

Livingstone

Shire Council

ORDINARY MEETING

MINUTES

3 JANUARY 2014

The Council Resolutions contained within these minutes were confirmed at the Council Meeting on 14 January 2014.

TABLE OF CONTENTS

ITEM	SUBJECT	PAGE NO
1	OPENING.....	1
2	PRESENT	1
3	LEAVE OF ABSENCE / APOLOGIES	2
	NIL	2
4	REPORTS.....	3
4.1	DECLARATION OF OFFICE	3
4.2	APPOINTMENT OF DEPUTY MAYOR.....	4
4.3	DATE AND TIME OF COUNCIL MEETINGS.....	5
4.4	APPOINTMENT OF CHIEF EXECUTIVE OFFICER.....	6
4.5	TRANSITION ACTION PLAN	8
4.6	MEETING PROCEDURE POLICY.....	9
4.7	COUNCILLOR FACILITIES & EXPENSES POLICY	10
4.8	COUNCILLOR INTERACTION WITH THE ORGANISATION POLICY	11
4.9	ENTERTAINMENT & HOSPITALITY POLICY	12
4.10	COMMUTER & PRIVATE USE OF VEHICLES POLICY.....	13
4.11	DETERMINATION AS TO WHETHER ELECTED MEMBERS WILL BE SUBJECT TO PAYG WITHHOLDING TAX.....	14
4.12	DELEGATION OF COUNCIL POWERS TO CHIEF EXECUTIVE OFFICER.....	15
4.13	OFFER TO PURCHASE MT CHALMERS STATE SCHOOL SITE	16
4.14	LIVINGSTONE SHIRE COUNCIL LIBRARY - MEMBERSHIP POLICY	17
4.15	QUEENSLAND PORTS STRATEGY.....	18
4.16	2014 AUSTRALIA DAY CITIZENSHIP CEREMONY AND SUPPORT FOR GREAT AUSTRALIA DAY BEACH PARTY.....	19
5	QUESTIONS/STATEMENT/MOTIONS ON NOTICE FROM COUNCILLORS	21
	NIL	21
6	URGENT BUSINESS\QUESTIONS	22
	NIL	22
7	CLOSURE OF MEETING.....	23

MINUTES OF THE ORDINARY MEETING HELD AT COUNCIL CHAMBERS, QUEEN STREET, YEPPON ON FRIDAY, 3 JANUARY 2014 COMMENCING AT 10:00AM

1 OPENING

2 PRESENT

Members Present:

The Mayor, Councillor Elect Bill Ludwig (Chairperson)
Councillor Elect Adam Belot
Councillor Elect Nigel Hutton
Councillor Elect Jan Kelly
Councillor Elect Glenda Mather
Councillor Elect Graham Scott
Councillor Elect Tom Wyatt

In Attendance:

Mr Graeme Kanofski – Acting Chief Executive Officer
Mr Andrew Ireland – Director Corporate Services
Mr Brett Bacon – Director Community and Planning
Mr Dan Toon – Director Infrastructure Services
Ms Rebecca French – Manager Marketing and Engagement
Ms Poala Santini – Corporate Compliance and Grants Officer
Ms Robyn Black – PA to Mayor and Deputy Mayor
Ms Lucy Merry – Councillor Support Officer
Ms Katie Mitchell – PA to Chief Executive Officer

3 LEAVE OF ABSENCE / APOLOGIES

Nil

4 REPORTS

4.1 DECLARATION OF OFFICE

File No: 10725
Attachments: Nil
Responsible Officer: Graeme Kanofski - Acting CEO
Author: Graeme Kanofski - Acting CEO

SUMMARY

In accordance with Section 169 of the Local Government Act the Acting Chief Executive Officer will officiate with the declaration of office.

The Acting Chief Executive Officer officiated the process whereby the Mayor Elect and Councillors Elect took their oath of office. The Acting Chief Executive Officer then handed the meeting over to Mayor Ludwig.

Mayor Ludwig acknowledged the attendance of Bruce Young MP, Member for Keppel, and community members. He also expressed his thanks to Graeme Kanofski and Evan Pardon, Rockhampton Regional Council CEO, and acknowledged their hard work and significant contribution to the success of the de-amalgamation process.

4.2 APPOINTMENT OF DEPUTY MAYOR

File No: 10725
Attachments: Nil
Responsible Officer: Graeme Kanofski - Acting CEO
Author: Graeme Kanofski - Acting CEO

SUMMARY

In accordance with the provisions of the Local Government Act Council at its first meeting must by resolution appoint a Deputy Mayor.

COUNCIL RESOLUTION

THAT Council make an appointment in accordance with legislative requirements. Cr Wyatt nominated Councillor Graham Scott for the position of Deputy Mayor.

Moved by: Councillor Wyatt
Seconded by: Councillor Hutton

MOTION CARRIED UNANIMOUSLY

4.3 DATE AND TIME OF COUNCIL MEETINGS

File No: 10725
Attachments: Nil
Responsible Officer: Graeme Kanofski - Acting CEO
Author: Graeme Kanofski - Acting CEO

SUMMARY

In accordance with the provisions of the Local Government Act Council at its first meeting must by resolution determine the day and time for the holding of Council's General Meetings. Councillors elect have discussed this item during induction sessions.

COUNCIL RESOLUTION

THAT Council hereby determines that General Meetings of Council be conducted at 9:00am on the second and fourth Tuesdays of each month until further amended by resolution from time to time.

Moved by: Councillor Wyatt
Seconded by: Councillor Mather

MOTION CARRIED

4.4 APPOINTMENT OF CHIEF EXECUTIVE OFFICER

File No: 10725
Attachments: Nil
Responsible Officer: Graeme Kanofski - Acting CEO
Author: Graeme Kanofski - Acting CEO

SUMMARY

The Mayor elect authorised the Livingstone Transfer Manager to engage management consultants to undertake a recruitment process for the position of Chief Executive Officer of the Livingstone Shire Council. Applications closed on 2 December 2013, interviews were then conducted by a panel.

The Mayor will report on the outcome of the process.

COUNCIL RESOLUTION

Mayor Bill Ludwig moves that:

1. Following a comprehensive recruitment and interview process, that Council appoint Andrew Darryl Ireland as the Council's Chief Executive Officer effective from Monday 6 January 2014.
2. In support of this appointment Council acknowledges that Andrew has the required qualifications necessary to fulfil the requirements of this statutory position in that he has:
 - A Bachelor of Business Degree (Accounting);
 - A Bachelor of Education Studies;
 - A Master of Business Administration;
 - A Graduate Diploma in Management; and
 - A fellow of CPA Australia.
3. In support of this appointment Council further acknowledges that Andrew has the required experience necessary to fulfil the requirements of this statutory position in that he has:
 - since June 2013 been the interim Director of Corporate Services assisting the Transfer Manager in the establishment of this new Council.
 - had 13 years experience in various roles in local government predominately in Queensland including the role of Chief Executive Officer of the Whitsunday Shire Council.
 - had previous extensive experience in the corporate and private sector.
4. The Mayor and Deputy Mayor be authorised to execute an employment contract with the Chief Executive Officer in accordance with the terms advertised for the position.

Moved by: Mayor Ludwig
Seconded by: Councillor Scott

MOTION CARRIED

Meeting Adjourned

COUNCIL RESOLUTION

10:16AM

That the meeting be adjourned for morning tea.

Moved by: Mayor Ludwig

Seconded by: Councillor Scott

MOTION CARRIED

Meeting Resumed

COUNCIL RESOLUTION

10:52AM

That the meeting be resumed

Moved by: Mayor Ludwig

Seconded by: Councillor Scott

MOTION CARRIED

4.5 TRANSITION ACTION PLAN

File No: 10725
Attachments: Nil
Responsible Officer: Graeme Kanofski - Acting CEO
Author: Graeme Kanofski - Acting CEO

SUMMARY

The De-Amalgamation Transfer Methodology is a statutory document under the Local Government (De-amalgamation Implementation) Regulation 2013.

Under the Methodology the Transfer Manager was required to prepare a Transfer Action Plan (TAP). During the de-amalgamation process I was required to document within the TAP the progress of the project and submit it to the Department of Local Government, Community Recovery and Resilience on a monthly basis.

The December 2013 version of the document is a complete history of how the new Council was created. It is a huge document which I have made available via the intranet for the perusal of Councillors elect.

COUNCIL RESOLUTION

THAT Council note the document and release it publically on Council's website with the exception of matters which are subject to legal privilege.

Moved by: Mayor Ludwig
Seconded by: Councillor Wyatt

MOTION CARRIED

4.6 MEETING PROCEDURE POLICY

File No: 10725
Attachments: 1. Meeting Procedure Policy (*Under Separate Cover*)
Responsible Officer: Graeme Kanofski - Acting CEO
Author: Graeme Kanofski - Acting CEO

SUMMARY

Councillors elect have workshopped a draft Meeting Procedure Policy during the induction sessions.

COUNCIL RESOLUTION

THAT Council:

1. Adopt the attached Meeting Procedure Policy.
2. In accordance with the policy adopt the system of allocating portfolios to individual Councillors rather than appointing Standing Committees.
3. Allocate the following profiles for the initial twelve month period of the operation of the new Council:

Civil Operations - Roads	Cr Glenda Mather
Community Development and Support	Cr Jan Kelly
Administration & Finance With Sub Portfolio of Youth Development and The Arts	Cr Nigel Hutton
Water, Waste Management and The Environment	Cr Adam Belot
Planning & Strategic Infrastructure Including Economic Development and Tourism	Cr Graham Scott
Sport Recreation, Parks and Community Facilities	Cr Tom Wyatt

Moved by: Mayor Ludwig
Seconded by: Councillor Hutton

MOTION CARRIED UNANIMOUSLY

4.7 COUNCILLOR FACILITIES & EXPENSES POLICY

File No: 10725
Attachments: 1. Councillor Facilities and Expenses Policy
Responsible Officer: Graeme Kanofski - Acting CEO
Author: Graeme Kanofski - Acting CEO

SUMMARY

Councillors Elect have workshopped a draft Councillor Facilities and Expenses Policy during the induction sessions.

This policy is a statutory policy in accordance with Section 249 of the Local Government Regulation 2012.

COUNCIL RESOLUTION

THAT Council adopt the attached Councillor Facilities and Expenses Policy.

Moved by: Councillor Wyatt

Seconded by: Councillor Scott

MOTION CARRIED

4.8 COUNCILLOR INTERACTION WITH THE ORGANISATION POLICY

File No: 10725
Attachments: 1. Councillor Interaction With The Organisation Policy (*Under Separate Cover*)
Responsible Officer: Graeme Kanofski - Acting CEO
Author: Graeme Kanofski - Acting CEO

SUMMARY

Councillors elect have workshopped a draft Councillor Interaction with the Organisation Policy during the induction sessions.

COUNCIL RESOLUTION

THAT Council adopt the attached Councillors Interaction with the Organisation Policy.

Moved by: Councillor Belot
Seconded by: Councillor Wyatt

MOTION CARRIED

4.9 ENTERTAINMENT & HOSPITALITY POLICY

File No: 10725
Attachments: 1. Entertainment and Hospitality Policy
Responsible Officer: Graeme Kanofski - Acting CEO
Author: Graeme Kanofski - Acting CEO

SUMMARY

Councillors elect have workshopped a draft Entertainment and Hospitality Policy during the induction sessions.

COUNCIL RESOLUTION

THAT Council adopt the attached Entertainment and Hospitality Policy.

Moved by: Councillor Hutton

Seconded by: Councillor Kelly

MOTION CARRIED

4.10 COMMUTER & PRIVATE USE OF VEHICLES POLICY

File No: 10725
Attachments: 1. Commuter and Private Use of Vehicles Policy
Responsible Officer: Graeme Kanofski - Acting CEO
Author: Graeme Kanofski - Acting CEO

SUMMARY

Councillors elect have workshopped a draft of the Commuter and Private Use of Vehicles Policy during the induction process.

COUNCIL RESOLUTION

THAT Council adopt the attached Commuter and Private Use of Vehicles Policy.

Moved by: Councillor Kelly
Seconded by: Councillor Wyatt

MOTION CARRIED

4.11 DETERMINATION AS TO WHETHER ELECTED MEMBERS WILL BE SUBJECT TO PAYG WITHHOLDING TAX

File No: 10725
Attachments: Nil
Responsible Officer: Graeme Kanofski - Interim CEO
Author: Graeme Kanofski - Interim CEO

SUMMARY

This report has been prepared so that the elected members can make a determination as to whether they wish to be subject to Pay As You Go (PAYG) withholding tax, pursuant to Section 446-5 of Schedule 1 of the Taxation Administration Act 1953.

COUNCIL RESOLUTION

THAT Council resolves to become an eligible governing body subject to Section 446-5 of Schedule 1 of the Taxation Administration Act 1953 effective 1st January 2014, and requests that officers advise the Australian Taxation Office accordingly.

Moved by: Councillor Mather

Seconded by: Councillor Wyatt

MOTION CARRIED UNANIMOUSLY

DIVISION:

Councillors A Belot, N Hutton, J Kelly, B Ludwig, G Mather, G Scott and T Wyatt voted in the affirmative.

4.12 DELEGATION OF COUNCIL POWERS TO CHIEF EXECUTIVE OFFICER

File No: 3519

Attachments:

1. **Legislative Acts & Sections from Council to CEO as at 2 January 2014**
2. **Financial Delegation**
3. **Exclusions and Responsibilities**

Responsible Officer: Graeme Kanofski - Acting CEO

Author: Catherine Rivett - Corporate Strategist

SUMMARY

This Report seeks Council's approval of delegations under State legislation to the position of Chief Executive Officer.

COUNCIL RESOLUTION

THAT as per section 257 of the *Local Government Act 2009* that Council:

1. Delegate to the Chief Executive Officer, the exercise of its powers in the terms of the Instruments of Delegation contained in Appendix 1 limited by the scope contained within Appendix 3.
2. Delegate to the Chief Executive Officer, the financial delegations as contained in Appendix 2.
3. As per section 47 of the *Local Government (De-amalgamation Implementation) Regulation 2013*, all sub-delegated instruments made under relevant local government Acts prior to changeover day are taken to have been properly made under the Act by the new local government and continue in force until it would, if the de-amalgamation under this regulation had not occurred, have ceased to have effect under the Act.

Moved by: Mayor Ludwig
Seconded by: Councillor Kelly

MOTION CARRIED

Meeting Adjourned**COUNCIL RESOLUTION**

11:04 AM
That the meeting be adjourned until 11:24AM

Moved by: Mayor Ludwig
Seconded by: Councillor Scott

MOTION CARRIED

Meeting Resumed**COUNCIL RESOLUTION**

11:29AM
That the meeting be resumed

Moved by: Mayor Ludwig
Seconded by: Councillor Scott

MOTION CARRIED

4.13 OFFER TO PURCHASE MT CHALMERS STATE SCHOOL SITE

File No:	10725
Attachments:	<ol style="list-style-type: none">1. Letter from Hon John-Paul Langbroek - Minister DETE2. Rough Estimate on Repairs - School Only3. Rough Estimate on Repairs - Residence Only4. Visual Timber Inspection Report - School Only (<i>Under Separate Cover</i>)5. Pre-Purchase Inspection - Residential Building Report on School Building (<i>Under Separate Cover</i>)6. Pre-Purchase Inspection - Residential Building Report on Residence (<i>Under Separate Cover</i>)
Responsible Officer:	Graeme Kanofski - Acting CEO
Author:	Andrew Ireland - Director Corporate Services

SUMMARY

This report has been prepared to allow Councillors to consider an offer from the Department of Education, Training and Employment (DETE) for Council to purchase the decommissioned Mt Chalmers State School site for \$325,000.

The matter was originally considered by the former Rockhampton Regional Council (RRC) in early 2013 when the offer was originally received from DETE. On 10 September 2013 RRC resolved to purchase the site. However no contracts have been entered into as site inspections have detected structural and previously unknown community issues that now warrant further consideration by the new Livingstone Shire Council following de-amalgamation from the former RRC on 1 January 2014.

In light of the structural defects and significant ongoing maintenance costs associated with this property, the asking price of \$325,000 seems excessive. It will be recommended to Councillors that an offer of \$100,000 be made for the reasons outlined in the report.

COUNCIL RESOLUTION

THAT Council offers the Department of Education Training and Employment the sum of \$100,000 to purchase the Mt Chalmers State School, and authorises the Chief Executive Officer to prepare the submission to the State Government's Economic Development Board and negotiate the purchase on behalf of Council.

Moved by: Councillor Wyatt

Seconded by: Councillor Mather

MOTION CARRIED

4.14 LIVINGSTONE SHIRE COUNCIL LIBRARY - MEMBERSHIP POLICY**File No:** 10725**Attachments:**

1. RRC Proposed non Resident Membership Report
2. Letter Regional Access and Public Libraries

Responsible Officer: Graeme Kanofski - Acting CEO**Author:** Brett Bacon - Director Community & Planning Services

SUMMARY

This report proposes the removal of the annual membership fee and associated restrictive conditions for non-residents of the Livingstone Shire Council area who wish to join Livingstone Shire Council's Library.

COUNCIL RESOLUTION

That Council resolves to rescind the components of the Library Policy and its associated Library Membership Procedure which:

1. Establish a non-resident library membership of \$100 per annum and a limit on the number of items which can be borrowed at one time (being ten items); and
2. Caps inter-library loans at 200 per library per month.

Moved by: Councillor Hutton**Seconded by:** Councillor Wyatt**MOTION CARRIED UNANIMOUSLY**

4.15 QUEENSLAND PORTS STRATEGY

File No:	10725, CR2.14.2
Attachments:	1. Livingstone Shire Council's Response to Queensland Ports Strategy 2. Livingstone Shire Council's Written Submission Form 3. Rockhampton Regional Council's Submission to Great Barrier Reef Ports Strategy 2012-2022: For Public Consultation (December 2012)
Responsible Officer:	Brett Bacon - Director Community & Planning Services
Author:	Matthew Baldock - Senior Sustainability Officer

SUMMARY

This report seeks the formal endorsement of a submission which was provided on behalf of Livingstone Shire Council in response to the Queensland Ports Strategy: Draft for Consultation. The strategy provides the Queensland Government's framework for future port development within Queensland.

Council's submission, which was based upon consultation with Councillors elect, reflected Council's desire to limit future port development for coal and industry at Port Alma and the adjacent Keppel Bay and Fitzroy Delta areas and instead confine this form of development to the proposed Gladstone Priority Port Development Area. Formal endorsement is sought from Council with respect to the response provided to the Queensland Government.

COUNCIL RESOLUTION

THAT Council resolves to:

1. Endorse the submission to the Queensland Ports Strategy: Draft for Consultation as detailed in Attachment One and Attachment Two; and
2. Notify the Queensland Ports Strategy Manager of its formal endorsement of the submission.

Moved by: Mayor Ludwig
Seconded by: Councillor Mather

MOTION CARRIED UNANIMOUSLY

4.16 2014 AUSTRALIA DAY CITIZENSHIP CEREMONY AND SUPPORT FOR GREAT AUSTRALIA DAY BEACH PARTY

File No: 10725
Attachments: Nil
Responsible Officer: Graeme Kanofski - Acting CEO
Author: Andrew Ireland - Director Corporate Services

SUMMARY

The Great Australia Day Beach Party this year celebrates its 20th year in providing a regional focus for celebrating our National Day. It is one of the largest and most most significant community events conducted on the Capricorn Coast. According to information released by Rockhampton Regional Council, the event attracts up to twenty thousand (20,000) people across the day, so the importance of this event from a community and economic perspective cannot be overstated.

The event is run by Capricorn Coast Community Events, who rely heavily on sponsorship from various companies, media partners and organisations to contribute to the costs of holding the Great Australia Day Beach Party. Prior to amalgamation Livingstone Shire Council was always a major sponsor providing \$6,000 cash and in-kind support as required. Post amalgamation in 2008, Rockhampton Regional Council (RRC) remained a sponsor providing the same level of support.

For the Beach Party to be held in January 2014, Rockhampton Regional Council pledged \$6,600 in cash (GST inclusive) but sought to limit the in-kind support to \$4,000. In 2013 the total in-kind support was costed at \$12,867. Recent advice from RRC dated 18/12/2013 informs that the pledged funding for this year's event has been provided for but needs to be authorised by the new LSC.

As Livingstone Shire Council will come into existence on 1 January 2014, it has a capability to support the Great Australia Day Beach Party with both cash and in-kind support. Given the benefits of holding this event, it is proposed that Livingstone Shire Council pledges up to \$20,000 to the event, comprised of \$6,600 in cash toward production costs (GST inclusive) with the balance in in-kind support. The six month budget from 1 January 2014 to 30 June 2014 can be adjusted to reflect this additional in-kind contribution, assuming Council endorses the recommendation.

In return for the additional level of in-kind support the event organisers will give Livingstone Council promotional credits as a major sponsor as well as facilitating the running of the Livingstone Australia Day Awards Ceremony by providing all PA and associated stage production, support crew, shade structure for participants and their supporters, and post ceremony entertainment. (The cost of providing a similar level of service and production independently of this event would be in excess of \$10,000).

Conflict of Interest**COUNCIL RESOLUTION**

In accordance with s173(2) of the Local Government Act 2009, Councillors Ludwig and Wyatt disclosed a potential conflict of interest in respect of Item 4.16 due to the Mayor and Councillor's involvement with the Capricorn Coast Community Event group; they did not leave the meeting.

Moved by: Mayor Ludwig
Seconded by: Councillor Wyatt

MOTION CARRIED

OFFICER'S RECOMMENDATION

THAT:

1. Council agrees to sponsor the Great Australia Day Beach Party up to \$20,000, comprised of \$6,600 in cash (GST inclusive) toward production costs with the balance in in-kind support to facilitate the set-up, running, and post event clean-up; and
2. A provision be made within the 2014 Budget to reflect the agreed sponsorship.

COUNCIL RESOLUTION

THAT:

1. Council agrees to sponsor the Great Australia Day Beach Party up to \$20,000, comprised of \$10,000 in cash (GST inclusive) toward production costs with the balance in in-kind support to facilitate the set-up, running, and post event clean-up; and
2. A provision be made within the 2014 Budget to reflect the agreed sponsorship.

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

**5 QUESTIONS/STATEMENT/MOTIONS ON NOTICE FROM
COUNCILLORS**

Nil

6 URGENT BUSINESS QUESTIONS

Nil

7 CLOSURE OF MEETING

There being no further business the meeting closed at 12:09pm.

Mayor Bill Ludwig
CHAIRPERSON

DATE