



ORDINARY MEETING

MINUTES

4 SEPTEMBER 2018

The resolutions contained within these minutes were confirmed at Council Meeting
on 18 September 2018.

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MINUTES OF THE ORDINARY MEETING HELD AT COUNCIL CHAMBERS, 4 LAGOON PLACE, YEPPON ON TUESDAY, 4 SEPTEMBER 2018 COMMENCING AT 9:03AM

1 OPENING

2 PRESENT

Members Present:

Deputy Mayor, Councillor Nigel Hutton (Chairperson)
Councillor Adam Belot
Councillor Pat Eastwood
Councillor Jan Kelly
Councillor Glenda Mather
Councillor Tom Wyatt

In Attendance:

Ms Chris Murdoch – Chief Executive Officer
Mr Brett Bacon – Executive Director Liveability and Wellbeing
Mr Dan Toon – Executive Director Infrastructure
Ms Andrea Ellis – Chief Financial Officer
Mr Matthew Willcocks - Chief Technology Officer
Ms Debra Howe – Director Strategic Growth & Development
Ms Sonia Barber – Senior Economic Development Officer
Ms Lucy Walker – Acting Coordinator Executive Support

Apologies:

Mayor, Councillor Bill Ludwig (Chairperson)

3 LEAVE OF ABSENCE / APOLOGIES

RECOMMENDATION

THAT Mayor Ludwig be granted leave of absence for Council Meeting 4 September 2018 and Deputy Mayor, Councillor Hutton chair the meeting.

Moved by: Councillor Kelly
Seconded by: Councillor Eastwood

MOTION CARRIED

4 PUBLIC FORUMS/DEPUTATIONS

Nil

5 MAYORAL MINUTE

Nil

6 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

COUNCIL RESOLUTION

THAT the minutes of the Ordinary Meeting held on 21 August 2018 be taken as read and adopted as a correct record.

Moved by: Councillor Mather

Seconded by: Councillor Kelly

MOTION CARRIED

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

Nil

8 BUSINESS ARISING OR OUTSTANDING FROM PREVIOUS MEETINGS

Nil

9 PRESENTATION OF PETITIONS

Nil

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

Nil

11 COUNCILLOR/DELEGATE REPORTS

Nil

The Deputy Mayor sought leave of the meeting to deal with confidential items 15.1, 15.2, 15.3 and 15.4 before returning to item 12.1 of the agenda.

Leave Granted

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

Leave granted.

Meeting procedures were suspended at 10:05AM.

Meeting procedures resumed at 10:17AM.

12 REPORTS

12.1 2019 YEPPON SHOW HOLIDAY

File No: LE19.2.1

Attachments: 1. Letter from the Office of Industrial Relations regarding 2019 Special Holidays [⇒](#)

Responsible Officer: Chris Murdoch - Chief Executive Officer

Author: Lucy Walker - Executive Support Officer

SUMMARY

A letter has been received from the Office of Industrial Relations Policy and Regulation, Queensland Treasury to complete the on-line notification of our intended special holidays for 2019.

COUNCIL RESOLUTION

THAT Councillors approve Friday 14 June 2019 as Livingstone Shire Council's Show Holiday.

Moved by: Councillor Kelly
Seconded by: Councillor Mather

MOTION CARRIED UNANIMOUSLY

12.2 ANNUAL OPERATIONAL PLAN REPORT FOR THE PERIOD JULY 2017 TO JUNE 2018

File No: CM4.6.2

Attachments: 1. Q4/Annual Operational Plan Report 2017-2018 [⇒](#)

Responsible Officer: Rodney Chapman - Coordinator Governance
Andrea Ellis - Chief Financial Officer

Author: Suzanne Pambid - Governance Officer

SUMMARY

The Annual Operational Plan Report for the period 1 July 2017 to 30 June 2018 is presented, pursuant to section 104(7) of the Local Government Act 2009 and section 174(3) of the Local Government Regulation 2012.

COUNCIL RESOLUTION

THAT the 2017-18 Annual Operational Plan Report be received.

Moved by: Deputy Mayor, Councillor Hutton

Seconded by: Councillor Eastwood

MOTION CARRIED UNANIMOUSLY

12.3 POLICY REVIEW - COMPLAINTS ABOUT THE CHIEF EXECUTIVE OFFICER

File No: CM4.7.13

Attachments: 1. **Complaints about the Chief Executive Officer Policy** [⇒](#)

Responsible Officer: Rodney Chapman - Coordinator Governance
Andrea Ellis - Chief Financial Officer

Author: Poala Santini - Governance Officer

SUMMARY

This report presents a reviewed and subsequent update to the nominated person specified in the Complaints about the Chief Executive Officer Policy.

COUNCIL RESOLUTION

THAT Council adopts the updated Complaints about the Chief Executive Officer Policy (v2).

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

MOTION CARRIED

**12.4 CONFIRMATION OF SUPPORT FOR EXPANSION OF GALLERY SPACE
ADJACENT TO THE MILL GALLERY**

File No: ED8.5.22
Attachments: 1. Mill Gallery Ministerial advice letter [⇒](#)
Responsible Officer: Debra Howe - Director Strategic Growth & Development
Brett Bacon - Executive Director Liveability and Wellbeing
Author: Russell Claus - Urban Strategist

SUMMARY

This report pertains to a funding application pursuant to the Queensland Government's Building Our Regions programme.

COUNCIL RESOLUTION

THAT Council resolves to confirm its support and commitment for the Mill Gallery expansion project and submit a funding application to the *Building Our Regions* programme, stating its commitment to delivering the approved project and acceptance of responsibility for any funding shortfall if project costs change.

Moved by: Councillor Wyatt

Seconded by: Councillor Kelly

MOTION CARRIED UNANIMOUSLY

12.5 DONATION TO QUEENSLAND DROUGHT APPEAL

File No: CR2.5.1
Attachments: Nil
Responsible Officer: Chris Murdoch - Chief Executive Officer
Author: Brett Bacon - Executive Director Liveability and Wellbeing

SUMMARY

This report pertains to Council contributing to the Queensland Drought Appeal.

COUNCIL RESOLUTION

THAT Council resolves to participate in the Queensland Drought Appeal by matching the donations raised from staff contributions.

Moved by: Councillor Wyatt
Seconded by: Councillor Kelly

MOTION CARRIED UNANIMOUSLY

12.6 AMENDMENT - SUBORDINATE LOCAL LAW (PARKING) 2018

File No: TT30.8.3

Attachments:

1. [Lagoon Precinct Traffic Area](#)
2. [Off Street Regulated Parking Area](#)
3. [Emu Park Traffic Area](#)

Responsible Officer: Brett Bacon - Executive Director Liveability and Wellbeing

Author: Craig Newsome - Coordinator Public Environments

SUMMARY

This report recommends proposed amendments to Subordinate Local Law No 5 (Parking) 2018, relating to regulated car parking within the Lagoon precinct.

COUNCIL RESOLUTION

THAT Council:

- 1) review draft amendments to *Subordinate Local Law No 5 (Parking) 2018*; and
- 2) resolve to propose to make Parking (Amendment No.2) *Subordinate Local Law (No. 5) 2018*.

Moved by: Councillor Kelly
Seconded by: Councillor Wyatt

MOTION CARRIED

13 QUESTIONS/STATEMENT/MOTIONS ON NOTICE FROM COUNCILLORS

13.1 NOTICE OF MOTION - COUNCILLOR ADAM BELOT - CHANGE TO MEDIA POLICY

File No: GV13.4.4
Attachments: 1. Notice of Motion [⇒](#)
Responsible Officer: Chris Murdoch - Chief Executive Officer

SUMMARY

Councillor Adam Belot has indicated his intention to move the following Notice of Motion at the next Council Meeting 4 September 2018, as follows:

COUNCIL RESOLUTION

THAT a review be undertaken of the Media Policy Guidelines and roles/responsibilities, in order to encourage greater Councillors participation and freedom when commenting in the media.

Moved by: Councillor Belot
Seconded by: Councillor Eastwood

COUNCIL RESOLUTION

That the matter lay on the table and return to the next Council Meeting on 18 September 2018.

Moved by: Councillor Belot
Seconded by: Councillor Kelly

MOTION CARRIED

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

9:05AM

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 Access to Land for Trunk Infrastructure Investigations
T-100 Tanby Road – Chandler Road Intersection and T-37 Chandler Road (new)**

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 Causeway Lake Sewerage Lake Scheme – Connection to Registered Sewerage Service

This report is considered confidential in accordance with section 275(1)(f), of the *Local Government Regulation 2012*, as it contains information relating to starting or defending legal proceedings involving the local government.

15.3 Yeppoon Smart Parking 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 it.

**15.4 Great Keppel Island Water and Electricity Infrastructure Supply Project –
Maturing the Infrastructure Pipeline Programme and Building Our Regions**

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 Mather

MOTION CARRIED

COUNCIL RESOLUTION

10.03AM

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

Moved by: Councillor Wyatt

Seconded by: Councillor Mather

MOTION CARRIED

15 CONFIDENTIAL REPORTS

15.1 ACCESS TO LAND FOR TRUNK INFRASTRUCTURE INVESTIGATIONS T-100 TANBY ROAD – CHANDLER ROAD INTERSECTION AND T-37 CHANDLER ROAD (NEW)

File No: 5.2.5-004

Attachments: 1. **Map 55-3 Transport Network Plans for Trunk Infrastructure - (Confidential)**

Responsible Officer: Dan Toon - Executive 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 information on investigations for the alignment of future trunk infrastructure and access to land to facilitate those investigations.

COUNCIL RESOLUTION

THAT Council resolve:

1. To commence detailed investigations to determine the best location of the following future trunk infrastructure which is identified in the Adopted Infrastructure Charges Resolution (No. 3) 2018:
 - a. T-100 Tanby Road – Chandler Road Intersection, new, highway, non-signalised; and
 - b. T-37(part) Chandler Road, new, Ch 3100-970, Urban Major Collector.
2. Utilise its powers under s 36 of the *Acquisition of Land Act 1967* to enter Lot 8 RP613832, Lot 9 RP613833 and Lot 11 RP613833 for the purposes of the detailed investigation including inspection, survey and taking levels.

Moved by: Councillor Kelly

Seconded by: Councillor Eastwood

MOTION CARRIED

15.2 CAUSEWAY LAKE SEWERAGE SCHEME - CONNECTION TO REGISTERED SEWERAGE SERVICE

File No: 29.9.1

Attachments: 1. Confidential Ordinary Meeting Agenda 3
October 2017 - (*Confidential*)

Responsible Officer: Dan Toon - Executive Director Infrastructure Services

Author: Carrie Burnett - Policy & Planning Officer

This report is considered confidential in accordance with section 275(1)(f), of the *Local Government Regulation 2012*, as it contains information relating to starting or defending legal proceedings involving the local government.

SUMMARY

This report provides Council with an update on properties at the Causeway Lake which have not connected to sewerage.

COUNCIL RESOLUTION

1. THAT Council resolves to start legal proceedings against each owner of the following premises, in the manner recommended by Council's legal representatives appropriate to the circumstances of each property owner, being either:
 - (a) enforcement proceedings in a District Court under the *Water Supply (Safety and Reliability) Act (the Act)*, Chapter 5, Part 9 (Enforcement proceedings) for an enforcement order to remedy the commission of the offence; or
 - (b) prosecution proceedings in a Magistrates Court under the *Act*, Chapter 6, Part 3 (Proceedings for offences) together with an order requiring the Defendant to undertake the work specified in the section 168 notice by a stated time (for example, within 2 months),

for an offence against the *Act*, section 168 (Notice requiring connection to registered service), committed by each owner of the following premises in Council's sewerage service area:
 - (c) lot 59 on RP606848; and
 - (d) lot 6 on RP608272.
2. THAT the Chief Executive Officer, on behalf of Council, gives to the chief executive of the Queensland Government Department responsible for administering the *Water Supply (Safety and Reliability) Act 2008*, by no later than 5 business days after starting a proceeding against the owner of each of the above properties, a notice of proceedings under section 475(5) (for enforcement proceedings) or section 496 (for proceedings for offences), as the case may be.

Moved by: Councillor Belot

Seconded by: Councillor Eastwood

MOTION CARRIED

15.3 YEPPOON SMART PARKING PROJECTS

File No: ED8.5.17

Attachments: 1. Memorandum of understanding Keppel Bay Sailing Club

Responsible Officer: Debra Howe - Director Strategic Growth & Development
Brett Bacon - Executive Director Liveability and Wellbeing

Author: Sonia Barber - Senior Economic Development 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 Yeppoon Smart Lighting Project includes the provision of smart parking around the Yeppoon Lagoon. This report outlines options for consideration of the operating parameters for the smart parking solution and provides an update on the Tender process.

COUNCIL RESOLUTION

THAT Council:

1. approves a process of community engagement regarding the proposed operating hours for paid parking on Lagoon Place and Anzac Parade around Yeppoon Lagoon (excluding disabled bays), between the hours of 8.30am to 5pm Monday to Sunday.
2. engages with key stakeholders operating around the perimeters of the Yeppoon Lagoon in relation to impacts to them specifically.
3. approves paid parking charges of \$2 per hour (inclusive of GST) during operating hours and amend the 2018-19 fees and charges to include this new charge.
4. acknowledges that the commencement of paid parking will be dependent on the timeframe of the required amendment to the local law and the procurement process for the Yeppoon Town Centre Smart Lighting Project.

Moved by: Councillor Kelly

Seconded by: Councillor Belot

MOTION CARRIED

Deputy Mayor (Chair of the meeting) exercised his casting vote for the above resolution.

**15.4 GREAT KEPPEL ISLAND WATER AND ELECTRICITY INFRASTRUCTURE
SUPPLY PROJECT – MATURING THE INFRASTRUCTURE PIPELINE
PROGRAMME AND BUILDING OUR REGIONS****File No:** LU18.3.4**Attachments:** 1. **Great Keppel Island Water and Electricity
Supply Project Heads of Agreement****Responsible Officer:** **Chris Murdoch - Chief Executive Officer****Author:** **Brett Bacon - Executive Director Liveability and
Wellbeing**

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 details of Council's recent applications to the Maturing the Infrastructure Pipeline Programme and Building Our Regions for the provision of water and electricity infrastructure to Great Keppel Island.

COUNCIL RESOLUTION

THAT Council resolve to proceed in accordance with Option Three, as detailed in the body of this report.

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

16 URGENT BUSINESS\QUESTIONS

16.1 JACK'S PADDOCK INCORPORATED REQUEST FOR TENURE OVER 'JACK'S PADDOCK', LOT 1 RP619568

File No: CP5.9.2

Attachments:

1. **Map of Jack's Paddock 2018.** [⇒](#)
2. **Deputation including Concept Plan from Jack's Paddock Incorporated October 2017.** [⇒](#)
3. **Jack's Paddock Incorporated Mission Statement 2018.** [⇒](#)
4. **Council Resolution regarding Jack's Paddock Zoning 2012.** [⇒](#)

Responsible Officer: David Mazzaferri - Manager Disaster Management, Recovery and Resilience
Brett Bacon - Executive Director Liveability and Wellbeing

Author: Molly Saunders - Community Development Officer
Jared Thomsen - Senior Sport & Education Officer

SUMMARY

This report discusses a request from Jack's Paddock Incorporated to enter a tenure agreement with Livingstone Shire Council over Jack's Paddock (27-27 Ross Street, Yeppoon) to develop and maintain a community garden.

COUNCIL RESOLUTION

THAT Council resolves to approve the request from Jack's Paddock Incorporated for a three (3) year freehold licence over Jack's Paddock, Lot 1 on RP619568, to establish and maintain a community garden.

Moved by: Deputy Mayor, Councillor Hutton

Seconded by: Councillor Kelly

MOTION CARRIED UNANIMOUSLY

17 CLOSURE OF MEETING

There being no further business the meeting closed at 10:45AM.

Bill Ludwig
CHAIRPERSON

DATE