	<i>7 Submissions received</i>

*Referral matters:* Infrastructure – State transport infrastructure  
10.9.4.2.1.1 and 10.9.4.2.3.1

*Infrastructure Charge Area:* Outside the Priority Infrastructure Area

*Application progress:*

<i>Application received:</i>	13 March 2025
<i>Application properly made:</i>	13 March 2025
<i>Confirmation notice issued:</i>	19 March 2025 Re-issued with additional referral agency on 21 March 2025
<i>Change to Application:</i>	3 April 2025
<i>Confirmation Notice issued:</i>	11 April 2025
<i>Application referred to State Assessment and Referral Agency (SARA):</i>	24 April 2025
<i>State agency response:</i>	23 May 2025
<i>Information request issued:</i>	16 April 2025
<i>Application stopped:</i>	26 June 2025 – 18 September 2025 (60 days) 14 October 2025 – 22 January 2026 (66 days)
<i>Information request response received:</i>	22 January 2026
<i>Public notification period:</i>	16 February 2026 – 9 March 2026
<i>Notice of compliance received:</i>	16 March 2026
<i>Submission consideration period:</i>	17 March 2026 – 31 March 2026
<i>Council briefing date:</i>	26 May 2026
<i>Council meeting date:</i>	2 June 2026
<i>Statutory determination date:</i>	5 June 2026

### ***Meeting Adjourned***

#### **COUNCIL RESOLUTION**

9:54AM

THAT the meeting be adjourned.

**Moved by:** Mayor, Councillor Belot

**MOTION CARRIED UNANIMOUSLY**

### ***Meeting Resumed***

#### **COUNCIL RESOLUTION**

10:05AM

THAT the meeting be resumed.

**Moved by:** Mayor, Councillor Belot.

**MOTION CARRIED UNANIMOUSLY**

**OFFICER'S RECOMMENDATION**

THAT in relation to the application for a Development Permit for Reconfiguring a Lot (1 lot into 2 Lots and access and services easement), made by Gracemere Surveying & Planning Consultants Pty Ltd, on Lot 3 on RP614523 and located at 5 Richters Road, Byfield, Council resolves to Approve the application given pursuant to Section 45(5)(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 have been established in support of the development as follows:

- (a) The development has been justified to achieve the specific outcomes of the Strategic Framework due to the site location close to smaller lots within the Byfield locality, and the subdivision layout avoiding and minimising impact to the biodiversity values over the site.
- (b) Whilst the development does not meet the minimum lot size and dimensions as per the Rural zone code, the lots are of similar sizes to lots in the area and is constrained for rural activities due to the natural environment and waterway through the site.
- (c) The development proposes to protect the biodiversity values in a vegetation covenant, to achieve the overall outcomes of the Biodiversity overlay code.
- (d) Any technical matters can be managed via reasonable and relevant conditions of approval.

**RECOMMENDATION B**

THAT in relation to the application for a Development Permit for Reconfiguration of a Lot (1 lot into 2 Lots and access easements), made by Gracemere Surveying & Planning Consultants Pty Ltd, on Lot 3 on RP614523, and located at 5 Richters Road, Byfield, 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 Unless otherwise stated, all works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards.
- 1.7 All engineering drawings/specifications, design and construction works must comply with the requirements of the relevant *Australian Standards* and must be approved, supervised and certified by a Registered Professional Engineer of Queensland.
- 1.8 All development conditions contained in this development approval about infrastructure under Chapter 4 of the *Planning Act 2016* (the Act), should be read as being non-trunk infrastructure conditioned under section 145 of the Act, unless otherwise stated.

- 1.9 The building location envelope over proposed Lot 30 has been informed by the Bushfire Management Plan and Ecological Report. Future land uses must ensure compliance with the planning scheme current at the time of proposal.

## 2.0 APPROVED PLANS AND DOCUMENTS

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

<u>Plan/Document Name</u>	<u>Plan/Document Reference</u>	<u>Dated</u>
Proposed Lots 3 & 30 and Cov A	070056-18, Sheet 1 of 2	22-12-2025
Bushfire Hazard Assessment for 5 Richters Road, Byfield	PR25125, Version A	26 June 2025
Ecological Assessment Report for 5 Richters Road, Byfield	PR25125_EA_5 Richters Road, Byfield_VerA	Version B

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

## 3.0 ACCESS WORKS

- 3.1 Two (2) access easements must be registered burdening proposed Lot 30, in favour of proposed Lot 3 as follows:

- 3.1.1 An eastern access easement must be for emergency access only; and
- 3.1.2 A south-western access easement (to Byfield Road) must be for primary access.

- 3.2 The driveway within the easement for emergency access (fire trail) must not be constructed until such time the associated Material Change of Use (D/1817-2009) on proposed Lot 3 obtains a development permit for Building Works.

- 3.3 The access driveway servicing proposed Lot 3 must be:

- 3.3.1 constructed from the driveway within the state controlled road reserve, to the end of the access handle;
- 3.3.2 in accordance with the recommendations of the bushfire management plan approved under D/1817-2009); and
- 3.3.3 four (4) metres wide all weather gravel pavement.

- 3.4 Rural addressing must be provided to each lot in accordance with Council's Local Law for Roads.

## 4.0 STORMWATER WORKS

- 4.1 All stormwater including any roof and allotment water must drain so as to demonstrate lawful discharge and must not adversely affect adjoining land or infrastructure when compared to pre-development condition by way of blocking, altering, diverting existing stormwater runoff patterns, or have the potential to cause damage to other infrastructures.

## 5.0 INFRASTRUCTURE

- 5.1 Infrastructure associated with any existing uses must remain within the respective property boundaries of the lot it serves.

5.2 The bore must be in the ownership of one lot and may provide benefit to a separate lot by way of a services easement (refer to advisory note 5).

## 6.0 ELECTRICITY AND TELECOMMUNICATIONS

6.1 The development must be provided with an on-site energy supply installed in accordance with all laws and regulations and current best practice. (Note if the development is provided with a reticulated grid electricity supply, the reticulated supply must be provided in accordance with the requirements of the relevant energy supply authority.)

6.2 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. (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.)

## 7.0 ASSET MANAGEMENT

7.1 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.

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

## 8.0 ENVIRONMENTAL

8.1 The ongoing management of weeds of the Byfield Creek tributary along both sides of the waterway to a width of ten (10) metres from the top of the bank must be undertaken. The area must be left in a natural state for natural regeneration.

8.2 Revegetation of the mapped waterway must be undertaken for a width of ten (10) metres either side of the top of the bank. The alignment of the waterway must be confirmed through site survey. A revegetation plan must be provided to Council prior to the commencement of use which includes;

8.2.1 position and canopy spread of all native vegetation; and

8.2.2 a plant schedule with the botanic and common names, total plant numbers and pot sizes at the time of planting.

8.3 The proposed vegetation covenant, Cov A, must be amended to also include the waterway, including a setback of ten (10) metres from the top of bank, over proposed Lot 30.

8.4 An environmental covenant, pursuant to *Section 97A of the Land Title Act*, must be entered into in respect of the land identified as Cov A on the approved plans on proposed Lot 30 and as per condition 17.8 to the effect that:

8.4.1 the area is protected as a vegetated flora habitat and all native vegetation must be retained; and

8.4.2 the waterway and top of bank be protected; and

8.4.3 there is to be no artificial interference or disturbance of the habitat and waterway, except as approved by Council, to remove hazards to safety of persons outside of the habitat, removal of weeds and approved (by Council) revegetation with local native species.

8.5 An environmental covenant must be registered over proposed Lot 30. The covenant

area must be shown on the Survey Plan and the respective documentation submitted to Council, prior to the approval of a plan of subdivision (survey plan endorsement).

#### 9.0 OPERATING PROCEDURES

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

#### ADVISORY NOTES

##### NOTE 1. Aboriginal Cultural Heritage

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

##### NOTE 2. General Environmental Duty

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

##### NOTE 3. General Safety Of Public During Construction

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

##### NOTE 4. Infrastructure Charges Notice

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

##### NOTE 5. Bores

Council does not regulate the installation or use of bores on private properties. Further information in relation to the use and access to bores is available online: <https://www.qld.gov.au/environment/water/groundwater>

#### RECOMMENDATION C

THAT in relation to the application for a Development Permit for Reconfiguring a Lot (1 lot into 2 Lots and access easements), made by Gracemere Surveying & Planning Consultants Pty Ltd, on Lot 3 on RP614523, and located at 5 Richters Road, Byfield, Council resolves to issue an Infrastructure Charges Notice for the amount of \$21,121.79.

**Moved by: Councillor Rothery**

Motion Lapsed for want of a seconder

#### **COUNCIL RESOLUTION**

THAT in relation to the application for a Development Permit for Reconfiguring a Lot (1 lot into 2 lots and access and services easement), made by Gracemere Surveying & Planning Consultants Pty Ltd, on Lot 3 on RP614523 and located at 5 Richters Road, Byfield, Council **resolves to Refuse** the application. The table delegates to the CEO to

assist Councillors to collate reasons for refusal against the Livingstone Shire 2018 Planning Scheme.

**Moved by:** Councillor Mather

**Seconded by:** Councillor Watson

**MOTION CARRIED**

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

Cr W Rothery voted in the negative.

**14 URGENT BUSINESS QUESTIONS**

Nil

## **15 CLOSURE OF MEETING**

**There being no further business the meeting closed at 10:44 pm.**