

Livingstone

Shire Council

ORDINARY MEETING

MINUTES

22 SEPTEMBER 2015

The Council resolutions contained within these minutes were confirmed at the Council meeting on 13 October 2015.

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MINUTES OF THE ORDINARY MEETING HELD AT EMU PARK RSL, EMU STREET, EMU PARK ON TUESDAY, 22 SEPTEMBER 2015 COMMENCING AT 9.05AM

1 OPENING

2 PRESENT

Members Present:

Deputy Mayor, Councillor Graham Scott
Councillor Adam Belot
Councillor Nigel Hutton
Councillor Jan Kelly
Councillor Glenda Mather

In Attendance:

Mr Brett Bacons – Acting Chief Executive Officer
Mr Dan Toon – Director Infrastructure Services
Mr Jon Rutledge – Manager Human Resources and Governance
Mr Darryll Schurmann – Manager Finance
Ms Melissa Warwick – Senior Strategic Manager
Mr Liam Saxby – Strategic Planning Officer
Ms Tara Norely – Support Services Officer – Growth Management & DA
Ms Lucy Merry – Councillor Support Officer

3 LEAVE OF ABSENCE / APOLOGIES

COUNCIL RESOLUTION

THAT the apologies from Councillor Bill Ludwig be received.

Moved by: Councillor Hutton

Seconded by: Councillor Mather

MOTION CARRIED

Leave of Absence for the meeting was previously granted to Councillor Tom Wyatt.

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 8 September 2015 be taken as read and adopted as a correct record.

Moved by: Councillor Mather

Seconded by: Councillor Kelly

MOTION CARRIED

COUNCIL RESOLUTION

THAT the minutes of the Special Meeting held on 18 September 2015 be taken as read and adopted as a correct record.

Moved by: Councillor Hutton

Seconded by: Councillor Mather

MOTION CARRIED

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

8 BUSINESS ARISING OR OUTSTANDING FROM PREVIOUS MEETINGS

8.1 BUSINESS OUTSTANDING TABLE FOR ORDINARY COUNCIL MEETING

File No: GV13.4.1
Attachments: 1. **Business Outstanding Table - 22 September 2015**
Responsible Officer: Justin Commons - 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 Kelly
Seconded by: Councillor Mather

MOTION CARRIED

9 PRESENTATION OF PETITIONS

Nil

10 BUSINESS IMPROVEMENT COMMITTEE REPORTS

Nil

11 COUNCILLOR/DELEGATE REPORTS

Nil

12 REPORTS

12.1 DRAFT PLANNING SCHEME - STATE INTEREST REVIEW

File No: LU18.3.5
Attachments: Nil
Responsible Officer: Brett Bacon - Director Community & Planning Services
Author: Melissa Warwick - Senior Strategic Planner

SUMMARY

The purpose of this report is to seek approval from Council to submit the draft Livingstone Planning Scheme 2016 to the Deputy Premier and Minister for Infrastructure, Local Government and Planning Jackie Trad to undertake a State interest review. The draft planning scheme has been updated to incorporate comments from the thirteen Councillor Workshops held over the course of 2014 and 2015. The growth Management team is committed to lodging the draft Livingstone Planning Scheme 2016 in the first week of October 2015.

COUNCIL RESOLUTION

COUNCIL RESOLUTION

THAT in accordance with section 117(1) of the *Sustainable Planning Act 2009* and Stage One, Step Four of *Statutory guideline 04/14 – Making and amending local planning instruments*, Council resolves to submit the proposed *draft Livingstone Planning Scheme 2016* to the *Deputy Premier and Minister for Infrastructure, Local Government and Planning, Jackie Trad* to consider the scheme and its considerations of the State's interests and request agreement to publicly consult (Stage Three) on the proposed planning scheme.

Moved by: Deputy Mayor, Councillor Scott

Seconded by: Councillor Hutton

MOTION CARRIED

12.2 FEES AND CHARGES AMENDMENT - GENERAL WASTE DISPOSAL - COMMERCIAL

File No: FM12.8.1, WM31.8.1
Attachments: 1. Current Fees and Charges for General Waste Disposal - Commercial
Responsible Officer: Dan Toon - Director Infrastructure Services
Author: Sean Fallis - Manager Water & Waste Operations

SUMMARY

The intention of this report is to amend the 2015/16 Waste and Recycling Fees and Charges to remove the volume charges for trailers/utes/van from the General Waste Disposal - Commercial charges. This will allow the charges for Commercial trailers/utes/vans to be based on weight and provide consistency with charges for other commercial loads.

COUNCIL RESOLUTION

THAT the volume charges for trailers, utes and vans (lines 4 and 5) of the General Waste Disposal–Commercial charges be removed from Council’s Fees and Charges Schedule for the 2015/2016 Financial Year. Charges for commercial trailers, utes and vans will be based on weight in accordance with the schedule.

Moved by: Councillor Belot

Seconded by: Councillor Kelly

MOTION CARRIED

12.3 LOCAL GOVERNMENT ASSOCIATION OF QUEENSLAND 2015 ANNUAL CONFERENCE, 19-21 OCTOBER 2015, EMPIRE THEATRE, TOOWOOMBA

File No: GV13.3.1
Attachments: 1. LGAQ 2015 Conference Program
Responsible Officer: Justin Commons - Chief Executive Officer
Author: Suzanne Pambid - PA to the CEO

SUMMARY

The Local Government Association of Queensland has written advising that the 119th Annual Conference will be held at the Empire Theatre, 56 Neil Street, Toowoomba from 19-21 October 2015.

COUNCIL RESOLUTION

THAT Mayor Ludwig and Councillor Belot be authorised to attend the Local Government Association Queensland's Annual Conference to be held at the Empire Theatre, Toowoomba from 19-21 October 2015.

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

MOTION CARRIED

12.4 AUDIT, RISK AND BUSINESS IMPROVEMENT COMMITTEE - 8 SEPTEMBER 2015

File No: GV13.4.2
Attachments: Nil
Responsible Officer: Justin Commons - Chief Executive Officer
Author: Jon Rutledge - Manager Human Resources

SUMMARY

The Audit, Risk and Business Improvement Committee met on 8 September 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 Councillor Portal.

COUNCIL RESOLUTION

THAT the minutes of the Audit, Risk and Business Improvement Committee meeting held on 8 September 2015 be received and that the following recommendations contained within those minutes be adopted:

Moved by: Councillor Kelly
Seconded by: Councillor Belot

MOTION CARRIED

12.5 FEES AND CHARGES REFUND POLICY (INFRASTRUCTURE AND PLANNING)

File No: CM4.7.13
Attachments: 1. Fees and Charges Refund Policy
(Infrastructure and Planning)
Responsible Officer: Justin Commons - Chief Executive Officer
Author: Brett Bacon - Director Community & Planning Services

SUMMARY

The Fees and Charges Refund Policy (Planning and Infrastructure) was inherited from the Rockhampton Regional Council, where it has been operational from 2009. The policy intended to ensure a structured approach to the refund of fees and charges and enable staff to deal with the refund of fees and charges under delegated authority. A review of the policy has concluded that it is superfluous to requirements and should thus be rescinded.

COUNCIL RESOLUTION

THAT Council resolve to rescind the *Fees and Charges Refund Policy (Planning and Infrastructure)*.

Moved by: Councillor Mather
Seconded by: Councillor Hutton

MOTION CARRIED

12.6 ENTERPRISE RISK MANAGEMENT**File No:** RM27**Attachments:**

1. Enterprise Risk Management Policy
2. Enterprise Risk Management Framework
3. Enterprise Risk Management Procedure

Responsible Officer: Brett Bacon - Director Community & Planning Services**Author:** Jon Rutledge - Manager Human Resources

SUMMARY

Amended Enterprise Risk Management Policy, Framework, and Procedure have been developed considering feedback from Council.

COUNCIL RESOLUTION

THAT Council adopts the Enterprise Risk Management Policy, Enterprise Risk Management Framework and Enterprise Risk Management Procedure subject to grammatical amendments.

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

12.7 SUMMARY BUDGET MANAGEMENT REPORT FOR THE PERIOD ENDED 31 AUGUST 2015

File No: FM12.4.1
Attachments: 1. Income Statement - August 2015
2. Graphs - August 2015
Responsible Officer: Jon Rutledge - Manager Human Resources
Author: Darryll Schurmann - Manager Finance

SUMMARY

Presentation of the Livingstone Shire Council's Summary Budget Management Report for the Period Ended 31 August 2015 by the Manager Finance.

COUNCIL RESOLUTION

THAT the Livingstone Shire Council Summary Budget Management Report for the Period Ended 31 August 2015 be 'received'.

Moved by: Councillor Mather
Seconded by: Councillor Belot

MOTION CARRIED

Councillor Scott sought leave of the meeting to suspend meeting procedures for morning tea.

Leave granted.

Meeting procedures were suspended at 10:38am.

Meeting Procedures resumed at 11:03am.

13 QUESTIONS/STATEMENT/MOTIONS ON NOTICE FROM COUNCILLORS

Nil

14 URGENT BUSINESS QUESTIONS

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

11.06AM

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 Paint Pot Gallery

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 Mather

Seconded by: Councillor Kelly

MOTION CARRIED

COUNCIL RESOLUTION

11.12AM

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

Moved by: Deputy Mayor, Councillor Scott

Seconded by: Councillor Belot

MOTION CARRIED

16 CONFIDENTIAL REPORTS

16.1 PAINT POT GALLERY

File No: CP5.9.2-264
Attachments: Nil
Responsible Officer: Jon Rutledge - Manager Human Resources
Author: Darryll Schurmann - Manager Finance

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

The Capricorn Coast Society of Arts Incorporated (Paint Pot Gallery) has contacted Council requesting:

- 1) *security of tenure for the continued occupation of its current premises; and*
- 2) *consideration be given to a reduction in its current rental of \$440 per month i.e. \$5,280 per annum.*

COUNCIL RESOLUTION

THAT Council resolve to execute a two year freehold lease, with two one year options at the discretion of Council, from 1 July 2015 with the Capricorn Coast Society of Arts Incorporated for the building that it currently occupies at an initial rental of \$1,330 per annum with such rental to be adjusted on each anniversary of the commencement date in line with CPI.

Moved by: Councillor Hutton
Seconded by: Councillor Kelly

MOTION CARRIED

17 CLOSURE OF MEETING

There being no further business the meeting closed at 11.12AM.

Graham Scott
CHAIRPERSON

DATE