



# **ORDINARY MEETING**

## **MINUTES**

**3 SEPTEMBER 2019**

The resolutions contained within these minutes were confirmed on  
17 September 2019.

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**MINUTES OF THE ORDINARY MEETING HELD AT COUNCIL CHAMBERS, 4 LAGOON PLACE, YEPPON ON TUESDAY, 3 SEPTEMBER 2019 COMMENCING AT 9.00AM**

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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  
Councillor Tom Wyatt

## Officers in Attendance:

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

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

#### **3.1 LEAVE OF ABSENCE FOR COUNCILLOR TOM WYATT - 3 TO 5 SEPTEMBER 2019 INCLUSIVE**

**File No:** GV14.4.1

**Attachments:** Nil

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

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#### **SUMMARY**

*Councillor Tom Wyatt has requested leave of absence from 3 to 5 September 2019 inclusive.*

#### **COUNCIL RESOLUTION**

THAT leave of absence be granted to Councillor Tom Wyatt from 3 (immediately post the Council meeting) to 5 September 2019 inclusive.

**Moved by:** Councillor Kelly

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

**MOTION CARRIED**

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

### **COUNCIL RESOLUTION**

THAT the minutes of the Ordinary Meeting held on 20 August 2019 be taken as read and adopted as a correct record.

**Moved by:** Councillor Mather

**Seconded by:** Councillor Kelly

**MOTION CARRIED**

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

## **6 PUBLIC FORUMS/DEPUTATIONS**

### **6.1 D-29-2019 ROL 535 BUNGUNDARRA ROAD AND LOT 100 BUNGUNDARRA ROAD, BUNGUNDARRA**

**File No:** D-29-2019

**Attachments:** Nil

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

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

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#### **SUMMARY**

*The applicants of development application D-29-2019 have requested to provide a deputation to Council, prior to a decision being made.*

#### **COUNCIL RESOLUTION**

THAT Council receive the deputation.

**Moved by:** Councillor Mather

**Seconded by:** Councillor Wyatt

**MOTION CARRIED**



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

### **7.1 LIFTING MATTERS LAYING ON THE TABLE**

**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**

*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 20 August 2019, be lifted from the table to be dealt with later in the meeting:

- Lifting Historic Matters Lying on the Table
- Request from Councillor Belot - Additional Acknowledgment

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

**MOTION CARRIED**

## **8 PRESENTATION OF PETITIONS**

### **8.1 PETITION – REMOVAL OF CONCRETE WALLS WITHIN ANZAC PARADE ROUNDABOUT**

**Responsible Officer:**                **Brett Bacon**

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#### **SUMMARY**

Councillor Belot tabled a petition requesting the removal of concrete walls within the Anzac Parade roundabout to allow for a more aesthetic design in alignment with Livingstone Shire Council's placemaking.

#### **COUNCIL RESOLUTION**

THAT the petition requesting the removal of concrete walls within the Anzac Parade roundabout be received.

**Moved by:**                        **Councillor Belot**

**Seconded by:**                **Councillor Mather**

**MOTION CARRIED**

**9 MAYORAL MINUTE**

Nil

## **10 COUNCILLOR/DELEGATE REPORTS**

Nil

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

Nil

## 12 REPORTS

### 12.1 DEVELOPMENT APPLICATION FOR A DEVELOPMENT PERMIT FOR RECONFIGURING A LOT (TWO LOTS INTO SIX LOTS) AT 535 BUNGUNDARRA ROAD AND LOT 100 BUNGUNDARRA ROAD, BUNGUNDARRA

**File No:** D-29-2019

**Attachments:**

1. Attachment 1 - Locality Plan ➡
2. Attachment 2 - Proposal Plan ➡

**Responsible Officer:** Jenna Davies - Principal Planning Officer  
Maddie Ward - Co-ordinator Development Assessment  
Craig Newsome - Coordinator Public Environments

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

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#### SUMMARY

**Applicant:** C. & M. Roebuck

**Consultant:** Capricorn Survey Group (CQ) Pty Ltd

**Real Property Address:** Lot 1 on SP289213 and Lot 100 on SP280113

**Common Property Address:** 535 Bungundarra Road and Lot 100 Bungundarra Road, Bungundarra

**Area of Site:** 291 hectares combined (approximately)

**Planning Scheme:** *Livingstone Shire Planning Scheme 2005*  
(reprint 7, in force 10 July 2017)

**Planning Scheme Zone:** Rural Zone

**Planning Scheme Overlays:** Overlay Map O2 Steep Land  
Overlay Map O2 Drainage Problem Area  
Overlay Map O3 Wetlands and Wetlands 100 metre buffer  
Overlay Map O3 Waterways and Waterways 100 metre buffer  
Overlay Map O5 Bushfire Hazard  
Overlay Map O9 Special Management Area – Precinct B

**Planning Scheme Maps:** PSM2A Agricultural Land Classification – Shire Balance  
PSM10 Locally Significant Vegetation

**Existing Development:** Dwelling house and Kennels (not approved)

**Level of Assessment:** Code assessable

**Submissions:** Not applicable

**Referral matters:** Infrastructure – Clearing native vegetation (10.3.4.2.1)

**Infrastructure Charge Area:** Outside the Priority Infrastructure Area

**Application progress:**

Application received:	12 February 2019
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Development control unit meeting:	13 February 2019
Application properly made:	19 February 2019
Confirmation notice issued:	26 February 2019
Extension of time agreed to (referral period):	5 March 2019
Application referred to State agency:	8 March 2019
Information request issued:	12 March 2019
State agency response:	8 April 2019
Information request response received:	30 May 2019
Further advice issued:	2 July 2019
Extension of time agreed to:	5 July 2019
Further advice response received:	26 July 2019
Council meeting date:	3 September 2019
Statutory determination date:	6 September 2019

### OFFICER'S RECOMMENDATION

THAT in relation to the application for a Development Permit for Reconfiguring a Lot (two lots into six lots), made by C. & M. Roebuck, over Lot 1 on SP289213 and Lot 100 on SP280113, and located at 535 Bungundarra Road and Lot 100 Bungundarra Road, Bungundarra, Council resolves to Refuse the application given the following reasons:

- 1.0 The proposal fails to satisfy the purpose of the Rural Zone Code under the *Livingstone Shire Planning Scheme 2005* as the proposal will result in;
  - (i) the creation of lots that are not designed and developed to achieve the protection of large tracts of bushland having significant local environmental value and do not have suitable sizes and dimensions commensurate with the natural features, hazards and agricultural land classes exhibited by the site.
  - (ii) Potential land use conflicts with nearby productive agricultural uses, resulting from the location of non-rural activities on rural land through the provision of a Dwelling house on each lot (indicated by the Building Location Envelope).
  - (iii) the creation of lots unsuitable for rural purposes to occur, with consideration given to natural hazards and removal of Locally Significant Vegetation. Rural purposes would be subject to the desire of the future landowner and subject to assessment by the Department of Natural Resources, Mines and Energy for a relevant purpose determination prior to clearing as agriculture is not listed as a relevant purpose under section 22A of the *Vegetation Management Act 1999*.
- 2.0 The proposal fails to satisfy the purpose of the Clearing Code under the *Livingstone Shire Planning Scheme 2005* as the proposal will result in:
  - (i) Clearing of large portions of locally significant vegetation for building location envelopes, property boundaries, bushfire mitigation and access tracks, which will significantly and irreversibly impact the visual integrity and ecological features and processes that underpin the biodiversity of site the locality in general.
- 3.0 The proposal fails to satisfy the purpose of the Natural Features Code in relation to Bushfire Hazard Special Management Area under the *Livingstone Shire Planning Scheme 2005* as the proposal will result in:

- (i) Locating building location envelopes in very high hazard areas with Bushfire Attack Levels up to Flame Zone resulting in significant impost upon future landholders to implement and maintain vegetation clearing and building design measures to mitigate the risk to a tolerable level and reduce the Bushfire Attack Level to BAL-29 or less.
  - (ii) Significant building protection zones, of thirty-five (35) metres, are proposed outside of the large Building Location Envelopes, which will result in additional clearing to occur to achieve suitable and safe Bushfire Attack Levels for future buildings.
- 4.0 The proposal fails to satisfy the purpose of the Capricorn Coast Landscape Special Management Area Code under the *Livingstone Shire Planning Scheme 2005* as the proposal will result in:
- (i) Diminished landscape values in terms of physical changes to the natural environment and significant visual detracting as a result of the necessary clearing for bushfire mitigation. In addition, the proposal does not provide for the protection of vegetation located outside the building location envelopes or along proposed property boundaries.
- 5.0 On balance, the application should be refused because the development does not comply with the purpose of above aspects of the assessment benchmarks and compliance is unable to be reasonably or relevantly conditioned.

**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 a site visit with Councillors and officers; to return to the Council Meeting being held on 17 September 2019.

**Moved by:** Councillor Kelly

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

**MOTION CARRIED**



**12.2 COUNCILLOR AGENDA ITEM REQUESTS**

**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**

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

**COUNCIL RESOLUTION**

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

- Reticulated Water to Mabel Edmund Park
- Drain Netting
- Additional Acknowledgment at Meetings
- Traffic incident Phillip Street
- Reallocation of Funding
- OIC Yeppoon Police
- Reinstate Meeting Procedures
- Beach Access Bangalee

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

**Seconded by:** Councillor Kelly

**MOTION CARRIED**

**12.3 LIFTING HISTORIC MATTERS LYING ON THE TABLE**

**File No:** GV13.4.1  
**Attachments:** 1. Matters to be Lifted from the Table [⇒](#)  
**Responsible Officer:** Chris Murdoch - Chief Executive Officer  
**Author:** Nicole Robertson - Coordinator Executive Support

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**SUMMARY**

*This matter was presented at the Ordinary Council meeting held on 20 August 2019 and was laid on the table for the reason stated in the minutes.*

*This report and is now being presented to Council in order for the listed matters to be formally lifted from the table and removed from business outstanding.*

**COUNCIL RESOLUTION**

THAT Council resolve that the following matters laid on the table at previous Council meetings, as listed in the attachment, be lifted from the table and dealt with as follows:

- 1) The matters that have been listed as having been resolved at a Council meeting be deemed finalised;
- 2) The matters identified as being dealt with operationally are finalised with no further resolution required; and
- 3) The matter of 'Councillor Portfolios' be deemed a matter for the new Council in 2020.

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

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**12.4 REQUEST FROM COUNCILLOR BELOT - ADDITIONAL ACKNOWLEDGEMENT****File No:** GV13.4.1**Attachments:**  
1. [Original Request](#)  
2. [Revised Wording](#)**Responsible Officer:** Chris Murdoch - Chief Executive Officer**Author:** Nicole Robertson - Coordinator Executive Support

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**SUMMARY**

*This matter was presented at the Council meeting held on 20 August 2019 and was laid on the table to return to a future meeting. Councillor Belot has requested an additional acknowledgement to be included at the commencement of Council meetings and other events of importance conducted by Livingstone Shire Council.*

**Proceed to Another Item**

The Mayor sought leave of the meeting to deal with all other items before returning to item 12.4 of the agenda to allow Councillor Belot to finalise his recommendation.

**Leave Granted****COUNCIL RESOLUTION**

THAT Council resolve to include the following further wording in conjunction with the acknowledgement of country;

*"We acknowledge our pioneers and honor all cultures forged into our shared history and future, by doing to others as we would do to ourselves".*

**Moved by:** Councillor Belot**Seconded by:** Councillor Eastwood**MOTION LOST****DIVISION:**

Crs A Belot and P Eastwood voted in the affirmative.

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

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**12.5 REQUEST FOR A TWO (2) YEAR EXTENSION OF THE CURRENT INFRASTRUCTURE AGREEMENT FOR DEFERRED CHARGES - SEAHAVEN ESTATE STAGE 4 (D-6-2014)****File No:** D-6-2014**Attachments:**

1. Request from Capricorn Survey Group (CQ) Pty Ltd on behalf of their client, Keppel Developments Pty Ltd dated 24 June 2019 [⇒](#)
2. Development Incentive Policy for Reconfiguring a Lot [⇒](#)

**Responsible Officer:** Maddie Ward - Co-ordinator Development Assessment  
David Battese - Manager Liveability**Author:** Kerry Mulcahy - Development Officer

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**SUMMARY**

*This report addresses a request for an extension to a deferred charges agreement pursuant to Part 6.4 of the Infrastructure Agreement for Deferred Payment of Infrastructure Charges for Sea Haven Estate Stage 4, being for an extension from two (2) years to four (4) years. This request is not supported by officers, as it is not in accordance with Council's adopted Development Incentive Policy for Reconfiguring a Lot (Community Policy) which specifies a maximum period of two (2) years.*

**COUNCIL RESOLUTION**

THAT Council resolve to refuse the request made by Capricorn Survey Group (CQ) Pty Ltd, on behalf of Keppel Developments Pty Ltd, for an extension of the Infrastructure Agreement for deferred payment of infrastructure charges for the ten (10) unsold lots in Sea Haven Estate Stage 4, as it does not accord with Councils *Development Incentive Policy for Reconfiguring a Lot*.

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

## **13 URGENT BUSINESS\QUESTIONS**

### **13.1 FUNDING FOR RURAL FIRE BRIGADES**

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

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#### **SUMMARY**

Councillor Mather raised concerns in regards to the rural fire brigades not being able to obtain funding from TMR. With the current weather conditions Cr Mather would like Council to investigate.

#### **RECOMMENDATION**

The Mayor has requested a full pre-season briefing to Councillors in relation to this matter.

## 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

**9.52AM**

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 Potential Sale of 9 Pineapple Drive The Gateway Business and Industry 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 Council.

**Moved by: Councillor Mather**

**Seconded by: Councillor Kelly**

**MOTION CARRIED**

### COUNCIL RESOLUTION

**9.56AM**

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

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

**Seconded by: Councillor Kelly**

**MOTION CARRIED**

## 15 CONFIDENTIAL REPORTS

### 15.1 POTENTIAL SALE OF 9 PINEAPPLE DRIVE THE GATEWAY BUSINESS AND INDUSTRY PARK

**File No:** ED8.5.2

**Attachments:** Nil

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

**Author:** Jan Anfruns - Manager Economy and Places

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 business owner is looking to relocate his business from the Banana Shire to the Capricorn Coast area and has expressed interest in purchasing 9 Pineapple Drive, Hidden Valley, also known as Lot 5, The Gateway Business and Industry Park.*

#### COUNCIL RESOLUTION

Council accept the offer, as detailed in the below report, to purchase Lot 5 on SP285453, known as 9 Pineapple Drive, Hidden Valley.

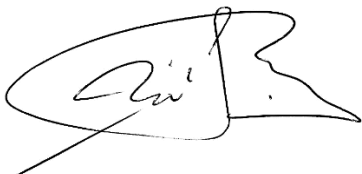
**Moved by:** Deputy Mayor, Councillor Hutton

**Seconded by:** Councillor Kelly

**MOTION CARRIED**

## 16 CLOSURE OF MEETING

There being no further business the meeting closed at 10.32am.

A handwritten signature in black ink, appearing to read 'Bill Ludwig', enclosed within a large, loopy oval shape.

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Mayor, Councillor Bill Ludwig  
CHAIRPERSON

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DATE