



## **ORDINARY MEETING**

## **MINUTES**

**3 OCTOBER 2017**

The resolutions contained within these minutes were confirmed at Council Meeting  
on 7 November 2017.

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**MINUTES OF THE ORDINARY MEETING HELD AT COUNCIL CHAMBERS, ANZAC PARADE, YEPPON ON TUESDAY, 3 OCTOBER 2017 COMMENCING AT 9.10AM**

**1 OPENING**

**2 PRESENT**

Members Present:

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

In Attendance:

Mrs Chris Murdoch – Chief Executive Officer  
Mr Ron Posselt – Director Corporate Services  
Mr Brett Bacon – Director Community and Planning Services  
Mr Dan Toon – Director Infrastructure Services  
Mr Russell Claus – Acting Director Strategic Growth and Development  
Mr David Mazzaferri – Acting Manager Community Wellbeing and Manager  
Disaster Management, Recovery and Resilience  
Mr Scott Williams – Internal Audit  
Mr Marcus Vycke – Manager Growth and Economic Development  
Mr Nathan Vesey – Property Manager  
Ms Lucy Merry – Executive Support Officer  
Ms Sue Schluter – Executive Assistant to Mayor

**3 LEAVE OF ABSENCE / APOLOGIES**

Nil

**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 19 September 2017 be taken as read and adopted as a correct record.

**Moved by: Councillor Kelly**

**Seconded by: Councillor Wyatt**

**MOTION CARRIED**



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

### **11.01AM**

In accordance with s173(2) of the *Local Government Act 2009*, Councillor Graham Scott disclosed a conflict of interest in respect of Item 15.1 - KBSC Carpark – Revised Design Plans and Item 15.2 – EOI for the Lagoon Building Tenancy due to Calibre Engineering completing work for the projects. Councillor Scott considered his position and did not take part in the debate in relation to these items and left the meeting.

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## 8 BUSINESS ARISING OR OUTSTANDING FROM PREVIOUS MEETINGS

### 8.1 LIFTING MATTERS LAYED ON THE TABLE

**File No:** GV13.4.1  
**Attachments:** Nil  
**Responsible Officer:** Chris Murdoch - Chief Executive Officer  
**Author:** Lucy Merry - Executive Support Officer

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#### SUMMARY

*The Business Outstanding table is used as a tool to identify when reports are due back to the table. Items lying on the table require a report to be lifted from the table before being dealt with. This report is designed to lift all necessary reports from the table to be dealt with at the current meeting 3 October 2017.*

#### COUNCIL RESOLUTION

THAT the following matters, "lying on the table" in the Business Outstanding table due to return to Council Meeting, be lifted from the table and be dealt with accordingly:

- Updates to Risk Management Policy

**Moved by:** Councillor Scott

**Seconded by:** Councillor Belot

**MOTION CARRIED**

**9 PRESENTATION OF PETITIONS**

Nil

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

Nil

**11 COUNCILLOR/DELEGATE REPORTS**

Nil

## 12 REPORTS

### 12.1 UPDATES TO RISK MANAGEMENT POLICY

**File No:** RM27.4.1

**Attachments:** 1. Enterprise Risk Management Policy (v2) [⇒](#)

**Responsible Officer:** Chris Murdoch - Chief Executive Officer

**Author:** Scott Williams - Internal Auditor

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#### 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. This work has progressed to the point where we are seeking approval of the updated policy.*

#### COUNCIL RESOLUTION

THAT Council approve the updated Enterprise Risk Management Policy.

**Moved by:** Councillor Mather

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

**MOTION CARRIED**

**12.2 LIVINGSTONE SHIRE LOCAL DISASTER MANAGEMENT PLAN 2017**

**File No:** ES9.5.2  
**Attachments:** 1. Livingstone Shire Local Disaster Management Plan 2017 [⇒](#)  
**Responsible Officer:** David Battese - Acting Director Community & Planning  
**Author:** Karen Sandy - Resilience and Volunteer Coordination Officer

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**SUMMARY**

Livingstone Shire Council is dedicated to the continuous improvement of Disaster Management through all levels, including prevention, preparation, response and recovery. The Local Disaster Management Plan has been prepared by the Livingstone Shire Local Disaster Management Group (the Group) for Livingstone Shire Council under the provisions of Section 57(1) of the *Disaster Management Act 2003*. The annual review and amendment of the *Livingstone Shire Local Disaster Management Plan* is a part of this continuous improvement process

**COUNCIL RESOLUTION**

THAT Council adopts the *Livingstone Shire Local Disaster Management Plan* as endorsed by the Livingstone Shire Local Disaster Management Group on 23 August 2017.

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

**12.3 LOCAL CONTROLLER STATE EMERGENCY SERVICE LIVINGSTONE SHIRE****File No:** ES9.4.1

- Attachments:**
1. Discontinuation of State Emergency Service Local Controller Arrangements⇒
  2. Queensland State Emergency Service Operations Doctrine⇒
  3. Fire and Emergency Services Act 1990 Chapter 4⇒
  4. Sharing State Emergency Service Co-ordinator Role⇒

**Responsible Officer:** David Battese - Acting Director Community & Planning**Author:** David Mazzaferri - Manager Disaster Management, Recovery and Resilience**SUMMARY**

*On the 28 April 2014 Rockhampton Regional Council and Livingstone Shire Council, formally agreed to share the State Emergency Service Local Controller position, (this sharing had actually commenced in 2013) for a period of three (3) years. (attached). This agreement is now passed and a letter dated 31 July 2017 from Rockhampton Regional Council states that they no longer wish to continue the shared arrangement and will conclude on 1 September 2017 allowing Livingstone Shire Council to make alternative arrangements for a State Emergency Service Local Controller (attached). Separate Local Controller positions are required based on the Fire and Emergency Services Act 1990.*

*Under the Fire and Emergency Services Act 1990 the commissioner is to ensure the Local Controller of a State Emergency Service unit performs the controllers function and is to appoint a member of a State Emergency Service unit as the Local Controller of the unit. The member appointed as the Local Controller of a State Emergency Service unit is to be nominated by the local government for the area for which the unit performs State Emergency Service functions.*

*Queensland Fire and Emergency Service have produced an Operations Doctrine which governs the State Emergency Service. Business Management Directives – Volunteer Executive Appointments (BMH14.0) (attached) state ‘SES Executive positions are to be undertaken in a volunteer capacity’.*

*This report is submitted to progress a nomination and appointment of a State Emergency Service Local Controller for the Livingstone Shire.*

**COUNCIL RESOLUTION**

THAT

- a. Council in partnership with Queensland Fire and Emergency Services, advertise a State Emergency Service Local Controller for Livingstone Shire Council, under the State Emergency Service Operations Doctrine as a volunteer position with the consideration of an annual honorarium payment.
- b. Council closely monitor and perform a review in 12 months of the effectiveness of these arrangements.

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



**12.4 CONFIRMATION OF PROJECTS BEING SUBMITTED FOR 2017-2019 LOCAL GOVERNMENT GRANTS AND SUBSIDIES PROGRAM (LGGSP)**

**File No:** GS15.2.7

**Attachments:**

1. [LGGSP 2017-19 Guidelines](#)⇒
2. [LGGSP list of projects](#)⇒

**Responsible Officer:** Chris Murdoch - Chief Executive Officer

**Author:** Dan Toon - Director Infrastructure Services

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**SUMMARY**

This report provides a recommendation regarding projects to include in an application to The Department of Infrastructure, Local Government and Planning which is responsible for administering the *Local Government Grants and Subsidies Program (LGGSP)*. Funding available for the 2017-19 LGGSP is \$60 million.

Confirmation by resolution of Council is sought for projects to be submitted for the 2017-2019 Grants and Subsidies Program.

**COUNCIL RESOLUTION**

THAT Council resolves that:

1. The CEO is authorised to make application via the Grants and Subsidies Portal (as outlined in the attached LGGSP 2017-19 Guidelines) for subsidy funding for the projects identified in the Attachment 2 of this report with the exception of items 5 and 6, with the priority as listed, to the Department of Infrastructure, Local Government and Planning for the 2017-19 Grants and Subsidies Program.
2. It acknowledges that the submission of the Funding Application does not guarantee funding approval for either all or part of the funding being sought and that Council will need to deliver the projects by 30 June 2019 if successful.
3. It acknowledges that should this application be successful, that the projects will not commence until funding has been approved and funding arrangements have been entered into with the Department.

**Moved by:** Mayor Ludwig  
**Seconded by:** Councillor Wyatt

**MOTION CARRIED**

Cr Mather requested it be noted that she recorded against the above motion.

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**12.5 WERRIBEE RD AND DOONSIDE RD BRIDGES**

**File No:** RD28.3.9

**Attachments:**

1. Excerpts from Werribee Bridge Level 3 Report [↗](#)
2. Excerpts from Doonside Bridge Level 3 Report [↗](#)

**Responsible Officer:** Dan Toon - Director Infrastructure Services

**Author:** Stuart Doak - Manager Infrastructure Projects

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**SUMMARY**

*The purpose of this report is to seek Council's confirmation of:*

- (i) *implementing load restrictions on the Doonside Rd and Werribee Rd bridges; and*
- (ii) *investigating suitable economic options and prepare cost estimates to carry out the remedial works on the relevant bridges.*

**COUNCIL RESOLUTION**

THAT Council:

- (i) notes the content and recommendations from the Level 3 Inspection Reports for the Doonside Rd and Werribee Rd bridges;
- (ii) resolves to impose a 12t load restriction on the Werribee Rd bridge in accordance with Section 69 (2) of the *Local Government Act 2009*, as recommended by the Level 3 Inspection Report;
- (iii) resolves to impose a 6t load restriction on the Doonside Rd bridge in accordance with Section 69 (2) of the *Local Government Act 2009*, as recommended by the Level 3 Inspection Report;
- (iv) publishes a notice on its website advising the general public of the load limits being imposed on the two bridges, and advises affected landowners in the vicinity of the bridges of the load limits being imposed; and
- (v) requests the Infrastructure Services Department to investigate suitable options for remediation of the two (2) bridges and prepare comparative cost estimates for the various options.

**Moved by:** Councillor Mather

**Seconded by:** Councillor Wyatt

**MOTION CARRIED**

## 13 QUESTIONS/STATEMENT/MOTIONS ON NOTICE FROM COUNCILLORS

### 13.1 NOTICE OF MOTION - COUNCILLOR GLENDA MATHER - REGULATED PARKING

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

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#### SUMMARY

*Councillor Glenda Mather has indicated her intention to move the following Notice of Motion at the next Council Meeting 3 October 2017, as follows:*

#### COUNCIL RESOLUTION

THAT due to the severe financial impact the lack of regulated parking is having on traders in the Yeppoon CBD and foreshore, Council reaffirm this as a priority issue and provide a community update on Council's action plan and strategy.

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

**13.2 NOTICE OF MOTION - COUNCILLOR GLENDA MATHER - DEVELOPER DONATIONS**

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

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**SUMMARY**

*Councillor Glenda Mather has indicated her intention to move the following Notice of Motion at the next Council Meeting 3 October 2017, as follows:*

**RECOMMENDATION**

THAT Council write to Premier Anastacia Palaszczuk and Minister for Local Government Mark Furner, strongly requesting they introduce legislation preventing Local Government candidates, sitting Councillors and Senior Executives from receiving gifts, monetary or otherwise, from property developers.

**Recommendation was not moved.**

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

**Leave granted.**

Meeting procedures were suspended at 10:33AM.

Meeting procedures resumed at 10:53AM.

**13.3 NOTICE OF MOTION - COUNCILLOR ADAM BELOT - BEACH MONITORING PROGRAM**

**File No:** GV13.4.4  
**Attachments:** 1. Notice of Motion - Beach Monitoring Program⇒  
**Responsible Officer:** Chris Murdoch - Chief Executive Officer

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**SUMMARY**

*Councillor Adam Belot has indicated his intention to move the following Notice of Motion at the next Council Meeting 3 October 2017, as follows:*

**COUNCIL RESOLUTION**

THAT officers provide a report to Council outlining coastal monitoring strategies that would essentially compile and record data of sensitive coastal environments over a prolonged period. Environments to be monitored may include beaches like Putney Fisherman's (GKI), Muskies, Lammermoor and Kemp, etc. This report will feed into the Livingstone Shire Council, Coastal Adaption Strategy (Livingstone CHAS) and further inform the QCoast 2100 plan.

**Moved by:** Councillor Belot  
**Seconded by:** Councillor Scott

**MOTION CARRIED**

## 14 CLOSED SESSION

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

### COUNCIL RESOLUTION

#### 11AM

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 KBSC Carpark - Revised Design Plans

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 EOI for the Lagoon Building tenancy

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 Proposed Sale of Two Lots at the Gateway Business and Industry Park

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

#### 15.4 Paint Pot Gallery Accommodation

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 Causeway Lake Sewerage Scheme - Connection to Registered Sewerage Service

This report is considered confidential in accordance with section 275(1)(f), of the *Local Government Regulation 2012*, as it contains information relating to starting or defending legal proceedings involving the local government.

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

### MOTION CARRIED

11:01AM Councillor Scott left the meeting due to a conflict of interest he declared in respect of items 15.1 and 15.2.

**COUNCIL RESOLUTION****11.35AM**

THAT the meeting moves out of closed session and be opened to the public to resolve items 15.1 and 15.2.

**Moved by:** Councillor Kelly

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

**MOTION CARRIED**

**COUNCIL RESOLUTION****11.35AM**

THAT the meeting moves into closed session to discuss items 15.3, 15.4 and 15.5.

**Moved by:** Councillor Wyatt

**Seconded by:** Councillor Kelly

**MOTION CARRIED**

- 11:36AM Councillor Mather left the meeting.
- 11:37AM Councillor Belot left the meeting.
- 11:38AM Councillor Wyatt left the meeting.
- 11:39AM Councillor Scott returned to the meeting.
- 11:39AM Councillor Belot returned to the meeting.
- 11:41AM Councillor Wyatt returned to the meeting.
- 11:41AM Councillor Mather returned to the meeting.
- 11:50AM Councillor Mather left the meeting due to being unwell.

**COUNCIL RESOLUTION****12.14PM**

THAT the meeting moves out of closed session and be opened to the public to resolve items 15.3, 15.4 and 15.5.

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

**Seconded by:** Councillor Kelly

**MOTION CARRIED**

## 15 CONFIDENTIAL REPORTS

### 15.1 KBSC CARPARK - REVISED DESIGN PLANS

**File No:** ED8.5.1

**Attachments:**

1. Revised Civil Design Plan
2. Revised Rigging Area Plan

**Responsible Officer:** Russell Claus - Acting Director Strategic Growth & Development

**Author:** Joel Coates - Project Manager  
Lauren Smith - Projects 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 .

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#### SUMMARY

*An update will be provided to the table by the project team on discussions held with Keppel Bay Sailing Club (KBSC) regarding issues affecting use of the area adjacent to their property for sailing regattas. Proposed outcomes and next steps will be described.*

#### COUNCIL RESOLUTION

THAT Council note the discussions and provide direction on finalising measures to address KBSC's concerns in line with the tentative agreements discussed.

**Moved by:** Mayor Ludwig

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

**MOTION CARRIED**



**15.2 EOI FOR THE LAGOON BUILDING TENANCY**

**File No:** ED8.5.1  
**Attachments:** Nil  
**Responsible Officer:** Russell Claus - Acting Director Strategic Growth & Development  
**Author:** Marcus Vycke - Manager Growth and Economic Development  
Jo Fursman - Projects Officer - Acting

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 .

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**SUMMARY**

*Approval is sought to commence the procurement process for securing tenancies for the Lagoon Precinct building*

**COUNCIL RESOLUTION**

THAT Council adopts a two stage tender process consisting of an Expression of Interest (EOI) followed by an Invitation to Tender (ITT) for the lease of Lagoon Precinct building tenancies. It is in the public interest to invite EOI's prior to ITT's to manage and control the process within desired timeframes and budget resources.

**Moved by:** Mayor Ludwig  
**Seconded by:** Councillor Wyatt

**MOTION CARRIED**

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**15.3 PROPOSED SALE OF TWO LOTS AT THE GATEWAY BUSINESS AND INDUSTRY PARK**

**File No:** ED8.5.2  
**Attachments:** 1. Landscaping Plans Homemaker  
**Responsible Officer:** Russell Claus - Acting Director Strategic Growth & Development  
**Author:** Marcus Vycke - Manager Growth and Economic Development  
Jo Fursman - Projects Officer - Acting

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 .

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**SUMMARY**

*A local business has expressed interest in expanding their business operations through the purchase of two lots at the Gateway Business and Industry Park. Each parcel is approximately 1 Ha. This sale will provide revenue to Council to assist in covering the costs of developing the Gateway and the business expansion supports the long term vision of the Council in creating jobs and a sustainable future.*

**COUNCIL RESOLUTION**

THAT Council authorise delegation of authority to the CEO and Mayor to negotiate and execute a contract of sale for these two lots within the Gateway Industry and Business Park. Lots will be sold off the plan.

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

**MOTION CARRIED**

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**15.4 PAINT POT GALLERY ACCOMMODATION**

**File No:** ED8.5.8  
**Attachments:** Nil  
**Responsible Officer:** Russell Claus - Acting Director Strategic Growth & Development  
**Author:** Nathan Vesey - Project Manager  
Lauren Smith - Projects Officer  
**Previous Items:** 9.1 - Local Disaster Coordination Centre Business Case  
- Councillor Workshop - 13 Dec 2016 4:00 pm (Special)

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 .

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**SUMMARY**

*This report presents options addressing the Paint Pot Gallery's long term accommodation needs.*

**COUNCIL RESOLUTION**

THAT Council delegate to the CEO to enter into best value for money arrangement for Paint Pot Gallery to have a lease within the CBD for 12 months.

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

**MOTION CARRIED**

## 15.5 CAUSEWAY LAKE SEWERAGE SCHEME - CONNECTION TO REGISTERED SEWERAGE SERVICE

**File No:** 29.9.1

**Attachments:**

1. 12.4 - 1
2. 12.4. - 2

**Responsible Officer:** Dan Toon - Director Infrastructure Services

**Author:** Carrie Burnett - Policy & Planning Officer

This report is considered confidential in accordance with section 275(1)(f), of the *Local Government Regulation 2012*, as it contains information relating to starting or defending legal proceedings involving the local government.

### SUMMARY

*This report provides Council with an update on properties at the Causeway Lake which have not connected to sewerage.*

### COUNCIL RESOLUTION

1. That Council resolves to start legal proceedings against each owner of the following premises, in the manner recommended by Council's legal representatives appropriate to the circumstances of each property owner, being either:
  - (a) enforcement proceedings in a District Court under the *Water Supply (Safety and Reliability) Act (the Act)*, Chapter 5, Part 9 (Enforcement proceedings) for an enforcement order to remedy the commission of the offence ; or
  - (b) prosecution proceedings in a Magistrates Court under the *Act*, Chapter 6, Part 3 (Proceedings for offences) together with an order requiring the Defendant to undertake the work specified in the section 168 notice by a stated time (for example, within 2 months),  
for an offence against the *Act*, section 168 (Notice requiring connection to registered service), committed by each owner of the following premises in Council's sewerage service area:
    - (c) lot 12 on RP605519;
    - (d) lot 34 on RP605855;
    - (e) lots 35, 36 and 37 on RP605855;
    - (f) lot 59 on RP606848;
    - (g) lot 1 on RP610029;
    - (h) lot 53 on RP606848, subject to further consideration regarding whether the owner's circumstances amount to the defence of a reasonable excuse under section 168(3) of the *Act*.
2. That the Chief Executive Officer, on behalf of Council, gives to the chief executive of the Queensland Government Department responsible for administering the *Water Supply (Safety and Reliability) Act 2008*, by no later than 5 business days after starting a proceeding against the owner of each of the above properties, a notice of proceedings under section 475(5) (for enforcement proceedings) or section 496 (for proceedings for offences), as the case may be.

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

**16 URGENT BUSINESS QUESTIONS**

**17 CLOSURE OF MEETING**

There being no further business the meeting closed at 12.16PM.

\_\_\_\_\_  
Bill Ludwig  
CHAIRPERSON

\_\_\_\_\_  
DATE