



# **ORDINARY MEETING**

## **MINUTES**

**1 APRIL 2019**

The resolutions contained within these minutes were confirmed at the Council meeting on  
16 April 2019.

---

**TABLE OF CONTENTS**


---

<b>ITEM</b>	<b>SUBJECT</b>	<b>PAGE NO</b>
1	OPENING.....	1
2	PRESENT .....	1
3	LEAVE OF ABSENCE / APOLOGIES .....	2
	NIL .....	2
4	CONFIRMATION OF MINUTES OF PREVIOUS MEETING .....	3
5	DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA.....	4
6	PUBLIC FORUMS/DEPUTATIONS .....	5
6.1	SALVATION ARMY RED SHIELD APPEAL LAUNCH - YEPPOON LAGOON.....	5
7	BUSINESS ARISING OR OUTSTANDING FROM PREVIOUS MEETINGS .....	6
	NIL .....	6
8	PRESENTATION OF PETITIONS .....	7
	NIL .....	7
9	MAYORAL MINUTE .....	8
	NIL .....	8
10	COUNCILLOR/DELEGATE REPORTS .....	9
	NIL .....	9
11	AUDIT, RISK AND BUSINESS IMPROVEMENT COMMITTEE REPORTS.....	10
	NIL .....	10
12	REPORTS.....	11
12.1	COUNCILLOR AGENDA ITEM REQUESTS .....	11
12.2	LIVINGSTONE COMMUNITY GRANTS ASSESSMENT OUTCOME - ROUND 2 2018/19.....	12
12.3	PROPOSED PERMANENT ROAD CLOSURE ADJOINING LOTS 34 AND 35 ON CROWN PLAN LIV401023 .....	14
12.4	PROPOSED PERMANENT ROAD CLOSURE ADJOINING LOT 41 ON SP153929 .....	15
12.5	PALM CREEK PARK, CAWARRAL .....	16
12.6	DEVELOPMENT APPLICATION FOR A DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE FOR A SERVICE STATION AND RETAIL WAREHOUSE - LOT 50 FRED LAWN DRIVE, YEPPOON .....	17

---

12.7	REGULATED CAR PARKING TIMES IN PROXIMITY TO THE YEPPOON LAGOON .....	31
12.8	WATER SUPPLY CHARGES FOR SURF LAKES HOLDINGS LIMITED .....	33
<b>13</b>	<b>CLOSED SESSION .....</b>	<b>34</b>
14.1	RECYCLABLES PROCESSING SERVICE CONTRACT	
<b>14</b>	<b>CONFIDENTIAL REPORTS .....</b>	<b>35</b>
14.1	RECYCLABLES PROCESSING SERVICE CONTRACT .....	35
<b>15</b>	<b>URGENT BUSINESS\QUESTIONS .....</b>	<b>36</b>
<b>16</b>	<b>CLOSURE OF MEETING .....</b>	<b>37</b>

**MINUTES OF THE ORDINARY MEETING HELD AT COUNCIL CHAMBERS, 4 LAGOON PLACE, YEPPON ON MONDAY, 1 APRIL 2019 COMMENCING AT 1.05PM**

**1 OPENING**

**2 PRESENT**

Members Present:

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

Officers in Attendance:

Mr Brett Bacon – Acting Chief Executive Officer  
Mr Dan Toon – Executive Director Infrastructure  
Mrs Andrea Ellis – Chief Financial Officer  
Mr Matthew Willcocks - Chief Technology Officer  
Mr Jared Thomsen – Principal Community Development and Engagement  
Ms Erin McCabe – Coordinator Development Assessment  
Ms Nicole Robertson – Coordinator Executive Support

**3 LEAVE OF ABSENCE / APOLOGIES**

Nil

**4 CONFIRMATION OF MINUTES OF PREVIOUS MEETING****COUNCIL RESOLUTION**

THAT the minutes of the Ordinary Meeting held on 19 March 2019 be taken as read and adopted as a correct record.

**Moved by:** Councillor Kelly

**Seconded by:** Councillor Wyatt

**MOTION CARRIED**

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

In accordance with s173(2) of the *Local Government Act 2009*, Councillor Belot disclosed a conflict of interest in respect of Item 12.8 - Water Supply Charges for Surf Lakes Holdings Limited due to being a potential investor, the Councillor considered his position, did not take part in the debate and left the meeting.

In accordance with s173(2) of the *Local Government Act 2009*, Councillor Eastwood disclosed a material personal interest in respect of Item 12.8 - Water Supply Charges for Surf Lakes Holdings Limited due to being a shareholder, the Councillor considered his position, did not take part in the debate and left the meeting.

## **6 PUBLIC FORUMS/DEPUTATIONS**

### **6.1 SALVATION ARMY RED SHIELD APPEAL LAUNCH - YEPPOON LAGOON**

**File No:** GV13.4.1

**Attachments:** Nil

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

**Author:** Sue Schluter - Executive Assistant to Mayor

---

#### **SUMMARY**

*Mrs Judy Dash from Salvation Army will make deputation to Council regarding use Lagoon areas for the 2019 Red Shield Appeal launch.*

#### **OFFICER'S RECOMMENDATION**

Request for deputation was withdrawn by the deputees and they did not attend the meeting.



**7 BUSINESS ARISING OR OUTSTANDING FROM PREVIOUS MEETINGS**

Nil

**8 PRESENTATION OF PETITIONS**

Nil

**9 MAYORAL MINUTE**

Nil

**10 COUNCILLOR/DELEGATE REPORTS**

Nil

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

Nil

## 12 REPORTS

### 12.1 COUNCILLOR AGENDA ITEM REQUESTS

**File No:** GV13.4.1  
**Attachments:** Nil  
**Responsible Officer:** Chris Murdoch - Chief Executive Officer  
**Author:** Nicole Robertson - Coordinator Executive Support

---

#### SUMMARY

*This report is to provide information in relation to Councillor requests for agenda items.*

#### COUNCIL RESOLUTION

THAT Council receive the report in relation to the following items requested by Councillors for inclusion in an agenda:

- Parking for Service Providers – Anzac Parade
- Kangaroo Signs & Dead Animal Collection
- Kerbside Collection
- Reticulated Water to Mabel Edmund Park
- Tookers Road Upgrade

**Moved by:** Councillor Kelly  
**Seconded by:** Councillor Mather

**MOTION CARRIED**

## 12.2 LIVINGSTONE COMMUNITY GRANTS ASSESSMENT OUTCOME - ROUND 2 2018/19.

**File No:** CR2.15.3

**Attachments:** 1. Livingstone Community Grants Procedure. [⇒](#)

**Responsible Officer:** Brett Bacon - Executive Director Liveability and Wellbeing  
Jared Thomsen - Senior Sport & Education Officer

**Author:** Molly Saunders - Community Development Officer

### SUMMARY

*This report outlines the outcome of assessments completed by the Assessment Panel for applications received to the Livingstone Community Grants Scheme, Round Two, 2018/19.*

### COUNCIL RESOLUTION

THAT in accordance with the recommendation of the Livingstone Community Grants Assessment Panel, Council resolve to fund the following applicants to the Livingstone Community Grants.

Applicant	Detail	Amount
Capricorn Coast Football Club	Purchase of a canteen refrigerator.	\$1,969.00
Yeppoon Gymnastics and Movement Centre	Replace chairs in gym with multipurpose aluminium bench seats.	\$2,000.00
Yeppoon Rugby League Football Club	Purchase of a Lifepak CR Plus Defibrillator for Webb Park.	\$2,000.00
Yeppoon Golf Club	Purchase driving/hitting nets.	\$2,000.00
Marlborough Public Hall Committee	Purchase new tables for the community hall.	\$2,000.00
Keppel Coast Country Music Club	Purchase patio blinds for the barbecue area.	\$978.50
Wildlife Rehabilitation HQ.	Purchase of washing basins for care of rescued animals.	\$1,450.00
Marlborough Agricultural Show Association	Purchase of electronic timers for horse events.	\$1,750.00
Marlborough Public Swimming Pool Club	Training of community members in Swim Instruction (accredited).	\$2,000.00
RSL of Australia (QLD Branch) Yeppoon Sub-Branch	Purchase of shade sails for the deck.	\$1,500.00
NAG Radio Broadcasting Association	Purchase of generator and associated equipment.	\$1,599.40
Emu Park & District Men's Activity Shed.	Purchase of tools and equipment for metal working.	\$2,000.00
Yeppoon Little Theatre Group	Purchase of communication system.	\$2,000.00

Yeppoon Probus Club	Purchase of a projector.	\$1,299.00
Keppel Coast Girl Guides	Lifesaving training, purchase of security screens, purchase of printer.	\$1,967.00
The Caves State School P&C Association	Purchase of flexible seating for outdoor classroom.	\$2,000.00
Keppel Sands Community Advancement League	Purchase of a new bowls mat for indoor bowls.	\$2,000.00
CQ Rural Health - Livingstone	Suicide prevention information and resources.	\$850.00

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

**Seconded by:** Councillor Kelly

**MOTION CARRIED**



---

**12.3 PROPOSED PERMANENT ROAD CLOSURE ADJOINING LOTS 34 AND 35 ON CROWN PLAN LIV401023****File No:** GR14.4.2**Attachments:**

1. [Location Plan](#)
2. [Proposed closure area](#)

**Responsible Officer:** Brett Bacon - Executive Director Liveability and Wellbeing**Author:** Maddie Crigan - Property Officer

---

**SUMMARY**

*This report pertains to a proposal to permanently close approximately 6.55 hectares of road reserve adjoining the north-eastern boundary of Lots 34 and 35 on Crown Plan LIV401023 - Balnagowan Road, Joskeleigh to enable it to be amalgamated with these lots.*

***Matter Lay on Table until another Meeting*****COUNCIL RESOLUTION**

That the matter lay on the table pending further information to return to a future Council Meeting.

**Moved by:** Councillor Mather**MOTION LOST****DIVISION:**

Crs A Belot and G Mather voted in the affirmative.

Crs B Ludwig, P Eastwood, N Hutton, J Kelly, and T Wyatt voted in the negative.

**COUNCIL RESOLUTION**

THAT Council resolve to:

- 1) advise the owner of Lots 34 and 35 on Crown Plan LIV401023 that it offers no objection to the proposal to permanently close approximately 6.55 hectares of road reserve adjoining the north-eastern boundary of these lots to enable it to be amalgamated with same; and
- 2) authorise the Manager Engineering Services to sign a 'Statement in relation to an application under the *Land Act 1994* over State Land (Part C)' as confirmation to Department of Natural Resources, Mines and Energy that Council, as Road Manager, does not object to the proposed permanent road closure.

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

Councillors Mather and Belot recorded their vote against the motion.

---

**12.4 PROPOSED PERMANENT ROAD CLOSURE ADJOINING LOT 41 ON SP153929**

**File No:** GR14.4.2

**Attachments:**

1. Plan of proposed closure area⇒
2. Statement in relation to an application under the Land Act 1994 over State land⇒
3. Letter from the Department of Natural Resources, Mines and Energy⇒

**Responsible Officer:** Mark McLean - Principal Property Officer  
Brett Bacon - Executive Director Liveability and Wellbeing

**Author:** Maddie Crigan - Property Officer

---

**SUMMARY**

*This report pertains to an application to permanently close approximately 14.9 square metres of road reserve adjoining Lot 41 on Survey Plan 153929, corner of Antioch Court and Eucalyptus Avenue, Lammermoor, to rationalise an infrastructure encroachment which has emanated from the owners building a shed in an incorrect location.*

**COUNCIL RESOLUTION**

THAT Council resolve to advise the Department of Natural Resources, Mines and Energy that it offers no objection to the proposed permanent closure of approximately 14.9 square metres of road reserve adjoining Lot 41 on Survey Plan 153929.

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

**MOTION CARRIED****DIVISION:**

Crs B Ludwig, A Belot, P Eastwood, N Hutton, J Kelly, and T Wyatt voted in the affirmative.  
Cr G Mather voted in the negative.

**12.5 PALM CREEK PARK, CAWARRAL****File No:** CP5.2.8**Attachments:**

1. Report - Palm Creek Park Community Meeting [↗](#)
2. Plan - Palm Creek Park [↗](#)

**Responsible Officer:** Brett Bacon - Executive Director Liveability and Wellbeing**Author:** Mark McLean - Principal Property Officer

---

**SUMMARY**

*This report pertains to a request from the Department of Natural Resources, Mines and Energy for Council to accept trusteeship of reserve land at Cawarral known as Palm Creek Park.*

**COUNCIL RESOLUTION**

THAT Council resolves to accept trusteeship of Reserve for Park and Environmental Purposes – Lot 7 on Survey Plan 167135.

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

## 12.6 DEVELOPMENT APPLICATION FOR A DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE FOR A SERVICE STATION AND RETAIL WAREHOUSE - LOT 50 FRED LAWN DRIVE, YEPPOON

**File No:** D-4-2017

**Attachments:**

1. Locality plan ⇨
2. Proposal plans ⇨
3. Referral agency responses ⇨

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

**Author:** Jenna Davies - Principal Planning Officer

### SUMMARY

*Development Application Number:* D-4-2017

*Applicant:* Retail Fuel Developments

*Real Property Address:* Lot 50 on SP207759

*Common Property Address:* Lot 50 Fred Lawn Drive, Yeppoon

*Area of Site:* 1.696 hectares

*Planning Scheme:* Livingstone Shire Planning Scheme 2005

*Planning Scheme Zoning:* Industry Zone, Light Industry Precinct

*Planning Scheme Overlays:* Overlay Map O2 – Drainage Problem  
Overlay Map O3 – Waterways 100 metre buffer  
Overlay Map O8 – Acid sulfate soils (land below twenty metres Australian Height Datum)  
Overlay Map O9 – Capricorn Coast Landscape Area (Precinct B)

*Existing Development:* Vacant

*Existing Approvals:* Nil

*Approval Sought:* Development Permit for a Material Change of Use for a Service station and Retail warehouse

*Level of Assessment:* Service station – Code assessable  
Retail warehouse – Impact assessable

*Submissions:* One submission (from Ergon Energy)

*Referral Agency(s):* Department of State Development, Manufacturing, Infrastructure and Planning as Concurrence agency (State-controlled road)  
Ergon Energy as Advice agency

*Adopted Infrastructure Charges Area:* Charge area one

### Application progress:

Application Lodged:	5 January 2017
Application properly made:	10 March 2017
Acknowledgement Notice Issued:	21 March 2017

Request for Further Information sent:	19 April 2017
Request for Further Information responded to:	4 September 2017
Submission period commenced:	28 September 2017
Submission period end:	20 October 2017
Application Referred to Advice agency:	24 April 2017
Advice agency response:	29 June 2017
Application Referred to SARA as concurrence agency:	4 April 2017
Information Request Issued by SARA:	19 April 2017
SARA Information Request responded to:	1 September 2017
Extension to referral agency assessment period:	Notice received 28 September 2017 and extended until 31 October 2017
Extension to referral agency assessment period:	Notice received 31 October 2017 and extended until 14 November 2017
Extension to referral agency assessment period:	Notice received 14 December 2017 and extended until 22 January 2018
Extension to referral agency assessment period:	Notice received 22 January 2018 and extended until 21 February 2018
Extension to referral agency assessment period:	Notice received 16 February 2018 and extended until 22 May 2018
Concurrence agency response received:	21 May 2018
Representations lodged with the State:	28 August 2018
Amended State Response received:	6 December 2018
Response to Council request for further information:	4 December 2018
Decision period stopped in accordance with section 320 of the <i>Sustainable Planning Act 2009</i> :	Stopped from 6 June 2018 and recommenced on 7 September 2018 (being a total of three months)
Decision period extended:	10 September 2018 and extended until 8 October 2018
Decision period extended by agreement:	3 October 2018 and extended by agreement until 5 November 2018 Agreement received 3 October 2018
Decision period extended by agreement:	1 November 2018 and extended by agreement until 4 December 2018 Agreement received 1 November 2018
Decision period extended by agreement:	3 December 2018 and extended by agreement until 18 January 2019 Agreement received 3 December 2018
Decision period extended by agreement:	15 January 2019 and extended by agreement until 22 February 2019 Agreement received 15 January 2019
Request for further information sent:	19 December 2018

Decision period extended by agreement:	19 March 2019 Agreement received 20 March 2019
Last receipt of information from applicant:	20 March 2019
Statutory determination date:	5 April 2019

## COUNCIL RESOLUTION

### RECOMMENDATION A

THAT in relation to the application for a Development Permit for a Material Change of Use for a Service station and Retail warehouse, made by Retail Fuel Developments, on Lot 50 on SP207759, and located at Lot 50 Fred Lawn Drive, Yeppoon, Council resolves to Approve the application despite its conflict with the planning scheme and provide the following grounds to justify the decision despite the conflict:

- (a) Assessment of the development against the Specific Outcomes of the Industry Zone Code and the relevant planning scheme codes, demonstrates that the proposed use will not cause significant adverse impacts on the surrounding natural environment, built environment, infrastructure or local character and amenity.
- (b) The site is located within a predominantly light industrial area along McBean Street and commercial area along Hoskyn Drive and Fairfax Court, Yeppoon. The proposed development is considered to be reflective of the light industrial and commercial land use pattern in the locality.
- (c) Assessment of the development demonstrates that the Planning Scheme Shire Wide Desired Environmental Outcomes will not be compromised; despite non-compliance with outcome (e) and providing a service to the wider community and not solely the residents in the surrounding area.

### RECOMMENDATION B

THAT in relation to the application for a Development Permit for a Material Change of Use for a Service station and Retail warehouse, made by Retail Fuel Developments, on Lot 50 on SP207759, and located at Lot 50 Fred Lawn Drive, Yeppoon, Council resolves to Approve the application subject to the following conditions:

#### 1.0 ADMINISTRATION

- 1.1 The Developer is responsible for ensuring compliance with this approval and the Conditions of the approval by an employee, agent, contractor or invitee of the Developer.
- 1.2 Where these Conditions refer to "Council" in relation to requiring Council to approve or to be satisfied as to any matter, or conferring on the Council a function, power or discretion, that role of the Council may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.
- 1.3 All conditions of this approval must be undertaken and completed to the satisfaction of Council, at no cost to Council.
- 1.4 All conditions, works, or requirements of this approval must be undertaken and completed prior to the commencement of use, unless otherwise stated.
- 1.5 Where applicable, infrastructure requirements of this approval must be contributed to the relevant authorities, at no cost to Council prior, to the commencement of use, unless otherwise stated.
- 1.6 The following further Development Permits must be obtained prior to the commencement of any works associated with its purposes:

- 1.6.1 Operational Works:
- (i) Road Works;
  - (ii) Access and Parking Works;
  - (iii) Sewerage Works;
  - (iv) Water Works;
  - (v) Stormwater Works;
  - (vi) Site Works;
  - (vii) Advertising device(s);
  - (viii) Landscaping Works;

1.6.2 Building Works; and

1.6.3 Plumbing and Drainage Works.

- 1.7 All Development Permits for Operational Works must be obtained prior to the issue of a Development Permit for Plumbing and Drainage Works and Building Works.
- 1.8 Unless otherwise stated, all works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards.
- 1.9 All engineering drawings/specifications, design and construction works must comply with the requirements of the relevant *Australian Standards* and must be approved, supervised and certified by a Registered Professional Engineer of Queensland.
- 1.10 Unless otherwise expressly stated, the conditions must be read as being applicable to both land uses.

## 2.0 APPROVED PLANS AND DOCUMENTS

- 2.1 The approved development must be completed and maintained generally in accordance with the approved plans and documents, except where amended by the conditions of this permit:

<u>Plan/Document Name</u>	<u>Plan/Document Reference</u>	<u>Dated</u>
Site Plan	DA A-02, Revision 15	20 March 2019
Floor plan	DA A-03, Revision 9	20 March 2019
North Elevation, East Elevation, South Elevation and West Elevation	DA A-04, Revision 5	13 December 2018
Service Station floor plan	DA A-07, Revision 2	13 December 2018
Supplementary Traffic Assessment Report	614-TRG03	15 February 2019
Site Based Stormwater Management Plan	F0002-10006580-AAR (Rev 3)	29 October 2018
Engineering Services Report	F0001-10006580-AAR (Rev 3)	29 October 2018
Water supply network analysis report	None	12 October 2017

- 2.2 Where there is any conflict between the conditions of this approval and the details shown on the approved plans and documents, the conditions of approval must prevail.
- 2.3 Where conditions require the above plans or documents to be amended, the revised document(s) must be submitted for approval by Council prior to the submission of a Development Application for Operational Works.
- 3.0 ROAD WORKS
- 3.1 A Development Permit for Operational Works (road works) must be obtained prior to the commencement of any road works on the site.
- 3.2 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), the *Capricorn Municipal Development Guidelines*, relevant *Australian Standards* and the provisions of a Development Permit for Operational Works (road works).
- 3.3 Any application for Operational works (road works);
- (i) must be accompanied by a detailed swept path analysis of the design vehicle and address relevant traffic and safety issues; and
  - (ii) must include detailed engineering plans with details of any new road works, or modifications to the existing roads, including road drainage, street lighting, traffic signs and pavement markings.
- 3.4 Traffic signs and pavement markings including any alterations must be provided in accordance with the *Transport Operations (Road Use Management) Act 1995* and *Manual of Uniform Traffic Control Devices (Queensland)*.
- 4.0 ACCESS AND PARKING WORKS
- 4.1 A Development Permit for Operational Works (access and parking works) must be obtained prior to the commencement of any access and parking works on the site.
- 4.2 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, *Australian Standard AS2890 "Off Street Car Parking"* and the provisions of a Development Permit for Operational Works (access and parking works).
- 4.3 All access, parking and associated vehicle manoeuvring areas must be sealed.
- 4.4 Any application for a Development Permit for Operational Works (access and parking works) must provide details and demonstrate sufficient entering queue space is available at the site entry at the ultimate development stage.
- 4.5 Any application for a Development Permit for Operational Works (access and parking works) must provide a detailed plan to demonstrate safe and free flow of traffic along with line marking and signage to clarify circulation paths and permitted movements.
- 4.6 A commercial standard access driveway to facilitate two-way traffic movements for the development must be designed and constructed on the Tabone Street frontage. The width of the access driveway and its location must demonstrate compliance with the detailed swept path analysis (refer to condition 3.3) of the design vehicle.
- 4.7 Lawful access rights over the existing easement (in favour of Ergon Energy) and minimum clearance between moving traffic and any existing infrastructure within the easement or relocation of any existing infrastructure (if necessary) must be agreed and approved by relevant authorities.
- 4.8 All ingress and egress traffic movements to and from the development must be in a forward direction (forward gear).
- 4.9 A minimum of five (5) on-site car parking spaces must be provided in front of the



Service station building.

- 4.10 A minimum of forty-six (46) on-site car parking spaces must be provided for the Retail warehouse.
- 4.11 Access driveways and trafficable areas over Council infrastructure must be avoided where possible. Any Council infrastructure located within trafficable areas must be raised or lowered to suit the finished surface level and must be provided with heavy duty trafficable lids.
- 4.12 Universal parking spaces must be provided in accordance with *Australian Standard AS2890.6 "Parking Facilities - Off-Street parking for people with disabilities"*.
- 4.13 All vehicle operations associated with the proposed use must be directed by suitable directional, informative, regulatory or warning signs in accordance with the *Manual of Uniform Traffic Control Devices (Queensland)*.
- 4.14 All lighting must be provided in accordance with *Australian Standard AS1158 "Lighting for Roads and Public Spaces"*.
- 4.15 All stormwater runoff from the site, including parking and vehicular manoeuvring areas, must be collected on the site and drained lawfully in accordance with the *Queensland Urban Drainage Manual*.
- 4.16 An Internal Traffic and Parking Management Plan must be maintained to address internal vehicle parking, service vehicle entries and traffic management in order to meet the requirements of separate users adequately and orderly. The Internal Traffic and Parking Management Plan must be implemented for the Service station use and relevant Retail warehouse use(s) within the site on an on-going basis.

#### 5.0 SEWERAGE WORKS

- 5.1 A Development Permit for Operational Works (sewerage works) must be obtained prior to the commencement of any sewerage works on the site.
- 5.2 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines, Water Supply (Safety and Reliability) Act, Plumbing and Drainage Act* and the provisions of a Development Permit for Operational Works (sewerage works).
- 5.3 A new non-trunk gravity sewer main must be designed and constructed from the corner of Tabone Street and Yeppoon Road, along the northern verge of Yeppoon Road and connect to the existing reticulated gravity main located adjacent to Lot 1 on RP620025 at the corner of McBean Street and Tanby Road.
- 5.4 A new sewerage connection point must be provided from the new gravity sewer main.
- 5.5 Sewer infrastructure including connections located within trafficable areas must be raised or lowered to suit the finished surface levels and must be provided with trafficable lids.

#### 6.0 WATER WORKS

- 6.1 A Development Permit for Operational Works (water works) must be obtained prior to the commencement of any water works on the site.
- 6.2 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines, Water Supply (Safety and Reliability) Act*, the approved Water supply network analysis report, the *Plumbing and Drainage Act* and the provisions of a Development Permit for Operational Works (water works).
- 6.3 All external reticulated water works must comply with the approved water supply network analysis report. Specifically, the following non-trunk works must be designed and constructed;

- (i) A 150 millimetre diameter water main interconnection from the existing 450 millimetre diameter trunk water main on Tanby Road to the existing 100 millimetre diameter water main on McBean Street; and
  - (ii) A new 150 millimetre diameter non-trunk water main to the proposed development site from the existing 150 millimetre diameter main on the western side of the Tabone Street.
- 6.4 A new water connection point must be provided to service the development.
- 6.5 Water meter boxes located within trafficable areas must be raised or lowered to suit the finished surface level and must be provided with heavy duty trafficable lids.
- 7.0 PLUMBING AND DRAINAGE WORKS
- 7.1 A Development Permit for Plumbing and Drainage Works must be obtained prior to the commencement of any Plumbing and Drainage Works on the site.
- 7.2 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines, Water Supply (Safety and Reliability) Act, Plumbing and Drainage Act, Council's Plumbing and Drainage Policies* and the provisions of a Development Permit for Plumbing and Drainage Works.
- 7.3 The development must be connected to Council's reticulated sewerage and water networks.
- 7.4 A sewerage trade waste permit and the installation of an appropriate pre-treatment device (such as a diversion valve with subsequent discharge to sewer) may be required to be obtained for the discharge of any commercial or non-domestic waste into Council's reticulated sewerage network.
- 8.0 STORMWATER WORKS
- 8.1 A Development Permit for Operational Works (stormwater works) must be obtained prior to the commencement of any stormwater works on the site.
- 8.2 All stormwater management works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Queensland Urban Drainage Manual, Capricorn Municipal Development Guidelines, Urban Stormwater Quality Planning Guidelines, State Planning Policy*, the approved stormwater management report, sound engineering practice, and the provisions of a Development Permit for Operational Works (stormwater works).
- 8.3 All stormwater including roof and allotment drainage must achieve demonstrated lawful discharge and must not adversely affect the upstream or downstream land when compared to pre-development condition by way of blocking, altering or diverting existing stormwater runoff patterns or cause an actionable nuisance or damage infrastructure.
- 8.4 A drainage easement(s) must be dedicated in favour of Council over all major overland flow paths (land inundated by the 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. (Note: The trunk stormwater infrastructure (D-16), Yeppoon Creek Tributary E drainage system is identified within the subject site.)
- 8.5 Any application for a Development Permit for Operational Works (stormwater works) must include;
- (i) Detail design of the detention system. The volume of the detention system must be sufficient to attenuate the peak discharge from the site to ensure non-worsening of the flow regime immediately downstream of the development for a selected range of Annual Exceedance Probability events, up to the Defined Flood Event (inclusive) for a range of storm durations, including critical storm

- duration;
- (ii) Full calculations, including electronic modelling files from industry standard modelling software, (inclusive of both electronic model files and results files) and all details of the modelling assumptions to support the proposed stormwater management strategy;
  - (iii) Layouts showing the extent of the one (1) percent Annual Exceedance Probability event (Defined Flood Event) inundation areas, along with the final trunk drainage easement extent (refer condition 9.4) and details of the available freeboard to the finished ground and floor levels;
  - (iv) Detailed engineering plans with details of any new drainage systems, or the amendment and upgrading of exiting drainage systems to implement the proposed drainage strategy;
  - (v) Detail designs for outlet systems for the proposed drainage systems taking into account critical scour velocity, discharge frequency/duration at discharge location(s) and relevant management measures; and
  - (vi) Details of ongoing maintenance and management actions required with regard to any proposed detention system and stormwater quality management devices.
- 8.6 The potential pollutants in stormwater runoff, discharged from the site must be managed in accordance with *Urban Stormwater Quality Planning Guidelines* and *State Planning Policy*. The submitted MUSIC model must be amended using relevant rainfall and Potential Evapo Transpiration (PET) data complying with Council's current MUSIC modelling guidelines.
- 8.7 All ongoing maintenance and management actions necessary for the proposed stormwater quality management devices must be carried out by suitably qualified person(s) in a timely manner. A completed log book must be maintained and must be available on-site for inspection by Council and /or relevant authorities.
- 9.0 SITE WORKS
- 9.1 A Development Permit for Operational Works (site works) must be obtained prior to the commencement of any site works.
- 9.2 All site works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, *Australian Standard AS3798 "Guidelines on Earthworks for Commercial and Residential Developments*, and sound engineering practice and the provisions of a Development Permit for Operational Works (site works).
- 9.3 Site works must be constructed such that they do not, at any time, in any way restrict, impair or change the natural flow of runoff water, or cause an actionable nuisance or worsening to adjoining properties or damage infrastructure.
- 9.4 All site works must be undertaken to ensure that no actionable nuisance results from:
- 9.4.1 an increase in peak discharge immediately downstream of the development for a selected range of storm durations, and a selected range of Annual Exceedance Probability (AEP) events up to Defined Flood Event (inclusive);
  - 9.4.2 an increase in downstream or upstream inundation levels; and
  - 9.4.3 increase in velocity profiles.
- 9.5 Any application for a Development Permit for Operational Works (site works) must be accompanied by a preliminary site investigation into acid sulphate soils in accordance with the latest Queensland Sampling Guidelines and soil analyses (according to the Laboratory Methods Guidelines or *Australian Standard 4969*). If preliminary testing indicates that acid sulphate soils are present in the areas to be excavated, a more detailed acid sulphate soil investigation must be completed, and

an appropriate management plan submitted to Council as part of any application for a Development Permit for Operational Works (site works).

- 9.6 The structural design of all retaining walls above one (1) metre in height must be separately and specifically certified by a Registered Professional Engineer of Queensland as part of the Operational Works submission. A Registered Professional Engineer of Queensland must on completion certify that all works are compliant with the approved design.
- 9.7 Vegetation must not be cleared unless and until written approval has been provided by Council. A Development Permit for Operational Works constitutes written approval, only for the purposes of clearing vegetation directly pertinent to the operational works which are the subject of the Development Permit.
- 9.8 Any vegetation cleared or removed must be:
- (i) mulched on-site and utilised on-site for landscaping purposes, in accordance with the landscaping plan approved by Council; or
  - (ii) removed for disposal at a location approved by Council;
- within sixty (60) days of clearing. Any vegetation removed must not be burnt.

#### 10.0 BUILDING WORKS

- 10.1 A Development Permit for Building Works must be obtained prior to the commencement of any building works on the site.
- 10.2 All structures must comply with the provisions of the *Queensland Development Code Mandatory Part 1.4 (MP 1.4)*, relative to relevant infrastructure.
- 10.3 All stationary plant and equipment external to the building must be designed, installed and maintained to comply with the requirements of the *Environmental Protection (Noise) Policy 2008*.
- 10.4 All external elements, such as air conditioners, and plant and service facilities, must be adequately enclosed or screened from public view, to Council's satisfaction. Noise from any external elements, such as air conditioners and refrigeration motors, and any other regulated audible devices, must not exceed 5dB(A) above the background ambient noise level, measured at the boundaries of the subject site.
- 10.5 Impervious paved and drained washdown areas to accommodate all refuse containers must be provided. The areas must be aesthetically screened from any road frontage or adjoining property. A suitable hosecock (with backflow prevention) and hoses must be provided at the refuse container area, and washdown must be drained to the sewer and fitted with an approved stormwater diversion valve arrangement, in accordance with a Plumbing and Drainage Permit and Sewerage Trade Waste Permit.
- 10.6 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*.
- 10.7 A 2.7-metre-wide pedestrian footpath must be constructed to the southern side of the retail warehouse building.
- 10.8 Amended elevation plans for the Retail warehouse building must be submitted to Council for written approval, prior to the lodgement of a Building Works application. The amended elevations for the Retail warehouse building must be generally in accordance with the design and appearance of the approved plans (refer to condition 2.1).

#### 11.0 LANDSCAPING WORKS

- 11.1 A Development Permit for Operational Works (landscaping works) must be obtained prior to the commencement of any landscaping works on the site.
- 11.2 Any application for a Development Permit for Operational Works (landscaping works) must include, but is not limited to, the following:
- 11.2.1 A plan documenting the “Extent of Works” and supporting documentation which includes:
- (i) location and name of existing trees, including those to be retained (the location of the trees shall be overlaid or be easily compared with the proposed development design);
  - (ii) the extent of soft and hard landscape proposed;
  - (iii) important spot levels and/or contours. The levels of the trees to be retained shall be provided in relation to the finished levels of the proposed buildings and works. The trees along the western and southern edge of the waterway proposed to be retained must also be shown;
  - (iv) underground and overhead services;
  - (v) typical details of critical design elements (stabilisation of batters, retaining walls, trees in car park areas and fences);
  - (vi) details of landscape structures including areas of deep planting; and
  - (vii) specification notes on mulching and soil preparation.
- 11.2.2 A “Planting Plan” and supporting documentation which includes:
- (i) trees, shrubs and groundcovers to all areas to be landscaped;
  - (ii) position and canopy spread of all trees and shrubs;
  - (iii) the extent and type of works (inclusive but not limited to paving, fences and garden bed edging). All plants shall be located within an edged garden;
  - (iv) a plant schedule with the botanic and common names, total plant numbers and pot sizes at the time of planting. Endemic species must be incorporated into the landscaping; and
  - (v) shrubs and trees must be planted along the development footprint frontage (not inclusive of the existing vegetation) to Yeppoon Road and Tabone Street. A minimum of one (1) tree every eight (8) metres is required to be planted.
- 11.3 Large trees must not be planted within one (1) metre of the centreline of any sewerage infrastructure. Small shrubs and groundcover are acceptable.
- 11.4 Landscaping must include endemic species, including (but not limited to) the following species:
- 11.4.1 Trees for confined/narrow spaces:
- (i) *Mallotus discolor* (Yellow Kamala); or
  - (ii) *Mallotus philippensis* (Red Kamala); or
  - (iii) *Banksia integrifolia* (Coast Banksia); or
  - (iv) *Diospyros geminata* (Scaly Ebony); or
  - (v) *Cupaniopsis anacardioides* (Tuckeroo).
- 11.4.2 Shrubs and ground cover:
- (i) *Eugenia reinwardtiana* (Beach Cherry); or

- (ii) *Hibiscus heterophyllus* (Native hibiscus); or
- (iii) *Breynia oblongifolia* (Native Coffee Bush); or
- (iv) *Dianella caerulea* (Blue Flax Lily); or
- (v) *Hibbertia Scandens* (Climbing Guinea Vine); or
- (vi) *Carpobrotus glaucescens* (Pig Face); or
- (vii) *Crinum pendiculatum* (River Lily); or
- (viii) *Lomandra longifolia* (Spiny Mat Rush).

11.5 Landscaping, or any part thereof, upon reaching full maturity, must not:

- (i) obstruct sight visibility zones as defined in the *Austroads 'Guide to Traffic Engineering Practice'* series of publications;
- (ii) adversely affect any road lighting or public space lighting; or
- (iii) adversely affect any Council infrastructure, or public utility plant.

11.6 All landscaping must be planted and or established, in accordance with the requirements of the Development Permit for Operational Works (landscaping works), prior to the commencement of use.

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

## 12.0 ELECTRICITY AND TELECOMMUNICATIONS

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

## 13.0 ASSET MANAGEMENT

13.1 Any alteration necessary to electricity, telephone, water mains, sewerage mains, and/or public utility installations resulting from the development or in connection with the development, must be at full cost to the Developer.

13.2 Any damage to existing kerb and channel, pathway or roadway (including removal of concrete slurry from public land, pathway, roads, kerb and channel and stormwater gullies and drainage lines) which may occur during any works carried out in association with the approved development must be repaired. This must include the reinstatement of the existing traffic signs and pavement markings which may have been removed.

13.3 'As constructed' information pertaining to assets to be handed over to Council and those which may have an impact on Council's existing and future assets must be provided prior to the commencement of use. This information must be provided in accordance with the Manual for Submission of Digital As Constructed Information.

## 14.0 ENVIRONMENTAL

14.1 Any application for a Development Permit for Operational Works must be accompanied by a detailed Environmental Management Plan, which addresses, but is not limited to, the following matters:

- (i) water quality and drainage;
- (ii) erosion and silt/sedimentation management;
- (iii) acid sulphate soils;
- (iv) fauna management;
- (v) vegetation management and clearing;
- (vi) top soil management;

- (vii) interim drainage plan during construction;
  - (viii) construction programme;
  - (ix) geotechnical issues;
  - (x) weed control;
  - (xi) bushfire management;
  - (xii) emergency vehicle access;
  - (xiii) noise and dust suppression; and
  - (xiv) waste management.
- 14.2 Any application for a Development Permit for Operational Works must be accompanied by an Erosion and Sediment Control Plan which addresses, but is not limited to, the following:
- (i) site location / topography / soil type;
  - (ii) objectives;
  - (iii) concept;
  - (iv) design details;
  - (v) implementation procedures for construction and post construction phases of work.
  - (vi) vegetation;
  - (vii) interim drainage plan during construction;
  - (viii) dust suppression;
  - (ix) top soil management;
  - (x) Acid sulphate soils; and
  - (xi) erosion susceptibility and risk.
- 14.3 The Environmental Management Plan approved as part of a Development Permit for Operational Works must be part of the contract documentation for the development works.
- 14.4 The Erosion Control and Stormwater Control Management Plan must be implemented and maintained on-site for the duration of the works, and until all exposed soil areas are permanently stabilised (for example, turfed, hydromulched, concreted, landscaped). The prepared Erosion Control and Stormwater Control Management Plan must be available on-site for inspection by Council Officers during those works.
- 15.0 ADEVERTISING DEVICE
- 15.1 A Development Permit for Operational Works (advertising device) must be obtained prior to the commencement of any advertising on the site.
- 16.0 OPERATING PROCEDURES
- 16.1 All construction materials, waste, waste skips, machinery and contractors' vehicles must be located and stored or parked within the site. No storage of materials, parking of construction machinery or contractors' vehicles will be permitted in Rockhampton-Yeppoon Road or Tabone Street.
- 16.2 All waste storage areas must be:
- 16.2.1 Aesthetically screened from any frontage or adjoining property;
  - 16.2.2 Of a minimum size to accommodate commercial type bins.

- 16.3 The hours of operation for the Service station are twenty-four hours, Monday to Sunday.

#### 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* 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. Trade Waste

In regards to condition 7.4 and 10.5, further information on trade waste is available on Council's website <http://www.livingstone.qld.gov.au/237/Trade-Waste>

NOTE 6. Infrastructure Charges Notice

This application is subject to infrastructure charges in accordance with Council policies. The infrastructure charges are presented on an Infrastructure Charges Notice which has been supplied with this decision notice.

The infrastructure charges for the Retail warehouse have been calculated based on a single level. If a mezzanine level is proposed through a Building Works application, additional infrastructure charges will apply in accordance with the resolution current at the time of application.

NOTE 7. Licensable activities

Should an activity licensable by Livingstone Shire Council be proposed for the premises, Council's Environmental Health Unit must be consulted to determine whether any approvals are required. Such activities may include food business licensing or devolved Environmental Relevant Activity. Approval for such an activity is required before 'fit out' and operation.

NOTE 8. Ergon Energy Advice Agency response

The applicant must liaise with Ergon Energy in relation to the Advice Agency response in regards to:



Either:

- (a) the access driveway from Tabone Street into the subject land must be relocated outside of Easement F; or
- (b) prior to any works commencing on the subject land, the applicant enter into an agreement with Ergon Energy under section 112(3) of the *Electricity Act 1994* (Qld) (the agreement) on the following terms:
  - (i) relocation of the 66kV line (a pole and a stay wire) to a position to be agreed; and
  - (ii) Ergon Energy and the applicant bear their own cost with respect to the preparation, negotiation and execution of that agreement.

NOTE 9. Operational Works (advertising devices)

Operational Works (advertising devices) is accepted, subject to requirements in the table of assessment for operational works (Table 5.7.1) under the *Livingstone Planning Scheme 2018*. If any of the Acceptable Outcomes of the Development Works Code (outcomes relating to advertising devices) cannot be achieved, a Development Permit for Operational Works (advertising devices) is required to be obtained. If the acceptable outcomes can be achieved, this will satisfy condition 15.1.

**RECOMMENDATION C**

THAT in relation to the application for a Development Permit for a Material Change of Use for a Service station and Retail warehouse, made by Retail Fuel Developments, on Lot 50 on SP207759, and located at Lot 50 Fred Lawn Drive, Yeppoon, Council resolves to issue an Infrastructure Charges Notice for the amount of \$162,760.00.

**Moved by: Councillor Belot**

**Seconded by: Councillor Eastwood**

**MOTION CARRIED**

## 12.7 REGULATED CAR PARKING TIMES IN PROXIMITY TO THE YEPPON LAGOON

**File No:** ED8.5.12

**Attachments:**

1. Regulated Parking Area Zones⇒
2. Paid Parking Areas Yeppoon Lagoon⇒
3. Proposed Two Hour Regulated Parking Areas⇒

**Responsible Officer:** Brett Bacon - Executive Director Liveability and Wellbeing

**Author:** Sonia Barber - Principal Economic Development and Innovation Officer

---

### SUMMARY

*Parking areas around Appleton Park, the skate park, Keppel Bay Sailing Club northern foreshore and the southern lagoon on-street parking areas (out the front and side of Council Chambers) are not included in the timed regulated parking areas, nor the paid parking areas near the Yeppoon Lagoon and Yeppoon foreshore areas.*

*Once regulated and paid parking areas around the Yeppoon Lagoon are implemented, parking areas that are close to the Yeppoon Lagoon and not regulated, nor paid parking will be targeted by visitors and will be filled for extended periods of time.*

*It is recommended that the areas above are designated two (2) hour regulated parking areas to increase turnover and availability of parking for visitors to Appleton Park, the Yeppoon Lagoon and foreshore area.*

### **Suspension of Standing Orders**

#### **COUNCIL RESOLUTION**

##### **1.42PM**

That pursuant to s2.16 and s2.19 of Council's *Meeting Procedures Policy* the provisions of the Council meeting procedures be suspended to allow adequate time for informal discussion on *Item 12.7 – Regulated Car Parking Times in Proximity to the Yeppoon Lagoon* prior to entering into formal debate.

**Moved by:** Councillor Belot

**MOTION CARRIED**

### **Resumption of Standing Orders**

#### **COUNCIL RESOLUTION**

##### **1.51PM**

That pursuant to s2.16 and s2.19 of Council's *Meeting Procedures Policy* the provisions of the Council Meeting Procedures be resumed.

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

**Seconded by:** Councillor Kelly

**MOTION CARRIED**

**COUNCIL RESOLUTION**

THAT Council resolve to designate the following car parking areas, as depicted in Attachment Three, two (2) hour regulated parking areas:

- 1) Appleton Park playground parking area;
- 2) skate park parking area;
- 3) Keppel Bay Sailing Club northern foreshore parking area; and
- 4) southern lagoon parking on-street parking areas (out the front and side of Council Chambers).

**Moved by:** Councillor Kelly

**Seconded by:** Councillor Eastwood

**MOTION CARRIED**

Councillor Mather recorded her vote against the motion.

**1.55PM** Councillor Belot left the meeting due to a conflict of interest in relation to item 12.8 - Water Supply Charges for Surf Lakes Holdings Limited.

**1.55PM** Councillor Eastwood left the meeting due to a material personal interest in relation to item 12.8 - Water Supply Charges for Surf Lakes Holdings Limited.

---

**12.8 WATER SUPPLY CHARGES FOR SURF LAKES HOLDINGS LIMITED**

**File No:** WS32.3.1

**Attachments:**

1. Letter from CEO Surf Lakes Holdings Ltd dated 18 February 2019⇒
2. Temporary Water Supply Agreement and Private Works Connection⇒

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

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

---

**SUMMARY**

*This report provides information pertaining to a request from the CEO of Surf Lakes Holdings Limited for a reduction of water charges for the re-filling of the prototype surf wave generator dam located at 1662 Yeppoon Road, Mulara.*

**RECOMMENDATION**

*That Council resolve to respond to the request from Surf Lakes Holdings Ltd ('Surf Lakes') seeking a reduced water consumption charge to refill the dam by congratulating them on the successful testing of the prototype and advising that the request for a reduced charge is declined in this instance.*

**COUNCIL RESOLUTION**

THAT Council resolve to respond to the request from Surf Lakes Holdings Ltd ('Surf Lakes') seeking a reduced water consumption charge to refill the dam by;

1. congratulate them on the successful testing of the prototype; and
2. adopt the same formula for calculation of a reduced rate for water consumption as previously charged for the initial fill on the provision that signage of recognition is installed at the development site.

**Moved by:** Mayor Ludwig

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

**MOTION CARRIED**

**RESOLUTION STATEMENT OF REASON**

In accordance with section 273 of the *Local Government Regulation 2012*, the decision of Council is inconsistent with the recommendation for the following reason:

- (1) the request for a discount for water charges is associated with a project which is world renowned and could bring substantial future economic activity and benefit to the region.

2:11PM Councillor Eastwood returned to the meeting.

## 13 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

#### 2.12PM

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.

#### 14.1 Recyclables Processing Service Contract

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.

**Moved by:** Councillor Kelly  
**Seconded by:** Councillor Mather

**MOTION CARRIED**

2:12PM Councillor Belot returned to the meeting.

### COUNCIL RESOLUTION

#### 2.20PM

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

**Moved by:** Councillor Kelly  
**Seconded by:** Councillor Eastwood

**MOTION CARRIED**

## 14 CONFIDENTIAL REPORTS

### 14.1 RECYCLABLES PROCESSING SERVICE CONTRACT

**File No:** FM12.7.1-2013-8145

**Attachments:** Nil

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

**Author:** Sean Fallis - Manager Water and Waste Operations

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 allow Council to consider a contractual arrangement pursuant to Section 235 Other exceptions of the Local Government Regulation 2012 for Recyclable Processing Services.*

*This matter relates to the four Councils currently under the joint contract for recycling services with Orora. These being RRC, LSC, GRC and CHRC. For optimum efficiency and future certainty, it is necessary for all four councils to enter into an arrangement. At this point it is not clear whether it will be a joint contract or four individual contracts.*

#### COUNCIL RESOLUTION

*That Council authorise the Chief Executive Officer to proceed in the manner as outlined within the report.*

**Moved by:** Councillor Wyatt

**Seconded by:** Councillor Kelly

**MOTION CARRIED**

**15 URGENT BUSINESS\QUESTIONS**

## 16 CLOSURE OF MEETING

There being no further business the meeting closed at 2.20 pm.

\_\_\_\_\_  
Mayor, Councillor Bill Ludwig  
CHAIRPERSON

\_\_\_\_\_  
DATE