

Livingstone

Shire Council

ORDINARY MEETING

MINUTES

10 JUNE 2014

The Council Resolutions contained within these minutes were confirmed at the Council Meeting on 24 June 2014.

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MINUTES OF THE ORDINARY MEETING HELD AT COUNCIL CHAMBERS, QUEEN STREET, YEPPON ON TUESDAY, 10 JUNE 2014 COMMENCING AT 9:03AM

1 OPENING

2 PRESENT

Members Present:

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

In Attendance:

Mr Andrew Ireland – Chief Executive Officer
Mr Brett Bacon – Director Community and Planning Services
Mr Dan Toon – Director Infrastructure Services
Ms Rebecca French – Manager Marketing and Engagement
Ms Linda Benson – PA to Director Corporate Services
Ms Katie Mitchell – PA to Chief Executive Officer

3 LEAVE OF ABSENCE / APOLOGIES

3.1 LEAVE OF ABSENCE - CR GLENDA MATHER - 16 AND 17 JULY 2014

File No: GV13.4.1

Responsible Officer: Andrew Ireland - Chief Executive Officer

SUMMARY

Cr Mather has applied for leave for the period 16 and 17 July 2014.

COUNCIL RESOLUTION

THAT leave of absence be granted to Councillor Glenda Mather for the period 16 and 17 July 2014.

Moved by: Councillor Hutton

Seconded by: Deputy Mayor, Councillor Scott

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 27 May 2014 be taken as read and adopted as a correct record.

Moved by: Councillor Mather

Seconded by: Councillor Hutton

MOTION CARRIED

7 DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA

In accordance with s173(2) of the *Local Government Act 2009*, Councillor Ludwig disclosed a perceived conflict of interest in respect of Item 12.13 – Capricorn Dirt Riders Club Round 1 Grants due to him being a patron of the club; Councillor Ludwig announced his intention to remain in the room and to vote on the matter.

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 Actions - 4 June 2014

Responsible Officer: Andrew Ireland - 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

Cr Kelly arrived at the meeting at 9:08am.

8.2 LIFTING MATTERS LAYED ON THE TABLE

File No: GV13.4.1
Attachments: Nil
Responsible Officer: Andrew Ireland - Chief Executive Officer
Author: Andrew Ireland - Chief Executive Officer

SUMMARY

The Business Outstanding table is used as a tool to identify when reports are due back to the table. Items lying on the table require a report to be lifted from the table before being dealt with. This report is designed to lift all necessary reports from the table to be dealt with at the current meeting 10 June 2014.

COUNCIL RESOLUTION

THAT the following matters, "lying on the table" in the Business Outstanding table due to return to Council Meeting, be lifted from the table and be dealt with accordingly:

- Delegations of Council Powers to Chief Executive Officer.

Moved by: Councillor Hutton

Seconded by: Councillor Mather

MOTION CARRIED

9 PRESENTATION OF PETITIONS

Nil

10 BUSINESS IMPROVEMENT COMMITTEE REPORTS

10.1 BUSINESS IMPROVEMENT COMMITTEE - 20 MAY 2014

COUNCIL RESOLUTION

THAT the Minutes of the Business Improvement Committee meeting, held on 20 May 2014 as circulated, be received and that the recommendations contained within these minutes be adopted.

Moved by: Councillor Belot
Seconded by: Deputy Mayor, Councillor Scott
MOTION CARRIED

Recommendation of the Business Improvement Committee, 20 May 2014

10.1.1 ADOPTION OF INTERNAL AUDIT CHARTER

File No: GV13.4.2
Attachments: 1. Adoption of Internal Audit Charter
Responsible Officer: Justin Commons - Director Corporate Services
Author: Jai Ram - Executive Internal Auditor

SUMMARY

Draft Internal Audit Charter is presented for endorsement by the Business Improvement Committee.

COMMITTEE RECOMMENDATION

THAT the Internal Audit Charter be adopted.

Moved by: Mr Ross Cook
Seconded by: Deputy Mayor, Councillor Scott
MOTION CARRIED

Recommendation of the Business Improvement Committee, 20 May 2014

10.1.2 INTERNAL AUDIT PLAN (2014/2015)

File No: GV13.4.2
Attachments: 1. Internal Audit Plan (2014/2015)
Responsible Officer: Justin Commons - Director Corporate Services
Author: Jai Ram - Executive Internal Auditor

SUMMARY

Internal Audit Plan for 2014/15 is submitted for discussion and endorsement by the Business Improvement Committee.

COMMITTEE RECOMMENDATION

THAT the Internal Audit Plan 2014/15 be noted.

Moved by: Ms Carolyn Eagle
Seconded by: Deputy Mayor, Councillor Scott

MOTION CARRIED

Recommendation of the Business Improvement Committee, 20 May 2014

10.1.3 EXTERNAL AUDIT CLIENT STRATEGY DOCUMENT

File No: GV13.4.2
Attachments: 1. External Audit Client Strategy Document
(Under Separate Cover)
Responsible Officer: Justin Commons - Director Corporate Services
Author: Jai Ram - Executive Internal Auditor

SUMMARY

The document outlines the external audit methodology and strategy for the external audit of the Livingstone Shire Council for the financial year ending 30 June 2014.

COMMITTEE RECOMMENDATION

THAT the External Audit Client Strategy be noted.

Moved by: Councillor Hutton

Seconded by: Mr Ross Cook

MOTION CARRIED

Recommendation of the Business Improvement Committee, 20 May 2014

10.1.4 FUNCTION OF THE BUSINESS IMPROVEMENT UNIT

File No: CM4.2.1
Attachments: Nil
Responsible Officer: Justin Commons - Director Corporate Services
Author: Michael Worthington - Manager Business Improvement

SUMMARY

The Business Improvement Unit provides independent, objective, assurance and consulting services designed to add value and improve Council's operations. It assists Council management and staff to accomplish their objectives by bringing a systematic, disciplined approach to evaluating and improving the effectiveness of risk management, control, and governance processes.

COMMITTEE RECOMMENDATION

THAT the report summarising the Business Improvement Unit be noted.

Moved by: Mr Ross Cook
Seconded by: Ms Carolyn Eagle

MOTION CARRIED

Recommendation of the Business Improvement Committee, 20 May 2014

10.1.5 INTERIM MANAGEMENT REPORT FROM EXTERNAL AUDITOR

File No: GV13.4.2
Attachments: 1. Interim Management Report from the External Auditor (*Under Separate Cover*)
Responsible Officer: Justin Commons - Director Corporate Services
Author: Jai Ram - Executive Internal Auditor

SUMMARY

The Interim Management Report from the External Auditor provides an update on the interim audit of Council's financial statements for year ending 30 June 2014 and draws attention to significant matters identified during the audit.

COMMITTEE RECOMMENDATION

THAT the Interim Management Report be noted.

Moved by: Deputy Mayor, Councillor Scott

Seconded by: Ms Carolyn Eagle

MOTION CARRIED

Recommendation of the Business Improvement Committee, 20 May 2014

10.1.6 SUMMARY OF HIGH AND EXTREME RESIDUAL RISKS

File No: GV13.4.2
Attachments: 1. Summary of Extreme and High Residual Risks
Responsible Officer: Justin Commons - Director Corporate Services
Author: Jai Ram - Executive Internal Auditor

SUMMARY

A brief report, including the attached summary of residual risks rated as extreme and high is submitted for the information.

COMMITTEE RECOMMENDATION

THAT the report summary, extreme and high risk areas be noted.

Moved by: Mr Ross Cook
Seconded by: Ms Carolyn Eagle
MOTION CARRIED

11 COUNCILLOR/DELEGATE REPORTS

Nil

12 REPORTS

12.1 SCHEDULE OF MEETINGS - JULY TO DECEMBER 2014

File No: GV13.4.1
Attachments: 1. Schedule Of Meetings - July to December 2014
Responsible Officer: Andrew Ireland - Chief Executive Officer
Author: Andrew Ireland - Chief Executive Officer

SUMMARY

The Chief Executive Officer will present the Schedule of Council and Business Improvement Committee meetings for the period July to December 2014.

COUNCIL RESOLUTION

THAT the Schedule of Council and Business Improvement Committee meetings for the period July to December 2014 be adopted.

Moved by: Councillor Hutton
Seconded by: Councillor Kelly

MOTION CARRIED

12.2 DELEGATION OF COUNCIL POWERS TO CHIEF EXECUTIVE OFFICER

File No: PL22.1.1

Attachments:

1. Animal Care & Protection Act 2001
2. Animal Management (Cats & Dogs) Act 2008
3. Local Government Act 2009
4. Local Government Regulation 2012
5. Public Health Act 2005
6. Tattoo Parlour Act 2013
7. Water Supply (Safety & Reliability) Act 2008
(Under Separate Cover)

Responsible Officer: Justin Commons - Director Corporate Services

Author: Catherine Rivett - Corporate Strategist

SUMMARY

This item was originally discussed at the Council meeting on 27 May 2014 and it was resolved to lay on the table and be brought back to Council meeting on 10 June 2014 for a resolution after discussion at the Council workshop on 3 June 2014.

COUNCIL RESOLUTION

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

1. Delegate to the Chief Executive Officer, the exercise of powers contained in Schedule 1 of the attached Instruments of Delegation, limited by the scope contained in Schedule 2, namely:
 - i. *Animal Care and Protection Act 2001*
 - ii. *Animal Management (Cats & Dogs) Act 2008*
 - iii. *Local Government Act 2009*
 - iv. *Local Government Regulation 2012*
 - v. *Public Health Act 2005*
 - vi. *Tattoo Parlours Act 2013*
 - vii. *Water Supply (Safety & Reliability) Act 2008*
2. Repeal all prior resolutions delegating powers to the Chief Executive Officer under the following Acts:
 - i. *Animal Care and Protection Act 2001*
 - ii. *Animal Management (Cats & Dogs) Act 2008*
 - iii. *Local Government Act 2009*
 - iv. *Local Government Regulation 2012*
 - v. *Public Health Act 2005*
 - vi. *Water Supply (Safety & Reliability) Act 2008.*

Moved by: Councillor Kelly

Seconded by: Councillor Wyatt

MOTION CARRIED

12.3 FEES AND CHARGES AMENDMENT REQUIRED

File No: GV1.1.1
Attachments: Nil
Responsible Officer: Darryll Schurmann - Manager Finance
Justin Commons - Director Corporate Services
Author: Priscilla Graham - Coordinator Revenue

SUMMARY

The intention of this report is to amend the Animal Registration Charge for De-sexed and Microchipped Dogs within The Livingstone Shire Council's reviewed Fees and Charges Schedule for the 2014/15 financial year.

COUNCIL RESOLUTION

THAT the charge of \$18.00 be adopted for the Desexed and Microchipped Dog Registration for the 2014/15 Financial Year.

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

MOTION CARRIED

DIVISION:

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

Councillor G Mather voted in the negative.

12.4 POLICY REVIEW - WASTE AND RECYCLING COLLECTION SERVICE POLICY AND PROCEDURE

File No: 4.7.31

Attachments:

1. Draft Policy
2. Draft Procedure

Responsible Officer: Dan Toon - Director Infrastructure Services

Author: Carrie Burnett - Policy & Planning Officer

SUMMARY

This report seeks Councils adoption of a new community policy titled Waste and Recycling Collection Service Policy.

COUNCIL RESOLUTION

THAT Council:

1. Adopt the Waste and Recycling Collection Service Policy; and
2. Endorse the approval of the Waste and Recycling Collection Service Procedure by the Director Infrastructure Services.

Moved by: Councillor Belot

Seconded by: Councillor Wyatt

MOTION CARRIED

12.5 POLICY REVIEW - REBATE OF RESIDENTIAL WATER CONSUMPTION FOR HEALTH RELATED USES POLICY

File No: 4.7.32
Attachments: 1. Draft Policy
Responsible Officer: Dan Toon - Director Infrastructure Services
Author: Carrie Burnett - Policy & Planning Officer

SUMMARY

This report seeks Councils adoption of a new community policy titled Rebate of Residential Water Consumption for Health Related Uses Policy.

COUNCIL RESOLUTION

THAT Council adopt the Rebate of Residential Water Consumption for Health Related Uses Policy.

Moved by: Councillor Hutton

Seconded by: Councillor Mather

MOTION CARRIED

12.6 POLICY REVIEW - WASTE CHARGE REMISSION POLICY

File No: CM4.7.31
Attachments: 1. Draft Policy
Responsible Officer: Dan Toon - Director Infrastructure Services
Author: Carrie Burnett - Policy & Planning Officer

SUMMARY

This report seeks Councils adoption of a new community policy titled Waste Charge Remission Policy.

COUNCIL RESOLUTION

THAT Council adopt the Waste Charge Remission Policy.

Moved by: Councillor Wyatt
Seconded by: Councillor Kelly

MOTION CARRIED

12.7 POLICY REVIEW - WATER METER POLICY

File No: CM4.7.32
Attachments: 1. Draft Policy
Responsible Officer: Dan Toon - Director Infrastructure Services
Author: Carrie Burnett - Policy & Planning Officer

SUMMARY

This report seeks Councils adoption of a new community policy titled Water Meter Policy.

COUNCIL RESOLUTION

THAT Council adopt the Water Meter Policy.

Moved by: Councillor Belot

Seconded by: Councillor Kelly

MOTION CARRIED

**12.8 POLICY REVIEW - WASTE AND RECYCLING COMMUNITY SERVICE
OBLIGATION POLICY AND PROCEDURE**

File No: CM4.7.31

Attachments:

1. Draft Policy
2. Draft Procedure

Responsible Officer: Dan Toon - Director Infrastructure Services

Author: Carrie Burnett - Policy & Planning Officer

SUMMARY

This report seeks Councils adoption of a new community policy titled Waste and Recycling Community Service Obligation Policy.

COUNCIL RESOLUTION

THAT Council:

1. Adopt the Waste and Recycling Community Service Obligation Policy; and
2. Endorse the approval of the Waste and Recycling Community Service Obligation Procedure by the Director Infrastructure Services.

Moved by: Deputy Mayor, Councillor Scott

Seconded by: Councillor Belot

MOTION CARRIED

12.9 POLICY REVIEW - CLEARING SEWER BLOCKAGES IN PRIVATE PROPERTY POLICY

File No: CM4.7.29
Attachments: 1. Draft Policy
Responsible Officer: Dan Toon - Director Infrastructure Services
Author: Carrie Burnett - Policy & Planning Officer

SUMMARY

This report seeks Councils adoption of a new community policy titled Clearing Sewer Blockages in Private Property Policy.

COUNCIL RESOLUTION

THAT Council adopt the Clearing Sewer Blockages in Private Property Policy.

Moved by: Councillor Belot
Seconded by: Deputy Mayor, Councillor Scott

MOTION CARRIED

MINUTES

12.10 POLICY REVIEW - TRADE WASTE POLICY

File No: CM4.7.29
Attachments: 1. Draft Policy
Responsible Officer: Dan Toon - Director Infrastructure Services
Author: Carrie Burnett - Policy & Planning Officer

SUMMARY

This report seeks Councils adoption of a new community policy titled Trade Waste Policy.

COUNCIL RESOLUTION

THAT Council adopt the Trade Waste Policy.

Moved by: Councillor Belot
Seconded by: Deputy Mayor, Councillor Scott
MOTION CARRIED

12.11 POLICY REVIEW - SUB-METERING POLICY, PROCEDURE AND GUIDELINES

File No: CM4.7.32
Attachments: 1. Draft Policy
2. Draft Procedure
3. Draft Guidelines
Responsible Officer: Dan Toon - Director Infrastructure Services
Author: Carrie Burnett - Policy & Planning Officer

SUMMARY

This report seeks Councils adoption of a new community policy titled Sub-Metering.

COUNCIL RESOLUTION

THAT Council:

1. Adopt the Sub-Metering Policy; and
2. Endorse the approval of the Sub-Metering Procedure and Guidelines by the Director Infrastructure Services.

Moved by: Councillor Mather

Seconded by: Councillor Kelly

MOTION CARRIED

12.12 TRADE WASTE ENVIRONMENTAL MANAGEMENT PLAN

File No: WM31.4.1
Attachments: 1. Trade Waste Environmental Management Plan (*Under Separate Cover*)
Responsible Officer: Dan Toon - Director Infrastructure Services
Author: Carrie Burnett - Policy & Planning Officer

SUMMARY

This report seeks Councils adoption of a Trade Waste Environmental Management Plan.

COUNCIL RESOLUTION

THAT Council adopt the attached Trade Waste Environmental Management Plan.

Moved by: Councillor Belot
Seconded by: Deputy Mayor, Councillor Scott
MOTION CARRIED

12.13 CAPRICORN DIRT RIDERS CLUB ROUND 1 GRANTS

File No: CR2.15.3
Attachments: Nil
Responsible Officer: Ian Dare - Manager Community Wellbeing
Brett Bacon - Director Community & Planning Services
Author: Melissa Minter - Coordinator Community Partnership

SUMMARY

Capricorn Dirt Bike Riders Club received \$2000 under Round 1 of the Community Grants Scheme. The club has recently requested Council's permission to alter the item for purchase.

COUNCIL RESOLUTION

THAT Council agree to the request of the Capricorn Dirt Bike Riders Club allowing it to spend the \$2,000 grant on the purchase of portable toilets.

Moved by: Councillor Kelly
Seconded by: Councillor Hutton
MOTION CARRIED

12.14 CONTRACTUAL ARRANGEMENTS FOR THE PROVISION OF ANIMAL HUSBANDRY SERVICES - YEPPON POUND

File No: EM11.14.1
Attachments: Nil
Responsible Officer: Brett Bacon - Director Community & Planning Services
Author: Craig Newsome - Coordinator Public Environments

SUMMARY

This report discusses Council's domestic animal pound facility and operational practices including the present contractual arrangements for the provision of animal husbandry services. The service provided by the contractor includes the daily care and feeding of impounded animals and cleaning of the facility. This service has been successful, providing a high standard of care to impounded animals in an efficient and cost-effective way.

The current contractual arrangement at the pound expires on 31 July 2014 and it is suggested that the arrangement of contracting this service to a private provider be continued.

COUNCIL RESOLUTION

THAT Council resolves to extend, by mutual agreement with Yeppoon Boarding Kennels, the current arrangement for provision of animal husbandry services for a period sufficient to complete the required tender process for permanent provision of animal husbandry services in accordance with the agreement, council policy and procedure.

Moved by: Councillor Mather
Seconded by: Councillor Kelly

MOTION CARRIED

13 QUESTIONS/STATEMENT/MOTIONS ON NOTICE FROM COUNCILLORS

Nil

14 URGENT BUSINESS\QUESTIONS

14.1 DECLARATION OF DANGEROUS/REGULATED DOGS

File No: LE19.3.5

Responsible Officer: Brett Bacon - Director Community & Planning Services

SUMMARY

The Director Community and Planning to provide Councillors with:

- 1. The register of regulated dogs in the Shire;*
- 2. The policies and procedures relating to the declaration of dangerous/regulated dogs in the Shire; and*
- 3. Report on this matter to be submitted to Council Workshop for discussion.*

COUNCIL RESOLUTION

THAT Director Community and Planning provide a report to the next Council Workshop

Moved by: Mayor Ludwig

Seconded by: Councillor Mather

MOTION CARRIED

14.2 COUNCILLORS ATTENDING 2014 CRIME AND MISCONDUCT COMMISSION INFORMATION SESSION - 19 JUNE 2014

File No: GV13.3.1, GR14.4.1

Responsible Officer: Justin Commons - Director Corporate Services

SUMMARY

Cr Mather & Director Corporate Services have been nominated to attend the 2014 Crime and Misconduct Commission Information Session being held in Brisbane on 19 June 2014.

COUNCIL RESOLUTION

THAT Cr Mather and Director Corporate Services attend the CMC briefing being held in Brisbane.

Moved by: Mayor Ludwig

Seconded by: Councillor Hutton

MOTION CARRIED

MINUTES

Meeting Adjourned

COUNCIL RESOLUTION

10:00AM

That the meeting be adjourned.

Moved by: Mayor Ludwig

Seconded by: Deputy Mayor, Councillor Scott

MOTION CARRIED

Meeting Resumed

COUNCIL RESOLUTION

10:13AM

That the meeting be resumed.

Moved by: Mayor Ludwig

Seconded by: Deputy Mayor, Councillor Scott

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

10:14AM

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 Extension of Contract - Landfill Services

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 Kelly
Seconded by: Councillor Mather

MOTION CARRIED

COUNCIL RESOLUTION

10:30AM

THAT the meeting moves out of Closed Session and be opened to the public.

Moved by: Councillor Mather
Seconded by: Deputy Mayor, Councillor Scott

MOTION CARRIED

16 CONFIDENTIAL REPORTS

16.1 EXTENSION OF CONTRACT - LANDFILL SERVICES

File No: WM31.9.2

Attachments: 1. Letter regarding LSC Contract Extension -
(*Confidential*)

Responsible Officer: Dan Toon - Director Infrastructure Services

Author: Sean Fallis - Manager Waste & Waste Operations

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's Landfill Services Contract has expired. Council approval is required for an extension of the contract.

OFFICER'S RECOMMENDATION

THAT Council approve a 12 month extension of the current Cleanaway Landfill Services Contract.

COUNCIL RESOLUTION

THAT Council delegates authority to the CEO and Director Infrastructure Services to negotiate and finalise the extension of the Cleanaway Landfill Services Contract to 30 June 2016.

Moved by: Councillor Belot

Seconded by: Councillor Kelly

MOTION CARRIED

17 CLOSURE OF MEETING

There being no further business the meeting closed at 10:32am.

Mayor Bill Ludwig
CHAIRPERSON

DATE