



ORDINARY MEETING

MINUTES

6 FEBRUARY 2018

The resolutions contained within these minutes were confirmed at Council Meeting
on 20 February 2018.

TABLE OF CONTENTS

ITEM	SUBJECT	PAGE NO
1	OPENING.....	1
2	PRESENT	1
3	LEAVE OF ABSENCE / APOLOGIES	2
	NIL	2
4	PUBLIC FORUMS/DEPUTATIONS	3
	NIL	3
5	MAYORAL MINUTE	4
	5.1 MAYORAL MINUTE	4
6	CONFIRMATION OF MINUTES OF PREVIOUS MEETING.....	5
7	DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA	6
8	BUSINESS ARISING OR OUTSTANDING FROM PREVIOUS MEETINGS	7
	NIL	7
9	PRESENTATION OF PETITIONS.....	8
	NIL	8
10	AUDIT, RISK AND BUSINESS IMPROVEMENT COMMITTEE REPORTS.....	9
	NIL	9
11	COUNCILLOR/DELEGATE REPORTS	10
	NIL	10
12	REPORTS.....	11
	12.1 AUDIT, RISK AND BUSINESS IMPROVEMENT COMMITTEE MEETING - 16 JANUARY 2018.....	11
	12.2 QUEENSLAND CAMPING OPTIONS TOOLKIT	13
	12.3 WASTE MANAGEMENT LOCAL LAW	14
	12.4 WASTE AND RECYCLING COLLECTION POLICY AND PROCEDURE / ADOPTION OF DESIGNATED WASTE COLLECTION AREAS.....	15
	12.5 RESPONSE TO QUESTIONS ON NOTICE – WORKS WITHIN OR ALONG ROSS CREEK.....	17
	12.6 REQUEST FOR NEGOTIATED DECISION FOR A DEVELOPMENT PERMIT D-159-2017 FOR RECONFIGURING A LOT (ONE LOT INTO FIFTEEN LOTS).....	18
	12.7 NOTICE OF RESIGNATION - COUNCILLOR GRAHAM SCOTT	20

13	QUESTIONS/STATEMENT/MOTIONS ON NOTICE FROM COUNCILLORS	21
	NIL	21
14	CLOSED SESSION	22
15.1	REQUEST FOR STAGED PAYMENT OF INFRASTRUCTURE CHARGES FOR A SALES AND HIRE PREMISES	
15.2	REQUEST FOR REDUCTION OF MATERIAL CHANGE OF USE APPLICATION FEES	
15.3	MAYORAL MINUTE	
15	CONFIDENTIAL REPORTS.....	23
15.1	REQUEST FOR STAGED PAYMENT OF INFRASTRUCTURE CHARGES FOR A SALES AND HIRE PREMISES.....	23
15.2	REQUEST FOR REDUCTION OF MATERIAL CHANGE OF USE APPLICATION FEES.....	24
15.3	MAYORAL MINUTE	25
16	URGENT BUSINESS\QUESTIONS	26
17	CLOSURE OF MEETING.....	27

MINUTES OF THE ORDINARY MEETING HELD AT COUNCIL CHAMBERS, ANZAC PARADE, YEPPON ON TUESDAY, 6 FEBRUARY 2018 COMMENCING AT 9:09AM

1 OPENING

2 PRESENT

Members Present:

Mayor, Councillor Bill Ludwig (Chairperson)
Deputy Mayor, Councillor Nigel Hutton
Councillor Adam Belot
Councillor Jan Kelly
Councillor Glenda Mather
Councillor Graham Scott
Councillor Tom Wyatt

In Attendance:

Ms Chris Murdoch – Chief Executive Officer
Ms Andrea Ellis – Acting Director Corporate Services
Mr Brett Bacon – Director Community and Planning Services
Mr Dan Toon – Director Infrastructure Services
Ms Debra Howe – Director Strategic Growth and Development
Ms David Battese – Manager Strategy and Development
Ms Erin McCabe – Coordinator Development Assessment
Ms Maddie Ward – Senior Planning Officer
Ms Jenna Brosseuk – Senior Planning Officer
Ms Jacklyn Neyenhuis – Student Planner
Ms Emily Szilveszter – Coordinator Marketing and Communications
Ms Lucy Merry – Executive Support Officer

3 LEAVE OF ABSENCE / APOLOGIES

Nil

4 PUBLIC FORUMS/DEPUTATIONS

Nil

5 MAYORAL MINUTE

5.1 MAYORAL MINUTE

File No: CR2.13.35
Attachments: Nil
Responsible Officer: Bill Ludwig - Mayor

SUMMARY

In response to a request from The Morning Bulletin regarding News Queensland's campaign "Save Our Schoolkids" which calls for the State Government to fund compulsory certified swim programs in the State's primary schools, I committed to put forward a Mayoral Minute

COUNCIL RESOLUTION

THAT Council endorse support of the "Save our Schoolkids" campaign and formally write to the Premier and respective Ministers to request the Government give the proposed certified swim programs due consideration.

Moved by: Mayor Ludwig
Seconded by: Deputy Mayor, Councillor Hutton

MOTION CARRIED UNANIMOUSLY

6 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

COUNCIL RESOLUTION

THAT the minutes of the Ordinary Meeting held on 23 January 2018 be taken as read and adopted as a correct record.

Moved by: Councillor Kelly

Seconded by: Councillor Wyatt

MOTION CARRIED

COUNCIL RESOLUTION

THAT the minutes of the Special Meeting held on 30 January 2018 be taken as read and adopted as a correct record.

Moved by: Councillor Kelly

Seconded by: Deputy Mayor, Councillor Hutton

MOTION CARRIED

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

8 BUSINESS ARISING OR OUTSTANDING FROM PREVIOUS MEETINGS

Nil

9 PRESENTATION OF PETITIONS

Nil

**10 AUDIT, RISK AND BUSINESS IMPROVEMENT COMMITTEE
 REPORTS**

Nil

11 COUNCILLOR/DELEGATE REPORTS

Nil

12 REPORTS

12.1 AUDIT, RISK AND BUSINESS IMPROVEMENT COMMITTEE MEETING - 16 JANUARY 2018

File No:	GV13.4.2
Attachments:	1. ARaBIC Minutes - 16 January 2018 - Unconfirmed ⇒
Responsible Officer:	Scott Williams - Internal Auditor Chris Murdoch - Chief Executive Officer
Author:	Robyn Black - Executive Assistant to the Director Corporate Services

SUMMARY

The Audit, Risk and Business Improvement committee met on 16 January 2018 and this report provides the recommendations from the committee for consideration and adoption by Council. The reports from the meeting are available for viewing by Councillors on the Councillor Portal.

COUNCIL RESOLUTION

THAT the unconfirmed minutes of the Audit, Risk and Business Improvement Committee meeting held on 16 January 2018 be received and the following recommendations contained within those minutes be adopted.

1 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

THAT the minutes of the Audit, Risk and Business Improvement Committee held on 10 October 2017 be taken as read and adopted as a correct record.

6.1 BUSINESS ARISING OR OUTSTANDING FROM PREVIOUS MEETINGS

THAT the Business Outstanding Table for the Audit, Risk and Business Improvement Committee meeting be received.

7.1 COMMITTEE WORK PROGRAM STATUS

THAT the Committee receives the status of the Annual Work Program.

7.2 EXECUTIVE LEADERSHIP TEAM UPDATE TO THE COMMITTEE

THAT the Committee receives the verbal updates provided by the leadership team on key activities or issues.

7.3 MONTHLY FINANCIAL REPORT FOR PERIOD ENDING 30 NOVEMBER 2017

THAT the Livingstone Shire Council Monthly Financial Report for the period ended 30 November 2017 be received.

7.4 AUDITED FINANCIAL STATEMENTS FOR THE YEAR ENDED 30TH JUNE 2017 AND INDEPENDENT EXTERNAL AUDITORS REPORT

THAT the Committee;

1. Note the finalisation of the 2016-17 General Purpose Financial Statements and the unmodified audit opinion issued by the Queensland Audit Office on the 19 October 2017 has been presented to the Audit, Risk and Business Improvement Committee; and
2. Note the 2016-17 Final Management Report for Livingstone Shire Council dated 26 October 2017 as endorsed by the Audit Risk and Business Improvement Committee.

7.5 ISSUES EMERGING FROM THE FINANCIAL STATEMENT PROCESS 16/17

THAT the Audit Risk and Business Improvement Committee note the issue emerging from the financial statement process.

7.6 RATING RESOLUTIONS

THAT the report be noted.

7.7 VALUATION OF PROPERTY PLANT AND EQUIPMENT - ROAD AND BRIDGES ASSET CLASS

THAT the committee note the content of the specification and provide feedback to make changes to the specification if necessary.

7.8 EXTERNAL AUDITOR'S UPDATE

THAT the Committee receive the update from the external auditors.

7.9 UPDATES TO ANNUAL INTERNAL AUDIT PLAN

THAT the Committee endorse the updated 2017-18 Internal Audit Plan. This report is to be brought back to Council as a separate agenda item for consideration.

7.10 INTERNAL AUDIT UPDATE

THAT the Committee receive the report on Internal Audit.

7.11 OVERVIEW OF POLICY FRAMEWORK

THAT the Committee receive the overview of the Policy Framework.

7.12 REVIEW OF OPERATIONAL RISK REGISTER - STRATEGIC GROWTH AND DEVELOPMENT

THAT the update of the overview of Enterprise Risk Management provided by the Director Strategic Growth and Development be received.

7.13 BUSINESS IMPROVEMENT UPDATE

THAT the Committee receive the Business Improvement Update report.

11.1 RISK MANAGEMENT

THAT the Committee receive the Risk Management Report for information.

Moved by: Deputy Mayor, Councillor Hutton

Seconded by: Councillor Kelly

MOTION CARRIED

12.2 QUEENSLAND CAMPING OPTIONS TOOLKIT

File No: ED8.5.12

Attachments:

1. [Queensland Camping Options Toolkit 2014](#)⇒
2. [Queensland Drive Tourism Strategy 2013-2015](#)⇒

Responsible Officer: Debra Howe - Director Strategic Growth and Development

Author: Elle Wallin - Projects Officer
Marcus Vycke - Manager Growth and Economic Development

SUMMARY

The purpose of this report is to adopt the Queensland Camping Options Toolkit 2014 (Toolkit) which has been developed to assist Queensland Councils to effectively manage camping options in their communities.

The aim of the Toolkit is to provide Livingstone Shire Council with clear, accurate information on a range of options to help plan for camping in our jurisdiction and engender a more consultative approach to camping options at the local government level.

The Toolkit will help encourage development of diverse accommodation alternatives that attract tourists to each region and encourage them to return, which will benefit all businesses and the wider community.

The State Government has reviewed the current version of the Toolkit and due to the Queensland Government election in 2017 it is anticipated that an updated version may be released in 2018.

COUNCIL RESOLUTION

THAT Council adopt the Queensland Camping Options Toolkit 2014, a guide for Council to set the foundations, manage camping options and implement direction using this information.

Moved by: Councillor Belot

Seconded by: Councillor Scott

MOTION CARRIED

12.3 WASTE MANAGEMENT LOCAL LAW

File No:	19.5.1
Attachments:	<ol style="list-style-type: none">Draft Local Law No 8 (Waste Management) 2018 ⇒Part 2A Waste Reduction and Recycling Regulation 2011 ⇒Chapter 5A Environmental Protection Regulation 2008 ⇒Summary of review process of anti-competitive provisions ⇒List of Likely Anti-Competitive Provisions ⇒
Responsible Officer:	Dan Toon - Director Infrastructure Services
Author:	Carrie Burnett - Policy & Planning Officer

SUMMARY

This report identifies important matters relating to waste and seeks a resolution of Council to commence the local law making process which was adopted on 26 August 2014 to make Local Law No 8 (Waste Management) 2018.

COUNCIL RESOLUTION

THAT

- Council propose to make Local Law No. 8 (Waste Management) 2018;
- Council comply with its Local Law Making Process which was adopted at its 26 August 2014 Meeting; and
- The Chief Executive Officer be directed to do all things necessary to give effect to Items 1 and 2 of this resolution.

Moved by: Councillor Kelly**Seconded by: Councillor Belot****MOTION CARRIED**

12.4 WASTE AND RECYCLING COLLECTION POLICY AND PROCEDURE / ADOPTION OF DESIGNATED WASTE COLLECTION AREAS

File No: CM4.7.31

- Attachments:**
1. Draft Policy (v3) [⇒](#)
 2. Draft Procedure (v3) [⇒](#)
 3. Waste Management Schedule [⇒](#)
 4. Designated Waste Collection Area - Capricorn Coast - Map 1 (ver 1) [⇒](#)
 5. Designated Waste Collection Area - Capricorn Coast - Map 2 (ver 1) [⇒](#)
 6. Designated Waste Collection Area - Glenlee, Glendale, Rockyview, The Caves - Map 3 (ver 1) [⇒](#)
 7. Designated Waste Collection Area - Rockyview, Rockhampton - Yeppoon Road Areas - Map 4 (ver 1) [⇒](#)
 8. Designated Waste Collection Area - Yaamba Area - Map 5 (ver 1) [⇒](#)
 9. Designated Waste Collection Area - Marlborough Area - Map 6 (ver 1) [⇒](#)
 10. Designated Waste Collection Area - Ogmoo Area - Map 7 (ver 1) [⇒](#)
 11. Designated Waste Collection Area - Great Keppel Island - Map 8 (ver 1) [⇒](#)

Responsible Officer: Dan Toon - Director Infrastructure Services

Author: Carrie Burnett - Policy & Planning Officer

SUMMARY

Staff undertake reviews of policy documents to ensure currency and relevance to Council practices. Version 2 of the Waste and Recycling Collection Service Policy and Procedure were adopted/approved by Council at its 25 November 2014 Meeting and Version 3 is now presented for Council consideration. This report also addresses several other important matters relating to waste such as the adoption of Designated Waste Collection Areas.

COUNCIL RESOLUTION

THAT Council resolve to:

1. Adopt the Waste and Recycling Collection Policy (v3);
2. Endorse the Waste and Recycling Collection Procedure (v3);
3. Adopt the Waste Management Schedule;
4. Approve the standard general waste container identified in the Waste Management Schedule for storing of domestic waste, commercial waste and recyclable waste at premises; and
5. Approve the Designated Waste Collection Areas Map Nos 1-8 (ver 1) which identify:
 - a. Collection Areas in which Council will conduct general waste collection; and
 - b. Service Routes in which Council may conduct general waste collection.

Moved by: Councillor Belot

Seconded by: Councillor Wyatt

MOTION CARRIED

12.5 RESPONSE TO QUESTIONS ON NOTICE – WORKS WITHIN OR ALONG ROSS CREEK

File No: GV13.4.4
Attachments: Nil
Responsible Officer: Chris Murdoch - Chief Executive Officer
Author: Brett Bacon - Director Community & Planning Services

SUMMARY

This report provides a response to Questions on Notice, which Councillor Mather tendered to the Council meeting of 23 January 2018.

COUNCIL RESOLUTION

THAT Council resolves to receive the report providing a response to Councillor Mather's Questions on Notice regarding activities at Ross Creek.

Moved by: Councillor Wyatt
Seconded by: Councillor Mather

MOTION CARRIED

12.6 REQUEST FOR NEGOTIATED DECISION FOR A DEVELOPMENT PERMIT D-159-2017 FOR RECONFIGURING A LOT (ONE LOT INTO FIFTEEN LOTS)

File No: D-159-2017

Attachments:

1. [Approved Plan](#)
2. [Infrastructure Charges Notice](#)
3. [Decision Notice](#)
4. [Representations](#)

Responsible Officer: Erin McCabe - Co-ordinator Development Assessment
David Battese - Manager Strategy & Development

Author: Jenna Brosseuk - Senior Planning Officer

SUMMARY

Applicant: Dr Peter Dunbar C/-RPS

Consultant: RPS

Real Property Address: Lot 5 on SP214946

Common Property Address: Lot 5 Marlborough Road, Marlborough

Area of Site: 11,288 hectares

Planning Scheme: *Livingstone Shire Planning Scheme 2005*

Planning Scheme Zoning: Rural Zone

Planning Scheme Overlays: Overlay Map O1 – Protected Areas
Overlay Map O3 – Wetlands and Wetlands 100 metre Buffer
Overlay Map O4 – Good Quality Agricultural Land
Overlay Map O5 – Bushfire Hazard

Planning Scheme Maps:
Planning Scheme Map 2A – Classes C1 and C2
Planning Scheme Map 10 – Locally Significant Vegetation

Existing Development: Dwelling house, ancillary outbuildings and agriculture (cattle grazing)

Existing Approvals: Nil

Approval Sought: Development Permit for a Reconfiguring a Lot for a (one lot into fifteen lots)

Level of Assessment: Code assessable

Submissions: Not applicable

Referral Agency(s): Department of Infrastructure, Local Government and Planning – Concurrence agency
Powerlink – Advice agency

Adopted Infrastructure Charges Area: Located outside of the priority infrastructure area

OFFICER'S RECOMMENDATION

THAT in relation to the change representations for Development Permit D-159-2017 for Reconfiguring a Lot (one lot into fifteen lots) made by RPS on behalf of Dr Peter Dunbar C/- RPS on land described as Lot 5 on SP214946 and located at Lot 5 Marlborough Road, Marlborough, Council resolves that the Infrastructure Charge Notice amount remain unchanged.

PROCEDURAL MOTION

THAT the matter lay on the table pending further discussion and to return to a future Council Meeting.

Moved by: Deputy Mayor, Councillor Hutton

Seconded by: Councillor Wyatt

MOTION CARRIED

12.7 NOTICE OF RESIGNATION - COUNCILLOR GRAHAM SCOTT

File No: GM13.5.2
Attachments: Nil
Responsible Officer: Chris Murdoch - Chief Executive Officer
Author: Chris Murdoch - Chief Executive Officer

SUMMARY

This report notes the official resignation of Councillor Graham Scott from duties as Councillor for Livingstone Shire Council.

COUNCIL RESOLUTION

THAT Council note Councillor Graham Scott's resignation under section 162(2)(f) of the *Local Government Act 2009*.

Moved by: Mayor Ludwig
Seconded by: Deputy Mayor, Councillor Hutton

MOTION CARRIED

**13 QUESTIONS/STATEMENT/MOTIONS ON NOTICE FROM
COUNCILLORS**

Nil

14 CLOSED SESSION

In accordance with the provisions of section 275 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

9:42AM

THAT the meeting be closed to the public to discuss the following items, which are considered confidential in accordance with section 275 of the *Local Government Regulation 2012*, for the reasons indicated.

15.1 Request for staged payment of infrastructure charges for a sales and hire premises

This report is considered confidential in accordance with section 275(1)(h), of the *Local Government Regulation 2012*, as it contains information relating to other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage .

15.2 Request for reduction of material change of use application fees

This report is considered confidential in accordance with section 275(1)(h), of the *Local Government Regulation 2012*, as it contains information relating to other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage .

15.3 Mayoral Minute

This report is considered confidential in accordance with section 275(1)(h), of the *Local Government Regulation 2012*, as it contains information relating to other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage .

Moved by: Councillor Kelly
Seconded by: Councillor Wyatt

MOTION CARRIED

The Mayor sought leave of the meeting to deal with item 15.3 Mayoral Minute - GKI Heads of Agreement before returning to items 15.1 and 15.2 of the agenda.

COUNCIL RESOLUTION

10:07AM

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

Moved by: Councillor Belot
Seconded by: Councillor Wyatt

MOTION CARRIED

15 CONFIDENTIAL REPORTS

15.1 REQUEST FOR STAGED PAYMENT OF INFRASTRUCTURE CHARGES FOR A SALES AND HIRE PREMISES

File No: D-594-2017

Attachments:

1. Approved site plan
2. Infrastructure Charges Notice
3. October workshop report
4. December workshop report

Responsible Officer: Erin McCabe - Co-ordinator Development Assessment
David Battese - Manager Strategy & Development

Author: Madelaine Ward - Senior Planning Officer

This report is considered confidential in accordance with section 275(1)(h), of the *Local Government Regulation 2012*, as it contains information relating to other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage .

SUMMARY

This report provides details in relation to a request to stage the payment of infrastructure charges associated with a Development Permit for a Sales and hire premises.

COUNCIL RESOLUTION

THAT Council reduce the charges levied to be in line with the current charges resolution, resulting in a total charge payable of \$8,721.20.

Moved by: Councillor Scott

Seconded by: Deputy Mayor, Councillor Hutton

MOTION CARRIED

15.2 REQUEST FOR REDUCTION OF MATERIAL CHANGE OF USE APPLICATION FEES**File No:** CR2.13.19**Attachments:**

1. Aerial of Yaamba locality and site identification
2. Aerial plan of subject site
3. Letter from Ken Booy request waiver of fees

Responsible Officer: David Battese - Manager Strategy & Development**Author:** Erin McCabe - Co-ordinator Development Assessment

This report is considered confidential in accordance with section 275(1)(h), of the *Local Government Regulation 2012*, as it contains information relating to other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage .

SUMMARY

This report discusses a request for a reduction in development application assessment fees relating to a proposed Outdoor recreation use over land at 30 Yaamba Siding Road, Yaamba and described as Lot 3 on RP848811.

COUNCIL RESOLUTION

THAT Council resolve to support the request for waiver of development application fees.

Moved by: Mayor Ludwig**Seconded by:** Councillor Wyatt**MOTION CARRIED****DIVISION:**

Crs A Belot, B Ludwig, G Mather, G Scott and T Wyatt voted in the affirmative.

Crs N Hutton and J Kelly voted in the negative.

15.3 MAYORAL MINUTE**File No:** 18-065**Attachments:** 1. **GKI Heads of Agreement - (Confidential)****Responsible Officer:** **Bill Ludwig - Mayor**

This report is considered confidential in accordance with section 275(1)(h), of the *Local Government Regulation 2012*, as it contains information relating to other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage .

SUMMARY

The Queensland Government has committed \$25million for the installation of trunk infrastructure of power and water for Great Keppel Island. The Department of Innovation, Tourism Industry Development and the Commonwealth Games (DITID) represents the State for the implementation of the Project.

A draft Heads of Agreement has been developed between LSC and DITID to outline the relationship, set out the intention and responsibilities for each party with the first stages of the Project.

COUNCIL RESOLUTION

THAT Council endorse the Heads of Agreement document as approved by the Director, DITID and authorizes Mayor to sign on behalf of Livingstone Shire Council.

Moved by: **Mayor Ludwig****Seconded by:** **Deputy Mayor, Councillor Hutton****MOTION CARRIED UNANIMOUSLY**

16 URGENT BUSINESS QUESTIONS

17 CLOSURE OF MEETING

There being no further business the meeting closed at 10:17AM.

Bill Ludwig
CHAIRPERSON

DATE