



ORDINARY MEETING

MINUTES

19 FEBRUARY 2019

The resolutions contained within these minutes was confirmed at the Council meeting
on 4 March 2019.

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MINUTES OF THE ORDINARY MEETING HELD AT COUNCIL CHAMBERS, 4 LAGOON PLACE, YEPPON ON TUESDAY, 19 FEBRUARY 2019 COMMENCING AT 8.33AM

1 OPENING

2 PRESENT

Members Present:

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

Officers 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
Ms Erin McCabe – Coordinator Development Assessment
Mrs Jenna Davies – Principal Planning Officer
Ms Maddie Crigan – Property Officer
Ms Nicole Robertson – Coordinator Executive Support

Apologies:

Mayor, Councillor Bill Ludwig

3 LEAVE OF ABSENCE / APOLOGIES

Mayor Ludwig has tendered his apology and will not be in attendance.

COUNCIL RESOLUTION

THAT the apologies tendered for the absence of Mayor Ludwig be 'received'.

Moved by: Councillor Eastwood

Seconded by: Councillor Kelly

MOTION CARRIED

3.1 LEAVE OF ABSENCE FOR MAYOR LUDWIG - 8 MAY 2019 TO 29 JUNE 2019 INCLUSIVE

File No: GV13.4.1

Attachments: Nil

Responsible Officer: Chris Murdoch - Chief Executive Officer

SUMMARY

Councillor Bill Ludwig requested a leave of absence from 8 May 2019 to 29 June 2019 inclusive. During this time, Cr Nigel Hutton will be acting Mayor.

COUNCIL RESOLUTION

THAT Leave of Absence be granted to Councillor Bill Ludwig for the period 8 May 2019 to 29 June 2019 inclusive.

Moved by: Councillor Kelly

Seconded by: Councillor Eastwood

MOTION CARRIED

4 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

COUNCIL RESOLUTION

THAT the minutes of the Ordinary Meeting held on 5 February 2019 be taken as read and adopted as a correct record.

Moved by: Councillor Kelly

Seconded by: Councillor Belot

MOTION CARRIED

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

6 PUBLIC FORUMS/DEPUTATIONS

6.1 9AM DEPUTATION - YEPPON ROTARY BIRDWOOD ESTATE BENEVOLENT FUND - OUTSTANDING INFRASTRUCTURE CHARGES

File No: D-71-2011
Attachments: Nil
Responsible Officer: Dan Toon - Executive Director Infrastructure Services
Author: Lucy Walker - Executive Support Officer

SUMMARY

Robert Harris, Chairman of the Trustees of Yeppoon Rotary Birdwood Estate Benevolent Fund, has requested a deputation to seek Council support for waiving the outstanding infrastructure charges for a unit development (7 units) at 16-24 Birdwood Avenue, Yeppoon. Mr Harris will be accompanied by Mr John Barnes and Mrs Karen Higgins.

COUNCIL RESOLUTION

THAT Council receive the deputation.

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

MOTION CARRIED

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 19 February 2019** [⇒](#)

Responsible Officer: Dan Toon - Acting 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 Wyatt

Seconded by: Councillor Eastwood

MOTION CARRIED

7.2 LIFTING MATTERS LAYING ON THE TABLE

File No: GV13.4.1
Attachments: Nil
Responsible Officer: Nicole Robertson - Coordinator Executive Support
Author: Lucy Walker - Executive Support Officer

SUMMARY

This report is being presented to Council in order for the stated matters to be formally lifted from the table prior to being dealt with during this meeting of 19th February 2019.

COUNCIL RESOLUTION

THAT the following matter/s, that Council resolved to 'Lay on the Table' at a previous meeting, be lifted from the table to be dealt with later during this meeting:

- Proposed Permanent Road Closure Adjoining Lot 1 on RP605702 – 22 January 2019.

Moved by: Councillor Kelly
Seconded by: Councillor Wyatt

MOTION CARRIED

8 PRESENTATION OF PETITIONS

Nil

9 MAYORAL MINUTE

9.1 MAYORAL MINUTE - MOTION FOR ALGA REGARDING FEDERAL ASSISTANCE GRANTS

File No: GV13.4.1
Attachments: Nil
Responsible Officer: Bill Ludwig - Mayor

SUMMARY

At the Local Government Association of Queensland (LGAQ) Regional Organisation of Councils (ROC) held on 7 February, the issue of Federal Assistance Grants was discussed.

9.34am Councillor Mather attended the meeting.

COUNCIL RESOLUTION

THAT

1. Council formally lodge its support of the joint campaign by the Australian Local Government Association (ALGA) and LGAQ to increase the percentage of federal taxation revenue available to Local Councils through Federal Assistance Grants to at least 1%; and
2. the Mayor write to the appropriate Federal Ministers advising of Council's support of the campaign; and to all federal election candidates for the seat of Capricornia seeking their commitment to this objective.

Moved by: Deputy Mayor, Councillor Hutton

Seconded by: Councillor Kelly

MOTION CARRIED UNANIMOUSLY

10 COUNCILLOR/DELEGATE REPORTS

Nil

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

Nil

12 REPORTS

12.1 COUNCILLOR AGENDA ITEM REQUESTS

File No: GV13.4.1
Attachments: Nil
Responsible Officer: Dan Toon - Acting Chief Executive Officer
Author: Nicole Robertson - Coordinator Executive Support

SUMMARY

This report is to provide information in relation to Councillor requests for agenda items.

COUNCIL RESOLUTION

THAT Council receive the report in relation to the following items requested by Councillors for inclusion in an agenda:

- Beach Accesses - Review of Positioning, Functionality and Construction Standards
- The Non-Principle Place of Residence Differential Rate

Moved by: Councillor Mather

Seconded by: Councillor Kelly

MOTION CARRIED

12.2 PROPOSED PERMANENT ROAD CLOSURE ADJOINING LOT 134 ON LN1363 - WEDGE ISLAND, THE KEPPELS

File No: GR14.4.2

Attachments:

1. Letter from the Department of Natural Resources, Mines and Energy [⇒](#)
2. Aerial [⇒](#)

Responsible Officer: David Mazzaferri - Manager Disaster Management, Recovery and Resilience
Brett Bacon - Executive Director Liveability and Wellbeing

Author: Maddie Crigan - Property Officer

SUMMARY

The purpose of this report is to provide information in relation to an application submitted by the lessee of Lot 134 on LN1363 – Wedge Island, The Keppels for closure of part of the road reserve adjoining his lease area.

COUNCIL RESOLUTION

THAT Council resolve to advise the Department of Natural Resources, Mines and Energy that it does not object to the application to permanently close approximately 414 square metres of road reserve adjoining Lot 134 on LN1363 - Wedge Island, The Keppels.

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

MOTION CARRIED

12.3 PROPOSED PERMANENT ROAD CLOSURE ADJOINING LOT 1 ON RP605702

File No: GR14.4.2

Attachments: 1. letter on behalf of residents, dated 30 January 2019 [⇒](#)

Responsible Officer: Mark McLean - Principal Property Officer
David Mazzaferri - Manager Disaster Management, Recovery and Resilience
Brett Bacon - Executive Director Liveability and Wellbeing

Author: Maddie Crigan - Property Officer

SUMMARY

A report pertaining to a proposed road closure adjoining Lot 1 on RP605702, known as 47 Cliff Street, Yeppoon, was presented to the Council meeting of 22 January 2019 and it was resolved that '...the matter lay on the table to allow petitioners against the application the right of response to the appeal and to return to a future Council Meeting.' Subsequent to a meeting with petitioners on 30 January 2019, the matter is now presented to Council for its consideration.

OFFICER'S RECOMMENDATION

THAT Council give further consideration to a request for the closure of a section of road adjoining Lot 1 on RP605702, known as 47 Cliff Street, Yeppoon, subject to the following conditions:

- 1) the area of closed road must not exceed 10 metres from the western boundary of Lot 1 RP 605702 (note: this provides sufficient area to contain the existing concrete access),
- 2) a public utility easement for sewerage purposes must be registered in favour of Livingstone Shire Council over any part of the sewerage infrastructure which is within the area of closed road. The easement must be a minimum of four (4) metres wide and Council's new Standard Easement Terms dealing number 718630483 must be used; and
- 3) the area of closed road must be amalgamated with Lot 1 RP605702.

PROCEDURAL MOTION

That the matter lay on the table pending the Mayor's attendance and to return to the Council Meeting on 4 March 2019.

Moved by: Councillor Kelly

MOTION CARRIED

12.4 SALE OF 18 SCHOOL STREET, MOUNT CHALMERS

File No: ED8.5.5
Attachments: 1. **Proposal Plan for 18 School Street, Mount Chalmers**⇒
Responsible Officer: **Brett Bacon - Executive Director Liveability and Wellbeing**
Author: **Elle Wallin - Project Support Officer**

SUMMARY

This report seeks Council's approval to undertake a two-stage Expression of Interest and Invitation to Tender process for the disposal of proposed Lot 10, known as 18 School Street, Mount Chalmers.

Suspension of Standing Orders**PROCEDURAL MOTION****8.59AM**

That pursuant to s2.16 and s2.19 of Council's *Meeting Procedures Policy* the provisions of the Council meeting procedures be suspended to allow adequate time for informal discussion on Item 12.4 – Sale of 18 School Street, Mount Chalmers prior to entering into formal debate.

Moved by: **Councillor Belot**

MOTION CARRIED

Resumption of Standing Orders**PROCEDURAL MOTION****9.08AM**

That pursuant to s2.16 and s2.19 of Council's *Meeting Procedures Policy* the provisions of the Council Meeting Procedures be resumed.

Moved by: **Councillor Hutton**

MOTION CARRIED

COUNCIL RESOLUTION

THAT Council resolves to:

- 1) adopts a two stage Expression of Interest and Invitation to Tender process, in accordance with section 228(2)(b) of the *Local Government Regulation 2012*, for the sale of proposed Lot 10, known as 18 School Street, Mount Chalmers, acknowledging the reason for adopting the two-stage process is to gauge market interest and achieve the best possible outcome for Council and the Community;
- 2) delegate authority to the Chief Executive Officer to enter into negotiations with the potential purchasers subject to the CEO providing a briefing to the Council on completion of the first stage; and
- 3) write to the residents of Mt Chalmers and provide an update of the current status and planned actions.

Moved by: **Councillor Kelly**

Seconded by: **Councillor Eastwood**

MOTION CARRIED

Councillor Mather requested her vote against the motion be recorded.

12.5 MONTHLY FINANCIAL REPORT FOR THE PERIOD ENDING 31 JANUARY 2019

File No: FM12.14.1
Attachments: 1. **Monthly Financial Report - January 2019** [⇒](#)

Responsible Officer: Andrea Ellis - Chief Financial Officer
Author: Damien Cross - Coordinator Accounting Services

SUMMARY

Presentation of the Livingstone Shire Council Monthly Financial Report for the period ending 31 January 2019 by the Chief Financial Officer.

COUNCIL RESOLUTION

THAT the Livingstone Shire Council Monthly Financial Report for the period ending 31 January 2019 be received.

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

MOTION CARRIED

12.6 QUARTERLY BUDGET REVIEW (19Q2)

File No:	FM12.5.2
Attachments:	1. 2018-19 Revised Budget Statements (19Q2) ⇒ 2. 2018-19 Revised Budget (19Q2) Measures of Financial Sustainability ⇒ 3. 2018-19 Revised Budget (19Q2) Estimated Activity Statements ⇒

Responsible Officer: Dan Toon - Acting Chief Executive Officer

Author: Andrea Ellis - Chief Financial Officer

SUMMARY

The Quarterly Budget Review (19Q2) is presented to Council for adoption recognising changes to the financial position since the 2018-19 Revised Budget was adopted on 6 November 2018. The second quarter budget review for 2018-19 has been input into the Long Term Financial Forecast. Impacts on this and future financial years have been reviewed and some of the forecast settings been amended.

COUNCIL RESOLUTION

THAT Council resolve to adopt, pursuant to Section 107A of the *Local Government Act 2009* and Sections 169 and 170 of the *Local Government Regulation 2012*, the Quarter 2 Revised Budget (19Q2) for the financial year 2018-19 and the Long Term Financial Forecast for the financial years 2018-19 to 2027-28 as contained in the document entitled 2018-19 Revised Budget and Long Term Financial Forecast (Attachment 1) and set out in the pages contained therein:

- i. Statement of Financial Position (Attachment 1);
- ii. Statement of Cash Flows (Attachment 1);
- iii. Statement of Income and Expenditure (Attachment 1);
- iv. Statement of Changes in Equity (Attachment 1);
- v. Long-Term Financial Forecast (Attachment 1);
- vi. Relevant Measures of Financial Sustainability (Attachment 2);
- vii. Total Value of change in the rates and charges expressed as a percentage (Attachment 2);
- viii. Revised estimated business activity costs for the period ending 30 June 2019 (Attachment 3).

Moved by: Deputy Mayor, Councillor Hutton

Seconded by: Councillor Eastwood

MOTION CARRIED

Chairperson, Deputy Mayor Councillor Hutton sought leave of the meeting to suspend meeting procedures for morning tea.

Leave granted.

Meeting procedures were suspended at 9:45am.

Meeting procedures resumed at 9:58am.

13 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

9.59AM

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.

14.1 Outstanding infrastructure contributions for Multiple dwelling units (seven (7) units) at 16-24 Birdwood Avenue, Yeppoon

This report is considered confidential in accordance with section 275(1)(g), of the *Local Government Regulation 2012*, as it contains information relating to any action to be taken by the local government under the Planning Act, including deciding applications made to it under that Act.

14.2 Acquisition of Easement for Water Supply Purposes - Ironpot

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 Kelly

Seconded by: Councillor Mather

MOTION CARRIED

COUNCIL RESOLUTION

10.29AM

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

Moved by: Councillor Kelly

Seconded by: Councillor Wyatt

MOTION CARRIED

14 CONFIDENTIAL REPORTS

14.1 OUTSTANDING INFRASTRUCTURE CONTRIBUTIONS FOR MULTIPLE DWELLING UNITS (SEVEN (7) UNITS) AT 16-24 BIRDWOOD AVENUE, YEPPOON

File No: D-71-2011

Attachments:

1. **Locality Plan**
2. **Decision Notice and Approved Plans**

Responsible Officer: Erin McCabe - Co-ordinator Development Assessment
David Battese - Manager Strategy & Development

Author: Jenna Brosseuk - Senior Planning Officer

This report is considered confidential in accordance with section 275(1)(g), of the *Local Government Regulation 2012*, as it contains information relating to any action to be taken by the local government under the Planning Act, including deciding applications made to it under that Act.

SUMMARY

This report provides seeks Councils decision on a request made by Robert Harris, the Chairman of Trustees for the Yeppoon Rotary Birdwood Estate Benevolent Fund, to waive payment of outstanding contributions for a unit development at 16-24 Birdwood Avenue, Yeppoon.

OFFICER'S RECOMMENDATION

THAT Council resolve to maintain the requirement to pay the contribution and enter into an agreement with the landowner to make staged payments of the contribution over a period of time of twelve (12) months with payment of an agreed amount per month with the contribution continuing to be subject to consumer price index.

PROCEDURAL MOTION

That the matter lay on the table pending attendance of the full Council table to return to the Council Meeting on 4 March 2019.

Moved by: Councillor Mather

MOTION CARRIED UNANIMOUSLY

14.2 ACQUISITION OF EASEMENT FOR WATER SUPPLY PURPOSES - IRONPOT**File No:** 5.2.4-001**Attachments:**

1. SP213739
2. Drawing No 19-091-01 and 19-091-02

Responsible Officer: Dan Toon - Acting Chief Executive Officer**Author:** Carrie Burnett - Policy & Planning Officer

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

This report relates to the acquisition of a water supply easement at Yeppoon Road Ironpot.

COUNCIL RESOLUTION

THAT Council resolve to authorise the Chief Executive Officer to commence negotiations with the owner of Lot 156 SP213739 to dedicate a water supply easement as shown on Drawing Nos 19-091-01 and 19-091-02.

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

15 URGENT BUSINESS QUESTIONS

16 CLOSURE OF MEETING

There being no further business the meeting closed at 10.30AM.

Deputy Mayor, Nigel Hutton
CHAIRPERSON

DATE