



ORDINARY MEETING

MINUTES

19 SEPTEMBER 2023

The resolutions contained within these minutes were confirmed at the Ordinary Council meeting of the 24th October 2023.

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MINUTES OF THE ORDINARY MEETING HELD AT COUNCIL CHAMBERS, 4 LAGOON PLACE, YEPPON ON TUESDAY, 19 SEPTEMBER 2023 COMMENCING AT 9.03AM**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:

Andrea Ellis – Acting Chief Executive Officer
Chris Ireland – General Manager Communities
Jeff Carter – Acting General Manager Infrastructure
Poala Santini – Acting Chief Financial Officer
Matthew Willcocks - Chief Technology Officer
Sean Fallis – Manager Infrastructure Projects
Molly Saunders – Acting Manager Community & Cultural Services
Laurie Rainbird – Acting Principal Community Development & Engagement Officer
Greg Abbotts – Manager Development and Environment
Tammy Wardrop – Principal Planning Officer
Christine Macdonald – Principal Property Officer
Sasha Kolega – Acting Coordinator Accounting Services
Priscilla Graham – Coordinator Revenue
Justine Schofield – Executive Support Officer

3 LEAVE OF ABSENCE / APOLOGIES

Nil

4 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

COUNCIL RESOLUTION

THAT the minutes of the Ordinary Meeting held on 15 August 2023 be taken as read and adopted as a correct record.

Moved by: Councillor Friend

Seconded by: Councillor Mather

MOTION CARRIED UNANIMOUSLY

COUNCIL RESOLUTION

THAT the minutes of the Special Meeting held on 21 August 2023 be taken as read and adopted as a correct record.

Moved by: Councillor Swadling

Seconded by: Councillor Mather

MOTION CARRIED UNANIMOUSLY

COUNCIL RESOLUTION

THAT the minutes of the Special Meeting held on 5 September 2023 be taken as read and adopted as a correct record.

Moved by: Councillor Watson

Seconded by: Councillor Friend

MOTION CARRIED UNANIMOUSLY

5 DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA

Mayor Ireland and Councillor advised that they were obtaining advice in relation to the names of the applicants of Item 11.10 – Condon Drive to ascertain whether they had a conflict of interest in the matter. Those advices confirmed that neither Mayor Ireland nor Councillor Watson had a conflict of interest.

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 - September 2023**

Responsible Officer: **Amanda Ivers - Coordinator Executive Support**

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

8 PRESENTATION OF PETITIONS

Nil

9 COUNCILLOR/DELEGATE REPORTS

9.1 PUBLIC ADMISSION

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

SUMMARY

Verbal public admission to be provided at the meeting.

COUNCIL RESOLUTION

THAT the public admission made by Mayor, Councillor Andy Ireland be noted and received.

Moved by: Mayor, Councillor Ireland

Seconded by: Councillor Watson

MOTION CARRIED UNANIMOUSLY

10 QUESTIONS/STATEMENT/MOTIONS ON NOTICE FROM COUNCILLORS

10.1 NOTICE OF MOTION - MAYOR IRELAND - RATES CAPPING

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

SUMMARY

Mayor Andy Ireland has submitted a 'Notice of Motion' in relation to rates capping. The increase in land valuations on certain properties within the shire over the past two years has been significant. Valuation increases of sixty percent and more have been reported, which has had a flow-on effect in the way of significant rate increases for those properties.

In an attempt to provide relief to all ratepayers affected by large valuation increases, this Notice of Motion seeks support to investigate the capping of rates across all categories within Council's differential rating system. It is contemplated that capping be introduced in the 2024/2025 financial year, subject to Council approval.

If the investigation into rate capping is supported by Council, it is further requested that officers detail the methodology of capping, together with the budget implications, risk assessment, operational implications, and staffing considerations as a minimum.

COUNCIL RESOLUTION

THAT Council

- 1) considers the capping of rates in the 2024/2025 financial year; and
- 2) investigates capping across all differential categories; and
- 3) officers conduct a workshop(s) on the methodology relating to rate capping, including but not limited to, budget implications, risk assessment, operational implications, and staffing considerations.

Moved by: Mayor, Councillor Ireland

Seconded by: Deputy Mayor, Councillor Belot

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.

10.2 NOTICE OF MOTION - COUNCILLOR FRIEND - BYFIELD FOOTPATHS FORWARD WORKS

File No:	qA24221
Attachments:	1. Notice of Motion - Councillor Friend - Byfield Footpaths Forward Works
Responsible Officer:	Amanda Ivers
Previous Items:	8.5 - Byfield Footpath Master Plan - Briefing Session - 02 Nov 2021 9.00am 8.3 - Byfield Community Footpath Master Plan - Briefing Session - 01 Mar 2022 9.00am

SUMMARY

Councillor Andrea Friend has submitted a 'Notice of Motion' in relation to Byfield Footpaths Forward Works.

COUNCIL RESOLUTION

THAT Council commences the construction of the Byfield Footpath Master Plan, through staging each component. Commencing in 2024 to 2025 with Stage 1 Byfield School to Byfield, Raspberry Creek, Library. 765 meters, costing \$330,000.00 and that this cost be placed in the 2024 - 2025 budget for construction.

PROCEDURAL MOTION

That pursuant to s2.18.1(d) and s2.18.11 of Livingstone Shire Council's Meeting Procedures Policy the matter lay on the table until later in the meeting.

Moved by: Deputy Mayor, Councillor Belot

MOTION CARRIED

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

Crs A Friend and A Ireland voted in the negative.

10.3 NOTICE OF MOTION - MAYOR IRELAND - COOEE BAY GARDENS FENCE**File No:** GV**Attachments:**

1. Aerial Map
2. Letter to Cooee Bay Gardens Body Corporate
13 June 2023

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

SUMMARY

Councillor Mayor Andy Ireland has submitted a 'Notice of Motion' in relation to the fence located at Cooee Bay Gardens.

COUNCILLOR RECOMMENDATION

THAT Council considers the request from the Body Corporate of Cooee Bay Gardens to jointly fund the erection of a new fence between their complex and the adjoining Drainage Reserve (Lot 75 LN801094).

PROCEDURAL MOTION

That pursuant to s2.18.1(d) and s2.18.11 of Livingstone Shire Council's Meeting Procedures Policy the matter lay on the table pending further information to return to a future briefing session.

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

10.4 NOTICE OF MOTION - COUNCILLOR GLENDA MATHER - SPEED LIMIT THE OAKS

File No: qA24221
Attachments: 1. NoM - Cr Mather - Speed Limit The Oaks
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 reducing the speed limit near The Oaks.

COUNCILLOR RECOMMENDATION

THAT Council lodge an official request to the appropriate officers within Queensland Transport Main Roads (TMR) in Rockhampton, seeking a reduction in the speed limit from 100 to 80km/hr In the vicinity of 'The Oaks' on the Rockhampton -Yeppoon Road.

COUNCIL RESOLUTION

THAT Council

- 1) lodges an official request to the appropriate officers within Queensland Transport Main Roads (TMR) in Rockhampton, seeking a reduction in the speed limit from 100 to 80km/hr In the vicinity of 'The Oaks' on the Rockhampton -Yeppoon Road; and
- 2) Requests details in relation to standards appropriate to the current speed limit within this area.

Moved by: Councillor Mather
Seconded by: Councillor Eastwood

MOTION CARRIED

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

Crs A Friend and R Watson voted in the negative.

10.5 NOTICE OF MOTION - COUNCILLOR GLENDA MATHER - ROAD RESTRICTIONS

File No: qA24221
Attachments: 1. Notice of Motion - Councillor Mather - Road Restrictions
Responsible Officer: Amanda Ivers - Coordinator Executive Support

SUMMARY

Councillor Glenda Mather has submitted a 'Notice of Motion' in relation to road restrictions on a Council Road.

COUNCILLOR RECOMMENDATION

THAT a comprehensive report be prepared by the relevant staff to explain how and why a contractor was "wrongfully hindered at a procurement stage" when advised of a limitation on his cartage on a Council road.

COUNCIL RESOLUTION

10.35AM - THAT the meeting be adjourned.

Moved by: Mayor, Councillor Ireland

MOTION CARRIED UNANIMOUSLY

COUNCIL RESOLUTION

11.05AM - THAT the meeting be resumed.

Moved by: Mayor, Councillor Ireland

MOTION CARRIED UNANIMOUSLY

COUNCIL RESOLUTION

THAT

- 1) a comprehensive report be prepared by the relevant staff to explain how and why a contractor was allegedly "wrongfully hindered at a procurement stage" when advised of a limitation on his cartage on a Council road; and
- 2) further, explanation be provided as to why it took so long for the complaint to be recognised and clarified, and a response be given to the contractor.

Moved by: Councillor Mather

Seconded by: Deputy Mayor, Councillor Belot

MOTION LOST

Crs A Belot and G Mather voted in the affirmative.

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

10.6 NOTICE OF MOTION - COUNCILLOR GLENDA MATHER - UPGRADE MILLROY DRIVE INTERSECTION**File No:** qA24221**Attachments:**

1. Notice of Motion - Councillor Mather - Millroy Drive Intersection
2. Millroy Drive Map

Responsible Officer: Amanda Ivers - Coordinator Executive Support

SUMMARY

Councillor Glenda Mather has submitted a 'Notice of Motion' in relation to an upgrade on Millroy Drive intersection.

COUNCIL RESOLUTION

THAT the Millroy Drive/Yeppoon Road intersection be brought to the attention of Department of Transport and Main Roads for early upgrade, due to the bottleneck it currently presents due to the inability of vehicles to turn left into highway from Millroy Drive.

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

Crs A Belot and G Mather voted in the affirmative.

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

10.7 NOTICE OF MOTION - COUNCILLOR GLENDA MATHER - UPGRADE RURAL ROAD STATUS - ZAMIA HILLS ROAD**File No:** qA24221**Attachments:**

1. Notice of Motion - Councillor Mather - Upgrade Rural Road Status
2. Opening Unconstructed Roads Procedure
3. Letter to Resident in 2020

Responsible Officer: Amanda Ivers - Coordinator Executive Support

SUMMARY

Councillor Glenda Mather has submitted a 'Notice of Motion' in relation to upgrading Rural Road Status for Zamia Hills Road.

COUNCILLOR RECOMMENDATION

THAT in view of the history surrounding the rural road identified as Zamia Hills Road, currently included in Council's Road Register, Council resolve to upgrade its status to a "rural road" which would entitle it to a sign, and rural roads maintenance as necessary, in line with every other official rural road in our shire.

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 an inspection of the road by the Manager Construction and Maintenance to return to a future Council meeting.

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

10.8 NOTICE OF MOTION - COUNCILLOR ADAM BELOT - DELEGATIONS LAND PLANNING CONSULTANCIES

File No: GV
Attachments: 1. Notice of Motion - Councillor Adam Belot - Delegations Land Planning Consultancies
Responsible Officer: Amanda Ivers - Coordinator Executive Support

SUMMARY

Councillor Adam Belot has submitted a 'Notice of Motion' in relation to delegations for land planning consultancies.

COUNCIL RESOLUTION

THAT in order to save ratepayers money being spent contrary to existing prepared Council Plans informed by Council Business units, sporting and recreational groups and the community in general ie. Cooe Bay Precinct Master Plan, no budgeted funds be expended on any property development-type research, investigations or proposals without a resolution of Council being passed in the first instance.

Moved by: Deputy Mayor, Councillor Belot

Seconded by: Councillor Eastwood

MOTION CARRIED UNANIMOUSLY

10.9 NOTICE OF MOTION - COUNCILLOR ADAM BELOT - EMU PARK SURF LIFE SAVING CLUB (SLSC) SEAWALL AND CLUBHOUSE**File No:** qA24221**Attachments:** 1. **NOM - Cr Belot - Emu Park SLSC Sea Wall and Clubhouse****Responsible Officer:** **Amanda Ivers - Coordinator Executive Support****SUMMARY**

Councillor Adam Belot has submitted a 'Notice of Motion' in relation to the Emu Park Life Saving Club (SLSC) Seawall and Clubhouse.

COUNCILLOR RECOMMENDATION

THAT in order to support the Emu Park Surf Life Saving Club build their resilience (SLSC), Council undertake the following:

1. investigate funding options that may assist the Emu Park SLSC complete critically needed sea wall revetment works necessary to protect their Club house from beach erosion occurring in front of the Surf Club; and
2. provide a report with budget options detailing Council's potential financial support in collaboration with the Emu Park SLSC, State and Federal Governments and private investment into completing the revetment wall project asap; and
3. investigate land tenure options adjacent to the south of the Emu Park SLSC Clubhouse that would be beneficial for the functionality of the Club, as access in and out of the Club on the Southern boundary is directly reliant on utilising this land.

COUNCIL RESOLUTION

THAT in order to support the Emu Park Surf Life Saving Club build their resilience (SLSC), Council undertake the following:

1. investigate funding options that may assist the Emu Park SLSC complete critically needed sea wall revetment works necessary to protect their Club house from beach erosion occurring in front of the Surf Club; and
2. provide a report with budget options detailing Council's potential financial support in collaboration with the Emu Park SLSC, State and Federal Governments and private investment into completing the revetment wall project asap; and

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

That pursuant to s2.18.1(d) and s2.18.11 of Livingstone Shire Council's Meeting Procedures Policy, part three of the Councillor recommendation (as below) lay on the table pending inviting the Emu Park Surf Life Saving Club and the Member for Keppel to attend a deputation workshop to return to a future council meeting.

investigate land tenure options adjacent to the south of the Emu Park SLSC Clubhouse that would be beneficial for the functionality of the Club, as access in and out of the Club on the Southern boundary is directly reliant on utilising this land.

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

10.10 NOTICE OF MOTION - COUNCILLOR ADAM BELOT - FARNBOROUGH BEACH DRAFT MASTER PLAN**File No:** qA24221**Attachments:** 1. NOM - Cr Belot - Farnborough Beach Master Plan**Responsible Officer:** Amanda Ivers - Coordinator Executive Support

SUMMARY

Councillor Adam Belot has submitted a 'Notice of Motion' in relation to the Farnborough Beach Draft Master Plan.

COUNCILLOR RECOMMENDATION

THAT in order to promote transparent and accountable decision making in the public interest, Council:

1. Release the preliminary Farnborough Beach Master Plan to the Community and stakeholders and invite feedback on the elements identified within the Plan.
2. Bring a report back to Council within a reasonable timeframe of the outcomes of the engagement, in order to assist Council decision making into the future.

PROCEDURAL MOTION

That pursuant to s2.18.1(d) and s2.18.11 of Livingstone Shire Council's Meeting Procedures Policy the matter lay on the table until later in the meeting pending receipt of legal advice.

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

11 REPORTS

11.1 RESPONSE TO NOM- CR WATSON- BUNGUNDARRA WILD DOGS REMOVAL

File No: qA24221
Attachments: Nil
Responsible Officer: Greg Abbotts - Manager Development and Environment
Chris Ireland - General Manager Communities
Author: Nat Druery - Coordinator Public Environments

SUMMARY

This report is presented in response to a Notice of Motion put forward by Councillor Watson regarding wild dog removal in Bungundarra.

COUNCIL RESOLUTION

THAT Councils Pest Management Officers continue to monitor wild dog activity via the information provided by community members within the WildDogScanApp.

Moved b: Councillor Watson
Seconded by: Deputy Mayor, Councillor Belot

MOTION CARRIED UNANIMOUSLY

11.2 RESPONSE TO NOM - LSC NAME CHANGE

File No:	ED8.5.12
Attachments:	1. Lucid Economics Report 2. Guide to Local Government Change Proposals 3. Name Change Cost Estimate
Responsible Officer:	Sonia Tomkinson - Manager Economy and Places Chris Ireland - General Manager Communities
Author:	Arna Hart - Project Support Officer
Previous Items:	12.2 - City Status Classification Application - Ordinary Council - 25 Feb 2014 9:00am 12.1 - Changing Classification Application and Renaming of Livingstone Shire Council - Ordinary Council - 04 Dec 2018 9:00am 7.3 - PROPOSED NAME CHANGE LIVINGSTONE SHIRE COUNCIL - Briefing Session - 02 May 2019 8.30am 5.8 - Proposed name change Livingstone Shire Council - Briefing Session - 30 Sep 2019 12.30pm 10.6 - Notice of Motion - Mayor Ireland - LSC Name Change - Ordinary Council - 21 Mar 2023 9.00am 7.9 - Response to NOM - LSC Name Change - Briefing Session - 06 Jun 2023 9.00am

SUMMARY

This report is presented in response to a Notice of Motion put forward by Mayor Ireland regarding the advantages and disadvantages of changing Council's name.

COUNCIL RESOLUTION

THAT the response to the notice of motion requesting Council investigate the advantages and disadvantages of changing Council's name, be received.

Moved by: Mayor, Councillor Ireland

Seconded by: Councillor Eastwood

MOTION CARRIED UNANIMOUSLY

COUNCIL RESOLUTION

12.29PM - THAT the meeting be adjourned.

Moved by: Councillor Mather

MOTION CARRIED UNANIMOUSLY / LOST

COUNCIL RESOLUTION

1.08PM - THAT the meeting be resumed.

Moved by: Councillor Mather

MOTION CARRIED UNANIMOUSLY / LOST

10.2 NOTICE OF MOTION - COUNCILLOR FRIEND - BYFIELD FOOTPATHS FORWARD WORKS

File No:	qA24221
Attachments:	1. Notice of Motion - Councillor Friend - Byfield Footpaths Forward Works
Responsible Officer:	Amanda Ivers
Previous Items:	8.5 - Byfield Footpath Master Plan - Briefing Session - 02 Nov 2021 9.00am 8.3 - Byfield Community Footpath Master Plan - Briefing Session - 01 Mar 2022 9.00am

SUMMARY

Councillor Andrea Friend has submitted a 'Notice of Motion' in relation to Byfield Footpaths Forward Works.

PROCEDURAL MOTION

That pursuant to s2.18.1(d) and s2.18.13 of Livingstone Shire Council's Meeting Procedures Policy the matter be lifted from the table to be dealt with

Moved by: Councillor Friend

MOTION CARRIED

COUNCILLOR RECOMMENDATION

THAT Council commences the construction of the Byfield Footpath Master Plan, through staging each component. Commencing in 2024 to 2025 with Stage 1 Byfield School to Byfield, Raspberry Creek, Library. 765 meters, costing \$330,000.00 and that this cost be placed in the 2024 - 2025 budget for construction.

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 a workshop, as soon as possible, with Councillors to return to a future Council briefing session.

Moved by: Mayor, Councillor Ireland

MOTION CARRIED UNANIMOUSLY

10.10 NOTICE OF MOTION - COUNCILLOR ADAM BELOT - FARNBOROUGH BEACH DRAFT MASTER PLAN

File No: qA24221
Attachments: 1. NOM - Cr Belot - Farnborough Beach Master Plan
Responsible Officer: Amanda Ivers - Coordinator Executive Support

SUMMARY

Councillor Adam Belot has submitted a 'Notice of Motion' in relation to the Farnborough Beach Draft Master Plan.

PROCEDURAL MOTION

That pursuant to s2.18.1(d) and s2.18.13 of Livingstone Shire Council's Meeting Procedures Policy the matter be lifted from the table to be dealt with.

Moved by: Mayor, Councillor Ireland

MOTION CARRIED UNANIMOUSLY

COUNCILLOR RECOMMENDATION

THAT in order to promote transparent and accountable decision making in the public interest, Council:

1. Release the preliminary Farnborough Beach Master Plan to the Community and stakeholders and invite feedback on the elements identified within the Plan.
2. Bring a report back to Council within a reasonable timeframe of the outcomes of the engagement, in order to assist Council decision making into the future.

PROCEDURAL MOTION

That pursuant to s2.18.1(d) and s2.18.11 of Livingstone Shire Council's Meeting Procedures Policy the matter lay on the table pending the proposed masterplan being presented to a future workshop of council and the presentation of a consultation and engagement plan.

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.

11.3 FARNBOROUGH BEACH REFERENCE GROUP UPDATE AND RECCOMENDATIONS RE; NIGHT CLOSURE

File No: cr2.13.40
Attachments: Nil
Responsible Officer: Chris Ireland - General Manager Communities
Author: Molly Saunders - Acting Manager Community and Cultural Services

SUMMARY

This report provides details of the Farnborough Beach Access Group's recommendation to close the beach to vehicles from 8pm to 4am (excluding launching and retrieving vessels), internal commentary on same and other associated actions resulting from data gathered during the trial road closure.

COUNCIL RESOLUTION

THAT Council makes an amendment to Local Law 4 (Council Controlled Areas Facilities and Roads) that specifies a mechanism for Council to restrict vehicle access (e.g., signage indicating times access is not permitted) and that this proposed amendment is included in the upcoming Local Laws Review community consultation.

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

MOTION CARRIED UNANIMOUSLY

11.4 YEPPON AND DISTRICT SHOW SOCIETY TENURE RENEWALS

File No: qA81003 / qA81127
Attachments: Nil
Responsible Officer: Molly Saunders - Acting Manager Community and Cultural Services
Chris Ireland - General Manager Communities
Author: Laurie Rainbird - Community Development and Engagement Officer

SUMMARY

This report pertains to the renewal of two tenure agreements held by the Yeppoon and District Show Society Incorporated over Council controlled land/facilities.

COUNCIL RESOLUTION

THAT Council resolves:

(1) that the exception mentioned in section 236(1)(c)(iii) of the *Local Government Regulation 2012* may apply in its dealing with the Yeppoon and District Show Society Incorporated over:

- a. Lot 11 Stanley Avenue, Barmaryee; and
- b. 64 William Street, which incorporates:
 - i. 22-24, 26, 28-30, 48, 50-53 Morris Street, Yeppoon QLD 4703;
 - ii. Lots 6, 7, 23 - 32 Park Street, Yeppoon QLD 4703,
 - iii. Lots 34 - 42, 45 - 49 Park Street, Yeppoon QLD 4703
 - iv. 29, 31, 33, 35-41, 43-51 Park Street, Yeppoon QLD 4703

(2) pursuant to section 236(2) of the *Local Government Regulation 2012* to apply section 236(1)(c)(iii) of the *Local Government Regulation 2012* in its dealing with the Yeppoon and District Show Society Incorporated over:

- a. Lot 11 Stanley Avenue, Barmaryee; and
- b. 64 William Street, which incorporates:
 - i. 22-24, 26, 28-30, 48, 50-53 Morris Street, Yeppoon QLD 4703;
 - ii. Lots 6, 7, 23 - 32 Park Street, Yeppoon QLD 4703,
 - iii. Lots 34 - 42, 45 - 49 Park Street, Yeppoon QLD 4703
 - iv. 29, 31, 33, 35-41, 43-51 Park Street, Yeppoon QLD 4703

(3) to provide:

- a. A freehold lease for five years over Lot 11 Stanley Avenue, Barmaryee
- b. A trustee lease and a freehold lease over 64 William Street, which incorporates:
 - i. 22-24, 26, 28-30, 48, 50-53 Morris Street, Yeppoon QLD 4703;
 - ii. Lots 6, 7, 23 - 32 Park Street, Yeppoon QLD 4703,
 - iii. Lots 34 - 42, 45 - 49 Park Street, Yeppoon QLD 4703

iv. 29, 31, 33, 35-41, 43-51 Park Street, Yeppoon QLD 4703'

Moved by: Councillor Swadling

Seconded by: Councillor Watson

MOTION CARRIED UNANIMOUSLY

11.5 COMMUNITY GROUP REQUEST FOR TENURE: CAPRICORN CONSERVATION COUNCIL (TURTLE REHABILITATION CENTRE)

File No: qA78537
Attachments: 1. Map of Lot 41 on LN1518
Responsible Officer: Molly Saunders - Acting Manager Community and Cultural Services
Chris Ireland - General Manager Communities
Author: Laurie Rainbird - Community Development and Engagement Officer

SUMMARY

This report pertains to a request for tenure over Council controlled land by the Capricorn Conservation Council.

COUNCIL RESOLUTION

THAT Council resolves:

- (1) that the exception mentioned in section 236(1)(b)(ii) of the Local Government Regulation 2012 may apply in its dealing with the Capricorn Conservation Council over Lot 41 on LN1518
- (2) pursuant to section 236(2) of the Local Government Regulation 2012 to apply section 236(1)(b)(ii) of the Local Government Regulation 2012 in its dealing with the Capricorn Conservation Council over Lot 41 on LN1518
- (3) to provide a trustee lease to the Capricorn Conservation Council.

Moved by: Councillor Friend
Seconded by: Councillor Eastwood

MOTION CARRIED UNANIMOUSLY

11.6 POLICY REVIEW - TELECOMMUNICATION FACILITIES ON COUNCIL LAND POLICY

File No:	TBA
Attachments:	1. DRAFT Telecommunication Facilities on Council Land Policy (v2.0), Governance Reviewed, Mark Up 2. DRAFT Telecommunications Facilities on Council Land Policy (v2.0), Governance Reviewed, Clean
Responsible Officer:	Sonia Tomkinson - Manager Economy and Places Chris Ireland - General Manager Communities
Author:	Christine Macdonald - Principal Property Officer Alison Morris - Property Officer
Previous Items:	7.5 - Policy Review - Telecommunication Facilities on Council Land Policy - Briefing Session - 04 Jul 2023 9.00am

SUMMARY

This report presents Version 2 of the Telecommunication Facilities on Council Land Policy for Council's consideration which has been revised and amended.

COUNCIL RESOLUTION

THAT Council resolves to adopt the revised and amended Telecommunication Facilities on Council Land Policy (v2.0).

Moved by: Mayor, Councillor Ireland

Seconded by: Councillor Swadling

MOTION CARRIED UNANIMOUSLY

11.7 POLICY REVIEW - LIBRARY POLICY

File No: G1.2

Attachments: 1. Library Policy v1.1
2. Library Policy v2.0

Responsible Officer: Chris Ireland - General Manager Communities

Author: Molly Saunders - Acting Manager Community and Cultural Services
Julie Bickley - Coordinator Library Services

SUMMARY

This report presents Version 2.0 of the Library Policy for Councils consideration which has been revised and amended.

COUNCIL RESOLUTION

THAT Council resolves to adopt the revised and amended Library Policy (v2.0).

Moved by: Councillor Watson

Seconded by: Councillor Friend

MOTION CARRIED UNANIMOUSLY

11.8 COMPLETION OF 12 MONTH E-SCOOTER TRIAL

File No:	ED8.5.12
Attachments:	1. Specification Assessment Criteria 2. e-Scooter Companies for Invitation to Respond 3. Operator Agreement
Responsible Officer:	Sonia Tomkinson - Manager Economy and Places Chris Ireland - General Manager Communities
Author:	Arna Hart - Project Support Officer
Previous Items:	7.8 - Review of 12 month E-Scooter Trial - Briefing Session - 05 Sep 2023 9.00am 12.7 - Proposed E-Scooter Trial - Yeppoon - Ordinary Council - 19 Jul 2022 9.00am 7.3 - Proposed E-scooter Trial - Yeppoon - Briefing Session - 05 Jul 2022 9.00am 11.10 - Revised 12 Month E-Scooter Operator Agreement - Ordinary Council - 25 Oct 2022 9.00am

SUMMARY

The purpose of this report is to seek a Council resolution to request proposals from suitably qualified operators in order to enter into a commercial agreement for the continued operation of e-scooters in Yeppoon.

COUNCIL RESOLUTION

THAT Council resolve to

- 1) Seek interest from commercial e-scooter operators to address key assessment criteria for the operation of e-scooters in Livingstone Shire and agree to the terms specified in the operator agreement; and
- 2) Undertake an assessment process to determine the preferred commercial e-scooter operator; and
- 3) If all criteria and terms are satisfied, support the permitted and continued use of commercial e-scooters in Livingstone Shire by entering a twelve (12) month commercial agreement, with the option of two (2) twelve (12) month extension periods for a maximum of three (3) years with the preferred commercial e-scooter operator.

Moved by: Councillor Eastwood

Seconded by: Councillor Watson

MOTION CARRIED UNANIMOUSLY

11.9 NAMING OF ROAD RESERVE OFF STOCKYARD HEIGHTS DRIVE

File No: qA24494
Attachments: Nil
Responsible Officer: Sean Fallis - Acting Manager Engineering Services
Michael Kriedemann - General Manager Infrastructure
Author: Jo Fursman - Administration Officer

SUMMARY

Council received a request from a member of the community to name a section of road reserve at Stockyard Point. The road reserve is located off Stockyard Heights Drive. Council's Naming Infrastructure Assets Procedure was applied, and the preferred name of Pigface Place is recommended.

COUNCIL RESOLUTION

THAT Council resolve to name the section of road reserve off Stockyard Heights Drive, Pigface Place.

Moved by: Councillor Swadling
Seconded by: Councillor Eastwood

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.

**11.10 REQUEST FOR REDUCTION OF DEVELOPMENT APPLICATION FEES - LOT 2
CONDON DRIVE, YEPPOON (LOT 2 ON SP213922)****File No:** D-253-2023**Attachments:**

1. Locality Plan
2. Reconfiguration of a Lot Plans
3. Retirement Facility Plans

Responsible Officer: Greg Abbotts - Manager Development and Environment**Author:** Tracy Jones - Planning Officer

SUMMARY

Pivotal Perspective Pty Ltd on behalf of their client, Teangue Pty Ltd, have made representations to Council seeking a reduction in development application fees for Reconfiguring a Lot (one lot into 128 residential lots and 4 environmental/drainage lots), and Preliminary approval for a variation request (Supplementary Table of Assessment (Low Density Residential zone provisions and code assessment for Retirement Facility), located at Lot 2, Condon Drive, Yeppoon and described as Lot 2 on SP213922. The application was lodged with Council on 31 July 2023.

COUNCIL RESOLUTION

THAT Council resolve to accept an application fee of \$213,065.25 for the Development Application, on the basis of the proposed fee representing the cost recovery allowable under section 97(4) of the *Local Government Act 2009*, with the fee reduction being valid for the 2023/24 financial year only.

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

11.11 DEVELOPMENT APPLICATION D-157-2023 FOR A DEVELOPMENT PERMIT FOR RECONFIGURING A LOT (ONE LOT INTO FIVE LOTS AND ACCESS AND SERVICES EASEMENT) AT 280 LIMESTONE CREEK ROAD, ADELAIDE PARK

File No: D-157-2023

Attachments:

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

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

Author: Tammy Wardrop - Principal Planning Officer

SUMMARY

Applicant: A and S Forrest

Consultant: Capricorn Survey Group (CQ) Pty Ltd

Real Property Address: Lot 2 on SP222834 Area of Site: 13.07 hectares

Planning Scheme: Livingstone Planning Scheme 2018

Planning Scheme Zone: Rural zone

Planning Scheme Overlays: OM02 Agricultural Land Classification
OM10 Biodiversity – Wetlands and Waterways
OM11 Biodiversity – Stream Order
OM12 Bushfire hazard area
OM20 Road Hierarchy
OM22 Transport Infrastructure
OM23 Transport Noise Corridors
OM27 Heights Limits

Existing Development: Dwelling house

Level of Assessment: Impact Assessable

Submissions: 1 Not properly made submissions received

Referral matters: Development application for a reconfiguration of a lot near a State transport corridor

Infrastructure Charge Area: Outside the Priority Infrastructure Area

Application progress:

<i>Application received:</i>	10 May 2023
<i>Application properly made:</i>	16 May 2023
<i>Development control unit meeting:</i>	18 May 2023
<i>Confirmation notice issued:</i>	1 June 2023
<i>Application referred to State agency:</i>	8 June 2023
<i>Public notification period:</i>	3 July 2023 to 26 July 2023
<i>State agency response:</i>	5 July 2023
<i>Notice of compliance received:</i>	27 July 2023

<i>Extension of time agreed to:</i>	<i>30 August 2023</i>
<i>Decision period commenced:</i>	<i>27 July 2023</i>
<i>Council workshop date:</i>	<i>5 September 2023</i>
<i>Council meeting date:</i>	<i>19 September 2023</i>
<i>Statutory determination date:</i>	<i>26 September 2023 (by extension)</i>

COUNCIL RESOLUTION

THAT in relation to the application for a Development Permit for Reconfiguring a Lot (one lot into five lots and access and services easement), made by A and S Forrest, on Lot 2 on SP222834 and located at 280 Limestone Creek Road, Adelaide Park, Council resolves to Approve the application given pursuant to Section 60(2)(b) of the *Planning Act 2016*, the assessment manager may decide to approve the application even if the development does not comply with some of the assessment benchmarks and circumstances/relevant matters have been established in support of the development as follows:

- a) Despite the inconsistent lot sizes, the proposed lots have sufficient size and dimension to facilitate future rural residential type land uses, including Dwellings, ancillary buildings, structures and on-site services, and provide sufficient separation to hazardous vegetation, agricultural activities and other adjoining uses in respect of privacy and amenity.
- b) The proposal does not limit or compromise surrounding land to be used for its intended purpose. There are small scale cropping activities (orchards) identified to the south, opposite the site, and more along Limestone Creek to the west. The proposal to subdivide the site is not expected to adversely impact the operations of existing rural activities given the proposed lots will be able to achieve minimum separation distances to any buildings and structures associated with the storage, handling, packaging or processing of cropping produce.
- c) The development can be undertaken without fragmentation or risk to areas of environmental importance, given the mapped biodiversity areas of the subject site can be retained within a single lot.
- d) The proposal does not expose people, property or infrastructure to an unacceptable bushfire risk by providing lots that are sufficient in size and dimension to located buildings and structures with appropriate separation to hazardous vegetation. The subject site has an existing sealed internal access which will provide direct access to all proposed lots via easement (existing and proposed) to support appropriate emergency management response and evacuation.

RECOMMENDATION B

That in relation to the application for a Development Permit for Reconfiguring a Lot (one lot into five lots and access and services easement), made by A and S Forrest, on Lot 2 on SP222834 and located at 280 Limestone Creek Road, Adelaide Park, Council resolves to Approve the application subject to the following conditions:

1.0 ADMINISTRATION

- 1.1 The Developer is responsible for ensuring compliance with this approval and the Conditions of the approval by an employee, agent, contractor or invitee of the Developer.
- 1.2 Where these Conditions refer to "Council" in relation to requiring Council to approve or to be satisfied as to any matter, or conferring on the Council a function, power or discretion, that role of the Council may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.
- 1.3 All conditions of this approval must be undertaken and completed to the satisfaction

of Council, at no cost to Council.

- 1.4 All conditions, works, or requirements of this approval must be undertaken and completed prior to the issue of the Compliance Certificate for the Survey Plan, 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 issue of the Compliance Certificate for the Survey Plan, unless otherwise stated.
- 1.6 The following further Development Permits must be obtained prior to the commencement of any works associated with its purposes:
- 1.6.1 Operational Works:
- (i) Access Works (internal access way);
- 1.7 Unless otherwise stated, all works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards.
- 1.8 All engineering drawings/specifications, design and construction works must comply with the requirements of the relevant *Australian Standards* and must be approved, supervised and certified by a Registered Professional Engineer of Queensland.

2.0 APPROVED PLANS AND DOCUMENTS

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

<u>Plan/Document Name</u>	<u>Plan/Document Reference</u>	<u>Dated</u>
Reconfiguration Plan	8956-01-ROL Issue A	20 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 (internal)
- 3.1 A Development Permit for Operational Works (internal access works) must be obtained prior to the commencement of any access works on the site.
- 3.2 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), and the provisions of a Development Permit for Operational Works (internal access works).
- 3.3 The access easement/s must be generally in accordance with the approved plan (refer to condition 2.1). The easement/s must be shown on the plan of subdivision and the relevant documentation submitted to Council as part of the request for approval of a plan of subdivision (survey plan endorsement).
- 3.4 The access driveway must be designed and upgraded if required, to comply with the following:
- (i) Minimum cleared width of six (6) metres;
- (ii) Minimum cleared height of 4.8 metres;
- (iii) Minimum formed width of four (4) metres;
- (iv) Passing bays twenty (20) metres long by three (3) metres wide, or turning facilities every 200 metres;
- (v) Maximum allowable gradient of twenty-five (25) per cent if sealed, or eighteen

(18) per cent if unsealed;

- (vi) Maximum average gradient must be 14.4 per cent;
- (vii) Maximum allowable cross fall of eighteen (18) per cent if sealed, or twelve (12) per cent if unsealed; and
- (viii) Immune to a flood inundation event having an annual exceedance probability of ten (10) per cent.

4.0 PLUMBING AND DRAINAGE WORKS

- 4.1 All sanitary drainage and plumbing systems associated with the existing building must be wholly contained within the lot it serves.
- 4.2 Infrastructure associated with any existing uses must remain within the respective property boundaries of the lot it serves.
- 4.3 The location of the Land Application Area for any existing on-site sewage system must comply with the setback distances given in the *Queensland Plumbing and Wastewater Code*. Verification of the system location must be provided in writing from a licensed Plumbing and Drainage Contractor (refer to advisory note 4).

5.0 ROOF AND ALLOTMENT DRAINAGE WORKS

- 5.1 All roof and allotment drainage must be discharged such that it does not restrict, impair or change the natural flow of runoff water or cause a nuisance to adjoining properties or infrastructure.

6.0 EARTHWORKS

- 6.1 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.

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 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.

9.0 OPERATING PROCEDURES

- 9.1 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 Limestone Creek 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. Future development

This approval is for the reconfiguration of Lot 2 on SP222834 into five (5) lots. Any future Dwelling house or ancillary structures may require a Development Application for a Material Change of Use, pursuant to the categorising instrument in effect at the time of development.

NOTE 5. On-site services

Any alterations to the Land Application area will require a Plumbing Application to be lodged with the Built Environment section of Livingstone Shire Council.

NOTE 6. Infrastructure Charges Notice

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

RECOMMENDATION C

That in relation to the application for a Development Permit for Reconfiguring a Lot (one lot into five lots and access and services easement), made by A and S Forrest, on Lot 2 on SP222834 and located at 280 Limestone Creek Road, Adelaide Park, Council resolves to issue an Infrastructure Charges Notice for the amount of **\$73,360.00**.

Moved by: Mayor, Councillor Ireland

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.

11.12 MONTHLY FINANCIAL REPORT FOR THE PERIOD ENDING 31 AUGUST 2023**File No:** FM12.14.1**Attachments:**

1. Monthly Financial Report 31 August 2023
2. Contract Award Summary

Responsible Officer: Andrea Ellis - Chief Financial Officer**Author:** Caitlyn Good - Acting Coordinator Accounting Services

SUMMARY

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

COUNCIL RESOLUTION

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

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

11.13 AQUISITION OF LAND FOR OVERDUE RATES

File No: qA24586
Attachments: 1. Survey Plan Y292
2. Survey Plan Y16911
Responsible Officer: Andrea Ellis - Chief Financial Officer
Author: Kim Cree - Revenue Officer
Priscilla Graham - Coordinator Revenue

SUMMARY

This report pertains to the issue of the notice to acquire land for overdue rates or charges.

COUNCIL RESOLUTION

THAT pursuant to section 149 of the *Local Government Regulation 2012*, Council proceed with action to acquire the land listed below for overdue rates and charges:

- L101 Bourke Street, Yaamba QLD 4704
- L102 Bourke Street, Yaamba QLD 4704
- L104 Bourke Street, Yaamba QLD 4704
- L105 Bourke Street, Yaamba QLD 4704
- L33 Bourke Street, Yaamba QLD 4704
- L35 Bourke Street, Yaamba QLD 4704
- L36 Bourke Street, Yaamba QLD 4704
- L37,38,39 Augustus Street, Yaamba QLD 4704

Moved by: Councillor Swadling

Seconded by: Councillor Mather

MOTION CARRIED UNANIMOUSLY

11.14 OFFICE OF THE CEO QUARTERLY MANAGEMENT REPORT

File No: GV
Attachments: Nil
Responsible Officer: Cale Dendle - Chief Executive Officer
Author: Amanda Ivers - Coordinator Executive Support
Jasmine Gilbert - Support Services Officer

SUMMARY

This report provides a summary of a range of strategic and operational activities within the Office of Chief Executive portfolio of Council for the period of 1 June 2023 to 31 August 2023.

COUNCIL RESOLUTION

THAT the Corporate Management report for the period 1 June 2023 to 31 August 2023 be received.

Moved by: Councillor Friend
Seconded by: Councillor Swadling

MOTION CARRIED UNANIMOUSLY

11.15 POLICY REVIEW - CARETAKER PERIOD POLICY

File No: GV

Attachments:

1. Caretaker Period Policy (v2.1) Marked up DRAFT
2. Caretaker Period Policy (v2.1) Clean Version

Responsible Officer: Cale Dendle - Chief Executive Officer

Author: Amanda Ivers - Coordinator Executive Support

SUMMARY

The Caretaker Period Policy has undergone review following recent legislative amendments to the Local Government Electoral Regulation 2023 effecting Council operations during the caretaker period preceding quadrennial elections. Further inclusions have been made for candidacy of officers and secondary employment.

COUNCIL RESOLUTION

THAT Council resolves to adopt the amended Caretaker Period Policy.

Moved by: Deputy Mayor, Councillor Belot

Seconded by: Councillor Swadling

MOTION CARRIED UNANIMOUSLY

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.

COUNCIL 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 Properties Eligible for Sale of Land for Rate Arrears

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

Moved by: Councillor Mather

Seconded by: Councillor Swadling

MOTION CARRIED UNANIMOUSLY

COUNCIL RESOLUTION

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

Moved by: Councillor Mather

Seconded by: Mayor, Councillor Ireland

MOTION CARRIED UNANIMOUSLY

15 CONFIDENTIAL REPORTS

15.1 PROPERTIES ELIGIBLE FOR SALE OF LAND FOR RATE ARREARS

File No: RV25.01.01
Attachments: 1. Properties Eligible for Land Sale
Responsible Officer: Andrea Ellis - Chief Financial Officer
Author: Priscilla Graham - Coordinator Revenue
David McDowell - Revenue/Debtors Officer
Kim Cree - Revenue 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

Under the provisions of the Local Government Regulation 2012 Council has the authority to recover outstanding rates and charges through a land sale process where the amounts have been overdue for three or more years.

COUNCIL RESOLUTION

(a) THAT pursuant to section 140(2) of the *Local Government Regulation 2012* Council proceed with action to sell the land listed below, and also detailed in attachment 1 to the report for overdue rates and charges; and

- 132322 L 15 LN 1046
- 312811 L 26 SP 325457
- 129980 L 15 RP 618406
- 131215 L 9 RP 617035
- 131826 L 12 MPH 14441
- 132455 L 39 Y 294
- 132581 L 15 RP 605788
- 132582 L 14 RP 605788
- 133063 L 48 SP 153340
- 134699 L 4 RP 602287
- 134699 L5 RP 602287
- 136948 L 1 RP 612575
- 141749 L 11 SP 174134
- 141864 L207 SP 166171
- 142009 L39 SP 175862
- 302419 L 52 SP 237553

- 311385 L 27 SP 300261

(b) that Council delegate to the Chief Executive Officer the power to take all further steps under Chapter 4, Part 12, Division 3 of the *Local Government Regulation 2012* to effect sale of the land (including, for avoidance of doubt, the power to end sale procedures).

Moved by: Councillor Swadling

Seconded by: Councillor Mather

MOTION CARRIED UNANIMOUSLY

16 CLOSURE OF MEETING

There being no further business the meeting closed at 3.15pm.



Mayor, Councillor Andy Ireland
CHAIRPERSON

24 October 2023

DATE