



ORDINARY MEETING

MINUTES

5 SEPTEMBER 2017

The resolutions contained within these minutes were confirmed at Council Meeting
on 19 September 2017.

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MINUTES OF THE ORDINARY MEETING HELD AT COUNCIL CHAMBERS, ANZAC PARADE, YEPPON ON TUESDAY, 5 SEPTEMBER 2017 COMMENCING AT 9.07AM

1 OPENING

2 PRESENT

Members Present:

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

In Attendance:

Mr Ron Posselt – Acting Chief Executive Officer
Mr David Battese – Acting Director Community and Planning Services
Mr Dan Toon – Director Infrastructure Services
Ms Debra Howe – Director Strategic Growth and Development
Mr Dave Mazzaferri – Acting Manager Community Wellbeing, Manager Disaster Management, Recovery and Resilience
Ms Melissa Minter – Coordinator Community Partnership
Mr Jared Thomsen – Senior Sport and Education Officer
Ms Erin McCabe – Coordinator Development Assessment
Ms Maddie Ward – Senior Planning Officer
Ms Rhiannon Casey – Planning Officer
Ms Andrea Ellis – Chief Financial Officer
Mr Scott Williams – Internal Audit
Mr Marcus Vycke – Manager Growth and Economic Development
Mr Russell Claus – Urban Strategist
Mr Joel Coates – Project Manager
Ms Lucy Merry – Executive Support Officer

Apologies:

Mayor, Councillor Bill Ludwig
Councillor Graham Scott
Mrs Chris Murdoch – Chief Executive Officer
Mr Brett Bacon – Director Community and Planning Services

3 LEAVE OF ABSENCE / APOLOGIES

Mayor Bill Ludwig has tendered his apology and will not be in attendance.

COUNCIL RESOLUTION

THAT the apology attended for the absence of Mayor Ludwig be received.

Moved by: Councillor Mather

Seconded by: Councillor Kelly

MOTION CARRIED

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

COUNCIL RESOLUTION

THAT the apology attended for the absence of Councillor Scott be received.

Moved by: Councillor Kelly

Seconded by: Councillor Wyatt

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 15 August 2017 be taken as read and adopted as a correct record.

Moved by: Councillor Wyatt
Seconded by: Councillor Mather

MOTION CARRIED

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

8 BUSINESS ARISING OR OUTSTANDING FROM PREVIOUS MEETINGS

Nil

9 PRESENTATION OF PETITIONS

Nil

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

Nil

11 COUNCILLOR/DELEGATE REPORTS

Nil

12 REPORTS

12.1 REEF GUARDIAN COUNCIL ACTION PLAN 2017-2018

File No:	EM11.12.3
Attachments:	1. Livingstone Shire Council Reef Guardian Council Action Plan 2017-18 ↔
Responsible Officer:	Brett Bacon - Director Community & Planning Services
Author:	Matthew Baldock - Senior Sustainability Officer

SUMMARY

The Reef Guardian Council programme promotes Great Barrier Reef protection through education, information sharing and involvement in on-ground actions. It is a requirement of the programme that members develop an annual Action Plan which details activities they will be undertaking during the year. Livingstone Shire Council was an inaugural member of the programme in 2007 and re-joined the programme in its own right following de-amalgamation from Rockhampton Regional Council in 2014. Livingstone Shire Council has developed an Action Plan for the 2017-18 financial year and the Plan includes a number of existing activities as well as a number of new projects which contribute to protecting the Great Barrier Reef. Approval is sought for the Action Plan 2017-18

COUNCIL RESOLUTION

THAT Council approve the Livingstone Shire Council Reef Guardian Councils' Programme Action Plan 2017-18.

Moved by: Councillor Belot
Seconded by: Councillor Mather

MOTION CARRIED UNANIMOUSLY

12.2 REQUEST FOR IN-PRINCIPLE SUPPORT FROM MULTICULTURAL DEVELOPMENT AUSTRALIA**File No:** GS15.2.3**Attachments:**

1. **Skilling Queenslanders for Work Fact Sheet** [⇒](#)
2. **Multicultural Development Australia Project Proposal** [⇒](#)

Responsible Officer: Brett Bacon - Director Community & Planning Services**Author:** Jared Thomsen - Senior Sport & Education Officer

SUMMARY

This report discusses a request for in-principle support from Multicultural Development Australia for its application for funding from the Queensland Government's Skilling Queenslanders for Work programme.

COUNCIL RESOLUTION

THAT Council provides in-principle support for the construction of a mountain bike skills park and shade shelters on Lot 35 on SP166175 (Lex Semple Park), and the submission of a funding application by Multicultural Development Australia to the Queensland Government's *Skilling Queenslanders for Work* programme, in line with the following conditions:

- 1) prior to the commencement of the project, community consultation and engagement must be completed to ensure community support for the project;
- 2) obtain all requisite financial and in-kind contributions for associated materials, plant and labour to complete the project;
- 3) all planning and design documentation must be reviewed and approved by Council prior to the commencement of the proposed project; and
- 4) all stages of the proposed project (design, planning, and construction) must be completed in accordance with the relevant standards and guidelines.

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

12.3 SIR JOSEPH BANKS PARK, KEPPEL SANDS

File No: CP5.9.2
Attachments: 1. Australian South Sea Islander Movement Inc.
Letter of request [⇒](#)
Responsible Officer: Brett Bacon - Director Community & Planning Services
Author: Melissa Minter - Co-ordinator Community Partnership

SUMMARY

This report discusses having an unregistered lease with Australian South Sea Islander Movement (Qld) Inc. over part of Lots 7 and 11 on RP603843, consisting of the building site plus one metre of a building located within Sir Joseph Banks Park, Keppel Sands.

COUNCIL RESOLUTION

THAT a three-year unregistered lease of the building site plus one metre be offered to the Australian South Sea Islander Movement (Qld) Inc. from the date of this resolution to include:

- 1) a peppercorn rental of \$110 per annum;
- 2) that the Lessee pays all electricity and telephone costs, insurance and expenses associated with the lease area; and
- 3) an annual review of the lease agreement and the alignment of uses and activities to community aspirations.

Moved by: Councillor Mather

Seconded by: Councillor Kelly

MOTION CARRIED UNANIMOUSLY

12.4 REQUEST FOR REDUCTION OF MATERIAL CHANGE OF USE APPLICATION FEES

File No: D-6-2014

Attachments: 1. Request from Keppel Developments Pty Ltd dated 7 August 2017 [↗](#)

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

Author: Erin McCabe - Co-ordinator Development Assessment

SUMMARY

This report discusses a request for a reduction in development application assessment fees relating to a proposed residential development over land at Carige Boulevard, Taroomball and described as Lot 5005 on SP280131.

COUNCIL RESOLUTION

THAT Council resolve to accept a fee of \$50.00 per Dwelling house for the five (5) proposed development applications at Sea Haven estate.

Moved by: Deputy Mayor, Councillor Hutton

Seconded by: Councillor Belot

MOTION CARRIED

12.5 REQUEST TO EXTEND THE RELEVANT PERIOD FOR DEVELOPMENT PERMIT D/742-2004 FOR A MATERIAL CHANGE OF USE FOR DEVELOPMENT CONSISTENT WITH RESIDENTIAL A ZONE, PARKS AND RECREATIONAL AND LOCAL BUSINESS ZONES.

File No: D/742-2004

Attachments:

1. **Concept Plan dated 25 May 2009 (not approved)**⇒
2. **Decision Notice 2004-742 (amended)**⇒
3. **SARA Concurrence Response - Objection**⇒
4. **Applicant request council decide extension request**⇒

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

Author: Madelaine Ward - Senior Planning Officer

SUMMARY

Development Application Number: D-Y/2004-742

Applicant: Peet Ltd c/- RPS Group

Real Property Address: Lot 150 on SP161008 and Lot 151 on SP161008

Common Property Address: 3447 Emu Park Road, Emu Park

Area of Site: 84.24 hectares

Planning Scheme: *Livingstone Shire Planning Scheme 2005*

Planning Scheme Zoning: Park Residential and Rural Zone

Planning Scheme Overlays: Drainage Problem (O2A)
Steep Land (O2B)
Bushfire Hazard (O5B)
Capricorn Coast Special Management Area (O9)
Locally Significant Vegetation (PSM 10)

Existing Development: Densely vegetated vacant land

Existing Approvals: Development Permit for a Material Change of Use for Development consistent with Residential A Zone, Parks and Recreational and Local Business Zones.

Approval Sought: Request to extend the relevant period

Level of Assessment: Impact Assessable

Submissions: Forty-two (42) submissions received as part of the original application

Referral Agency(s):

Department of Infrastructure Local Government
and Planning**COUNCIL RESOLUTION**

- A1 THAT in relation to the request to extend the relevant period for Development Permit D-Y/2004-742 for Development Consistent with Residential A, Parks & Recreation & Local Business zones, for an additional two (2) years until 30 August 2018, made by RPS Group on behalf of Peet Ltd, on land described as Lot 150 on SP161008 and Lot 151 on SP161008 and located at 3447 Emu Park Road, Emu Park, Council resolves to refuse the request.
- A2 THAT in relation to the request to change condition A4.1 to reflect an extended relevant period for Development Permit D-Y/2004-742, made by RPS Group on behalf of Peet Ltd, on land described as Lot 150 on SP161008 and Lot 151 on SP161008 and located at 3447 Emu Park Road, Emu Park, Council resolves to refuse the request.

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

12.6 DEVELOPMENT APPLICATION FOR A DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE FOR A SPECIAL USE (EDUCATIONAL PURPOSES) AND OFFICE**File No:** D-81-2017**Attachments:**

1. **Locality Plan** [⇒](#)
2. **Site Plan** [⇒](#)
3. **Floor Plan** [⇒](#)
4. **Elevations** [⇒](#)
5. **Proposed Q100 Easement Area** [⇒](#)

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

SUMMARY

Development Application Number: D-81-2017

Applicant: Coal Train Pty Ltd

Real Property Address: Lot 101 on SP245868

Common Property Address: 6 Millroy Drive, Barmaryee

Area of Site: 5.7 hectares

Planning Scheme *Livingstone Shire Planning Scheme 2005*

Planning Scheme Zoning: Park Residential Zone

Planning Scheme Overlays: Overlay Map O2 – Drainage Problem

Existing Development: Dwelling house, ancillary sheds and a shop

Existing Approvals: D/1722-2005 – Material Change of Use for a Shop (approved with conditions 22 June 2006)

1505-2003-YPO – Building Works for a shed extension (third shed closest to property entrance) (approved with condition 3 December 2003);

169-2004-YPO – Building Works for a Farmshed (first shed directly behind Dwelling) (approved with condition 16 March 2004); and

1918-2004-YDOM - Building Works application for a Single detached Dwelling (approved with conditions 11 November 2004);

28-2005-YCOMM – Commercial/Industrial Building Project for a change of classification to class 9b and class 7 (approved with condition 9 June 2005);

32-2017-B-COM – Building works for a shed refurbishment (approved with condition 8 June 2017).

Approval Sought:	Development Permit for a Material Change of Use for a Special use (educational purposes) and Office
Level of Assessment:	Impact Assessment
Submissions:	One (1) properly made and one (1) not properly made
Referral Agency(s):	Department of Infrastructure, Local Government and Planning
Adopted Infrastructure Charges Area:	Outside the Priority Infrastructure Area
Application Progress:	

Application Lodged:	26 April 2017
Application deemed Properly Made:	27 April 2017
Acknowledgement Notice sent:	8 May 2017
Application referred to DILGP:	9 May 2017
No Information Request Letter sent:	22 May 2017
Referral response from DILGP received:	14 June 2017
Public Notification comment period commenced:	14 June 2017
Notice of Commencement received:	15 June 2017
Public Notification comment period ended:	11 July 2017
Notice of Compliance received:	12 July 2017
Decision Assessment Period extended (until 8 September 2017)	26 July 2017
Statutory determination date:	8 September 2017

COUNCIL RESOLUTION

RECOMMENDATION A

THAT in relation to the application for a Development Permit for a Material Change of Use for a Special use (educational purposes) and an Office, made by Coal Train Pty Ltd, on Lot 101 on SP245868 and located at 6 Millroy Drive, Barmaryee, Council resolves to Approve the application despite the conflict with the planning scheme based on the following planning grounds:

- (a) The development is sited in an appropriate location given the proximity to higher order roads and compatible industrial operations that directly relate to the proposed training and servicing operations.
- (b) The use facilitates a suitable transition from industrial land uses to the west and the park residential allotments to the north-east. The scale and operations are commensurate with surrounding land uses and being of a similar extent, are anticipated to sit homogeneously in the locality.
- (c) The development does not minimise the viability of additional park residential development within proximity to the site as the development provides for appropriate buffers between adjoining land uses through existing environmental constraints. In addition, the subject development is orientated towards Yeppoon Road and away from all park residential lots.

RECOMMENDATION B

THAT in relation to the application for a Development Permit for a Material Change of Use for a Special use (educational purposes) and an Office, made by Coal Train Pty Ltd, on Lot 101 on SP245868 and located at 6 Millroy Drive, Barmaryee, 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) Parking Works;
- 1.6.2 Plumbing and Drainage Works; and
- 1.6.3 Building Works.
- 1.7 All Development Permits for Operational Works and Plumbing and Drainage Works must be obtained prior to the issue of a Development Permit for 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>
Plan of Material Change of Use Education Facility & Offices (Site Plan)	6701-01-MCU Sheet 1 of 1 Revision B	16 August 2017
Ground Floor Plan	16-399-C Sheet 100 Revision 4	8 February 2017
Elevations	16-399-C Sheet 200 Revision 2	8 February 2017
Engineering Infrastructure Report	17-000862 Issue 1	April 2017

6 Millroy Drive-Proposed Q100 Easement Area	Not numbered	8 June 2017
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- 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 PARKING WORKS
- 3.1 A Development Permit for Operational Works (parking works) must be obtained prior to the commencement of any access and parking 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, Australian Standard AS2890 "Off Street Car Parking"* and the provisions of a Development Permit for Operational Works (parking works).
- 3.3 Parking and associated vehicle manoeuvring areas must be sealed using bitumen, concrete, or another surface approved by Council as part of a Development Permit for Operational works (parking works).
- 3.4 All ingress and egress movements to and from the development must be in a forward direction.
- 3.5 A minimum of thirty-seven (37) off-street parking spaces (including one (1) universal access space) must be provided.
- 3.6 The universal access space must be provided in accordance with *Australian Standard AS 2890.6. 2009 "Off-Street parking for people with disabilities"*.
- 3.7 Stormwater runoff from access, parking and vehicular manoeuvring areas must be drained so as to demonstrate lawful discharge in accordance with the *Queensland Urban Drainage Manual*.
- 3.8 All vehicle operations associated with the use must be directed by suitable directional, informative, regulatory or warning signs in accordance with the *Manual of Uniform Traffic Control Devices*.
- 4.0 PLUMBING AND DRAINAGE WORKS
- 4.1 A Development Permit for Plumbing and Drainage Works must be obtained prior to the commencement of any plumbing and drainage works on the site.
- 4.2 All works must be designed and constructed in accordance with the *Capricorn Municipal Development Guidelines, Water Supply (Safety and Reliability) Act, Plumbing and Drainage Act*, Council's Plumbing and Drainage Policies and the provisions of a Development Permit for Plumbing and Drainage Works.
- 4.3 The development must be connected to Council's reticulated water, sewerage and effluent networks.
- 4.4 Sewer connections and water meter boxes located within trafficable areas must be raised or lowered to suit the finished surface levels and must be provided with trafficable lids.
- 5.0 STORMWATER WORKS
- 5.1 All roof and allotment drainage must be discharged lawfully in accordance with the requirements of the *Queensland Urban Drainage Manual* and the *Capricorn Municipal Development Guidelines*.
- 5.2 All roof and allotment drainage must be discharged such that it does not restrict,

impair or change the natural flow of runoff water or cause an actionable nuisance to adjoining properties or damage infrastructure.

- 5.3 A drainage easement must be dedicated in favour of Council over all major overland flow paths (land inundated by a Defined Flood Event) and major drainage systems to provide drainage corridors suitable for the conveyance of peak stormwater flows through the subject land during the Defined Flood Event. The extent of the easement(s) must be generally in accordance with the 6 Millroy Drive-Proposed Q100 Easement Area plan, dated 9 June 2017 (refer to condition 2.1).

6.0 SITE WORKS

- 6.1 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, such as to cause an actionable nuisance or worsening to adjoining properties or infrastructure.

- 6.2 All site works must be undertaken to ensure that no actionable nuisance results from:

6.2.1 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);

6.2.2 an increase in downstream or upstream flood inundation levels; and

6.2.3 increase in velocity profiles.

7.0 BUILDING WORKS

- 7.1 All external elements, such as air conditioners, must be adequately screened from public view, to Council's satisfaction. Noise from any external elements, such as air conditioners, must not exceed 5dB(A) (decibels) above the background ambient noise level, measured at the boundaries of the subject site.

- 7.2 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"*.

8.0 ADVERTISING DEVICE

- 8.1 A Development Permit for Operational Works (Advertising device) must be obtained prior to erecting any advertising devices on the site, unless determined to be accepted development in the relevant planning scheme provisions.

9.0 LANDSCAPING WORKS

- 9.1 A minimum five (5) metre wide landscaped area must be provided along the Yeppoon Road frontage of the site. The landscaping must include endemic species that are suitable to screen parking areas (generally up to the height of the fence) commensurate with the existing landscaping along the north eastern section of the frontage. Existing landscaping may be retained and must be supplemented with endemic species.

- 9.2 Large trees must not be planted within one (1) metre of the centreline of any sewerage infrastructure. Small shrubs and groundcover are acceptable.

- 9.3 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.

- 9.4 The landscaped areas must be subject to an ongoing maintenance and replanting programme (if necessary).

10.0 ELECTRICITY AND TELECOMMUNICATIONS

10.1 Electricity and telecommunication connections must be provided to the proposed development to the standards of the relevant authorities.

11.0 ASSET MANAGEMENT

11.1 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.

11.2 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.

12.0 ENVIRONMENTAL

12.1 An 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.

12.2 All buildings and structures must be constructed in compliance with *Australian Standard AS3959 "Construction in Bushfire Prone Areas"*.

13.0 OPERATING PROCEDURES

13.1 The operating hours are restricted to 0600 hours to 1800 hours, Monday to Friday. Office based administration may take place outside the main operating hours/days.

13.2 The land use is approved within Building 1 only (refer to condition 2.1). Outdoor training must not occur on the site.

13.3 All waste storage areas must be:

13.3.1 Designed and maintained in accordance with the *Environmental Protection Regulation 2008*;

13.3.2 Concealed from public view such that the contents of the bin compound are not visible from any public place; and

13.3.3 Kept in a clean and tidy condition.

13.4 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 Millroy Drive or Yeppoon Road.

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 Partnerships website <https://www.datsip.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 1994* and subordinate legislation 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. 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 C

THAT in relation to the application for a Development Permit for a Material Change of Use for a Special use (educational purposes) and an Office, made by Coal Train Pty Ltd, on Lot 101 on SP245868 and located at 6 Millroy Drive, Barmaryee, Council resolves that the charge of **\$13,891.84** (taking into account the offset) is payable at the commencement of the use and will be reflected in an Infrastructure Charges Notice for the development. The Infrastructure Charges Notice will state that an offset of \$59,000.00 applies for trunk stormwater infrastructure (item D-49/Corduroy Creek Tributary, being total length of two drainage easement paths of 590 metres (at \$100 per metre average value for a drainage path)).

Moved by: Deputy Mayor, Councillor Hutton

Seconded by: Councillor Kelly

MOTION CARRIED UNANIMOUSLY

12.7 UPDATES TO RISK MANAGEMENT POLICY**File No:** RM27.4.1**Attachments:**

1. Enterprise Risk Management Directive (v2) [⇒](#)
2. Enterprise Risk Management Policy (v1) [⇒](#)

Responsible Officer: Chris Murdoch - Chief Executive Officer**Author:** Scott Williams - Internal Auditor

SUMMARY

Council officers have updated and expanded the existing suite of Enterprise Risk Management documents to increase the focus on management of controls and introduce an additional process for periodic assurance on controls. It is recommended that Council reclassify the current policy as a directive. This report provides an overview of the work performed and the changes in the documents.

COUNCIL RECOMMENDATION

THAT Council rescind the current Enterprise Risk Management Policy.

Procedural Motion**COUNCIL RESOLUTION**

That the matter lay on the table pending further discussion at the next Workshop Meeting.

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

12.8 EXCEPTION TO OBTAIN QUOTES OR TENDERS PRIOR TO ENTERING CONTRACTUAL ARRANGEMENTS

File No: FM12.18.1
Attachments: Nil
Responsible Officer: Suzanne Pambid - Senior Support Services Officer
Ron Posselt - Director Corporate Services
Author: Andrea Ellis - Chief Financial Officer

SUMMARY

The *Local Government Regulation 2012* provides for an exception to the requirements to invite quotes or tenders where the local government resolves that there is only one supplier reasonably available or where it would be impractical or disadvantageous to request quotes because of the specialist or confidential nature of the services. While in the majority of cases there are multiple supplier options available for the procurement of goods and services, in limited circumstances this is not the case and to ensure compliance with legislation from time to time Council may be required to resolve to enter a contract without previously obtaining quotes.

COUNCIL RESOLUTION

THAT Livingstone Shire Council resolves to enter into a contract under Section 235(a) of the *Local Government Regulation 2012* without first inviting written quotes or tenders, as it is satisfied that there is only one supplier who is reasonably available for the implementation of rates modelling software by IBIS Software to link in with the Pathway corporate application due to the specialised nature of the rate modelling information required.

Moved by: Councillor Mather

Seconded by: Councillor Kelly

MOTION CARRIED UNANIMOUSLY

12.9 ANNUAL OPERATIONAL PLAN REPORT FOR THE PERIOD JULY 2016 TO JUNE 2017

File No: CM4.6.2
Attachments: 1. 2016-17 Annual Operational Plan Report [⇒](#)
Responsible Officer: Ron Posselt - Director Corporate Services
Author: Suzanne Pambid - Senior Support Services Officer

SUMMARY

The Annual Operational Plan Report for the period 1 July 2016 to 30 June 2017 is presented, pursuant to section 104(7) of the Local Government Act 2009 and section 174(3) of the Local Government Regulation 2012.

COUNCIL RESOLUTION

THAT the 2016-17 Annual Operational Plan Report be received.

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

Deputy Mayor 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 10:30AM.

13 QUESTIONS/STATEMENT/MOTIONS ON NOTICE FROM COUNCILLORS

Nil

14 CLOSED SESSION

In accordance with the provisions of section 275 of the *Local Government Regulation 2012*, a local government may resolve to close a meeting to the public to discuss confidential items, such that its Councillors or members consider it necessary to close the meeting.

COUNCIL RESOLUTION

10.30AM

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

15.1 Central Queensland Capras Rugby League Football Club Request for Lease – Barmaryee Multisport Precinct

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

15.2 Request for Deferred Infrastructure Charges for Development Permit D-384-2012 for Reconfiguring a Lot (One Lot in Four Lots)

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

15.3 Potential Sale of Property

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 it.

15.4 Authority to Sign Friendship City Agreement on behalf of Livingstone Shire Council

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

15.5 Yeppoon Foreshore and Town Centre Revitalisation Project and Prioritisation

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 Mather

MOTION CARRIED

COUNCIL RESOLUTION

11.08AM

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

Moved by: Councillor Mather

Seconded by: Councillor Kelly

MOTION CARRIED

15 CONFIDENTIAL REPORTS

15.1 CENTRAL QUEENSLAND CAPRAS RUGBY LEAGUE FOOTBALL CLUB REQUEST FOR LEASE - BARMARYEE MULTISPORT PRECINCT

File No: CP5.9.2

Attachments:

1. Request for Tenure from Central Queensland Capras Rugby League Football Club
2. Approximate Lease Area

Responsible Officer: Brett Bacon - Director Community & Planning Services

Author: Jared Thomsen - Senior Sport & Education 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 discusses a request from the Central Queensland Capras to enter into a lease agreement over part of lot 14 on SP239039, the Barmaryee Multisport Precinct, to establish its operations.

COUNCIL RESOLUTION

THAT pursuant to section 236(1)(b)(ii) of the *Local Government Regulation 2012*, Council resolve to dispose of a valuable non-current asset other than by tender or auction, being the lease of part of lot 14 on SP239039 (generally in accordance with Attachment Two) to a community organisation (namely the Central Queensland Capras).

Moved by: Councillor Wyatt

Seconded by: Deputy Mayor, Councillor Hutton

MOTION CARRIED UNANIMOUSLY

15.2 REQUEST FOR DEFERRED INFRASTRUCTURE CHARGES FOR DEVELOPMENT PERMIT D-384-2012 FOR RECONFIGURING A LOT (ONE LOT INTO FOUR LOTS)**File No:** D-384-2012**Attachments:**

1. Applicants representations
2. Adopted Infrastructure Charges Notice D-384-2012
3. Development Incentive Policy for Reconfiguring a Lot

Responsible Officer: Brett Bacon - Director Community & Planning Services**Author:** David Battese - Manager Strategy & Development

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 presents Council with a request c/- Capricorn Survey Group to defer infrastructure charges payable for development at Barmaryee Road, Barmaryee.

COUNCIL RESOLUTION

THAT Council support the request to defer payment of the charges on the basis that the applicant enters into an Infrastructure Agreement to defer the \$21,000.00 in accordance with the principles of the deferred payment policy.

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

15.3 POTENTIAL SALE OF PROPERTY**File No:** ED8.5.5**Attachments:**

1. Attachment 1 Valuation - Council
2. Attachment 2 Valuation - Proposed Purchaser
3. Attachment 3 - Email of Offer
4. Attachment 4 - Rockhampton Regional Council Previous Decision

Responsible Officer: Debra Howe - Director Strategic Growth and Development
Russell Claus - Urban Strategist**Author:** Marcus Vycke - Manager Growth and Economic Development

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 it.

SUMMARY

The purpose of this report is to present the offer received for the sale of a property adjacent to The Gateway Business and Industry Park which is an industrial facility owned by Council.

The site is determined as a non-current asset therefore has been identified as suitable for disposal. To inform the discussion of the merits of the request to purchase the property, valuations have been obtained by both parties, refer Attachments 1 and 2.

COUNCIL RESOLUTION

THAT Council accepts the offer received for purchase of the property adjacent to The Gateway Business and Industry Park and delegate authority to the Chief Executive Officer and Mayor to enter into contract negotiations with the purchaser subject to receiving Ministerial Approval to sell directly to the purchaser.

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

15.4 AUTHORITY TO SIGN FRIENDSHIP CITY AGREEMENT ON BEHALF OF LIVINGSTONE SHIRE COUNCIL

File No: ED8.5.20
Attachments: Nil
Responsible Officer: Debra Howe - Director Strategic Growth and Development
Author: Elle Wallin - Projects Officer
Previous Items: 16.2 - Sister City and Trade Missions - Ordinary Council - 01 Aug 2017 9.00am

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

SUMMARY

The purpose of the Sister Cities initiative is to broaden economic and cultural opportunities for our community, promote investment opportunities and grow the economy of the Capricorn Coast region by capitalising on international relationships with China.

A Sister Cities Policy was developed to help guide Council's intent to enter into Sister/Friendship City relationships that affiliate the Capricorn Coast region with cities in other countries where such relationships have a significant and mutually positive influence on the communities involved.

COUNCIL RESOLUTION

THAT Council delegates authority for Mayor to sign the Friendship City Agreement with the City of Yangzhong on behalf of Livingstone Shire Council during Council's delegation visit to China in September 2017.

THAT Council delegates authority for Deputy Mayor to sign the Town Friendship Agreement with XinBa on behalf of Livingstone Shire Council during Council's delegation visit to China in September 2017.

Moved by: Councillor Kelly
Seconded by: Councillor Wyatt

MOTION CARRIED

15.5 YEPPON FORESHORE AND TOWN CENTRE REVITALISATION PROJECT AND PRIORITISATION

File No:	8.5.1
Attachments:	1. Appleton Park Skate and Play Upgrade 2. Anzac Parade and Main Foreshore Placemaking and Normanby Street Placemaking 3. Overall Construction Area Map
Responsible Officer:	Debra Howe - Director Strategic Growth and Development
Author:	Joel Coates - Project Manager Lauren Smith - Projects Officer
Previous Items:	3.1 - Yeppoon Foreshore and Town Centre Revitalisation Project and Prioritisation Update - Councillor Workshop - 15 Aug 2017 1.00pm

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

SUMMARY

The Yeppoon Foreshore and Town Centre Revitalisation Project is currently in the final design stage to complete the overall outcomes for the scope of construction works.

Following meetings with both the Steering Committee and Project Control Group and previous briefings with Council the delivery of the highest priority areas has been modified to suit overall outcomes in line with the master plan and detailed design, and to provide the highest community benefits with the remaining budget available.

Prioritised construction areas with modified developed concepts were provided to the Steering Committee on 21 August 2017. Steering Committee members expressed support for the recommended direction of future works and associated schematics.

The purpose of this report is seek endorsement from Council following the overview that was provided at Council Workshop on 15 August 2017 which provided details of works in progress and outlined the prioritisation of the remaining funds and areas to be completed to meet the program of works and to comply with the funding agreement requirements.

COUNCIL RESOLUTION

THAT Council endorses the delivery of detailed design prioritised construction areas as outlined in this report to meet the Yeppoon Foreshore and Town Centre Revitalisation Project program of works and to comply with funding agreement requirements.

Moved by: Deputy Mayor, Councillor Hutton

Seconded by: Councillor Kelly

MOTION CARRIED

16 URGENT BUSINESS QUESTIONS

17 CLOSURE OF MEETING

There being no further business the meeting closed at 11.15AM.

Deputy Mayor, Councillor Nigel Hutton
CHAIRPERSON

DATE