



ORDINARY MEETING

MINUTES

7 MAY 2019

TABLE OF CONTENTS

ITEM	SUBJECT	PAGE NO
1	OPENING.....	1
2	PRESENT	1
3	LEAVE OF ABSENCE / APOLOGIES	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	FITZROY BASIN ASSOCIATION - CHANGES TO REGIONAL NATURAL RESOURCE MANAGEMENT BODY.....	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	LIFTING MATTERS LYING ON THE TABLE.....	12
12.3	FITZROY BASIN ASSOCIATION AND LIVINGSTONE SHIRE COUNCIL MEMORANDUM OF UNDERSTANDING	13
12.4	DRIVE INLAND CAMPAIGN.....	14
12.5	LOADING ZONE ON ANZAC PARADE	15
12.6	PROPOSED PERMANENT ROAD CLOSURE ADJOINING LOT 17 ON CROWN PLAN LI58	16
12.7	DEVELOPMENT APPLICATION FOR A DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE FOR A FOOD AND DRINK OUTLET (CAFE) AT 66 FARNBOROUGH ROAD, MEIKLEVILLE HILL.....	17
13	CLOSED SESSION	23

14.1	PAIN POT GALLERY ACCOMMODATION	
14.2	ROMAN CATHOLIC CHURCH LAND - MARLBOROUGH	
14.3	OPENING OF TODDS ROAD THROUGH GREENLAKE STATION	
14.4	GREAT KEPPEL ISLAND REVITALISATION PROJECT	
14.5	KERR PARK - PURCHASING POLICY COMPLIANCE FOR INSTALLATION OF PLAYGROUND EQUIPMENT AND SHADE STRUCTURE	
14	CONFIDENTIAL REPORTS.....	24
14.1	PAIN POT GALLERY ACCOMMODATION	24
14.2	ROMAN CATHOLIC CHURCH LAND - MARLBOROUGH	25
14.3	OPENING OF TODDS ROAD THROUGH GREENLAKE STATION.....	26
14.4	GREAT KEPPEL ISLAND REVITALISATION PROJECT	27
14.5	KERR PARK - PURCHASING POLICY COMPLIANCE FOR INSTALLATION OF PLAYGROUND EQUIPMENT AND SHADE STRUCTURE	28
15	URGENT BUSINESS\QUESTIONS	29
16	CLOSURE OF MEETING.....	30

MINUTES OF THE ORDINARY MEETING HELD AT COUNCIL CHAMBERS, 4 LAGOON PLACE, YEPPON ON TUESDAY, 7 MAY 2019 COMMENCING AT 8.37AM

1 OPENING

2 PRESENT

Members Present:

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

Officers in Attendance:

Mrs Chris Murdoch – Chief Executive Officer
Mr Brett Bacon – Executive Director Liveability and Wellbeing
Mr Dan Toon – Executive Director Infrastructure
Mrs Andrea Ellis – Chief Financial Officer
Mr Matthew Willcocks - Chief Technology Officer
Mr Nick Sheehan - Chief Human Resources Officer

Apologies:

Mayor, Councillor Bill Ludwig
Councillor Adam Belot

3 LEAVE OF ABSENCE / APOLOGIES

Mayor Ludwig and Councillor Belot have tendered their apologies and will not be in attendance.

COUNCIL RESOLUTION

THAT the apologies tendered for the absence of Mayor Ludwig and Councillor Belot be 'received'.

Moved by: Councillor Kelly
Seconded by: Councillor Eastwood

MOTION CARRIED

4 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

COUNCIL RESOLUTION

THAT the minutes of the Ordinary Meeting held on 16 April 2019 be taken as read and adopted as a correct record.

Moved by: Councillor Mather

Seconded by: Councillor Kelly

MOTION CARRIED

COUNCIL RESOLUTION

THAT the minutes of the Special Meeting held on 18 April 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**

6 PUBLIC FORUMS/DEPUTATIONS

6.1 FITZROY BASIN ASSOCIATION - CHANGES TO REGIONAL NATURAL RESOURCE MANAGEMENT BODY

File No: EM11.7.1
Attachments: Nil
Responsible Officer: Brett Bacon - Executive Director Liveability and Wellbeing
Author: Sue Schluter - Executive Assistant to Mayor

SUMMARY

A deputation from the Fitzroy Basin Association at Council's Ordinary Meeting of 7 May 2019 will provide an update to Council regarding changes to its service delivery model and the status of programmes and projects which it currently delivers in the Livingstone Shire Council area.

COUNCIL RESOLUTION

THAT Council receive the deputation.

Moved by: Councillor Mather

Seconded by: Councillor Kelly

MOTION CARRIED

Councillor Hutton sought leave of the meeting to deal with item 12.3 before returning to item 12.1 of the agenda.

Leave Granted

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: Sue Schluter - Executive Assistant to Mayor

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
- Reticulated Water to Mabel Edmund Park
- Tookers Road Upgrade
- Audit of Shire Intersections

Moved by: Councillor Mather

Seconded by: Councillor Kelly

MOTION CARRIED

Councillor Glenda Mather posed a question on notice requesting for Councillors to meet with a representative from The Department of Transport and Main Roads in relation to main road intersections within our shire.

12.2 LIFTING MATTERS LYING ON THE TABLE

File No: GV13.4.1
Attachments: Nil
Responsible Officer: Brett Bacon - Executive Director Liveability and Wellbeing
Author: Nicole Robertson - Coordinator Executive Support

SUMMARY

This report is being presented to Council in order for the stated matter to be formally lifted from the table and removed from the business outstanding.

COUNCIL RESOLUTION

THAT Council resolve that the following matter, laid on the table at the Ordinary Council meeting of 16 October 2018, be lifted from the table and removed from the business outstanding table, as the matter was dealt with during the Ordinary Council meeting held on 20 November 2018.

- 1) Yeppoon Lagoon - Extra Activities Post Opening

Moved by: Councillor Eastwood
Seconded by: Councillor Wyatt

MOTION CARRIED

12.3 FITZROY BASIN ASSOCIATION AND LIVINGSTONE SHIRE COUNCIL MEMORANDUM OF UNDERSTANDING

File No: EM 11.7.1

Attachments: 1. Proposed Memorandum of Understanding
FBA and LSC [↗](#)

Responsible Officer: David Mazzaferri - Manager Disaster Management,
Recovery and Resilience
Brett Bacon - Executive Director Liveability and
Wellbeing

Author: Leise Childs - Senior Land Protection Officer

SUMMARY

The Fitzroy Basin Association Inc. is a community based organisation which provides Natural Resource Management guidance and funding for the Central Queensland region. A deputation from Fitzroy Basin Association Inc. on 7 May 2019 will provide an update to Council regarding changes to its service delivery model and the status of programmes and projects which the Fitzroy Basin Association Inc. currently delivers in the Livingstone Shire Council area.

The Fitzroy Basin Association Inc. has historically worked closely with the Livingstone Shire Council on natural resource management issues of mutual interest and signed a Memorandum of Understanding on 1 May 2014 to officially recognise the valued relationship between it and Council, as well as outlining arrangements which allow staff of both organisations to collaborate.

in conjunction with this deputation to Council, Fitzroy Basin Association Inc. proposes that both organisations reaffirm their commitment to the Memorandum of Understanding, update items to recognise recent changes and sign an updated Memorandum of Understanding document.

COUNCIL RESOLUTION

THAT Council endorse the signing of a new Memorandum of Understanding with the Fitzroy Basin Association to facilitate ongoing co-operation and collaboration on natural resource management issues.

Moved by: Deputy Mayor, Councillor Hutton

Seconded by: Councillor Eastwood

MOTION CARRIED UNANIMOUSLY

Councillor Hutton sought leave of the meeting to suspend meeting procedures for the signing of the Fitzroy Basin Association MoU.

Leave granted.

Meeting procedures were suspended at 9.12AM

Meeting procedures resumed at 9.16AM.

12.4 DRIVE INLAND CAMPAIGN

File No: CR 21.5
Attachments: Nil
Responsible Officer: Brett Bacon - Executive Director Liveability and Wellbeing
Author: Trish Weir - Manager Customer Engagement & Communications

SUMMARY

Drive Inland is a collaboration of seven Local Government authorities (six Queensland and one New South Wales) which Livingstone Shire Council joined in October 2018. Digital Marketing is provided by Zoik which includes twelve (12) blogs a year and forty-eight (48) itinerary promotions annually, evenly spaced out across the year. Each Council also has the opportunity to provide a blog approximately every eight months and is provided administration privileges.

COUNCIL RESOLUTION

THAT Council declines the invitation to participate in the Drive Inland Campaign and Capricorn Enterprise continues to promote the region under the Southern Great Barrier Reef banner.

Moved by: Councillor Kelly
Seconded by: Councillor Mather

MOTION CARRIED UNANIMOUSLY

12.5 LOADING ZONE ON ANZAC PARADE

File No: TT30.13.1
Attachments: 1. [Locality Sketch](#) ⇨
Responsible Officer: Dan Toon - Executive Director Infrastructure
Author: Michael Prior - Manager Infrastructure Operations

SUMMARY

This report is in response to a request from Councillor Mather. There is a need for a loading zone on Anzac Parade to service the Seagulls and Thai Take-away shops that have only frontage and access to Anzac Parade. The only available location for a loading zone in the vicinity of these two businesses is at the northern end of the existing five kerb-side car parking bays out front of the Echelon building. To counter the 'loss' of three of these bays required to accommodate the loading zone, signage could be installed to alert patrons of the Echelon tenancies to the availability of public parking under the Echelon building, accessed from Barry Street, as specified in the Echelon development approval.

COUNCIL RESOLUTION

THAT Council authorise the installation of a loading zone on Anzac Parade, taking up the necessary number of existing car-parking bays in front of the Echelon building.

Moved by: Councillor Mather
Seconded by: Councillor Eastwood

MOTION CARRIED**DIVISION:**

Crs P Eastwood, N Hutton, G Mather and T Wyatt voted in the affirmative.

Cr J Kelly voted in the negative.

12.6 PROPOSED PERMANENT ROAD CLOSURE ADJOINING LOT 17 ON CROWN PLAN LI58**File No:** GR14.4.2**Attachments:**

1. Plan of initial proposed road closure area [⇒](#)
2. Email from applicant - 20 March 2019 [⇒](#)
3. Amended proposed road closure area [⇒](#)

Responsible Officer: Brett Bacon - Executive Director Liveability and Wellbeing
David Mazzaferri - Manager Disaster Management, Recovery and Resilience
Mark McLean - Principal Property Officer**Author:** Maddie Crigan - Property Officer

SUMMARY

This report pertains to a proposal to permanently close areas of road reserve adjoining Lot 17 on Crown Plan LI58, located at Kunwarara Road, Kunwarara, to enable same to be amalgamated with this lot.

COUNCIL RESOLUTION

THAT Council resolve to:

- 1) advise the owner of Lot 17 on LI58 that it does not support the proposal to permanently close the areas of road reserve adjoining Lot 17 known as Princhester Road and Atkinson Road; and
- 2) authorise officers to investigate the temporary closure of the areas of road reserve adjoining Lot 17 known as Princhester Road and Atkinson Road.

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

12.7 DEVELOPMENT APPLICATION FOR A DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE FOR A FOOD AND DRINK OUTLET (CAFE) AT 66 FARNBOROUGH ROAD, MEIKLEVILLE HILL**File No:** D-138-2018**Attachments:**

1. [Locality plan](#)
2. [Proposal Plans](#)

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

SUMMARY

Applicant: Dwight Lawrence

Consultant: Bael Building Design

Real Property Address: Lot 2 on LN1613

Common Property Address: 66 Farnborough Road, Meikleville Hill

Area of Site: 2,112 square metres

Planning Scheme: *Livingstone Planning Scheme 2018*, version 2 in effect 25 June 2018

Planning Scheme Zone: Medium density residential zone

Planning Scheme Overlays:

- OM01 Acid sulfate soils
 - Below 20 metres Australian Height Datum contour
- OM07 – Biodiversity – Habitat and Vegetation
 - MLES – Habitat and Vegetation
- OM12 Bushfire Hazard Area
 - Medium potential bushfire intensity
 - Potential impact buffer
- OM13 Coastal Hazard Area – Erosion Prone Area
- OM14 Coastal Hazard Area – Storm Tide Hazard Area
 - LSC storm tide study area
- OM18 Landslide Hazard Area
- OM20 Road Hierarchy
 - Urban Sub-Arterial
- OM21 Scenic Amenity
 - Scenic Amenity Management Area A
 - Scenic Amenity Management Area B
 - Coastal Scenic Transport Route Potential Assessment Area

Level of Assessment: Impact Assessable

Submissions:	One submission received
Referral matters:	Nil
Infrastructure Charge Area:	Charge Area 1

APPLICATION PROGRESS:

Application received:	30 July 2018
Development control unit meeting:	1 August 2018
Action notice issued:	13 August 2018
Action notice re-issued:	15 August 2018
Response to Action notice received:	4 September 2018
Application properly made:	4 September 2018
Confirmation notice issued:	10 September 2018
Information request issued:	24 September 2018
Information request response received:	19 February 2019
Public notification period:	20 February 2019 to 13 March 2019
Notice of compliance received:	19 March 2019
Submission consideration period:	20 March to 2 April 2019
Decision period commenced:	2 April 2019
Statutory determination date:	13 May 2019

COUNCIL RESOLUTION**RECOMMENDATION A**

THAT in relation to the application for a Development Permit for a Material Change of Use for a Food and drink outlet (Café), made by Dwight Lawrence, on Lot 2 on LN1613, and located at 66 Farnborough Road, Meikleville Hill, Council resolves to Approve the development application, despite the conflict with the planning scheme and provides the following grounds to justify the decision:

- (a) The proposed development supports the surrounding accommodation uses by providing a small-scale complementary commercial offering for surrounding residents, as well as tourists and travellers accessing the nearby caravan park and short-term accommodation offerings.
- (b) The development is commensurate to the surrounding commercial development to the south and is not of a scale whereby impacts on the role and function of the Yeppoon Major Centre are anticipated.
- (c) The subject site is readily accessible to existing vehicular, bicycle and pedestrian networks.
- (d) The development does not jeopardise the overall outcomes of the Medium density residential zone.

RECOMMENDATION B

THAT in relation to the application for a Development Permit for a Material Change of Use for a Food and drink outlet (Café), made by Dwight Lawrence, on Lot 2 on LN1613, and located at 66 Farnborough Road, Meikleville Hill, 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 issue of 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 issue of 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 their purposes:
- 1.6.1 Operational Works:
- (i) Roadworks; and
 - (ii) Earthworks;
- 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>
Site Layout Plan: Proposed	Job No: 1805-02 Page No: SH-02 Sheet 3 of 16	14.06.2018
Floor Plan: Proposed Lower Floor	Job No: 1805-02 Page No: SH-03 Sheet 4 of 16	14.06.2018
Elevations: Typical	Job No: 1805-02 Page No: SH-04 Sheet 5 of 16	14.06.2018
Slope Stability Assessment Report	Project Job No: GEO175536-B	05.02.2019

- 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 Building Works.
- 3.0 ROADWORKS
- 3.1 A development permit for operational works (Roadworks) must be obtained prior to the commencement of any road works for the site.
- 3.2 A compliant concrete footpath must be constructed for the full width of the property within the road reserve.
- 3.3 The redundant kerb breakout for vehicle access must be reinstated with barrier kerb and channel in accordance with the standard *Capricorn Municipal Development Guidelines* drawing CMDG –R-060 Type 1.
- 3.4 The 'proposed footpath dining' area as shown on approved plan Job No: 1805-02 Page No: SH-04 Sheet 5 of 16 is not approved.
- 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 approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines, 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 sewerage and water networks.
- 4.4 The existing sewerage and water connection point(s) must be retained, and upgraded if necessary, to service the development.
- 4.5 A sewerage trade waste permit must be obtained for the discharge of any non-domestic waste into Council's reticulated sewerage network.
- 5.0 SITE WORKS
- 5.1 A Development Permit for Operational Works (Earthworks) must be obtained prior to the commencement of any site works.
- 5.2 All site works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), Slope Stability Assessment Report, *Australian Standard AS3798 "Guidelines on Earthworks for Commercial and Residential Developments*.
- 5.3 Cut and fill of the subject allotment(s) must only be undertaken in areas where site-specific slope stability assessments have been carried out by a Registered Professional Engineer of Queensland experienced in geotechnical investigations. In this regard, any works must comply with the recommendations of the site-specific assessments as approved by Council.
- 5.4 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 a nuisance or worsening to adjoining properties or infrastructure.
- 5.5 Any building foundations including any retaining structures and associated changes to natural landform (cut and fill) identified within the land greater than or equal to fifteen (15) per cent slope must be separately certified for structural adequacy and geological stability by a suitably qualified Registered Professional Engineer of Queensland at design submission for building works and certified on completion of

construction for compliance with the design

- 5.6 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.

6.0 ASSET MANAGEMENT

- 6.1 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.
- 6.2 '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.

7.0 ENVIRONMENTAL

- 7.1 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;

- 7.2 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, and landscaped). The prepared Erosion Control and Stormwater Control Management

- 7.3 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 Farnborough Road.

- 7.4 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.

- 7.5 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*'.

- 7.6 A waste storage area must be kept in a clean, tidy condition and screened from view of the street and adjoining public places.

ADVISORY NOTESNOTE 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. Licensable Activities

- (i) Council’s Environment and Public Health Unit should be consulted to determine whether any approvals are required for licensable activities. Such activities may include storage of flammable and combustible liquid and environmentally relevant activities and food business premises. Approval for such activities is required before ‘fitout’ and operation.
- (ii) Council’s Local Laws Unit should be consulted to determine whether any approvals are required for licensable activities. Such activities may include footpath dining. Approval for such activities is required before the commencement of use.

NOTE 6. Works in proximity to Council Infrastructure

Any construction works proposed in the vicinity of Council’s existing water supply and sewerage infrastructure must not adversely affect the integrity of the infrastructure. Any restoration works required on the existing water supply and sewerage infrastructure, caused by the construction of the proposed development must be borne by the applicant.

Moved by: Deputy Mayor, Councillor Hutton

Seconded by: Councillor Kelly

MOTION CARRIED UNANIMOUSLY

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

THAT the meeting be closed to the public at 10.03AM 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 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.

14.2 ROMAN CATHOLIC CHURCH LAND - MARLBOROUGH

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.

14.3 Opening of Todds Road Through Greenlake Station

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.

14.4 Great Keppel Island Revitalisation Project

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

14.5 Kerr Park - Purchasing policy Compliance for Installation of Playground Equipment and Shade Structure

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 Mather

Seconded by: Councillor Kelly

MOTION CARRIED

COUNCIL RESOLUTION

THAT the meeting moves out of closed session and be opened to the public at 10.26AM.

Moved by: Councillor Eastwood

Seconded by: Councillor Mather

MOTION CARRIED

14 CONFIDENTIAL REPORTS

14.1 PAINT POT GALLERY ACCOMMODATION

File No: LEA264

Attachments:

1. Paint Pot Gallery Report - 2 October 2018
2. Paint Pot Gallery Resolution - 2 October 2018

Responsible Officer: David Mazzaferri - Manager Disaster Management, Recovery and Resilience
Brett Bacon - Executive Director Liveability and Wellbeing

Author: Mark McLean - Principal Property 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 provides information in relation to the provision of accommodation for the Paint Pot Gallery.

COUNCIL RESOLUTION

THAT Council resolve to:

- 1) meet the cost of a further eight (8) month lease arrangement to accommodate the Paint Pot Gallery at Shop 3, 18 James Street Yeppoon from 1 July 2019 to 29 February 2020; and
- 2) provide an eight (8) month lease to the Capricorn Society of Arts Incorporated over Shop 3, 18 James Street Yeppoon from 1 July 2019 to 29 February 2020 at a rental of \$1,000 inclusive of Goods and Services Tax.

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

MOTION CARRIED

14.2 ROMAN CATHOLIC CHURCH LAND - MARLBOROUGH

File No: CP5.9.2-227

Attachments: 1. Plan and Aerial - Catholic Church Land Marlborough

Responsible Officer: David Mazzaferri - Manager Disaster Management, Recovery and Resilience
Brett Bacon - Executive Director Liveability and Wellbeing

Author: Mark McLean - Principal Property Officer
Maddie Crigan - Property Officer

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

This report pertains to the possible purchase of property within Marlborough which is currently owned by The Roman Catholic Trust Corporation for the Diocese of Rockhampton.

COUNCIL RESOLUTION

THAT Council resolve to:

- 1) authorise Council officers to enter into negotiations with The Roman Catholic Trust Corporation for the Diocese of Rockhampton for the purchase of Lots 12, 13, 14 and 15 on Registered Plan 602167;
- 2) authorise Council officers to negotiate with The Roman Catholic Trust Corporation for the Diocese of Rockhampton on the purchase of Lots 12, 13, 14 and 15 on Registered Plan 602167 in accordance with Option Two, as detailed within this report.

Moved by: Councillor Kelly
Seconded by: Councillor Mather

MOTION CARRIED UNANIMOUSLY

14.3 OPENING OF TODDS ROAD THROUGH GREENLAKE STATION**File No:** 5.2.5-006**Attachments:**

1. Greenlake Station report
2. RP614943
3. SP293755

Responsible Officer: Dan Toon - Executive Director Infrastructure**Author:** Michael Prior - Manager Infrastructure Operations

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 provides Council with an update on the matter of a road opening that would connect Todds Road with Ingrey Road through Greenlake Station.

COUNCIL RESOLUTION

THAT Council resolve to reopen the section of road described as the last four kilometres of the constructed section of Ingrey Road, which was previously closed to traffic pursuant to s69 of the *Local Government Act 2009* and;

In relation to the matter of the proposed road opening that Council resolve to pursue Option 1 as detailed in the report below.

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

14.4 GREAT KEPPEL ISLAND REVITALISATION PROJECT**File No:** P.18-065**Attachments:** 1. Submarine Pipelines Briefing Paper**Responsible Officer:** Chris Murdoch - Chief Executive Officer**Author:** Dan Toon - Executive Director Infrastructure

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 provides an update for the Great Keppel Island Revitalisation Project and seeks a Council resolution for several matters.

COUNCIL RESOLUTION

THAT Council resolve to adopt recommendations 1 and 2 contained in the conclusion section of this report and that the Project Team be advised accordingly.

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

14.5 KERR PARK - PURCHASING POLICY COMPLIANCE FOR INSTALLATION OF PLAYGROUND EQUIPMENT AND SHADE STRUCTURE**File No:** P-17-100**Attachments:**

1. **Tender Response for Tender No: 2018.049 Design and Supply of Playground Equipment and Shade Structure**
2. **Playscape Creations Installation Quotation**
3. **Fabritecture Australia Installation Quotation**

Responsible Officer: Dan Toon - Executive Director Infrastructure**Author:** Craig Jepson - Civil Design

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

This report presents the background information to the purchase of playground equipment and shade structures for Kerr Park and evaluates the submissions received for installation of those components.

COUNCIL RESOLUTION

THAT Council resolves for the Emu Park Village and Foreshore – Kerr Park Project to;

1. Award the installation of the playground equipment purchased by Council and softfall to Playscape Creations as a Sole Supplier; and
2. Award the installation of the shade structure purchased by Council to Fabritecture Australia as a Sole Supplier;

in accordance with S229 of the Local Government Regulation 2019.

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

15 URGENT BUSINESS QUESTIONS

16 CLOSURE OF MEETING

There being no further business the meeting closed at 10.27AM.

Nigel Hutton
CHAIRPERSON

DATE