



# **ORDINARY MEETING**

## **MINUTES**

**19 NOVEMBER 2019**

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**MINUTES OF THE ORDINARY MEETING HELD AT COUNCIL CHAMBERS, 4 LAGOON PLACE, YEPPON ON TUESDAY, 19 NOVEMBER 2019 COMMENCING AT 9.10AM**

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**1 OPENING***Acknowledgement of Country*

*"I would like to take this opportunity to respectfully acknowledge the Darumbal People. The traditional custodians and elders past, present and emerging of the land on which this meeting is taking place today."*

**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

## Officers in Attendance:

Mrs Chris Murdoch – Chief Executive Officer  
Mr Brett Bacon – Executive Director Liveability and Wellbeing  
Mr Dan Toon – Executive Director Infrastructure  
Mr Matthew Willcocks - Chief Technology Officer  
Mrs Belinda Housman – Acting Chief Human Resources Officer  
Mr David Mazzaferri – Manager Community Wellbeing  
Mr David Battese – Manager Liveability  
Ms Maddie Ward – Senior Planning Officer  
Mr Jonathon Trevett-Lyall – Planning Officer  
Ms Molly Saunders – Community Development Officer  
Mr Jared Thomsen – Senior Sport and Education Officer  
Mrs Jan Anfruns – Manager Economy and Places  
Mr Mark McLean – Principal Property Officer

## Apologies:

Councillor Tom Wyatt

### **3 LEAVE OF ABSENCE / APOLOGIES**

#### **3.1 LEAVE OF ABSENCE - COUNCILLOR WYATT**

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

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#### **SUMMARY**

Councillor Wyatt requested a leave of absence from the Council meeting being held today 19 November 2019.

#### **COUNCIL RESOLUTION**

Councillor Tom Wyatt be granted a leave of absence from the Council meeting held today on 19 November 2019.

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

**Seconded by:** Councillor Kelly

**MOTION CARRIED**

## **4 CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

### **COUNCIL RESOLUTION**

THAT the minutes of the Ordinary Meeting held on 5 November 2019 be taken as read and adopted as a correct record.

**Moved by:** Councillor Kelly

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

**MOTION CARRIED**

### **COUNCIL RESOLUTION**

THAT the minutes of the Special Meeting held on 12 November 2019 be taken as read and adopted as a correct record.

**Moved by:** Councillor Kelly

**Seconded by:** Councillor Eastwood

**MOTION CARRIED**

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

### **10.51 AM**

In accordance with section 175D of the *Local Government Act 2009*, Councillor Glenda Mather disclosed a perceived conflict of interest in respect of Item 12.5 - Request for Negotiated Infrastructure Charges for Development Permit D-109-2019 for a Material Change of Use for Emergency Services (Belmont Rural Fire Service) due to her residing across the road from where the Belmont Rural Fire Brigade is relocating. Councillor Mather did not take part in the debate and left the meeting.

## **6 PUBLIC FORUMS/DEPUTATIONS**

### **6.1 9AM DEPUTATION - PLANNED DEVELOPMENT PROPOSAL - PLANNING COMPLIANCE REQUEST**

**File No:** GV13.4.3  
**Attachments:** Nil  
**Responsible Officer:** Chris Murdoch - Chief Executive Officer  
**Author:** Lucy Walker - Executive Support Officer

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#### **SUMMARY**

Charles Rogers and Allyson Neave will address Councillors in relation to a planned development proposal at 176 Cobraball Road, Bondoola.

#### **COUNCIL RESOLUTION**

THAT Council receive the deputation presented by Charles Rogers and Allyson Neave.

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



## 7 BUSINESS ARISING OR OUTSTANDING FROM PREVIOUS MEETINGS

### 7.1 BUSINESS OUTSTANDING TABLE FOR ORDINARY COUNCIL MEETING

**File No:** GV13.4.1

**Attachments:** 1. **Business Outstanding Table** [🔗](#)

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

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#### 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.*

09:44AM Deputy Mayor, Councillor Hutton left the meeting.

09:47PM Deputy Mayor, Councillor Hutton returned to the meeting.

#### COUNCIL RESOLUTION

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

**Moved by:** Councillor Kelly

**Seconded by:** Councillor Mather

**MOTION CARRIED**

**7.2 LIFTING MATTERS LAYING ON THE TABLE**

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

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**SUMMARY**

*This report is being presented to Council in order for the stated matters to be formally lifted from the table prior to being dealt with at this meeting.*

**COUNCIL RESOLUTION**

THAT the following matter/s, that Council resolved to 'Lay on the Table' at the Ordinary Council meeting held on 17 September 2019, be lifted from the table to be dealt with later in the meeting:

- Request for Withdrawal of Infrastructure Charges Notice D-151-2017 for Building Works for a Sales and Hire Premises located at 7 Cassam Street, Yeppoon
- Dealings with the Department of Natural Resources, Mines and Energy – Lot 10 AP16118 Stanage

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

## 8 PRESENTATION OF PETITIONS

### 8.1 PETITION REQUESTING A RECREATIONAL ARENA IN YEPPOON

**File No:** GV13.4.7

**Attachments:** 1. Written Deputation for Petition [↔](#)

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

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#### SUMMARY

Council has received the following petition from petitioners requesting consideration of a recreational arena in Yeppoon.

#### COUNCIL RESOLUTION

THAT the petition requesting a recreational arena in Yeppoon be received.

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

**Seconded by:** Councillor Mather

**MOTION CARRIED**

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## 9 MAYORAL MINUTE

### 9.2. MAYORAL MINUTE – DRAFT RECOVERY AND RESILIENCE IMPLEMENTATION PLAN COBRABALL/BUNGUNDARRA FIRE NOVEMBER 2019

**File No:** ES9.2.8

**Attachments:** 1. Draft Recovery and Resilience Implementation Plan Cobraball/Bungundarra Fire November 2019 [⇒](#)

**Responsible Officer:** David Mazzaferri - Manager Community Wellbeing

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#### SUMMARY

*Following the Livingstone Shire Cobraball/Bungundarra Fire event, a Recovery and Resilience Implementation Plan has been drafted. The plan is based on the principles of disaster recovery: community led approaches, co-ordination of all activities, effective communication and acknowledging and building capacity.*

#### FIRST WARNING BY CHAIRPERSON

##### 10.16 AM

Pursuant to section 150 (l) of the *Local Government Act 2009* and; part 2.21 and part 3 of Livingstone Shire Council's *Meeting Procedures Policy*, the Chair of the Meeting issued an warning to Councillor Adam Belot in relation to his unsuitable meeting conduct.

#### COUNCIL RESOLUTION

THAT Council resolves to adopt the Recovery and Resilience Implementation Plan Cobraball/Bungundarra Fire November 2019 (as contained in Attachment One).

**Moved by:** Mayor Ludwig

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

#### MOTION CARRIED UNANIMOUSLY

#### DIVISION:

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

**9.1 MAYORAL MINUTE - CHARGES FOR DISASTER WASTE**

**File No:** WM31.8.6  
**Attachments:** Nil  
**Responsible Officer:** Chris Murdoch - Chief Executive Officer

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**SUMMARY**

*Recent bushfire activity in the Livingstone Shire has impacted more than 11,000 hectares of property around Cobraball, Bungundarra, Maryvale, Adelaide Park and Lake Mary areas with at least 16 structures destroyed.*

*Houses, sheds and building structures have been destroyed along with numerous household items and livestock. The disposal of waste from this event has commenced and will present disaster waste to the Yeppoon Landfill site. This report makes recommendations relating to the disposal of this disaster waste.*

**COUNCIL RESOLUTION**

THAT Council resolves to

1. waive the waste disposal charges at Yeppoon Landfill for waste that originates from residential and rural properties as a consequence of the recent fire activity; and
2. conduct a review of the situation in six months.

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

**MOTION CARRIED**

**SECOND WARNING BY CHAIRPERSON****10.37 AM**

Pursuant to section 150 (I) of the *Local Government Act 2009* and; part 2.21 and part 3 of Livingstone Shire Council's *Meeting Procedures Policy*, the Chair of the Meeting issued a second warning to Councillor Adam Belot in relation to his unsuitable meeting conduct.

## **10 COUNCILLOR/DELEGATE REPORTS**

Nil

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

Nil

## 12 REPORTS

### 12.1 COUNCIL MEETING DATES 2020

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

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#### SUMMARY

*The Chief Executive Officer will present the Schedule of Council meetings for the period January to June 2020.*

#### COUNCIL RESOLUTION

THAT the Schedule of Council meetings for the period January to June 2020, as identified in attachment 1 of the report, be adopted.

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

**Seconded by:** Councillor Eastwood

**MOTION CARRIED**



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**12.2 REQUEST FOR WITHDRAWAL OF INFRASTRUCTURE CHARGES NOTICE D-151-2017 FOR BUILDING WORKS FOR A SALES AND HIRE PREMISES LOCATED AT 7 CASSAM STREET, YEPPON****File No:** D-151-2017**Attachments:**

1. **Approved Site Plan B-446-2016** [⇒](#)
2. **Infrastructure Charges Notice D-151-2017** [⇒](#)
3. **Headworks calculation sheet D/Y/2005-1723** [⇒](#)

**Responsible Officer:** David Battese - Manager Liveability**Author:** Jodie Roche - Development Officer

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**SUMMARY**

This report was presented to Council Meeting on 17 September 2019. The matter was 'laid on the table' for further discussion before coming back to a future Council Meeting.

*This report provides Council with a comparison of the infrastructure charging mechanisms utilised during the original assessment of the preliminary approval which created the subject site and that of the more recent building works approval for which the above development permit refers. The report details a request by the owners to consider the headworks contributions paid during the creation of the estate as credit requiring the recently levied Infrastructure Charges for building works be waived. This approach is outside the scope of the current statutory charging mechanism.*

**COUNCIL RESOLUTION**

THAT in relation to the request to waive the infrastructure charges levied pursuant to Council's *Adopted Infrastructure Charges Resolution No. 2 2015* for the amount of \$20,500.00 (Council reference D-151-2017) for building works, Council resolves to:

Withdraw the Infrastructure Charges Notice based on the principal that the contributions paid under the previous Planning Scheme Policies for the original subdivision covers any scale and intensity of industrial use(s) on the site and no further charges are applicable.

**Moved by:** Deputy Mayor, Councillor Hutton**Seconded by:** Councillor Kelly**MOTION CARRIED****Cr Mather recorded against the above motion.**

**12.4 PROPOSED TOURIST PARK AT 176 COBRABALL ROAD BONDOOLA****File No:** CR 515016**Attachments:**  
1. Attachment one - Locality Plan [↗](#)  
2. Attachment two - Site layout [↗](#)**Responsible Officer:** Jenna Davies - Principal Planning Officer  
Maddie Ward - Co-ordinator Development Assessment  
David Battese - Manager Liveability**Author:** Jenna Davies - Principal Planning Officer

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**SUMMARY**

The report seeks to provide information to Council in regards to the Tourist park operating on the property at 176 Cobraball Road, Bondoola, known as Savannah Park.

**OFFICER'S RECOMMENDATION**

THAT Council not waive or reduce the development application fees or infrastructure charges for the Tourist park development at 176 Cobraball Road, Bondoola, known as Savannah Park.

**PROCEDURAL MOTION**

That pursuant to s2.19.1(d) and s2.19.6 of Livingstone Shire Council's Meeting Procedures Policy the matter lay on the table pending further discussion and to return to the future Council Meeting.

**Moved by:** Mayor Ludwig**Seconded by:****MOTION CARRIED**

**12.3 REQUEST FOR FEE AND INFRASTRUCTURE CHARGES TO BE WAIVED FOR A DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A CLUB, TOURIST PARK (TWO (2) CABINS, FIVE (5) DORMS AND EIGHT (8) CAMPING SITES), EDUCATIONAL ESTABLISHMENT AND CARETAKER'S ACCOMMODATION****File No:** CR402504**Attachments:**

1. Attachment one - Locality Plan⇒
2. Attachment two - Identification of activities image⇒
3. Attachment three - Request for fees and charges reduction correspondence⇒

**Responsible Officer:** Jenna Davies - Principal Planning Officer  
Maddie Ward - Co-ordinator Development Assessment  
David Battese - Manager Liveability**Author:** Jenna Davies - Principal Planning Officer

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**SUMMARY**

The report seeks Council's direction in relation to a request for a fee reduction for a proposed development application for a Development Permit for a Material Change of Use for a Club, Tourist park (two (2) cabins, five (5) dorms and eight (8) camping sites), Educational establishment and Caretaker's accommodation. The request also seeks the infrastructure charges be waived.

**COUNCIL RESOLUTION**

In relation to the request to reduce the Development Assessment application fees:

THAT Council resolve to reduce the application fee to \$1,673.00 for a development application for a Development Permit for a Material Change of Use for a Club, Tourist park (two (2) cabins, five (5) dorms and eight (8) camping sites), Educational establishment and Caretaker's accommodation over land at 124 Camms Road, Cawarral and described as Lot 94 on SP224431.

In relation to the request to waive Infrastructure Charges:

THAT Council resolve to levy Infrastructure Charges pursuant to the Adopted Infrastructure Charges Resolution in force at the time of lodgement and consider any future request to negotiate these charges, upon their merits, subject to a future resolution of Council.

**COUNCIL RESOLUTION**

THAT Council:

1. Resolves to waive all application fees, infrastructure charges and any other related Council charges in respect to the proposed application.
2. Consider any future request to negotiate these charges, upon their merits, subject to a future resolution of Council.

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

10:50 AM Councillor Mather left the meeting due to a perceived conflict of interest she declared in respect of item 12.5 - Request for Negotiated Infrastructure Charges for Development Permit D-109-2019 for a Material Change of Use for Emergency Services (Belmont Rural Fire Service).

## 12.5 REQUEST FOR NEGOTIATED INFRASTRUCTURE CHARGES FOR DEVELOPMENT PERMIT D-109-2019 FOR A MATERIAL CHANGE OF USE FOR EMERGENCY SERVICES (BELMONT RURAL FIRE SERVICE)

**File No:** D-109-2019

**Attachments:**

1. Site Plan and Hardstand Details⇒
2. Proposed Shed and Mazzanine Floor Plans⇒
3. Infrastructure Charges Notice D-109-2019⇒
4. Change Representations prepared by Chris Thompson on behalf of Belmont Rural Fire Brigade⇒

**Responsible Officer:** Jonathon Trevett-Lyall - Planning Officer  
Maddie Ward - Co-ordinator Development Assessment  
David Battese - Manager Liveability

**Author:** Jonathon Trevett-Lyall - Planning Officer

### SUMMARY

*This report details a request made by the Belmont Rural Fire Brigade to waive the recently levied Infrastructure Charges of \$10,326.14 under Development Permit D-109-2019 for a Material change of use for Emergency Services located at Lease Area C on Lot 142 on CP 900425, Dawson Road, Glenlee.*

<i>Applicant:</i>	<i>Belmont Rural Fire Service</i>
<i>Real Property Address:</i>	<i>Lease Area C on Lot 142 on CP 900425</i>
<i>Common Property Address:</i>	<i>Lot 142 Dawson Road, Glenlee</i>
<i>Area of Site:</i>	<i>1,200 square metres (lease area only)</i>
<i>Planning Scheme:</i>	<i>Livingstone Planning Scheme 2018</i>
<i>Planning Scheme Zoning:</i>	<i>Rural Zone</i>
<i>Planning Scheme Overlays:</i>	<i>OM07 - Biodiversity - Habitat and Vegetation - MLES</i>
	<i>OM12 - Bushfire Hazard Area - Medium Potential Intensity</i>
	<i>OM20 – Road Hierarchy – Rural Major Collector</i>
	<i>OM22 – Transport Infrastructure – Rail network</i>
	<i>OM23 – Transport Noise Corridors</i>
<i>Existing Development:</i>	<i>Vacant land</i>
<i>Referral Matters:</i>	<i>Nil</i>

### COUNCIL RESOLUTION

THAT, in relation to the request made by Belmont Rural Fire Service to waive infrastructure charges for the amount of \$10,326.14 levied pursuant to Development Permit D-109-2019 for a Material change of use for Emergency Services, over Lot 142 on CP900425, located within a leasehold portion Lot 142 Dawson Road, Glenlee, Council resolve to:

1. Waive the Infrastructure Charges Notice D-109-2019 as per the representations made by Belmont Rural Fire Brigade.

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

10:52 AM Councillor Mather returned to the meeting.

## 12.6 DEVELOPMENT APPLICATION D-151-2019 FOR A DEVELOPMENT PERMIT FOR RECONFIGURING A LOT (TWO LOTS INTO THREE LOTS) AT 157 AND 177 HIDDEN VALLEY ROAD, HIDDEN VALLEY

**File No:** D-151-2019

**Attachments:**

1. Proposed Reconfiguration Plan⇒
2. Locality Plan (with Zones)⇒

**Responsible Officer:** Jonathon Trevett-Lyall - Planning Officer  
Maddie Ward - Co-ordinator Development Assessment  
David Battese - Manager Liveability

**Author:** Jonathon Trevett-Lyall - Planning Officer

### SUMMARY

*This report seeks Council's resolution in relation to a development application.*

*Applicant:* J & J Edwards

*Consultant:* Finch Surveying Consultants

*Real Property Address:* Lot 5 on RP602714

Lot 2 on RP602635

*Area of Site:* 15.25 hectares

*Planning Scheme:* Livingstone Planning Scheme 2018

*Planning Scheme Zone:* Rural Zone

*Planning Scheme Overlays:* Overlay Map OM02 Agricultural Land Classification

Overlay Map OM07 Biodiversity – Habitat and Vegetation

Overlay Map OM11 Biodiversity - Stream Order

Overlay Map OM12 Bushfire Hazard Area

Overlay Map OM18 Landslide Hazard Area

Overlay Map OM21 Scenic Amenity

*Existing Development:* Three (3) Dwelling Houses

*Level of Assessment:* Impact Assessable

*Submissions:* Nil

*Referral matters:* None Applicable

*Infrastructure Charge Area:* Outside the Priority Infrastructure Area

*Application progress:*

<i>Application received:</i>	25 June 2019
<i>Application properly made:</i>	25 June 2019
<i>Development control unit meeting:</i>	26 June 2019
<i>Confirmation notice issued:</i>	8 July 2019
<i>Public notification period:</i>	1 August 2019 – 22 August 2019
<i>Site Inspection:</i>	8 August 2019

<i>Notice of compliance received:</i>	<i>29 August 2019</i>
<i>Extension of time agreed to:</i>	<i>4 October 2019</i>
<i>Decision period commenced:</i>	<i>29 August 2019</i>
<i>Council workshop date:</i>	<i>28 October 2019</i>
<i>Council meeting date:</i>	<i>5 November 2019</i>
<i>Statutory determination date:</i>	<i>15 November 2019</i>

## COUNCIL RESOLUTION

That in relation to the application for a Development Permit for a Reconfiguring a Lot (two (2) lots into three (3) lots), made by J & J Edwards, on land described as Lot 5 on RP602714 and Lot 2 on RP602635, and located at 157 and 177 Hidden Valley Road, Hidden Valley, 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 Compliance Certificate for the Survey Plan, 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 Compliance Certificate for the Survey Plan, 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 Plumbing and Drainage Works.
- 1.7 Unless otherwise stated, all works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards.
- 1.8 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>
Reconfiguration Plan	7401-01-ROL, Issue A, Sheet 1 of 1	19 June 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 Operational Works.

### 3.0 ACCESS WORKS

3.1 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines* and *Australian Standard AS2890 "Off Street Car Parking"*.

3.2 The access easement over lot 3 in favour of lot 1 must have a minimum width of twenty (20) metres.

3.3 The extent of the access easement must be generally in accordance with the approved plan (refer to condition 2.1). The easement must be shown on the plan of subdivision and the relevant documentation submitted to Council as part of the request for approval of a plan of subdivision (survey plan endorsement).

3.4 The driveway for proposed Lot 1, within the access easement, must be designed and constructed in accordance with the following:

3.4.1 a minimum four (4) metres wide all weather gravel pavement; and

3.4.2 if the grade of the driveway is steeper than ten (10) per cent at any point, a minimum six (6) metre wide formation.

3.5 Access to each of the proposed lots must comply with the requirements of the *Capricorn Municipal Development Guidelines*.

3.6 Rural addressing must be provided to each lot in accordance with Council's Local Law for Roads.

### 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 internal plumbing and sanitary drainage works must be in accordance with regulated work under the Plumbing and Drainage Act, Council's Plumbing and Drainage Policies and the provisions of a Development permit for plumbing and Drainage Works.

4.3 All internal plumbing and sanitary drainage systems must be located within the respective lot it serves.

4.4 Buildings and structures must not be located within an on-site sewerage treatment and disposal area or conflict with the separation distance as detailed with the *Queensland Plumbing and Wastewater Code*.

4.5 All lots must be provided with a minimum combined capacity of 50,000 litres for on-site water storage for domestic water supply purposes.

- 4.6 On-site water storage for firefighting purposes, with a minimum combined capacity of 25,000 litres, must be provided for proposed Lot 1.
- 4.7 Any new on-site water storage for firefighting purposes must be:
- 4.7.1 Constructed with fire-proof materials, or located underground with above-ground access points;
  - 4.7.2 Located more than nine (9) metres from any potential fire hazards (such as venting gas bottles and combustible structures);
  - 4.7.3 Located within six (6) metres of a hardstand area allowing access for a heavy rigid fire appliance; and
  - 4.7.4 Fitted with fire brigade tank fittings consisting of:
    - (i) For above ground tanks, a fifty (50) millimetre ball valve and male camlock coupling and metal pipe fittings; or
    - (ii) For underground tanks, an access hole having a minimum diameter of 200 millimetres to allow access for suction lines.

## 5.0 SITE WORKS

- 5.1 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.

## 6.0 ELECTRICITY AND TELECOMMUNICATIONS

- 6.1 Each lot must be provided with an on-site energy supply installed in accordance with all laws and regulations and current best practice. (Note if the development is provided with a reticulated grid electricity supply, the reticulated supply must be provided in accordance with the requirements of the relevant energy supply authority.)
- 6.2 Each lot must be provided with on-site telecommunications infrastructure for the use sufficient to enable contact in normal circumstances with the each of the nearest emergency services. (Note if the development is provided with reticulated telecommunications infrastructure, the reticulated infrastructure must be provided in accordance with the requirements of the relevant telecommunications supply authority.)

## 7.0 ASSET MANAGEMENT

- 7.1 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.
- 7.2 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.

## 8.0 OPERATING PROCEDURES

- 8.1 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 Hidden Valley Road.

#### 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 [www.datsip.qld.gov.au](http://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.

NOTE 4. Environment

The land subject to the above development application must be free of restricted invasive species as defined by the *Biosecurity Act 2014*. Council will supply a free inspection and advice service on the request of the land owner.

It is advised that part of the subject site is mapped by the Department of Environment and Science as containing Regulated Vegetation. The *Vegetation Management Act 1999* has requirements with regard to the clearing of vegetation. Information on Vegetation Management is available at: <https://www.qld.gov.au/environment/land/vegetation/management/>

It is advised that part of the subject site is mapped under the Livingstone Planning Scheme as being 'Matters of Local Environmental Significance'. Clearing of this vegetation may trigger requirements under the Livingstone Planning Scheme and should not be undertaken without the advice of Council's Natural Resource Management Unit.

It is advised that part of the subject site is mapped by the Department of Environment and Science as a high priority area for protected plants, which is administered under the *Nature Conservation Act 1992*. Further advice regarding protected plants can be sought from the Department of Environment and Science.

NOTE 5. Infrastructure Charges Notice

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

#### RECOMMENDATION B

That in relation to the application for a Development Permit for a Reconfiguring a Lot (two (2)

lots into three (3) lots), made by J & J Edwards, on land described as Lot 5 on RP602714 and Lot 2 on RP602635, and located at 157 and 177 Hidden Valley Road, Hidden Valley, Council resolves to issue an Infrastructure Charges Notice for the amount of **\$15,250.00**.

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

**Seconded by:** Councillor Kelly

**MOTION CARRIED**

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## 12.7 LIVINGSTONE SHIRE COUNCIL'S MEMBERSHIP OF THE WELCOMING CITIES NETWORK

**File No:** CS3.2.1

**Attachments:**

1. The Welcoming Cities Standard. [⇒](#)
2. The Queensland Government Multicultural Policy 2018 - Our Story, Our Future. [⇒](#)
3. Benchmarking of Livingstone Shire Council practices against the Welcoming Cities Standard. [⇒](#)
4. Completed commitment agreement to the Welcoming Cities Network from Livingstone Shire Council. [⇒](#)

**Responsible Officer:** Jared Thomsen - Principal Community Development and Engagement Officer  
Brett Bacon - Executive Director Liveability and Wellbeing

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

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### SUMMARY

*This report discusses the current membership of Livingstone Shire Council with the Welcoming Cities Network and the steps required to achieve accreditation to the Welcoming Cities Standard.*

### COUNCIL RESOLUTION

That pursuant to s2.19.1(d) and s2.19.6 of Livingstone Shire Council's Meeting Procedures Policy the matter lay on the table and to be deferred to return to a future Council Meeting.

**Moved by:** Councillor Mather

**MOTION LOST**

### FIRST WARNING BY CHAIRPERSON

#### 10.55 AM

Pursuant to section 150 (I) of the *Local Government Act 2009* and; part 2.21 and part 3 of Livingstone Shire Council's *Meeting Procedures Policy*, the Chair of the Meeting issued an warning to Councillor Mather in relation to her unsuitable meeting conduct.

### SECOND WARNING BY CHAIRPERSON

#### 10.59 AM

Pursuant to section 150 (I) of the *Local Government Act 2009* and; part 2.21 and part 3 of Livingstone Shire Council's *Meeting Procedures Policy*, the Chair of the Meeting issued a second warning to Councillor Mather in relation to her unsuitable meeting conduct

### FINAL WARNING BY CHAIRPERSON

#### 11.00 AM

Pursuant to part 2.21 and part 3 of Livingstone Shire Council's *Meeting Procedures Policy*, the Chair of the Meeting issued an order that as Councillor Mather had been named and warned previously during the meeting for unsuitable meeting conduct, that Councillor Mather leave the meeting and stay out for the conclusion of the meeting.

**COUNCIL RESOLUTION**

THAT Livingstone Shire Council resolves to be a Welcoming City and commits to achieving the Established level of membership.

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

**Seconded by:** Councillor Kelly

**MOTION CARRIED UNANIMOUSLY**

**12.8 REGIONAL ARTS DEVELOPMENT FUND ROUND ONE 2019/2020**

**File No:** GS15.2.5  
**Attachments:** Nil  
**Responsible Officer:** Brett Bacon - Executive Director Liveability and Wellbeing  
**Author:** Toni Shaw - Support Services Officer

**SUMMARY**

*Five Applications were received for Round One of the 2019/2020 Regional Arts Development fund, which closed on Wednesday 30 October 2019 with a total amount of \$20,645 requested. The budget available for the 2019/2020 financial year is \$65,598.*

*The Regional Arts Development Fund Assessment Panel assessed the applications and nominated that five applicants met the programme criteria and recommended they be funded for the total amount of \$20,645.*

**COUNCIL RESOLUTION**

THAT in accordance with the recommendation of the Livingstone Shire Regional Arts Development Fund Assessment Panel, the following grant applications be funded from the Regional Arts Development Fund.

Name	Purpose of Grant	\$Total Project Expenses	\$Grant Requested	\$Grant Recommended
Julie Barratt (IPD)	To attend an artist residency at the Arteles Creative Centre in Finland in March 2020 for professional and artistic development.	\$4,926	\$2,000	\$2,000
Kim Payne	To run the Sandy Krak Music, Arts & Conservations Festival	\$14,710	\$8,310	\$8,310
Yeppoon Little Theatre Group Inc	To host a six day intensive workshop for teenagers in the region.	\$4,630	\$1,955	\$1,955
Keppel Coast Blues & Music Club	To run a series of workshops to improve access and skill levels of both experienced and novice musicians.	\$6,350	\$3,400	\$3,400
Keppel Coast Arts	To establish a community based committee to assist with the management of the new art gallery spaces in Livingstone Shire.	\$7,380	\$4,980	\$4,980

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

**12.9 REQUEST FOR COUNCIL'S VIEWS ON FUTURE DEALINGS RELATING TO TWO TERM LEASES****File No:** GR14.4.2**Attachments:**

1. Letter from the Department of Natural Resources, Mines and Energy⇒
2. Aerial photograph of Lot 443, 444 and 445 on Crown Plan Y16911⇒
3. Aerial photograph of Lot 59 on Crown Plan LN1807⇒

**Responsible Officer:** Brett Bacon - Executive Director Liveability and Wellbeing  
David Mazzaferri - Manager Community Wellbeing  
Mark McLean - Principal Property Officer**Author:** Maddie Crigan - Property Officer

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**SUMMARY**

*This report pertains to a request from the Department of Natural Resources, Mines and Energy for Council's views or requirements in relation to two term leases located at Yaamba and Bondoola.*

**COUNCIL RESOLUTION**

THAT Council resolve to advise the Department of Natural Resources, Mines and Energy that:

1. it is not aware of any local non-indigenous cultural heritage values which the Department of Natural Resources, Mines and Energy should consider if an application is made for Term Lease 0/216476 at Yaamba and Term Lease 0/217224 at Bondoola to be converted to freehold;
2. it does not have any objections that the Department of Natural Resources, Mines and Energy should consider if an application is made by the existing lessee of Term Lease 0/216476 over Lots 443, 444 and 445 on Crown Plan Y16911 at Yaamba for the lease to be converted to freehold or for the lease to be renewed;
3. Lot 59 on Crown Plan LN1807 is the subject of an Application to Dedicate State Land as Road (Case ID: 2017/000680) and that Council objects to any action being undertaken in relation to Term Lease 0/217224 over Lot 59 on Crown Plan LN1807 until all actions associated with Case ID: 2017/000680 are finalised;
4. it objects to the portion of Term Lease 0/217224 over Lot 59 on Crown Plan LN1807 which is located on the eastern side of Bondoola Road being converted to freehold tenure as it contains an endangered vegetation type, namely the unique Serpentine vegetation community. This vegetation is endemic to Livingstone Shire only and it is considered that the change of tenure will introduce a range of exempt clearing opportunities and accepted development clearing opportunities which will have a detrimental environmental impact on this small area of significant vegetation.
5. it would not object to the portion of Term Lease 0/217224 over Lot 59 on Crown Plan LN1807 located on the western side of Bondoola Road being converted to freehold tenure, after all actions associated with the Application to Dedicate State Land as Road (Case ID: 2017/000680) are finalised.
6. it would not object to Term Lease 0/217224 over Lot 59 on Crown Plan LN1807 being renewed, after all actions associated with the Application to Dedicate State



Land as Road (Case ID: 2017/000680) are finalised.

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

**Seconded by:** Councillor Kelly

**MOTION CARRIED**

**12.10 REQUEST FOR COUNCIL'S VIEWS ON PROPOSALS RELATING TO TWO GRAZING LEASES AT KUNWARARA****File No:** GR14.4.2**Attachments:**

1. Letter from the Department of Natural Resources, Mines and Energy [⇒](#)
2. Aerial photograph of Lot 36 on Crown Plan LBG40189 [⇒](#)
3. Aerial Photograph of Lot 33 on Crown Plan LI190 [⇒](#)

**Responsible Officer:** David Mazzaferri - Manager Community Wellbeing  
Brett Bacon - Executive Director Liveability and Wellbeing  
Mark McLean - Principal Property Officer**Author:** Maddie Crigan - Property Officer

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**SUMMARY**

*This report pertains to a request from the Department of Natural Resources, Mines and Energy for Council's views or requirements in relation to the renewal of two term leases at Kunwarara over reserve land which is dedicated for camping and water purposes.*

**COUNCIL RESOLUTION**

THAT Council resolve to advise the Department of Natural Resources, Mines and Energy that:

- 1) on expiry of the existing leases, Council, as trustee, would not be prepared to offer a trustee lease or trustee permit to the current lessees of Lot 36 on Crown Plan LBG40189 and Lot 33 on Crown Plan LI190; and
- 2) Council would not object to the Department of Natural Resources, Mines and Energy granting new term leases to the existing lessees of Lot 36 on Crown Plan LBG40189 and Lot 33 on Crown Plan LI190.

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

## **13 URGENT BUSINESS\QUESTIONS**

## 14 CLOSED SESSION

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

### COUNCIL RESOLUTION

#### 11.16 AM

THAT the meeting be closed to the public to discuss the following items, which are considered confidential in accordance with section 275 of the *Local Government Regulation 2012*, for the reasons indicated.

#### 15.1 Proposed tenure actions arising out of the expansion of the Shoalwater Bay training area

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

#### 15.2 Acquisition of Land for Road Purposes - Trunk Infrastructure T-100 Tanby / Chandler Roads Intersection and T-37 Chandler Road

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

#### 15.3 Enquiry of The Gateway Business and Industry Park Proposed Lot 24

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 Council.

#### 15.4 Potential Sale of 18 School Street, Mount Chalmers

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 Council.

#### 15.5 Yeppoon STP Solar Facility Building Our Regions (BOR) Funding Application - Purchasing Policy Compliance

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 Council.

#### 15.6 Mayoral Minute – Land Acquisition

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 Kelly

Seconded by: Councillor Eastwood

MOTION CARRIED

11:41 AM Deputy Mayor, Councillor Hutton left the meeting.

**COUNCIL RESOLUTION**

**12.01 PM**

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

**Moved by: Councillor Kelly**

**Seconded by: Councillor Belot**

**MOTION CARRIED**

## 15 CONFIDENTIAL REPORTS

### 15.6 MAYORAL MINUTE - LAND ACQUISITION

**File No:** CP5.2.8

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

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#### SUMMARY

*This matter was previously presented at the Council meeting on 20 August 2019 and was laid on the table pending further clarity on the terms of a proposed acquisition.*

*The report was in relation to a request from the Department of Natural Resources, Mines and Energy seeking a formal response from Council regarding its interest in acquiring control and management of an area of unallocated State land at Stanage, described as Lot 10 on SP143266 (formally described as Lot 10 on AP16118).*

#### COUNCIL RESOLUTION

THAT Council resolves to write to Department of Natural Resources, Mines and Energy in relation to the property described as Lot 10 on SP143266 (formally described as Lot 10 on AP16118). with an offer to purchase the land for one dollar.

**Moved by:** Mayor Ludwig

**Seconded by:** Councillor Eastwood

**MOTION CARRIED**

**15.1 PROPOSED TENURE ACTIONS ARISING OUT OF THE EXPANSION OF THE SHOALWATER BAY TRAINING AREA****File No:** GR14.4.2**Attachments:** 1. 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

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

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**SUMMARY**

*This report pertains to a request from the Department of Natural Resources, Mines and Energy for Council's views in relation to a number of land tenure actions requested by the Department of Defence over land within the area acquired for the expansion of the Shoalwater Bay Training Area.*

**COUNCIL RESOLUTION**

THAT Council resolve to advise the Department of Natural Resources, Mines and Energy that it does not object to the proposed tenure actions contained in its letter dated 16 September 2019, arising out of the expansion of the Shoalwater Bay Training Area noting that:

1. Department of Natural Resources, Mines and Energy have advised, based on initial investigations, all roads proposed for closure are unformed or currently only service properties that have now been acquired by Department of Defence.
2. All existing formed roads required for ongoing public access to Charon Point Conservation Park, the township of Stanage Bay or adjoining properties will be retained.
3. Roads to be retained include Stanage Bay Road, Kooltandra Road, Stoodleigh Road, Glenprairie Road and Bald Hills Road.
4. There is no intention to close any roads that provide sole legal access to neighbouring land parcels, without a suitable alternative access being provided.

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

**15.2 ACQUISITION OF LAND FOR ROAD PURPOSES - TRUNK INFRASTRUCTURE  
T-100 TANBY / CHANDLER ROADS INTERSECTION AND T-37 CHANDLER  
ROAD****File No:** 5.2.5-004**Attachments:**

1. Map 55-3 Taroomball Transport Network Plans for Trunk Infrastructure
2. Drawing No 14-133-C-01
3. Road dedication through development

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

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**SUMMARY**

*This report provides information on an acquisition proposal for future road trunk infrastructure.*

**COUNCIL RESOLUTION**

THAT Council authorise the Chief Executive Officer to commence negotiations with the owner of Lot 9 RP613833 to open new road as shown on Drawing No 14-133-C-01.

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



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**15.3 ENQUIRY OF THE GATEWAY BUSINESS AND INDUSTRY PARK PROPOSED LOT 24****File No:** ED8.5.2**Attachments:** 1. Map of Stage 2 and Proposed Stages 2B and 3.**Responsible Officer:** Brett Bacon - Executive Director Liveability and Wellbeing  
Jan Anfruns - Manager Economy and Places**Author:** Elle Wallin - Project Support 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 Council.

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**SUMMARY**

*A local business has expressed interest in occupying land at The Gateway Business and Industry Park to expand its current business operations.*

**COUNCIL RESOLUTION**

THAT Council resolve to provide a twelve-month non-exclusive Licence Agreement to the proponent, at a rental amount as prescribed under the non-exclusive Licence Agreement to, over part of Lot 5001 on Survey Plan 296924 at The Gateway Business and Industry Park.

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

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**15.4 POTENTIAL SALE OF 18 SCHOOL STREET, MOUNT CHALMERS****File No:** ED8.5.5**Attachments:**

1. Proposal Plan for 18 School Street, Mount Chalmers as at 1 March 2018
2. Valuation of Proposed Lot 10

**Responsible Officer:** Brett Bacon - Executive Director Liveability and Wellbeing  
Jan Anfruns - Manager Economy and Places**Author:** Elle Wallin - Project Support 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 Council.

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**SUMMARY**

*This report provides Council with the outcome of the two-stage Expression of Interest and Invitation to Tender process for the disposal of proposed Lot 10, known as 18 School Street, Mount Chalmers.*

**COUNCIL RESOLUTION**

THAT Council resolve to proceed generally in accordance with Option Two as outlined in the body of the report.

**Moved by:** Councillor Kelly**Seconded by:** Mayor Ludwig**MOTION CARRIED**

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**15.5 YEPPON STP SOLAR FACILITY BUILDING OUR REGIONS (BOR) FUNDING APPLICATION - PURCHASING POLICY COMPLIANCE****File No:** P-19-095**Attachments:** 1. Welcon Fee Proposal for YSTP Solar**Responsible Officer:** Dan Toon - Executive Director Infrastructure**Author:** Stuart Doak - Manager Infrastructure Projects

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 Council.

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**SUMMARY**

*The purpose of this report is to seek a resolution to ensure compliance with Council's Purchasing Policy for the engagement of Welcon Technologies as a sole supplier to assist Council in the preparation of the Business Case application for Round 5 of the Building Our Regions (BOR) funding program.*

**COUNCIL RESOLUTION**

THAT Council resolves to award the Consultancy Services for the preparation of tender and other supporting documentation for the funding application for the solar power facility at the *Yeppoon Sewage Treatment Plant* to *Welcon Technologies* as sole supplier in accordance with the exceptions provided by s235(a) of the *Local Government Regulation 2019*.

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

## 16 CLOSURE OF MEETING

There being no further business the meeting closed at 12.01 PM.



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Bill Ludwig  
CHAIRPERSON

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3 December 2019  
DATE