

Livingstone

Shire Council

ORDINARY MEETING

MINUTES

14 JUNE 2016

The minutes of this meeting were confirmed at the Council Meeting on 28 June 2016.

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MINUTES OF THE ORDINARY MEETING HELD AT COUNCIL CHAMBERS, ANZAC PARADE, YEPPON ON TUESDAY, 14 JUNE 2016 COMMENCING AT 9.10AM

1 OPENING

2 PRESENT

Members Present:

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

In Attendance:

Ms Chris Murdoch – Chief Executive Officer
Mr Jon Rutledge – Acting Director Corporate Services
Mr Brett Bacon – Director Community and Planning Services
Mr Dan Toon – Director Infrastructure Services
Mr Daniel Pearce – Manager Assets
Ms Trish Weir – Manager Customer Engagement and Communications
Ms Rachel Jackson – Coordinator Property and Procurement
Mr Mark McLean – Senior Property and Contracts Officer
Ms Jenna Brosseuk – Planning Officer
Ms Tracey Lowry – Customer Service Officer
Ms Hayley Stephens – Customer Service Officer
Ms Lucy Merry – Executive Support Officer

3 LEAVE OF ABSENCE / APOLOGIES

3.1 LEAVE OF ABSENCE FOR DEPUTY MAYOR COUNCILLOR GRAHAM SCOTT - 14 JUNE 2016

File No: GV14.4.1
Attachments: Nil
Responsible Officer: Chris Murdoch - Chief Executive Officer

SUMMARY

Deputy Mayor Councillor Graham Scott requested leave of absence for 14 June 2016.

COUNCIL RESOLUTION

THAT leave of absence be granted to Deputy Mayor Councillor Graham Scott for 14 June 2016.

Moved by: Councillor Hutton
Seconded by: Councillor Wyatt

MOTION CARRIED

4 PUBLIC FORUMS/DEPUTATIONS

Nil

5 MAYORAL MINUTE

5.1 MAYORAL MINUTE - 14 APOLLO COURT, TAROOMBALL

File No: 896-2015-B-CONC

Attachments:

1. Site Photo
2. Statutory Declarations from adjoining land owners

Responsible Officer: Brett Bacon - Director Community & Planning Services

SUMMARY

The owners of 14 Apollo Court, Taroomball made a formal deputation at the Council Workshop of Tuesday 7 June 2016 with regards to a carport which was not built in accordance with the approved plans nor the requirements of the *Queensland Development Code*.

During the deputation, it was acknowledged that the people responsible for the construction of the carport had made a mistake in measuring the setbacks from the road and not the property boundary. This error was only identified by the entity responsible for certifying the carport after it had been erected.

Photographic evidence was provided to Council during the deputation which identified that the structure has subsequently been lowered to a height of 3.5 metres (originally 3.9 metres). In addition, signed statutory declarations from adjoining land owners stating that they do not object to the structure and a statement confirming that the owners commit to establish landscaping within the front portion of the site to lessen the visual impact of the structure were also presented to Council.

Councillors, in considering this matter, have expressed that there are sufficient extenuating circumstances in this instance to warrant allowing the revised structure to remain in its current location and form.

COUNCIL RESOLUTION

THAT in relation to the carport located in the south-western corner of lot 25 on SP181253, known as 14 Apollo Court, Taroomball, Council resolves to:

- 1) advise the owners that it will waive the concurrence agency fee associated with a new development application for building works to formalise the structure in its existing location and form; and
- 2) give favourable consideration to the structure in its existing location and form, in its capacity as a concurrence agency, subject to appropriate planting being undertaken which lessens the visual impact of the structure.

Moved by: Mayor Ludwig

Seconded by: Councillor Wyatt

MOTION CARRIED UNANIMOUSLY

6 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

COUNCIL RESOLUTION

THAT the minutes of the Ordinary Meeting held on 24 May 2016 be taken as read and adopted as a correct record.

Moved by: Councillor Kelly
Seconded by: Councillor Mather

MOTION CARRIED

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

Nil

8 BUSINESS ARISING OR OUTSTANDING FROM PREVIOUS MEETINGS

Nil

9 PRESENTATION OF PETITIONS

Nil

10 BUSINESS IMPROVEMENT COMMITTEE REPORTS

Nil

11 COUNCILLOR/DELEGATE REPORTS

Nil

12 REPORTS

12.1 WATER ASSET MANAGEMENT PLAN

File No: FM12.2.2
Attachments: 1. Water Asset Management Plan
Responsible Officer: Dan Toon - Director Infrastructure Services
Author: Daniel Pearce - Manager Assets & GIS

SUMMARY

This report provides the Water Asset Management Plan for adoption, containing relevant financial information to assist informed decision making by understanding what water infrastructure Council has and what it will cost to renew and maintain these assets into the future.

COUNCIL RESOLUTION

THAT the Water Asset Management Plan including customer service standards applicable to water infrastructure are adopted.

Moved by: Councillor Belot
Seconded by: Councillor Hutton

MOTION CARRIED

Matter Lay on Table until later in the Meeting

COUNCIL RESOLUTION

That the matter 12.2 Development Application for a Material Change of Use for an Indoor Sports Facility (Gymnasium) lay on the table until later in the meeting pending further discussion.

Moved by: Councillor Mather
Seconded by: Councillor Hutton

MOTION CARRIED

12.2 DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR AN INDOOR SPORTS FACILITY (GYMNASIUM)

File No: D/177-2015

Attachments:

1. Locality Plan
2. Floor 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/177-2015

Applicant: Jumpstart Fitness Yeppoon

Real Property Address: Lot 2 on RP608548, Parish of Yeppoon

Common Property Address: 13 Hill Street, Yeppoon

Area of Site: 319 square metres

Planning Scheme: *Livingstone Shire Planning Scheme 2005*

Planning Scheme Zoning: Yeppoon Central Zone

Planning Scheme Overlays: Overlay Map O5 – Stormtide Hazard
Overlay Map O8 - Acid Sulfate Soils
Cultural Heritage fifty (50) metre buffer

Existing Development: Shop

Existing Approvals: Nil

Approval Sought: Development Permit for a Material Change of Use for an Indoor sports facility (gymnasium)

Level of Assessment: Impact assessment

Submissions: Nil

Referral Agency(s): Nil

Adopted Infrastructure Charges Area: Charge Area Two

Application Progress:

Application Lodged:	20 August 2016
Acknowledgement Notice Issued:	27 August 2016
Request for Further Information sent:	7 September 2016
Request for Further Information responded to:	4 March 2016
Notice of Commencement of Public Notification received.	12 April 2016
Public Notification period commenced:	7 April 2016
Submission period end:	3 May 2016
Notice of Compliance of Public Notification	30 May 2016

Received:	
Last receipt of information from applicant:	30 May 2016
Council meeting date:	14 June 2016
Statutory determination date:	28 June 2016

COUNCIL RESOLUTION

RECOMMENDATION A

THAT in relation to the application for a Development Permit for a Material Change of Use for an Indoor sports facility (gymnasium), made by Jumpstart Fitness Yeppoon, on Lot 2 on RP608548, Parish of Yeppoon, and located at 13 Hill Street, 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:

- 1) The Indoor sports facility supports the town centre through the activation of the centre outside the standard business hours.
- 2) The proposed development involves the re-use of an existing building and is of a small scale that it will not jeopardise the character or amenity of the area.
- 3) Assessment of the development against the Specific Outcomes of the Yeppoon Central Zone and the relevant planning scheme codes, demonstrates that the proposed use will not cause significant adverse impacts on the surrounding natural environment, built environment and infrastructure, community facilities or local character and amenity.

RECOMMENDATION B

THAT in relation to the application for a Development Permit for a Material Change of Use for an Indoor sports facility (gymnasium), made by Jumpstart Fitness Yeppoon, on Lot 2 on RP608548, Parish of Yeppoon, and located at 13 Hill Street, 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 the 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 the 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 Building Works (Change of Classification).
- 1.7 All Development Permits for Building Works must be obtained prior to the commencement of the use.

- 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>
13 Hill Street (as annotated)	No reference	22 July 2015
Floor Plan (as annotated)	Existing Shop Building	20 June 2002 (annotated 2016)

- 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 issuing of a Development Permit for Building Works.

3.0 PLUMBING AND DRAINAGE WORKS

- 3.1 Disconnection, alteration, or relocation of internal plumbing and sanitary drainage works associated with the existing building must be in accordance with regulated work under *Plumbing and Drainage Act*.

4.0 ELECTRICITY AND TELECOMMUNICATIONS

- 4.1 Electricity and telecommunication connections must be provided to the proposed development to the standards of the relevant authorities.
- 4.2 Any lighting devices associated with the development, such as sensory lighting, must be positioned on the site and shielded so as not to cause glare or other nuisance to nearby residents and motorists. Night lighting must be designed, constructed and operated in accordance with '*Australian Standard AS4282 – Control of the obtrusive effects of outdoor lighting*'.

5.0 ASSET MANAGEMENT

- 5.1 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.
- 5.2 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.

6.0 OPERATING PROCEDURES

- 6.1 Noise from the indoor sports venue must not cause an environmental nuisance. Activities from the indoor venue must not use the building or permit the use of the building as an indoor venue on any day—

- (a) before 07:00 hours if the use makes an audible noise; or

- (b) between 07:00 hours and 22:00 hours if the use makes a noise of more than 5dB(A) above the background level; or
- (c) from 22:00 hours to midnight if the use makes a noise of more than 3dB(A) above the background level.

6.2 Group training sessions, classes, or equivalent activities must not be conducted after 21:00 hours.

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. 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 3. 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.

RECOMMENDATION C

THAT in relation to the application for a Development Permit for a Material Change of Use for an Indoor sports facility (gym), made by Jumpstart Fitness Yeppoon, on Lot 2 on RP608548, Parish of Yeppoon, and located at 13 Hill Street, Yeppoon, Council resolves not to issue Infrastructure Charges Notice due to the credit that attaches to the land.

Moved by: Councillor Hutton

Seconded by: Councillor Kelly

MOTION CARRIED

12.3 CAPRICORN COAST HISTORICAL SOCIETY INCORPORATED TENURE RENEWAL

File No: CP2.15.3
Attachments: Nil
Responsible Officer: Ian Dare - Manager Community Wellbeing
Brett Bacon - Director Community & Planning Services
Author: Melissa Minter - Co-ordinator Community Partnership

SUMMARY

This report pertains to a previous resolution of Council and requests an amendment to that resolution, to reflect State Government guidelines for Trustee Permits.

On 13 October 2015, Council formally considered a request from the Capricorn Coast Historical Society to renew its tenure with the addition of space for storage to provide for capacity to maintain its existing operations and collection.

COUNCIL RESOLUTION

THAT the Capricorn Coast Historical Society:

- 1) be granted an extension of their existing tenure to include one bay of the Council-occupied shed; and
- 2) tenure arrangements be formalised from 1 January 2016 for a three (3) year period at an annual payment of \$1 per annum.

Moved by: Councillor Hutton

Seconded by: Councillor Wyatt

MOTION CARRIED

12.4 RESPONSE TO NOTICE OF MOTION - REPAIRS TO THE KRAKEN

File No: 14-111
Attachments: Nil
Responsible Officer: Dan Toon - Director Infrastructure Services
Author: Daniel Pearce - Manager Assets & GIS

SUMMARY

This report provides responses to queries from Councillor Mather in regard to replacement of timber decking at the Kraken.

COUNCIL RESOLUTION

THAT Council resolves to endorse the responses provided in this report to the queries raised by Cr Mather.

Moved by: Councillor Mather
Seconded by: Councillor Hutton

MOTION CARRIED

12.5 RESPONSE TO QUESTIONS ON NOTICE - DISPOSAL OF MACHINERY

File No: FM12.2.1
Attachments: Nil
Responsible Officer: Dan Toon - Director Infrastructure Services
Author: Daniel Pearce - Manager Assets & GIS

SUMMARY

This report provides responses to queries from Councillor Mather in regard to disposal of machinery by Council.

COUNCIL RESOLUTION

THAT Council resolves to endorse the responses provided by Council Officers to the queries raised by Cr Mather as appropriate.

Moved by: Councillor Mather
Seconded by: Councillor Kelly

MOTION CARRIED

12.6 SPONSORSHIP - CAPRICORNIA BUSINESS AWARDS 2016

File No: CR 2.3.1
Attachments: 1. Capricornia Business Awards 2016
Responsible Officer: Jon Rutledge - Acting Director Corporate Services
Author: Trish Weir - Manager Customer Service

SUMMARY

Following discussions at Council Workshop on Tuesday 7 June, Council sponsorship is sought from Capricornia Newspaper Pty Ltd to grow the Capricornia Business Awards for 2016. Previously these Awards were open to Rockhampton business centric; intention is to extend entry to include Livingstone Shire businesses.

COUNCIL RESOLUTION

THAT Council support Capricornia Newspapers Pty Ltd and those involved with the Capricornia Business Awards 2016 by providing \$5,000, including gst, cash sponsorship.

Moved by: Mayor Ludwig
Seconded by: Councillor Belot

MOTION CARRIED UNANIMOUSLY

12.7 COUNCILLOR FACILITIES AND EXPENSES POLICY REVIEW

File No: GV13.7.1
Attachments: 1. Councillor Facilities and Expenses Policy
Responsible Officer: Chris Murdoch - Chief Executive Officer
Author: Jon Rutledge - Acting Director Corporate Services

SUMMARY

Upon request from Council, the Councillor Facilities and Expenses Policy has been reviewed and is presented to Council for adoption.

COUNCIL RESOLUTION

THAT Council resolve to adopt the Councillor Facilities and Expenses Policy as presented.

Moved by: Councillor Hutton

Seconded by: Councillor Kelly

MOTION CARRIED UNANIMOUSLY

L.1 SCHEDULE OF MEETING DATES - JULY TO DECEMBER 2016

File No: GV13.4.1
Attachments: 1. Schedule of Meetings Dates - July to December 2016
Responsible Officer: Chris Murdoch - Chief Executive Officer
Author: Suzanne Pambid - Coordinator Executive Support

SUMMARY

The Chief Executive Officer will present the Schedule of Council meetings for the period July to December 2016.

COUNCIL RESOLUTION

THAT the Schedule of Council meetings for the period July to December 2016 be adopted.

Moved by: Councillor Hutton
Seconded by: Councillor Kelly

MOTION CARRIED

13 QUESTIONS/STATEMENT/MOTIONS ON NOTICE FROM COUNCILLORS

13.1 QUESTIONS ON NOTICE - COUNCILLOR MATHER - DISPOSAL OF MACHINERY

File No: GV13.4.4
Attachments: 1. Questions on Notice - Disposal of Machinery
Responsible Officer: Chris Murdoch - Chief Executive Officer

SUMMARY

Councillor Mather has indicated her intention to place the following Questions on Notice in relation to the disposal of machinery at the next Council Meeting on 14 June 2016, as follows:

I believe Council is commissioning a Brisbane-based company to dispose of (most of) Council's surplus machinery/equipment.

Giving consideration to Council's Policy to utilise local firms for services/stocks, I need to confirm whether this is true, if so, to what extent, and the rationale behind the choice.

Question 1: In the last two financial years (2014-15-16) what firms has Council commissioned to dispose of its surplus machinery/stock?

Question 2: List the items given to each firm, and the value of commission paid to each following those sales. A total for each auction/sale is sufficient.

I attended an Auction in Gracemere several weeks ago where an excavator and grader from our Council went under the hammer. The company was operating from a yard, and I believe they were Brisbane-based.

The excavator was sold under the hammer, but the grader was passed in (didn't meet the reserve). I found it confusing that in the newspaper the following day, the dealer said it had been sold, and gave the price. The same machine was listed again for the following sale. I didn't attend the next sale so am not aware of the sale price, if sold.

Question 3: What were the commissions given for each of those machines?

Question 4: How does Council determine which business to employ to dispose of our surplus/machinery/stock? What is Council's policy on this?

Question 5: Who determines where the stock is sold?

COUNCIL RESOLUTION

THAT the Questions on Notice be received.

Moved by: Councillor Mather

Seconded by: Councillor Kelly

MOTION CARRIED

13.2 NOTICE OF MOTION - COUNCILLOR MATHER - REPAIRS TO THE KRACKEN

File No: GV13.4.4
Attachments: 1. Notice of Motion - Repairs to the Kracken
Responsible Officer: Chris Murdoch - Chief Executive Officer

SUMMARY

Councillor Mather has indicated her intention to move the following Notice of Motion at the next Council Meeting on 14 June 2016, as follows:

COUNCIL RESOLUTION

THAT a written report be provided to the table in relation to changes being undertaken to replace the timber decking at the Kracken.

Moved by: Councillor Mather

Seconded by: Councillor Hutton

MOTION CARRIED

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

Leave granted.

Meeting procedures were suspended at 10:15am.

Meeting Procedures resumed at 10:38am.

Matter be Lifted from the Table**COUNCIL RESOLUTION**

That the matter 12.2 Development Application for a Material Change of Use for an Indoor Sports Facility (Gymnasium) be lifted from the table to be dealt with at the current meeting.

Moved by: Councillor Hutton

Seconded by: Councillor Kelly

MOTION CARRIED

14 URGENT BUSINESS QUESTIONS

14.1 ELECTION SIGNAGE ON COUNCIL INFRASTRUCTURE

File No: LE19.4.10

Responsible Officer: Brett Bacon - Director Community & Planning Services

SUMMARY

Verbal report was received from Director Community and Planning Services in relation to election signage on Council Infrastructure.

COUNCIL RESOLUTION

THAT Council advise any candidates who are in breach of these requirements that they have 24 hours to rectify the situation or Council will remove the signs.

Moved by: Councillor Hutton

Seconded by: Councillor Kelly

MOTION CARRIED

14.2 USE OF THE YEPPOON SHOWGROUNDS FOR CAMPING/CARAVAN SITES**File No:** CP5.9.2**Responsible Officer:** Jon Rutledge - Acting Director Corporate Services**SUMMARY**

The purpose of this report is to provide information in relation to the Yeppoon Showgrounds being utilised for commercial provision of camping/caravan sites.

COUNCIL RESOLUTION

THAT

1. Council request the Yeppoon District Show Society cease their 'trial' of accommodating caravans and other overnight camping vehicles within the showgrounds, by 30 June 2016, until such time as their Town Planning application is formally determined and any necessary lease amendments agreed to.
2. Council provide by way of short-term financial assistance a further 50% rebate on the YDSS's current net rates balance. This assistance to be provided until such time as the YDSS's MCU Town Planning application to conduct commercial caravan accommodation activities is formally determined or until the end of the 2016 calendar year, whichever is the earliest.

Moved by: Councillor Hutton**Seconded by:** Councillor Kelly

MOTION CARRIED

DIVISION:

Crs A Belot, N Hutton, J Kelly, B Ludwig and T Wyatt voted in the affirmative.

Cr G Mather voted in the negative.

COMMENTARY

A discussion was held at a workshop on the 7th June 2016, following a deputation of representatives from the Capricorn Coast commercial camping and caravan park operators. The operators expressed concern about the showground being used for commercial caravan site operations without lawful Town Planning approval. While it was noted that the YDSS currently has lodged an MCU town planning application to conduct such activities, the operators stated that they believed such commercial activities are also inconsistent with the intent and terms of the YDSS current lease with Council.

Notwithstanding the inconsistency of the activities on Town Planning grounds, on closer review of conditions set-out in a letter regarding an 'informal' approval, previously agreed to by a former General Manager of the Rockhampton Regional Council, to 'trial' the use of the showgrounds for limited caravan and camping activities, it is considered that the current scale of activities are well outside of the conditions outlined in the letter for the proposed 'trial'. In view of the matters raised it was discussed whether, in its capacity as Lessor, Council should request that the YDSS cease the 'trial' activities until such time that it has the necessary formal Town Planning development approval in place.

It is important to note that such an action would be exercised under Council's capacity as a landlord, and not as the assessment manager for a development application. It is believed that Council can quite legitimately and appropriately, as landlord, request the cessation of the 'trial' commercial caravan and camping accommodation activities on the grounds of non-

compliance with the conditions set-out in the letter of approval for the 'trial'. However, it would need to be emphasised that such an action is not pre-emptive of Council's consideration of the formally lodged development application.

CONCLUSION

Council resolution is sought in line with the recommendations contained within this report.

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

10:40AM

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.

16.1 Extraordinary Circumstances - Excessive Water Use

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 .

16.2 Resumption of Easement for Drainage Purposes

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 .

16.3 Proposed Freehold Lease to NBN Co Limited Over Part of Lot 3 RP618778 - Limestone Creek Road, Adelaide Park

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.

14.2 Use of the Yeppoon Showgrounds for Camping/Caravan Sites

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

COUNCIL RESOLUTION

11.20AM

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

Moved by: Councillor Hutton
Seconded by: Councillor Kelly

MOTION CARRIED

16 CONFIDENTIAL REPORTS

16.1 EXTRAORDINARY CIRCUMSTANCES - EXCESSIVE WATER USE

File No: FM12.1.10

Attachments: Nil

Responsible Officer: Dan Toon - Director Infrastructure Services

Author: Sean Fallis - Manager Water & Waste 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 details two instances of high water consumption caused by extraordinary circumstances. Under Council's policies, there is no financial relief available but under the circumstances, special consideration could be given.

COUNCIL RESOLUTION

THAT Council resolve to provide relief for the following instances of excessive water consumption due to extraordinary circumstances:

1. Mrs. Evelyn Vickery, 191-193 Matthew Flinders Close, Lammermoor; that her water assessment for the quarter ending December 2015 be adjusted to be in line with her previous consumption.
2. Christopher Ward, 198 Barmaryee Road, Barmaryee; that a concealed leak rebate be approved although it has been less than five years since his previous concealed leak rebate.

Moved by: Councillor Hutton

Seconded by: Councillor Kelly

MOTION CARRIED

16.2 RESUMPTION OF EASEMENT FOR DRAINAGE PURPOSES**File No:** CP5.2.2-001

- Attachments:**
1. Drawing No. 2012-066-92 (vB) - *(Confidential)*
 2. Landowners Notice of Objections to amended Notice of Intention to Resume dated 14 April 2016 - *(Confidential)*
 3. Landowners support information - Notice of Objections dated 4 November 2015 - *(Confidential)*
 4. Landowners support information - Council letter to Landowners Legal Representative with amended Notice of Intention to Resume attached dated 25 February 2016 - *(Confidential)*
 5. Landowners support information - Council letter to Objectors serving Notice of Intention to Resume dated 17 August 2015 - *(Confidential)*
 6. Landowners support information - Delegates report dated 4 January 2016 relating to Notices of Intention to Resume dated 27 July 2015 and 17 August 2015 - *(Confidential)*
 7. Landowners Notice of Objections (additional comments) dated 28 January 2016 relating to Notices of Intention to Resume dated 27 July 2015 and 17 August 2015 - *(Confidential)*
 8. Delegates report dated 4 May 2016 based on amended Notice of Intention to Resume dated 25 February 2016 - *(Confidential)*
 9. Landowners Notice of Objections to the report of the delegate dated 4 May 2016 relating to amended Notice of Intention to Resume dated 25 February 2016 - *(Confidential)*

Responsible Officer: Dan Toon - 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 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, the 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; and

2. The Council apply to the appropriate Minister that the land be taken as prescribed by s 9 of the Acquisition of Land Act 1967.

Moved by: Councillor Wyatt

Seconded by: Councillor Kelly

MOTION CARRIED

**16.3 PROPOSED FREEHOLD LEASE TO NBN CO LIMITED OVER PART OF LOT 3
RP618778 - LIMESTONE CREEK ROAD, ADELAIDE PARK**

File No: CP5.9.2-378

Attachments:

1. **Compound Area - Lot 3 RP618778 -
(Confidential)**
2. **Action Sheet - Performance and Service
Committee - Rockhampton Regional Council
- (Confidential)**

Responsible Officer: Rachel Jackson - Coordinator Property and
Procurement
Andrea Ellis - Chief Financial Officer
Jon Rutledge - Acting Director Corporate Services

Author: Mark McLean - Senior Property & Contracts 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

The purpose of this report is to provide information in relation to a proposed Freehold Lease over part of Lot 3 on Registered Plan 618778 Limestone Creek Road, Adelaide Park.

COUNCIL RESOLUTION

THAT

- Council decide, by resolution, that the exception mentioned in Section 236 Subsection (1) (c) (vi) of *Local Government Regulation 2012* may apply in its dealing with NBN Co Limited over part of Lot 3 on Registered Plan 618778; and
- Council resolve to provide a 10 year Freehold Lease to NBN Co Limited, at an initial rent of \$13,500 per annum plus GST over part of Lot 3 on Registered Plan 618778.

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

17 CLOSURE OF MEETING

There being no further business the meeting closed at 11.39 AM.

Bill Ludwig
CHAIRPERSON

DATE