

Livingstone

Shire Council

ORDINARY MEETING

MINUTES

28 JANUARY 2014

The Council resolutions contained within these minutes were confirmed at the Council Meeting on 11 February 2014.

TABLE OF CONTENTS

ITEM	SUBJECT	PAGE NO
1	OPENING.....	1
2	PRESENT	1
3	LEAVE OF ABSENCE / APOLOGIES	2
	NIL	2
4	MAYORAL MINUTE	3
	NIL	3
5	CONFIRMATION OF MINUTES OF PREVIOUS MEETING	4
6	DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA.....	5
7	BUSINESS ARISING OR OUTSTANDING FROM PREVIOUS MEETINGS	6
7.1	BUSINESS OUTSTANDING TABLE FOR ORDINARY COUNCIL MEETING.....	6
8	PUBLIC FORUMS/DEPUTATIONS	7
8.1	D/584-2013 - DEPUTATION BY RHONDA WATTS REGARDING 319 FARNBOROUGH ROAD, FARNBOROUGH	7
9	PRESENTATION OF PETITIONS	8
	NIL	8
10	BUSINESS IMPROVEMENT COMMITTEE REPORTS	9
	NIL	9
11	COUNCILLOR/DELEGATE REPORTS	10
	NIL	10
12	REPORTS.....	11
12.1	PROPOSED INTERIM CORPORATE PLAN.....	11
12.2	PANORAMA DRIVE - ROYALTIES FOR THE REGIONS APPLICATION - ROUND 3.....	12
12.3	PROCUREMENT POLICY.....	13
12.4	D/584-2013 - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A DWELLING HOUSE - 319 FARNBOROUGH ROAD, FARNBOROUGH	14
12.5	LIVINGSTONE SHIRE COUNCIL LOGO	16
12.6	COUNCILLOR PORTFOLIO PROTOCOLS	17
13	QUESTIONS/STATEMENT/MOTIONS ON NOTICE FROM COUNCILLORS	18

	NIL	18
14	URGENT BUSINESS\QUESTIONS	19
15	CLOSED SESSION	20
16.1	DISCONTINUE ACQUISITION OF EASEMENT WHITMAN STREET YEPPON	20
16.2	ACQUISITION OF EASEMENT WHITMAN STREET YEPPON	20
16.3	ACQUISITION OF LAND AND EASEMENTS MILLROY DRIVE SEWER PUMP STATION PROJECT	20
16	CONFIDENTIAL REPORTS	21
16.1	DISCONTINUE ACQUISITION OF EASEMENT WHITMAN STREET YEPPON	21
16.2	ACQUISITION OF EASEMENT WHITMAN STREET YEPPON	22
16.3	ACQUISITION OF LAND AND EASEMENTS MILLROY DRIVE SEWER PUMP STATION PROJECT	23
17	CLOSURE OF MEETING	24

MINUTES OF THE ORDINARY MEETING HELD AT COUNCIL CHAMBERS, QUEEN STREET, YEPPON ON TUESDAY, 28 JANUARY 2014 COMMENCING AT 9:08AM

1 OPENING

2 PRESENT

Members Present:

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

In Attendance:

Mr Andrew Ireland – Chief Executive Officer
Mr Brett Bacon – Director Community and Planning Services
Mr Dan Toon – Director Infrastructure Services
Mr Mike Prior – Manager Infrastructure Operations
Mr Jon Rutledge – Manager Human Resources
Ms Erin McCabe - Coordinator Development Assessment
Ms Jane Witham – Planning Officer
Ms Robyn Black – PA to Mayor and Deputy Mayor
Ms Katie Mitchell – PA to Chief Executive Officer

3 LEAVE OF ABSENCE / APOLOGIES

Nil

4 MAYORAL MINUTE

Nil

5 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

COUNCIL RESOLUTION

THAT the minutes of the Ordinary Meeting held on 14 January 2014 be taken as read and adopted as a correct record.

Moved by: Councillor Hutton

Seconded by: Councillor Kelly

MOTION CARRIED

COUNCIL RESOLUTION

THAT the minutes of the Special Meeting held on 14 January 2014 be taken as read and adopted as a correct record.

Moved by: Councillor Hutton

Seconded by: Councillor Kelly

MOTION CARRIED

6 DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA

COUNCIL RESOLUTION

In accordance with s173(2) of the Local Government Act 2009, Councillors Hutton, Belot and Ludwig disclosed a perceived conflict of interest in respect of Item 12.4 – D/584-2013 Development Application for a Material Change of Use for a Dwelling House – 319 Farnborough Road, Farnborough due to the presenter of the deputation being their current or prior personal solicitor. Councillor Scott disclosed a perceived conflict of interest in relation to Agenda item 16.3 as he has provided professional services to the land owner in the past. The Councillors considered their respective positions and announced their intention to remain in the room and to vote on the matter.

Moved by: Councillor Hutton

Seconded by: Mayor Ludwig

MOTION CARRIED

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 Report
Responsible Officer: Andrew Ireland - 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 be received.

Moved by: Deputy Mayor, Councillor Scott
Seconded by: Councillor Wyatt

MOTION CARRIED

8 PUBLIC FORUMS/DEPUTATIONS

8.1 D/584-2013 - DEPUTATION BY RHONDA WATTS REGARDING 319 FARNBOROUGH ROAD, FARNBOROUGH

File No: D/584-2013
Attachments: Nil
Responsible Officer: Erin McCabe - Coordinator Development Assessment
Brett Bacon - Director Community & Planning Services
Author: Jane Witham - Planning Officer

SUMMARY

A Development Application for a Dwelling House at 319 Farnborough Road, Farnborough was lodged with Council on 17 December 2013. The application is scheduled for a decision at the Council meeting of 28 January 2014 and the recommendation by the officer is for a refusal due to the risk of storm tide and drainage hazard.

Rhonda Watts has requested to make a deputation to the Council regarding the application.

9.13AM The deputation of Rhonda Watts commenced.

9.50AM The deputation of Rhonda Watts concluded.

COUNCIL RESOLUTION

THAT the deputation by Rhonda Watts be 'received'.

That the matter lay on the table pending legal advices being sought and to return to the Council Meeting on 11 February 2014.

Moved by: Deputy Mayor, Councillor Scott

Seconded by: Councillor Mather

MOTION CARRIED

9 PRESENTATION OF PETITIONS

Nil

10 BUSINESS IMPROVEMENT COMMITTEE REPORTS

Nil

11 COUNCILLOR/DELEGATE REPORTS

Nil

12 REPORTS

12.1 PROPOSED INTERIM CORPORATE PLAN

File No: 2200
Attachments: 1. Interim Corporate Plan
Responsible Officer: Jon Rutledge - Manager Human Resources
Author: Catherine Rivett - Corporate Strategist

SUMMARY

An Interim Corporate Plan has been developed in order to effectively represent the Livingstone community until such time as a best practice, legislatively compliant five year Corporate Plan can be effectively developed and implemented. If adopted, the Interim Corporate Plan will replace the Rockhampton Regional Council Corporate Plan which automatically transitioned to Livingstone Shire Council due to the de-amalgamation process.

COUNCIL RESOLUTION

THAT Council resolves to adopt the Interim Corporate Plan as included in this report, and repeal use of the Rockhampton Regional Council 2012-2017 Corporate Plan.

Moved by: Councillor Kelly
Seconded by: Councillor Hutton

MOTION CARRIED

12.2 PANORAMA DRIVE - ROYALTIES FOR THE REGIONS APPLICATION - ROUND 3

File No: GS15.1.1
Attachments: Nil
Responsible Officer: Philip McKone - Manager Infrastructure Planning & Design
Dan Toon - Director Infrastructure Services
Author: Lorna Oliver - Traffic Engineer

SUMMARY

The Panorama Drive project is a core road infrastructure access link between Pacific Heights and the western access to the Capricorn Coast. The Panorama Drive project is identified in Council's Planned Future Trunk Infrastructure and previous Strategic Transport Plans. Council staff and consultant engineering companies have investigated several road alignment options to deal with the high construction costs of the steep terrain. Although the project involves high initial costs for earthworks and drainage, the community benefits of the transport link are critical and arise from residential development in support of the Central Queensland mining industry.

COUNCIL RESOLUTION

THAT Council resolves to submit an Expression of Interest to the Royalties for the Regions Program, Round 3 for design and construction of Panorama Drive.

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

12.3 PROCUREMENT POLICY

File No: CM4.7.12
Attachments: 1. Procurement Policy
Responsible Officer: Andrew Ireland - Chief Executive Officer
Author: Michael Worthington - Coordinator Procurement & Logistics

SUMMARY

Councillors previously workshopped the Procurement Policy resulting in a request for the Procurement Policy to give more priority to purchasing from local suppliers. The policy was also to provide guidance and examples to allow suppliers to understand the application of the policy. This version of the procurement Policy achieves the first aim of allowing a focus on purchasing from local suppliers.

It is recommended that this version of the Procurement Policy be adopted until further changes have been made that provide examples and guidance to the policies practical application.

This policy is a statutory policy in accordance with the Local Government Regulation 2012 s198 (1) and (2).

OFFICER'S RECOMMENDATION

THAT Council adopt the attached Procurement Policy.

COUNCIL RESOLUTION

THAT Council adopts the Purchasing Policy with the agreed amendments.

Moved by: Councillor Hutton

Seconded by: Councillor Mather

MOTION CARRIED

12.4 D/584-2013 - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A DWELLING HOUSE - 319 FARNBOROUGH ROAD, FARNBOROUGH

File No: D/584-2013

Attachments:

1. Site Plan
2. Locality Plan
3. Site Photos

Responsible Officer: Brett Bacon - Director Community & Planning Services

Author: Erin McCabe - Coordinator Development Assessment

SUMMARY

Development Application Number: D/584-2013

Applicant: Jay Christopher Stafford and Madeline Alyce Watts

Real Property Address: Lot 1 on RP620234 and Lot 2 on RP620234, Parish of Yeppoon

Common Property Address: 319 Farnborough Road, Farnborough

Area of Site: 2,628 square metres

Planning Scheme: Livingstone Shire Planning Scheme 2005

Planning Scheme Zoning: Rural Zone

Planning Scheme Overlays: Overlay Map 02 - Drainage Problem;
Overlay Map 03 - Wetlands 100 metre Buffer;
Overlay Map 05 - Stormtide Hazard;
Overlay Map 07 – Farnborough Groundwater;
Overlay Map 08 - Acid Sulfate Soils; and
Overlay Map 09 - Green Breaks

Existing Development: Shed

Existing Approvals: Building Approval for a Class 10 shed (2004-0072)

Approval Sought: Development Permit for a Material Change of Use for a Dwelling House

Level of Assessment: Code Assessable

Submissions: Not Applicable

Referral Agency(s): Nil

Adopted Infrastructure Charges Area: Charge Area Three

Application Progress:

<i>Application Lodged:</i>	17 December 2013
<i>Request for Further Information sent:</i>	7 January 2014
<i>Request for Further Information responded to:</i>	10 January 2014
<i>Last receipt of information from applicant:</i>	10 January 2014
<i>Statutory determination date:</i>	11 February 2014

OFFICER'S RECOMMENDATION

THAT in relation to the application for a Development Permit for a Material Change of Use for a Dwelling House, made by Jay Stafford and Madeline Alyce Watts, on Lot 1 on RP620234 and Lot 2 on RP620234, Parish of Yeppoon, and located at 319 Farnborough Road, Farnborough, Council resolves to Refuse the application due to conflict with the Planning Scheme and provide the following grounds to justify the decision:

- 1.0 The proposed dwelling house is an undesirable use for land that is at risk of storm tide and drainage hazards and will pose significant risk to property and persons as the dwelling cannot meet the 4.4 metre Australian Height Datum floor level required to avoid such events.
- 2.0 Access to the site will be restricted in a storm tide or drainage event.
- 3.0 The proposal cannot demonstrate compliance with the *State Planning Policy* Natural Hazards Interim Development Assessment Requirements.
- 4.0 The proposal directly compromises three (3) Desired Environmental Outcomes within the *Livingstone Shire Planning Scheme 2005*.

COUNCIL RESOLUTION

That the matter lay on the table until the Council Meeting on 11 February 2014, to allow Council to consider further information and legal advice.

Moved by: Deputy Mayor, Councillor Scott

Seconded by: Mayor Ludwig

MOTION CARRIED

12.5 LIVINGSTONE SHIRE COUNCIL LOGO

File No: CR2.4.3
Attachments: Nil
Responsible Officer: Andrew Ireland - Chief Executive Officer
Author: Rebecca French - Manager Marketing & Engagement

SUMMARY

This report relates specifically to the logo of Livingstone Shire Council and as a means to identify Council.

COUNCIL RESOLUTION

THAT Council reinstate the previous Livingstone Shire Council logo.

Moved by: Councillor Kelly
Seconded by: Councillor Wyatt

MOTION CARRIED

12.6 COUNCILLOR PORTFOLIO PROTOCOLS

File No: GV13.4.2
Attachments: 1. Councillor Portfolio Protocols
Responsible Officer: Andrew Ireland - Chief Executive Officer
Author: Andrew Ireland - Chief Executive Officer

SUMMARY

As Councillors will be aware, the Governance Structure within Council has been set to include the allocation of portfolios to Councillors. On this basis, Councillors with portfolios will become spokespersons for the matters relating to their respective portfolio. This report will recommend the adoption of the attached Councillor Portfolio Protocols that were workshopped with Council on Tuesday, 21 January 2014.

COUNCIL RESOLUTION

THAT Council adopts the Councillor Portfolio Protocols as attached to this report.

Moved by: Councillor Wyatt
Seconded by: Councillor Hutton

MOTION CARRIED

13 QUESTIONS/STATEMENT/MOTIONS ON NOTICE FROM COUNCILLORS

Nil

14 URGENT BUSINESS\QUESTIONS***Meeting Adjourned*****COUNCIL RESOLUTION**

10.30AM

That the meeting be adjourned until 10.50AM.

Moved by: Mayor Ludwig**Seconded by: Deputy Mayor, Councillor Scott****MOTION CARRIED*****Meeting Resumed*****COUNCIL RESOLUTION**

10.56AM

That the meeting be resumed.

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

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

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 Discontinue Acquisition of Easement Whitman Street Yeppoon

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 .

16.2 Acquisition of Easement Whitman Street Yeppoon

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 .

16.3 Acquisition of Land and Easements Millroy Drive Sewer Pump Station Project

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 .

10:57AM

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

MOTION CARRIED

COUNCIL RESOLUTION

11.20AM

THAT the meeting moves out of Closed Session and be opened to the public.

Moved by: Councillor Kelly
Seconded by: Councillor Hutton

MOTION CARRIED

16 CONFIDENTIAL REPORTS

16.1 DISCONTINUE ACQUISITION OF EASEMENT WHITMAN STREET YEPPOON

File No: 10860

Attachments:

1. Drawing No. 7163 - *(Confidential)*
2. Aerial Photograph - *(Confidential)*

Responsible Officer: Dan Toon - Director Infrastructure Services

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 seeks Council's approval to discontinue the taking of a drainage easement.

OFFICER'S RECOMMENDATION

THAT:

1. Council resolve to discontinue the Taking of Easement for drainage purposes over Lot 1RP617798 and give the notice required by Section 16(1) of the Acquisition of Land Act 1967 and file with the Land Registry the notice required by Section 7(4A).
2. The existing property condition dated 6 March 2002 be amended to read:
'Please be aware Council has an interest in acquiring an easement over the existing drainage pipes in part of this property in accordance with Drawing No 7163. Refer to Council meeting minutes dated 28 January 2014. File ref 10860

COUNCIL RESOLUTION

THAT:

1. Council resolve to discontinue the Taking of Easement for drainage purposes over Lot 1RP617798 and give the notice required by Section 16(1) of the Acquisition of Land Act 1967 and file with the Land Registry the notice required by Section 7(4A).
2. The existing property condition dated 6 March 2002 be amended to read:
'Please be aware Council has an interest in acquiring an easement over the existing drainage pipes in part of this property in accordance with Drawing No 7163. Refer to Council meeting minutes dated 28 January 2014. File ref 10860
3. That Council writes to the Minister and Director General requesting support from the State in granting the easement for Council's requested purpose.

Moved by: Councillor Wyatt

Seconded by: Councillor Kelly

MOTION CARRIED

16.2 ACQUISITION OF EASEMENT WHITMAN STREET YEPPON

File No: 10861
Attachments: 1. Drawing No 7163 - *(Confidential)*
Responsible Officer: Dan Toon - Director Infrastructure Services
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 seeks Council's approval to continue the Taking of Land process to obtain an easement for drainage purposes at Whitman Street Yeppoon.

COUNCIL RESOLUTION

That:

1. In relation to Lot 54 on RP603549, having considered the report, the Council is of the opinion that the land described as 'drainage requirement' on Drawing No. 7163 is required for the purpose of drainage, for which it is proposed to be taken; and
2. The Council apply to the appropriate Minister that the land be taken as prescribed by Section 9 of the Acquisition of Land Act 1967.

Moved by: Councillor Wyatt
Seconded by: Councillor Kelly

MOTION CARRIED

**16.3 ACQUISITION OF LAND AND EASEMENTS
MILLROY DRIVE SEWER PUMP STATION PROJECT**

File No: 10695
Attachments: 1. Drawing No. 4950PROP1 - *(Confidential)*
2. Drawing No. 4950PROP2 - *(Confidential)*
Responsible Officer: Dan Toon - Director Infrastructure Services
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 seeks Council's approval to continue the Taking of Land process to obtain a sewage pumping station site, sewer and access easements required for the Millroy Drive Sewer Pump Station Project.

COUNCIL RESOLUTION

That

1. In relation to Lot 101SP245868, having considered the report, the Council is of the opinion that the land described as 'Emt B' on Drawing No. 4950PROP1 is required for the purpose of sewerage, for which it is proposed to be taken; and
2. In relation to Lot 1RP848831, having considered the report, the Council is of the opinion that:
 - a. the land described as 'Emt A' on Drawing No. 4950PROP2 is required for purposes incidental to sewerage (access), for which it is proposed to be taken; and
 - b. the land described as 'Lot 2' on Drawing No. 4950PROP2 is required for purposes relating to sewerage, for which it is proposed to be taken; and
3. The Council apply to the appropriate Minister that the land be taken as prescribed by Section 9 of the Acquisition of Land Act 1967.

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

17 CLOSURE OF MEETING

There being no further business the meeting closed at 11.58am.

Mayor Bill Ludwig
CHAIRPERSON

DATE