

# **Livingstone**

---

## Shire Council

### **ORDINARY MEETING**

### **MINUTES**

**23 FEBRUARY 2016**

The Council resolutions contained within these minutes were confirmed at the Council meeting on 8 March 2016.

---

## TABLE OF CONTENTS

---

| ITEM | SUBJECT  | PAGE NO |
|------|--|---------|
| 1    | OPENING.....   | 1       |
| 2    | PRESENT .....  | 1       |
| 3    | LEAVE OF ABSENCE / APOLOGIES .....   | 2       |
|      | NIL .....  | 2       |
| 4    | PUBLIC FORUMS/DEPUTATIONS .....  | 3       |
|      | NIL .....  | 3       |
| 5    | MAYORAL MINUTE .....   | 4       |
|      | NIL .....  | 4       |
| 6    | CONFIRMATION OF MINUTES OF PREVIOUS MEETING.....   | 5       |
| 7    | DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA .....  | 6       |
|      | NIL .....  | 6       |
| 8    | BUSINESS ARISING OR OUTSTANDING FROM PREVIOUS MEETINGS .....   | 7       |
| 8.1  | BUSINESS OUTSTANDING TABLE FOR ORDINARY COUNCIL MEETING .....  | 7       |
| 9    | PRESENTATION OF PETITIONS.....   | 8       |
|      | NIL .....  | 8       |
| 10   | BUSINESS IMPROVEMENT COMMITTEE REPORTS .....   | 9       |
|      | NIL .....  | 9       |
| 11   | COUNCILLOR/DELEGATE REPORTS .....  | 10      |
|      | NIL .....  | 10      |
| 12   | REPORTS.....   | 11      |
| 12.1 | EARTH HOUR 2016 .....  | 11      |
| 12.2 | OPERATIONAL PLAN 2015-16 Q2 PROGRESS REPORT .....  | 12      |
| 12.3 | SUMMARY BUDGET MANAGEMENT REPORT FOR THE PERIOD ENDED 31 JANUARY 2016.....                                       | 13      |
| 12.4 | CHANGE TO LAND PROTECTION FEES AND CHARGES - NURSERY PLANTS .....  | 14      |
| 12.5 | REQUEST FOR A NEGOTIATED DECISION FOR A DEVELOPMENT PERMIT FOR RECONFIGURING A LOT (TWO LOTS INTO SIX LOTS)..... | 15      |
| 13   | QUESTIONS/STATEMENT/MOTIONS ON NOTICE FROM COUNCILLORS .....   | 16      |

---

---

|           |   |           |
|-----------|---|-----------|
| 13.1      | NOTICE OF MOTION - COUNCILLOR MATHER - KEPPEL SANDS<br>COAST GUARD .....      | 16        |
| <b>14</b> | <b>URGENT BUSINESS\QUESTIONS .....</b>  | <b>17</b> |
|           | NIL .....   | 17        |
| <b>15</b> | <b>CLOSED SESSION .....</b>   | <b>18</b> |
| 1.1       | RESUMPTION OF EASEMENT FOR DRAINAGE PURPOSES AT<br>PARK STREET, YEPPOON ..... | 18        |
| <b>16</b> | <b>CONFIDENTIAL REPORTS.....</b>  | <b>19</b> |
| 1.1       | RESUMPTION OF EASEMENT FOR DRAINAGE PURPOSES AT<br>PARK STREET, YEPPOON ..... | 19        |
| <b>17</b> | <b>CLOSURE OF MEETING.....</b>  | <b>21</b> |

**MINUTES OF THE ORDINARY MEETING HELD AT COUNCIL CHAMBERS, ANZAC PARADE, YEPPON ON TUESDAY, 23 FEBRUARY 2016 COMMENCING AT 9.00AM**

**1 OPENING**

**2 PRESENT**

Members Present:

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

In Attendance:

Ms Chris Murdoch – Director Corporate Services  
Mr Brett Bacon – Director Community and Planning Services  
Mrs Suzanne Pambid – Personal Assistant to the Chief Executive Officer  
Mr Jon Rutledge - Manager Human Resources and Governance  
Mrs Catherine Rivett - Corporate Strategist  
Mr Darryl Schurmann – Chief Financial Officer  
Mr Damien Cross – Manager Finance  
Ms Erin McCabe – Coordinator Development Assessment  
Ms Jenna Brosseuk – Senior Planning Officer  
Mr Matthew Baldock - Senior Environmental Sustainability Planner  
Mr Michael Prior - Manager infrastructure Operations  
Mr Jeff Carter - Manager Construction & Maintenance

**3 LEAVE OF ABSENCE / APOLOGIES**

Nil

**4 PUBLIC FORUMS/DEPUTATIONS**

Nil

**5 MAYORAL MINUTE**

Nil

## **6 CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

### **COUNCIL RESOLUTION**

THAT the minutes of the Ordinary Meeting held on 9 February 2016 be taken as read and adopted as a correct record.

**Moved by: Councillor Mather**

**Seconded by: Councillor Kelly**

**MOTION CARRIED**



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

Nil

## **8 BUSINESS ARISING OR OUTSTANDING FROM PREVIOUS MEETINGS**

### **8.1 BUSINESS OUTSTANDING TABLE FOR ORDINARY COUNCIL MEETING**

**File No:** GV13.4.1  
**Attachments:** 1. Business Outstanding Table  
**Responsible Officer:** Justin Commons - Chief Executive Officer

---

#### **SUMMARY**

*The Business Outstanding table is used as a tool to monitor outstanding items resolved at previous Council or Committee Meetings. The current Business Outstanding table for the Ordinary Council Meeting is presented for Councillors' information.*

#### **COUNCIL RESOLUTION**

THAT the Business Outstanding table for the Ordinary Council Meeting be received.

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

**MOTION CARRIED**

**9 PRESENTATION OF PETITIONS**

Nil

**10 BUSINESS IMPROVEMENT COMMITTEE REPORTS**

Nil

**11 COUNCILLOR/DELEGATE REPORTS**

Nil

## 12 REPORTS

### 12.1 EARTH HOUR 2016

|                             |  |
|-----------------------------|--|
| <b>File No:</b>             | <b>EM11.3.1</b>  |
| <b>Attachments:</b>         | <b>1. How-to Guide: Take Action on Earth Hour and Beyond</b>   |
| <b>Responsible Officer:</b> | <b>Ian Dare - Manager Community Wellbeing<br/>Brett Bacon - Director Community &amp; Planning Services</b> |
| <b>Author:</b>              | <b>Matthew Baldock - Senior Sustainability Officer</b>   |

---

#### SUMMARY

*Earth Hour is a world-wide event which encourages businesses and householders to turn off their lights for one hour on 19 March 2016. Livingstone Shire Council has the opportunity to be involved in Earth Hour by turning off non-essential lights in its buildings and facilities and demonstrate its commitment to the environment. Approval is sought from Council to participate in this world recognised event.*

#### COUNCIL RESOLUTION

THAT Council participate in Earth Hour 2016 by turning off non-essential lights in its buildings and facilities for one hour on 19 March 2016.

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

**MOTION CARRIED UNANIMOUSLY**

**12.2 OPERATIONAL PLAN 2015-16 Q2 PROGRESS REPORT**

**File No:** CM4.6.2  
**Attachments:** 1. Q2 Operational Plan 2015-16  
**Responsible Officer:** Jon Rutledge - Manager Human Resources  
Chris Murdoch - Director Corporate Services  
**Author:** Catherine Rivett - Corporate Strategist

---

**SUMMARY**

*The 2015-16 Operational Plan progress report for quarter 2 as at 31 December 2015 is presented, pursuant to section 174(3) of the Local Government Regulation 2012.*

**COUNCIL RESOLUTION**

THAT the 2015-16 Operational Plan progress report for quarter 2 as at 31 December 2015 be received.

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

**Seconded by:** Councillor Hutton

**MOTION CARRIED**

**12.3 SUMMARY BUDGET MANAGEMENT REPORT FOR THE PERIOD ENDED 31 JANUARY 2016**

**File No:** FM12.4.1

**Attachments:**

1. Income Statement - January 2016
2. Graphs - January 2016
3. Revenue Report - January 2016

**Responsible Officer:** Chris Murdoch - Director Corporate Services

**Author:** Darryll Schurmann - Chief Financial Officer

---

**SUMMARY**

*Presentation of the Livingstone Shire Council's Summary Budget Management Report and Revenue Report for the Period Ended 31 January 2016 by the Chief Financial Officer.*

**COUNCIL RESOLUTION**

THAT the Livingstone Shire Council Summary Budget Management Report for the Period Ended 31 January 2016 be 'received'.

**Moved by:** Councillor Hutton

**Seconded by:** Councillor Kelly

**MOTION CARRIED**



**12.4 CHANGE TO LAND PROTECTION FEES AND CHARGES - NURSERY PLANTS**

**File No:** FM12.8.1  
**Attachments:** 1. Livingstone Shire Council Land Protection Fees and Charges 2015/2016  
**Responsible Officer:** Ian Dare - Manager Community Wellbeing  
Brett Bacon - Director Community & Planning Services  
**Author:** Leise Childs - Senior Land Protection Officer

---

**SUMMARY**

*This report proposes a change to Council's adopted Fees and Charges 2015/2016 schedule in respect of bulk orders of native plants from the Community Nursery.*

**COUNCIL RESOLUTION**

THAT the charge for native plants (50 millimetre tube) Bulk Orders in Council's adopted Fees and Charges 2015/2016 schedule (Land Protection Item 2) be amended from '\$1.50 each if order over 500 plants' to 'Price on Application'.

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

**MOTION CARRIED UNANIMOUSLY**

**12.5 REQUEST FOR A NEGOTIATED DECISION FOR A DEVELOPMENT PERMIT FOR RECONFIGURING A LOT (TWO LOTS INTO SIX LOTS)**

**File No:** D/82-2015

**Attachments:**

1. **Locality Plan**
2. **Proposal Plans**
3. **Semi-Evergreen Vine Thicket Determination Document**
4. **Approved Covenant Plan**

**Responsible Officer:** Erin McCabe - Co-ordinator Development Assessment  
Brett Bacon - Director Community & Planning Services

**Author:** Jenna Brosseuk - Senior Planning Officer

**SUMMARY**

**Development Application Number:** D/82-2015

**Applicant:** Tony Newton

**Real Property Address:** Lot 3 on LN71 and Lot 21 on LN99, Parish of Rosilyn

**Common Property Address:** Lot 3 and Lot 21 Todds Road, Rossmoya

**Area of Site:** 2,449 hectares

**Planning Scheme:** *Livingstone Shire Planning Scheme 2005*

**Planning Scheme Zoning:** Rural

**Planning Scheme Overlays:** Wetlands (O3A), Waterway (O3B), Good Quality Agricultural Land (O4A) and Bushfire Hazard (O5B)

**Existing Development:** Vacant rural land

**Existing Approvals:** Development Permit D/204-2013 for Reconfiguring a Lot (eight lots into eight lots)  
Development Permit for Reconfiguring a Lot (two lots into six lots)

**Approval Sought:** Request for a Negotiated Decision for a Development Permit for Reconfiguring a Lot (two lots into six lots)

**Level of Assessment:** Code Assessable

**Referral Agency(s):** Nil

**Adopted Infrastructure Charges Area:** Outside the Priority Infrastructure Area

**COUNCIL RESOLUTION**

That the matter lay on the table pending an inspection by Councillors and return to a future Council Meeting.

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

**Seconded by:** Mayor Ludwig

**MOTION CARRIED**

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

### **13.1 NOTICE OF MOTION - COUNCILLOR MATHER - KEPPEL SANDS COAST GUARD**

**File No:** GV13.4.4  
**Attachments:** 1. NOM - Keppel Sands Coast Guard  
**Responsible Officer:** Justin Commons - Chief Executive Officer

---

#### **SUMMARY**

*Councillor Mather has indicated her intention to move the following Notice of Motion at the next Council Meeting on 23 February 2016, as follows:*

#### **COUNCIL RESOLUTION**

THAT as a matter of some urgency, the engineering department be asked to inspect and evaluate the extent and estimated costs of the work which needs to be carried out on the access road to the Coast Guard Headquarters at Keppel Sands, to safely facilitate the transportation of their rescue vessels.

**Moved by:** Councillor Mather

**Seconded by:** Mayor Ludwig

**MOTION CARRIED UNANIMOUSLY**

**14 URGENT BUSINESS QUESTIONS**

Nil

## 15 CLOSED SESSION

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

### COUNCIL RESOLUTION

#### 9.51AM

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.

#### 1.1 Resumption of Easement for Drainage Purposes at Park Street, Yeppoon

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

**Moved by:** Councillor Mather

**Seconded by:** Councillor Kelly

**MOTION CARRIED**

### COUNCIL RESOLUTION

#### 10.02AM

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

**Moved by:** Councillor Hutton

**Seconded by:** Councillor Wyatt

**MOTION CARRIED**

## 16 CONFIDENTIAL REPORTS

### 1.1 RESUMPTION OF EASEMENT FOR DRAINAGE PURPOSES AT PARK STREET, YEPPOON

**File No:** CP5.2.2-001

**Attachments:**

1. Drawing No 2012-066-92 (vB) - *(Confidential)*
2. Written objections - *(Confidential)*
3. Report of the delegate - *(Confidential)*
4. Background Information Document served with Notice of Intention to Resume - *(Confidential)*
5. Objectors comments on the delegates report - *(Confidential)*

**Responsible Officer:** Michael Prior - Manager Infrastructure Operations  
(Acting Director Infrastructure Services)

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

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

---

#### SUMMARY

*This report provides Council an opportunity to consider objections lodged by parties affected by the resumption of an easement for drainage purposes over Lot 2 SP210339 and affords Council an opportunity to resolve to discontinue, amend the Notice of Intention to Resume ('NIR') or apply to the Minister that the land be taken.*

#### COUNCIL RESOLUTION

THAT

1. In relation to Lot 2 SP210339, having considered the grounds of objection and the report of the delegate on the matters put forth by *the Objectors* in support of such grounds, Council is of the opinion that the land described as 'Easement Area' on Drawing No. 2012-066-92(Ver B) is required for the purpose of drainage, for which it is proposed to be taken;
2. The Notice of Intention to Resume be amended pursuant to s 8(2A) of the Acquisition of Land Act 1967 as follows:-
  - the definition of 'Works' in Schedule 1 (Terms of Easement) be amended by replacing the words 'sewerage, water' with 'stormwater'.
3. *The Objectors* be given written notice of such amendment and requested to serve upon Council any objection to the said amendment on or before a nominated date not being less than thirty days after the date of the notice.
4. If *the Objectors* -
  - a. agree to the said amendment;
  - or
  - b. do not serve any objection to the said amendment by the due date;Council apply to the appropriate Minister that the land be taken as prescribed by s 9 of the Acquisition of Land Act 1967.

5. If *the Objectors* serve objections to the said amendment, the Councils Delegate consider the objections, including any evidence heard in support of the grounds of objection, and further report to Council.

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

**Seconded by:** Councillor Wyatt

**MOTION CARRIED**

**17 CLOSURE OF MEETING**

There being no further business the meeting closed at 10.02am.

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

\_\_\_\_\_  
DATE