



ORDINARY MEETING

MINUTES

20 NOVEMBER 2018

The resolutions contained within these minutes were confirmed at Council Meeting
on 4 December 2018.

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MINUTES OF THE ORDINARY MEETING HELD AT COUNCIL CHAMBERS, 4 LAGOON PLACE, YEPPON ON TUESDAY, 20 NOVEMBER 2018 COMMENCING AT 9:07AM

1 OPENING

2 PRESENT

Members Present:

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

In Attendance:

Mrs Chris Murdoch – Chief Executive Officer
Mr Brett Bacon – Executive Director Liveability and Wellbeing
Mr Dan Toon – Executive Director Infrastructure
Mr Matthew Willcocks - Chief Technology Officer
Ms Nicole Robertson – Coordinator Executive Support

3 LEAVE OF ABSENCE / APOLOGIES

Nil

4 PUBLIC FORUMS/DEPUTATIONS

Nil

5 MAYORAL MINUTE

5.1 MAYORAL MINUTE - BICENTENNIAL OVAL, EMU PARK

File No: CP5.9.2
Attachments: Nil
Responsible Officer: David Mazzaferri - Manager Disaster Management, Recovery and Resilience
Brett Bacon - Executive Director Liveability and Wellbeing

SUMMARY

This report discusses the Emu Park Sport and Recreation Association's request for an amended tenure agreement over Bicentennial Oval to facilitate its transition to an advisory role supporting structured sport and active recreation across the Emu Park community.

COUNCIL RESOLUTION

THAT Council resolves to:

- 1) conclude Emu Park Sport and Recreation Association's current tenure agreement Lot 1 on LN813152, Bicentennial Oval, Emu Park;
- 2) apply the exception mentioned in Section 236(1)(b)(ii) of the *Local Government Regulation 2012* to its dealings with the Emu Park Sport and Recreation Association for issue of a Trustee Permit over land currently described as Lot 1 on LN813152, Bicentennial Oval, Emu Park; and
- 3) provide a three (3) year Trustee Permit over Lot 1 on LN813152, Bicentennial Oval, Emu Park on mutually agreeable terms.

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

MOTION CARRIED UNANIMOUSLY

5.2 MAYORAL MINUTE - INTERNATIONAL RELATIONSHIPS

File No: 13.4.1
Attachments: 1. Taiwan Smart Cities Summit and Expo LGAQ Brief [⇒](#)
Responsible Officer: Bill Ludwig - Mayor

SUMMARY

Earlier this year, Council considered the opportunity to participate in the China International Import Expo in Shanghai, China to further our international relationships and exposure for the Capricorn Coast region to markets in China, however chose not to attend.

Council has also been progressing opportunities to establish International Education and is planning a delegation to Xinba, China in March 2019, along with a visit to Yangzhong to further opportunities with the friendship city agreement.

In addition, an opportunity has been presented by Trade and Investment Queensland (TIQ) and the Local Government Association of Queensland (LGAQ) for Council to participate in the second Taiwan Smart City Summit and Expo from 26-29 March 2019, which could be an extension of the China visit.

COUNCIL RESOLUTION

THAT Council resolve to undertake a delegation to China in March 2019 to progress international education opportunities within Xinba and build on our relationship with Yangzhong, and express Council's interest in participating in the Taiwan Smart Cities Summit and Expo, 26-29 March 2019.

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

MOTION CARRIED

Councillor Mather recorded her vote against the above motion.

6 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

COUNCIL RESOLUTION

THAT the minutes of the Ordinary Meeting held on 6 November 2018 be taken as read and adopted as a correct record.

Moved by: Councillor Kelly
Seconded by: Councillor Eastwood

MOTION CARRIED

COUNCIL RESOLUTION

THAT the minutes of the Special Meeting held on 12 November 2018 be taken as read and adopted as a correct record.

Moved by: Councillor Kelly
Seconded by: Councillor Mather

MOTION CARRIED

7 DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA

Conflict of Interest

9.36AM

In accordance with s173(2) of the *Local Government Act 2009*, Mayor Ludwig disclosed a conflict of interest in respect of **Item 12.11** due to the applicant being a past electoral supporter, the Mayor considered his position, did not take part in the debate and left the meeting.

10.34AM

In accordance with s173(2) of the *Local Government Act 2009*, Councillor Mather disclosed a conflict of interest in respect of **Item 12.11** due to residing within proximity of the property in question, the Councillor considered her position, did not take part in the debate and left the meeting.

8 BUSINESS ARISING OR OUTSTANDING FROM PREVIOUS MEETINGS

8.1 BUSINESS OUTSTANDING TABLE FOR ORDINARY COUNCIL MEETING

File No: GV13.4.1
Attachments: 1. [Business Outstanding Table](#) ⇨
Responsible Officer: Chris Murdoch - 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 Kelly
Seconded by: Councillor Mather

MOTION CARRIED

9 PRESENTATION OF PETITIONS

Nil

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

Nil

11 COUNCILLOR/DELEGATE REPORTS

Nil

12 REPORTS

12.1 MONTHLY FINANCIAL REPORT FOR THE PERIOD ENDING 31 OCTOBER 2018

File No: FM12.14.1

Attachments:

Responsible Officer: Andrea Ellis - Chief Financial Officer

Author: Damien Cross - Coordinator Accounting Services

SUMMARY

Presentation of the Livingstone Shire Council Monthly Financial Report for the period ending 31 October 2018 by the Chief Financial Officer.

COUNCIL RESOLUTION

THAT the Livingstone Shire Council Monthly Financial Report for the period ending 31 October 2018 be received.

Moved by: Deputy Mayor, Councillor Hutton

Seconded by: Councillor Kelly

MOTION CARRIED

12.2 FINAL MANAGEMENT REPORT 2017-18**File No:** GV13.4.2**Attachments:****Responsible Officer:** Chris Murdoch - Chief Executive Officer**Author:** Andrea Ellis - Chief Financial Officer

SUMMARY*The Final Management Report is presented to Council***COUNCIL RESOLUTION**

THAT Council notes the observations contained within the Final Management Report (Observation Report) from the Queensland Audit Office for the 2017-18 financial year.

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

12.3 OPERATIONAL PLAN 2018-19 Q1 PROGRESS REPORT**File No:** CM4.6.2**Attachments:**

1. **Organisational KPI's** [⇒](#)
2. **Operational KPI's** [⇒](#)

Responsible Officer: Rodney Chapman - Coordinator Governance
Andrea Ellis - Chief Financial Officer**Author:** Suzanne Pambid - Governance Officer

SUMMARY

The 2018-19 Operational Plan progress report for Quarter 1 as at 30 September 2018 is presented, pursuant to Section 174(3) of the Local Government Regulation 2012.

COUNCIL RESOLUTION

THAT the 2018-19 Operational Plan progress report for Quarter 1 as at 30 September 2018 be received.

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

12.4 AUDIT, RISK AND BUSINESS IMPROVEMENT COMMITTEE MEETING - 12 OCTOBER 2018

File No: GV13.4.2
Attachments: Nil
Responsible Officer: Andrea Ellis - Chief Financial Officer
Author: Suzanne Pambid - Governance Officer

SUMMARY

The Audit, Risk and Business Improvement Committee met on 12 October 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 12 October 2018 be received and the following recommendations contained within those minutes be adopted.

4 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

THAT the minutes of the Audit, Risk and Business Improvement Committee held on 12 October 2018 be taken as read and adopted as a correct record.

6 BUSINESS ARISING OR OUTSTANDING FROM PREVIOUS MEETINGS

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

7 REPORTS

THAT the Committee receive this report on the outcomes from the annual self-assessment.

7.2 COMMITTEE WORK PROGRAM STATUS

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

7.3 DRAFT CONTENT FOR THE ANNUAL REPORT RE ARABIC AND INTERNAL AUDIT

THAT the Audit, Risk and Business Improvement Committee endorses the draft content for the Annual Report on the Audit, Risk and Business Improvement Committee and Internal Audit.

7.4 AUDIT COMMITTEE POLICY AND TERMS OF REFERENCE

THAT the Committee endorse the proposed changes to the ARaBIC Terms of Reference for Council approval.

Motion not moved as the Committee requested further changes be developed and presented to the next meeting.

7.5 CFO ASSURANCE STATEMENT

THAT the Audit, Risk and Business Improvement Committee note the Chief Financial Officer statement to the Chief Executive Officer.

7.6 BRIEFING ON QUEENSLAND AUDIT OFFICE REPORT "MANAGING LOCAL GOVERNMENT RATES & CHARGES – REPORT 17: 2017-18"

THAT the briefing report is noted.

7.7 INTERNAL AUDIT UPDATE

THAT the Committee receive the report on Internal Audit.

7.8 OPERATIONAL PLAN UPDATE REPORT

THAT the 2017-18 Q4/Annual Operational Plan report be received.

THAT the 2018-19 Operational Plan be endorsed.

7.9 INTERNAL AUDIT REPORT – SOCIAL MEDIA MANAGEMENT

THAT the Committee receive this report on the review of Social Media Management.

7.10 EXECUTIVE LEADERSHIP TEAM UPDATE TO THE COMMITTEE

THAT the Committee receives the verbal updates provided by the Leadership Team on key activities or issues.

7.11 CFO UPDATE

THAT the Audit Risk and Business Improvement Committee receive the Chief Financial Officer's update.

7.12 2017-18 FINANCIAL STATEMENTS

THAT the Audit, Risk and Business Improvement Committee makes the following recommendations for the consideration of Council:

1. The revised unaudited 2017-18 General Purpose Financial Statements be received;

2. Written notification of the differences between the attached 2017-18 unaudited General Purpose Financial Statements and the draft Financial Statements as previously presented to the Audit, Risk and Business Improvement Committee on 31 August 2018 be noted;

3. The Chief Executive Officer and Chief Financial Officer sign the Management Representation letter as part of finalising the audit and for the Mayor and Chief Executive Officer to sign the final 2017-18 audited Financial Statements when completed; and

4. Any material change in the final 2017-18 audited Financial Statements be reported to Council and the Audit, Risk and Business Improvement Committee.

7.13 EXTERNAL AUDITOR'S UPDATE

THAT the Committee receive the Livingstone Shire Council Final Management Letter and the Closing Report from the External Auditors.

7.14 INTERNAL AUDIT REPORT – ROADS MAINTENANCE SCHEDULING

THAT the Committee endorse the Internal Audit Report on Roads Maintenance Scheduling. This report is to be brought back to Council as a separate agenda item for consideration.

7.15 BUSINESS IMPROVEMENT UPDATE

THAT the Audit, Risk and Business Improvement Committee receive the Business Improvement update report.

11.1 RISK MANAGEMENT

THAT the Audit, Risk and Business Improvement Committee receive the Risk Management Report for information.

11.2 CEO UPDATE ON EMERGING ISSUES

THAT the Committee receives the verbal update provided by the Chief Executive Officer on emerging issues.

11.3 CONFIRM WHETHER MEMBERS' BRIEFING SESSION IS REQUIRED

THAT it is confirmed there is no requirement for a Members' Briefing following the meeting.

Moved by: Deputy Mayor, Councillor Hutton

Seconded by: Councillor Kelly

MOTION CARRIED UNANIMOUSLY

**12.5 RESPONSE TO QUESTIONS ON NOTICE - COUNCILLOR GLENDA MATHER -
PREFERRED SERVICE PROVIDERS**

File No: GV13.4.4
Attachments: 1. Questions on Notice [↗](#)
Responsible Officer: Andrea Ellis - Chief Financial Officer
Chris Murdoch - Chief Executive Officer
Author: Rachel Jackson - Coordinator Procurement
Andrea Ellis - Chief Financial Officer

SUMMARY

This report provides a response to Questions on Notice tabled by Councillor Glenda Mather at the Council meeting on 6 November 2018.

COUNCIL RESOLUTION

THAT this report be received as an appropriate response to the Questions On Notice relating to preferred service providers.

Moved by: Councillor Kelly
Seconded by: Councillor Mather

MOTION CARRIED

12.6 YEPPOON SURF LIFE SAVING CLUB - RENEWAL OF TENURE AGREEMENT

File No: CP5.9.2
Attachments: 1. Reserve Lease Area - Lot 74 on SP234671 [↔](#)
Responsible Officer: David Mazzaferri - Manager Disaster Management, Recovery and Resilience
Brett Bacon - Executive Director Liveability and Wellbeing
Author: Jared Thomsen - Senior Sport & Education Officer

SUMMARY

This report discusses the renewal of the Yeppoon Surf Life Saving Club's tenure agreement over Lot 74 on SP234671.

COUNCIL RESOLUTION

THAT Council resolve to:

- 1) apply the exception mentioned in Section 236(1)(b)(ii) of the *Local Government Regulation 2012* to its dealings with the Yeppoon Surf Life Saving Club Incorporated for issue of a Reserve Lease over Lot 74 on SP234671; and
- 2) provide a ten (10) year Reserve Lease to the Yeppoon Surf Life Saving Club Incorporated over Lot 74 on SP234671.

Moved by: Deputy Mayor, Councillor Hutton

Seconded by: Councillor Kelly

MOTION CARRIED

**12.7 OGMORE COMMUNITY AND RECREATION COMMITTEE INCORPORATED
REQUEST FOR TENURE OVER A PORTION OF LOT 8 O7508 (BICENTENNIAL
PARK).****File No:** CR2.82**Attachments:**

1. Letter from Ogmores Community and Recreation Committee requesting use of Bicentennial Park. [↗](#)
2. Map of Bicentennial Park, Ogmores. [↗](#)
3. Letter from Council to Ogmores Community and Recreation Committee advising of resolution decision. [↗](#)

Responsible Officer: Jared Thomsen - Senior Sport & Education Officer
David Mazzaferri - Manager Disaster Management, Recovery and Resilience
Brett Bacon - Executive Director Liveability and Wellbeing**Author:** Molly Saunders - Community Development Officer

SUMMARY

This report discusses a request from Ogmores Community and Recreation Committee Incorporated to enter a tenure agreement with Council over a portion of Bicentennial Park (87 Dempsey Street, Ogmores) to conduct Committee activities and enhance the community space.

COUNCIL RESOLUTION

THAT Council resolves to

- 1) apply the exception mentioned in Section 236(1)(b)(ii) of the *Local Government Regulation 2012* to its dealings with the Ogmores Community and Recreation Committee Incorporated for issue of a Reserve Lease over a portion of land currently described as Lot 8 on O7508, Bicentennial Park Ogmores; and
- 2) provide a one (1) year Reserve Lease over a portion of Bicentennial Park, Lot 8 on O7508 to the Ogmores Community and Recreation Committee Incorporated to enable it to seek opportunities to further develop the site as a public space for the Ogmores community and its visitors.

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

12.8 REGIONAL ARTS DEVELOPMENT FUND ROUND ONE 2018/2019

File No: GS15.2.5
Attachments: Nil
Responsible Officer: Trish Weir - Manager Customer Service
 Brett Bacon - Executive Director Liveability and Wellbeing
Author: Julie Bickley - Coordinator Library & Arts

SUMMARY

Eleven applications were received for Round One of the 2018/2019 Regional Arts Development Fund which closed on Tuesday 30 October 2018 with a total amount of \$43,308 requested. Budget available for the 2018/2019 Regional Arts Development Fund is \$65,556.

The Regional Arts Development Fund Committee assessed the applications and nominated that 10 applicants met the programme criteria and recommended they be funded for the total amount of \$36,828.

COUNCIL RESOLUTION

THAT in accordance with the recommendation of the Livingstone Regional Arts Development Fund Committee, the following grant applications be funded from the Regional Arts Develop Fund.

| Name | Purpose of Grant | \$Total Project Expenses | \$ Grant Requested | \$ Grant Recommended |
|----------------------------------|---|--------------------------|--------------------|----------------------|
| Erica Golding (IPD) | An Individual Professional Development grant towards costs of travelling to Morocco to learn traditional silversmithing skills. | \$4,546 | \$2,000 | \$2,000 |
| Capricorn Coast Writers Festival | Towards a 3 day literary festival to bring nationally and internationally recognised authors and industry professionals to the Capricorn Coast. | \$32,148 | \$4,800 | \$4,800 |
| Mr Richard Moorfield | Towards travel costs and associated fees for professional artists to work on community arts and environmental project over Easter Weekend 2019. | \$8,023 | \$4,003 | \$4,003 |
| Yamart Yvonne Moloney Law | Towards participation in 'Untitled' exhibition at | \$9,600 | \$4,000 | \$4,000 |

| | | | | |
|--------------------------------|--|---------|---------|---------|
| | Traffic Jam Gallery, Sydney | | | |
| Yeppoon Ukulele Movement | Towards costs of employing a professional performer and vocalist to enhance groups playing, singing and performing abilities. | \$3,800 | \$2,250 | \$2,250 |
| Keppel Coast Arts Council | Towards costs of presenting Legend and the Locals with Troy Cassar-Daley with local performers workshopping and involvement in show. | \$9,190 | \$3,500 | \$3,500 |
| Bolton Clarke Sunset Ridge | Towards costs of presenting a series of Interactive Music Therapy Workshops for residents of Sunset Ridge. | \$8,750 | \$3,960 | \$3,960 |
| Capricorn Film Festival Inc | Towards costs of a series of arts screenings, workshops using artists, filmmakers, actors and film industry personnel to help develop emerging regional artists. | \$6,810 | \$5,215 | \$5,215 |
| KIMA Consultant Kaylene Butler | Towards costs of presenting a series of activities on Country for Men's groups implementing culture and the arts. | \$8,890 | \$5,600 | \$5,600 |
| Mr Matthew Bresolin (IPD) | Towards costs of attending the 2019 Senior Academy Instrumental Course in Tamworth. | \$4,300 | \$1,500 | \$1,500 |

Moved by: Councillor Eastwood
Seconded by: Deputy Mayor, Councillor Hutton
MOTION CARRIED

12.9 YEPPON LAGOON - EXTRA ACTIVITIES POST OPENING**File No:** CR 2.5.21

Attachments:

1. **Map One - Foreshore Stage to Keppel Bay Sailing Club** [⇒](#)
2. **Map Two - Yeppoon Lagoon Precinct** [⇒](#)

Responsible Officer: **Brett Bacon - Executive Director Liveability and Wellbeing**
Debra Howe - Director Strategic Growth & Development

Author: **Trish Weir - Manager Customer Service**

SUMMARY

This report details the possibilities and issues associated with 'organised' and commercial use of the Yeppoon foreshore precinct for events and activities beyond the 'normal' use of the precinct with respect to the grassed and lagoon wet area..

COUNCIL RESOLUTION

THAT Council resolves to:

- (1) manage activities along the Yeppoon foreshore in accordance with the following tables:

Table One: Yeppoon Foreshore – Foreshore Stage to Keppel Bay Sailing Club (as depicted in Attachment One)

| Area | Potential Activity | Proposed Process | Other |
|---------------------|---|-------------------|--|
| A - Event Space | Large groups/individuals with marquees, markets stalls, outdoor movies, fitness activities, outside broadcasts, sporting and school groups and personal trainers. | Approval required | Alcohol can only be consumed in accordance with a Liquor Licence Fees may apply |
| B - Group Space | Smaller groups/individuals with marquees, market stalls, fitness activities and outside broadcasts. | Approval required | Alcohol can only be consumed in accordance with a Liquor Licence Fees may apply |
| C - Community Space | Community Space. | Not to be booked | Alcohol Free Area No action required |

Table Two: Yeppoon Lagoon (as depicted in Attachment Two)

| Area | Potential Activity | Proposed Process | Other |
|------------------|---|-------------------|---|
| A1 - Event Space | Large groups/individuals with marquees, markets stalls, outdoor movies, fitness activities, outside | Approval required | Alcohol Free Area Advise Lane 4, Rocks Café, and |

| | | | |
|---------------------|---|-------------------|---|
| | broadcasts, sporting and school groups. | | Keppel Bay Sailing Club Fees may apply |
| A2 - Event Space | Markets stalls, outside broadcasts, sporting and school groups. | Approval required | Alcohol Free Area Advise Lane 4, Rocks Café, and Keppel Bay Sailing Club Fees may apply |
| B - Group Space | Smaller groups/individuals with marquees, market stalls, fitness activities and outside broadcasts. | Approval required | Alcohol Free Area Advise Lane 4, Rocks Café and Keppel Bay Sailing Club Fees may apply |
| C - Community Space | Community Space. | Not to be booked | Alcohol Free Area No action required |
| C - Community Space | Skate Park (Competitions). | Approval required | Alcohol Free Area No action required |
| D - Leased Areas | Rocks Café and Restaurant Keppel Bay Sailing Club | Not to be booked | Tenant controlled service of alcohol as per Liquor Licencing Regulations and Permits. |
| E - Lagoon Pool | Commercial/Public Activity – fitness/other organised by council/supplier. | Approval required | Alcohol Free Area Fees may apply |

(2) review the management regime outlined in (1) above after twelve months.

Moved by: Deputy Mayor, Councillor Hutton

Seconded by: Councillor Kelly

MOTION CARRIED

DIVISION:

Crs A Belot, PE Eastwood, N Hutton, J Kelly and B Ludwig voted in the affirmative.

Crs G Mather and T Wyatt voted in the negative.

12.10 INVEST CAPRICORN COAST REGION BUSINESS AND INDUSTRY MAPPING PROJECT FINAL REPORT

File No: ED8.5.20

Attachments: 1. Invest Capricorn Coast Region Business and Industry Mapping Project Final Report [⇒](#)

Responsible Officer: Debra Howe - Director Strategic Growth & Development
Brett Bacon - Executive Director Liveability and Wellbeing

Author: Sonia Barber - Senior Economic Development Officer

SUMMARY

The Invest Capricorn Coast Region Business and Industry Mapping Project has been finalised and the findings (final report) will be the key instrument guiding Council to create targeted investment prospectuses and marketing programmes to strengthen the 'Investment Attraction' actions of the Invest Capricorn Coast Region Economic Development Plan.

COUNCIL RESOLUTION

THAT Council

1. adopt the Invest Capricorn Coast Region Business and Industry Mapping Project final report as the guiding document for the implementation of targeted investment attraction strategies to further the investment attraction actions of the *Invest Capricorn Coast Region Economic Development Plan*.
2. *A summary of the document be available on Councils website*

Moved by: Deputy Mayor, Councillor Hutton

Seconded by: Councillor Kelly

MOTION CARRIED

10:34AM Mayor Ludwig left the meeting due to a previously declared conflict of interest in relation to item 12.11.

10:34AM Councillor Mather left the meeting due to a declared conflict of interest in relation to item 12.11.

12.11 DEVELOPMENT APPLICATION FOR A PRELIMINARY APPROVAL FOR A MATERIAL CHANGE OF USE TO VARY THE EFFECT OF THE PLANNING SCHEME FOR RURAL RESIDENTIAL ACTIVITIES AND A NEIGHBOURHOOD CENTRE**File No:** D-35-2016**Attachments:**

1. [Locality Plan](#)
2. [Proposal Plan](#)
3. [Local Plan](#)

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

SUMMARY

Applicant: Dr Peter Dunbar

Consultant: RPS

Real Property Address: Lot 3 on RP601965, Lot 6 on RP601965, Lot 7 on RP601965, Lot 11 on SP196244, Lot 12 on SP196244 and Lot 19 on RP600698

Common Property Address: Lots 3, 6, 7, 11, 12 and 19 Dawson Road, Glenlee

Area of Site: 33.79685 hectares (combined)

2005 and 2018 Planning Scheme Zone: Rural Zone

2005 Planning Scheme Overlays: Airport Affected Land (Overlay Map O1)
Drainage Problem (Overlay Map O2A)
Bushfire Hazard (Overlay Map O5)

Existing Development: Vacant land

Level of Assessment: Impact assessable

Submissions: One (1) properly made submission in objection

Referral Agencies: Department of Infrastructure, Local Government and Planning – State transport infrastructure and railways
Ergon Energy as Advice agency – proximity to Pandoin Power station

Adopted Infrastructure Charges Area: Outside the Priority Infrastructure Area

APPLICATION PROGRESS:

| | |
|---|------------------|
| Pre lodgement meeting: | 21 November 2014 |
| Application Properly Made: | 18 February 2016 |
| Acknowledgement Notice sent: | 3 March 2016 |
| Council extension of Information request period until 4 April 2016: | 17 March 2016 |
| Referred to Department of Infrastructure, Local government and Planning: | 8 March 2016 |
| Referred to Ergon Energy (Powerlink): | 7 March 2016 |
| Referred to Rockhampton Regional Council for third party advice: | 4 March 2016 |
| Ergon Energy (Powerlink) response received: | 23 March 2016 |
| Request for Further Information sent: | 6 April 2016 |
| Department of Infrastructure, Local government and Planning: information request sent: | 7 April 2016 |
| Request for Further Information (issued by Council) responded to: | 7 February 2017 |
| Request for Further Information (DILGP) responded to: | 6 February 2017 |
| Department of Infrastructure, Local government and Planning response provided by applicant: | 3 April 2017 |
| Notice of Commencement received: | 19 February 2017 |
| Submission period commenced: | 20 February 2017 |
| Submission period end: | 5 April 2017 |
| Notice of Compliance received: | 6 April 2017 |
| Extension to Decision stage (until 7 June 2017): | 10 April 2017 |
| Amended proposal plan provided: | 20 June 2017 |
| Needs analysis provided: | 9 November 2017 |
| Draft Local Plan sent to consultant: | 21 March 2018 |
| Deputation to Council by applicant: | 20 August 2018 |
| Applicant response to submitter matters received: | 6 September 2018 |
| Final draft conditions sent to applicant: | 24 October 2018 |
| Applicant's response on draft conditions: | 30 October 2018 |
| Council meeting date for resolution: | 20 November 2018 |

COUNCIL RESOLUTION**RECOMMENDATION A**

THAT in relation to the application for a Preliminary Approval for a Material Change of Use to vary the effect of the Planning Scheme for Rural Residential Activities and a Neighbourhood Centre, made by RPS Group on behalf of Dr Peter Dunbar, on Lot 3 on RP601965, Lot 6 on RP601965, Lot 7 on RP601965, Lot 11 on SP196244, Lot 12 on SP196244 and Lot 19 on RP600698, Dawson Road, Glenlee, Council resolves to support the application, despite the

conflict with the Livingstone Shire Planning Scheme 2005, by reason of the following planning grounds:

- (a) The subject site is located between two (2) existing development fronts (being Glendale and Rockyview) within the Livingstone Shire Local Government area of a similar settlement pattern and this development provides a logical link for additional 'lifestyle allotments'.
- (b) The proposal does not compromise the achievement of the regional outcomes outlined in the *Central Queensland Regional Plan* in respect to the land identified within the southern portion being within the Priority Living Area.
- (c) The proposal does not compromise the achievement of the *State Planning Policy* in regards to the relevant state interests of biodiversity, water quality and natural hazards.
- (d) The proposal does not compromise the achievement of the Shire wide outcomes under the *Livingstone Shire Planning Scheme 2005*.
- (e) The proposal is generally consistent with the *Livingstone Planning Scheme 2018* Strategic Framework, being for rural residential activities.

RECOMMENDATION B

THAT in relation to the application for a Preliminary Approval for a Material Change of Use to vary the effect of the Planning Scheme for Rural Residential Activities and Neighbourhood Centre, made by RPS Group on behalf of Dr Peter Dunbar on Lot 3 on RP601965, Lot 6 on RP601965, Lot 7 on RP601965, Lot 11 on SP196244, Lot 12 on SP196244 and Lot 19 on RP600698 Dawson Road, Glenlee, Council resolves to Approve the application subject to the following conditions:

1.0 DEFINITIONS AND INTERPRETATIONS

1.1. In this approval:

- 1.1.1. **Applicant** means Dr Peter Dunbar being the applicant for a preliminary approval affecting the Council's Planning Scheme with respect to the Subject Land.
- 1.1.2. **Approval** means the approval of the Application by the Council.
- 1.1.3. **Application means the Application made by the Applicant** to the Council on 18 February 2016 over the Subject Land for a Preliminary Approval varying the effect of Council's Planning Scheme for Rural Residential Activities and a Neighbourhood Centre.
- 1.1.4. **Capricorn Municipal Development Guidelines** means a document adopted by Council containing guidelines and standards for development, as amended from time to time.
- 1.1.5. **Conditions** mean the conditions of this approval including any attachment referred to in these conditions.
- 1.1.6. **Council** means the local government authority having jurisdiction over land use and development on the subject land.
- 1.1.7. **Developer** means Dr Peter Dunbar or the registered proprietor and any occupier of the Subject Land.
- 1.1.8. **Infrastructure** means infrastructure reasonably required to service the proposed development including roads (internal, external and access), parks, open space and conservation areas, water and sewerage services, stormwater drainage and community facilities.
- 1.1.9. **Schedule of Plans for Trunk Infrastructure** means the infrastructure schedules mentioned in Council's *Adopted Infrastructure Charges*

Resolution (No. 2) 2015 or any other charges resolution which replaces it.

- 1.1.10. **Sustainable Planning Act 2009** means the *Sustainable Planning Act 2009* as amended from time to time.
- 1.1.11. **Subject Land** means Lot 3 on RP601965, Lot 6 on RP601965, Lot 7 on RP601965, Lot 11 on SP196244, Lot 12 on SP196244 and Lot 19 on RP600698 situated at Lots 3, 6, 7, 12 and 19 Dawson Road, Glenlee
- 1.1.12. **Planning Scheme** means Council's Planning Scheme adopted on 11 October 2005, as amended from time to time, or any other planning scheme which subsequently replaces the *Livingstone Shire Planning Scheme 2005*.
- 1.1.13. **Local Plan Document** means the document titled '*Dawson Road South Local Plan*', listed under condition 3.1 of this approval, which includes the assessment table and development codes being a plan of the proposed development for a Material Change of Use which affects Council's Planning Scheme with respect to the Subject Land, which in particular:
- (i) states what development is:
 - (a) Assessable Development (requiring Code or Impact Assessment); or
 - (b) Accepted Development, subject to requirements; or
 - (c) Accepted Development; and
 - (ii) identifies codes for the development.

2.0 ADMINISTRATION

- 2.1. 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.
- 2.2. 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.
- 2.3. All conditions, works, or requirements of this approval must be undertaken and completed to Council's satisfaction, at no cost to Council.
- 2.4. Where applicable, infrastructure requirements of this approval must be contributed to the relevant authorities, at no cost to Council.

3.0 APPROVED PLANS AND DOCUMENTS

- 3.1. 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>Reference</u> | <u>Dated</u> |
|---------------------------|-----------------------------------|-----------------|
| Preliminary Approval Plan | Reference 118314-13 Revision I | 4 July 2017 |
| Release Sequence Plan | Reference 118314-23 Revision B | 9 December 2016 |

| | | |
|---|--|-----------------|
| Landscape Master Plan Report | 11979_DA_MASTERPLAN L1.1 Revision 01 | 25 October 2016 |
| Dawson Road South Local Plan (inclusive of the Preliminary approval plan and release sequence plan) | Revision D | September 2018 |
| Glenlee – Dawson Road Rural Residential lots – Needs Analysis | 181314-3 V 2.0 | 30 October 2017 |
| Amended Traffic Response | R2014023 (Attachment I) | 2 February 2017 |
| Masterplan – Flooding and Stormwater Management Assessment | J14017 (Version 2) (Attachment J) | 17 January 2017 |
| Water Supply Network Analysis Report | Dunbar development – water analysis 170419 | 20 April 2017 |

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 permit(s) for Reconfiguration of a Lot;

4.1.2. Development permit(s) for Material Change of Use (where required);

4.1.3. Development permit(s) for carrying out Operational Work (where required);

4.1.4. Development permit(s) for all necessary Plumbing and Drainage Works; and

4.1.5. Development permit(s) for carrying out Building Work.

4.2. A Development Permit for Operational Works, Plumbing and Drainage Works or Building Works for development associated with this Approval must not be issued prior to the receipt of the relevant Material Change of Use development permit(s).

5.0 PLANNING FRAMEWORK

Preamble - This is a preliminary approval for a Material Change of Use to vary the effect of Council's Planning Scheme under Section 242 of the Sustainable Planning Act 2009 for Rural Residential Development and a Neighbourhood Centre for Business Activities in accordance with the proposed Dawson Road South Local Plan (the Local Plan Document).

The Local Plan Document is an independent document which is the sole reference for the determination of any application over the Subject Land for a Material Change of Use or a Reconfiguration of a Lot in accordance with this approval. The subject land must be developed generally in accordance with the approved Local Plan Document (refer to condition 3.1).

5.1 To remove any doubt:

5.1.1 any development on the Subject Land which is not identified in the Dawson Road South Local Plan must be:

- (i) if it is a Material Change of Use – impact assessable (pursuant to the Level of Assessment Table in the Dawson Road South Local Plan); or
- (ii) for all other forms of development – subject to the level of assessment established in the Planning Scheme or the *Planning Regulation 2017*; and

5.1.2 any development on the Subject Land which is identified in the Dawson Road South Local Plan and which conflicts with the purpose of the applicable codes or conditions of this Approval, must be:

- (i) if it is a Material Change of Use – impact assessable; or
- (ii) for all other forms of development – subject to the level of assessment established in the Planning Scheme or the *Planning Regulation 2017*.

5.2 The design and layout of all works must be generally in accordance with appendix 7.1.7.1 of the Dawson Road South Local Plan – Preliminary Approval Plan dated July 2017.

6.0 RELEVANT PERIOD

6.1. The relevant period for this Preliminary Approval is ten (10) years from the date the approval takes effect.

7.0 STAGED DEVELOPMENT

7.1 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.

7.2 Multiple development stages may be undertaken concurrently, provided all allotments can be connected to the full range of urban infrastructure.

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

8.0 INFRASTRUCTURE CHARGES

Preamble – In order for development to proceed, infrastructure must be available (or be capable of being made available) to service the development proposed on the Subject Land.

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

8.2 Pursuant to Chapter 8, Part 2 of the *Sustainable Planning Act 2009*, the Developer may enter into an Infrastructure Agreement with Council, which specifies the development obligations relating to infrastructure for future development of the site.

The Infrastructure Agreement must incorporate (but not be limited to) the following principles:

8.2.1 infrastructure works to be undertaken; and

8.2.2 logical and orderly staging of works including applicable yield triggers requiring the 'bring forward' of certain works; and

8.2.3 an agreed cost of infrastructure constructed and provided by the Developer to be offset against charges due to be paid.

The agreement must be prepared and finalised by Council's solicitors at no cost to Council (including the payment of any State tax) and must be executed by the Developer. The agreed repayment date must be negotiated between Council and the Developer as part of the Infrastructure Agreement process.

9.0 EXTERNAL ROADS WORKS – TRUNK

9.1 A minimum thirty (30) metre wide road reserve for the portion of McLaughlin Street extension within the subject site (including a road reserve area required for the McLaughlin Street / Dawson Road intersection) must be dedicated to Council prior to the endorsement of any plan of subdivision for the development. The alignment of McLaughlin Street must be generally in accordance with the existing trunk road.

9.2 The McLaughlin Street (full width) section located within the development must be designed and constructed including all necessary stormwater infrastructure and street lighting to comply with all requirements for road classification of a "Rural Major Collector" in accordance with the requirements of the *Capricorn Municipal Development Guidelines*.

9.3 The McLaughlin Street/Dawson Road intersection must be designed and constructed including all necessary stormwater infrastructure and street lighting at each relevant stage of development. The intersection type must be supported by a traffic impact report including the ultimate development stage. Minimum intersection treatment type must be Basic Auxiliary Right (BAR) and Basic Auxiliary Left (BAL) in accordance with *Austrroads Guide to Road Design: Part 4A "Unsignalised and Signalised Intersection"*.

10.0 EXTERNAL ROADS WORKS – NON TRUNK

10.1 The full width of the Dawson Road frontage (approximately three (3) kilometres in length) including the section up to the eastern most edge of the railway level crossing must be upgraded to a "Major Rural Collector" standard in accordance with the requirements of the *Capricorn Municipal Development Guidelines* including pedestrian pathways, lighting (if necessary) and all drainage infrastructure prior to the endorsement of any plan of subdivision for the 100th allotment.

10.2 A revised SIDRA analysis and specific lane configuration design must be provided to demonstrate safe and efficient function of the recommended intersection treatments. Specifically, details must demonstrate there are no adverse impacts on Dawson Road or Greenlake Road in terms of efficiency and safety prior to the endorsement of any plan of subdivision for the relevant stages.

10.3 No more than one (1) road access point is permitted to the McLaughlin Street corridor unless otherwise approved by Council.

10.4 The intersection treatment type between McLaughlin Road and the proposed internal development road must be designed in accordance with *Austrroads Guide to Road Design: Part 4A "Unsignalised and Signalised Intersection"*.

10.5 The primary access to Dawson Road intersection must be designed and constructed including all necessary stormwater infrastructure and street lighting, prior to the endorsement of any plan of subdivision for the development. The minimum intersection treatment must be a Basic Auxiliary Right (BAR) and Basic Auxiliary Left (BAL) in accordance with *Austrroads Guide to Road Design: Part 4A "Unsignalised and Signalised Intersection"*.

10.6 Prior to the endorsement of the final lot of subdivision for the development, the

Dawson Road intersection must be upgraded to include a separate left turn lane into the development site.

- 10.7 The intersection between proposed north–south link collector road located along the southern property boundaries of the development site and Hendy Drive must be designed and constructed including all necessary stormwater infrastructure and street lighting prior to the endorsement of any plan of subdivision for any lot within proposed Stage Four (4).

11.0 INTERNAL ROAD WORKS

- 11.1 The part of the proposed north-south link collector road located within the development site must be designed and constructed including all necessary stormwater infrastructure, public transport infrastructure and street lighting to comply with all requirements for road classification of an “Urban Major Collector” in accordance with the requirements of the *Capricorn Municipal Development Guidelines*.

12.0 WATER WORKS

- 12.1 The 300 millimetre diameter trunk water main identified along Dawson Road and proposed McLaughlin Street road reserve must be designed and constructed including the strategic loop south to Ramsay Creek generally in accordance with any approved water network analysis report prior to endorsement of any plan of subdivision for any lot within proposed Stage Two (2).

The subject trunk water works can be undertaken in two (2) stages as below;

- 12.1.1 Stage 1: Dawson Road and northern part of McLaughlin Street (from Bruce Highway 600 millimetre Trunk main, along Dawson Road to McLaughlin Street new intersection, plus south along McLaughlin Street to subdivision intersection)
- 12.1.2 Stage 2: McLaughlin Street extended (close the loop from McLaughlin Street subdivision intersection to Ramsay Creek – strategic loop)

13.0 STORMWATER DRAINAGE WORKS

- 13.1 Suitably sized drainage easement(s) must be dedicated in favour of Council over all major overland flow paths (land inundated by the Defined Flood Event) and major drainage systems inclusive of Southerland Creek floodplain to provide drainage corridors suitable for the conveyance of peak stormwater flows through the subject land during the Defined Flood Event (DFE) and be located within freehold land, prior to the endorsement of any plan of subdivision for the development.
- 13.2 Any development within proposed Stage Nine (9) is subject to the approval of a detailed Flood and Stormwater Management Report given the is identified as being inundated by the Defined Flood Event. The Flood and Stormwater Management Report must be submitted as part of a Development Permit application for any proposed Stage Nine (9) lots.
- 13.3 The development footprint and any bulk earth works adjacent to Southerland Creek must avoid the natural alignment of the Creek and associated riparian corridor.

14.0 ASSET MANAGEMENT

- 14.1 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.
- 14.2 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.

- 14.3 '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.

ADVISORY NOTES

NOTE 1. Aboriginal Cultural Heritage

It is advised that under *Section 23 of the Aboriginal Cultural Heritage Act*, 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.

Moved by: Deputy Mayor, Councillor Hutton

Seconded by: Councillor Kelly

MOTION CARRIED

10:37AM Councillor Mather returned to the meeting.

10:37AM Mayor Ludwig returned to the meeting.

12.12 DECISION ASSESSMENT FOR A DEVELOPMENT APPLICATION FOR A DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE FOR A MEDICAL CENTRE (EXTENSION)

File No: D-146-2016

Attachments:

1. [Locality Plan](#)
2. [Proposal Plans](#)

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

Author: Jenna Brosseuk - Senior Planning Officer

SUMMARY

Applicant: Capricorn Engineering & Drafting Services

Real Property Address: Lot 57 on RP602613

Common Property Address: 17 Tanby Road, Yeppoon

Area of Site: 1,012 square metres

Planning Scheme: *Livingstone Shire Planning Scheme 2005*

Planning Scheme Zoning: Residential Zone, R1 Precinct

Planning Scheme Overlays: Overlay Map O3: Waterways 100 metre buffer area
Overlay Map O5: Stormtide Hazard
Overlay Map O8: Acid Sulfate Soils (land below five metres Australian Height Datum)

Existing Development: Building used for an Office and Medical centre

Existing Approvals: Development Permit D-78-2015 for a Material Change of Use for an Office
Development Permit D-152-2015 for a Material Change of Use for a Medical centre

Level of Assessment: Impact Assessable

Submissions: Nil

Referral Agency(s): Nil

Adopted Infrastructure Charges Area: Charge Area One (1)

APPLICATION PROGRESS:

| | |
|---|--|
| Application Lodged: | 19 October 2016 |
| Information request issued: | 10 November 2016 |
| Information request response period extended: | 8 May 2017 Extended until 10 November 2017 |
| Information request response period extended: | 8 November 2017 Extended until 12 February 2018 |
| Information request response period extended: | 9 February 2018 Extended until 12 March 2018 |
| Information request response received: | 12 March 2016 |

| | |
|--------------------------------------|------------------|
| Submission period commenced: | 20 March 2018 |
| Notice of commencement received: | 20 March 2018 |
| Submission period end: | 13 April 2018 |
| Notice of compliance received: | 17 April 2018 |
| Council request for additional time: | 10 May 2018 |
| Statutory determination date: | 20 November 2018 |
| Council Meeting date: | 20 November 2018 |

PROCEDURAL MOTION

That the matter lay on the table pending further discussion, to return to the next Council Meeting.

Moved by: Councillor Belot

Seconded by: Councillor Wyatt

MOTION LOST

COUNCIL RESOLUTION

THAT in relation to the application for a Development Permit for a Material Change of Use for a Medical centre, made by Capricorn Engineering & Drafting Services, on Lot 57 on RP602613, and located at 17 Tanby Road, Yeppoon, Council resolves to Refuse the application given the following reasons:

- 1.0 The proposed extension will diminish the function of Yeppoon as the main business centre as there are multiple retail and commercial tenancies vacant and available for lease in the Yeppoon business centre, where Medical centre uses are preferred.
- 2.0 The development does not provide sufficient parking spaces on the subject site to accommodate the existing uses and proposed development. Further, there is not an adequate and safe parking area within the road reserve that is able to service the proposal.
- 3.0 The overall outcomes for the Tanby Road commercial transition precinct, in the *Livingstone Planning Scheme 2018*, is for the establishment of small-scale centre activity uses within an existing building. The development conflicts with the outcomes of the precinct and results in an extension of the building for Medical centre uses, which are already able to be accommodated on the subject site in the existing building or within the Major Centre Zone whereby a Health care service is accepted development, if within an existing building.

Moved by: Councillor Kelly

Seconded by: Deputy Mayor, Councillor Hutton

MOTION CARRIED

DIVISION:

Crs PE Eastwood, N Hutton, J Kelly, B Ludwig and G Mather voted in the affirmative.

Crs A Belot and T Wyatt voted in the negative.

12.13 PROPOSED GRANT APPLICATION TO ENHANCE PARKING AND PEDESTRIAN ACCESSIBILITY ADJACENT TO BELL PARK IN EMU PARK

File No: 18-049
Attachments: Nil
Responsible Officer: Dan Toon - Executive Director Infrastructure Services
Author: Amal Meegahawattage - Co-ordinator Infrastructure Planning

SUMMARY

The Department of Transport and Main Roads (TMR) has announced funding through the Transportation and Tourism Connections Program (TTC) to support tourism outcomes. Council has until November 30 to provide a submission to the Regional Director of TMR seeking funding through the TTC Program. The 2019-20 Forward Works Program includes \$180,000 to deliver pathway and parking improvements on Hill Street adjacent to Bell Park in Emu Park. Of which \$85,000 of these funds have already been matched by Cycle Grant funding.

The TTC Program provides an opportunity to secure matching funds for the \$95,000 balance of currently approved Council funding. However, if successful the \$360,000 (\$180,000 grant funds and \$180,000 Council funding) will not deliver the full scope of the two improvements project which is estimated at \$415,000.

To deliver the full scope of the project, an additional \$55,000 is required. Therefore Council will need to reallocate funding (\$27,500) from other approved pathway projects in the 2020-21 year of the Forward Works Program which means Council may then apply for \$122,500 funding (instead of \$95,000).

COUNCIL RESOLUTION

THAT Council resolves;

- (a) to prepare a submission to the Department of Transport and Main Roads' Transportation and Tourism Connections Program for 50% of the \$245,000 cost to deliver the Hill Street (Emu Park) Tourist Car Park Upgrade to enhance parking infrastructure adjacent to Bell Park and,
- (b) to reallocate funding from the 2020-21 approved pathway projects to support the Transportation and Tourism Program grant application for \$122,500 matched funding, and thus enable delivery of the full project scope for the Hill Street (Emu Park) Tourist Car Park Upgrade.

Moved by: Councillor Kelly
Seconded by: Councillor Wyatt

MOTION CARRIED UNANIMOUSLY

13 QUESTIONS/STATEMENT/MOTIONS ON NOTICE FROM COUNCILLORS

13.1 NOTICE OF MOTION - COUNCILLOR ADAM BELOT - KEPPEL SANDS LANEWAY

File No: GV13.4.4
Attachments: 1. [Notice of Motion](#) ⇨
Responsible Officer: Chris Murdoch - Chief Executive Officer

SUMMARY

Councillor Adam Belot has indicated his intention to move the following Notice of Motion at the next Council Meeting 20 November 2018, as follows:

COUNCIL RESOLUTION

THAT LSC resolve to:

1. Undertake to name the unnamed laneway that connects the E.R Larcombe Memorial Hall to Roden Street by using LSC Naming of Infrastructure Assets Policy.
2. Subject to consultation outcomes, resolve to proceed with the naming of the unnamed lane as per Keppel Sands community feedback.

Moved by: Councillor Belot
Seconded by: Deputy Mayor, Councillor Hutton
MOTION CARRIED

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

11.24AM

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 Response to Questions on Notice - Reading of electricity meters at Keppel Sands Caravan Park

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 GKI Village Waste Removal

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 - DNR Application for Closure of Road

This report is considered confidential in accordance with section 275(1)(g), of the *Local Government Regulation 2012*, as it contains information relating to any action to be taken by the local government under the Planning Act, including deciding applications made to it under that Act.

Moved by: Councillor Belot

Seconded by: Councillor Wyatt

MOTION CARRIED

COUNCIL RESOLUTION

12.11PM

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

Moved by: Deputy Mayor, Councillor Hutton

Seconded by: Councillor Eastwood

MOTION CARRIED

15 CONFIDENTIAL REPORTS

15.3 MAYORAL MINUTE - DNR APPLICATION FOR CLOSURE OF ROAD

File No: 13.4.1

Attachments: 1. Letter of objection from residents

Responsible Officer: Bill Ludwig - Mayor

This report is considered confidential in accordance with section 275(1)(g), of the *Local Government Regulation 2012*, as it contains information relating to any action to be taken by the local government under the Planning Act, including deciding applications made to it under that Act.

SUMMARY

Council was recently approached by a number of residents of Mount, Beak and Cliff Streets to lodge their objection to the proposed closure of a road reserve as it serves as a community green space.

Previously, through operational processes, Council advised the Department of Natural Resources and the applicant of its objection along with conditions required should the application be successful and the road reserve be closed and made available for purchase.

COUNCIL RESOLUTION

THAT Council resolve to lodge a further formal objection to the Department of Natural Resources for the proposed road closure adjacent to Lot 1 RP605702 Ref 2018/000277 stating that Council would prefer that the current road reserve remain intact and available for community access and use.

Moved by: Mayor Ludwig

Seconded by: Councillor Kelly

MOTION CARRIED UNANIMOUSLY

15.1 RESPONSE TO QUESTIONS ON NOTICE - READING OF ELECTRICITY METERS AT KEPPEL SANDS CARAVAN PARK

File No: GV13.4.4
Attachments: Nil
Responsible Officer: David Mazzaferri - Manager Disaster Management, Recovery and Resilience
Brett Bacon - Executive Director Liveability and Wellbeing
Author: Mark McLean - Principal Property 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 a response to Questions on Notice, which Councillor Mather tendered to the Council meeting of 6 November 2018.

COUNCIL RESOLUTION

THAT Council resolves to receive the report providing a response to Councillor Mather's Questions on Notice regarding the reading of electricity meters at Keppel Sands Caravan Park.

Moved by: Councillor Mather
Seconded by: Deputy Mayor, Councillor Hutton
MOTION CARRIED

15.2 GKI VILLAGE WASTE REMOVAL**File No:** WM31.8.6**Attachments:** 1. **Email from Geoffrey Mercer - GKI Holiday Village - 29 August 2018****Responsible Officer:** **Dan Toon - Executive Director Infrastructure Services****Author:** **Sean Fallis - Manager Water and Waste Operations**

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 involves a request from Great Keppel Island Holiday Village to carry out their own waste removal so to avoid paying the additional waste charges. An update on the other businesses subject to additional charges is also provided.

COUNCIL RESOLUTION

THAT Council resolve to approve the alternative waste service arrangement for Great Keppel Island Holiday Village subject to:

- (a) All necessary permits for the transport of waste being in place and;
- (b) Should any waste from this business be disposed in public bins, the 7 Waste and 7 Recycling bins with associated charges of \$4,560 (as per previous Council resolution) be reapplied.

Further, should it be proven that waste from other businesses with alternative waste service arrangements is being deposited in public bins, the services and charges as per previous resolution be reapplied to the offending business.

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

16 URGENT BUSINESS QUESTIONS

17 CLOSURE OF MEETING

There being no further business the meeting closed at 12.12 pm.

Mayor, Councillor Bill Ludwig
CHAIRPERSON

DATE