



ORDINARY MEETING

MINUTES

18 JULY 2023

The resolutions contained within these Minutes are scheduled to be confirmed at the Ordinary Council meeting of 15 August 2023.

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MINUTES OF THE ORDINARY MEETING HELD AT COUNCIL CHAMBERS, 4 LAGOON PLACE, YEPPON ON TUESDAY, 18 JULY 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 Councillor Pat Eastwood.

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
Justine Schofield – Executive Support Officer
Greg Abbotts – Manager Development and Environment
Erin McCabe – Coordinator Development Assessment
Jenna Davies – Principal Planning Officer
Molly Saunders – Acting Manager Community and Cultural Services
Christine Macdonald – Principal Property Officer
Alison Morris – Property Officer
Sonia Tomkinson – Manager Economy and Places
Nige Deacon – Manager Water and Waste Operations
Sean Fallis – Manager Infrastructure Projects

3 LEAVE OF ABSENCE / APOLOGIES

Nil

4 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

COUNCIL RESOLUTION

THAT the minutes of the Ordinary Meeting held on 16 May 2023 be taken as read and adopted as a correct record.

THAT the minutes of the Ordinary Meeting held on 20 June 2023 be taken as read and adopted as a correct record.

Moved by: Councillor Mather

Seconded by: Councillor Friend

MOTION CARRIED UNANIMOUSLY

5 DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA

6 DEPUTATIONS

Nil

7 BUSINESS ARISING OR OUTSTANDING FROM PREVIOUS MEETINGS

7.1 BUSINESS OUTSTANDING TABLE FOR ORDINARY COUNCIL MEETING

File No: GV13.4
Attachments: 1. Business Outstanding Table - July
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 Watson

Seconded by: Councillor Mather

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 11.3 - Development Application - Reconfiguring a Lot (Secret Valley Estate) - Lot 3 Hidden Valley Road, Hidden Valley.

Moved by: Councillor Swadling

MOTION CARRIED UNANIMOUSLY

11.3 DEVELOPMENT APPLICATION - RECONFIGURING A LOT (SECRET VALLEY ESTATE) - LOT 3 HIDDEN VALLEY ROAD, HIDDEN VALLEY

File No: D-183-2022

Attachments:

1. Locality Plan
2. Proposal Plan
3. Code Assessment

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

Author: Jenna Davies - Principal Planning Officer

SUMMARY

<i>Applicant:</i>	<i>Ravcorp Development Pty Ltd Atf The Bluewater Prop</i>
<i>Consultant:</i>	<i>Milford Planning Consultants</i>
<i>Application type sought:</i>	<i>Development Permit</i>
<i>Real Property Address:</i>	<i>Lot 3 on SP325483</i>
<i>Area of Site:</i>	<i>139.2 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>OM02 – Agricultural land classification</i> <i>OM07 – Biodiversity – Matters of Local Environmental Significance and Local Biodiversity corridor</i> <i>OM12 – Bushfire hazard – High Potential Bushfire Intensity, Medium Potential Bushfire Intensity and Potential impact buffer</i> <i>OM15 – Drainage problem area</i> <i>OM18 – Landslide hazard</i> <i>OM19 – Regional infrastructure</i> <i>OM20 – Road hierarchy – Rural access (Hidden Valley Road)</i> <i>OM27 – Height limits</i>
<i>Existing Development:</i>	<i>Cropping - Pineapple farm</i>
<i>Level of Assessment:</i>	<i>Impact Assessable</i>
<i>Submissions:</i>	<i>34 Submissions received</i>
<i>Referral matters:</i>	<i>Infrastructure – State transport infrastructure (10.9.4.1.1.1) Native vegetation clearing – (10.3.4.2.1)</i>
<i>Infrastructure Charge Area:</i>	<i>Outside the Priority Infrastructure Area</i>

COUNCIL RESOLUTION**RECOMMENDATION A**

THAT in relation to public notification, the sign to Coucom Road frontage was removed during the public notification period. Despite the sign being removed between 16 February 2023 and 20 February 2023, the sign was on the Coucom Road frontage for at least fourteen (14) business days. If a person was accessing the site, they would have driven past two (2) public notification signs to Hidden Valley Road prior to a person accessing Coucom Road, with no alternative access to Coucom Road other than via Hidden Valley Road. Further, the applicant underwent additional public notification days. Therefore, the sign being removed in the last two (2) days of public notification was unlikely to affect a person's ability to make a submission or be made aware of the development application being on public notification.

RECOMMENDATION B

THAT in relation to the application for a Development Permit for a Reconfiguring a Lot for a one lot into seventy-two lots, two public utility lots and balance lot (Secret Valley Estate Stages 1-11), made by Ravcorp Development Pty Ltd ATF The Bluewater Prop, on Lot 3 on SP325483, and located at Lot 3 Hidden Valley Road, Hidden Valley, Council, in accordance with section 60 (3) and (5) of the *Planning Act 2016*, resolves to Approve part of the application as a Development Permit for Reconfiguring a Lot (one lot into three lots) and approve part of the application as a Preliminary Approval for Reconfiguring a Lot (two lots into seventy-two lots), even though 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:

- (i) The development, as a Preliminary Approval, has been suitably justified to not compromise the Strategic Framework. Whilst the proposed lot sizes are inconsistent with the strategic framework intention, the proposal maximises the use of existing infrastructure available to the site such as the water network, largely unconstrained land, close to services and central business areas, protection of the natural environment surrounding the proposed lots, and is not considered to adversely impede the expansion of new urban or future urban places. This is on the proviso the availability of residential development under existing preliminary approvals within The Pines Estate and to the north on Lot 1000 on SP220784. The proposal provides a transition and end to the various sized rural lots on Hidden Valley Road which are limited in scope to be further subdivided. The proposed seventy two lots are only over half of the subject allotment to the east, therefore not limiting future urban expanding on the western side of the parent lot in the future and at the time future road connections and sewer are available to the site.
- (ii) The development does not comply with PO7, PO16, PO17, AO20.1, PO20, PO28 and is unable to be justified against overall outcome 13 of the Reconfiguring a Lot code. Further the development does not comply with AO18.1 and unable to be justified against Performance Outcome PO18 of the Development works code. The development is not well integrated with the surrounding road network, traffic volumes, use of and impact on Hidden Valley Road conflicts with its hierarchy and function, there is not at least two (2) road connections to the subdivision and blocks exceed 200 metres, works proposed to Hidden Valley Road are unable to achieve the requirements of the *Capricorn Municipal Development Guidelines* to ensure safe access to the lots; and the road infrastructure is not considered adequate to service the development. As such, only two (2) additional lots are able to be recommended for approval to ensure the traffic volume does not surpass five (5) per cent of the base traffic on Hidden Valley Road, based on traffic counts conducted in June 2023.
- (iii) The development does not comply with Acceptable Outcomes AO11.1, AO12.1, AO15.2 of the Reconfiguring a Lot code as the lot sizes are less than the minimum lot size for the Rural zone. The lots are consistent with the Rural residential, park residential precinct. The development achieves the relevant Performance Outcomes as

the proposed lots are a transition between the variety of lot sizes along Hidden Valley Road, to the smaller residential lots to the north within The Pines Estate, to larger rural lots to the south. All lots are of general, regular shape to facilitate efficient, future residential development, consistent with the Rural residential zone.

- (iv) The development does not comply with Acceptable Outcome AO15.1 of the Reconfiguring a Lot code as two (2) rear lots join each other. The development complies with the Performance Outcome given the minor non-compliance was a result of the change in lot layout to facilitate Road H, a future trunk road corridor.
- (v) The development does not comply with Acceptable Outcomes AO26.1 and AO26.2 of the Reconfiguring a Lot code as the street blocks are generally orientated north-south. The development complies with the Performance Outcome as the lots are of adequate size and width to allow for future dwellings to be suitably located to maximise breezes and minimise sun penetration at the time they are designed and constructed.
- (vi) The development does not comply with Acceptable Outcome AO15.1 of the Biodiversity overlay code and Acceptable Outcomes AO6.1 of the Development works code, for road H as the road corridor traverses the biodiversity corridor. The development complies with the Performance Outcome as the road corridor is located in an existing and maintained cleared area of the site and is the most logical location, to reduce and minimise environmental impacts, for a future connection to the north.
- (vii) The development does not comply with Performance Outcomes PO11 and PO12 of the Bushfire hazard overlay code as the development is not informed by a bushfire hazard assessment and management plan. The development complies with the overall outcomes given the hazard is located on the periphery of the site, with roads separating the lots from the hazard and the lots are proposed to be connected to the water supply. Further, future land uses are required to be assessed against the provisions of the Bushfire hazard overlay code.
- (viii) The development does not comply with Acceptable Outcome AO13.1 of the Bushfire hazard overlay code as more than twenty per cent of the lots interface with the hazard. The development complies with the Performance Outcome as the lots are separated by the periphery roads.
- (ix) The development does not comply with Acceptable Outcome AO6.3 of the Development works code as clearing of small tracts of native vegetation will be required. The development complies with the Performance Outcome as Operational Works application will be required for any clearing works and the highest vegetation values, and mapped values, are retained within the balance lots and lots proposed to be dedicated to Council.
- (x) The Landslide hazard overlay has been wholly contained within the balance lot and is sufficient in size and dimension for future uses to located outside of the mapped landslide hazard area.
- (xi) The development does not adversely compromise the achievement of the state interests for environment and heritage and natural hazards, risk and resilience outlined in the State Planning Policy.

RECOMMENDATION C

THAT in relation to the application for a for a Development Permit for a Reconfiguring a Lot for a one lot into seventy-two lots, two public utility lots and balance lot (Secret Valley Estate Stages 1-11), made by Ravcorp Development Pty Ltd Atf The Bluewater Prop, on Lot 3 on SP325483, and located at Lot 3 Hidden Valley Road, Hidden Valley, Council, in accordance with section 60 (3) and (5) of the *Planning Act 2016*, resolves to Approve part of the application as a Development Permit for Reconfiguring a Lot (one lots into three lots) and part of the application as a Preliminary Approval for Reconfiguring a Lot (two lots into seventy-two lots), subject to the following conditions:

PART A – DEVELOPMENT PERMIT - RECONFIGURING A LOT (TWO LOTS INTO

THREE LOTS)**1.0 ADMINISTRATION**

- 1.1 The Developer is responsible for ensuring compliance with this approval and the Conditions of the approval by an employee, agent, contractor or invitee of the Developer.
- 1.2 Where these Conditions refer to “Council” in relation to requiring Council to approve or to be satisfied as to any matter, or conferring on the Council a function, power or discretion, that role of the Council may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.
- 1.3 All conditions of this approval must be undertaken and completed to the satisfaction of Council, at no cost to Council.
- 1.4 All conditions, works, or requirements of this approval must be undertaken and completed prior to the approval of a plan of subdivision (survey plan endorsement), unless otherwise stated.
- 1.5 Where applicable, infrastructure requirements of this approval must be contributed to the relevant authorities, at no cost to Council prior, prior to the approval of a plan of subdivision (survey plan endorsement), unless otherwise stated.
- 1.6 All works must be designed, constructed and maintained in accordance with *Capricorn Municipal Development Guidelines (CMDG)*, *Queensland Urban Drainage Manual (QUDM)*, relevant guidelines, standards (including Australian Standards) and Council policies and certified by a suitably qualified *Registered Professional Engineer of Queensland*.
- 1.7 The following further Development Permits must be obtained prior to the commencement of any works associated with its purposes:
- 1.7.1 Operational Works (access 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.
- 1.10 This approval is for three (3) lots **only** as follows:
- 1.10.1 Two (2) large rural lots;
- a. One lot generally in the area proposed Lot 100, Lot 900 and Road H (with an area of generally 95.35 hectares);
- b. One lot generally over all proposed seventy-two rural residential lots, proposed new roads and public use land (Lot 901); and
- 1.10.2 One (1) lot, generally in accordance with either proposed Lot 2 or proposed Lot 71 or over one (1) entire stage boundary, with a minimum lot area of 4,000 square metres.
- 1.10.3 The lot layouts must not compromise the corridor location of Road H.
- 1.10.4 The three lots may be staged over two stages, or occur concurrently.
- 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>
Roconfiguring Plan (1 Lot into 72 Lots + PUL + BAL) Stages 1-10	8117-01-ROL, Sheet 1 of 1, Issue C	6 April 2023

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 (EXTERNAL AND INTERNAL)

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

3.2 A vehicle access must be designed and constructed to the proposed development in accordance with the *Capricorn Municipal Development Guidelines, Standard Drawing CMDG-R-040*, titled as "Rural Road Access and Property Access over Table Drains".

3.3 The vehicle access must be a combined access driveway to service all the three (3) approved lots.

3.4 The vehicle access must not conflict with the adjoining driveways servicing Lot 2 on RP616631 and Lot 1 on SP325483.

3.5 The internal access way, from Hidden Valley Road servicing any rear lot, must be contained within an access easement(s) and a minimum width of twenty (20) metres.

3.6 Any internal access way for a rear lot must contain a driveway that is designed and constructed in accordance with the following:

3.6.1 a minimum cleared width of six (6) metres;

3.6.2 a minimum cleared height of 4.8 metres;

3.6.3 a four (4) metres wide all weather gravel pavement; and

3.6.4 if the grade of the driveway is steeper than ten (10) per cent at any point, a four (4) metres wide sealed pavement on a six (6) metres wide formation; and

3.6.5 if within twenty (20) metres of an existing dwelling house on an adjacent lot, a four (4) metres wide sealed pavement on a six (6) metres wide formation for a distance of at least twenty (20) metres past the extremities of the dwelling house or sensitive land use projected perpendicular from the access strip boundary; and

3.6.6 adequate drainage to prevent soil erosion.

4.0 STORMWATER WORKS

4.1 All stormwater management works must be designed and constructed in accordance with the *Queensland Urban Drainage Manual, Capricorn Municipal Development Guidelines, Urban Stormwater Quality Planning Guidelines, State Planning Policy*, and sound engineering practice.

4.2 All stormwater including roof water and allotment 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.

5.0 EARTHWORKS

5.1 All earthworks must be undertaken in accordance with *Australian Standard AS3798 "Guidelines on Earthworks for Commercial and Residential Developments"*.

5.2 Earthworks must be constructed such that they do not, at any time, in any way restrict, impair or change the natural flow of runoff water, or cause a nuisance or worsening to adjoining properties or infrastructure.

5.3 The structural design of all retaining walls above one (1) metre in height must be separately and specifically certified by a Registered Professional Engineer of Queensland as part of the Operational Works submission. A Registered Professional Engineer of Queensland must on completion certify that all works are compliant with the approved design.

5.4 Any vegetation cleared or removed must be:

(i) mulched on-site and utilised on-site for landscaping purposes, in accordance with the landscaping plan approved by Council; or

(ii) removed for disposal at a location approved by Council;

within sixty (60) days of clearing. Any vegetation removed must not be burnt.

6.0 ASSET MANAGEMENT

6.1 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.

6.2 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.

6.3 '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 approval of a plan of subdivision (survey plan endorsement). This information must be provided in accordance with the Manual for Submission of Digital As Constructed Information.

7.0 ENVIRONMENTAL

7.1 An Erosion Control and Stormwater Control Management Plan must be implemented and maintained on-site for the duration of the works, and until all exposed soil areas are permanently stabilised (for example, turfed, hydromulched, concreted, landscaped). The prepared Erosion Control and Stormwater Control Management Plan must be available on-site for inspection by Council Officers during those works.

8.0 OPERATING PROCEDURES

8.1 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 Hidden Valley Road.

ADVISORY NOTES

NOTE 1. Aboriginal Cultural Heritage

It is advised that under Section 23 of the *Aboriginal Cultural Heritage Act 2003*, a person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal Cultural Heritage (the

“cultural heritage duty of care”). Maximum penalties for breaching the duty of care are listed in the Aboriginal Cultural Heritage legislation. The information on Aboriginal Cultural Heritage is available on the Department of 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. 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. Environmental

The land subject to the above development application must be free of declared pest plants; as declared at the date of development application in Local Law No. 3 (Community & Environmental Management) 2011 and Schedule 1 of Subordinate Local Law 3 (Community & Environmental Management) 2011; and restricted invasive species in the *Biosecurity Act 2014* or as amended; to the satisfaction of Council's Pest Management Officer, prior to the commencement of any site works. Council will supply a free inspection and advice service on the request of the land owner.

PART B - PRELIMINARY APPROVAL FOR RECONFIGURING A LOT (TWO LOTS INTO SEVENTY-TWO LOTS, BALANCE LOT AND NEW ROAD)

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, works, or requirements of this approval must be undertaken and completed to Council's satisfaction, at no cost to Council.

1.4 Where applicable, infrastructure requirements of this approval must be contributed to the relevant authorities, at no cost to Council.

1.5 This is a preliminary approval for Reconfiguring a Lot (two lots into seventy-two lots). This preliminary approval does not authorise the carrying out of assessable development.

2.0 AMENDMENTS TO DEVELOPMENT

2.1 The proposed development must be amended to accommodate the following changes and reflected in a Development Application:

2.1.1 Alternative road access point(s) secured (refer to condition 8.0);

2.2 The following information must be provided in a new development application:

2.2.1 Traffic Impact Assessment;

2.2.2 Ecology Report; and

2.2.3 Bushfire Hazard Assessment and Management Plan to inform the lot layout in accordance with the bushfire hazard overlay code.

3.0 APPROVED PLANS AND DOCUMENTS

3.1 The approved development can be generally in accordance with the approved plans and documents, except where amended by the conditions of this permit:

<u>Plan/Document Name</u>	<u>Reference</u>	<u>Dated</u>
Roconfiguring Plan (1 Lot into 72 Lots + PUL + BAL) Stages 1-10	8117-01-ROL, Sheet 1 of 1, Issue C	6 April 2023
SITE BASED STORMWATER MANAGEMENT PLAN	MIS-0850/R02, Revision B	21 November 2022
WATER SUPPLY ASSESSMENT	MIS0850/R03, Revision A	9 December 2022

3.2 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.

3.3 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 the first application for a Development Permit over the subject land.

4.0 REQUIRED DEVELOPMENT PERMIT(S)

4.1 Other development permits which are necessary to allow the development to be undertaken are listed below and these conditions do not affect the need to obtain such permits, namely:

4.1.1. Development permits(s) for Reconfiguring a Lot.

5.0 CURRENCY PERIOD

5.1 The currency period for this Preliminary Approval is four (4) years from the date the approval takes effect.

6.0 STAGED DEVELOPMENT

6.1 Infrastructure must be provided by the developer in a co-ordinated and a planned manner having regard to the overall catchment and staging of the development in a logical and orderly sequence.

6.2 Infrastructure (for example: road, property accesses, water, services) must be provided to the development or lots or stage boundaries for connectivity and to facilitate ease of extension of these Infrastructure during future stages.

7.0 ROAD WORKS

7.1 Sole access via Hidden Valley Road is not approved. To mitigate associated risks, only limited access is permitted to Hidden Valley Road as a secondary access to the development site.

An alternative road access point(s) must be secured the following means:

7.1.1 road reserve; and

- 7.1.2 construction of alternative access; and
 - 7.1.3 a detailed layout demonstrating safety of Council infrastructure; and
 - 7.1.4 updated Traffic Impact Assessment to reflect the road access changes.
- 7.2 Details and a traffic assessment of proposed intersection treatments at the intersection of Road A, Road H and Hidden Valley Road must be provided.
- 8.0 **LANDSCAPING AND BIODIVERSITY**
- 8.1 In the location of the Road H corridor north-south, traversing the mapped biodiversity corridor, and any proposed works to the Hidden Valley Road corridor affecting biodiversity, wetland or waterway values, details must be provided in the development application demonstrating how the development including roads, pipelines, pedestrian access and in-stream structures:
- 8.1.1 does not create barriers to the movement of fauna (including fish passage) along or within biodiversity corridors;
 - 8.1.2 Must provide effective wildlife movement infrastructure in accordance with best practice which:
 - (i) enables fauna to safely negotiate a development area; and
 - (ii) separates fauna from potential hazards through the use of appropriate fencing
 - (iii) will not cause significant adverse impacts to Yeppoon Creek and biodiversity values along Hidden Valley Road.
- 8.2 A ten (10) metre wide vegetation covenant must be proposed over any lots to any secondary frontage with either Coucoms Road, Hidden Valley Road and Road H, road reserves. The covenant must be planted with endemic and fire retardant species.

RECOMMENDATION D

That in relation to the Development Permit for Reconfiguring a Lot (one lot into three lots), Council resolves to issue an Infrastructure Charges Notice for the amount of \$31,000.00.

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

PROCEDURAL MOTION

9.55AM - THAT the meeting be adjourned.

Moved by: Mayor, Councillor Ireland
MOTION CARRIED UNANIMOUSLY

PROCEDURAL MOTION

10.07AM - THAT the meeting be resumed.

Moved by: Mayor, Councillor Ireland
MOTION CARRIED UNANIMOUSLY

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

SUMMARY

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

COUNCIL RESOLUTION

THAT Council resolves that the following reports which are currently 'laying on the table' within the Business Outstanding Table awaiting return to a Council meeting, be lifted from the table to be dealt with later in this meeting:

1. Notice of Motion – Cr Mather – Cattle on Unmade Road – Keppel Sands Road

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

8 PRESENTATION OF PETITIONS

8.1 PETITION - CR BELOT - LAND USE COMMUNITY PARKS

File No: qA25758

Attachments: 1. Petition - Cr Belot - Land Use Community Parks

Responsible Officer: Cale Dendle - Chief Executive Officer

SUMMARY

Council has received the following petition from Councillor Adam Belot regarding the Land Use of Community Parks.

COUNCIL RESOLUTION

THAT the petition be received.

Moved by: Deputy Mayor, Councillor Belot

Seconded by: Councillor Eastwood

MOTION CARRIED

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

Cr R Watson voted in the negative.

9 COUNCILLOR/DELEGATE REPORTS

Nil

10 QUESTIONS/STATEMENT/MOTIONS ON NOTICE FROM COUNCILLORS

10.1 *LIFTING - NOTICE OF MOTION - COUNCILLOR MATHER - CATTLE ON UNMADE ROAD - KEPPEL SANDS ROAD

File No: qA24221

Attachments: Nil

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 Cattle on Unmade Road – Keppel Sands Road.

COUNCIL RESOLUTION

THAT due to the long unresolved history of unauthorised cattle wandering onto the unmade road reserve off the Keppel Sands Road, all property-owners adjoining this road reserve be forwarded letters requesting them to take whatever action is necessary to prevent their stock from entering the un-made road reserve.

Moved by: Councillor Mather

Seconded by: Councillor Friend

MOTION CARRIED UNANIMOUSLY

10.2 NOTICE OF MOTION - COUNCILLOR BELOT - LAND USE COMMUNITY PARKS**File No:** qA24221**Attachments:**

1. Notice of Motion - Councillor Belot - Land Use Community Parks
2. Email CEO and Cr Belot - 29 June 2023

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

SUMMARY

Councillor Adam Belot has submitted a 'Notice of Motion' in relation to Land Use Community Parks.

COUNCILLOR RECOMMENDATION

THAT in order to provide clear direction and demonstrate Councils commitment to building better communities, Council cease any further conversations with the State Government in relation to changing land use of Council maintained community Parks until further notice.

COUNCIL RESOLUTION

THAT in order to provide clear direction and demonstrate Councils commitment to building better communities, Council cease any further conversations with the State Government in relation to changing land use of Council maintained community Parks, other than for community purposes, until further notice.

Moved by: Deputy Mayor, Councillor Belot**Seconded by:** Councillor Eastwood**MOTION LOST**

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

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

10.3 NOTICE OF MOTION - MAYOR, COUNCILLOR ANDREW IRELAND - SUPPORT FOR ISAAC REGIONAL COUNCIL - REGULATING SOCIAL IMPACT OF RESOURCE AND ENERGY PROJECTS**File No:** GV**Attachments:** 1. Email from Isaac Regional Council Mayor
Anne Baker**Responsible Officer:** Andrew Ireland - Mayor

SUMMARY

Councillor Andrew Ireland has submitted a 'Notice of Motion' in relation to Support for Isaac Regional Council - Regulating social impact of resource and energy projects.

COUNCIL RESOLUTION

THAT Livingstone Shire Council

- 1) Strongly supports the Isaac Regional Council by writing a letter to the Queensland Premier, the Hon Anastacia Palaszczuk, requesting the preliminary approval for a mining camp outside of the township of Glenden be overturned; and
- 2) Supports the Isaac Regional Council in its quest to have the mining camp actually located in the township of Glenden; and
- 3) Requests the Queensland government to commit to working with Queensland Councils to ensure that mining camps are located within townships wherever possible, and any loopholes in existing legislation that prevent this be addressed.

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

10.4 NOTICE OF MOTION - COUNCILLOR FRIEND - LOBBYING FOR EMU PARK HIGH SCHOOL**File No:** qA24221**Attachments:** 1. Notice of Motion - Councillor Friend - Lobbying for Emu Park High School**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 Lobbying for Emu Park High School.

COUNCILLOR MOTION

THAT Council send a letter of request and advocacy to the Queensland Minister for Education, the Honourable Grace Grace and the Member for Keppel Ms Brittany Lauga. Being for the Queensland State Government Criteria for a Co-Educational, State High School to be constructed at Emu Park within the Livingstone Shire, and that, within this letter, the Queensland State Government is notified that their response will be conveyed to the residents of Emu Park.

COUNCIL RESOLUTION

THAT Council send a letter of request and advocacy to the Queensland Minister for Education, the Honourable Grace Grace, the leader of the opposition Mr David Crisafulli and the Member for Keppel Ms Brittany Lauga. Being for the Queensland State Government Criteria for a Co-Educational, State High School to be constructed at Emu Park within the Livingstone Shire, and that, within this letter, the Queensland State Government is notified that their response will be conveyed to the residents of Emu Park.

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

11.01AM - THAT the meeting be adjourned .

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

11.17AM – That the meeting be resumed.

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

10.5 NOTICE OF MOTION - COUNCILLOR BELOT - LAND TENURE CAPRICORN COAST OUTRIGGERS CANOE CLUB**File No:** qA24221**Attachments:** Nil**Responsible Officer:** Amanda Ivers - Coordinator Executive Support
Cale Dendle - Chief Executive Officer**SUMMARY**

Councillor Adam Belot has submitted a 'Notice of Motion' in relation to Capricorn Coast Outriggers.

COUNCIL RESOLUTION

THAT subject to normal development approval processes:

- 1) Council signals its intent to secure Capricorn Coast Outriggers suitable land tenure over the Reserve for Recreation (known as Pilkington Park) to enable development of a clubhouse/shed for the sport of outriggering.
- 2) Application be made to the Department of Resources to either change the gazetted use of the reserve, or seek approval for secondary use of the reserve to accommodate the development.
- 3) A parallel process of community engagement be undertaken to communicate Council's intentions publicly.

COUNCIL RESOLUTION

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 community consultation on Sunday 23rd July 2023, to return to a Special Meeting of Council.

Moved by: Councillor Friend

MOTION CARRIED

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

Crs A Belot and P Eastwood voted in the negative.

**10.6 NOTICE OF MOTION - COUNCILLOR BELOT - COMMUNITY CONSULTATION
CAPRICORN COAST OUTRIGGERS CANOE CLUB AND SURROUNDING AREA****File No:** qA24221**Attachments:** 1. Notice of Motion - Councillor Belot -
Community Consultation CCOCC**Responsible Officer:** Amanda Ivers - Coordinator Executive Support
Cale Dendle - Chief Executive Officer

SUMMARY

Councillor Adam Belot has submitted a 'Notice of Motion' in relation to Community Consultation CCOCC.

COUNCIL RESOLUTION

THAT in order to expand on the upcoming community consultation sausage sizzle to be held at the Southern end of Lammermoor Beach July 23, with Cap Coast Outriggers and surrounding community, Council agree to:

1. Have relevant staff attend (e.g. Planning, Engineering, Environmental, Cultural) to assist with broader issues that are concerning to the local community i.e. traffic movement, formalised parking, slow speed traffic options.
2. Subject to budget considerations, develop a Master Plan for the southern end of Lammermoor beach, incorporating the Capricorn Coast Outriggers elements and much needed safer traffic conditions.

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

10.7 NOTICE OF MOTION - COUNCILLOR SWADLING - REMOTE COUNCIL MEETING OCTOBER 2023**File No:** qA24221**Attachments:** Nil**Responsible Officer:** Cale Dendle - Chief Executive Officer**SUMMARY**

Councillor Clint Swadling has submitted a 'Notice of Motion' in relation to Hosting of a Future Council Meeting remotely.

COUNCILLOR MOTION

THAT

- 1) Pursuant to section 257(3)(b) of the *Local Government Regulation 2012* and Clause 2.1.5 of the *Meeting Procedures Policy (Standing Orders)*, Council resolves to hold its Ordinary Council Meeting in October 2023 to be held at a suitable venue within The Caves township.
- 2) In accordance with Clause 2.1.1 of *Meeting Procedures Policy (Standing Orders)*, the date of the October 2023 Ordinary Council Meeting be changed from 17 October 2023 to 24 October 2023 to accommodate the absence of a number of councillors attending the Local Government Association of Queensland Annual Conference in Gladstone at that time.

COUNCIL RESOLUTION

THAT pursuant to section 257(3)(b) of the *Local Government Regulation 2012* and Clause 2.1.5 of the *Meeting Procedures Policy (Standing Orders)*, Council resolves to hold its Ordinary Council Meeting in October 2023 to be held at a suitable venue within The Caves township.

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

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

Cr G Mather voted in the negative.

11 REPORTS

11.1 RESPONSE TO NOTICE OF MOTION - CR BELOT - COMMUNITY DA PROCESS REVIEW

File No: X

Attachments:

1. Community Organisation Tenure Policy
2. Community Organisation Tenure with Council Information Kit

Responsible Officer: Chris Ireland - General Manager Communities

Author: Greg Abbotts - Manager Development and Environment

SUMMARY

This report is to provide a response to Councillor Belot's Notice of Motion relating to a Development Application community process review.

OFFICER'S RECOMMENDATION

THAT the report be received.

COUNCIL RESOLUTION

THAT the report be received and that officers provide further information in relation to opportunities to better support community groups through the development application process.

Moved by: Deputy Mayor, Councillor Belot

Seconded by: Councillor Swadling

MOTION CARRIED UNANIMOUSLY

11.2 RESPONSE TO NOTICE OF MOTION - COUNCILLOR HUTTON 100,000 TREES STRATEGY

File No: qA24221

Attachments: 1. Attachment 1 : Tree Planting Relevant Actions from Corporate plans and strategies

Responsible Officer: Greg Abbotts - Manager Development and Environment
Chris Ireland - General Manager Communities

Author: Leise Childs - Coordinator Natural Resource Management

SUMMARY

Tree protection and planting have been identified as important measures for the implementation of multiple corporate plans and strategies. Trees and vegetation provide many benefits for the environment and community wellbeing.

COUNCIL RESOLUTION

THAT Council receive the report in response to the Notice of Motion 100,000 trees strategy.

Moved by: Councillor Friend

Seconded by: Councillor Mather

MOTION CARRIED UNANIMOUSLY

11.4 MEMORANDUM OF UNDERSTANDING BETWEEN LIVINGSTONE SHIRE COUNCIL AND THE URBAN DEVELOPMENT INSTITUTE OF AUSTRALIA QUEENSLAND CENTRAL QUEENSLAND BRANCH

File No: x
Attachments: Nil
Responsible Officer: Chris Ireland - General Manager Communities
Author: Greg Abbotts - Manager Development and Environment

SUMMARY

The Urban Development Institute of Australia Central Queensland Branch (UDIA) wishes to enter into a Memorandum of Understanding (MOU) with Livingstone Shire Council. The purpose of this is to foster closer ties and liaise on matters affecting the development industry at a local and higher levels.

COUNCIL RESOLUTION

THAT Council resolve to authorise the Mayor and Chief Executive Officer to co-sign the Memorandum Of Understanding with The Urban Development Institute of Australia Central Queensland Branch for the term up to the next Local Government Election.

Moved by: Councillor Swadling

Seconded by: Councillor Watson

MOTION CARRIED UNANIMOUSLY

11.5 LOT 48 EMU PARK ROAD/EMU PARK AIRSTRIP ENGAGEMENT PLAN**File No:** fA3370

Attachments:

1. Lot 48 Emu Park Road/Emu Park Airstrip Councillor Workshop Report March 2023
2. Risk Assessment Emu Park Airstrip March 2023
3. Lot 48 Emu Park Road/Emu Park Airstrip Engagement Plan
4. Maps and Zoning Information
5. Community Purpose Land Information

Responsible Officer: Chris Ireland - General Manager Communities**Author:** Molly Saunders - Acting Manager Community and Cultural Services

SUMMARY

This report presents the proposed Lot 48 Emu Park Road/Emu Park Airstrip Engagement Plan with the aim to seek the community's views on the future of the site.

COUNCIL RESOLUTION

THAT Council adopts the Lot 48 Emu Park Road/Emu Park Airstrip Engagement Plan.

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

11.6 AUSTRALIA DAY AWARDS 2024

File No: CR2.215
Attachments: Nil
Responsible Officer: Tom Birkbeck - Communications and Marketing Officer
Chris Ireland - General Manager Communities
Author: Molly Saunders - Acting Manager Community and Cultural Services

SUMMARY

This report details proposed changes to the Livingstone Shire Australia Day Awards 2024 as suggested by the Livingstone Shire Australia Day Awards Committee.

OFFICER'S RECOMMENDATION

THAT Council adopt the recommended model for the delivery of the Livingstone Australia Day Awards 2024.

- 1) Conduct a public expression of interest for up to ten (10) community members (minimum 7) to join the Australia Day Awards Committee 2024;
- 2) The committee nominates a person for each of the below categories;
 - a. Sports/Recreation
 - b. Arts/Culture
 - c. Business/Innovation/Corporate Social Responsibility
 - d. Rural/Agriculture
 - e. Community
 - f. Citizen of the Year
- 3) The Mayor nominates a person for the Mayoral Award.
- 4) The committee sends a formal letter to the nominee asking for acceptance of nomination.
- 5) All nominees invited to an awards ceremony.

COUNCIL RESOLUTION

THAT Council adopt the recommended model for the delivery of the Livingstone Australia Day Awards 2024.

- 1) Conduct a public expression of interest for up to ten (10) community members (minimum 7) to join the Australia Day Awards Committee 2024;
- 2) The committee nominates a person for each of the below categories;
 - a. Sports/Recreation
 - b. Arts/Culture
 - c. Business/Innovation/Corporate Social Responsibility
 - d. Rural/Agriculture
 - e. Community
 - f. Citizen of the Year
 - g. Young Citizen of the Year
- 3) The Mayor nominates a person for the Mayoral Award.
- 4) The committee sends a formal letter to the nominee asking for acceptance of nomination.
- 5) All nominees invited to an awards ceremony.

Moved by: Deputy Mayor, Councillor Belot

Seconded by: Councillor Watson

MOTION CARRIED UNANIMOUSLY

11.7 COMMUNITIES PORTFOLIO MANAGEMENT REPORT

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

SUMMARY

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

COUNCIL RESOLUTION

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

Moved by: Councillor Eastwood

Seconded by: Councillor Friend

MOTION CARRIED UNANIMOUSLY

11.8 FOOTPATH, WATER & SEWER ASSET MANAGEMENT PLANS**File No:** FM12.2.2**Attachments:**

1. Footpath Asset Management Plan - Final Draft
2. Sewer Asset Management Plan - Final Draft
3. Water Asset Management Plan - Final Draft

Responsible Officer: Michael Kriedemann - General Manager Infrastructure**Author:** Carmen Mundy - Support Services Officer

SUMMARY

This report provides the Footpath, Water and Sewer Asset Management Plans for adoption. The plans contain the relevant financial information to assist informed decision making by understanding what footpath, water and sewer infrastructure Council has and what it will cost to maintain and renew into the future.

COUNCIL RESOLUTION

THAT the Footpath Asset Management Plan, Water Asset Management Plan and Sewer Asset Management Plan are adopted.

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

12.50PM - THAT the meeting be adjourned.

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

1.32PM - THAT the meeting be resumed.

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

11.9 ROAD CLOSURE APPLICATIONS – BARRETTS ROAD OGMORE ADJACENT TO LOT 3 RP616516 AND UNNAMED ROAD RESERVE BISECTING LOT 1583 MUR4059 (660 CHARONS FERRY ROAD OGMORE)**File No:** fA35588 and fA35586**Attachments:**

1. Plan
2. Road Closure Application - Barretts Road adjacent to Lot 3 RP616516
3. Road Closure Application - unnamed road reserve bisecting Lot 1583 MUR4059

Responsible Officer: Tony Lau - Manager Engineering Services
Michael Kriedemann - General Manager Infrastructure**Author:** Carrie Burnett - Policy & Planning Officer

SUMMARY*This report pertains to two applications to permanently close road reserves in Ogmore.***COUNCIL RESOLUTION**

THAT regarding the proposed permanent closure of Barretts Road Ogmore adjacent to Lot 3 RP616516 and the unnamed road reserve that bisects Lot 1583 MUR4059, Council resolve:

1. to 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, subject to the neighbouring properties, owned by Defence, being amalgamated so there are no landlocked parcels; and
2. A copy of the Part C be provided to the Department of Resources and the applicant.

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

11.10 MONTHLY FINANCIAL REPORT FOR THE PERIOD ENDING 30 JUNE 2023**File No:** FM12.14.1**Attachments:**
1. Monthly Financial Report 30 June 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 30 June 2023 by the Chief Financial Officer.

COUNCIL RESOLUTION

THAT the Livingstone Shire Council Monthly Financial Report for the period ending 30 June 2023 be received (Attachment 1).

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

11.11 2023 INTERIM REPORT - FINANCIAL YEAR ENDING 30 JUNE 2023

File No: FM12.9.1
Attachments: 1. 2023 Interim Audit Report
Responsible Officer: Cale Dendle - Chief Executive Officer
Author: Andrea Ellis - Chief Financial Officer

SUMMARY

The 2022 Interim Management Report is presented to Council for noting. The report also contains the status of current and prior year issues.

COUNCIL RESOLUTION

THAT Council notes the observations contained within the Livingstone Shire Council 2023 Interim report to the Mayor (observation report) from the Queensland Audit Office for the 2022-23 financial year.

Moved by: Councillor Friend
Seconded by: Councillor Swadling

MOTION CARRIED UNANIMOUSLY

11.12 AMENDMENT - FEES AND CHARGES 2023/24

File No: FM12.08.1, QA24356
Attachments: Nil
Responsible Officer: Andrea Ellis - Chief Financial Officer
Author: Priscilla Graham - Coordinator Revenue
Nige Deacon - Manager Water and Waste Operations
Leanne Randall - Principal Waste Officer

SUMMARY

A new fee for bulk expandable polystyrene is proposed for inclusion in the Fees and Charges Schedule 2023-24.

Following a State Government approval for the use of clean fill for on-site operational purposes Council needs to remove the applicable charge to not discourage disposal of clean fill at Yeppoon landfill.

COUNCIL RESOLUTION

THAT Council resolves to:

1. Adopt the new commercial fee of \$2,000 (GST Inclusive) per tonne for bulk expanded polystyrene (waffle pods/slabs, construction blocks, pontoons etc.) where the load weight exceeds 100kg, and
2. Amend the fee for disposal of Clean Fill (Suitable for Daily Cover & Cell Walls - Free of any Contaminates) at Yeppoon landfill from \$93 per tonne (including GST) to nil per tonne.

Moved by: Councillor Swadling

Seconded by: Councillor Mather

MOTION CARRIED UNANIMOUSLY

11.13 POLICY REVIEW - COMPLAINTS ABOUT THE CHIEF EXECUTIVE OFFICER

File No: qA24823
Attachments: 1. DRAFT - Complaints about the Chief Executive Officer Policy (v2.1)
Responsible Officer: Andrea Ellis - Chief Financial Officer
Author: Poala Santini - Coordinator Governance

SUMMARY

This report seeks Council's adoption of the amended 'Complaints about the Chief Executive Officer Policy' as attached.

COUNCIL RESOLUTION

THAT Council adopt the revised *Complaints about the Chief Executive Officer Policy (v2.1)*.

Moved by: Councillor Swadling

Seconded by: Councillor Mather

MOTION CARRIED

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

Cr A Belot voted in the negative.

11.14 LGAQ CONFERENCE MOTIONS AND VOTING DELEGATIONS 2023

File No: GV14.4.1

Attachments:

1. **LGAQ Motion - CR Friend - Water Subsidy for Pensioners**
2. **LGAQ Motion - CR Swadling - Better Healthcare**

Responsible Officer: Cale Dendle - Chief Executive Officer

Author: Amanda Ivers - Coordinator Executive Support

SUMMARY

To provide Council with the opportunity to consider submission of motions to the Annual Conference of the Local Government Association of Queensland (LGAQ) to be held on 16 – 18 October 2023 in Gladstone.

COUNCIL RESOLUTION

THAT Council resolve to present the following motion proposed by Councillor Friend to the LGAQ Annual Conference for discussion and debate:

That LGAQ lobby the Queensland State Government for the inclusion of Regional Queensland Local Government Areas, in the ‘South East Queensland Water Subsidy Scheme for Pensioners’.

Moved by: Councillor Friend
Seconded by: Councillor Watson

MOTION CARRIED UNANIMOUSLY

COUNCIL RESOLUTION

THAT Council resolve to present the following motion proposed by Councillor Swadling to the LGAQ Annual Conference for discussion and debate:

That LGAQ calls on the State Government to boost the current level of funding and support to existing Public Healthcare Services and Hospitals in regional, rural, and remote Queensland, with a view of delivering effective Hospital and Allied Health Services to all communities.

Moved by: Councillor Swadling
Seconded by: Councillor Eastwood

MOTION CARRIED UNANIMOUSLY

COUNCIL RESOLUTION

THAT Council endorse that Mayor Ireland and all Councillors attend the 2023 Local Government Association Queensland Annual Conference at Gladstone on 16-18 October 2023. Mayor Ireland and Councillor Swadling to be Council's voting delegates.

Moved by: Councillor Friend
Seconded by: Councillor Watson

MOTION CARRIED UNANIMOUSLY

COUNCIL RESOLUTION

In accordance with Clause 2.1.1 of *Meeting Procedures Policy (Standing Orders)*, the date of the October 2023 Ordinary Council Meeting be changed from 17 October 2023 to 24 October 2023 to accommodate the absence of a number of councillors attending the Local Government Association of Queensland Annual Conference in Gladstone at that time.

Moved by: Councillor Swadling

Seconded by: Councillor Watson

MOTION CARRIED UNANIMOUSLY

11.15 END OF YEAR CLOSEDOWN

File No: PC
Attachments: Nil
Responsible Officer: Cale Dendle - Chief Executive Officer
Author: Kristy Mansfield - Chief Human Resources Officer

SUMMARY

Council is required to inform its employees which offices and depots shall remain open over the Christmas/New Year period. This in turn assists Council to communicate to the community of Council's operating hours during this time. Whilst Council has a legal obligation to notify their employees at least 12 weeks prior to the Christmas/New Year break, traditionally this decision is communicated in July to allow employees and teams sufficient time to plan appropriate staffing levels across the organisation.

COUNCIL RESOLUTION

THAT Council endorses the closure of Council offices/depots from midday Friday, 22 December 2023 and reopens for business on Tuesday, 2 January 2024.

Moved by: Councillor Friend
Seconded by: Councillor Swadling

MOTION CARRIED UNANIMOUSLY

**11.16 CENTRAL QUEENSLAND REGIONAL ORGANISATION OF COUNCILS UPDATE
- JANUARY - JUNE 2023 MEETINGS****File No:** qA80827**Attachments:**

1. **Members General Meeting 10 February 2023 - confirmed - (*Confidential*)**
2. **Board Meeting 10 February 2023 - confirmed - (*Confidential*)**
3. **Board Meeting 19 April 2023 unconfirmed - (*Confidential*)**
4. **Board Meeting 27 June 2023 unconfirmed - (*Confidential*)**

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

SUMMARY

Chief Executive Officer reporting on outcomes of Central Queensland Regional Organisation of Councils Ltd meetings held 10 February 2023 in Rockhampton, 19 April 2023 at Parliament House Brisbane and 27 June 2023 held virtually.

COUNCIL RESOLUTION

THAT the confidential minutes of the meeting of Central Queensland Regional Organisation of Councils Ltd (CQROC) held *10 February 2023, 19 April 2023 and 27 June 2023* be received.

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

12 AUDIT, RISK AND IMPROVEMENT COMMITTEE REPORTS

Nil

13 URGENT BUSINESS\QUESTIONS

13.1 REQUEST FOR STATE GOVERNMENT FUNDING FOR REMOVAL OF FERAL GOATS ON GREAT KEPPEL ISLAND

SUMMARY

COUNCILLOR FRIEND HAS SUBMITTED URGENT BUSINESS IN RELATION TO REQUESTING STATE GOVERNMENT FUNDING FOR THE REMOVAL OF FERAL GOATS ON WOPPA, GREAT KEPPEL ISLAND.

COUNCILLOR FRIEND QUESTIONED WHETHER COUNCILLOR WATSON HAS A CONFLICT OF INTEREST IN THIS ITEM DUE TO EARLIER DECLARATIONS ABOUT GREAT KEPPEL ISLAND MATTERS.

IN ACCORDANCE WITH SECTION 3.5 OF THE *MEETING PROCEDURES POLICY*, COUNCILLORS DETERMINED THAT CR WATSON DOES NOT HAVE A CONFLICT OF INTEREST IN THIS ITEM.

COUNCIL RESOLUTION

THAT

- 1) COUNCIL WRITE TO THE DEPUTY PREMIER THE HONOURABLE DR STEVEN MILES REQUESTING STATE GOVERNMENT FUNDING FOR THE URGENT REMOVAL OF THE FERAL GOAT POPULATION LOCATED ON WOPPA, GREAT KEPPEL ISLAND; AND
- 2) SUPPLY A COPY OF THIS LETTER TO WOPPABURRA SALTWATER ABORIGINAL CORPORATION PBC, WOPPABURRA LAND TRUST, WOPPABURRA TUMRA AND MEMBER OFR KEPPEL THE HONOURABLE MS BRITTANY LAUGA.

MOVED BY: COUNCILLOR FRIEND

SECONDED BY: COUNCILLOR MATHER

MOTION CARRIED

CRS P EASTWOOD, A FRIEND, A IRELAND, G MATHER, SWADLING AND R WATSON VOTED IN THE AFFIRMATIVE.

CR A BELOT VOTED IN THE NEGATIVE.

14 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

2.42PM

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

15.1 Request for Council's Views - Reserve for Scenic Purposes - Lot 71 Flood Road, Yaamba (Lot 71 on LN1281)

This report is considered confidential in accordance with section 254J(3)(i), of the *Local Government Regulation 2012*, as it contains information relating to a matter that local government is required to keep confidential under a law of, or formal arrangement with, the Commonwealth or a State.

15.2 Request for Council's Views - Conversion of Term Lease 242192 over Unallocated State Land, Lot 59 on SP143272 - 80 Bondoola Road, Bondoola to Freehold Tenure

This report is considered confidential in accordance with section 254J(3)(i), of the *Local Government Regulation 2012*, as it contains information relating to a matter that local government is required to keep confidential under a law of, or formal arrangement with, the Commonwealth or a State.

15.3 Native Title Determination Application - Darumbal People

This report is considered confidential in accordance with section 254J(3)(i), of the *Local Government Regulation 2012*, as it contains information relating to a matter that local government is required to keep confidential under a law of, or formal arrangement with, the Commonwealth or a State.

15.4 Materials Recovery Facility Contract

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.

15.5 Yeppoon Aquatic Centre Principal Design Consultant

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

Moved by: Councillor Mather

Seconded by: Councillor Swadling

MOTION CARRIED UNANIMOUSLY

COUNCIL RESOLUTION

3.25PM

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

Moved by: Councillor Mather

Seconded by: Councillor Eastwood

MOTION CARRIED UNANIMOUSLY

15 CONFIDENTIAL REPORTS

15.1 REQUEST FOR COUNCIL'S VIEWS - RESERVE FOR SCENIC PURPOSES - LOT 71 FLOOD ROAD, YAAMBA (LOT 71 ON LN1281)

File No: qA24797

Attachments:

1. Email from Department of Resources
2. Aerial image of lease area
3. Title search and term lease conditions
4. Map of Areas of State Concern
5. Map of State Protected Plants
6. Map of Biodiversity Overlays

Responsible Officer: Sonia Tomkinson - Manager Economy and Places
Chris Ireland - General Manager Communities

Author: Christine Macdonald - Principal Property Officer
Alison Morris - Property Officer

This report is considered confidential in accordance with section 254J(3)(i), of the *Local Government Regulation 2012*, as it contains information relating to a matter that local government is required to keep confidential under a law of, or formal arrangement with, the Commonwealth or a State.

SUMMARY

This report pertains to a request from the Department of Resources for Council's views or requirements on expiry of Term Lease 221396 over the reserve for scenic purposes, described as Lot 71 on LN1281, located at Lot 71 Flood Road, Yaamba.

COUNCIL RESOLUTION

THAT Council resolve to advise the Department of Resources that Council:

- (1) does not have an interest in remaining as trustee of the Reserve for Scenic purposes, described as Lot 71 on LN1281, located at Lot 71 Flood Road, Yaamba; and
- (2) in accordance with Section 227 of *Local Government Regulation 2012* (Valuable non-current asset contract – tenders or auction needed first) will not be in a position to offer the current lessee a trustee lease or trustee permit over the subject land described as Lot 71 on LN1281, located at Lot 71 Flood Road, Yaamba; and
- (3) offers no objection to the Department of Resources renewing the term lease for grazing purposes over the land, described as Lot 71 on LN1281, located at Lot 71 Flood Road, Yaamba on the condition that no vegetation clearing occurs due to significant environment values on the subject land.

Moved by: Councillor Swadling

Seconded by: Councillor Watson

MOTION CARRIED UNANIMOUSLY

15.2 REQUEST FOR COUNCIL'S VIEWS - CONVERSION OF TERM LEASE 242192 OVER UNALLOCATED STATE LAND, LOT 59 ON SP143272 - 80 BONDOOLA ROAD, BONDOOLA TO FREEHOLD TENURE**File No:** qA24797**Attachments:**

1. Correspondence from Department of Resources
2. Aerial Image
3. Natural Resource Management Mapping
4. Plant Species
5. Regional Ecosystem Details for 11.3.38
6. Regional Ecosystem Details for 11.3.9

Responsible Officer: Sonia Tomkinson - Manager Economy and Places
Chris Ireland - General Manager Communities**Author:** Alison Morris - Property Officer
Christine Macdonald - Principal Property Officer

This report is considered confidential in accordance with section 254J(3)(i), of the *Local Government Regulation 2012*, as it contains information relating to a matter that local government is required to keep confidential under a law of, or formal arrangement with, the Commonwealth or a State.

SUMMARY

The report pertains to a request from the Department of Resources seeking Council's views or any requirements in relation to the conversion of Term Lease 242192 on unallocated state land, described as Lot 59 on SP143272 at 80 Bondoola Road, Bondoola to freehold tenure.

COUNCIL RESOLUTION

THAT Council resolve to advise the Department of Resources that Council offers no objection to the proposed conversion of Term Lease 242192 on unallocated state land described as Lot 59 on SP143272 at 80 Bondoola Road, Bondoola to freehold tenure, subject to: -

1. the isolated portion of the land, east of Bondoola Road, remain in public ownership such as road reserve, due to this part of the subject parcel being an area of significant natural value to the broader community due to the area containing endangered vegetation;
2. consideration and consultation be undertaken regarding the ingress and egress for the resident of 81 Bondoola Road, Bondoola (Lot 1 on MPH25940);
3. access must be maintained to Lot 92 on SP112683 due to it containing the Rockhampton to Yeppoon pipeline;
4. consideration of the medium potential bushfire hazard is recommended prior to any conversion to freehold tenure. As freehold land, the residents will need to be encouraged to undertake necessary mitigation works to prepare and protect property;
5. any freehold sale is conditioned so that the appropriate land use, building, plumbing and/or planning permits are obtained for both existing and any new improvements on the site; and
6. any use of, or development on, the site must be in accordance with the Planning Scheme requirements relevant to the zone and overlays applicable to the land.

Moved by: Councillor Swadling**Seconded by:** Councillor Watson**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.

15.3 NATIVE TITLE DETERMINATION APPLICATION - DARUMBAL PEOPLE**File No:** CP5.02.13**Attachments:**

1. Report from Marrawah Law
2. Final draft Section 87 Agreement
3. Map of claim area

Responsible Officer: Sonia Tomkinson - Manager Economy and Places
Chris Ireland - General Manager Communities**Author:** Christine Macdonald - Principal Property Officer
Alison Morris - Property Officer

This report is considered confidential in accordance with section 254J(3)(i), of the *Local Government Regulation 2012*, as it contains information relating to a matter that local government is required to keep confidential under a law of, or formal arrangement with, the Commonwealth or a State.

SUMMARY

This report pertains to Darumbal People Native Title Claim (QUD30/2019) over an area within the Livingstone Shire Council local government area.

COUNCIL RESOLUTION

THAT Council resolve that having considered the report on the outcome of the native title claim process for Native Title Determination Application QUD30 of 2019 brought on behalf of the Darumbal People over parts of Council's local government area, Council in its capacity as a respondent party to the claim:

- (1) approves the draft Section 87 agreement tabled at Council's meeting on 18 July 2023 and authorises Council's legal representative to sign the agreement on Council's behalf;
- (2) consents to the making by the Federal Court of Australia of a native title determination in terms of the draft contained in the Section 87 agreement; and
- (3) authorises Council's Chief Executive Officer to approve any final changes to the draft Section 87 agreement provided they do not depart substantially from the draft tabled at Council's meeting on 18 July 2023 and do not weaken the protection given to Council's interests in the determination area.

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

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

Cr G Mather voted in the negative.

15.4 MATERIALS RECOVERY FACILITY CONTRACT

File No: FM12.7.1

Attachments: Nil

Responsible Officer: Michael Kriedemann - General Manager Infrastructure

Author: Nige Deacon - Manager Water and Waste Operations

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

SUMMARY

This report provides information on an ongoing procurement evaluation which is time critical for Council to continue to provide sustainable recycling services to the community. In order to meet critical deadlines, it is essential that Council delegates authority to the Chief Executive Officer to negotiate, finalise and execute any and all matters associated with the contract once the remaining contractual issues are settled and both parties commit to signing the final contract. This 'agreement in principle' is expected to occur by 21 July 2023.

COUNCIL RESOLUTION

THAT Council resolves to:

1. Endorse the *Combined Officer Evaluation Panel* recommendation to divide the original MRF tender into two separable portions and
 - a) To **award** the processing element to the preferred bidder and
 - b) To **not award** the transport element under the current process;
2. Continue collaboration with relevant CQRoC Councils to commence a new joint procurement process for bulk transport of recyclables only;
3. Delegates authority under section 257 of the Local Government Act 2009 to the Chief Executive Officer to negotiate, finalise and execute any and all matters associated with the contract for the Materials Recovery Facility Processing services to the preferred bidder for a period of 4 years initially with a further 4 x 1 year options.

Moved by: Councillor Friend

Seconded by: Deputy Mayor, Councillor Belot

MOTION CARRIED UNANIMOUSLY

15.5 YEPPOON AQUATIC CENTRE PRINCIPAL DESIGN CONSULTANT**File No:** GV**Attachments:** Nil**Responsible Officer:** Michael Kriedemann - General Manager Infrastructure**Author:** Sean Fallis - Manager Infrastructure Projects

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

SUMMARY

Council has received a funding grant of \$13M for the redevelopment of the Cooe Bay Pool (project known as Yeppoon Aquatic Centre). Tenders were invited for Principal Design Consultant for the project and closed on 16 June 2023 with 11 tenders received.

COUNCIL RESOLUTION

THAT the tender for Principal Design Consultant for the Yeppoon Aquatic Centre be awarded to Push Architects for a total tendered price of \$740,460.

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

16 CLOSURE OF MEETING

There being no further business the meeting closed at 3.28pm.



Mayor, Councillor Andy Ireland
CHAIRPERSON

15th August 2023
DATE