

Livingstone

Shire Council

ORDINARY MEETING

MINUTES

26 MAY 2015

The Council resolutions contained within these minutes were confirmed at Council Meeting on 09 June 2015.

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MINUTES OF THE ORDINARY MEETING HELD AT COUNCIL CHAMBERS, ANZAC PARADE, YEPPON ON TUESDAY, 26 MAY 2015 COMMENCING AT 9:13AM

1 OPENING

2 PRESENT

Members Present:

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

In Attendance:

Mr Justin Commons – Chief Executive Officer
Ms Chris Murdoch – Director Corporate Services
Mr Brett Bacon – Director Community and Planning Services
Mr Dan Toon – Director Infrastructure Services
Mr Jon Rutledge – Manager Human Resources and Governance
Mr Darryll Schurmann – Manager Finance
Ms Catherine Rivett – Corporate Strategist
Ms Lucy Merry – Councillor Support Officer

3 LEAVE OF ABSENCE / APOLOGIES

Councillor Graham Scott has tendered his apology and will not be in attendance.

COUNCIL RESOLUTION

THAT the apologies tendered for the absence of Councillor Scott be 'received'.

Moved by: Mayor Ludwig
Seconded by: Councillor Hutton
MOTION CARRIED

4 PUBLIC FORUMS/DEPUTATIONS

Nil

5 MAYORAL MINUTE

Nil

6 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

COUNCIL RESOLUTION

THAT the minutes of the Ordinary Meeting held on 12 May 2015 (as amended) be taken as read and adopted as a correct record.

Moved by: Councillor Belot

Seconded by: Councillor Kelly

MOTION CARRIED

7 DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA

Nil

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: Justin Commons - 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 Mather
Seconded by: Councillor Wyatt

MOTION CARRIED

9 PRESENTATION OF PETITIONS

Nil

10 BUSINESS IMPROVEMENT COMMITTEE REPORTS

Nil

11 COUNCILLOR/DELEGATE REPORTS

Nil

12 REPORTS

12.1 OPERATIONAL PLAN QUARTERLY PROGRESS REPORT

File No: CM4.6.2
Attachments: 1. Quarter 3 Operational Plan Progress Report
Responsible Officer: Chris Murdoch - Director Corporate Services
Author: Catherine Rivett - Corporate Strategist

SUMMARY

The 2014-15 Operational Plan progress report for Quarter 3 as at 31 March 2015 is presented, pursuant to section 174(3) of the Local Government Regulation 2012.

COUNCIL RESOLUTION

THAT the 2014-15 Operational Plan progress report for Quarter 3 as at 31 March 2015 be received.

Moved by: Councillor Hutton

Seconded by: Councillor Mather

MOTION CARRIED

12.2 SUMMARY BUDGET MANAGEMENT REPORT FOR THE PERIOD ENDED 30 APRIL 2015**File No:** FM12.4.1**Attachments:**

1. Income Statement - April 2015
2. Graphs - April 2015

Responsible Officer: Chris Murdoch - Director Corporate Services**Author:** Darryll Schurmann - Manager Finance

SUMMARY

The Manager Finance presenting the Livingstone Shire Council Summary Budget Management Report for the Period Ended 30 April 2015.

COUNCIL RESOLUTION

THAT the Livingstone Shire Council Summary Budget Management Report for the Period Ended 30 April 2015 be 'received'.

Moved by: Councillor Hutton**Seconded by:** Councillor Wyatt**MOTION CARRIED**

12.3 TEMPORARY LOCAL PLANNING INSTRUMENT TO SUSPEND OR OTHERWISE AFFECT THE OPERATION OF THE LIVINGSTONE SHIRE PLANNING SCHEME 2005- POST TROPICAL CYCLONE MARCIA

File No: LU18.3.5

Attachments: 1. Livingstone Shire Council Temporary Local Planning Instrument 01/15 Natural Disaster Recovery

Responsible Officer: Brett Bacon - Director Community & Planning Services

Author: Madelaine Ward - Senior Planning Officer

SUMMARY

As resolved at the Council Meeting of 10 March 2015, Council has developed a Draft Temporary Local Planning Instrument to vary the effect of the building works assessable against the planning scheme provisions of the current Livingstone Shire Planning Scheme 2005, specifically in relation to building works required as a direct result of Tropical Cyclone Marcia. In accordance with Statutory Guidelines 1/15 – Making and Amending a Local Planning Instrument, the Temporary Local Planning Instrument was submitted to the Minister for Infrastructure, Local Government and Planning for consideration on 2 April 2015. Accordingly, the Minister provided its response on 12 May 2015. The minister’s response included minor administrative suggestions which have not varied Council’s original intention of the document.

This report discusses the specific planning mechanisms of the Temporary Local Planning Instrument and aims to provide clarity surrounding its application and implementation. This report also seeks a resolution of Council to formally adopt the Temporary Local Planning Instrument 01/15 – Natural Disaster Recovery.

COUNCIL RESOLUTION

THAT the Council resolves to:

- 1) adopt the Livingstone Shire Council *Temporary Local Planning Instrument 01/15 Natural Disaster Recovery* as contained in Attachment One, in accordance with stage three, step six of *Statutory Guideline 02/12, Making and amending local planning instruments*; and
- 2) commence the temporary local planning instrument on 1 June 2015.

Moved by: Mayor Ludwig
Seconded by: Councillor Wyatt
MOTION CARRIED UNANIMOUSLY

12.4 COUNCIL INTERVENTION WITH ASSISTANCE FOR CLEARING PROPERTY OF FIRE HAZARDS FOR PROPERTY OWNERS WITH DEMONSTRATED HARDSHIPS**File No:** CR2.13.11**Attachments:** 1. **Draft Policy Post-Disaster Fire Hazard Vegetation Clearing on Private Property for Owners with Demonstrated Hardships****Responsible Officer:** **Ian Dare - Manager Community Wellbeing
Brett Bacon - Director Community & Planning Services****Author:** **Melissa Minter - Co-ordinator Community Partnership**

SUMMARY

This report follows a previous Mayoral Minute and Council Workshop discussions with regard to providing assistance to vulnerable property owners to clear fallen vegetation resulting from cyclone Marcia.

COUNCIL RESOLUTION

THAT Council resolve to adopt the *Post Disaster Fire Hazard Vegetation Clearing on Private Property for Owners with Demonstrated Hardships Policy*, as outlined in Attachment One.

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

12.5 BEACHSIDE & BELL PARK CARAVAN PARK - MANAGEMENT AGREEMENT RENEWALS

File No: PR21.5.2
Attachments: 1. Certificate of Excellence Award
Responsible Officer: Darryll Schurmann - Manager Finance
Chris Murdoch - Director Corporate Services
Author: Rachel Jackson - Coordinator Property and Procurement

SUMMARY

Beachside and Bell Park Caravan Park Management Agreements are due for renewal and Council will offer an extension of these agreements to current Park Manager, Sue Waterman.

COUNCIL RESOLUTION

THAT Council resolve to issue Sue Waterman with an extension to her current arrangement of 12 months with 2 x 6 month options.

Moved by: Councillor Hutton
Seconded by: Councillor Kelly

MOTION CARRIED

13 QUESTIONS/STATEMENT/MOTIONS ON NOTICE FROM COUNCILLOR

L.2 NOTICE OF MOTION - COUNCILLOR NIGEL HUTTON - COMMERCIAL USE OF COUNCIL CONTROLLED LAND - FOOTPATH DINING AND GOODS ON FOOTPATHS

File No: GV13.4.4
Attachments: 1. Notice of Motion
Responsible Officer: Justin Commons - Chief Executive Officer

SUMMARY

Councillor Nigel Hutton has indicated his intention to move the following Notice of Motion at the Council Meeting on 26 May 2015, as follows:

COUNCIL RESOLUTION

THAT Council resolves to provide a one month amnesty on the application fee for footpath dining and goods on footpaths and officers undertake a program of education to engage all relevant premises and promote compliance.

Moved by: Councillor Hutton
Seconded by: Councillor Mather

MOTION CARRIED

Mayor Ludwig sought leave of the meeting to suspend meeting procedures for morning tea.

Leave granted.

Meeting procedures were suspended at 10:20am.

Meeting Procedures resumed at 10.47am.

14 URGENT BUSINESS QUESTIONS

Nil

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

10.47AM

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 Acquisition of Easement for Drainage Purposes - Park 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 Land for Road Purposes Waterpark Road Byfield

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 Easement for Drainage Purposes Angel Court 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 .

Moved by: Councillor Kelly
Seconded by: Councillor Hutton

MOTION CARRIED

COUNCIL RESOLUTION

11AM

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

Moved by: Councillor Wyatt
Seconded by: Councillor Hutton

MOTION CARRIED

16 CONFIDENTIAL REPORTS

16.1 ACQUISITION OF EASEMENT FOR DRAINAGE PURPOSES - PARK STREET YEPPON

File No: CP5.2.2-001

Attachments: 1. Drawing No 2012-066-92 (Ver B) -
(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 take a drainage easement in Park Street Yeppoon.

COUNCIL RESOLUTION

THAT Council authorise the Chief Executive Officer to issue a Notice of Intention to Resume in accordance with Section 7 of the Acquisition of Land Act 1967 for the resumption of an easement over Lot 2 SP210339 described as 'easement area' for the purposes of drainage generally in accordance with Drawing No. 2012-066-92 (Ver B).

Moved by: Councillor Kelly

Seconded by: Councillor Mather

MOTION CARRIED

16.2 ACQUISITION OF LAND FOR ROAD PURPOSES WATERPARK ROAD BYFIELD**File No:** CP5.2.5**Attachments:**

1. IS249376 - (*Confidential*)
2. Drawing showing alignment of pipeline - (*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 discussions with the owners of land at Waterpark Road, Byfield to obtain a section of their property for road reserve purposes.

COUNCIL RESOLUTION

THAT Council Officers continue discussions with the owners of Lot 6 RP865928 to obtain adequate land for road reserve purposes to ensure the existing trunk water pipeline which encroaches into the boundary of Lot 6 is located in the newly dedicated road reserve.

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

**16.3 ACQUISITION OF EASEMENT FOR DRAINAGE PURPOSES ANGEL COURT
YEPPON****File No:** CP5.2.2**Attachments:** 1. RP614588 - (*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 commence negotiations with the owners of Lot 142 RP614588 to obtain a drainage easement over their property.

COUNCIL RESOLUTION

THAT Council commence negotiations with the owner of Lot 142 RP614588 to finalise the registration of Easement A in Lot 142 on RP614588.

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

17 CLOSURE OF MEETING

There being no further business the meeting closed at 11.01 am.

Bill Ludwig
CHAIRPERSON

DATE