



ORDINARY MEETING

MINUTES

5 APRIL 2018

The resolutions contained within these minutes will be confirmed at the next Council meeting on 17 April 2018.

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MINUTES OF THE ORDINARY MEETING HELD AT COUNCIL CHAMBERS, 4 LAGOON PLACE, YEPPON ON THURSDAY, 5 APRIL 2018 COMMENCING AT 9:04AM

1 OPENING

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

In Attendance:

Mr Brett Bacon – Acting Chief Executive Officer and Director Community and Planning Services
Mr Dan Toon – Director Infrastructure Services
Ms Debra Howe – Director Strategic Growth and Development
Mr Matthew McGoldrick – Acting Chief Financial Officer
Mr Craig Newsome – Coordinator Public Environments
Ms Erin McCabe – Coordinator Development Assessment
Ms Melissa Warwick – Senior Strategic Planner
Mr Liam Saxby – Strategic Planning Officer
Mr Marcus Vycke – Manager Growth and Economic Development
Ms Sonia Barber – Senior Economic Development Officer
Ms Lucy Merry – Executive Support Officer

3 LEAVE OF ABSENCE / APOLOGIES

Nil

4 PUBLIC FORUMS/DEPUTATIONS

Nil

5 MAYORAL MINUTE

Nil

6 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

COUNCIL RESOLUTION

THAT the minutes of the Special Meeting held on 13 March 2018 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 Ordinary Meeting held on 20 March 2018 be taken as read and adopted as a correct record.

Moved by: Councillor Kelly
Seconded by: Councillor Belot

MOTION CARRIED

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

8 BUSINESS ARISING OR OUTSTANDING FROM PREVIOUS MEETINGS

8.1 BUSINESS OUTSTANDING TABLE FOR ORDINARY COUNCIL MEETING

File No: GV13.4.1
Attachments: 1. [Business Outstanding Table - 5 April 2018](#) ⇨
Responsible Officer: Chris Murdoch - Chief Executive Officer

SUMMARY

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

COUNCIL RESOLUTION

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

Moved by: Councillor Mather
Seconded by: Councillor Wyatt

MOTION CARRIED

9 PRESENTATION OF PETITIONS

Nil

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

Nil

11 COUNCILLOR/DELEGATE REPORTS

Nil

12 REPORTS

12.1 RATES & OTHER CHARGES - ADJUSTMENTS POLICY

File No: CM4.7.12

Attachments: 1. Rates and Other Charges Adjustments Policy⇒

Responsible Officer: Matthew McGoldrick - Interim Chief Financial Officer
Andrea Ellis - Acting Director Corporate Services

Author: Priscilla Graham - Coordinator Revenue

SUMMARY

Council's Rates & Other Charges – Adjustments Policy, currently known as Rates & Other Charges – Refund & Adjustments Policy has been reviewed. This policy is now presented to Council.

COUNCIL RESOLUTION

THAT Council adopts the revised Rates & Other Charges – Adjustments Policy.

Moved by: Deputy Mayor, Councillor Hutton

Seconded by: Councillor Kelly

MOTION CARRIED

12.2 RATES PAYMENT POLICY**File No:** CM4.7.12**Attachments:** 1. [Rate Payment Policy](#) ⇨**Responsible Officer:** Matthew McGoldrick - Interim Chief Financial Officer
Andrea Ellis - Acting Director Corporate Services**Author:** Priscilla Graham - Coordinator Revenue

SUMMARY

Council's Rate Payment Policy has been reviewed and is now presented to Council for adoption.

COUNCIL RESOLUTION

THAT Council adopts the Rates Payment Policy.

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

12.3 DEBT RECOVERY POLICY**File No:** CM4.7.12**Attachments:** 1. [Debt Recovery Policy](#)**Responsible Officer:** Matthew McGoldrick - Interim Chief Financial Officer
Andrea Ellis - Acting Director Corporate Services**Author:** Priscilla Graham - Coordinator Revenue

SUMMARY

Council's Debt Recovery Policy has been reviewed and is now presented to Council for consideration. Following a review of process, the policy has been amended to represent current objectives and procedures.

COUNCIL RESOLUTION

THAT Council adopts the revised Debt Recovery Policy subject to amendment of the policy to reflect the new organisational structure position titles.

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

12.4 MONTHLY FINANCIAL REPORT FOR PERIOD ENDING 28 FEBRUARY 2018**File No:** FM12.14.1**Attachments:** 1. **Monthly Financial Report - Feb 2018** [⇒](#)**Responsible Officer:** Andrea Ellis - Acting Director Corporate Services**Author:** Matthew McGoldrick - Interim Chief Financial Officer

SUMMARY

Presentation of the Livingstone Shire Council Monthly Financial Report for the period ending 28 February 2018 by the Interim Chief Financial Officer.

COUNCIL RESOLUTION

THAT the Livingstone Shire Council Monthly Financial Report for the period ending 28 February 2018 be received.

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

12.5 RISK BASED LAND USE COMPLIANCE POLICY

File No: CM 4.7.18
Attachments: 1. Risk Based Land Use Compliance Policy [⇒](#)
Responsible Officer: Brett Bacon - Director Community & Planning Services
Author: David Battese - Manager Strategy & Development

SUMMARY

This report presents Council with a risk based land use compliance policy which seeks to provide guidance and direction on how compliance and enforcement actions are undertaken for non-compliant land use.

COUNCIL RESOLUTION

THAT Council adopt and implement the “Risk Based Land Use Compliance Policy” as attached to this report and review its effectiveness after six months.

Moved by: Councillor Kelly
Seconded by: Councillor Eastwood

MOTION CARRIED**DIVISION:**

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

12.6 OGMORE COMMUNITY AND RECREATION COMMITTEE INC.

File No: CR2.13.7, CR2.13.19
Attachments: Nil
Responsible Officer: Brett Bacon - Director Community & Planning Services
David Mazzaferri - Manager Disaster Management,
Recovery and Resilience
Author: Melissa Minter - Co-ordinator Community Partnership

SUMMARY

Council officers have been working with the Ogmore Community and Recreation Committee Inc. and interested community members to consider goals, ideas, concerns and viable options associated with their desire to re-establish a community hall / meeting place in Ogmore.

COUNCIL RESOLUTION

THAT Council advise the Ogmore Community and Recreation Committee Inc. that due to budgetary constraints no action will be taken to establish a community hall in Ogmore at this point in time.

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

**MOTION CARRIED
COUNCIL RESOLUTION**

THAT Ogmore Community and Recreation Committee Inc. be advised that Council is willing to relinquish its interest in the 'old' Ogmore School site and transfer trusteeship in order to allow the Ogmore Community and Recreation Committee Inc. to become the sole trustee for the purpose of establishing a community meeting space, notwithstanding our commitment to provide support and advice to explore other options if so desired into the future.

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

MOTION CARRIED

12.7 FINAL LIVINGSTONE PLANNING SCHEME 2018 - APPROVAL TO COMMENCE

File No: 18.3.5

Attachments: 1. Ministerial approval⇒
2. Statement of Integration of State Interests⇒

Responsible Officer: David Battese - Manager Strategy & Development
Brett Bacon - Director Community & Planning Services

Author: Melissa Warwick - Senior Strategic Planner

SUMMARY

The purpose of this report is to seek approval from Council to adopt and commence the Livingstone Planning Scheme 2018 following approval from the Minister for State Development, Manufacturing, Infrastructure and Planning, Hon Cameron Dick, received on 23 March 2018. The approval from the Minister comes after Council lodged the amended aligned version of the draft planning scheme with the State on 13 October 2017.

COUNCIL RESOLUTION

THAT Council resolves:

- 1) to adopt and commence the proposed new planning scheme (*Livingstone Planning Scheme 2018*) on 1 May 2018; and
- 2) in accordance with *Statutory guideline 01/16 – Making and amending local planning instruments*, to:
 - (a) note how the state planning policy is appropriately integrated in the approved planning scheme; and
 - (b) place notices in the gazette, a newspaper circulating generally in the local government's area and on Council's website.

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

MOTION CARRIED UNANIMOUSLY

12.8 INVEST CAPRICORN COAST REGION ECONOMIC DEVELOPMENT PLAN

File No: 8.5.16

Attachments:

1. Invest Capricorn Coast Region Economic Development Plan [⇒](#)
2. Invest Capricorn Coast Region Economic Development Plan Summary [⇒](#)
3. Invest Capricorn Coast Region Leadership Alliance TOR [⇒](#)

Responsible Officer: Debra Howe - Director Strategic Growth and Development
Marcus Vycke - Manager Growth and Economic Development

Author: Sonia Barber - Senior Economic Development Officer

SUMMARY

The final version of the Invest Capricorn Coast Region Economic Development Plan (EDP), refer Attachment 1, is ready for adoption, and the Invest Capricorn Coast Region Economic Development Plan Summary, refer Attachment 2, provides a community summary of the Plan.

As identified in the EDP, the Invest Capricorn Coast Region Leadership Alliance Terms of Reference refer Attachment 3, support the formation of a Leadership Alliance between Council, government agencies, local business and the community to provide strategic guidance and/or recommendations on regional economic development outcomes and initiatives.

COUNCIL RESOLUTION

THAT Councillors:

1. Adopt the updated Invest Capricorn Coast Region Economic Development Plan as the framework document that will guide the strategic growth and economic development of the Capricorn Coast region.
2. Adopt the Invest Capricorn Coast Region Leadership Alliance Terms of Reference and support the formation of a Leadership Alliance between Council, government agencies, local business and the community to provide strategic guidance and/or recommendations on regional economic development outcomes and initiatives.

Moved by: Deputy Mayor, Councillor Hutton

Seconded by: Councillor Kelly

MOTION CARRIED

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

Leave granted.

Meeting procedures were suspended at 10:45AM.

Meeting procedures resumed at 11:10AM

13 QUESTIONS/STATEMENT/MOTIONS ON NOTICE FROM COUNCILLORS

Nil

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

11:10AM

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 Write Off - Sundry Debtor

This report is considered confidential in accordance with section 275(1)(c), of the *Local Government Regulation 2012*, as it contains information relating to the local government's budget.

15.2 Statue Bay Procurement 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 it.

Moved by: Councillor Mather

Seconded by: Councillor Wyatt

MOTION CARRIED

COUNCIL RESOLUTION

12:03PM

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

Moved by: Deputy Mayor, Councillor Hutton

Seconded by: Councillor Wyatt

MOTION CARRIED

15 CONFIDENTIAL REPORTS

15.1 WRITE OFF - SUNDRY DEBTOR

File No: FM12.1.9

Attachments:

1. Proof of Debt - G & J Bird Enterprises Pty Ltd
2. Proof of Debt - Qld Nickel Pty Ltd

Responsible Officer: Matthew McGoldrick - Interim Chief Financial Officer
Andrea Ellis - Acting Director Corporate Services

Author: Priscilla Graham - Coordinator Revenue

This report is considered confidential in accordance with section 275(1)(c), of the *Local Government Regulation 2012*, as it contains information relating to the local government's budget.

SUMMARY

The following debtor account arrears have been identified as unrecoverable and are recommended to be written off as bad debts. These accounts have been outstanding for an extended time with minimal to no chance of recovery or are not commercially viable to pursue any further.

COUNCIL RESOLUTION

THAT the following Sundry Debtor accounts, 622764-7 and 623029-0 totalling \$40,489.48 are deemed unrecoverable and are written off as bad debts.

Moved by: Councillor Kelly

Seconded by: Councillor Belot

MOTION CARRIED UNANIMOUSLY

15.2 STATUE BAY PROCUREMENT COMPLIANCE**File No:** FM12.7.1**Attachments:**

1. LGAQ Commentary on s235(a)
2. List of Suppliers/Contractors

Responsible Officer: Matthew McGoldrick - Interim Chief Financial Officer
Andrea Ellis - Acting Director Corporate Services**Author:** Rachel Jackson - Coordinator Property and Procurement

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

Council made the decision to terminate the contract with EarthTEC for the Statue Bay Project. Council is now required to address the resultant procurement compliance associated with the completion of the Statue Bay Remediation Project, while ensuring that "value for money" principles are applied as required by the Natural Disaster Relief and Recovery Arrangements. To achieve both of these aims, Council is able to resolve to apply Section 235 (a) of the Local Government Regulation 2012.

COUNCIL RESOLUTION

That Council apply *Local Government Regulation* section 235 (a) to the medium and large sized contractual arrangements relevant to the Statue Bay Remediation Project in an effort achieve continuity and to expedite the remaining works required to comply with the timelines of the Natural Disaster Relief and Recovery funding.

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

16 URGENT BUSINESS QUESTIONS

17 CLOSURE OF MEETING

There being no further business the meeting closed at 12:05PM.

Bill Ludwig
CHAIRPERSON

DATE