



STANDING COMMITTEE - INFRASTRUCTURE MEETING

MINUTES

2 JULY 2024

Recommendations from this committee will be presented for consideration at the Ordinary Meeting of
16 July 2024.

These minutes were confirmed at the Infrastructure Committee meeting on the 6 August 2024.

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**MINUTES OF THE STANDING COMMITTEE - INFRASTRUCTURE MEETING HELD AT
COUNCIL CHAMBERS, 4 LAGOON PLACE, YEPPON ON TUESDAY, 2 JULY 2024
COMMENCING AT 8:30 AM**

1 OPENING

COMMITTEE RESOLUTION

That Pursuant to s2.6.4 of Livingstone hire Council's Meeting Procedures, Councillor Glenda Mather be appointed as Chairperson for this meeting of the Infrastructure Committee.

Moved by: Councillor Friend

Seconded by: Mayor, Councillor Belot

MOTION CARRIED UNANIMOUSLY

Welcome to Country – delivered by Councillor Lance Warcon

"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."

2 PRESENT

Members Present:

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

Members Absent:

Councillor Rhodes Watson (Co-Chairperson)

Officers in Attendance:

Jeff Carter – Acting General Manager Infrastructure – Committee Secretary
Cale Dendle - Chief Executive Officer
Sonia Tomkinson – Acting General Manager Communities
Andrea Ellis – Chief Financial Officer
Matthew Willcocks - Chief Technology Officer
Kristy Mansfield - Chief Human Resources Officer

3 LEAVE OF ABSENCE / APOLOGIES

COMMITTEE RESOLUTION

THAT Councillor Watson's leave of absence be approved.

Moved by: Councillor Friend

Seconded by: Councillor Warcon

MOTION CARRIED UNANIMOUSLY / LOST

4 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

COMMITTEE RESOLUTION

THAT the minutes of the Infrastructure Standing Committee Meeting held on 4 June 2024 be taken as read and adopted as a correct record.

Moved by: Mayor, Councillor Belot

Seconded by: Councillor Rothery

MOTION CARRIED UNANIMOUSLY

5 DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA

6 DEPUTATIONS

Nil

7 BUSINESS ARISING OR OUTSTANDING FROM PREVIOUS MEETINGS

Nil

8 PRESENTATION OF PETITIONS

Nil

9 QUESTIONS/STATEMENT/MOTIONS ON NOTICE FROM COUNCILLORS

9.1 NOTICE OF MOTION - COUNCILLOR MATHER - PEDESTRIAN CROSSING - CLAYTON ROAD AND SCENIC HIGHWAY

File No: x

Attachments: 1. NOM - Cr Mather - Pedestrian Crossing
2. Clayton Road Staging Plan (A1788823)

Responsible Officer: Amanda Ivers - Coordinator Executive Support

SUMMARY

Councillor Glenda Mather has submitted a 'Notice of Motion' in relation to Pedestrian Crossing on Clayton Road and Scenic Highway.

COMMITTEE RESOLUTION

THAT the report be received.

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

COMMITTEE RESOLUTION

THAT the committee exercises its delegation under s257c of *Local Government Act 2009* and resolves to include Stage 1 to design and construction of the pedestrian crossing at Clayton Road/Scenic Highway intersection in the 2024/25 Budget and the matter be presented to the next budget workshop 9 July 2024 to identify sources of funding.

Moved by: Mayor, Councillor Belot
Seconded by: Councillor Warcon
MOTION CARRIED UNANIMOUSLY

10 COMMITTEE REPORTS

Nil

11 REPORTS

11.1 WORKS FOR QUEENSLAND 2024-27

File No: fA44463
Attachments: Nil
Responsible Officer: Michael Kriedemann - General Manager Infrastructure
Author: Andrea Ellis - Chief Financial Officer

SUMMARY

This report details a list of proposed projects that are recommended to be submitted to the Queensland Government for funding under the Works for Queensland grant program 2024 – 2027. Council may be at risk of not receiving the proposed funding should it not submit applicable projects by Friday 5 July 2024. In order to meet this deadline, Officers require this Committee to enact its delegated power to resolve this matter.

COMMITTEE RESOLUTION

THAT the committee exercises its delegation under s257c of *Local Government Act 2009* and resolves to approve the list of projects contained in Table A, B and C for submission to the Queensland Government Works for Queensland 2024-27 funding program.

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

MOTION CARRIED UNANIMOUSLY

9.24AM The Chief Executive Officer disclosed that, notwithstanding that he does not vote on matters before committee, he has a potential conflict of interest in the following matters (Multi Stage Tender for Yeppoon Aquatic Centre) as his sister and brother-in-law own a property across the road from the site in Matthew Flinders Drive. The Chief Executive Officer absented himself from the meeting during deliberation of this item.

11.2 MULTI STAGE TENDER FOR YEPPON AQUATIC CENTRE**File No:** 22-066**Attachments:** Nil**Responsible Officer:** Michael Kriedemann - General Manager Infrastructure**Author:** Jeff Davey - Infrastructure Project Engineer**SUMMARY**

The following report seeks to obtain a Council Resolution to conduct a multistage Tender process for the above-mentioned Project. Initially to complete an Expression of Interest and then Invitation to Tender for selected pre-qualified Building Contractors in accordance with Section 228 of the Local Government Regulations 2012. Due to the tight timeframes on this project, Officers are requesting that the Standing Committee use its delegated power to make a resolution of Council in this matter.

COMMITTEE RESOLUTION

THAT the committee exercises its delegation under s257c of *Local Government Act 2009* and resolves that:

1. Under s228 of the *Local Government Regulation 2012*, it is in the public interest to invite Expressions of Interest for the construction of the Yeppoon Aquatic Centre Project before inviting written tenders, for the following reasons:
 - a. this will allow Council to undertake early contractor involvement;
 - b. undertake market sounding to understand who is available to complete the work;
 - c. Evaluate responses to understand capability & capacity of contractors.
2. The invitation of Expression of Interest for the construction of the Yeppoon Aquatic Centre Project is approved.
3. The preparation of a shortlist from the persons who respond to the invitation for Expression of Interest in order to invite written tenders from those persons is approved.

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

09.38AM The Chief Executive Officer returned to the meeting.

11.3 OCEAN PARK AVENUE TRAFFIC MATTERS

File No: fa39714
Attachments: Nil
Responsible Officer: Michael Kriedemann - General Manager Infrastructure
Author: Michael Kriedemann - General Manager Infrastructure

SUMMARY

This report provides an update on the traffic matters along Ocean Park Avenue and the proposed next steps in progressing a new temporary road closure trial at the western end of the road corridor. In order to progress this issue in a timely manner, Officers recommend this Committee enact its delegated power to resolve this matter.

COMMITTEE RESOLUTION

THAT the committee exercises its delegation under s257c of *Local Government Act 2009* and resolves to:

1. Rescind the Council Resolution from the Special Council Meeting held on 6 February 2024;
2. Remove the three temporary one-lane slow points currently installed in Ocean Park Avenue;
3. Implement a temporary road closure trial at the western end of Ocean Park Avenue for a period of 8 weeks;
4. Undertake traffic counts during the temporary road closure in order to quantify the outcomes of the trial;
5. Report back to Council at the conclusion of the trial road closure.

Moved by: Councillor Warcon

Seconded by: Councillor Mather

MOTION CARRIED UNANIMOUSLY

**11.4 ROAD CLOSURE APPLICATION - ADJACENT TO 78 ESPLANADE
LAMMERMOOR (LOT 4 RP607778)****File No:** fA44069**Attachments:**

1. Plan
2. Road Closure Application
3. Alternative Road Closure and Road Opening Proposal (Plan No LSC607778.04)

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

SUMMARY

This report pertains to an application to permanently close an area of road reserve adjacent to 78 Esplanade Lammermoor.

COMMITTEE RESOLUTION

THAT the Committee recommends to Council:

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, supports the proposed permanent road closure adjacent to Lot 4 RP607778 which is identified as 'Area A' on Plan No LSC607778.04, subject to the:
 - a. retention of a 16m wide road reserve; and
 - b. opening of Area B as road.
2. That the applicant be advised of Council's decision and provided with the completed Part C.

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

11.5 MEIKLEVILLE HILL RESERVOIR ROOF REPLACEMENT

File No: C1138855
Attachments: Nil
Responsible Officer: Arvind Singh - Manager Infrastructure Projects
Michael Kriedemann - General Manager Infrastructure
Author: Daniel Stroud - Infrastructure Project Engineer/Project Manager

SUMMARY

The following report provides a Progress Update for the Meikleville Hill Reservoir Roof Replacement project.

COMMITTEE RESOLUTION

THAT the Committee recommends to Council that:

1. This project report be 'received'; and,
2. The actions of the Chief Executive Officer in approving budget variations for repairing poor condition expansion joints in the concrete floor of the reservoir be endorsed.

Moved by: Councillor Friend
Seconded by: Councillor Rothery

MOTION CARRIED UNANIMOUSLY

10.16AM Deputy Mayor, Councillor Eastwood left the meeting.
10.19AM Deputy Mayor, Councillor Eastwood returned to the meeting.

11.6 LIVINGSTONE SHIRE COUNCIL STATE ELECTION PRIORITY PROJECTS 2024

File No: ED8.5.20
Attachments: Nil
Responsible Officer: Sonia Tomkinson - Manager Economy and Places
Chris Ireland - General Manager Communities
Author: Arna Hart - Project Support Officer

SUMMARY

Three Livingstone Shire Council State Election Priority Projects 2024 are being presented to Council for endorsement.

COMMITTEE RESOLUTION

THAT the committee exercises its delegation under s257c of *Local Government Act 2009* and resolves to endorse the Livingstone Shire Council State Election Priority Projects 2024 as detailed in this report, viz:

1. Great Keppel Island,
2. Investment in Critical Road Infrastructure, and
3. Yeppoon Aquatic Centre Stage 1 & 2.

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

MOTION CARRIED UNANIMOUSLY

10.22AM Councillor Friend left the meeting.
10.24AM Councillor Friend returned to the meeting.

11.7 PUBLIC WORKSHOPS TO EDUCATE PEOPLE ON HOW TO REDUCE WATER USE IN GARDENS

File No: qA24431
Attachments: Nil
Responsible Officer: Michael Kriedemann - General Manager Infrastructure
Author: Chris Hocking - Manager Water and Waste Operations

SUMMARY

This paper makes the recommendation to update Council's website to include information to residents on efficient water usage in the garden.

COMMITTEE RESOLUTION

THAT the Committee recommends to Council that, in lieu of public workshops (as resolved 24 January 2024), it instead undertakes an update to the Livingstone Shire Council website to include water efficient gardening advice, links to additional information and a water bill calculator.

Moved by: Councillor Friend
Seconded by: Councillor Warcon

MOTION CARRIED UNANIMOUSLY

10.32AM Mayor, Councillor Belot left the meeting.
10.36AM Mayor, Councillor Belot returned to the meeting.

12 AUDIT, RISK AND IMPROVEMENT COMMITTEE REPORTS

Nil

13 URGENT BUSINESS\QUESTIONS

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.

COMMITTEE RESOLUTION

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 Supreme Court Claim - EarthTec Pty Ltd (Statue Bay Project)

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 Warcon

Seconded by: Mayor, Councillor Belot

MOTION CARRIED UNANIMOUSLY

COMMITTEE RESOLUTION

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

Moved by: Councillor Friend

Seconded by: Councillor Warcon

MOTION CARRIED UNANIMOUSLY

15 CONFIDENTIAL REPORTS

15.1 SUPREME COURT CLAIM - EARTHTEC PTY LTD (STATUE BAY PROJECT)

File No: ET

Attachments: Nil

Responsible Officer: Cale Dendle - Chief Executive Officer

Author: Cale Dendle - Chief Executive Officer

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

Chief Executive Officer reporting on status of Supreme Court claim brought by EarthTec Pty Ltd over the Statue Bay Project from 2017/18.

COMMITTEE RESOLUTION

THAT the committee recommends to Council that:

1. Council notes that legal proceeding brought by EarthTec Pty Ltd in the Supreme Court over the Statue Bay Project from 2017/18 has been dismissed, with two costs orders awarded to Council.
2. The Chief Executive Officer be authorised to seek to recover costs from EarthTec Pty Ltd using the enforceable orders granted by the Supreme Court.

Moved by: Deputy Mayor, Councillor Eastwood

Seconded by: Mayor, Councillor Belot

MOTION CARRIED

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

Crs W Rothery and L Warcon voted in the negative.

16 CLOSURE OF MEETING

There being no further business the meeting closed at 10.55 pm.

Councillor Glenda Mather
CHAIRPERSON

DATE