



# **ORDINARY MEETING**

## **MINUTES**

**17 MARCH 2020**

The resolutions contained within these Minutes were confirmed at the Ordinary Council meeting held on 21 April 2020.

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**MINUTES OF THE ORDINARY MEETING HELD AT COUNCIL CHAMBERS, 4 LAGOON PLACE, YEPPON ON TUESDAY, 17 MARCH 2020 COMMENCING AT 9.11AM****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:

Mr Brett Bacon – Acting Chief Executive Officer  
Mr David Mazzaferri – Acting Executive Director Liveability and Wellbeing  
Mr Scott Casey – Acting Executive Director Infrastructure  
Mrs Andrea Ellis – Chief Financial Officer  
Mr Matthew Willcocks - Chief Technology Officer  
Mrs Belinda Housman – Acting Chief Human Resources Officer  
Ms Nicole Robertson – Coordinator Executive Support

**3 LEAVE OF ABSENCE / APOLOGIES**

Nil

## 4 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

### COUNCIL RESOLUTION

THAT the minutes of the Ordinary Meeting held on 3 March 2020 be taken as read and adopted as a correct record.

**Moved by:** Councillor Kelly

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

**MOTION CARRIED**

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

In accordance with s175C as defined in s175B of the Local Government Act 2009, Councillor Belot informed the meeting of a material personal interest in Item 16.1– Application for Hardship Consideration, and declared the following:

“I declare that I have a material personal interest in this matter (as defined by Local Government Act 2009, section 175B). I stand to gain a benefit or suffer a loss depending on the outcome of Council’s consideration of this matter. I will be dealing with this declared material personal interest by leaving the meeting while this matter is discussed and voted on.”

**6 PUBLIC FORUMS/DEPUTATIONS**

Nil



## **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:** Brett Bacon - Acting 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.*

#### **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 MATTER LAYING ON THE TABLE – NOTICE OF MOTION -  
COUNCILLOR GLENDA MATHER - LIGHT SPILL****File No:** CR2.13.24**Attachments:** Nil**Responsible Officer:** Brett Bacon - Acting Chief Executive Officer

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**SUMMARY**

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

**COUNCIL RESOLUTION**

THAT Council resolve that the report *Notice of Motion - Councillor Mather – light spill*, which is currently 'laying on the table' within the Business Outstanding Table awaiting return to a Council meeting, be lifted from the table to be dealt with later in this meeting.

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

**8 PRESENTATION OF PETITIONS**

Nil

## 9 MAYORAL MINUTE

### 9.1 MAYORAL MINUTE - YEPPOON SENIOR CITIZENS

**File No:** CR2.13.24  
**Attachments:** 1. Senior Citizens Letter - Parking  
**Responsible Officer:** Bill Ludwig - Mayor

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#### SUMMARY

*In response to a request from Yeppoon Senior Citizens to receive extended parking permits for their members, I put forward the following Mayoral Minute. Please refer to the attached correspondence from the Senior Citizens noting that the function is for 3 hours on Thursday the 19th March. This is an interim measure in consideration of the Senior Citizens being displaced from their usual venue of the Town Hall (which has no parking restrictions) due to the elections. As the Senior Citizens are valued members of the community and many have mobility restrictions, it would be a further impost upon them to require them to move their vehicles to an alternate parking space after two hours. This is a common sense and pragmatic solution to this issue which has virtually no revenue impact whatsoever on Council.*

#### RECOMMENDATION

THAT Council

- 1) Accedes to give the Yeppoon Senior Citizens a grace period for parking on 19 March 2020 for the time period inclusive of 8am to 12pm; and
- 2) Provides printed passes for display in vehicles.

#### COUNCIL RESOLUTION

That pursuant to s2.19.5 of Livingstone Shire Council's Meeting Procedures Policy the meeting proceed to the next item on the agenda.

**Moved by:** Mayor Ludwig

**MOTION CARRIED**

**9.2 MAYORAL MINUTE - BUSHFIRE RATES RELIEF**

**File No:** RV25.5.2  
**Attachments:** Nil  
**Responsible Officer:** Bill Ludwig - Mayor

**SUMMARY**

*In response to the Media Release by NSW Government for Council Rates Relief for Bushfire affected communities, I put forward the following Mayoral Minute.*

**RECOMMENDATION**

THAT Council

- Writes to the Queensland Premier requesting that Queensland adopt a Policy, similar to that of New South Wales (relating to its 3rd and 4th quarter rating periods of the 19/20 financial year), to cover the full costs of council rates for the period 1 January to 30 June 2020 for residents and farmers who have lost their homes, and business owners whose properties have been destroyed beyond repair by bushfires; and
- In the event that the request to the State Government is denied, Council grant a hardship concession to the owners of the fifteen (15) properties identified below, who lost their homes during the Cobrall fire, by way of rebate for all of the rates and charges payable to Council for the rating period from 1 January 2020 to 30 June 2020.

<b>Lot and Plan</b>	<b>Assessment Number</b>
Lot 5 on RP615216	139321
Lot 1 on RP608134	139446
Lot 2 on RP614862	139457
Lot 2 on RP614695	137379
Lot 1 on RP614695	137378
Lot 1 on RP602818	137377
Lot 3 on RP602798	137374
Lot 2 on RP616174	137372
Lot 2 on SP286143	143077
Lot 2 on RP602413	137410
Lot 40 on RP843061	137275
Lot 39 on RP843061	137274
Lot 1 on SP201920	143738
Lot 2 on RP812798	137325
Lot 2027 on LIV40670	139281

**COUNCIL RESOLUTION**

THAT Council writes to the Queensland Premier requesting that Queensland adopt a Policy, similar to that of New South Wales (relating to its 3rd and 4th quarter rating periods of the 19/20 financial year), to cover the full costs of council rates for the period 1 January to 30 June 2020 for residents and farmers who have lost their homes, and business owners whose properties have been destroyed beyond repair by bushfires.

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

**MOTION CARRIED UNANIMOUSLY**

**DIVISION:**

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

**COUNCIL RESOLUTION**

THAT, in the event that the request to the State Government is denied, Council grant a hardship concession to the owners of the fifteen (15) properties identified below, who lost their homes during the Cobraball fire, by way of rebate for all of the rates and charges payable to Council for the rating period from 1 January 2020 to 30 June 2020.

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Lot 2 on RP602413	137410
Lot 40 on RP843061	137275
Lot 39 on RP843061	137274
Lot 1 on SP201920	143738
Lot 2 on RP812798	137325
Lot 2027 on LIV40670	139281

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

**MOTION CARRIED**

**DIVISION:**

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

Crs A Belot, P Eastwood and G Mather voted in the negative.

10.10AM The meeting adjourned until 11.00AM.

11.01AM The meeting was resumed.

**10 COUNCILLOR/DELEGATE REPORTS**

Nil

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

Nil



## 12 REPORTS

### 12.1 DEVELOPMENT APPLICATION D-278-2019 FOR A MATERIAL CHANGE OF USE FOR A SHOP (BOOKSHOP) AT 72 QUEEN STREET, YEPPOON

**File No:** D-278-2019

**Attachments:** 1. Plans

**Responsible Officer:** Melissa Warwick - Principal Strategic Planner  
David Battese - Manager Liveability  
David Mazzaferri - Acting Executive Director - Liveability & Wellbeing

**Author:** Tessa Horgan - Planning Officer

#### **SUMMARY**

*Applicant:* Home Support Association Inc

*Real Property Address:* Lot 2 on RP602470

*Area of Site:* 1,012 square metres

*Planning Scheme:* Livingstone Planning Scheme 2018

*Planning Scheme Zone:* Medium density residential zone

*Planning Scheme Precinct:* Commercial Transition Precinct (Major Centre Commercial Transition Precinct)

*Planning Scheme Overlays:* OM01 Acid Sulfate Soils - Land below twenty (20) metres Australian Height Datum  
OM15 Drainage Problem Area  
OM20 Road Hierarchy (CBD Collector)

*Existing Development:* Offices

*Level of Assessment:* Impact assessable

*Submissions:* Nil

*Referral matters:* Nil

*Infrastructure Charge Area:* Charge Area 1

*Application progress:*

<i>Application received:</i>	22 November 2019
<i>Application properly made:</i>	4 December 2019
<i>Development control unit meeting:</i>	27 November 2019
<i>Confirmation notice issued:</i>	5 December 2019
<i>Information Request Not Required:</i>	11 December 2019
<i>Public pre-notification period:</i>	13 January to 5 February 2020
<i>Notice of commencement received:</i>	13 January 2020
<i>Notice of compliance received:</i>	10 February 2020
<i>Decision period commenced:</i>	11 February 2020
<i>Statutory determination date:</i>	18 March 2020

11.02AM Councillor Belot returned to the meeting.

### COUNCIL RESOLUTION

THAT in relation to the application for a Development Permit for a Material Change of Use for a Shop (Bookshop), made by HOME SUPPORT ASSOCIATION INC C/- GRANT SEARLES, on Lot 2 on RP602470, and located at 72 Queen Street, Yeppoon, Council resolves to Approve the application subject to the following conditions:

#### 1.0 ADMINISTRATION

- 1.1 The Developer is responsible for ensuring compliance with this approval and the Conditions of the approval by an employee, agent, contractor or invitee of the Developer.
- 1.2 Where these Conditions refer to "Council" in relation to requiring Council to approve or to be satisfied as to any matter, or conferring on the Council a function, power or discretion, that role of the Council may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.
- 1.3 All conditions of this approval must be undertaken and completed to the satisfaction of Council, at no cost to Council.
- 1.4 All conditions, works, or requirements of this approval must be undertaken and completed prior to the issue of the commencement of use, unless otherwise stated.
- 1.5 Where applicable, infrastructure requirements of this approval must be contributed to the relevant authorities, at no cost to Council prior, to the issue of the commencement of use, unless otherwise stated.
- 1.6 The following further Development Permits must be obtained prior to the commencement of any works associated with their purposes:
- 1.6.1 Plumbing and Drainage Works; and
- 1.6.2 Building Works.
- 1.7 All Development Permits for Plumbing and Drainage Works must be obtained prior to the issue of a Development Permit for Building Works.
- 1.8 Unless otherwise stated, all works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards.
- 1.9 All engineering drawings/specifications, design and construction works must comply with the requirements of the relevant *Australian Standards* and must be approved, supervised and certified by a Registered Professional Engineer of Queensland.

#### 2.0 APPROVED PLANS AND DOCUMENTS

- 2.1 The approved development must be completed and maintained generally in accordance with the approved plans and documents, except where amended by the conditions of this permit:

<u>Plan/Document Name</u>	<u>Plan/Document Reference</u>	<u>Dated</u>
Site Plan	SKD 19-044, Drawing Number WD01	6 November 2019
Proposed Plan	SKD 19-044, Drawing Number WD02	6 November 2019
Elevations 1/2	SKD 19-044, Drawing Number WD03	6 November 2019
Elevations 2/2	SKD 19-044, Drawing Number WD04	6 November 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 Building Works.
- 3.0 PLUMBING AND DRAINAGE WORKS
- 3.1 A Development Permit for Plumbing and Drainage Works must be obtained prior to the commencement of any plumbing and drainage works on the site.
- 3.2 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines, Plumbing and Drainage Act, Council's Plumbing and Drainage Policies* and the provisions of a Development Permit for Plumbing and Drainage Works.
- 3.3 The development must be connected to Council's reticulated sewerage and water networks.
- 3.4 The existing sewerage and water connection point(s) must be retained, and upgraded if necessary, to service the development.
- 3.5 A sewerage trade waste permit must be obtained for the discharge of any non-domestic waste into Council's reticulated sewerage network.
- 4.0 ROOF AND ALLOTMENT DRAINAGE WORKS
- 4.1 All roof and allotment runoff must drain so as to demonstrate lawful discharge in accordance with the requirements of the *Queensland Urban Drainage Manual* and the *Capricorn Municipal Development Guidelines*.
- 4.2 All roof and allotment runoff water must not adversely affect the upstream or downstream land when compared to pre-development conditions or cause an actionable nuisance or damage infrastructure.
- 5.0 SITE WORKS
- 5.1 All earthworks must be undertaken in accordance with *Australian Standard, AS3798 "Guidelines on Earthworks for Commercial and Residential Developments"*.
- 5.2 Site works must be constructed such that they do not, at any time, in any way restrict, impair or change the natural flow of runoff water, or cause a nuisance or worsening to adjoining properties or infrastructure.
- 6.0 STORMWATER WORKS
- 6.1 All stormwater drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Queensland Urban Drainage Manual* and *Capricorn Municipal Development Guidelines*.
- 6.2 All stormwater must drain to a demonstrated lawful point of discharge and must not adversely affect adjoining land or infrastructure by way of blocking, altering or diverting existing stormwater runoff patterns or have the potential to cause damage to other infrastructure.
- 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 'As constructed' information pertaining to assets to be handed over to Council and those which may have an impact on Council's existing and future assets must be provided prior to the commencement of use. This information must be provided in

accordance with the Manual for Submission of Digital As Constructed Information.

## 8.0 ENVIRONMENTAL

- 8.1 An Erosion Control and Stormwater Control Management Plan must be implemented and maintained on-site for the duration of the works, and until all exposed soil areas are permanently stabilised (for example, turfed, hydromulched, concreted, and landscaped). The prepared Erosion Control and Stormwater Control Management.
- 8.2 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 Queen Street.
- 8.3 All external elements, such as air conditioners, must be adequately screened from public view, to Council's satisfaction. Noise from any external elements, such as air conditioners, must not exceed 5dB(A) (decibels) above the background ambient noise level, measured at the boundaries of the subject site.
- 8.4 Any lighting devices associated with the development, such as sensory lighting, must be positioned on the site and shielded so as not to cause glare or other nuisance to nearby residents and motorists. Night lighting must be designed, constructed and operated in accordance with '*Australian Standard AS4282 – Control of the obtrusive effects of outdoor lighting*'.
- 8.5 A waste storage area must be kept in a clean, tidy condition and screened from view of the street and adjoining public places.

## ADVISORY NOTES

### NOTE 1. Aboriginal Cultural Heritage

It is advised that under Section 23 of the *Aboriginal Cultural Heritage Act 2003*, a person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal Cultural Heritage (the "cultural heritage duty of care"). Maximum penalties for breaching the duty of care are listed in the Aboriginal Cultural Heritage legislation. The information on Aboriginal Cultural Heritage is available on the Department of Aboriginal and Torres Strait Islander Partnerships website <https://www.datsip.qld.gov.au/>.

### NOTE 2. General Environmental Duty

General environmental duty under the *Environmental Protection Act* prohibits unlawful environmental nuisance caused by noise, aerosols, particles dust, ash, fumes, light, odour or smoke beyond the boundaries of the property during all stages of the development including earthworks, construction and operation.

### NOTE 3. General Safety Of Public During Construction

The *Workplace Health and Safety Act* and *Manual of Uniform Traffic Control Devices* must be complied with in carrying out any construction works, and to ensure safe traffic control and safe public access in respect of works being constructed on a road.

### NOTE 4. Works in proximity to Council Infrastructure

Any construction works proposed in the vicinity of Council's existing water supply and sewerage infrastructure must not adversely affect the integrity of the infrastructure. Any restoration works required on the existing water supply and sewerage infrastructure, caused by the construction of the proposed development must be borne by the applicant.

**RECOMMENDATION B**

That in relation to the application for a Development Permit for a Material Change of Use for a Shop (Bookshop), made by HOME SUPPORT ASSOCIATION INC C/- GRANT SEARLES, on Lot 2 on RP602470, and located at 72 Queen Street, Yeppoon, Council resolves to not issue an Infrastructure Charges Notice due to the credit owing for the existing use.

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

**Seconded by: Councillor Kelly**

**MOTION CARRIED**

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**12.2 REQUEST FOR A FEE REDUCTION FOR A DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A TRANSPORT DEPOT AT 85A VENTURE ROAD, CAWARRAL**

**File No:** D-37-2020

**Attachments:** 1. Site Area Plan

**Responsible Officer:** Melissa Warwick - Principal Strategic Planner  
David Battese - Manager Liveability  
David Mazzaferri - Acting Executive Director - Liveability & Wellbeing

**Author:** Tammy Wardrop - Principal Planning Officer

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**SUMMARY**

*This report discusses a request for fee reduction for a development application for a Development Permit for a Material Change of Use for a Transport depot at 85A Venture Road, Cawarral.*

**COUNCIL RESOLUTION**

THAT Council resolve to accept an application fee of \$38,260.00 for a development application for a Development Permit for a Material Change of Use for a Transport depot over land at 85A Venture Road, Cawarral, described as Lot 25 on SP251105.

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

**MOTION CARRIED**

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**12.3 PROPOSED MOTION TO THE 2020 NATIONAL GENERAL ASSEMBLY  
(AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION)**

**File No:** GV13.3.1  
**Attachments:** 1. Letter from the Australian Local Government Association  
**Responsible Officer:** Brett Bacon - Acting Chief Executive Officer  
**Author:** Andrea Ellis - Chief Financial Officer

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**SUMMARY**

*The Australian Local Government Association is now calling for Notices of Motions for National General Assembly 2020.*

*This reports puts forward a proposed motion for the National General Assembly which is centred on the Australian Defence Force contributing to general rates revenue from acquired parcels that were previously rateable properties.*

**COUNCIL RESOLUTION**

THAT Council resolve to put forward the following motion to the 2020 National General Assembly:

*That the Department of Defence be required to pay rates to the relevant Local Government authority on land owned by the department that was previously privately owned to reduce the financial pressure on the balance of the rateable properties within local government areas.*

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

**MOTION CARRIED UNANIMOUSLY**

**12.4 OPERATIONAL PLAN 2019-2020 Q2 PROGRESS REPORT****File No:** CM4.6.2**Attachments:** 1. **Operational Plan Performance Report  
December 2019****Responsible Officer:** **Rodney Chapman - Coordinator Governance  
Andrea Ellis - Chief Financial Officer****Author:** **Tanya Callaghan - Support Services Officer**

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**SUMMARY**

*The 2019-2020 Operational Plan progress report for Quarter 2 as at 31 December 2019 is presented, pursuant to Section 174(3) of the Local Government Regulation 2012.*

**COUNCIL RESOLUTION**

THAT Council notes the 2019-2020 Operational Plan Performance Report December 2019.

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



**12.5 MONTHLY FINANCIAL REPORT FOR THE PERIOD ENDING 29 FEBRUARY 2020****File No:** FM12.14.1**Attachments:** 1. Monthly Finance Report - February 2020**Responsible Officer:** Andrea Ellis - Chief Financial Officer**Author:** Damien Cross - Coordinator - Accounting Services  
Rachel Jackson - Coordinator Procurement

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**SUMMARY**

*Presentation of the Livingstone Shire Council Monthly Financial Report for the period ending 29 February 2020 by the Chief Financial Officer.*

**COUNCIL RESOLUTION**

THAT the Livingstone Shire Council Monthly Financial Report for the period ending 29 February 2020 be received.

**Moved by:** Councillor Kelly**Seconded by:** Councillor Mather**MOTION CARRIED UNANIMOUSLY**

**12.6 AUDIT, RISK AND BUSINESS IMPROVEMENT COMMITTEE MEETING - 2  
MARCH 2020**

**File No:** GV13.4.2  
**Attachments:** Nil  
**Responsible Officer:** Andrea Ellis - Chief Financial Officer  
**Author:** Michelle Broadfoot - Support Services Officer

**SUMMARY**

The Audit, Risk and Business Improvement Committee met on 2 March 2020 and this report provides the recommendations from the Committee for consideration and adoption by Council. The reports from the meeting are available for viewing by Councillors on the ARaBIC and Councillor Portals.

**COUNCIL RESOLUTION**

THAT the unconfirmed minutes of the Audit, Risk and Business Improvement Committee held on 2 March 2020 be received and the following recommendations contained within those minutes be adopted.

**3 CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

THAT the minutes of the Audit, Risk and Business Improvement Committee held on 2 December 2019 be taken as read and adopted as a correct record.

**7.1 COMMITTEE WORK PROGRAM STATUS**

THAT the Committee receives the status of the Annual Work Program.

**7.2 OUTCOMES FROM ANNUAL SELF-ASSESSMENT**

THAT the Committee receive this report on the outcomes from the annual self-assessment and provides advice on the recommendations contained within the report.

**7.3 2019-20 POSITION PAPER - INTEGRATED BUSINESS SOLUTION PROJECT MERLIN**

THAT Council note that the 2019-20 Position Paper: Integrated Business Solution – Project Merlin as supported by ARABIC.

**7.4 CHIEF FINANCIAL OFFICER'S UPDATE**

THAT the Committee receive the Chief Financial Officer's update.

**7.5 REPORTABLE AND MATERIAL LOSSES**

THAT the Audit, Risk and Business Improvement Committee receive the report on reportable and material losses.

**7.6 EXTERNAL AUDIT PLAN 2019-20**

THAT the Audit, Risk and Business Improvement Committee receive the 2019-20 External Audit Plan.

**7.7 EXTERNAL AUDIT UPDATE**

THAT the Committee receive the update from the External Auditors.

**7.8 UPDATES TO ARABIC AND INTERNAL AUDIT POLICIES**

THAT the draft changes to the Audit, Risk and Business Improvement Committee and Internal Audit Policies and related documents be endorsed for consideration by Council.

**7.9 INTERNAL AUDIT REPORT - OPERATIONAL PLAN REPORTING**

THAT the Committee receive the Internal Audit report on Operation Plan Reporting.

**7.10 INTERNAL AUDIT UPDATE**

THAT the Committee receive the report on Internal Audit.

**7.11 STATUS OF OPEN AGREED AUDIT ACTIONS**

THAT the Committee receive this update on the status of open agreed audit actions.

**7.12 POLICY FRAMEWORK OVERVIEW - UPDATE**

THAT the Audit, Risk and Business Improvement Committee receive this report providing an update on the Policy Framework Overview

**7.13 CORPORATE RISK REGISTER**

THAT the Audit, Risk and Business Improvement Committee receive the report and notes the status of the Corporate Risk Register.

**7.14 RISK MANAGEMENT FRAMEWORK**

THAT the Audit, Risk and Business Improvement Committee receive this report on Council's Risk Management Framework.

**7.15 OPERATIONAL RISK REGISTER - INFORMATION AND COMMUNICATIONS TECHNOLOGY SERVICES**

THAT the update of the overview of Operational Risks provided by the Chief Technology Officer be received

**7.16 BUSINESS TRANSFORMATION TEAM WORKS PROGRAMME HIGHLIGHTS AND UPDATES**

THAT the Audit, Risk and Business Improvement Committee receive this report.

**7.17 ARABIC ANNUAL PROGRAM OF WORK FOR 2020**

That the Committee endorses:

- 1)the proposed Annual Program of Work for 2020; and
- 2)the proposal to change the date of the 12 October 2020 meeting to 26 October 2020

**7.18 APPOINTMENT OF INDEPENDENT CHAIR**

THAT the Audit, Risk and Business Improvement Committee recommends that Council appoint Mr Patrick Connor to be Chair of the Committee

**7.19 CEO UPDATE OF EMERGING ISSUES**

CLOSED SESSION

**7.20 EXECUTIVE LEADERSHIP TEAM UPDATE TO THE COMMITTEE**

THAT the Committee receives the verbal updates provided by the Leadership Team on key activities or issues.

**12. CONFIDENTIAL REPORTS****12.1 RISK MANAGEMENT UPDATE**

THAT the Committee receive the Risk Management Report for information.

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

**Seconded by:** Councillor Kelly

**MOTION CARRIED**

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**12.7 INFRASTRUCTURE INVESTMENT PROGRAM - LAND TRANSPORT  
INFRASTRUCTURE PROJECTS**

**File No:** ES9.5.1  
**Attachments:** 1. Correspondence from The Hon Michael McCormack dated 6 March 2020  
**Responsible Officer:** Dan Toon - Executive Director Infrastructure  
**Author:** Jeff Carter - Manager Construction and Maintenance

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**SUMMARY**

*This report is to seek Council endorsement of ten (10) land transport infrastructure projects to be submitted for consideration for Australian Government funding through the Infrastructure Investment Program.*

**COUNCIL RESOLUTION**

That Council resolve to submit the following land transport infrastructure projects for approval for funding pursuant to the Australian Government Infrastructure Investment Program:

- 1) Old Byfield Road / Lake Mary Road intersection upgrade to sealed standard;
- 2) Lake Mary Road Stage 1 upgrade to sealed standard;
- 3) Cobraball Road upgrade to sealed standard;
- 4) Sleipner Road Stage 1 upgrade to sealed standard;
- 5) Dawson Road upgrade isolated unsealed section to sealed standard;
- 6) Mt Chalmers Road upgrade remainder of unsealed road to sealed standard;
- 7) Lake Mary Road Stage 2 upgrade to sealed standard;
- 8) Sleipner Road Stage 2 upgrade to sealed standard;
- 9) Artillery Road upgrade narrow floodway to major culvert;
- 10) Etna Creek Road widen and overlay existing sealed pavement.

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

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**12.8 REEF STREET, ZILZIE - EXCESSIVE LIGHT SPILL FROM STREET LIGHT****File No:** RD28.1.9**Attachments:**

1. Ordinary Council Meeting Report - 3 December 2019 - Notice of Motion - Councillor Glenda Mather - Light Spill
2. Minutes of Ordinary Meeting - 3 December 2019 - Notice of Motion - Councillor Glenda Mather - Light Spill
3. Minutes of Ordinary Meeting - 18 February 2020 - Question Without Notice - Councillor Mather

**Responsible Officer:** Dan Toon - Executive Director Infrastructure**Author:** Jeff Carter - Manager Construction and Maintenance

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**SUMMARY**

*This report addresses a Notice of Motion presented to Council by Councillor Mather and a subsequent Question Without Notice in relation to alleged excessive light spill from a street light opposite 35 Reef Street, Zilzie.*

**COUNCIL RESOLUTION**

THAT the report be received.

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

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**12.9 HARTLEY STREET PEDESTRIAN CROSSING FACILITIES****File No:** CR2.13.40**Attachments:**

1. Attachment 1 - Option 1
2. Attachment 2 - Option 2
3. Attachment 3 - Option 3
4. Attachment 4 - Option 4
5. Attachment 5 - Option 5
6. Attachment 6 - Preferred Treatment

**Responsible Officer:** Dan Toon - Executive Director Infrastructure**Author:** Tony Lau - Manager Engineering Services

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**SUMMARY**

*On 18 February 2020, a Briefing Session Report was presented to Council outlining five (5) options for improving the pedestrian crossing facilities at Hartley Street, Emu Park. The report provided Council with an update to current dealings with the Department of Transport and Main Roads, who are planning future road upgrades and funding partners for future pathway construction works. It also provided a brief overview of the information Officers intended to present at the community consultation meeting held on 19 February 2020.*

*The outcome of the community consultation was that, the attendees unanimously agreed that the preferred treatment is Option 1 (Refer Attachment 1) with the addition of "Wig-wag" hazard lighting, and pedestrian fencing to block off the current crossing location.*

*This report seeks Council support to allocate funds in the 2020/21 capital works budget for construction of the preferred treatment.*

**COUNCIL RESOLUTION**

THAT Council resolve to include the project to improve pedestrian safety along Hartley Street, Emu Park, identified as options 1 and 5 in this report, in the 2020/21 budget deliberations.

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

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## 13 QUESTIONS/STATEMENT/MOTIONS ON NOTICE FROM COUNCILLORS

### 13.1 NOTICE OF MOTION - COUNCILLOR GLENDA MATHER - LIGHT SPILL

**File No:** GC13.4.4  
**Attachments:** 1. Notice of Motion  
**Responsible Officer:** Brett Bacon - Acting Chief Executive Officer

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#### SUMMARY

*This notice of motion from Councillor Mather was presented at the Council meeting held on 3 December 2019 and it was resolved to 'lay the matter on the table' pending further inspection by officers.*

*This matter is now due to be lifted from the table to be dealt with. An officers report in relation to this matter is also included in the agenda for consideration.*

#### RECOMMENDATION

THAT Council take the necessary action, with the relevant authority if necessary, to place a light shade over the street light opposite 35 Reef Street, Zilzie, due to the excessive light spill into the homes of five residents in that vicinity affected by this ongoing intrusion.

Further, Council treat this matter as a priority due to the adverse impacts on health and quality of life.

**Moved by:** Councillor Mather

**Seconded by:** Councillor Wyatt

Councillor Mather withdrew her motion to allow further time for an alternative motion to be drafted.

## 14 URGENT BUSINESS QUESTIONS

### *Suspension of Standing Orders*

#### COUNCIL RESOLUTION

12.11PM

THAT pursuant to s2.19.1(i) and s2.19.13 of Livingstone Shire Council's Meeting Procedures Policy the provisions of the Meeting Procedures be suspended to allow adequate time for informal speeches from and to the retiring Councillors.

**Moved by: Mayor Ludwig**

**MOTION CARRIED**

1.12PM

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 a warning to Councillor Mather in relation to her unsuitable meeting conduct.

### *Resumption of Standing Orders*

#### COUNCIL RESOLUTION

1.13PM

That pursuant to s2.19.1(i) and s2.19.13 of Livingstone Shire Council's Meeting Procedures Policy the provisions of the Meeting Procedures be resumed.

**Moved by: Councillor Kelly**

**Seconded by: Councillor Wyatt**

**MOTION CARRIED**



## 15 CLOSED SESSION

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

### COUNCIL RESOLUTION

#### 1.13PM

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

#### 16.1 Application for Hardship Consideration

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

#### 16.2 Paint Pot Gallery Accommodation

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 Kelly  
**Seconded by:** Councillor Mather

**MOTION CARRIED**

1:15PM Councillor Belot left the meeting due to a declared material personal interest.

### COUNCIL RESOLUTION

#### 1.17PM

THAT the meeting moves out of closed session and be opened to the public to resolve item  
16.1 Application for Hardship Consideration.

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

**MOTION CARRIED**

## 16 CONFIDENTIAL REPORTS

### 16.1 APPLICATION FOR HARDSHIP CONSIDERATION

**File No:** FM12.1.9, CR2.13.34

**Attachments:**

1. **Hardship Policy**
2. **Home Based Business - Brochure**

**Responsible Officer:** Andrea Ellis - Chief Financial Officer

**Author:** Priscilla Graham - Coordinator Revenue

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 is for the briefing of Councillors prior to the matter being dealt with operationally.*

*The current Financial Hardship Policy outlines specific eligibility criteria for the application of hardship provisions. An application for Hardship has been received where the applicant fits a majority of the eligibility criteria. However, the property does have a home based business and due to this commercial activity does not meet the eligibility criteria of the adopted hardship policy. Council Officers support the application and request special consideration by the Council under the provisions of exceptional circumstances.*

#### COUNCIL RESOLUTION

*THAT Council Resolve to provide authority to enact the Hardship Provisions provided by the adopted Hardship Policy to the applicant of Assessment 129878-3 Rates and Charges & Assessment 227333-0 Water Consumption Charges.*

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

**Seconded by:** Councillor Kelly

**MOTION CARRIED**

**COUNCIL RESOLUTION****1.18PM**

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

**16.2 Paint Pot Gallery Accommodation**

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 Kelly

**Seconded by:** Councillor Mather

**MOTION CARRIED**

1:18PM Councillor Belot returned to the meeting.

**COUNCIL RESOLUTION****1.21PM**

THAT the meeting moves out of closed session and be opened to the public to resolve item 16.2 - Paint Pot Gallery Accommodation.

**Moved by:** Councillor Wyatt

**Seconded by:** Councillor Kelly

**MOTION CARRIED**

**16.2 PAINT POT GALLERY ACCOMMODATION****File No:** CP5.9.2-264**Attachments:** 1. Letter to Council from The Paint Pot Gallery requesting Rental Assistance**Responsible Officer:** David Mazzaferri - Acting Executive Director - Liveability & Wellbeing**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 information in relation to the provision of accommodation for the Paint Pot Gallery.*

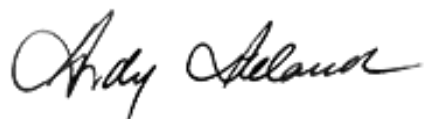
**COUNCIL RESOLUTION**

THAT Council resolve to adopt option one and delegate officers to enter into discussions with the Paint Pot Gallery for them to consider option two in light of the current circumstances in relation to COVID-19.

**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 1.24 pm.



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Mayor, Councillor Andrew Ireland  
CHAIRPERSON

21 April 2020

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DATE