



# **ORDINARY MEETING**

## **MINUTES**

**16 APRIL 2019**

The resolutions contained within these minutes were confirmed at Council meeting  
on 7 May 2019.

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**MINUTES OF THE ORDINARY MEETING HELD AT COUNCIL CHAMBERS, 4 LAGOON PLACE, YEPPON ON TUESDAY, 16 APRIL 2019 COMMENCING AT 8.30AM**

**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 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  
Mr Nick Sheehan - Chief Human Resources Officer

**3 LEAVE OF ABSENCE / APOLOGIES**

Nil

## **4 CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

### **COUNCIL RESOLUTION**

THAT the minutes of the Ordinary Meeting held on 1 April 2019 be taken as read and adopted as a correct record.

**Moved by:** Councillor Kelly  
**Seconded by:** Councillor Wyatt

**MOTION CARRIED**

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

## **6 PUBLIC FORUMS/DEPUTATIONS**

### **6.1 8.30AM DEPUTATION - SMR ADVERTISING AND RESEARCH - DIGITAL ADVERTISING DISPLAYS**

**File No:** GV13.4.3  
**Attachments:** Nil  
**Responsible Officer:** Chris Murdoch - Chief Executive Officer  
**Author:** Lucy Walker - Executive Support Officer

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#### **SUMMARY**

*Paul Sweeney, Principal SMR Advertising and Research and Andrew Butcher, CEO Sign Site will attend Council Meeting to address Councillors and officers on the possibility of installing dynamic high definition digital billboards in prominent locations around the shire.*



## **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 16 April 2019](#) ⇨  
**Responsible Officer:** Chris Murdoch - Chief Executive Officer

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#### **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:** Deputy Mayor, Councillor Hutton

**MOTION CARRIED**

**8 PRESENTATION OF PETITIONS**

Nil

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## 9 MAYORAL MINUTE

### 9.1 MAYORAL MINUTE - MEMORIAL JASON MARKS

**File No:** CR2.11.1  
**Attachments:** Nil  
**Responsible Officer:** David Mazzaferri - Manager Disaster Management,  
Recovery and Resilience  
Bill Ludwig - Mayor

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#### SUMMARY

*Council has received a request from The Vietnam Legion requesting a memorial of some nature to be installed locally in memory of Jason Marks, who was killed in action in Afghanistan 2008.*

#### COUNCIL RESOLUTION

*THAT in relation to the establishment of the memorial of Jason Marks who was killed in Afghanistan Council engage:*

1. with relevant Government agencies and the Vietnam Legion in relation to the provision of the plaque and,
2. with the family to ensure their wishes are respected, if they wish a plaque and where they would like to see the memorial located.

**Moved by:** Mayor Ludwig  
**Seconded by:** Deputy Mayor, Councillor Hutton  
**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:** Chris Murdoch - Chief Executive Officer  
**Author:** Sue Schluter - Executive Assistant to Mayor

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#### 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:

- Parking for Service Providers – Anzac Parade
- Reticulated Water to Mabel Edmund Park
- Tookers Road Upgrade
- Audit of Shire Intersections

**Moved by:** Councillor Kelly  
**Seconded by:** Councillor Eastwood

**MOTION CARRIED**

**12.2 ASSESSMENT OF FURTHER DEALING OF TERM LEASE OVER LOT 102 ON CROWN PLAN LN1939**

<b>File No:</b>	<b>GR14.4.2</b>
<b>Attachments:</b>	1. Letter from the Department of Natural Resources, Mines and Energy⇒ 2. Plan of subject site⇒
<b>Responsible Officer:</b>	<b>Brett Bacon - Executive Director Liveability and Wellbeing</b> <b>Mark McLean - Principal Property Officer</b>
<b>Author:</b>	<b>Maddie Crigan - Property Officer</b>

**SUMMARY**

*This report discusses a request from the Department of Natural Resources, Mines and Energy for Council's views and/or requirements regarding further dealing with Term Lease 0/214673 over Lot 102 on Crown Plan LN1939 located at Bondoola Road, Bondoola.*

**COUNCIL RESOLUTION**

THAT Council resolve to provide the Department of Natural Resources, Mines and Energy with the following response in relation to its request for views and/or requirements regarding further dealing with Term Lease 0/214673 over Lot 102 on Crown Plan LN1939:

- 1) Council has not identified any reason which would indicate that the public interest could be adversely affected if the term lease over Lot 102 on Crown Plan LN1939 is renewed;
- 2) Lot 102 on Crown Plan LN1939 has a high environmental value being in the Serpentine geology which gives rise to unique plant communities. Limestone Creek, a significant waterway, runs through the lease land and is mapped Matter of Local Environment Significance – Wetland. The land is totally covered by the Protected Plant trigger mapping and Remnant Vegetation including a large area of Endangered Vegetation. The Vegetation of the lease land is also mapped under the Planning Scheme as Matters of State and Local Significance;
- 3) there is a road reserve which runs through the lease land although it appears the road reserve may not have been surveyed. It also appears that the existing constructed road may be partly outside the road reserve and constructed on part of the lease land;
- 4) grazing or agricultural use, properly managed, is an appropriate use for the lease land;
- 5) part of the lease land may be required for road purposes in the future. A survey would be required to confirm this and to identify the extent. It is Council's position that the cost to survey the road area should be at the expense of the leaseholder if conversion to freehold tenure is approved by the Department of Natural Resources, Mines and Energy; and
- 6) Council does not object to the renewal of the term lease over Lot 102 on Crown Plan LN1939. However, given the extensive environmental constraints and limited development opportunities, freeholding of Lot 102 on Crown Plan LN1939 is not supported. In addition to protected vegetation, the land is also subject to poor drainage and periodic flooding limiting the available area for any dwelling or infrastructure.

**Moved by:** Deputy Mayor, Councillor Hutton  
**Seconded by:** Councillor Mather  
**MOTION CARRIED**



**12.3 CONSIDERATION OF RENEWAL OF TERM LEASE OVER LOT 18 ON CROWN PLAN PALM40143****File No:** GR14.4.2**Attachments:**

1. Letter from the Department of Natural Resources, Mines and Energy⇒
2. Plan and aerial⇒

**Responsible Officer:** Mark McLean - Principal Property Officer  
Brett Bacon - Executive Director Liveability and Wellbeing**Author:** Maddie Crigan - Property Officer**SUMMARY**

*This report pertains to a request from the Department of Natural Resources, Mines and Energy for Council's views or requirements on the renewal of Term Lease 216213 over Lot 18 on Crown Plan PALM40143 located at Stanage Bay Road, Stanage.*

**COUNCIL RESOLUTION**

THAT Council resolve to advise the Department of Natural Resources, Mines and Energy that:

- 1) the camping and water reserve described as Lot 18 on Crown Plan PALM40143 is still required for its gazetted purpose and Council would not support freeholding of the term lease over same;
- 2) on the expiry of the existing term lease Council would not be prepared to issue a Trustee Lease or Trustee Permit for grazing purposes over Lot 18 on Crown Plan PALM40143; and
- 3) Lot 18 on Crown Plan PALM40143 is significant in terms of the environmental values, with Remnant Vegetation mapped for the entire area and also wetlands of local and state significance. The current grazing on the land is quite heavy but does provide some fire hazard reduction for the land. Council offers no objection to the granting of a new term lease over Lot 18 on Crown Plan PALM40143 on the condition that the current land condition is maintained or improved. Given the wetland and waterways, future grazing should be required to present a Best Management Practice plan to ensure adequate groundcover and riparian vegetation is retained throughout the year. Ongoing pest management by the lessee is also recommended.

**Moved by:** Councillor Mather**Seconded by:** Deputy Mayor, Councillor Hutton**MOTION CARRIED**

**12.4 VERSION 5 CONCEALED LEAK REFUND POLICY**

**File No:** 4.7.32

**Attachments:**

1. [Draft Policy \(v5\)](#)
2. [Ordinary Meeting Agenda 13 September 2016](#)

**Responsible Officer:** Dan Toon - Executive Director Infrastructure

**Author:** Carrie Burnett - Policy & Planning Officer

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**SUMMARY**

This report seeks Council's adoption of Version 5 of the Concealed Leak Refund Policy.

**COUNCIL RESOLUTION**

THAT Council adopt the Concealed Leak Refund Policy (v5).

**Moved by:** Councillor Eastwood

**Seconded by:** Councillor Kelly

**MOTION CARRIED**

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**12.5 VERSION 3 WATER CONSUMPTION CHARGE REFUND - HEALTH RELATED USES POLICY**

**File No:** 4.7.32  
**Attachments:** 1. [Draft Policy \(v3\)](#)  
2. [Ordinary Meeting Agenda 24 January 2017](#)  
**Responsible Officer:** Dan Toon - Executive Director Infrastructure  
**Author:** Carrie Burnett - Policy & Planning Officer

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**SUMMARY**

This report seeks Council's adoption of Version 3 of the Water Consumption Charge Refund – Health Related Uses Policy.

**COUNCIL RESOLUTION**

THAT Council adopt the Water Consumption Charge Refund – Health Related Uses Policy (v3).

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

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**12.6 VERSION 3 RESIDENTIAL REBATE FOR WATER SAVING PRODUCTS POLICY**

**File No:** 4.7.32

**Attachments:**

1. [Draft Policy \(v3\)](#)
2. [Ordinary Meeting Agenda 13 December 2016](#)

**Responsible Officer:** Dan Toon - Executive Director Infrastructure

**Author:** Carrie Burnett - Policy & Planning Officer

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**SUMMARY**

This report seeks Council's adoption of Version 3 of the Residential Rebate for Water Saving Products Policy.

**COUNCIL RESOLUTION**

THAT Council adopt the Residential Rebate for Water Saving Products Policy (v3).

**Moved by:** Deputy Mayor, Councillor Hutton

**Seconded by:** Councillor Eastwood

**MOTION CARRIED**

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**12.7 VERSION 4 SUB-METERING POLICY AND VERSION 3 SUB-METERING PROCEDURE****File No:** 4.7.32**Attachments:**

1. [Draft Policy \(v4\)](#)
2. [Draft Procedure \(v3\)](#)
3. [Ordinary Meeting Agenda 18 April 2017](#)

**Responsible Officer:** Dan Toon - Executive Director Infrastructure**Author:** Carrie Burnett - Policy & Planning Officer

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**SUMMARY**

This report seeks Council's adoption of Version 4 of the Sub-Metering Policy.

**COUNCIL RESOLUTION**

THAT Council:

1. Adopt the Sub-metering Policy (v4); and
2. Endorse the approval of the Sub-metering Procedure (v3) by the Executive Director Infrastructure.

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

**12.8 VERSION 5 WASTE AND RECYCLING COLLECTION PROCEDURE**

**File No:** 4.7.31  
**Attachments:** 1. [Draft Procedure \(v5\)](#)  
2. [Ordinary Meeting Agenda 18 September 2018](#)  
**Responsible Officer:** Dan Toon - Executive Director Infrastructure  
**Author:** Carrie Burnett - Policy & Planning Officer

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**SUMMARY**

This report seeks Council's endorsement of Version 5 of the Waste and Recycling Collection Procedure.

**COUNCIL RESOLUTION**

THAT Council endorse the approval of the Waste and Recycling Collection Procedure (v5) by the Executive Director Infrastructure.

**Moved by:** Councillor Mather  
**Seconded by:** Councillor Kelly

**MOTION CARRIED**

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**12.9 VERSION 2 WATER AND SEWERAGE DECLARED SERVICE AREAS  
EXTENSION POLICY**

**File No:** 4.7.29 and 4.7.32  
**Attachments:** 1. [Draft Policy \(v2\)](#)  
2. [Ordinary Meeting Agenda 9 December 2014](#)  
**Responsible Officer:** Dan Toon - Executive Director Infrastructure  
**Author:** Carrie Burnett - Policy & Planning Officer

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**SUMMARY**

This report seeks Council's adoption of Version 2 of the Water and Sewerage Declared Service Areas Extension Policy.

**COUNCIL RESOLUTION**

THAT Council adopt the Water and Sewerage Declared Service Areas Extension Policy (v2).

**Moved by:** Deputy Mayor, Councillor Hutton  
**Seconded by:** Councillor Mather

**MOTION CARRIED**

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**12.10 VERSION 3 NAMING OF INFRASTRUCTURE ASSETS POLICY AND PROCEDURE**

**File No:** 4.7.28 and 4.7.21

**Attachments:**

1. [Draft Policy \(v3\)](#)
2. [Draft Procedure \(v3\)](#)
3. [Ordinary Meeting Agenda 7 March 2017](#)

**Responsible Officer:** Dan Toon - Executive Director Infrastructure

**Author:** Carrie Burnett - Policy & Planning Officer

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**SUMMARY**

This report seeks Council's adoption of Version 3 of the Naming of Infrastructure Assets Policy.

**COUNCIL RESOLUTION**

THAT Council:

1. Adopt the Naming of Infrastructure Assets Policy (v3); and
2. Endorse the approval of the Naming of Infrastructure Assets Procedure (v3) by the Executive Director Infrastructure.

**Moved by:** Councillor Kelly

**Seconded by:** Deputy Mayor, Councillor Hutton

**MOTION CARRIED**



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**12.11 MONTHLY FINANCIAL REPORT FOR THE PERIOD ENDING 31 MARCH 2019****File No:** FM12.14.1**Attachments:** 1. **Monthly Financial Report - March 2019** [↗](#)**Responsible Officer:** **Andrea Ellis - Chief Financial Officer**  
**Chris Murdoch - Chief Executive Officer****Author:** **Damien Cross - Coordinator Accounting Services****SUMMARY**

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

**COUNCIL RESOLUTION**

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

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

### 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

##### 9.15AM

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.

##### 14.1 182 and 200 Tanby Road, Taroomball

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

**MOTION CARRIED**

#### COUNCIL RESOLUTION

##### 9.27AM

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

**Moved by: Councillor Kelly**

**Seconded by: Councillor Eastwood**

**MOTION CARRIED**

## 14 CONFIDENTIAL REPORTS

### 14.1 182 AND 200 TANBY ROAD, TAROOMBALL

**File No:** ED8.5.5

**Attachments:** 1. **Map of 182 and 200 Tanby Road, Taroomball highlighting the Biodiversity Habitat and Vegetation overlay**

**Responsible Officer:** **Brett Bacon - Executive Director Liveability and Wellbeing**

**Author:** **Elle Wallin - Project Support Officer**

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

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#### SUMMARY

*A tender process was undertaken for the sale of 182 and 200 Tanby Road, Taroomball. The content of this report provides a summary of the tenders received and options to progress with the disposal of the land.*

#### RECOMMENDATION

*THAT Council resolve to proceed in accordance with option two as outlined in the report.*

#### ALTERNATIVE COUNCIL RESOLUTION

*THAT Council resolve to proceed to put the property on the market at or above valuation.*

**Moved by:** **Councillor Mather**

**Seconded by:** **Councillor Wyatt**

**MOTION CARRIED UNANIMOUSLY**

**15 URGENT BUSINESS QUESTIONS**

**16 CLOSURE OF MEETING**

**There being no further business the meeting closed at 9.30AM**

\_\_\_\_\_  
Bill Ludwig  
CHAIRPERSON

\_\_\_\_\_  
DATE