



ORDINARY MEETING

MINUTES

15 MAY 2018

The resolutions contained within these minutes were confirmed at the Council meeting on 5 June 2018.

TABLE OF CONTENTS

ITEM	SUBJECT	PAGE NO
1	OPENING.....	1
2	PRESENT	1
3	LEAVE OF ABSENCE / APOLOGIES	2
3.1	LEAVE OF ABSENCE - COUNCILLOR GLENDA MATHER - 15 - 25 MAY 2018 INCLUSIVE	2
4	PUBLIC FORUMS/DEPUTATIONS	3
	NIL	3
5	MAYORAL MINUTE	4
	NIL	4
6	CONFIRMATION OF MINUTES OF PREVIOUS MEETING.....	5
7	DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA	6
8	BUSINESS ARISING OR OUTSTANDING FROM PREVIOUS MEETINGS	7
	NIL	7
9	PRESENTATION OF PETITIONS.....	8
9.1	PETITION FROM STANAGE TOWNSHIP ORGANISATION INC - SEALING OF CAR PARK AT THE STANAGE BOAT RAMP	8
10	AUDIT, RISK AND BUSINESS IMPROVEMENT COMMITTEE REPORTS.....	9
	NIL	9
11	COUNCILLOR/DELEGATE REPORTS	10
	NIL	10
12	REPORTS.....	11
12.1	LOCAL LAW NO. 8 (WASTE MANAGEMENT) 2018.....	11
12.2	REGIONAL ARTS DEVELOPMENT FUND - INDIVIDUAL GRANT APPLICATIONS 2017/2018	14
12.3	QUESTIONS ON NOTICE – POOL FENCING AROUND THE YEPOON LAGOON.....	15
13	QUESTIONS/STATEMENT/MOTIONS ON NOTICE FROM COUNCILLORS	16
13.1	QUESTIONS ON NOTICE - COUNCILLOR GLENDA MATHER - THE LAGOON	16
13.2	NOTICE OF MOTION - COUNCILLOR GLENDA MATHER - PROPOSED PLAQUE FOR WAR ANIMALS.....	17

13.3	NOTICE OF MOTION - COUNCILLOR GLENDA MATHER - WATER CHARGES.....	18
14	CLOSED SESSION	19
15.1	RESADA ESPLANADE AND COOLWATERS HOLIDAY VILLAGE	
15	CONFIDENTIAL REPORTS.....	20
15.1	RESADA ESPLANADE AND COOLWATERS HOLIDAY VILLAGE	20
16	URGENT BUSINESS\QUESTIONS	21
17	CLOSURE OF MEETING.....	22

MINUTES OF THE ORDINARY MEETING HELD AT COUNCIL CHAMBERS, 4 LAGOON PLACE, YEPPON ON TUESDAY, 15 MAY 2018 COMMENCING AT 9:06AM

1 OPENING

2 PRESENT

Members Present:

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

In Attendance:

Mrs Chris Murdoch – Chief Executive Officer
Mr Brett Bacon – Executive Director Liveability and Wellbeing
Mr Dan Toon – Executive Director Infrastructure
Mrs Andrea Ellis – Chief Financial Officer
Mr Matthew Willcocks - Chief Technology Officer
Mr Sean Fallis – Manager Water and Waste Operations
Ms Carrie Burnett – Policy and Planning Officer
Ms Lucy Merry – Executive Support Officer
Ms Tanya Callaghan – Support Services Officer

3 LEAVE OF ABSENCE / APOLOGIES

3.1 LEAVE OF ABSENCE - COUNCILLOR GLENDA MATHER - 15 - 25 MAY 2018 INCLUSIVE

File No: GV.13.4.1

Responsible Officer: Chris Murdoch - Chief Executive Officer

SUMMARY

Councillor Glenda Mather has requested leave of absence for 15 May to 25 May 2018 inclusive.

COUNCIL RESOLUTION

THAT leave of absence be granted to Councillor Glenda Mather for 15 May to 25 May 2018 inclusive.

Moved by: Councillor Wyatt

Seconded by: Councillor Kelly

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 1 May 2018 be taken as read and adopted as a correct record.

Moved by: Councillor Kelly

Seconded by: Councillor Wyatt

MOTION CARRIED

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

8 BUSINESS ARISING OR OUTSTANDING FROM PREVIOUS MEETINGS

Nil

9 PRESENTATION OF PETITIONS

9.1 PETITION FROM STANAGE TOWNSHIP ORGANISATION INC - SEALING OF CAR PARK AT THE STANAGE BOAT RAMP

File No: GV13.4.1
Attachments: 1. Petition from Stanage Township Organisation Inc.
Responsible Officer: Chris Murdoch - Chief Executive Officer

SUMMARY

The Chief Executive Officer has received the following petition from Mr Barry Williams, President, Stanage Township Organisation Inc requesting the sealing of the car park at the Stanage Boat Ramp.

COUNCIL RESOLUTION

THAT the petition requesting the sealing of the car park at the Stanage Boat Ramp be received.

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

MOTION CARRIED

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

Nil

11 COUNCILLOR/DELEGATE REPORTS

Nil

12 REPORTS

12.1 LOCAL LAW NO. 8 (WASTE MANAGEMENT) 2018

File No:	19.5.1
Attachments:	<ol style="list-style-type: none">1. Marked-Up Draft Local Law No. 8 (Waste Management) 20182. Draft Local Law No. 8 (Waste Management) 2018 with mark-ups accepted3. State Interest Check Submissions Report4. Submission from Department of Health5. Submission from Department of Environment and Science6. Submission from Department of Aboriginal and Torres Strait Islander Partnerships7. Submission from Department of Agriculture and Fisheries8. Submission from Department of Housing and Public Works9. Submission from Department of Local Government, Racing and Multicultural Affairs10. Submission from Queensland Police Service11. Submission from Queensland Fire and Emergency Services12. Submission from Department of Transport and Main Roads13. Ordinary Agenda 6 February 201814. Public Interest Test Plan
Responsible Officer:	Dan Toon - Executive Director Infrastructure
Author:	Carrie Burnett - Policy & Planning Officer

SUMMARY

Proposal to acknowledge comments received as a result of consultation with relevant government entities, amend the draft local law and delegate to the chief executive officer the power to undertake public interest testing in relation to possible anti-competitive provisions.

COUNCIL RESOLUTION

THAT

1. Council resolves to note that Council has consulted with relevant government entities about the overall State interest in Local Law No. 8 (Waste Management) 2018.
2. Council resolves, as a result of consultation with relevant government entities, to amend the proposed local law, Local Law No. 8 (Waste Management) 2018, as follows—
 - a. section 5(a), before 'designate'—
insert—
'by resolution,';
 - b. section 5(a), 'and/or'—
omit, insert—
'or';

- c. section 6(1), example, ‘, or a decision of a delegate of the local government, written notice of which is given to the owner or occupier,’—
omit;
- d. section 8(1), example, ‘, or a decision of a delegate of the local government, written notice of which is given to the owner or occupier,’—
omit;
- e. section 9(1)(b)—
omit, insert—
(b) the registered suitable operator for a prescribed environmentally relevant activity carried out at the premises;
(c) the holder of an environmental authority for a mining activity or petroleum activity carried out at the premises.’.
- f. section 9(2), example, ‘, or a decision of a delegate of the local government, written notice of which is given to the owner or occupier,’—
omit;
- g. section 9(2), example, ‘for the premises’—
omit;
- h. section 12(1), example, ‘, or a decision of a delegate of the local government, written notice of which is given to the owner or occupier,’—
omit;
- i. section 12(1), example, ‘for the premises’—
omit;
- j. section 13(a), from ‘government—’ to ‘; and’—
omit, insert—
‘government for disposal of the waste at a waste facility; and’;
- k. section 13(a), example, ‘, or a decision of a delegate of the local government, written notice of which is given to the owner or occupier,’—
omit;
- l. section 13(b), from ‘waste—’ to ‘facility.’—
omit, insert—
‘waste for disposal of the waste at a waste facility.’;
- m. Schedule, dictionary, ‘section 3’—
omit, insert—
‘section 4’;
- n. Schedule, definition **commercial premises**—
insert—
(e) an office, shop or other premises where business or work, other than a manufacturing process, is carried out.’;
- o. Schedule, dictionary—
insert—
‘domestic clean-up waste means non-putrescible, dry and inoffensive waste,

other than green waste or recyclable waste, produced as a result of a clean-up of domestic premises.’;

- p. Schedule, definition **penalty unit**—
omit, insert—

‘**penalty unit** means an amount of money prescribed under the *Penalties and Sentences Act 1992* which is used to calculate penalties for breaches of the local laws of the local government.’;

- q. Schedule, dictionary, definition **premises**, ‘, industrial premises’—
omit,

- r. Schedule, dictionary, definition **waste**, ‘,’
omit,

3. Council resolves, pursuant to section 257 of the *Local Government Act 2009* (*‘the Act’*), to delegate to the Chief Executive Officer of Council its powers under section 38 of *the Act* and section 15 of the *Local Government Regulation 2012* to decide—
- a. how the public interest test of the local law particularised in the schedule is to be conducted; and
 - b. the matters with which the public interest test report in relation to the local law particularised in the schedule must deal; and
 - c. the consultation process for the public interest test and how the process is to be used in the public interest test.

SCHEDULE

Local Law No. 8 (Waste Management) 2018.

Moved by: Councillor Belot
Seconded by: Councillor Eastwood
MOTION CARRIED

12.2 REGIONAL ARTS DEVELOPMENT FUND - INDIVIDUAL GRANT APPLICATIONS 2017/2018

File No: GS15.2.5
Attachments: Nil
Responsible Officer: Trish Weir - Manager Customer Service
 Brett Bacon - Executive Director Liveability and Wellbeing
Author: Julie Bickley - Coordinator Library & Arts

SUMMARY

Three Regional Arts Development Fund Applications have been received for a total amount of \$4,060. Individual grants are available between rounds of funding.

COUNCIL RESOLUTION

THAT in accordance with the recommendation of the Livingstone Regional Arts Development Fund Assessment Panel, the following grant applications be funded from the Regional Arts Development Fund.

Name	Purpose of Grant	\$Total Project Expenses	\$ Grant Requested	\$ Grant Recommended
Keppel Coast Arts Council Inc	To host an exhibition at the Mill Gallery showcasing the works of ten (10) artists who live in Livingstone Shire.	\$3080	\$1500	\$1500
Angela Burke (IPD)	Towards attending a workshop in Brisbane to develop workable clay from local soils.	\$975	\$260	\$260
Leo Honek (Tropical Bloom)	Employing Christine Holden to teach workshops on ethical art weaving, using marine debris and building a bamboo shade structure to host the workshops.	\$5260	\$2300	\$2300

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

12.3 QUESTIONS ON NOTICE – POOL FENCING AROUND THE YEPPON LAGOON

File No: GV13.4.4
Attachments: Nil
Responsible Officer: Chris Murdoch - Chief Executive Officer
Author: Brett Bacon - Executive Director Liveability and Wellbeing

SUMMARY

This report provides a response to Questions on Notice, which Councillor Mather proposes to tender to the Council meeting of 15 May 2018.

COUNCIL RESOLUTION

THAT Council resolves to receive the report providing a response to Councillor Mather's Question on Notice regarding the Yeppoon Lagoon.

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

MOTION CARRIED

13 QUESTIONS/STATEMENT/MOTIONS ON NOTICE FROM COUNCILLORS

13.1 QUESTIONS ON NOTICE - COUNCILLOR GLENDA MATHER - THE LAGOON

File No: GV13.4.4
Attachments: 1. The Lagoon
Responsible Officer: Chris Murdoch - Chief Executive Officer

SUMMARY

Councillor Glenda Mather indicated her intention to place the following Question on Notice in relation to the lagoon at the next Council Meeting 15 May 2018, as follows:

- 1. What legislation does Council rely on which does not compel to install safety fencing around the lagoon pool?*

COUNCIL RESOLUTION

THAT the question on notice be received.

Moved by: Deputy Mayor, Councillor Hutton

Seconded by: Councillor Kelly

MOTION CARRIED

13.2 NOTICE OF MOTION - COUNCILLOR GLENDA MATHER - PROPOSED PLAQUE FOR WAR ANIMALS

File No: GV13.4.4
Attachments: 1. Notice of Motion - Proposed Plaque for War Animals
Responsible Officer: Chris Murdoch - Chief Executive Officer

SUMMARY

Councillor Glenda Mather has indicated her intention to move the following Notice of Motion at the next Council Meeting 15 May 2018, as follows:

RECOMMENDATION

THAT Council recognise the vital rolls the war animals played in world conflicts, and Mr Allsopp be advised Council would be honoured to receive the RSL approved plaque from The Australian War Animal Memorial Organisation Inc. and the plaque will be placed in a prominent position identifying their service.

Further, Members of the Emu Park PRSL be asked to embrace this generous offer, and identify an appropriate location for the plaque.

PROCEDURAL MOTION

THAT the matter lay on the table due to the absence of Councillor Mather and return to the next Council Meeting on 5 June 2018.

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

MOTION CARRIED

13.3 NOTICE OF MOTION - COUNCILLOR GLENDA MATHER - WATER CHARGES

File No: GV13.4.4
Attachments: 1. Notice of Motion
Responsible Officer: Chris Murdoch - Chief Executive Officer

SUMMARY

Councillor Glenda Mather has indicated her intention to move the following Notice of Motion at the next Council Meeting 15 May 2018, as follows:

RECOMMENDATION

THAT given the circumstances surrounding the high quarterly water reading at L92 LN 2550 and Council's decision to discontinue the interest charges for the reasons provided, Council resolve to pro-rata the charge for the period in question as a one-off consideration.

PROCEDURAL MOTION

THAT the matter lay on the table due to the absence of Councillor Mather and return to the next Council Meeting on 5 June 2018.

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

MOTION CARRIED

PROCEDURAL MOTION

THAT the matter 'lying on the table' be lifted from the table and dealt with accordingly.

- 13.2 Notice of Motion – Councillor Adam Belot – LSC Infrastructure Leases – 1 May 2018

Moved by: Councillor Belot
Seconded by: Councillor Eastwood

MOTION LOST

14 CLOSED SESSION

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

COUNCIL RESOLUTION

9.21AM

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

15.1 RESADA ESPLANADE AND COOLWATERS HOLIDAY VILLAGE

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 Wyatt

MOTION CARRIED

COUNCIL RESOLUTION

9.27AM

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

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

MOTION CARRIED

15 CONFIDENTIAL REPORTS

15.1 RESADA ESPLANADE AND COOLWATERS HOLIDAY VILLAGE

File No: CP5.9.1
Attachments: 1. Confidential Report - 22 November 2016
Responsible Officer: David Mazzaferri - Manager Disaster Management, Recovery and Resilience
Brett Bacon - Director Community & Planning Services
Author: Mark McLean - Senior Property & Contracts Officer

This report is considered confidential in accordance with section 275(1)(e), of the *Local Government Regulation 2012*, as it contains information relating to contracts proposed to be made by it.

SUMMARY

The intention of this report is to amend the resolution by Council on 22 November 2016 in relation to Resada Esplanade and Coolwaters Holiday Village.

COUNCIL RESOLUTION

THAT Council amend resolution 16.1 of its Ordinary Meeting on 22 November 2016 by deleting point one:

'Council decide, by resolution, that the exception mentioned in Section 236(c)(iv) of Local Government Regulation 2012 may apply in its dealings with Coolwaters Holiday Village over part of Lot A on AP7651.'

Moved by: Councillor Kelly
Seconded by: Councillor Wyatt

MOTION CARRIED

16 URGENT BUSINESS QUESTIONS

17 CLOSURE OF MEETING

There being no further business the meeting closed at 9.28AM.

Bill Ludwig
CHAIRPERSON

DATE