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MINUTES OF THE ORDINARY MEETING HELD AT COUNCIL CHAMBERS, 4 LAGOON PLACE, YEPPON ON TUESDAY, 18 FEBRUARY 2020 COMMENCING AT 9.08AM**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.”

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

Officers in Attendance:

Mr Brett Bacon – Acting Chief Executive Officer
Mr Dave Mazzaferri – Acting Executive Director Liveability and Wellbeing
Mr Dan Toon – Executive Director Infrastructure
Mrs Andrea Ellis – Chief Financial Officer
Mr Matthew Willcocks - Chief Technology Officer
Mrs Belinda Housman – Acting Chief Human Resources Officer
Ms Nicole Robertson – Coordinator Executive Support

3 LEAVE OF ABSENCE / APOLOGIES

Nil

4 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

COUNCIL RESOLUTION

THAT the minutes of the Ordinary Meeting held on 4 February 2020 be taken as read and adopted as a correct record.

Moved by: Councillor Kelly

Seconded by: Councillor Wyatt

MOTION CARRIED

5 DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA

Conflict of Interest Declared – Mayor Ludwig

In accordance with s175E as defined in s175D of the Local Government Act 2009, Mayor, Councillor Bill Ludwig informed the meeting of a perceived conflict of interest in Item 12.4 - Development Application D-243-2019 for a Development Permit for a Material Change of Use for Multiple dwelling units (forty-five units) Food and drink outlet and Shop at 8 Anzac Parade, 10 Anzac Parade, 12 Anzac Parade, 14 Anzac Parade, 5 Queen Street and 17 Hill Street, Yeppoon and declared the following:

“I declare that I have a perceived conflict of interest in this matter (as defined by section 175D of the *Local Government Act 2009*) due to The Strand Hotel being a major sponsor of Capricorn Coast Community Events that I am the chair of and sixteen years ago they made an election contribution. I will be dealing with this declared conflict of interest by leaving the meeting while this matter is discussed and voted on.”

Conflict of Interest Declared – Councillor Eastwood

In accordance with s175E as defined in s175D of the Local Government Act 2009, Councillor Pat Eastwood informed the meeting of a perceived conflict of interest in Item 12.6 - Category D Bushfire Recovery Exceptional Assistance Immediate Support Package and declared the following:

“I declare that I have a perceived conflict of interest in this matter (as defined by section 175D of the *Local Government Act 2009*) due to being a stakeholder in Surf Lakes of which the site entry is located off Tookers Road. I will be dealing with this declared conflict of interest by leaving the meeting while this matter is discussed and voted on.”

6 PUBLIC FORUMS/DEPUTATIONS

Nil

7 BUSINESS ARISING OR OUTSTANDING FROM PREVIOUS MEETINGS

7.1 BUSINESS OUTSTANDING TABLE FOR ORDINARY COUNCIL MEETING

File No: GV13.4.1
Attachments: 1. [Business Outstanding Table](#) ⇨
Responsible Officer: Brett Bacon - Acting 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

7.2 QUESTION WITHOUT NOTICE - COUNCILLOR MATHER

Responsible Officer: Dan Toon - Executive Director Infrastructure

SUMMARY

Councillor Mather raised a question in relation to business outstanding item 35 - Light Spill .

QUESTION

The Mayor accepted the following question without notice from Councillor Glenda Mather and requested a response come back to a future Council meeting:

- Is a shade able to be installed in the interim while waiting for the LED replacement program to be rolled out in the area?

8 PRESENTATION OF PETITIONS

Nil

9 MAYORAL MINUTE

9.1 MAYORAL MINUTE - SENIOR CITIZENS

File No: CS3.3.8
Attachments: Nil
Responsible Officer: Bill Ludwig - Mayor

SUMMARY

In response to a request from Senior Citizens Inc. to find a permanent home, and in view of the fact that the association is growing and is proactively providing a vital service for a highly valued sector of the community who have contributed so much and are still contributing so much, I put forward the following Mayoral Minute.

COUNCIL RESOLUTION

THAT Council

- 1) Commit to exploring all funding avenues for the establishment and delivery of a dedicated Senior Citizens Centre that will be able to provide for the social and recreational needs of this important and valued community group; and
- 2) Make the vacant area at the Cordingley Street Basketball Facility (located on the same side of the building as the Alternate Learning Centre) available to Yeppoon Senior Citizens as an interim home for their primary use until such time that a more permanent facility that will provide for growth of the organisation is established.

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

MOTION CARRIED UNANIMOUSLY

10 COUNCILLOR/DELEGATE REPORTS

Nil

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

Nil

12 REPORTS

12.1 DRINK CONTAINER RECYCLING AT COMMUNITY EVENTS

File No:	WM31.8.3
Attachments:	1. Ordinary Council Meeting report - 20 August 2019 - Drink Container Recycling at Community Events ⇒
Responsible Officer:	Dan Toon - Executive Director Infrastructure
Author:	Scott Casey - Manager Water & Waste Operations

SUMMARY

Council previously resolved to purchase ten (10) recycling bin lid tops with bottle chutes to support source separation and recycling at community events. Council has now received further correspondence from The Lions Club of Emu Park after using the specialised bin lids at Oktoberfest 2019 which indicates that the number of drinks containers collected was impressive and proved that a combination of the bin lids and volunteer support can significantly increase the percentage of containers recycled. In addition to the ten (10) bin lids provided by Council, the Lions Club also manufactured twenty four (24) additional temporary inserts for use at the Oktoberfest event and have now requested that Council consider purchasing additional bins lids for use at future community events.

COUNCIL RESOLUTION

THAT Council purchase an additional twenty (20) bottle chute bin lid tops at a cost of \$1,586.20 (inc GST).

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

12.1.1 QUESTION WITHOUT NOTICE - COUNCILLOR MATHER

Responsible Officer: Dan Toon - Executive Director Infrastructure

SUMMARY

Councillor Mather raised a question in relation to this item.

QUESTION

The Mayor accepted the following question without notice from Councillor Glenda Mather and requested a response come back to a future Council meeting:

- What security measures can be taken to prevent future bins (with the lids) being stolen at events?

12.2 WATER AND SEWERAGE DECLARED SERVICE AREAS EXTENSION POLICY (V3)

File No: 4.7.29 and 4.7.32
Attachments: 1. Draft Policy (v3) [⇒](#)
2. Ordinary Meeting Agenda 16 April 2019 [⇒](#)
Responsible Officer: Jeff Carter - Acting Director Infrastructure Services
Author: Carrie Burnett - Policy & Planning Officer

SUMMARY

This report seeks Council's adoption of Version 3 of the Water and Sewerage Declared Service Areas Extension Policy.

COUNCIL RESOLUTION

THAT Council adopt the Water and Sewerage Declared Service Areas Extension Policy (v3).

Moved by: Councillor Mather

Seconded by: Councillor Kelly

MOTION CARRIED

12.3 MONTHLY FINANCIAL REPORT FOR THE PERIOD ENDING 31 JANUARY 2020**File No:** FM12.14.1**Attachments:** 1. **Monthly Finance Report - January 2020** [⇒](#)**Responsible Officer:** Andrea Ellis - Chief Financial Officer**Author:** Damien Cross - Coordinator - Accounting Services
Rachel Jackson - Coordinator Procurement

SUMMARY

Presentation of the Livingstone Shire Council Monthly Financial Report for the period ending 31 January 2020 by the Chief Financial Officer.

COUNCIL RESOLUTION

THAT the Livingstone Shire Council Monthly Financial Report for the period ending 31 January 2020 be received.

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

9:56AM Mayor Ludwig left the meeting due to a previously declared perceived conflict of interest in relation to item 12.4 - Development Application D-243-2019 for a Development Permit for a Material Change of Use for Multiple dwelling units (forty-five units) Food and drink outlet and Shop at 8 Anzac Parade, 10 Anzac Parade, 12 Anzac Parade, 14 Anzac Parade, 5 Queen Street and 17 Hill Street, Yeppoon.

Deputy Mayor, Councillor Nigel Hutton presided over the meeting as the chairperson in the absence of Mayor Ludwig.

12.4 DEVELOPMENT APPLICATION D-243-2019 FOR A DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE FOR MULTIPLE DWELLING UNITS (FORTY-FIVE UNITS) FOOD AND DRINK OUTLET AND SHOP AT 8 ANZAC PARADE, 10 ANZAC PARADE, 12 ANZAC PARADE, 14 ANZAC PARADE, 5 QUEEN STREET AND 17 HILL STREET, YEPPOON

File No: D-243-2019

Attachments:

1. [Locality plan](#)
2. [Conceptual plans](#)
3. [Floor plans](#)
4. [Elevations](#)
5. [Vehicle access](#)

Responsible Officer: Melissa Warwick - Principal Strategic Planner
David Battese - Manager Liveability

Author: Tammy Wardrop - Principal Planning Officer

SUMMARY

Applicant: Brookport Holdings C/- ADAMS + SPARKES
Town Planning and Development

Consultant: Pete Sparkes

Real Property Address: Lot 2 on RP601732, Lot 8 on SP280136, Lot 9 on SP280136, Lot 1 on RP600691, Lot 12 on CP905040, Lot 3 on RP600691 and Lot 10 on SP289416

Area of Site: 1,859 square metres (Lot 2 on RP601732) - part site only

697 square metres (Lot 8 on SP280136)

747 square metres (Lot 9 on SP280136)

556 square metres (Lot 1 on RP600691)

629 square metres (Lot 12 on CP905040)

436 square metres (Lot 3 on RP600691)

4,615 square metres (Lot 10 on SP289416) – access only

Planning Scheme: Livingstone Planning Scheme 2018

Planning Scheme Zone: Major centre zone

Planning Scheme Overlays:

- OM01 Acid Sulfate Soils
 - Known actual or potential acid sulfate soils
 - 5 metres AHD contour
 - 20 metres AHD contour
- OM13 Coastal Hazard – Erosion Prone Area
- OM15 Drainage Problem Area
- OM17 Flood Hazard Area
- OM20 Road Hierarchy - CBD Collector
- OM21 Scenic Amenity
 - Scenic transport route (Anzac Parade)
 - Coastal scenic transport route potential assessment area

	OM25 Local Heritage Register
	<ul style="list-style-type: none"> ▪ Local heritage site potential assessment area ▪ Local heritage register sites
	OM26 State Heritage Register – State Heritage Site Potential Assessment Area
Existing Development:	Food and drink outlet (Lure Living cafe)
	Short term accommodation (four x two bedroom units)
	Shop (Jet James Art Gallery)
	Shop (Liquor Legends drive-through bottle shop)
	Car parking
Level of Assessment:	Impact Assessable
Submissions:	Nil
Referral matters:	Queensland heritage place
Infrastructure Charge Area:	Charge Area 2
Application progress:	

Application received:	18 October 2019
Development control unit meeting:	23 October 2019
Application properly made:	26 October 2019
Confirmation notice issued:	6 November 2019
Application referred to State agency:	6 November 2019
Information request issued:	20 November 2019
State agency response:	29 November 2019
Information request response received:	6 December 2019
Public notification period:	13 December 2019 to 20 January 2020
Notice of compliance received:	20 January 2020
Decision period commenced:	20 January 2020
Council meeting date:	18 February 2020
Statutory determination date:	25 February 2020

COUNCIL RESOLUTION

THAT in relation to the application for a Development Permit for a Material Change of Use for Multiple dwelling units (forty-five units), Food and drink outlet and Shop, made by Brookport Holdings C/- ADAMS + SPARKES Town Planning and Development, on Lot 2 on RP601732, Lot 8 on SP280136, Lot 9 on SP280136, Lot 1 on RP600691, Lot 12 on CP905040, Lot 3 on RP600691 and Lot 10 on SP289416 and located at 8 Anzac Parade, 10 Anzac Parade, 12 Anzac Parade, 14 Anzac Parade, 5 Queen Street and 17 Hill Street, Yeppoon, 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 commencement of use, 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 commencement of use, 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) Road Works;
 - (ii) Access and Parking Works;
 - (iii) Sewerage Works;
 - (iv) Water Works;
 - (v) Stormwater Works;
 - (vi) Site Works;
- 1.6.2 Plumbing and Drainage Works; and
- 1.6.3 Building Works.
- 1.7 All Development Permits for Operational Works must be obtained prior to the issue of a Development Permit for Plumbing and Drainage Works and Building Works.
- 1.8 Unless otherwise stated, all works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards.
- 1.9 All engineering drawings/specifications, design and construction works must comply with the requirements of the relevant *Australian Standards* and must be approved, supervised and certified by a Registered Professional Engineer of Queensland.
- 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>
Site Plan (Ground + Carpark Level 0)	100-01 Issue F	29 November 2019
Site Plan (Carpark Level 1)	100-02 Issue C	28 November 2019
Site Plan (Level 2)	100-03 Issue B	16 October 2019
Level 2 Plan	200-02 Issue D	16 October 2019
Level 3 Plan	200-03 Issue C	11 October 2019

Level 4 Plan	200-04 Issue C	11 October 2019
Level 5 Plan	200-05 Issue C	11 October 2019
Level 6 Plan	200-06 Issue C	11 October 2019
Level 7 Plan	200-07 Issue C	11 October 2019
Eastern Elevation	300-01 Issue B	11 October 2019
Southern Elevation	300-02 Issue B	11 October 2019
Western Elevation	300-03 Issue B	11 October 2019
Northern Elevation	300-04 Issue B	11 October 2019
Building Section	400-01 Issue C	11 October 2019
Ground – Turn path plan	1935-SK01 Issue B (Sheet 1 of 2)	November 2019
Ground – Turn path plan	1935-SK02 Issue B (Sheet 2 of 2)	November 2019
Level 1- Turn path plan	1935-SK03 Issue A (Sheet 1 of 2)	November 2019
Level 1- Turn path plan	19350SK04 Issue A (Sheet 2 of 2)	November 2019

- 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 **ROAD WORKS**
- 3.1 A Development Permit for Operational Works (road works) must be obtained prior to the commencement of any road works on the site.
- 3.2 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, relevant *Australian Standards* and the provisions of a Development Permit for Operational Works (road works).
- 3.3 Suitably sized shared pathways (sealed) must be designed and constructed along Queen Street and Anzac Parade road frontages complying with relevant *Australian Standards and State* planning documents. Any shared pathway along the Anzac Parade must be minimum 2.5 metres wide to comply with Principal Cycle Network Plan requirements.
- 3.4 Pathways must incorporate kerb ramps at all road crossing points.
- 3.5 Any application for Development Permit for Operational Works (road works) must include detailed engineering plans with details of any new road works, or modifications to the existing roads, including road drainage, street lighting, traffic signs, pavement markings and any infrastructure required to be relocated.

- 3.6 Relevant existing access driveways must be made redundant and the crossover must be reinstated with standard kerb and channel to the satisfaction of Council.
- 3.7 Traffic signs and pavement markings, including any alterations, must be provided in accordance with the *Transport Operations (Road Use Management) Act 1995* and *Manual of Uniform Traffic Control Devices (Queensland)*.
- 3.8 Any application for Development Permit for Operational Works (road works) must be accompanied by a detailed Traffic Impact Assessment report certified by a suitably qualified Registered Professional Engineer of Queensland to identify the impacts of the proposed development on the Council road network, including any measures to manage impacts.

The report must take into account the impacts on adjoining roads including Barry Street, Queen Street, Anzac Parade, and Hill Street and associated intersections. The engineering assessment must provide details covering the following (but not limited to);

- 3.8.1 Provide details and demonstrate sufficient entering queue space is available at the site entry at ultimate development stage;
- 3.8.2 Demonstrate assumed trip generation rates for all uses are appropriately justified and supported;
- 3.8.3 Identify the peak hour generation rate to be used and include justifications for any assumed rates and traffic distributions;
- 3.8.4 Identify other developments and further approvals located (if any) in the vicinity of the proposed development that are relevant to the assessment for inclusion in background traffic considerations;
- 3.8.5 Adopt appropriate base year and design horizon. i.e. adopt background traffic in the year of construction completion (base year) and design horizon (10 years from the base year); and
- 3.8.6 Accompany a SIDRA intersection analysis on the following intersections and demonstrate there is no adverse impact on the local road network for the assumed design horizon, or, that measures are proposed as part of a Development Permit for Operational Works (road works) to mitigate such impacts on;
- Queen Street and Anzac Parade;
 - Queen Street, Barry Street, site main access (car park access); and
 - Queen Street and Hill Street.

The intersection analysis must provide recommendations for improving road elements including intersections, catering for the traffic growth at the intersection for ten (10) years after the completion of construction. Attention shall be paid to the safety and efficiency of the intersection, with regard to the type and number of vehicles, operating patterns and usage.

- 3.9 Street and public space lighting must be provided in accordance with *Australian Standard AS1158 "Lighting for Roads and Public Spaces"*, and Road, street and public place lighting policy and procedures.

4.0 ACCESS AND PARKING WORKS

- 4.1 A Development Permit for Operational Works (access and parking works) must be obtained prior to the commencement of any access works on the site.
- 4.2 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, *Australian Standard AS2890 "Off Street Car Parking"* and the provisions of a Development Permit for Operational Works (access and parking works).

- 4.3 All access, parking and associated vehicle manoeuvring areas must be sealed.
- 4.4 Any application for a Development Permit for Operational Works (access and parking works);
- (i) Must include evidence of lawful access (access easement) over Lot 10 on SP289416, being the Council owned public carpark;
 - (ii) Must provide details to demonstrate that proposed pedestrian links are safe;
 - (iii) Must provide details and demonstrate sufficient entering queue space is available at the site entry at ultimate development stage; and
 - (iv) Must be accompanied by a detailed swept path analysis of the design vehicle demonstrating safe and free flow of traffic. Plans must show all internal traffic circulation movements with directions.
- 4.5 The existing commercial standard access driveway servicing the public carpark must be upgraded if necessary to facilitate two-way traffic movements of the proposed development. The width of the access driveway and its location must demonstrate compliance with the detailed swept path analysis of the design vehicle (refer condition 4.4).
- 4.6 All ingress and egress traffic movements to and from the development must be in a forward direction (forward gear).
- 4.7 The residential component of the development is to be provided with a minimum of fifty-seven (57) standard off-street parking spaces (minimum 2.6 metres by 5.4 metres) including twelve (12) off-street parking spaces for visitors. Tandem parking spaces are approved only if both parking spaces are allocated to a single residential unit.
- 4.8 The commercial component of the development is to be provided with a minimum of thirty-eight (38) standard off-street parking spaces (including universal access spaces).
- 4.9 Universal parking spaces must be provided in accordance with *Australian Standard AS2890.6 "Parking Facilities - Off-Street parking for people with disabilities"*.
- 4.10 All vehicle operations associated with the proposed use must be directed by suitable directional, informative, regulatory or warning signs in accordance with *Manual of Uniform Traffic Control Devices (Queensland)*.
- 4.11 An Internal Traffic and Parking Management Plan must be implemented over the life span of the development to address any traffic management issues including internal vehicle parking, service vehicle entries and manoeuvres, and to meet requirements of separate users adequately and orderly. The Internal Traffic and Parking Management Plan must be implemented for relevant residential and commercial uses within the site on an on-going basis.
- 4.12 The proposed dual use loading zone along the Queen Street frontage or removal of any existing on-street parking spaces is not approved. All necessary loading and unloading zones must be designed and constructed within the development site. Amended details of loading and unloading zones and a waste management strategy must be provided as part of any application for a Development Permit for Operational Works (access and parking works).
- 4.13 No direct vehicular access to Anzac Parade is permitted from the proposed development.
- 5.0 **SEWERAGE WORKS**
- 5.1 A Development Permit for Operational Works (sewerage works) must be obtained prior to the commencement of any sewerage works on the site.
- 5.2 All works must be designed and constructed in accordance with the approved plans

(refer to condition 2.1), *Capricorn Municipal Development Guidelines, Water Supply (Safety and Reliability) Act, Plumbing and Drainage Act* and the provisions of a Development Permit for Operational Works (sewerage works).

- 5.3 Any application for a Development Permit for Operational Works (sewerage works) must be accompanied by a sewer network analysis report certified by a suitably qualified Registered Professional Engineer of Queensland. The sewerage network analysis report must demonstrate that the existing sewerage reticulation network is adequate to cater for the additional loading generated by the proposed development. As necessary, the sewerage network analysis report must determine necessary additional infrastructure required, in order to satisfy the design criteria outlined *Capricorn Municipal Development Guidelines*.
- 5.4 A new sewerage connection point must be provided generally in accordance with an approved sewer network analysis report.
- 5.5 Sewer infrastructure, including connections located within trafficable areas must be raised or lowered to suit the finished surface levels and must be provided with trafficable lids.
- 5.6 Any sewer layout plan submitted as part of a Development Permit for Operational Works (sewerage works) must identify all necessary realignment of existing private or Council infrastructure within the development site. The proposed development must comply with *Queensland Development Code Mandatory Part 1.4 (MP 1.4)*.

6.0 WATER WORKS

- 6.1 A Development Permit for Operational Works (water works) must be obtained prior to the commencement of any water works on the site.
- 6.2 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines, Water Supply (Safety and Reliability) Act, Plumbing and Drainage Act* and the provisions of a Development Permit for Operational Works (water works).
- 6.3 Any application for a Development Permit for Operational Works (water works) must be accompanied by a water network analysis report certified by a suitably qualified Registered Professional Engineer of Queensland. The water network analysis must demonstrate that the proposed development will have the minimum pressure and fire containment requirements in accordance with the design criteria outlined in the *Capricorn Municipal Development Guidelines* and identify any necessary upgrade works off-site.
- 6.4 A new water connection point must be provided generally in accordance with an approved water network analysis report.
- 6.5 Water meter boxes located within trafficable areas must be raised or lowered to suit the finished surface level and must be provided with heavy duty trafficable lids.
- 6.6 The proposed development must be provided with a master meter at the property boundary (on the footpath) and sub meters for each sole occupancy building in accordance with the *Queensland Plumbing and Wastewater Code* and Council's Sub-metering Policy.

7.0 PLUMBING AND DRAINAGE WORKS

- 7.1 A Development Permit for Plumbing and Drainage Works must be obtained prior to the issue of a Development Permit for Building Works or must be obtained prior to the commencement of any Plumbing and Drainage Works on the site.
- 7.2 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines, Water Supply*

(*Safety and Reliability*) Act, *Plumbing and Drainage Act*, Water supply network analysis report, Council's Plumbing and Drainage Policies and the provisions of a Development Permit for Plumbing and Drainage Works.

- 7.3 The development must be connected to Council's reticulated sewerage and water networks.
- 8.0 **BUILDING WORKS**
- 8.1 Buildings and structures must not exceed the height limits indicated on the approved plans.
- 8.2 Prior to occupation of the building, a certificate from a licensed surveyor is to be submitted to Council demonstrating that the completed building does not exceed the height limits indicated on the approved plans.
- 8.3 External wall finishes must have the same tonal value as the surrounding vegetation and must not include bright, high contrast colours including whites, yellows, reds and blues.
- 8.4 Any glass or reflective surfaces must be treated to avoid undue nuisance, discomfort or hazards from reflectivity to any part of the surrounding locality.
- 8.5 Awnings at ground level must be a continuous width (no waved recesses, curved or tapered corners are acceptable) and must be designed and constructed to ensure the safety of pedestrians walking underneath and;
- 8.5.1 include tamper proof under awning lighting; and
- 8.5.2 must finish 500 millimetres before any roadside kerb or vehicle parking area.
- 8.6 Any awning structure that protrudes from the allotment boundary into the road reserve must not be constructed without consent or allocation from the relevant statutory authority.
- 8.7 Night lighting must be provided to all recessed shop fronts and building entrances and for the full length of the public walkway (arcade) between Anzac Parade and the public car park.
- 8.8 All entry and exit points which front a road, public place or communal place must be clearly identifiable and well lit.
- 8.9 Any lighting devices associated with the development, such as sensory lighting, must be positioned on the site and shielded so as not to cause glare or other nuisance to nearby residents and motorists. Night lighting must be designed, constructed and operated in accordance with '*Australian Standard AS4282 – Control of the obtrusive effects of outdoor lighting*'.
- 8.10 Any lighting devices installed in any public places and community places must be in accordance with *Australian Standard AS1158: Public Lighting Code*.
- 8.11 Individual tenancies and units must be clearly numbered and appropriate way finding signage must be provided at each level.
- 8.12 All external elements, such as air conditioners, must be adequately screened from public view.
- 8.13 Any building plant not located underneath or central to the building must be screened from view of the street by one or more of the following:
- (i) a solid screen fence;
 - (ii) a roof design feature;
 - (iii) a wall; or
 - (iv) dense vegetation.
- 8.14 All waste storage areas must be aesthetically screened, kept in a clean, tidy

condition in accordance with *Environmental Protection (Waste Management) Regulations* and must be screened from view of the street by one or more of the following:

- (v) a solid screen fence;
- (vi) a wall; or
- (vii) dense vegetation.

8.15 All structures must comply with the provisions of *Queensland Development Code Mandatory Part 1.4 (MP 1.4)*, relative to relevant infrastructure.

9.0 STORMWATER WORKS

9.1 A Development Permit for Operational Works (stormwater works) must be obtained prior to the commencement of any stormwater works on the site.

9.2 All stormwater drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Queensland Urban Drainage Manual*, *Capricorn Municipal Development Guidelines*, *Urban Stormwater Quality Planning Guidelines*, *State Planning Policy*, any approved stormwater management report(s), sound engineering practice, and the provisions of a Development Permit for Operational Works (stormwater works).

9.3 All stormwater including roof and allotment drainage must achieve demonstrated lawful discharge and must not adversely affect the upstream or downstream land when compared to pre-development condition by way of blocking, altering or diverting existing stormwater runoff patterns or cause an actionable nuisance or damage infrastructure.

9.4 Any application for a Development Permit for Operational Works (stormwater works) must be accompanied by a detailed Stormwater Management Report certified by a suitably qualified Registered Professional Engineer of Queensland. The report must include the following but not limited to;

9.4.1 Details addressing stormwater quantity impacts and measures to mitigate. The volume of any detention must be sufficient to attenuate the peak discharge from the site to ensure no actionable nuisance due to the flow regime, immediately downstream of the development for a selected range of Annual Exceedance Probability events, up to the Defined Flood Event (inclusive) for a range of storm durations, including critical storm duration; and

9.4.2 Details addressing the stormwater quality impacts and measures to mitigate. The potential pollutants in stormwater runoff, discharged from the site must be managed in accordance with *Urban Stormwater Quality Planning Guidelines and State Planning Policy*. Rainfall and Potential Evapo-Transpiration details must be obtained from Council for any stormwater quality modelling (example: MUSIC).

9.5 All ongoing maintenance and management actions necessary for any proposed stormwater quality management devices must be carried out by suitably qualified person(s) in a timely manner. A completed log book must be maintained and must be available on-site for inspection by Council and /or relevant authorities.

10.0 SITE WORKS

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

10.2 All site works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, *Australian Standard AS3798 "Guidelines on Earthworks for Commercial and Residential Developments*, and sound engineering practice and the provisions of a

Development Permit for Operational Works (site works).

- 10.3 Site works 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 an actionable nuisance to adjoining properties or damage infrastructure.
- 10.4 All site works must be undertaken to ensure that no actionable nuisance results from:
- 10.4.1 an increase in peak discharge immediately downstream of the development for a selected range of storm durations, and a selected range of Annual Exceedance Probability (AEP) events up to Defined Flood Event (inclusive);
 - 10.4.2 an increase in downstream or upstream flood inundation levels; and
 - 10.4.3 increase in velocity profiles.
- 11.0 LANDSCAPING WORKS
- 11.1 A Landscaping Plan must be submitted for approval by Council prior to establishment of the landscaping or commencement of use and the design must:
- (i) reflect the overall layout and design of landscaping to be established within the development site including communal and private open space;
 - (ii) be an appropriate scale relative to both the street reserve width and the size of the development;
 - (iii) include plantings of mature specimens;
 - (iv) retain the Pandanus located within the outdoor dining/ public seating area at the Anzac Parade/ Queen Street corner;
 - (v) include additional shade trees within the outdoor dining/ public seating area at the Anzac Parade/ Queen Street corner (wind tolerant endemic species preferred);
 - (vi) include street trees along Queen Street in accordance with approved plans (refer to condition 2.1);
 - (vii) where possible, retain and reuse landscaping and vegetation removed within the public car park greenspace area;
 - (viii) include additional shade trees within the public car park greenspace area; and
 - (ix) include an automated reticulated watering system.
- 11.2 A Planting Plan and supporting documentation must be submitted for approval by Council prior to establishment of the landscaping or commencement of use. The landscaping works must be generally in accordance with the approved plans (refer condition 2.0) and must document the "Extent of Works" which includes, but is not limited to:
- (i) location and name of any existing trees to be retained (the location of the trees shall be overlaid or be easily compared with the proposed development design);
 - (ii) the extent of soft and hard landscape proposed;
 - (iii) important spot levels and/or contours. The levels of the trees to be retained shall be provided in relation to the finished levels of the proposed buildings and works;
 - (iv) underground and overhead services;
 - (v) typical details of critical design elements (stabilisation of batters, retaining walls, podium/balcony planters);
 - (vi) details of landscape structures including areas of deep planting;
 - (vii) specification notes on mulching and soil preparation;
 - (viii) trees, shrubs and groundcovers to all areas to be landscaped;
 - (ix) position and canopy spread of all trees and shrubs;

- (x) the extent and type of works (inclusive but not limited to paving, fences and garden bed edging). All plants shall be located within an edged garden; and
 - (xi) a plant schedule with the botanic and common names, total plant numbers and pot sizes at the time of planting (endemic species preferred).
- 11.3 Large trees must not be planted within one (1) metre of the centreline of any sewerage infrastructure. Small shrubs and groundcover are acceptable.
- 11.4 Root barriers must be provided between proposed trees and relevant infrastructure.
- 11.5 Landscaping, or any part thereof, upon reaching full maturity, must not:
- (i) obstruct sight visibility zones as defined in the *Austroads 'Guide to Traffic Engineering Practice'* series of publications;
 - (ii) adversely affect any road lighting or public space lighting; or
 - (iii) adversely affect any Council infrastructure, or public utility plant.
- 11.6 All landscaping must be constructed and or established, prior to the commencement of the use.
- 11.7 The landscaped areas must be subject to an ongoing maintenance and replanting programme (if necessary).
- 12.0 ELECTRICITY AND TELECOMMUNICATIONS
- 12.1 Electricity and telecommunication connections must be provided to the proposed development to the standards of the relevant authorities.
- 13.0 ASSET MANAGEMENT
- 13.1 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.
- 13.2 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.
- 13.3 '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 issue of the Compliance Certificate for the Survey Plan. This information must be provided in accordance with the Manual for Submission of Digital As Constructed Information.
- 14.0 ENVIRONMENTAL
- Any application for a Development Permit for Operational Works must be accompanied by an Erosion and Sediment Control Plan which demonstrates how the Construction-Phase stormwater management design objectives of the *State Planning Policy* are achieved. The Erosion and Sediment Control Plan must address all relevant issues and include the following details (but not limited to):
- (i) site location, topography and soil type;
 - (ii) objectives, concept and design details;
 - (iii) implementation procedures for construction and post construction phases of work;
 - (iv) interim drainage plan during construction;
 - (v) erosion susceptibility and risk management method(s);

- (vi) dust suppression method (s);
- (vii) top soil management method (s);
- (viii) acid sulphate soil management methods (if applicable); and
- (ix) Vegetation management (if any).

14.1 The 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.

15.0 OPERATING PROCEDURES

15.1 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 Anzac Parade, Queen Street or Hill Street.

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. Asbestos Removal

Any demolition and/or removal works involving asbestos materials must be undertaken in accordance with the requirements of the *Workplace Health and Safety* legislation and *Public Health Act 2005*.

NOTE 3. 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 4. 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 5. Licensable Activities

- a. Should an activity licensable by Livingstone Shire Council be proposed for the premises, Council's Environmental Health Unit must be consulted to determine whether any approvals are required, such as food business licensing. Approval for such activities is required before 'fit out' and operation.
- b. Council's Local Laws Unit should be consulted to determine whether any approvals are required for licensable activities. Such activities may include footpath dining. Approval for such activities is required before the commencement of use.

NOTE 6. Future Pedestrian Connection

The proposed arcade located between Anzac Parade and the Council owned public car park, being a lockable design, does not provide unrestricted public access and therefore does not satisfy the requirement for future pedestrian connectivity.

A suitable pedestrian connection must be included in future development over Lot 2 on RP601732.

NOTE 7. 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 B

That in relation to the application for a Development Permit for a Material Change of Use for Multiple dwelling units (forty-five units), Food and drink outlet and Shop, made by Brookport Holdings C/- ADAMS + SPARKES Town Planning and Development, on Lot 2 on RP601732, Lot 8 on SP280136, Lot 9 on SP280136, Lot 1 on RP600691, Lot 12 on CP905040, Lot 3 on RP600691 and Lot 10 on SP289416 and located at 8 Anzac Parade, 10 Anzac Parade, 12 Anzac Parade, 14 Anzac Parade, 5 Queen Street and 17 Hill Street, Yeppoon, Council resolves to issue an Infrastructure Charges Notice for the amount of **\$502,500.00**.

Moved by: Deputy Mayor, Councillor Hutton

Seconded by: Councillor Kelly

MOTION CARRIED

10:30AM Mayor Ludwig returned to the meeting and resumed position of chairperson.

**12.5 PROPOSED PERMANENT ROAD CLOSURE ADJOINING LOT 1 RP609924
(GRAFF ROAD, NERIMBERA)**

File No: 14.4.2

Attachments:

1. [Aerial photography](#)
2. [Road Closure Plan](#)
3. [Application for road closure Part B](#)

Responsible Officer: Dan Toon - Executive Director Infrastructure

Author: Carrie Burnett - Policy & Planning Officer

SUMMARY

This report pertains to a request to permanently close an area of road reserve at Graff Road, Nerimbera to enable it to be amalgamated with the adjoining freehold land described as Lot 1 RP609924.

COUNCIL RESOLUTION

THAT Council resolve to:

- 1) advise the owners of Lot 1 RP609924 that it does not object to the proposal to close approximately 2,341.8m² of the road reserve at Graff Road which adjoins the north-eastern boundary of Lot 1 RP609924 and its amalgamation with this property; and
- 2) authorise the Manager Engineering Services to sign a 'Statement in relation to an application under the *Land Act 1994* over State land (Part C)' as confirmation to the Department of Natural Resources, Mines and Energy that Council, as Road Manager, does not object to the proposed permanent road closure.

Moved by: Councillor Kelly

Seconded by: Councillor Eastwood

MOTION CARRIED

**12.6 CATEGORY D BUSHFIRE RECOVERY EXCEPTIONAL ASSISTANCE
IMMEDIATE SUPPORT PACKAGE**

File No: ES9.5.1
Attachments: 1. Rural Fire Brigade Requests [↗](#)
Responsible Officer: Brett Bacon - Acting Chief Executive Officer
Author: David Mazzaferri - Manager Community Wellbeing

SUMMARY

This report is to seek Council endorsement of seven (7) priorities discussed at the Council Briefing Session on the 10 February 2020 in relation to Category D Bushfire Recovery Exceptional Assistance Immediate Support Package.

10:49AM Councillor Eastwood left the meeting due to a declared perceived conflict of interest in this item.

COUNCIL RESOLUTION

That Council resolve to submit the following programme of work for approval for funding pursuant to the Category D Bushfire Recovery Exceptional Assistance Immediate Support Package:

- 1) Gravel Pit Road to Tookers Road – Upgraded to allow northern brigades access;
- 2) Sealing of Grandbower Road;
- 3) 221 Lake Mary Road – about 400 metres of bitumen in front of new rural fire brigade location;
- 4) Construction of turnaround at end of Maries Road, which allows linkage to breaks;
- 5) Entrance from road to driveway apron at Coowonga Rural Fire Brigade;
- 6) Construction of access from road to concrete apron of Nerimbera Rural Fire Brigade; and
- 7) Upgrade to New Zealand Gully Road (3.1 kilometres, including clearing and resheeting of 50 per cent and clearing ten (10) metres wide).

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

MOTION CARRIED UNANIMOUSLY

11:09AM Councillor Eastwood returned to the meeting.

12.7 HARTLEY STREET PEDESTRIAN CROSSING FACILITIES - PROGRESS UPDATE

File No: CR2.13.40
Attachments: Nil
Responsible Officer: Dan Toon - Executive Director Infrastructure
Author: Amal Meegahawattage - Co-ordinator Infrastructure Planning

SUMMARY

Following a number of customer requests regarding the safety of the existing crossing facilities at the intersection of Hartley Street and Richard Street in Emu Park, for children travelling to and from school, Council officers have undertaken a review of the existing infrastructure to determine any immediate safety risks which need to be addressed and recommendations for improvements to existing infrastructure. This report is to provide an update to the Councillors on the actions taken by Council officers and also additional information relevant to the subject concerns.

COUNCIL RESOLUTION

THAT the report be received for the information of Councillors.

Moved by: Councillor Eastwood

Seconded by: Councillor Mather

MOTION CARRIED

12.8 WATER CONSUMPTION - COBRABALL BUSH FIRE

File No: GV13.4.3
Attachments: Nil
Responsible Officer: Andrea Ellis - Chief Financial Officer
Author: Priscilla Graham - Coordinator Revenue

SUMMARY

The Cobraball Bush Fire in November 2019, impacted a substantial number of ratepayers and a number of provisions have already been provided via resolutions passed in November and December 2019. Recent meter reads have identified the need to extend the area of consideration in regard, to the reduced consumption charges to properties within neighbouring suburbs that are outside of the fire scar but within the Emergency Alert polygons (for example evacuated, or prepare to leave).

COUNCIL RESOLUTION

THAT Council provide a reduction of water consumption charges to the properties within the suburb Inverness, on a case by case basis (upon request) with consideration of the following criteria:

- the reticulated water supply was being used for preventative firefighting measures related to the Cobraball Fire Event;
- increased consumption was a result of measures undertaken;
- the Property is within the QFES Emergency Alert polygons and residents were evacuated or advised to prepare to leave; and
- the Property is clearly within or near the fire zone (scar) and emergency alert polygons.

Moved by: Deputy Mayor, Councillor Hutton

Seconded by: Councillor Eastwood

MOTION CARRIED

13 QUESTIONS/STATEMENT/MOTIONS ON NOTICE FROM COUNCILLORS

13.1 NOTICE OF MOTION - COUNCILLOR MATHER - PARKING AT THE LAGOON

File No: GV13.4.4
Attachments: 1. [NOM - Parking at the Lagoon](#)⇒
Responsible Officer: Brett Bacon - Acting Chief Executive Officer

SUMMARY

Councillor Mather submitted a request to include the attached Notice of Motion at the Council Meeting 18 February 2020. This was approved by Chief Executive Officer.

COUNCIL RESOLUTION

THAT in order to create better awareness to improve the parking requirements at the lagoon, Council add the words "Nose in Only" to the existing signs where angle parking currently exists.

Further, given the lack of appropriate signage causing motorists to use their own discretion, resulting in a fine in many cases, Council agree to reimburse the penalties incurred in these instances.

In addition, until such time the additional wording is added to the existing signs, no further fines be imposed, but appropriate warning notices only be placed on windscreens where vehicles continue to reverse in.

Moved by: Councillor Mather

Seconded by:

PROCEDURAL MOTION

THAT pursuant to s2.19.1(d) and s2.19.6 of Livingstone Shire Council's Meeting Procedures Policy the matter lay on the table pending a further report to Council in response to item 13.4 - Questions on Notice - Councillor Mather - Lagoon Parking Infringements to return to the Council Meeting on 3 March 2020.

Moved by: Councillor Mather

MOTION CARRIED

13.2 NOTICE OF MOTION - COUNCILLOR MATHER - OVERGROWN VEGETATION

File No: GV13.4.4
Attachments: 1. **NOM - Overgrown Vegetation** [⇒](#)
Responsible Officer: **Brett Bacon - Acting Chief Executive Officer**

SUMMARY

Councillor Mather submitted a request to include the attached Notice of Motion at the Council Meeting 18 February 2020. This was approved by Chief Executive Officer.

Suspension of Standing Orders**PROCEDURAL MOTION****11.20AM**

That pursuant to s2.19.1(i) and s2.19.13 of Livingstone Shire Council's Meeting Procedures Policy the provisions of the Meeting Procedures be suspended to allow adequate time for informal discussion on Item 13.2 – Notice of Motion – Councillor Mather – Overgrown Vegetation prior to entering into formal debate.

Moved by: **Councillor Belot**

MOTION CARRIED

Resumption of Standing Orders**PROCEDURAL MOTION****11.26AM**

That pursuant to s2.19.1(i) and s2.19.13 of Livingstone Shire Council's Meeting Procedures Policy the provisions of the Meeting Procedures be resumed.

Moved by: **Councillor Kelly**

Seconded by: **Deputy Mayor, Councillor Hutton**

MOTION CARRIED

COUNCILLOR'S RECOMMENDATION

THAT as a matter of some urgency,

- 1) Appropriate action be taken to remove the accumulated vegetation generally behind No 28 Todd Avenue for the purpose of fire mitigation, and
- 2) Council formulate a plan as soon as possible, to remove the thick scrubland on Council land behind the houses in Todd Avenue for the following reasons:
 - a) to allow the land to act as a draining area to cater for the run-off from the hills on Farnborough Rd, thus removing the threat of flooding to the adjacent properties,
 - b) to allow the area to dry out following rains so it can be managed and maintained.
 - c) to rid the area of vermin and venomous snakes, which currently pose a threat to health and safety.

COUNCIL RESOLUTION

THAT pursuant to s2.19.1(d) and s2.19.6 of Livingstone Shire Council's Meeting Procedures Policy the matter lay on the table pending an officers report to return to a Council Meeting.

Moved by: Mayor Ludwig

MOTION CARRIED

13.3 NOTICE OF MOTION - COUNCILLOR BELOT - LEGAL ADVICE

File No: GV13.4.4
Attachments: 1. NOM - Legal Advice [↗](#)
Responsible Officer: Brett Bacon - Acting Chief Executive Officer

SUMMARY

Councillor Belot submitted a request to include the attached Notice of Motion at the Council Meeting 18 February 2020.

COUNCIL RESOLUTION

THAT, in order to promote transparency and accountability, Council delegate to the CEO as Custodian of Council Documents, the responsibility to ensure that any information/legal advice sought (verbal and or otherwise) on behalf of Councillors, be documented and held in safe custody, as per statutory responsibilities under section 13(3)(e) *Local Government Act 2009*, and thus allow for Councillor's to access such information, in accordance with section 170A *Local Government Act 2009*.

Moved by: Councillor Belot
Seconded by: Councillor Eastwood
MOTION CARRIED

13.4 QUESTIONS ON NOTICE - COUNCILLOR MATHER - LAGOON PARKING INFRINGEMENTS**File No:** GV13.4.4**Attachments:** 1. QON - Lagoon Parking Infringements [📄](#)**Responsible Officer:** Brett Bacon - Acting Chief Executive Officer

SUMMARY

Councillor Mather submitted a request to include the attached Questions on Notice at the Council Meeting 18 February 2020.

COUNCIL RESOLUTION

THAT the 'Questions on Notice' be received and a report providing a response to the Councillor's questions be presented to a Council meeting.

Moved by: Councillor Mather**Seconded by:** Mayor Ludwig**MOTION CARRIED**

13.5 QUESTIONS ON NOTICE - COUNCILLOR MATHER - BUDGET EXPENDITURES**File No:** GV13.4.4**Attachments:** 1. QON - Budget Expenditures⇒**Responsible Officer:** Brett Bacon - Acting Chief Executive Officer

SUMMARY

Councillor Mather submitted a request to include the attached Questions on Notice at the Council Meeting 18 February 2020.

COUNCIL RESOLUTION

THAT the 'Questions on Notice' be received and a report providing a response to the Councillor's questions be presented to a Council meeting.

Moved by: Councillor Mather**Seconded by:** Mayor Ludwig**MOTION CARRIED**

13.6 QUESTIONS ON NOTICE - COUNCILLOR BELOT - FIRE PERMITS**File No:** GV13.4.4**Attachments:** 1. QON - Fire Permit [↔](#)**Responsible Officer:** Brett Bacon - Acting Chief Executive Officer

SUMMARY

Councillor Belot submitted a request to include the attached Questions on Notice at the Council Meeting 18 February 2020.

COUNCIL RESOLUTION

THAT the 'Questions on Notice' be received and a report providing a response to the Councillor's questions be presented to a future Council meeting.

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

14 URGENT BUSINESS QUESTIONS

15 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

11.47AM

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.

16.1 Proposed Trustee Lease to Capricorn Tourism and Economic Development Limited

This report is considered confidential in accordance with section 275(1)(e), of the *Local Government Regulation 2012*, as it contains information relating to contracts proposed to be made by Council (Proposed Trustee Lease).

16.2 PROPOSED TRUSTEE LEASE TO THE YEPPON INLET ASSOCIATION INCORPORATED

This report is considered confidential in accordance with section 275(1)(e), of the *Local Government Regulation 2012*, as it contains information relating to contracts proposed to be made by Council.

16.3 MANAGEMENT ARRANGEMENTS - KEPPEL SANDS CARAVAN PARK

This report is considered confidential in accordance with section 275(1)(e), of the *Local Government Regulation 2012*, as it contains information relating to contracts proposed to be made by Council.

16.4 Proposed Permanent Road Closure - Thompson Point

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 Mather

Seconded by: Councillor Belot

MOTION CARRIED

COUNCIL RESOLUTION

12.16PM

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

Moved by: Deputy Mayor, Councillor Hutton

Seconded by: Councillor Kelly

MOTION CARRIED

16 CONFIDENTIAL REPORTS

16.1 PROPOSED TRUSTEE LEASE TO CAPRICORN TOURISM AND ECONOMIC DEVELOPMENT LIMITED

File No: CP5.9.2-126

Attachments: 1. Proposed Trustee Lease Extension Area

Responsible Officer: Mark McLean - Principal Property Officer
David Mazzaferri - Manager Community Wellbeing
Brett Bacon - Acting Chief Executive Officer

Author: Maddie Crigan - Property Officer

This report is considered confidential in accordance with section 275(1)(e), of the *Local Government Regulation 2012*, as it contains information relating to contracts proposed to be made by Council (Proposed Trustee Lease).

SUMMARY

This report pertains to the provision of a trustee lease to Capricorn Tourism and Economic Development Limited over part of Lot 12 on Survey Plan 143269 - Appleton Drive, Yeppoon.

COUNCIL RESOLUTION

THAT Council resolve:

- 1) to rescind Resolution 12.3 of its Ordinary Meeting on 16 October 2018, which resolved to:
 - 1) *apply the exception mentioned in Section 236(1)(b)(ii) of the Local Government Regulation 2012 to its dealings with Capricorn Tourism and Economic Development Limited and Keppel Coast Arts Council Incorporated for issue of Trustee Leases over land currently described as Lot 2 on Survey Plan 104438, Merv Anderson Park Yeppoon; and*
 - 2) *provide Trustee Leases over land currently described reserve for Recreation, Public Boat Ramp, Jetties and Landing Place over Lot 2 on Survey Plan 104438 to:*
 - (a) *Capricorn Tourism and Economic Development Limited for a term of 20 years for operation of the Capricorn Coast Visitor Information Centre and Shell World; and*
 - (b) *Keppel Coast Arts Council Incorporated for a term of 5 years for operation of the Artship;*
- 2) that the exception mentioned in section 236(1)(b)(ii) of the *Local Government Regulation 2012* may apply in its dealing with Capricorn Tourism and Economic Development Limited over part of Lot 12 on Survey Plan 143269;
- 3) 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 Capricorn Tourism and Economic Development Limited over part of Lot 12 on Survey Plan 143269; and
- 4) to provide a twenty (20) year Trustee Lease to Capricorn Tourism and Economic Development Limited over part of Lot 12 on Survey Plan 143269 on the terms contained in this report.

Moved by: Councillor Kelly
Seconded by: Councillor Wyatt
MOTION CARRIED

16.2 PROPOSED TRUSTEE LEASE TO THE YEPPON INLET ASSOCIATION INCORPORATED**File No:** CP5.9.2-410**Attachments:**

1. Council Report 13 August 2019
2. Survey Plan 143269
3. Proposed Survey Plan 295928

Responsible Officer: David Mazzaferri - Manager Community Wellbeing
Brett Bacon - Acting Chief Executive Officer**Author:** Mark McLean - Principal Property Officer

This report is considered confidential in accordance with section 275(1)(e), of the *Local Government Regulation 2012*, as it contains information relating to contracts proposed to be made by Council.

SUMMARY

This report provides information in relation to a proposed trustee lease to the Yeppoon Inlet Association over part of Reserve for Jetties, Landing Places, Public Boat Ramps and Recreation – Lot 12 on Survey Plan 143269.

COUNCIL RESOLUTION

THAT Council resolve:

1. that the exception mentioned in section 236(1)(b)(ii) of the *Local Government Regulation 2012* may apply in its dealing with the Yeppoon Inlet Association Incorporated over part of Lot 12 on Survey Plan 143269 described as Leases B and C on Survey Plan 295928;
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 Yeppoon Inlet Association Incorporated over part of Lot 12 on Survey Plan 143269 described as Leases B and C on Survey Plan 295928; and
3. to provide a thirty (30) year Trustee Lease to the Yeppoon Inlet Association Incorporated over part of Lot 12 on Survey Plan 143269 described as Leases B and C on Survey Plan 295928, at an initial rental of \$350 per annum excluding Goods and Services Tax for each jetty located with the trustee lease area.

Moved by: Mayor Ludwig**Seconded by:** Councillor Mather**MOTION CARRIED UNANIMOUSLY**

16.3 MANAGEMENT ARRANGEMENTS - KEPPEL SANDS CARAVAN PARK**File No:** PR21.5.2-3**Attachments:** 1. Council Report 3 December 2019**Responsible Officer:** David Mazzaferri - Manager Community Wellbeing
Brett Bacon - Acting Chief Executive Officer**Author:** Mark McLean - Principal Property Officer

This report is considered confidential in accordance with section 275(1)(e), of the *Local Government Regulation 2012*, as it contains information relating to contracts proposed to be made by Council.

SUMMARY

The report provides information in relation to the future management arrangements for the Keppel Sands Caravan Park.

COUNCIL RESOLUTION

THAT Council resolve:

- 1) that because of the specialised nature of the services that are sought for the management of the Keppel Sands Caravan Park, it would be impracticable or disadvantageous for Council to invite a further tender in accordance with section 235(b) of the *Local Government Regulation 2012*;
- 2) to authorise Council officers to negotiate with parties who may enquire or have enquired in relation to the management of the park; and
- 3) to delegate to the Chief Executive Officer, pursuant to section 257(1)(b) of the Local Government Act 2009, to appoint new managers for the Keppel Sands Caravan Park and the terms and conditions under which they are appointed.

Moved by: Councillor Mather**Seconded by:** Councillor Eastwood**MOTION CARRIED**

16.4 PROPOSED PERMANENT ROAD CLOSURE - THOMPSON POINT

File No: 5.2.5 & 14.4.2

Attachments:

1. **Locality Plan**
2. **Response to NRM - purchase of reservation in title**
3. **Drawing No 19/794/CEN**

Responsible Officer: Dan Toon - Executive Director Infrastructure

Author: Carrie Burnett - Policy & 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 pertains to a proposal to permanently close sections of road reserve in Thompson Point.

COUNCIL RESOLUTION

THAT Council resolve that, notwithstanding the officers recommendation, due to future strategic linkages and potential disaster management;

1. The Department of Natural Resources, Mines & Energy be:
 - a. Advised that Council does object to the proposed permanent road closure shown on Drawing No 19/794/CEN in the locality of Thompson Point (Ref Nos 2019/000613, 614, 615, 616, 617 & 618); and
 - b. Provided with the advice in this report submitted by Development Assessment and Natural Resource Management.
2. Applications to close roads under s 99, s 109A, s 109B and s 176N of the *Land Act 1994* that are referred to Council for advice as the road manager are to be presented to Council for consideration.

Moved by: Mayor Ludwig

Seconded by: Councillor Eastwood

MOTION CARRIED

177 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

12.18AM

THAT the meeting be closed to the public to discuss the a confidential staffing as it 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: Mayor Ludwig
Seconded by: Councillor Mather

MOTION CARRIED

COUNCIL RESOLUTION

12.27PM

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

Moved by: Councillor Mather
Seconded by: Councillor Wyatt

MOTION CARRIED

18 CLOSURE OF MEETING

There being no further business the meeting closed at 12.28 pm.

Mayor, Councillor Bill Ludwig
CHAIRPERSON

DATE