



ORDINARY MEETING

AGENDA

18 AUGUST 2020

Your attendance is required at an Ordinary meeting of Council to be held in the Council Chambers, 4 Lagoon Place, Yeppoon on 18 August 2020 commencing at 9.00am for transaction of the enclosed business.

Brett Bacon

ACTING CHIEF EXECUTIVE OFFICER

13 August 2020

Next Meeting Date: 15.09.20

Please note:

In accordance with the *Local Government Regulation 2012*, please be advised that all discussion held during the meeting is recorded for the purpose of verifying the minutes. This will include any discussion involving a Councillor, staff member or a member of the public.

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1 OPENING

Acknowledgement of Country

"I would like to take this opportunity to respectfully acknowledge the Darumbal People. The traditional custodians and elders past, present and emerging of the land on which this meeting is taking place today."

Opening Prayer

Reverend Stanley of the Anglican Church of Central Queensland is scheduled to deliver an opening prayer.

2 ATTENDANCE

Members Present:

Mayor, Councillor Andrew Ireland (Chairperson)
Councillor Nigel Hutton
Councillor Adam Belot
Councillor Pat Eastwood
Councillor Glenda Mather
Councillor Tanya Lynch
Councillor Andrea Friend

Officers in Attendance:

Mr Dave Mazzaferri – Acting Executive Director Liveability and Wellbeing
Mr Michael Kriedemann – Executive Director Infrastructure
Mrs Andrea Ellis – Chief Financial Officer
Mr Matthew Willcocks - Chief Technology Officer
Mrs Belinda Housman – Acting Chief Human Resources Officer

3 LEAVE OF ABSENCE / APOLOGIES

Mr Brett Bacon – Acting Chief Executive Officer

4 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Minutes of the Ordinary Meeting held 21 July 2020

Minutes of the Special Meeting held 28 July 2020

5 DECLARATION OF INTEREST IN MATTERS ON THE AGENDA

6 PUBLIC FORUMS/DEPUTATIONS

Nil

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 - August 2020 [↓](#)

Responsible Officer: Amanda Ivers - Executive Assistant to the Mayor
Brett Bacon - Acting Chief Executive Officer

SUMMARY

The Business Outstanding table is used as a tool to monitor outstanding items resolved at previous Council Meetings. The current Business Outstanding table for the Ordinary Council Meetings as at 18 August 2020 is presented for Councillors' information.

OFFICER'S RECOMMENDATION

THAT the Business Outstanding table for the Ordinary Council Meeting be received.

7.1 - BUSINESS OUTSTANDING TABLE FOR ORDINARY COUNCIL MEETING

Business Outstanding Table - August 2020

Meeting Date: 18 August 2020

Attachment No: 1

Item	Date	Report Title	Resolution	Responsible Officer	Comments
1.	17 July 2018	Draft Fig Tree Creek Masterplan	THAT Council endorse the Fig Tree Creek Master Plan for further public consultation and integration into the Council's Strategic Planning Framework.	Coordinator Natural Resource Management	6 August 2020 Council is currently reviewing the erosion mitigation project so there will be a short delay to the start of consultation on the Masterplan. Water by Design, Healthy Land and Water, have put forth Livingstone as one of five Queensland Councils interested in developing a Co-Design Plan, a small amount of seed funding will support Water by Design to spend a few days with Council late this month confirming the plan and then developing the proposal for funding of the full project.
2.	01 April 2019	Recyclables Processing Service Contract (C)	That Council authorise the Chief Executive Officer to proceed in the manner as outlined within the report.	Manager Water and Waste Operations	6 August 2020 Application for authorisation to collaboratively procure recyclables processing services has now been formally made to ACCC by Gladstone Regional Council (GRC) on behalf of Rockhampton Regional Council (RRC), Livingstone Shire Council (LSC), Central Highlands Regional Council (CHRC) and themselves. Application fee has been paid and shared by all four (4) Councils based on tonnages.
3.	06/08/19	Livingstone Planning Scheme 2018 - Proposed Second Amendment	THAT Council resolve to: 1. make amendments to the <i>Livingstone Planning Scheme 2018</i> in accordance with the changes identified in Attachment One; and 2. advance the amendments to the <i>Livingstone Planning Scheme 2018</i> in accordance with the <i>Planning Act 2016</i> and the <i>Minister's Guidelines and Rules July 2017</i> .	Strategic Planning Officer	13 July 2020 A Briefing Report is being completed for the 4th August 2020. The report will be accompanied by a presentation to Councillors. The Briefing Report and Presentation will seek guidance from Councillors regarding advancing this scheme amendment. This scheme amendment relates only to 4 Lagoon Place (this is the Council Office location),

Item	Date	Report Title	Resolution	Responsible Officer	Comments
4.	17/09/19	Former Catholic Church Building – Marlborough (C)	<p>THAT Council resolve:</p> <p>1) to authorise Council officers to proceed to written tender for the sale of Lot 14 on Registered Plan 602167 and the building thereon on an 'as is where is' basis; and</p> <p>2) further, if the written tender process for the sale of Lot 14 on Registered Plan 602167 and the building thereon is unsuccessful, authorise Council officers to proceed to written tender for the lease of this property on an 'as is where is' basis.</p>	Principal Property Officer	<p>6 August 2020</p> <p>The subject building contains asbestos and is in fair condition. Advice is being prepared by Council's Facilities Section on the following: 1) whether Council should be offering the building for lease in its current condition; 2) whether the building would be safe for occupation by a tenant; 3) what works Council should undertake on the building if it were to offer the property for lease.</p>
5.	19/11/19	Enquiry of The Gateway Business and Industry Park Proposed Lot 24 (C)	THAT Council resolve to provide a twelve-month non-exclusive Licence Agreement to the proponent, at a rental amount as prescribed under the non-exclusive Licence Agreement to, over part of Lot 5001 on Survey Plan 296924 at The Gateway Business and Industry Park.	Project Support Officer	<p>12 August 2020</p> <p>The proponent is still working with the State Government to identify funding opportunities and are undertaking due diligence on project feasibility.</p>
6.	03/12/19	Livingstone Planning Scheme 2018 - Proposed Planning Scheme Amendments	<p>THAT Council resolve to:</p> <p>1) Make amendments to the Livingstone Planning Scheme 2018 in accordance with the changes identified in Attachment 1; and</p> <p>2) Advance the amendments to the Livingstone Planning Scheme 2018 in accordance with the Planning Act 2016 and the Minister's Guidelines and Rules July 2017.</p>	Principal Strategic Planner	<p>12 August 2020</p> <p>Amendment has been sent to the State for review and Council awaits feedback to determine time for public notification</p>
7.	03/12/19	Proposed Trustee Lease To NBN Co Limited Over Part Of Lot 50 On Survey Plan 207050 - Keppel Sands (C)	<p>THAT Council resolve:</p> <p>1. that the exception mentioned in section 236(1)(c)(vi) of the Local Government Regulation 2012 may apply in its dealing with NBN Co Limited</p>	Principal Property Officer	<p>6 August 2020</p> <p>The matter is progressing. There has been a delay in the execution of the Form 8 Surrender of Lease by the Coast Guard, which will facilitate the surrender of part of</p>

Item	Date	Report Title	Resolution	Responsible Officer	Comments
			<p>over part of Lot 50 on Survey Plan 207050 described as Lease N on Survey Plan 311429;</p> <p>2. pursuant to section 236(2) of the Local Government Regulation 2012 to apply section 236(1)(c)(vi) of the Local Government Regulation 2012 in its dealing with NBN Co Limited over part of Lot 50 on Survey Plan 207050 described as Lease N on Survey Plan 311429; and</p> <p>3. to provide a twenty (20) year lease to NBN Co Limited, at an initial rent which is yet to be determined but in accordance with Section 236 Subsection (3) of Local Government Regulation 2012 will be equal to, or more than, the market value of the interest in land, over Lease N on Survey Plan 311429.</p>		<p>its lease area to allow for the installation of NBN Co's underground electrical cable. The Form 8 will also need to be executed by Council. Council will then enter into interim Licence Agreements with NBN Co which will enable it to commence works. These agreements will remain in place until the Trustee Lease issues.</p>
8.	19/12/19	Capricorn Coast Memorial Parkland Management (C)	<p>THAT Council resolve to authorise Council officers to invite expressions of interest from parties interested in the provision and management of the following components of the Capricorn Coast Memorial Parkland:</p> <p>(1) provision of burials and inurnment of ashes in accordance with the Capricorn Coast Memorial Parkland Landscape Key Plan 2: Burial Plot Layout, including:</p> <p>a. using the modern burial system (crypt burial system) for formal lawn and informal lawn burials;</p> <p>b. provision of ashes garden(s);</p> <p>c. provision of columbarium(s); and</p> <p>d. the establishment of a pet cemetery;</p> <p>(2) horticultural and general maintenance of the site;</p> <p>(3) general operation (including opening hours) of the site;</p> <p>(4) development of a chapel; and</p>	Manager Infrastructure Projects	<p>12 August 2020</p> <p>Report being presented at Ordinary Council Meeting of 18 August 2020.</p>

Item	Date	Report Title	Resolution	Responsible Officer	Comments
			(5) development of a crematorium.		
9.	04/02/2020	Questions on Notice - Councillor Glenda Mather - Great Keppel Island Revitalisation Project	THAT the 'Questions on Notice' be received and a report providing a response to the questions be brought to a future Council meeting.	Acting Executive Director Infrastructure	12 August 2020 A response has now been received from the State. A copy of the response will be distributed to Councillors shortly before being tabled at the next Ordinary meeting in September.
10.	04/02/2020	Properties Eligible for Sale of Land for Rate Arrears (C)	<p>THAT</p> <p>(a) pursuant to section 140(2) of the Local Government Regulation 2012 Council proceed with action to sell the land listed below, and also detailed in attachment 1 to the report for overdue rates and charges; and</p> <p>(b) that Council delegate to the Chief Executive Officer the power to take all further steps under Chapter 4, Part 12, Division 3 of the <i>Local Government Regulation 2012</i> to effect sale of the land (including, for avoidance of doubt, the power to end sale procedures).</p> <p>127032 – L5 RP 601484 135251 – L1 RP 605760 131221 – L3 RP 617035 139480 – L 5 SP 269992 131847 – L29 MPH 14441 140000 – L2 RP 616623 132462 – L11 SP 226589 143633 – L142 SP 203612 132798 – L7 SP 112046 302419 – L52 SP 237553 134330 – L178 RP 610896</p>	Coordinator Revenue	7 August 2020 2 properties still remain outstanding.

Item	Date	Report Title	Resolution	Responsible Officer	Comments
			127596 – L71 RP 604123		
11.	04/02/2020	ACQUISITION OF LAND (C)	THAT Council resolves to proceed in accordance with Option One, as detailed within the body of this report.	Manager Infrastructure Projects	14 July 2020 A Contamination Due Diligence Report has been prepared by a specialist contamination consultant. A summary report will be presented to the Acting CEO for discussion and direction within the next 2 weeks.
12.	18/02/2020	Notice of Motion - Councillor Mather - Overgrown Vegetation	THAT pursuant to s2.19.1(d) and s2.19.6 of Livingstone Shire Council's Meeting Procedures Policy the matter lay on the table pending an officers report to return to a Council Meeting.	Executive Director Liveability and Wellbeing	13 July 2020 Officer has inspected the site 6/8/2020 and following heavy rain, it has left the site unable to be accessed to maintain the vegetation. Officer has indicated that until there has been a substantial dry period, machinery will not be able to access the site. Customer has been contacted and is aware of the situation and fully understands. Officer will also look at options to maintain a strip behind the affected properties, but that will also need to have a decent period of dry weather to access that area without damage to private land getting the machinery through.
13.	18/02/2020	PROPOSED TRUSTEE LEASE TO THE YEPPON INLET ASSOCIATION INCORPORATED (C)	THAT Council resolve: 1. that the exception mentioned in section 236(1)(b)(ii) of the Local Government Regulation 2012 may apply in its dealing with the Yeppoon Inlet Association Incorporated over part of Lot 12 on Survey Plan 143269 described as Leases B and C on Survey Plan 295928;	Principal Property Officer	6 August 2020 Council has obtained a letter from the State clarifying the assessment benchmarks to be applied in future assessment of private jetty structures located at Fig Tree and Ross creeks. A copy of that advice was provided to members of the Fig Tree Creek Jetty Sites Working Group on 3 August 2020. No further action to be undertaken

Item	Date	Report Title	Resolution	Responsible Officer	Comments
			<p>2. pursuant to section 236(2) of the <i>Local Government Regulation 2012</i> to apply section 236(1)(b)(ii) of the <i>Local Government Regulation 2012</i> in its dealing with the Yeppoon Inlet Association Incorporated over part of Lot 12 on Survey Plan 143269 described as Leases B and C on Survey Plan 295928; and</p> <p>3. to provide a thirty (30) year Trustee Lease to the Yeppoon Inlet Association Incorporated over part of Lot 12 on Survey Plan 143269 described as Leases B and C on Survey Plan 295928, at an initial rental of \$350 per annum excluding Goods and Services Tax for each jetty located with the trustee lease area.</p>		on this matter until after Yeppoon Inlet Association Annual General Meeting.
14.	03/03/2020	Request for Renewal of Lease - Marlborough Rural Fire Brigade	<p>THAT Council resolve:</p> <p>1. that the exception mentioned in Section 236(1)(b)(i) of the <i>Local Government Regulation 2012</i> may apply in its dealing with the State of Queensland (represented by Public Safety Business Agency) on behalf of the Marlborough Rural Fire Brigade over part of Lot 12 on Survey Plan 270260;</p> <p>2. pursuant to section 236(2) of the <i>Local Government Regulation 2012</i> to apply section 236(1)(b)(i) of the <i>Local Government Regulation 2012</i> in its dealing with the State of Queensland (represented by Public Safety Business Agency) on behalf of the Marlborough Rural Fire Brigade over part of Lot 12 on Survey Plan 270260; and</p> <p>3. to provide a ten (10) year lease to the State of Queensland (represented by Public Safety Business Agency) on behalf of the Marlborough Rural Fire Brigade, at a nominal rent amount of \$1 per annum, over part of Lot 12 on Survey Plan 270260.</p>	Principal Property Officer	<p>10 July 2020</p> <p>Negotiations on the new lease agreement are continuing with the Public Safety Business Agency's legal representatives. The brigade will continue to occupy the property on a monthly tenancy until the new lease is finalised.</p>

Item	Date	Report Title	Resolution	Responsible Officer	Comments
15.	19/05/2020	Mayoral Minute - Pacific Heights Road	<p>THAT Council:</p> <p>1) Resolves for Council Officers to prepare a report to Council outlining options and costs for reducing the speed and volume of traffic along Pacific Heights Road, and</p> <p>a) that these options consider the following:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Reducing the speed limit to 40kph; <input type="checkbox"/> Increasing the number of speed signs along Pacific Heights Road to remind motorists of the speed limit <input type="checkbox"/> The construction of a suitably positioned roundabout along Pacific Heights Road; <input type="checkbox"/> In conjunction with the Queensland Police Service, the installation of speed cameras along Pacific Heights Road; <input type="checkbox"/> Installing painted traffic markers/lines for traffic calming; and <p>b) that the report from officers be presented to Council no later than July 2020.</p>	Executive Director Infrastructure Services	<p>12 August 2020</p> <p>Matter laid on table until Ordinary Council meeting of 18 August.</p>
16.	19/05/2020	Notice of Motion - Councillor Hutton - Sustaining Animal Welfare Organisations COVID-19	THAT Council request a brief report by officers to investigate the ongoing costs and needs of animal welfare organisations servicing the Livingstone Shire, with potential funding sources, advocacy opportunities and funding methodologies to inform a decision around council's capacity to provide additional support to these organisations.	Acting Manager Community Wellbeing	<p>10 August 2020</p> <p>Officers currently investigating the issues and concerns in regards to the three organisations that council currently supports - report to be presented to Briefing session in September</p>
17.	16/06/2020	Change Application for Development Permit D-46-2015 for Reconfiguring a Lot	THAT pursuant to s2.19.1(d) and s2.19.6 of Livingstone Shire Council's Meeting Procedures Policy the matter lay on the table pending a further	Coordinator Development Assessment	<p>12 August 2020</p> <p>This matter was considered at the deputation and the Acting CEO asked that</p>

Item	Date	Report Title	Resolution	Responsible Officer	Comments
		(two lots into two lots) and a Material Change of Use for a Retirement Village (sixty-two (62) additional units)	briefing to Councillors in July 2020 and to return to a future Council Meeting.		<i>a report be presented to a briefing session regarding infrastructure charges. This is scheduled to be presented to council at the September 2020 Briefing session.</i>
18.	16/06/2020	Management of Public Marine Facilities	<p>THAT</p> <p>1. Pursuant to s 459(2) of the <i>Transport Infrastructure Act 1994</i>, Livingstone Shire Council affirm its consent to its appointment as manager of the following public marine facilities:</p> <ul style="list-style-type: none"> - boat ramp at Limpus Avenue, Keppel Sands (north bank of Pumpkin Creek, upstream ramp) as shown on Plan No. L-3-77-1B - boat ramp at Limpus Avenue, Keppel Sands (north bank of Pumpkin Creek, downstream ramp) as shown on Plan No. L-3-77-1B - boat ramp at St Christophers Chapel Road, Nerimbera as shown on Plan No. L-3-77-10B - boat ramp at Taylor Street, Keppel Sands as shown on Plan No. L-3-77-11 - boat ramp at Svendsen Road, Zilzie (north bank of Coorooman Creek) as shown on Plan No. L-3-77-2A - boat ramp at Hill Street, Emu Park as shown on Plan No. L-3-77-3 - boat ramp at Resada Esplanade, Mulambin (Causeway Lake) as shown on Plan No. L-3-77-4A - boat ramp at Emu Park Road, Yeppoon (Fig Tree Creek) as shown on Plan No. L-3-77-7 - boat ramp at Corbetts Landing Road, 	<i>Policy and Planning Officer</i>	<p>5 August 2020</p> <p><i>Expecting legal advice in near future.</i></p>

Item	Date	Report Title	Resolution	Responsible Officer	Comments
			<p>Corbetts Landing as shown on Plan No. L-3-77-8B</p> <ul style="list-style-type: none"> - boat ramp at Banksia Road, Stanage Bay as shown on Plan No. L-3-77-9B' <p>2. Pursuant to s 459(2) of the <i>Transport Infrastructure Act 1994</i>, Livingstone Shire Council consents to its appointment as manager of the following public marine facilities:</p> <ul style="list-style-type: none"> - the new boat ramp to be constructed adjacent to the existing boat ramp at Corbetts Landing - the new boat ramp to be constructed at Thompson Point <p>3. Council does not consent to its appointment as manager under s 459(2) of the <i>Transport Infrastructure Act 1994</i> of the following public marine facilities:</p> <ul style="list-style-type: none"> - the new floating walkway and breakwater at Banksia Road, Stanage Bay - the proposed floating walkway at Corbetts Landing <p>4. That the validity of Council's consent to being appointed manager of the floating walkway at Thompson Point under the Deed of Agreement dated 7 January 2019 be further investigated.</p> <p>5. In relation to the floating walkway at Svendsen Road, Zilzie (north bank of Coorooman Creek) as shown on Plan No. L-3-77-2A, Council seek advice clarifying its position with regards to the transfer of responsibilities due to deamalgamation and the effects of Council's 4 June 2015 letter.</p> <p>6. The Department of Transport and Main Roads:</p> <ul style="list-style-type: none"> a. be advised that Council affirms its consent to the appointment as manager of the public marine facilities detailed in Item 1 		

Item	Date	Report Title	Resolution	Responsible Officer	Comments
			<p>above pursuant to s 459(2) of the <i>Transport Infrastructure Act 1994</i>;</p> <p>b. be advised that pursuant to s 459(2) of the <i>Transport Infrastructure Act 1994</i>, Council does not consent to the appointment as manager of the new floating walkway and breakwater at Banksia Road, Stanage Bay;</p> <p>c. be advised that Council will consent to its appointment as manager of the new boat ramp to be constructed adjacent to the existing boat ramp at Corbetts Landing and does not consent to its appointment as manager of the proposed floating walkway.</p> <p>d. be advised that Council consents to its appointment as manager of the new boat ramp to be constructed at Thompson Point;</p> <p>e. be advised that in regards to the proposed floating walkway at Thompson Point, Council is investigating the validity of its consent to being appointed manager under cl 3.17 of the Deed of Agreement dated 7 January 2019 and will provide further advice in the future on this matter.</p> <p>f. be advised that Council is undertaking further investigations in relation to the floating walkway at Coorooman Creek and will provide advice as to its management role in the future.</p>		
19.	16/06/2020	2021 Australia Day Awards	THAT the report pertaining to the 2021 Australia Day Awards be referred to the open section of the Ordinary Meeting of 21 July 2020.	Coordinator Engagement and Events	13 July 2020 Report presented to meeting of 21 July 2020.
20.	16/06/2020	Bulk Water Supply Agreement with	THAT Council resolves to delegate to the Chief Executive Officer authority to renew the Bulk Water	Acting Executive	7 July 2020

Item	Date	Report Title	Resolution	Responsible Officer	Comments
		Rockhampton Regional Council	Supply Agreement with Rockhampton Regional Council.	Director Infrastructure	Bulk Water Supply Agreement executed 30 July 2020. Emailed to Rockhampton Regional Council (RRC) on 30 July 2020 with the original send via post on 31 July 2020.
21.	16/06/2020	POTENTIAL SALE OF LOT 16 - THE GATEWAY BUSINESS AND INDUSTRY PARK	THAT Council accepts the offer, as detailed within the below report, to sell Lot 16 on SP296924, also known as 14 Macadamia Drive, Hidden Valley.	Project Support Officer	12 August 2020 Council is waiting for contract to be fully executed to progress this matter.
22.	16/06/2020	Petition Requesting Access to Long Beach	THAT the petition requesting Access to Long Beach be received and referred to a Council Briefing Session for consideration.	Manager Engineering Services	12 August 2020 Report presented at briefing session on 07/07/2020. Further investigation required. Officers will arrange for a further briefing session report to be presented shortly.
23.	16/06/2020	Mayoral Minute – Off Leash Dog Areas	THAT Council Officers: 1. Investigate and identify potential sites for off-leash dog areas in Livingstone Shire. This investigation is to include consultation with the Livingstone community as to preferred locations; 2. Provide a report on the investigation to Council for the August 2020 Council meeting; and 3. Prepare a business case for consideration as part of the 2020/2021 Budget for the creation of off-leash dog areas within the shire.	Manager Liveability	6 August 2020 A number of discussions held between Council Officers discussing options and costs at various parks in the Shire. There has also been a recent suggestion from Rotary for an off leash dog area be included in the upgrade to Emily Morgan Park at Mulambin. A report will be presented at the September Briefing session.
24.	16/06/2020	Mayoral Minute - Repairs to Kraken	THAT Council prepare a business case, with community consultation, for the 2020/2021 Budget to install cushioning or soft fall material on all concrete surfaces of the Kraken that have sharp edges in wet areas.	Manager Assets	6 August 2020 Report presented to Briefing Session on 4th August, Community Consultation to be undertaken on the presented options. Awaiting advice on how to proceed with the Mayoral Minute.

Item	Date	Report Title	Resolution	Responsible Officer	Comments
25.	16/06/2020	Questions on Notice - Councillor Mather - Forward Works for Drainage	THAT the 'Questions on Notice' be received and a report providing a response to the Councillor's questions be presented to the next available Council meeting.	Manager Engineering Services	8 July 2020 Report to be presented to the Ordinary Council meeting on 21 July 2020
26.	16/06/2020	Questions on Notice - Councillor Mather - Great Keppel Island Water	THAT the 'Questions on Notice' be received and a report providing a response to the Councillor's questions be presented to the next available Council meeting.	Manager Water and Waste Operations	1 July 2020 Report to be presented to the Ordinary Council meeting on 21 July 2020 providing responses
27.	16/06/2020	Questions on Notice - Councillor Mather - Mount Charlton Reservoir	THAT the 'Questions on Notice' be received and a report providing a response to the Councillor's questions be presented to the next available Council meeting.	Manager Water and Waste Operations	7 July 2020 Report prepared for Ordinary Council Meeting to be held on 21 July 2020.
28.	16/06/2020	Notice of Motion - Councillor Mather - Installation of Boundary Signs	<p>THAT Council officers:</p> <ol style="list-style-type: none"> 1. prepare a business case to arrange appropriate signage which will be placed at all five boundary locations between Livingstone Shire Council, and other Councils, namely: <ul style="list-style-type: none"> <input type="checkbox"/> Ramsay Creek at Rockyview <input type="checkbox"/> Ramsay Creek on Belmont Road <input type="checkbox"/> North of Ogmoo <input type="checkbox"/> Access 7-8 Rockhampton/Yeppoon Road <input type="checkbox"/> Hartington St Nerimbera; 2. prepare an appropriate message to be placed on the reverse side of the signs, acknowledging exiting motorists (eg drive safely); 3. liaise with the traditional owners of the land to add in traditional names/greetings where appropriate; and 	Executive Director Liveability and Wellbeing	14 July 2020 Funding has been confirmed. Project control group being established.

Item	Date	Report Title	Resolution	Responsible Officer	Comments
			4. present the signage to Council for approval and adoption, once preliminary design and wording has been finalised.		
29.	16/06/2020	Notice of Motion - Councillor Friend - Financial Assistance For Capricorn Coast Landcare	THAT Council consider financial assistance and support for Capricorn Coast Land Care as part of its deliberations for the 2020/21 budget. Indicative funding required would be \$1666.00 every two months.	Manager Liveability	06 August 2020 Consultation is currently occurring with Landcare. Council Support is still ongoing. Landcare recently received approval for jobkeeper.
30.	16/06/2020	Mayoral Minute – Bike Racks in Shire Localities	THAT Council: 1. Prepare a business case for consideration as part of the 2020/21 budget to install push bike racks in and around the main business precincts within the shire's various townships; 2. Engages with the community in order to determine the optimal location of the push bike racks within their respective locality; and 3. Receives a report from officers in relation to this matter prior to any installation.	Manager Engineering Services	12 August 2020 Report being prepared by Engineering Services for 1 September 2020 Briefing Session.
31.	16/06/2020	Mayoral Minute - Caravan and RV Parking - Yeppoon	THAT Council Officers: 1. Investigate and identify potential short term parking sites and associated support infrastructure for RV's and caravans close to or within the Livingstone townships; 2. Provide a report on the investigation to Council for the October 2020 Council meeting, inclusive of community consultation; and 3. Prepare a business case for consideration as part the 2020/2021 Budget for the	Manager Engineering Services	8 July 2020 Report being prepared by Engineering Services for 1 September 2020 Briefing Session.

Item	Date	Report Title	Resolution	Responsible Officer	Comments
			creation of a dedicated short term parking site for RV's and caravans in the Livingstone townships.		
32.	21/07/2020	Feral goats on Great Keppel Island	THAT Council facilitate the establishment of a combined stakeholder meeting to discuss strategies of controlling the feral goat numbers on Great Keppel Island with the representatives outlined in attachment one (1) of this report being invited to attend.	Nat Druery	30 Jul 2020 Council's Portfolio holder for Water, Waste Management and Environment, Councillor Friend at a portfolio meeting on 29 July 2020 advised that an agenda has been developed and will be sent to the identified stakeholders, date of meeting yet to be confirmed.
33.	21/07/2020	Department of Defence Memorandum of Understanding for Maintenance of Access Roads to Shoalwater Bay Training Area	THAT Council resolves to delegate to the Chief Executive Officer authority to enter into a Memorandum of Understanding with the Australian Defence Force for maintenance of access roads to Shoalwater Bay Training Area.	Manager Construction & Maintenance	10 August 2020 Signed MOU received from Defence on 07/08/2020.
34.	21/07/2020	Unsealed Roads Service Levels	That pursuant to section 2.19.1(d) and section 2.19.6 of Livingstone Shire Council's Meeting Procedures Policy the matter lay on the table pending further discussion and to return to the Council Meeting in October 2020.	Manager Construction & Maintenance	10 Aug 2020 Assessment of unsealed road network condition to be undertaken pending further discussion. Anticipated completion of assessment is October 2020.
35.	21/07/2020	Response to Mayoral Minute - Pacific Heights Road Traffic Issues	THAT pursuant to section 2.19.1(d) and section 2.19.6 of Livingstone Shire Council's Meeting Procedures Policy the matter lay on the table pending further modelling and to return to the Council Meeting 18 August 2020.	Manager Planning and	10 Aug 2020 Further report to be presented at Ordinary Council meeting on 18 August 2020.
36.	21/07/2020	Community Voice Panels – Terms Of Reference	THAT Council resolves to implement a suite of Community Voice Panels to assist the organisation to explore matters of strategy and policy and adopt	Acting Chief Executive Officer	12 August

Item	Date	Report Title	Resolution	Responsible Officer	Comments
			the Terms of Reference for the Community Voice Panels, as contained within Attachment One.		<i>Drafting of expression of interests and panel position requirements being undertaken by officers in August 2020.</i>
37.	21/07/2020	Notice of Motion - Councillor Hutton - Placemaking Beach Signs	<p>THAT Council request:</p> <ol style="list-style-type: none"> 1. designs and costings for placemaking beach signage to allow consideration of this as part of the 21/22 budget. 2. community engagement to determine favoured styles and the priority of beach signage to the community. 		<p>7 August 2020</p> <p><i>Design discussion document is being prepared as component of broader sign design approach. This is preliminary to discussion with Councillor and community engagement.</i></p>
38.	21/07/2020	Notice of Motion - Councillor Hutton - Advocacy for Livingstone	That pursuant to section 2.19.1(d) and section 2.19.6 of Livingstone Shire Council's Meeting Procedures Policy the matter lay on the table pending further discussion and to return to the August 2020 Council Meeting.		<p>12 August 2020</p> <p><i>Matter to be referred to September briefing session for further discussion with Councillors.</i></p>
39.	21/07/2020	Proposed Sale of Council Land in Golding Street, Emu Park to an Adjoining Property Owner (C)	<p>THAT Council resolve that:</p> <ol style="list-style-type: none"> 1. the exception mentioned in section 236(1)(c)(iv) of the Local Government Regulation 2012 may apply in its dealing with John Alfred Acworth and April Lianne Phillips on Lot 7 on Registered Plan 604024; 2. pursuant to section 236(2) of the Local Government Regulation 2012 to apply section 236(1)(c)(iv) of the Local Government Regulation 2012 in its dealing with John Alfred Acworth and April Lianne Phillips on Lot 7 on Registered Plan 604024; and 3. to sell Lot 7 on Registered Plan 604024 to John Alfred Acworth and April Lianne Phillips for the sum of \$40,000.00 plus 		<p>6 August 2020</p> <p><i>Council is awaiting advice on the applicability of Goods and Services Tax in this transaction. On receipt of such advice, Council's solicitor will be instructed to prepare a Contract of Sale.</i></p>

Item	Date	Report Title	Resolution	Responsible Officer	Comments
			Goods and Services Tax, if applicable, on the terms contained in this report.		
40.	21/07/2020	Recycled Water Fees and Charges	THAT Council resolves to delegate authority to the Chief Executive Officer and the Mayor to negotiate ongoing recycled water fees and charges with Iwasaki Sangyo Co (Australia) Pty Ltd, with agreement to be presented to Council for resolution.		10 August 2020 Water and Waste Operations officers to review the recycled water pricing methodology which will be presented to a future Council briefing session. Ongoing negotiations being undertaken with Acting Chief Executive Officer, Mayor and Iwasaki Sangyo Co (Australia).
41.	21/07/2020	Enquiry of The Gateway Business and Industry Park Proposed Lot 24 and Lot 35	THAT Council provide a Letter of Support in accordance with the below report, to enable an application to the Queensland Government's Jobs and Regional Growth Funding programme to be progressed.		

7.2 LIFTING MATTERS LAYING ON THE TABLE - PACIFIC HEIGHTS ROAD ISSUES

File No: GV13.4.1
Attachments: Nil
Responsible Officer: Brett Bacon - Acting Chief Executive Officer
Author: Amanda Ivers - Executive Assistant to the Mayor

SUMMARY

This report is being presented to Council in order for the stated matter to be formally lifted from the table prior to being dealt with at this meeting.

OFFICER'S RECOMMENDATION

THAT Council resolves the report titled *Response to Mayoral Minute – Pacific Heights Road Traffic Issues*, which is currently 'laying on the table' within the Business Outstanding Table awaiting return to a Council meeting, be lifted from the table to be dealt with later in this meeting.

BACKGROUND

At the Council meeting held on 21 July 2020, the report was presented to Council for resolution. The matter was laid on the table to allow for further modelling.

8 PRESENTATION OF PETITIONS

Nil

9 MAYORAL MINUTE

9.1 MAYORAL MINUTE - PACIFIC HEIGHTS ROAD

File No: GV13.4.4

Attachments: Nil

Responsible Officer: Brett Bacon - Acting Chief Executive Officer

SUMMARY

This Mayoral Minute is presented to Council for consideration in relation to Pacific Heights Road and Traffic Issues.

RECOMMENDATION

THAT Council resolves that:

1. the speed limit along Pacific Heights Road be reduced to 40 kilometres per hour;
2. additional speed signs be erected along Pacific Heights Road to remind motorists that the speed limit is 40 kilometres per hour; and
3. the shared pathway project on Pacific Heights Road include a staged pedestrian crossing within the section of Pacific Heights in question.

COMMENTARY

In November 2019 Council received a petition from residents of Pacific Heights Road (PHR) which raised safety concerns in relation to traffic issues along that road. Council received the petition at its Ordinary meeting on 3 December 2019.

Following an investigation, Council officers presented a briefing session report on 9 March 2020 (see attached) that recommended the following actions:

1. *If approved in the budget, Pacific Heights Road Shared Pathway project is recommended to be delivered during the first half of the 2020/21 financial year (in order to address Items 1 & 2);*
2. *For the section from Samoa Street and Roberts Street, appropriate temporary measures are recommended to achieve acceptable level of speed compliance in the short term;*
3. *Council officers will continue to monitor operational efficiency and safety concerns at the intersection and the immediate network, and will address if deemed necessary; and*
4. *No other actions are required to address any of the other concerns.*

On 23 April 2020, Council officers attended a site meeting with members of the elected Council, head petitioner and residents of PHR.

A subsequent Council resolution on 19 May 2020 (below) provided instruction for Officers to carry out the following:

1. *Prepare a report to Council outlining options and costs for reducing the speed and volume of traffic along Pacific Heights Road, and*
 - a. *that these options consider the following:*
 - *reducing the speed limit to 40kph;*
 - *increasing the number of speed signs along Pacific Heights Road to remind motorists of the speed limit*
 - *the construction of a suitably positioned roundabout along Pacific Heights Road;*

- *in conjunction with the Queensland Police Service, the installation of speed cameras along Pacific Heights Road;*
 - *installing painted traffic markers/lines for traffic calming; and*
- b. *that the report from officers be presented to Council no later than July 2020.*

At the 7 July 2020 Briefing Session of Council, Officers presented their report and concluded the following:

1. *Reducing the speed limit to 40km/h is not warranted.*
2. *Increasing the number of speed limit signage is not warranted.*
3. *Installation of roundabouts for traffic calming purposes is not appropriate of recommended.*
4. *Installation of speed cameras along PHR is reasonable and will be raised for discussion at the next 3E meeting.*
5. *Installation of additional line marking may be beneficial. Officers will monitor traffic trends after completion of the shared path construction project as some line marking and pedestrian crossing facilities are included in that project. Additional line marking may be provided if necessary.*

Officers also informed the elected members that a second pedestrian crossing, similar in design and construction to the pedestrian crossing near St Benedict's Primary School, would be constructed towards the southern end of Pacific Heights Road in the vicinity, possibly around the Roberts Street intersection.

Councillors thank the Officers for their work in investigating options for traffic calming along Pacific Heights Road, but are of the opinion that heightened traffic calming efforts are required.

10 COUNCILLOR/DELEGATE REPORTS

Nil

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

Nil

12 REPORTS

12.1 CENTRAL QUEENSLAND REGIONAL ORGANISATION OF COUNCILS – INCORPORATION

File No:	CM4.7.36
Attachments:	1. Central Queensland Regional Organisation of Councils Limited - Proposed Company Constitution ↓
Responsible Officer:	Brett Bacon - Acting Chief Executive Officer
Author:	Brett Bacon - Acting Chief Executive Officer

SUMMARY

This report pertains to the proposal to incorporate the Central Queensland Regional Organisation of Councils as a corporation limited by guarantee and the appointment of directors and delegates to represent Council.

OFFICER'S RECOMMENDATION

THAT Council resolves to:

- 1) engage in a beneficial enterprise with Banana Shire Council, Central Highlands Regional Council, Gladstone Regional Council, Rockhampton Regional Council, and Woorabinda Aboriginal Shire Council by establishing a corporation limited by guarantee which is not listed on a stock exchange;
- 2) approve the Constitution for the company as tabled in Attachment One;
- 3) approve the name of the company (Central Queensland Regional Organisation of Councils Limited);
- 4) authorise King and Company to lodge the application for registration as a corporation limited by guarantee under the *Corporations Act*, subject to provision and completion of all relevant application details from all member Councils;
- 5) appoint Mayor Andy Ireland as a Director (the Primary Director) to the Central Queensland Regional Organisation of Councils Limited;
- 6) appoint Deputy Mayor Adam Belot as an Alternative Director to act in place of the Primary Director to the Central Queensland Regional Organisation of Councils Limited; and
- 7) appoint Mayor Andy Ireland, Deputy Mayor Adam Belot, and Council's Chief Executive Officer as Delegates to the Central Queensland Regional Organisation of Councils Limited, to attend at all general meetings of the company (noting that only two delegates can represent Council at any one general meeting).

BACKGROUND

The Central Queensland Regional Organisation of Councils has been in operation since 2013, following the demise of the Central Queensland Local Government Association. Its purpose is to pursue and advocate for matters which are of benefit to the central Queensland region and to encourage and facilitate co-operation across the councils. Over the past few years, there has been exploration of the most appropriate governance structure for the organisation.

After the investigation of numerous potential structures, including joint local government, incorporated association, and limited partnership and having considered legal advice around the various possibilities, it has been determined that a Corporation Limited by Guarantee is the most appropriate legal structure for delivering the outcomes sought by the member councils. A copy of the proposed constitution is contained within Attachment One.

The Australian Securities and Investment Commission succinctly describes a corporation limited by guarantee as:

A company limited by guarantee is a type of public company registered under the Corporations Act 2001 (Corporations Act). Like all other companies, companies limited by guarantee must comply with the applicable provisions of the Corporations Act. They are formed on the principle that the liability of members is limited to the amount they agree to contribute if the company is wound up. This amount is typically nominal and set out in the company's constitution. Companies limited by guarantee cannot pay dividends.

A company limited by guarantee will usually have a constitution that sets out specific rules governing the internal affairs of the company. The Corporations Act also contains rules that deal with those affairs...

Directors of a company limited by guarantee will generally have the same legal duties, responsibilities and liabilities as directors of other entities registered as public companies under the Corporations Act. There are also specific provisions in the Corporations Act that govern companies limited by guarantee that undertake other corporate activities – such as issuing securities other than shares.

What are the characteristics of companies limited by guarantee?

Organisations often use companies limited by guarantee because they are particularly suited for conducting non-profit activities. Specifically:

- *they cannot pay dividends*
- *they cannot issue shares and therefore no person can acquire a controlling interest or profit from a share sale*
- *each member of the company has a single vote.*

COMMENTARY

The proposed membership of the (Central Queensland Regional Organisation of Councils Limited comprises Central Highlands Regional Council, Banana Shire Council, Gladstone Regional Council, Livingstone Shire Council, Rockhampton Regional Council, and Woorabinda Aboriginal Council. To date, Central Highlands Regional Council, Banana Shire Council, and Rockhampton Regional Council have resolved to engage in a beneficial enterprise, being Central Queensland Regional Organisation of Councils Limited.

It is prudent for charitable and not-for-profit groups to incorporate as companies limited by guarantee, as such a structure limits the liability to which the group (in this case, it will be Council) is exposed. Furthermore, the *Local Government Act 2009* prevents a Council from engaging in a beneficial enterprise unless the liability for an individual Council is limited.

The proposed structure will enable the Central Queensland Regional Organisation of Councils Limited to engage in activities (including transactions) which are independent of the member Councils. This enables the entity to operate with slightly less encumbrances than those which are imposed upon Councils.

The basic requirements of a public company include:

- 1) having at least three directors and one secretary;
- 2) having at least one member;
- 3) having a registered office and principal place of business located in Australia;
- 4) having its registered office open and available to the public;
- 5) being governed by a constitution;
- 6) maintaining a register of members;
- 7) keeping a record of all directors and members, meeting minutes, and resolutions;

- 8) appointing a registered company auditor;
- 9) keeping proper financial records; and
- 10) lodging audited financial statements and reports at the end of each financial year

In order to give effect to the incorporation of the company, Council needs to approve the following:

- 1) establishing the company;
- 2) becoming a member of the company;
- 3) nominating a director and alternate director for the company;
- 4) nominating representatives to represent Council at general meetings of the company;
- 5) endorsing the draft constitution of the company.

Council has historically been represented at meetings of the Central Queensland Regional Organisation by the Mayor, Deputy, and Chief Executive Officer. It is suggested that the Mayor be nominated as Council's Director (the Primary Director) and the Deputy Mayor be nominated as the Alternative Director to act in place of the Primary Director. Both positions (Mayor and Deputy Mayor) and the Chief Executive Officer should also be Council's delegates to the Central Queensland Regional Organisation of Councils Limited, noting that only two delegates can represent Council at any meeting.

The establishment of the Central Queensland Regional Organisation of Councils Limited provides an opportunity to strengthen the central Queensland area, providing a platform by which councils can collectively discuss matters of regional significance and advocate on behalf of their communities and ultimately the region.

PREVIOUS DECISIONS

There are no decisions of Council which are germane to the consideration of the establishment of the Central Queensland Regional Organisation of Councils Limited.

ACCESS AND INCLUSION

The establishment of the Central Queensland Regional Organisation of Councils Limited will provide a voice for all Councils with central Queensland and enable all member Council's to collectively pursue projects or interest which are of benefit to the region.

ENGAGEMENT AND CONSULTATION

The evolution of the Central Queensland Regional Organisation of Councils Limited has entailed substantial discussion and deliberations with the Councils of central Queensland. Projects or initiatives which are subsequently pursued by the entity will be subject to relevant engagement and consultation with the interested parties, peak bodies, and communities. The entity will also be responsible for engaging with other levels of government regarding matters of importance to the region.

HUMAN RIGHTS IMPLICATIONS

Council's human rights obligations will not be compromised by its participation in and memberships of Central Queensland Regional Organisation of Councils Limited.

BUDGET IMPLICATIONS

There will be some costs associated with participation in the Central Queensland Regional Organisation of Councils Limited, which will be shared between the member Council's. Registration will be in the vicinity of \$4,800.00 (which includes legal fees) and there will be an ongoing annual compliance cost of approximately \$1,000. Costs associated with pursuing specific initiatives will be dependent upon magnitude of the initiatives and the degree of Council's involvement.

LEGISLATIVE CONTEXT

The *Local Government Act 2009* empowers a Council to conduct a beneficial enterprise, defined as ‘an enterprise that a local government considers is directed to benefiting, and can reasonably expected to benefit, the whole or part of its local government area.’

The registration of a corporation limited by guarantee is undertaken pursuant to the *Corporations Act 2001*. The *Corporations Act 2001* also prescribes the function and conduct of a corporation limited by guarantee.

LEGAL IMPLICATIONS

The legal implications associated with the establishment of the Central Queensland Regional Organisation of Councils Limited as a corporation limited by guarantee have been discussed previously within this report. In the interests of brevity, they will not be repeated.

STAFFING IMPLICATIONS

Participation in the Central Queensland Regional Organisation of Councils Limited will be managed within existing staffing resources.

RISK ASSESSMENT

The establishment of the Central Queensland Regional Organisation of Councils Limited creates an opportunity for the central Queensland region to have an increased ability to successfully advocate at other levels of government and with other industry groups. It also provides an opportunity for increased co-operation across the councils, which can lead to efficiencies and improved service delivery and greater prosperity across the region.

CORPORATE PLAN REFERENCE***Leading Livingstone***

Community Plan Goal 4.2 - Collaboration and partnerships to advocate for the needs of the community

4.2.3 Advocate Council's interests and objectives to government, industry, business, and community to promote the Livingstone region at a national and international level.

4.2.3 Advocate Council's interests and objectives to government, industry, business, and community to promote the Livingstone region at a national and international level.

The establishment of the Central Queensland Regional Organisation of Councils Limited aligns with Council's commitment to actively participate in the regional body and will enable it to advocate for regional initiatives for the betterment of the broader community.

CONCLUSION

The establishment of the Central Queensland Regional Organisation of Councils Limited as a Corporation Limited by Guarantee is the most appropriate legal structure for pursuing and advocating for matters which are of benefit to the central Queensland region and for encouraging and facilitating co-operation across the councils. It is evident that the collective strength of the councils can and will achieve more for the region than each council operating in isolation. Consequently, it is recommended that the proposed structure and its membership be endorsed.

12.1 - CENTRAL QUEENSLAND REGIONAL ORGANISATION OF COUNCILS – INCORPORATION

Central Queensland Regional Organisation of Councils Limited - Proposed Company Constitution

Meeting Date: 18 August 2020

Attachment No: 1

Company Constitution

Central Queensland Regional Organisation of Councils Limited

[A Company Limited by Guarantee]

PART 1 INTERPRETATION

1.1 General

This Constitution is to be interpreted by reference to the definitions and subsequent provisions of this Part 1 unless:

- (1) a given context otherwise requires; or
- (2) a contrary intention appears.

1.2 Definitions

Each of the following expressions in bold to the left bears the meaning shown opposite:

act	Includes: <ol style="list-style-type: none"> (1) an omission; and (2) a refusal to act.
Act	<ol style="list-style-type: none"> (1) An Act passed by the Commonwealth Parliament or the Queensland Parliament. (2) Subordinate legislation made under the Act. (3) A direction or requirement made by a competent entity under the Act, subordinate legislation, instrument, or law. (4) A licence, authorization, consent, approval, or exemption granted under the Act, subordinate legislation, instrument, or law. (5) A planning instrument. (6) A local law and a subordinate local law.
Address for Notices	<ol style="list-style-type: none"> (1) For the Company: <ol style="list-style-type: none"> (a) its registered office; (b) if it is no longer at its registered office, its principal place of business in Queensland as noted upon Australian Securities and Investments Commission records for the time being; (c) its principal facsimile number at its registered office; and (d) its principal electronic mail address at its registered office. (2) For a Director, including an Alternate Director: <ol style="list-style-type: none"> (a) his/her residential or business address last notified to the Company; (b) if the Secretary knows he/she is no longer at that address, and is aware of a later address, that later address; (c) his/her principal facsimile number at the residential or business the subject of whichever is relevant of <i>paragraphs (2)(a) and (2)(b)</i> of this

Company Constitution
Central Queensland Regional Organisation of Councils Limited

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	definition; and
	(d) his/her principal electronic mail address at the residential or business the subject of whichever is relevant of <i>paragraphs (2)(a) and (2)(b)</i> of this definition.
	(3) For a Member:
	(a) its address shown in the register of Members, or such other address as the Member has supplied to the Company as its address for notices;
	(b) its facsimile number shown in the register of Members, or such other facsimile number as the Member has supplied to the Company as its facsimile number for notices; and
	(c) its electronic mail address shown in the register of Members, or such other electronic mail address as the Member has supplied to the Company as its electronic mail address for notices.
	(4) If a relevant entity is not at any of the addresses or numbers specified for it in the foregoing paragraphs: its last principal place of business or facsimile number in Queensland known to the entity giving the notice.
Alternate Director	A person appointed under <i>Rule 7.17</i> as an alternate Director.
Auditor	The Company's auditor.
Board	The collective of Directors.
Business	The activity or collection of activities that the Company undertakes in the pursuit of the objects detailed in Part 3.
Business Day	<p>(1) For giving notice under this Constitution: a day other than a Saturday, Sunday, or public holiday in the locality to which the notice is to be sent.</p> <p>(2) For making a payment under the Constitution: a day, other than a Saturday, Sunday, or public holiday, upon which banks (as that expression is defined in the <i>Banking Act 1959 (Cwlth)</i>) are open for business in the locality of the recipient's Address for Notices.</p> <p>(3) For conducting a meeting pursuant to the Constitution: a day other than a Saturday, Sunday, or public holiday in the locality of the venue at which a meeting or adjourned meeting is to be held.</p>
Chair	The chair of the Board. ¹
Company	Central Queensland Regional Organisation of Councils Limited.

¹ Refer to Rule 7.3.

Company Constitution
Central Queensland Regional Organisation of Councils Limited

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Confidential Information	<p>(1) Information regarding:</p> <p>(a) the Business; and</p> <p>(b) the assets or affairs of the Company and any Related Corporation.</p> <p>(2) Information that the Board lawfully declares by resolution to be confidential.</p> <p>(3) Information that the Company is contractually bound to keep confidential.</p>
Constitution	This instrument, adopted by the Company as its constitution upon its (the Company's) registration.
Corporations Act	<i>Corporations Act 2001 (Cwlth).</i>
Delegate	An individual appointed as the delegate of the Member under <i>Rule 6.11</i> .
Deputy Chair	The deputy chair of the Board. ²
Director	A director of the Company.
Eligible Person	For accessing Company records, refer to <i>Rule 12.2</i> .
include	Comprise or encompass, without being limited to what is stated to be included. ³
Income Tax Acts	<p>(1) <i>Income Tax Assessment Act 1936 (Cwlth).</i></p> <p>(2) <i>Income Tax Assessment Act 1997 (Cwlth).</i></p>
Local Government	A local government as defined in the <i>Local Government Act 2009</i> .
Managing Director	The managing Director appointed under <i>Rule 8.1</i> .
Member	A member of the Company, including, in the context of a general meeting, that person's proxy, nominee (if the person is a corporation) or other lawful representative.
Primary Director	A Director for whom an Alternate Director is appointed.
Region	A region comprising the local government areas administered by the Members under the <i>Local Government Act 2009</i> .
Related Corporation	A "related body corporate" as defined in the <i>Corporations Act</i> , including a corporation that ceases to be a related body corporate through amendment, consolidation or replacement of the <i>Corporations Act</i> .
Remote Meeting	Refer to <i>Rule 7.10</i> .

² Refer to *Rule 7.4*.

³ Example: In the definition of "Act", subordinate legislation is stated to include a local law. However, the expression is not limited to a local law. It also encompasses a Regulation, a Standard Law and any other type of subordinate legislation.

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Central Queensland Regional Organisation of Councils Limited

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Rule	A numbered clause, sub-clause, or paragraph of this Constitution.
Secretary	A secretary of the Company.
Superannuation Guarantee Scheme	The scheme governed by the: (1) <i>Superannuation Guarantee (Administration) Act 1992 (Cwlth)</i> ; and (2) <i>Superannuation Guarantee Charge Act 1992 (Cwlth)</i> , requiring employers to provide a prescribed minimum level of superannuation support for employees.
Third Corporation	Refer to <i>Rule 7.21(1)</i> .

1.3 Cognate Expressions

Derivatives of a defined expression bear meanings corresponding to and consistent with the definition.

1.4 Non-defined Expressions

- (1) A term used, but not relevantly defined, in the Constitution carries the meaning that the Oxford Dictionary of English ascribes to the term.
- (2) However, an expression that is not defined in the Constitution but is defined in the *Corporations Act* bears in the Constitution the meaning the *Corporations Act* ascribes to it.

1.5 Particular References

Where a provision that is prefaced or introduced by the expression, "in particular" or "particularly", refers to or qualifies another provision of more general application, the former provision does not limit the ambit of the latter provision.

Example: The particular acts of waiver to which Rule 6.11(11) refers do not limit the Directors' general power to waive in Rule 6.11(12).

1.6 Examples

- (1) Irrespective of whether it appears within the body of the provision or as a discrete statement that follows the provision, an example of a provision's operation or effect is part of the provision and is not to be disregarded when interpreting the Constitution.
- (2) The example is not exhaustive.
- (3) The example does not limit the meaning of the provision but it may extend that meaning.
- (4) The example and the provision are to be read:
 - (a) in the context of one another; and
 - (b) in the context of the other provisions of the Constitution.
- (5) If, so read, the example and the provision are inconsistent, the provision prevails.

1.7 Block References

- (1) Reference to the period between two specified dates, times or periods includes each of those two dates, times or periods.
- (2) Reference to the numbers, provisions, or items, in this or another document, between two specified numbers, numbered provisions, or numbered items, includes each of those two numbers, numbered provisions or items.

1.8 Durations

- (1) A period stated as beginning upon a specified day begins at the beginning of that day.

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Central Queensland Regional Organisation of Councils Limited

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- (2) A period stated as ending upon a specified day ends at the end that day.

1.9 Miscellaneous References

- (1) Reference to the singular includes the plural, and vice-versa.
- (2) Reference to a gender includes each other gender.
- (3) Reference to a person encompasses a natural person, a corporation, any other type of legal entity (including a body politic), a firm, and a voluntary association.
- (4) Reference to an entity that has ceased to exist, or has reconstituted, amalgamated, reconstructed, or merged, is to be treated as a reference to the person:
 - (a) established or constituted in its stead; or
 - (b) as nearly as may be, succeeding to its power or function.
- (5) Reference to an office or a position includes an office or a position:
 - (a) established or constituted in lieu of that office or position; or
 - (b) as nearly as may be, succeeding to its power or function.
- (6) Reference to an Act includes an Act that amends, consolidates, or replaces an Act.
- (7) Reference to a section or other provision of an Act includes a section or provision that amends, consolidates, or replaces the section or provision.
- (8) An Act not identified (by definition or otherwise) as an Act of the Commonwealth Parliament is an Act of the Queensland Parliament.
- (9) Reference to an agreement or other instrument is to that agreement or instrument as amended, supplemented, replaced, or novated.
- (10) Reference to money is a reference to Australian dollars and cents.
- (11) Reference to a time of day is a reference to Australian Eastern Standard Time.
- (12) Reference to writing is a reference to reproduction of words, figures, symbols, and shapes in visible form, in English.

1.10 References to Office or Position

Reference to the occupant of a particular office or position includes any person occupying or performing the duties of that office or position for the time being.

1.11 Exercise of Powers

- (1) Where this Constitution provides that a person "may" do something, that thing may be done at the person's discretion.
- (2) Where this Constitution confers a power to do something, included in that power is the power, exercisable in the like manner and subject to the like conditions (if any), to repeal, rescind, revoke, amend or vary what is done.
- (3) Where this Constitution confers a power to do something specific concerning specific matters, included in that power is the power to do that thing concerning:
 - (a) some only of those matters; or
 - (b) a particular class or particular classes of those matters,and to make differing provision with respect to individual matters or classes of matter.
- (4) Where this Constitution confers a power to make appointments to an office or position, included in that power is a power:
 - (a) to appoint a person to act in the office or position pending an appointment to the office or position;
 - (b) subject to any contract between the Company and the relevant person, to remove or suspend the appointee, with or without cause; and

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- (c) to appoint a temporary replacement for a person removed or suspended, or for a sick or absent appointee.
- (5) Where this Constitution confers a power or imposes a duty:
 - (a) the power may be exercised; and
 - (b) the duty must be discharged, from time to time as the occasion requires.
- (6) Where this Constitution confers a power or imposes a duty on the holder of an office:
 - (a) the power may be exercised; and
 - (b) the duty must be performed, by the holder of the office.
- (7) Where this Constitution empowers a person or body to delegate a function or power:
 - (a) the delegation may be made upon terms permitting the delegate to perform the function or exercise the power in addition to, or to the exclusion of, the person or body making the delegation;
 - (b) the delegation may be made subject to limitations;
 - (c) the delegation need not be to a specified person but may be to the occupant or holder for the time being of a specified office or position;
 - (d) the delegation may include the power to sub-delegate;
 - (e) if performance or exercise of the delegable function or power is a matter for the formation of an opinion or the exercise of discretion by the person or body holding the power of delegation, that function or power may be performed or exercised by the delegate similarly by the formation of an opinion or the exercise of discretion; and
 - (f) the function or power delegated, as performed or exercised by the delegate, will be deemed performed or exercised by the person or body that made the delegation.

1.12 Headings and Notes

The table of contents, the headings, and any footnotes and endnotes:

- (1) exist for convenience only; and
- (2) are to be disregarded when interpreting the Constitution.

1.13 Severance

A provision is to be treated as omitted from the Constitution if:

- (1) the provision is void, unenforceable, or incomprehensible; or
- (2) retaining the provision would render the Constitution or part of the Constitution void, unenforceable, or incomprehensible.

PART 2 INTRODUCTION**2.1 Company Name**

The name of the Company is *Central Queensland Regional Organisation of Councils Limited*.

2.2 Company Type

- (1) The Company is a company limited by guarantee.
- (2) Accordingly, it cannot issue shares in its capital.

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2.3 Corporations Act Rules

To the extent that it is inconsistent with this Constitution, a rule that applies under the *Corporations Act* as a replaceable rule⁴ for a public company does not apply to the Company.

PART 3 OBJECTS OF INCORPORATION**3.1 Principal Objects**

The Company is incorporated to facilitate its Members to work collaboratively to enhance the economic growth, social capacity and environmental sustainability of the Region, principally by:

- (1) supporting and advancing the interests of Members and their constituencies in a Regional context;
- (2) formulating policies and strategies from which all Members may act collaboratively in determining complementary plans for the co-ordination of Regional growth and management of change;
- (3) fostering co-operation among Members on issues of mutual concern or to further joint interests;
- (4) acting as an advocate to Federal and State Governments or other bodies on issues of concern to Members;
- (5) progressing the collective interests of the Members in the Region and influencing senior decision makers within government, agencies and other bodies;
- (6) increasing investment by Federal and State Governments in infrastructure and services benefitting the Region;
- (7) fostering communication, information and resource sharing among Members;
- (8) building effective partnerships with State and Federal agencies that make decisions that affect the Region;
- (9) facilitating co-operation with community, business and academic organisations for the benefit of the Region; and
- (10) facilitating Members to work together to proactively promote sustainable growth so as to retain the region's natural assets and cultural diversity.

PART 4 MEMBERSHIP OF COMPANY**4.1 Classes of Membership**

The Company's membership will consist of ordinary Members.

4.2 Members

- (1) On incorporation, the Members comprise the following Local Governments:
 - (a) Banana Shire Council;
 - (b) Gladstone Regional Council;
 - (c) Rockhampton Regional Council;
 - (d) Central Highlands Regional Council;
 - (e) Livingstone Shire Council; and
 - (f) Woorabinda Aboriginal Shire Council.
- (2) Another Local Government may apply for Membership if it supports the objects of the Company.

4.3 Application for Membership

- (1) An application for membership must be:
 - (a) submitted in writing to the Secretary;

⁴ Refer to *Corporations Act* sections 134 to 141 and 198E.

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- (b) in the form determined by the Board;
 - (c) signed by the applicant; and
 - (d) accompanied by the applicable membership fee.
- (2) The Members must consider an application for membership at the Company's next general meeting following receipt of:
- (a) the application; and
 - (b) the applicable membership fee,
- (3) At that meeting, the Members must determine whether to accept or reject the application.
- (4) If the Members unanimously vote to accept the applicant as a Member, the applicant is accepted as an ordinary Member of the Company.
- (5) As soon as is practical after the Board accepts or rejects the application for membership, the Secretary must notify the applicant, in writing, of the Board's decision.

4.4 Membership Fees

The membership fee for Members will be:

- (1) determined by the Members at an annual general meeting of the Company; and
- (2) payable at the times and in the manner determined by the Board.

4.5 Special Levies

- (1) The Board may make a special levy or levies on Members from time to time to establish a fund or funds to defray any expenditure (incurred or to be incurred) in carrying out a matter to further the objects of the Company.
- (2) The Board may, in respect of any particular matter, fix different amounts of the special levy for different Members and generally determine the special levy payable by each Member on such basis or bases as it thinks fit.
- (3) A special levy made under this Rule is binding on all Members.
- (4) The Secretary must give written notice to each member specifying:
 - (a) the amount of the special levy payable by it; and
 - (b) the purpose for which such special levy is made.
- (5) A special levy is payable by a Member within 30 days after notice of the amount of the special levy is given to it.

4.6 Membership Entitlements

Each Member is:

- (1) responsible for payment of any subscriptions, fees and other levies imposed by the Board or by the Company in general meeting upon Members;
- (2) entitled to nominate up to three Delegates to attend, participate in the transaction of business, and cast a single vote on its behalf, at any general meeting of the Company;
- (3) eligible to participate in all activities promoted by the Company; and
- (4) entitled to nominate a person for membership of a committee or sub-committee of the Company.

4.7 Termination of Membership

- (1) A Member who has paid all membership fees may resign its membership of the Company by giving at least three months written notice to the Secretary.
- (2) The resignation takes effect:
 - (a) when the Secretary receives the written notice; or

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- (b) if the notice stipulates a later day than the day the Secretary receives the notice, that later day.
- (3) The Board may terminate a membership of the Company if the Member:
 - (a) fails to comply with any of the Rules;
 - (b) is over two months in arrears of membership fees or other levies imposed upon it under the Rules; or
 - (c) conducts itself in a manner that brings the Company into disrepute or otherwise prejudicially affects the Company's interests.
- (4) However, the Board must not terminate a membership without affording the Member a full and fair opportunity to demonstrate that its membership should not be terminated.
- (5) If, after proper consideration of the Member's representations, the Board elects to proceed with termination of the membership, the Secretary must notify the Member of the decision promptly in writing.
- (6) The termination will be effective upon the earlier of:
 - (a) the time the Member receives the Secretary's written notification under *Rule 4.7(5)*; and
 - (b) the end of the 2nd Business Day after the day the Secretary's written notification is posted to the Member.
- (7) If a Member resigns its membership of the Company, or its membership is terminated under *Rule 4.7*, the Member:
 - (a) will not be eligible for any pro rata refund of membership fees paid to the Company; and
 - (b) will remain liable to pay any membership fees or other levies that are due from it to the Company at the time of the resignation or termination.

PART 5 AUDIT**5.1 Appointment of Auditor**

- (1) The Company must appoint an Auditor within the period limited by the *Corporations Act*.⁵
- (2) The appointee must be a registered company auditor.⁶

5.2 Audit

The Auditor must audit the Company accounts annually.

5.3 Excluded Candidates

- (1) The appointed Auditor must be, and must be seen to be, wholly independent of the Company.
- (2) Accordingly, no Director, Member, or Company employee, and no former Director, Member, or Company employee, may be appointed as Auditor.
- (3) Further, no person who serves the Company as an independent contractor, and no person who has served the Company as an independent contractor, may be appointed as Auditor unless the services he or she supplies or has supplied are external audit services and nothing else.

PART 6 MEMBERS MEETINGS**6.1 Convening a General Meeting**

- (1) The Directors may call and arrange to hold a general meeting at least four times per year when they consider it appropriate.

⁵ Refer to section 327A of the *Corporations Act*. The Directors must make the appointment within one month of registration unless the Company in general meeting has already made the appointment.

⁶ Refer to *Corporations Act Part 9.2 (section 1276 et seq)*.

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- (2) However, the Directors must call and arrange to hold the meeting only in accordance with this Rule 6.1 or in accordance with sections 249D⁷, 249E⁸, 249F⁹ and 249G¹⁰ of the *Corporations Act*.
- (3) The Directors may cancel, postpone or change the venue of a general meeting unless the meeting is called and arranged to be held by the Members or the court under section 249F or section 249G of the *Corporations Act*.
- (4) If they call and arrange to hold a general meeting under section 249D of the *Corporations Act*, the Directors may not:
 - (a) postpone it beyond the date by which section 249D requires it to be held; or
 - (b) cancel it without the consent of the requisitioning Member/s.

6.2 Notice of General Meeting

- (1) Subject to this Constitution, notice of a general meeting must be given:
 - (a) within the time limits specified in the *Corporations Act*; and
 - (b) in the manner authorized by Rule 14.1,
 to each person who is at the date of the notice:
 - (c) a Member;
 - (d) a Director; or
 - (e) an Auditor.
- (2) A notice of a general meeting must:
 - (a) specify the date, time and place of the meeting;
 - (b) state the general nature of the business to be transacted at the meeting; and
 - (c) be accompanied by a proxy form for use by the recipient if desired.¹¹
- (3) A person may waive the entitlement to receive notice of a general meeting by giving written notice to the Company.
- (4) Where a person does not receive notice of a general meeting, or the proxy form, to which the person is entitled under Rules 6.2(1) and 6.2(2), everything done at the meeting, including all resolutions passed, will be valid if:
 - (a) the non-receipt is the result of an accident or error (including an accident or error that resulted in the notice of meeting or proxy form not having been sent to the Member); and
 - (b) the person waives under Rule 6.2(3), before or after the meeting, the entitlement to receive notice of that meeting.
- (5) If:
 - (a) a person does not receive notice of a general meeting, or the proxy form, to which the person is entitled under Rules 6.2(1) and 6.2(2); and
 - (b) before or after a general meeting, that person gives the Secretary written notice that the person agrees to a specified action being or having been taken at the meeting (including a resolution being or having been passed),
 the fact that the person does not receive notice of the meeting or proxy form does not invalidate the relevant action.

⁷ Directors must call and arrange to hold a meeting upon the request of a certain number of members.

⁸ Members who have made a request under section 249D, with which the Directors have failed to comply, may call and arrange to hold the meeting.

⁹ Members with a specified minimum quantity of combined votes may call and arrange to hold a meeting.

¹⁰ A court may order that a meeting be called.

¹¹ Refer to Rule 6.11(8) concerning the form of a proxy instrument.

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- (6) Attendance at a general meeting waives any objection a person may make to:
- (a) notice of the meeting being defective, or not having been given; and
 - (b) the consideration of an issue the details of which were not specified in the notice of meeting as an item of business for the meeting,
- unless the person:
- (c) objects, at the beginning of the meeting, to the meeting being held; or
 - (d) objects, when it is presented at the meeting, to the issue being considered.

6.3 Member Presence at General Meeting

A Member is deemed present at a general meeting if present by proxy, attorney or Delegate.

6.4 Admission to a General Meeting

- (1) The chair of a general meeting may:
- (a) refuse a non-entitled person admission to the meeting; or
 - (b) require a non-entitled person to leave the meeting.
- (2) A non-entitled person is one who:
- (a) attends with a camera or audio-recording device;
 - (b) attends with a placard or banner;
 - (c) attends with an item that the chair considers dangerous, offensive, or potentially disruptive;
 - (d) refuses to produce, or to permit examination of, any article in the person's possession;
 - (e) behaves or threatens to behave dangerously, offensively, or disruptively;
 - (f) is not an Auditor, a Director or a Member, or the proxy, attorney, Delegate or councillor of a Member.
- (3) A councillor of a Member who is not a proxy, attorney or Delegate of the Member may attend a general meeting as an observer only and may not participate in discussion or debate at the meeting unless invited to speak by the chair.
- (4) A person may attend a general meeting by invitation of the Board; however, the Board may revoke the invitation at any time.
- (5) If the invitation is revoked, the chair of the general meeting may exercise against the person his or her entitlements under *Rule 6.4(1)*.

6.5 Quorum at a General Meeting

A quorum for a general meeting is four Members who are entitled to vote¹² at general meetings.

6.6 Chair of a General Meeting

- (1) The Chair of the Board must preside as the chair of a general meeting if:
- (a) he or she is present within 15 minutes after the time appointed for the meeting; and
 - (b) he or she is willing to act.
- (2) *Rule 6.6(3)* applies at a general meeting if:
- (a) there is no Chair; or
 - (b) the Chair is not present within 15 minutes after the time appointed for the meeting; or
 - (c) the Chair is present within the 15-minute grace period but is not willing to act as chair of the meeting,

¹² Refer to *Rule 6.10(2)* regarding when a Member is not entitled to vote.

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- (3) The Members present and entitled to vote must elect as chair of the meeting another Director who is present and willing to act.
- (4) If no other Director is present and willing to act, those Members must elect as the chair of the meeting an attorney or Delegate of a Member.

6.7 Conduct of a General Meeting

- (1) Unless a quorum of Members is present when a general meeting proceeds to business, no business may be transacted at the meeting other than:
 - (a) appointment of the chair under *Rule 6.6(3)*; and
 - (b) adjournment of the meeting.
- (2) If a quorum is not present within 30 minutes after the appointed starting time, the general meeting is adjourned to the same time and place on the next Business Day.
- (3) If a quorum is not present within 30 minutes after the appointed starting time of the adjourned meeting, the meeting may proceed with those Members who were present at the initial meeting; otherwise, the meeting is dissolved.
- (4) If an issue arises at a general meeting, relating to the order of business, procedure, or conduct of the meeting:
 - (a) the chair must resolve the issue; and
 - (b) the chair's decision is final.
- (5) The chair may, and if directed by the meeting must, adjourn the meeting from time to time and from place to place.
- (6) No business may be transacted at an adjourned meeting except the business left unfinished at the meeting from which the adjournment occurred.
- (7) Where a meeting is adjourned for 30 days or longer, notice of the adjourned meeting must be given as if the adjourned meeting were the original meeting.
- (8) Otherwise, it is not necessary to give a notice of adjournment or of the business to be transacted at an adjourned meeting.

6.8 Decisions of a General Meeting

- (1) Subject to this Constitution and the *Corporations Act*:
 - (a) each issue at a general meeting will be decided by a majority of votes cast by the Members present at the meeting and entitled to vote; and
 - (b) each such decision is a decision of the Members.
- (2) The following actions may be taken at a general meeting only where the written approval of all Members is already held (by the Secretary or the Chair):
 - (a) undertaking projects in pursuit of the objects of the Company;
 - (b) determining funding arrangements for the Business (other than Membership fees under *Rule 4.4(1)* or special levies under *Rule 4.5*);
 - (c) materially altering the objects of the Company;
 - (d) materially altering the Business;
 - (e) acquiring a material business; and
 - (f) entering a new business.
- (3) Where a proposed decision will have an impact on an asset owned by a Member, the decision may be passed only where the written approval of the owning Member, in the form of a resolution passed by the Member, is already held (by the Secretary or the Chair).
- (4) If there is an equality of votes upon a motion at a general meeting:
 - (a) the chair does not have a second (casting) vote; and

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- (b) the motion is lost.
- (5) A resolution put to the vote of a general meeting must be decided upon a show of hands unless:
 - (a) before the vote is taken; or
 - (b) before or immediately after the result of the show of hands is declared, a poll is demanded by the chair or by a Member present and entitled to vote on the motion.
- (6) The demand for a poll does not prevent the meeting continuing to transact business other than the issue the subject of the demand.
- (7) The demand for a poll may be withdrawn.
- (8) If no poll is properly demanded, or if the demand for a poll is withdrawn:
 - (a) the chair's declaration that a motion has been carried on a show of hands, carried unanimously, carried by a particular majority, or lost; and
 - (b) an entry to that effect in the book containing the minutes of Company proceedings, will be conclusive evidence of what it records, and the number or proportion of votes recorded in favour of or against the motion need not be proved.
- (9) A properly demanded poll must be taken immediately if it concerns:
 - (a) the election of a chair; or
 - (b) a question of adjournment.
- (10) Otherwise, however:
 - (a) the poll may be conducted immediately or after an interval or adjournment;
 - (b) the poll may be conducted in whatever manner the chair directs; and
 - (c) the result of the poll will be the resolution of the general meeting.

6.9 Decisions without a General Meeting

- (1) The Company may pass a resolution (other than a resolution to remove an Auditor) without a general meeting if:
 - (a) each of the Members entitled to vote upon the motion signs an affirmation document; and
 - (b) passage of the resolution otherwise accords with the requirements of the *Corporations Act*.
- (2) For this *Rule* 6.9, an affirmation document is a document that contains:
 - (a) the text of the resolution; and
 - (b) a statement that the Member is in favour of the resolution as specified in that text.

6.10 Voting at a General Meeting

- (1) Subject to this Constitution, at a general meeting of the Company, every Member present (in person or by representation) is entitled to one vote.
- (2) A Member is not entitled to vote at a general meeting if the Member is in arrears of membership fees or other money owing to the Company.
- (3) An objection to a Member's entitlement to vote:
 - (a) must be raised before or at the meeting at which the vote the subject of the objection to is cast; and
 - (b) will be determined by the chair of the meeting, whose decision will be final in the absence of manifest error or patent bias.
- (4) A vote not disallowed by the chair under *Rule* 6.10(3) is valid for all purposes.

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6.11 Representation at a General Meeting

- (1) Each Member is entitled to be represented at general meetings by two Delegates appointed by it comprising:
 - (a) the appointing Member's chief executive officer; and
 - (b) a councillor of the appointing Member.
- (2) Subject to this Constitution and the *Corporations Act*, each Member entitled to attend and vote at a general meeting may:
 - (a) vote by a Delegate;
 - (b) vote by an attorney or attorneys; or
 - (c) appoint a person as the Member's proxy, to attend and vote on the Member's behalf at the meeting.¹³
- (3) A proxy, attorney or Delegate may be a person other than a Member.
- (4) A proxy, attorney or Delegate may be appointed:
 - (a) for all general meetings;
 - (b) for any number of general meetings; or
 - (c) for a particular general meeting.
- (5) Unless otherwise specified in the instrument of appointment, or in the *Corporations Act*, an appointment as proxy, attorney or Delegate gives the appointee the authority to act generally at the meeting, and, in particular:
 - (a) to agree to a meeting being convened upon shorter notice than that required by the *Corporations Act* or this Constitution;
 - (b) to speak to any proposed resolution upon which the appointee may vote;
 - (c) to demand or join in demanding a poll on any resolution upon which the appointee may vote;
 - (d) to vote upon any amendment moved to a proposed resolution, and on any motion that the proposed resolution not be put, or any similar motion;
 - (e) to vote upon any procedural motion, including any motion to elect the chair, vacate the chair, or adjourn the meeting;
 - (f) to attend and vote at a re-scheduled or adjourned meeting, or a meeting moved to a new venue.
- (6) The instrument of appointment may specify the manner in which the appointee must vote upon a particular motion, in which case the appointee is not entitled to vote upon the motion otherwise than as directed in the instrument.
- (7) The appointment of Delegates by a Member must specify which one of those Delegates is authorised to exercise the Member's voting entitlement at a general meeting.
- (8) An instrument appointing a proxy, attorney or Delegate need not be in any particular form, however, the instrument:
 - (a) must be in writing;
 - (b) must be valid at law; and
 - (c) must be signed by the appointer or the appointer's attorney.
- (9) A Delegate, proxy or attorney may not vote at a general meeting or on a poll unless the instrument of his or her appointment and the authority under which the instrument is signed (or a certified copy of the instrument and/or the authority):

¹³ This Rule is mandatory under sub-section 249X(1) of the *Corporations Act*.

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- (a) have been received at the place specified for receipt of delegation-related instruments in the notice calling the meeting, or, if the notice specified no place, the Company's registered office;
 - (b) have been received at that place before the time the meeting or adjourned meeting is to be held or the poll is to be taken (as the case may be);
 - (c) have been tabled at the meeting or adjourned meeting at which the he or she proposes to vote; or
 - (d) are produced when the poll is taken.
- (10) The Directors may waive all or any of the requirements of *Rules 6.11(7) and 6.11(9)*.
- (11) In particular, the Directors may accept, upon the production of whatever other evidence they require for establishing the validity of the proxy's, attorney's or Delegate's appointment:
- (a) an oral appointment;
 - (b) an instrument of appointment that is not signed by the appointer or the appointer's attorney (for example, an instrument signed for the appointer "per" another person); and
 - (c) a copy (including a copy sent by facsimile transmission or email) of the instrument of appointment, or of the power of attorney or other authority under which that instrument is signed.
- (12) A vote cast in accordance with the instrument of appointment is valid despite:
- (a) revocation of the appointment; or
 - (b) revocation, before the instrument was executed, of the authority under which the instrument was executed,
- unless notice of the revocation was:
- (c) received at the place specified for receipt of delegation-related instruments in the notice calling the meeting, or, if the notice specified no place, the Company's registered office;
 - (d) received at that place before the time the meeting or adjourned meeting is to be held or the poll is to be taken (as the case may be);
 - (e) tabled at the meeting or adjourned meeting at which the he or she proposes to vote; or
 - (f) produced when the poll is taken.
- (13) The appointment of a proxy, attorney or Delegate is not revoked by the appointer attending and participating in the general meeting.
- (14) However, if the appointer votes on a motion, the proxy, attorney or Delegate is not entitled to vote upon the motion, and must not vote upon it as the appointer's proxy, attorney or Delegate.

PART 7 DIRECTORS**7.1 Appointment and Removal of Directors**

- (1) The Company will have no fewer than three Directors and no more than twelve Directors.
- (2) Each Member may appoint one Director.
- (3) The Board may also appoint one Director who is not a councillor, chief executive officer or other employee of a Member.
- (4) A Member or the Board, as applicable, may:
 - (a) remove from office a Director it has appointed;
 - (b) appoint a person to replace a Director it has removed from office.
- (5) For clarity, if a Director appointed by a Member or the Board vacates or is removed from office as a Director, the Member or Board, as applicable, must appoint a person to replace that Director.
- (6) The provisions of Rule 7.2(1) do not apply to a Director appointed by the Board under Rule 7.1(3)

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7.2 Directors – General Qualification

- (1) Subject to Rule 7.1(6), a person is qualified to become and remain a Director only if that person is and remains a councillor or the Chief Executive Officer of a Member.
- (2) A person holding office as a Director vacates that office immediately upon:
 - (a) his or her death;
 - (b) his or her resignation;
 - (c) him or her ceasing to be a councillor or Chief Executive Officer of a Member;
 - (d) the Member who appointed the Director ceasing to be a member of the Company; or
 - (e) the conclusion of the third consecutive Directors meeting that the Director has failed to attend, without the Board's leave.

7.3 Chair of the Board

- (1) The Members:
 - (a) must elect a Director as Chair of the Board at each annual general meeting of the Company; and
 - (b) may terminate an appointment as Chair.
- (2) The Chair will hold that position until the next annual general meeting of the Company.
- (3) The Chair may resign as chair via notice to the other Directors.
- (4) The Members must appoint a new Chair in accordance with *Rule 7.3(1)* if the Chair:
 - (a) dies;
 - (b) resigns as Chair;
 - (c) ceases to be a Director; or
 - (d) is unable to continue discharging his or her responsibilities as Chair.¹⁴

7.4 Deputy Chair of the Board

- (1) The Members:
 - (a) may elect a Director as Deputy Chair of the Board; and
 - (b) may terminate an appointment as Deputy Chair.
- (2) The Deputy Chair will hold that position until the next annual general meeting of the Company.
- (3) The Deputy Chair must chair a Board meeting if the Chair:
 - (a) is absent from the meeting; or
 - (b) is unwilling to chair the meeting,
- (4) The Deputy Chair will possess for that meeting, in addition to his or her existing entitlements as a Director, all of the Chair's entitlements.
- (5) If the Deputy Chair is required to chair a Board meeting, but:
 - (a) is absent from the meeting; or
 - (b) is unwilling to chair the meeting,
 the meeting will be adjourned to a time and place agreed by the Directors present at the meeting.
- (6) The Deputy Chair may resign as deputy chair via notice to the other Directors.
- (7) The Directors must appoint a new Deputy Chair in accordance with *Rule 7.4(1)* if the Deputy Chair:
 - (a) dies;

¹⁴ Examples: Death, loss of capacity, removal as a Director.

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- (b) resigns as Deputy Chair;
- (c) ceases to be a Director; or
- (d) is unable to continue discharging his or her responsibilities as Deputy Chair.¹⁵

7.5 Notification of Appointment and Removal

- (1) An appointee as Director must give the Company prompt notice of the appointment.
- (2) The Directors must give the Company prompt notice of a resignation or removal from office as a Director.
- (3) The notice will be properly given if given to the Secretary.

7.6 Membership Qualification (Unnecessary)

A Director may attend and speak at a general meeting of the Company despite not being a Member or a Delegate.

7.7 Additional Positions

- (1) A Director may hold another office or position in the Company, other than Auditor, in conjunction with his or her directorship.
- (2) The Director will not be entitled to remuneration for his or her services in that office or position.
- (3) Otherwise, however, the Director may be appointed to that office or position upon such terms as the Directors consider appropriate.

7.8 Termination of Employment

If a Director is also employed by the Company, and the Board terminates the employment for breach of the employment terms:

- (1) the person's appointment as a Director also terminates; and
- (2) the person is ineligible for reappointment as a Director.

7.9 Directors' Powers and Duties

- (1) The Directors are responsible for managing the Business.
- (2) They may exercise, to the exclusion of the Company in general meeting, all of the Company powers that the *Corporations Act* or this Constitution does not require exercised by general meeting.
- (3) Before the end of each financial year, the Directors must adopt a strategic plan for the Company, which plan must include a plan of action relating to such of the following issues as are relevant to the Business:
 - (a) business strategy;
 - (b) product and service strategy;
 - (c) pricing policy;
 - (d) personnel policy and hiring plans;
 - (e) investment strategy;
 - (f) financing requirements for working capital, investment, and expansion;
 - (g) profit objectives;
 - (h) a marketing plan;
 - (i) financial budgets;
 - (j) business policies;

¹⁵ Examples: Death, loss of capacity, removal as a Director.

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- (k) financial and non-financial performance targets;
 - (l) any proposed major disposal or divestment of assets; and
 - (m) key performance indicators determined by the Board from time to time.
- (4) The Managing Director (if any) is responsible for day-to-day management of the Company, subject to the Board's instructions.
- (5) Decisions that are not items of day-to-day Company management must be made at Board meetings.
- (6) Unless the Board determines otherwise, the Directors must ensure that the Company:
- (a) maintains its assets in good working order and condition (reasonable fair wear and tear, and damage from unforeseen circumstances, excepted), and repairs and replaces them where necessary;
 - (b) complies with all agreements to which it is a party;
 - (c) otherwise pays its debts as and when they fall due;
 - (d) adequately insures all of its insurable assets, for their full replacement value and on a re-instatement or replacement basis, against loss, damage and destruction from any cause against which it is prudent to insure;
 - (e) maintains adequate public risk insurance;
 - (f) maintains workers compensation insurance for all of its employees;
 - (g) (otherwise) maintains adequate insurance concerning risks against which a prudent person, holding assets and conducting a business similar to the Company's, would insure;
 - (h) complies with the requirements of all Acts relating to conduct of the Business and the administration of its affairs;
 - (i) maintains its corporate existence; and
 - (j) conducts the Business in accordance with its adopted strategic plan.
- (7) The Directors also must ensure that the Company maintains books and records, including minutes of Directors and Members meetings, in compliance with:
- (a) all applicable rules of general law;
 - (b) all applicable Acts, particularly the *Corporations Act* and the *Income Tax Acts*; and
 - (c) generally-accepted accounting principles and best practices.
- (8) Further, the Directors must ensure that the Company provides in its accounts for payment of all taxes it incurs, as they are incurred, after deducting any taxation credits arising from losses and adjustments in previous years.
- (9) The object of *Rule 7.9(8)* is to ensure that no provision is required in the Company accounts for losses to be carried forward or to be set off against profits in future years.
- (10) Without limiting *Rule 7.9(1)*, the Directors may exercise all of the Company's powers:
- (a) to borrow or otherwise to raise money;
 - (b) to charge Company assets; or
 - (c) to give other security for a debts, liabilities, or obligations of the Company or other persons.
- (11) The Directors may determine how negotiable instruments are signed, drawn, accepted, endorsed, or otherwise processed on behalf of the Company.
- (12) The Directors may pay from the Company's funds all of the expenses of:
- (a) promoting, forming, and registering the Company; and
 - (b) vesting in it of the assets it acquires.

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- (13) The Directors may:
- (a) appoint or employ any person as an officer, agent, or attorney of the Company, for such purposes, and upon such terms, as they consider appropriate;
 - (b) authorize an officer, agent, or attorney to delegate any of the powers, discretions, and duties the Company has vested in that person; and
 - (c) (subject to any Act or rule of general law, and to any contract between the Company and that person) remove or dismiss at any time an officer, agent, or attorney of the Company, with or without cause.
- (14) A power of attorney granted by the Company may contain such provisions for the protection and convenience of the attorney or persons dealing with the attorney as the Directors consider appropriate.

7.10 Proceedings of Directors

- (1) The Directors may:
- (a) meet for the dispatch of Company business as they consider appropriate; and
 - (b) adjourn and otherwise regulate their meetings as they consider appropriate.
- (2) Contemporaneous linkage of Directors, via telephone or other electronic medium, constitutes a meeting (a *Remote Meeting*) of the Board if the number of Directors so linked is sufficient to constitute a quorum.
- (3) The Rules relating to Directors meetings apply, to the extent that they can do so, and with such alterations as are necessary, to Remote Meetings.
- (4) A Director participating in a Remote Meeting will be regarded as present in person at the meeting.
- (5) A Remote Meeting will be regarded as held at the place determined by the Chair if at least one of the participating Directors is at that place throughout the meeting.

7.11 Convening a Board Meeting

- (1) The Chair may convene a Board meeting whenever he or she considers it appropriate.
- (2) A Secretary must convene a Board meeting if requested in writing to do so by a Director.

7.12 Notice of Board Meeting

- (1) Subject to the requirements of this Constitution: unless all Directors agree otherwise, notice of a Board meeting must be given at least two Business Days before the day of the proposed meeting.
- (2) The notice must be given to each person who is:
- (a) a Director, other than a Director on leave of absence approved by the Directors; or
 - (b) an Alternate Director appointed under *Rule 7.17* by a Director on leave of absence that has been approved by the Directors.
- (3) The notice of a Board meeting:
- (a) must specify the time and place of the meeting;
 - (b) must state the nature of the business to be transacted at the meeting, and include any applicable explanatory and supporting documents;
 - (c) may be given (despite *Rule 7.12(1)*) immediately before the meeting if the Directors agree;
 - (d) may be given by personal delivery, post, telephone, facsimile transmission, email, or by other electronic means; and
 - (e) will be regarded as having been given to an Alternate Director if it is given to the Director who appointed that Alternate Director.

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- (4) Unless all Directors agree otherwise, the Board must not pass a resolution unless the notice of meeting included:
 - (a) notice of the subject-matter of that resolution; and
 - (b) the applicable explanatory and supporting documentation (if any).
- (5) A Director or Alternate Director may waive notice of a Board meeting by notifying the Secretary to that effect in person, or by post, telephone, facsimile transmission, email, or other electronic means.
- (6) Where a Director or Alternate Director does not receive the notice of a Board meeting to which he or she is entitled under *Rule 7.12(1)*, the failure will not invalidate anything done (including any resolution passed) at the meeting if:
 - (a) non-receipt is the result of an accident or error (including an accident or error resulting in the notice of meeting not having been sent);
 - (b) he or she waives under *Rule 7.12(5)*, before or after the meeting, the entitlement to receive notice of that meeting;
 - (c) he or she has agreed, or he or she agrees, to what is done at the meeting; or
 - (d) he or she attends the meeting.
- (7) That a Director or Alternate Director does not receive the notice of a Board meeting to which he or she is entitled under *Rule 7.12(1)*, does not invalidate an action taken at the meeting (including the passage of a resolution) if, before or after the meeting, he or she notifies the Secretary in person, or by telephone, post, facsimile transmission, email, or other electronic means, that he or she agrees to the action.
- (8) Attendance at a Board meeting waives the attending Director's or Alternate Director's entitlement to object to non-receipt of a notice of the meeting.
- (9) If the attendant is an Alternate Director, the Director who appointed him an Alternate Director, and any other Alternate Director appointed by that Director, is also taken to waive his or her entitlement to object to non-receipt of a notice of the meeting.

7.13 Quorum at Board Meeting

- (1) No business may be transacted at a Board meeting unless a quorum of Directors is present at the time the business is transacted.
- (2) Subject to *Rule 7.13(3)*, the quorum for a Board meeting is the number of Directors equal to a simple majority of the number of Members.
- (3) If a quorum is not present within 30 minutes after the appointed starting time, the meeting is adjourned to the same time and place on the next Business Day.
- (4) If a quorum is not present within 30 minutes after the appointed starting time of the adjourned meeting, the meeting may proceed with those Directors who were present at the initial meeting; otherwise the meeting is dissolved.
- (5) If there is a vacancy in an office of Director, the continuing Directors may transact Company business.
- (6) However, the Members must appoint further Directors in accordance with this Constitution as soon as possible if the number of Directors in office:
 - (a) becomes insufficient to constitute a quorum at a Board meeting; or
 - (b) becomes fewer than the minimum number of Directors fixed under this Constitution.
- (7) Until the further Directors are appointed, the continuing Directors may act only to the extent that an emergency requires.

7.14 Director Presence at Meetings

A Director is deemed present at a Board meeting, a committee meeting, or a general meeting:

- (1) if he or she present in person; or

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- (2) (if he or she is not present in person) his or her Alternate Director is present in person.

7.15 Board Decisions

- (1) A Board meeting at which a quorum is present may exercise any of the authorities, powers, and discretions vested in or exercisable by the Board under this Constitution.
- (2) The Board may make decisions by majority vote.
- (3) Each Director entitled to vote at a Board meeting has one deliberative vote.
- (4) If there is an equality of votes upon a motion, the chair of the meeting has a second (casting) vote.

7.16 Documented Board Resolutions

- (1) An action will be regarded as having been taken at a Board meeting if:
 - (a) a document containing a statement that the action has been taken (for example, that a resolution has been passed) bears the signed assents of a sufficient number of Directors to constitute a quorum and pass a resolution at a Board meeting; and
 - (b) the assenting Directors would have constituted a quorum at a Board meeting held to consider the action taken.
- (2) For *Rule 7.16(1)*:
 - (a) if the Directors endorsed their assents on the same day, the meeting will be regarded as having been held on that day, at the time at which the last assent was endorsed upon document;
 - (b) if the Directors endorsed their assents on different days, the meeting will be regarded as having been held on the day upon which, and at the time at which, the last assent was endorsed upon document;
 - (c) two or more counterparts in identical terms, each of which bears the assent of one or more Directors, will be regarded as constituting an assent document; and
 - (d) a Director may assent to the relevant action by signing the assent document, or by notifying the Secretary of his or her assent to the document contents in person, or via post, telephone, facsimile transmission, email, or other electronic means.
- (3) Where, for *Rule 7.16(1)*, a Director signifies assent to the contents of a document otherwise than by signing the document he or she must sign the document, as confirmation, at the next Board meeting he or she attends.
- (4) However, failure to sign the document does not invalidate the act to which the document relates.

7.17 Alternate Directors

- (1) Each Member may appoint an Alternate Director, to act in place of the Director appointed by that Member.
- (2) An Alternate Director need not be a Director but must satisfy the general requirements for a Director prescribed at *Rule 7.2*.
- (3) One person may be an Alternate Director to more than one Primary Director.
- (4) An Alternate Director may attend and vote in the Primary Director's stead if the Primary Director:
 - (a) does not attend a Board meeting; or
 - (b) is not available to participate in a resolution process under *Rule 7.16*.
- (5) In addition to any vote to which he or she is entitled as a Director in his or her own right, an Alternate Director is entitled also to a separate vote for each Primary Director he or she represents.
- (6) In the absence of the Primary Director:
 - (a) an Alternate Director may exercise any power that the Primary Director may exercise; and

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- (b) exercise of that power by the Alternate Director will be regarded as exercise of the power by the Primary Director.
- (7) The office of an Alternate Director is vacated when the Primary Director vacates office as a Director.
- (8) The appointment of an Alternate Director may be terminated at any time by the appointer despite the period of the Alternate Director's appointment not having expired.
- (9) The appointment of an Alternate Director, or the termination of that appointment:
 - (a) must be in writing, dated and signed by the appointer; and
 - (b) is not effective until the Secretary receives notice of the appointment or termination.
- (10) Alternate Directors will not be considered in determining the minimum or maximum number of Directors permitted under this Constitution.
- (11) In determining whether a quorum is present at a Board meeting, an Alternate Director who attends the meeting is to be counted as a Director for each Primary Director on whose behalf the Alternate Director attends the meeting.
- (12) An Alternate Director is entitled to such remuneration as the Board considers appropriate, either in addition to or in reduction of the remuneration payable to the Primary Director for whom the Alternate Director substitutes. Otherwise, the Alternate Director is not entitled to remuneration for his or her service in that capacity.
- (13) While acting as a Director, an Alternate Director:
 - (a) is responsible to the Company for his or her own acts; and
 - (b) is not the Primary Director's agent.

7.18 Committees of Directors

- (1) The Board may appoint a committee consisting of the Directors it considers appropriate.
- (2) The Board may delegate any of its powers to the committee of Directors.
- (3) A committee to which the Board delegates powers must exercise the delegated powers according to any directions from the Board.
- (4) The Rules that apply to Directors meetings and resolutions apply, to the extent that they can do so, and with such alterations as are necessary, to meetings and resolutions of a committee of Directors.

7.19 Delegation to Individual Director

- (1) The Board may delegate any of its powers to a single Director.
- (2) A Director to whom the Board delegates powers must exercise those powers according to any directions the Board gives.

7.20 Validity of Acts

- (1) This *Rule 7.20* applies to:
 - (a) an act done by a person as a Director; or
 - (b) an act done in or pursuant to a meeting of the Board, or a committee of Directors, attended by a person acting as a Director.
- (2) The act is not invalid merely because:
 - (a) the person's appointment as a Director is defective;
 - (b) the person is disqualified from holding office as a Director, or has vacated the office; or
 - (c) the person is not entitled to vote, at the meeting of the Board or committee of Directors.
- (3) However, the act is invalid if the Directors or committee (as the case may be) knew of the defect, disqualification, or disentitlement when the act was done.

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7.21 Interested Directors

- (1) A Director may be a director or other officer of, or be otherwise interested in, a corporation other than the Company (a *Third Corporation*), including:
 - (a) a corporation promoted by the Company;
 - (b) a corporation of which the Company is a member; or
 - (c) a corporation with which the Company deals.
- (2) The Director is not accountable to the Company for remuneration or other benefits received from that corporation, or from his or her interest in that corporation.
- (3) The Directors may exercise, in any manner they consider appropriate, the voting entitlements conferred by the Company's membership of any corporation (a *Third Corporation*).
- (4) In particular, the Directors may exercise those voting entitlements by voting in favour of a resolution:
 - (a) appointing a Director as a director or other officer of the Third Corporation; or
 - (b) for the payment of remuneration to the directors or other officers of the Third Corporation.
- (5) If permitted by law, a Director may vote as *Rule 7.21(4)* permits despite the fact that:
 - (a) he or she is a director or other officer of the Third Corporation, or his or her appointment as such might be pending; and
 - (b) he or she is, accordingly, personally interested in the votes.
- (6) The mere fact that a person is a Director does not disentitle the person:
 - (a) to sell property to the Company or purchase property from it;
 - (b) to lend money to the Company or borrow any money from it, with or without interest or security;
 - (c) to guarantee for commission or profit the repayment of money borrowed by the Company;
 - (d) to underwrite or guarantee, for commission or profit, a subscription for securities in a corporation the Company promotes, or in which the Company is interested as a member or otherwise;
 - (e) to accept employment by the Company or to act on behalf of the Company in a professional capacity (other than as Auditor); or
 - (f) otherwise to deal with the Company.
- (7) That a Director:
 - (a) holds office as a Director; or
 - (b) is bound by fiduciary obligations arising from his or her position as a Director,
 is not sufficient, considered alone:
 - (c) to render void or voidable; or
 - (d) to render the Director liable to account to the Company for a profit realized from, a contract or arrangement:
 - (e) between the Director and the Company; or
 - (f) between the Company and another party, in which the Director may be interested.
- (8) A Director interested in a contract or arrangement, or a proposed contract or arrangement, involving the Company must declare the interest to the Board unless the interest is obvious.
- (9) Subject to *Rule 10.1(6)*: despite possessing such an interest, a Director:
 - (a) may be counted in determining whether a quorum is present at a Board meeting to consider the contract or arrangement, or the proposed contract or arrangement;

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- (b) may vote upon the contract or arrangement, or the proposed contract or arrangement, or upon any matter arising from either; and
- (c) may sign any document relating to the contract or arrangement, or the proposed contract or arrangement, that the Company may execute.

PART 8 EXECUTIVE OFFICERS**8.1 Managing Director**

- (1) The Board may appoint a Director to the office of Managing Director.¹⁶
- (2) An appointment as Managing Director automatically terminates if the appointee ceases to be a Director.

8.2 Company Secretaries

- (1) The Directors:
 - (a) must appoint at least one Secretary; and
 - (b) may appoint additional Secretaries.
- (2) The Directors may not appoint the Managing Director as a Secretary.

8.3 Executive Officers Generally

- (1) Reference to an executive officer in this Rule 8.3, is a reference to a Managing Director or a Secretary appointed under this Part 8.
- (2) An executive officer may be appointed upon terms the Directors consider appropriate.
- (3) Subject to any contract between the Company and the executive officer, the Directors may remove or dismiss an executive officer at any time, with or without cause.
- (4) The Directors may:
 - (a) invest an executive officer with the powers, discretions, and duties (including powers, discretions, and duties vested in or exercisable by the Directors) that they consider appropriate;
 - (b) withdraw, suspend, or vary an executive officer's powers, discretions, and duties; and
 - (c) authorize the executive officer to delegate any of his or her powers, discretions, and duties.
- (5) An executive officer's act is not invalid merely because:
 - (a) his or her appointment as an executive officer is defective; or
 - (b) he or she is not entitled to be appointed an executive officer;
 however, it is invalid if he or she is aware of the defect or non-entitlement when he or she takes the action.

PART 9 MINUTES AND RECORDS**9.1 Minutes of Meetings**

- (1) The Board must ensure that minutes are recorded of proceedings and resolutions at:
 - (a) each general meeting of the Members; and
 - (b) each meeting of Directors and of each committee of Directors (including, for clarity, each Remote Meeting).¹⁷

¹⁶ Refer to Rule 7.9(4) Subject to Board instructions, the Managing Director is responsible for day-to-day management of the Company.

¹⁷ Refer to Rule 7.10(2) et seq.

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- (2) The minutes must be recorded:
 - (a) within one month after each meeting is held;
 - (b) in a book kept for the purpose.

9.2 Minutes of Non-meeting Members Resolutions

- (1) The Board also must ensure that minutes are recorded of each resolution passed by Members without a meeting.¹⁸
- (2) The minutes must be recorded:
 - (a) within one month after the resolution is passed;
 - (b) in a book kept for the purpose.

9.3 Confirmation of Minutes

- (1) The minutes of a meeting must be signed within a reasonable period following the meeting.
- (2) The minutes must be signed by:
 - (a) the chair of the meeting; or
 - (b) the chair of the next meeting.
- (3) The minutes recording a Company resolution passed without a Members meeting must be signed by a Director within a reasonable period after the resolution is passed.

9.4 Evidence

A minute is prima facie evidence¹⁹ of the proceeding or resolution, or declaration to which it refers if:

- (1) it is recorded in accordance with *Rule 9.1* or *Rule 9.2* (as applicable); and
- (2) it is signed in accordance with *Rule 9.3*.

9.5 Inspection of Records

- (1) The Board must ensure the minute books for general meetings are open for inspection by Members without charge.
- (2) Subject to *Rule 9.1(1)*, the Board may determine:
 - (a) whether and, if so, to what extent; and
 - (b) at what times and places; and
 - (c) under what conditions,
 the Company's minute books, accounting records, and other documents, or any of those items, will be open for inspection by Members.
- (3) A Member may not inspect Company books, accounting records or other documents except as:
 - (a) provided by law; or
 - (b) authorized by the Board or this Constitution.

PART 10 COMPANY INCOME AND OTHER ASSETS**10.1 Use and Application Generally**

- (1) The Company's income and property must be used solely for promoting its objects.²⁰

¹⁸ Refer to *Rule 6.9*.

¹⁹ *Prima facie evidence* is evidence that, in the absence of evidence to the contrary, suffices as proof of the fact or proposition in question. It is to be contrasted with *conclusive evidence*, which is evidence that is incontrovertible, either because the law does not permit it to be contradicted, or because it is so strong and convincing that it overbears all proof to the contrary and established the fact or proposition beyond any reasonable doubt.

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- (2) Allocation of Company money or property:
- (a) must accord with the Company's objectives; and
 - (b) must not be influenced by the expressed preference or interest of a donor to the Company.
 - (c) None of the Company's income or property is to be distributed to Members, directly or indirectly.
- (3) None of the Company's income or property is to be:
- (a) distributed to Members, directly or indirectly; or
 - (b) paid to its Directors or Alternate Directors as fees for services to the Company.
- (4) However, for clarity, no distribution occurs where a Member is paid from Company funds:
- (a) reasonable compensation for services the Member has rendered to the Company in good faith and with Board approval; or
 - (b) a sum to reimburse an expense the Member has incurred on behalf of the Company in good faith and with Board approval.
- (5) Further, no payment of fees occurs where a Director or Alternate Director is paid from Company funds to reimburse an expense the Director has incurred on behalf of the Company in good faith and with Board approval.
- (6) If, at a Board meeting or a general meeting, there is tabled a motion is to approve a payment under either of *Rules 10.1(3) and 10.1(5)*, the person the object of motion, and any other Director, Alternate Director, or Member who is related to that person, is not entitled:
- (a) to propose or second the motion;
 - (b) to speak to the motion;
 - (c) to vote on the motion; or
 - (d) to be present at the meeting when the motion is put to the vote.
- (7) For clarity, no payment from Company funds may be made to a Director or Alternate Director without Board approval.

10.2 Distribution of Surplus upon Liquidation

- (1) This *Rule 10.2* applies if:
- (a) the Company goes into liquidation; and
 - (b) surplus Company assets remain after the satisfaction of its liabilities (including the liquidation costs).
- (2) The liquidator must transfer the surplus assets to an institution in Australia:
- (a) that has objects similar to the Company's objects;
 - (b) that does not operate for profit or gain to its members and that has a constitution prohibiting the distribution of its income and assets to its members; and
 - (c) that is a charitable institution and deductible gift recipient for the purposes of any Commonwealth taxation Act and a charitable institution for any Queensland taxation Act.
- (3) A receipt issued by the recipient institution, with a written undertaking by the institution to use the transferred assets for the pursuit of its objects, will discharge to the liquidator's responsibility for the transferred assets.

10.3 Member Contributions to Assets

- (1) This *Rule 10.3* applies to each person:
- (a) who is a Member when the Company is placed into liquidation; or

²⁰ Refer to Part 3.

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- (b) who was a Member during the 365 days ending on the day the Company is placed into liquidation.
- (2) The person must contribute to the Company's assets to facilitate:
 - (a) satisfaction of the liabilities the Company incurred before the person ceased to be a Member;
 - (b) payment of the liquidation costs; and
 - (c) adjustment of the contributories' entitlements.
 - (d) However, the contribution will not exceed \$20.00.

PART 11 INDEMNITY AND INSURANCE**11.1 Affected Persons**

Rules 11.2 and 11.3 apply:

- (1) to each person who is or has been a Director (including a Managing Director) or an Alternate Director;
- (2) to every other officer or former officer of the Company to whom the Board determines they should apply; and
- (3) if the Board so determines, to any Auditor or former Auditor.

11.2 Indemnity

- (1) To the extent permitted by law, the Company must indemnify against the losses and expenses he or she lawfully incurs in that capacity:
 - (a) every Director and Alternate Director;
 - (b) every Auditor; and
 - (c) every other Company officer.
- (2) Included among those losses and expenses are:
 - (a) expenses borne of or arising out of liability for negligence;
 - (b) the reasonable costs and expenses incurred in defending proceedings from which judgment is given in the officer's favour or from which he or she is acquitted of a charge; and
 - (c) the reasonable costs and expenses incurred in connection with an application upon which a court grants the officer relief under the *Corporations Act*.
- (3) Excluded from those losses and expenses, however, are:
 - (a) pecuniary penalties incurred under *Corporations Act* section 1317G; and
 - (b) compensation payable under *Corporations Act* section 1317H; and
 - (c) expenses borne of liability incurred to a person other than the Company, which arise out of conduct lacking good faith.
- (4) If requested by a given officer, the Company must execute a formal deed of indemnity in his or her favour, to secure the Company's obligation under *Rule 11.2(1)*.

11.3 Insurance

To the extent that the law permits it to do so, the Company may:

- (1) insure an officer to whom *Rule 11.2* applies; or
- (2) pay the premiums for insurance that the officer obtains, against the losses and liabilities the subject of *Rule 11.2*.

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11.4 Ambit of Entitlements

- (1) The indemnity in *Rule 11.2* is a continuing obligation, remaining enforceable if an eligible officer ceases to be a Company officer or an Auditor.
- (2) The indemnity applies to losses and expenses incurred before and after *Rule 11.2* is adopted, but to the extent only that a relevant loss or expense is not covered by insurance proceeds.

PART 12 PROVISION OF INFORMATION**12.1 Periodic Reports**

- (1) Subject to *Rules 12.1(3) to 12.1(6)*, each Director and each Member must do whatever is reasonable to ensure that information or material concerning the operations of the Company is promptly made available for inspection following an inspection request:
 - (a) from the Board; or
 - (b) from a Member that has not appointed personally a serving Director.
- (2) A request for the provision of information under this *Rule 12.1* must be directed to a Secretary.
- (3) The following reports must be available as soon as is practical, but not later than 14 days, after the end of each month:
 - (a) an unaudited profit and loss statement;
 - (b) a monthly cash flow statement (with projections for the ensuing 12 months) for the month and for the current financial year to date; and
 - (c) an unaudited balance sheet as at the end of the month.
- (4) Each report must be prepared in accordance with generally-accepted accounting principles and best practices consistently applied.
- (5) An audited profit and loss statement and an unaudited balance sheet for the financial year must be available as soon as is practical, but not later than 90 days, after the end of each financial year.
- (6) Information or material, other than information and material the subject of *Rules 12.1(3) and 12.1(5)*, requested by a Director or a Member to enable the Company or the Member (respectively) to satisfy a reporting obligation under an Act, must be made available as soon as is practical following the request.
- (7) A Member must bear the cost to the Company of providing information the Member requests under *Rule 12.1(6)*.

12.2 Access to Information

- (1) For this *Rule 12.2*, an *Eligible Person* is
 - (a) a Member or a Delegate;
 - (b) a current Director; or
 - (c) a former Director against whom a claim has been made in his or her capacity as a Director.
- (2) Upon reasonable notice, at any reasonable time, and as often as the Board considers reasonable, the Company must permit an Eligible Person:
 - (a) to inspect Company property;
 - (b) to inspect and take copies of any document relating to the Business, including its accounts; and

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- (c) to discuss the Company's affairs, including particularly its finances and accounts, with the Company's officers and the Auditor.

12.3 Confidentiality

- (1) Subject to *Rules 12.2 and 12.5*, neither a Director or other Company officer nor a Member may:
- (a) disclose Confidential Information; or
 - (b) use Confidential Information in a manner that may cause loss or other harm to the Company or its Members.
- (2) Each Director and Member must use its best endeavours to ensure that:
- (a) nobody discloses Confidential Information; or
 - (b) nobody uses Confidential Information in a manner that may cause loss or other harm to the Company or any of its Members.

12.4 Permitted Disclosure

Confidential Information may be disclosed:

- (1) with the consent of the Board (where the Company owns the information or is entitled to the benefit of the confidence);
- (2) with the consent of all persons entitled to the benefit of the confidence (where more than one person is so entitled, whether or not the Board is one of those persons);
- (3) if it belongs solely to the Company and its disclosure is necessary in the ordinary course of transacting the Business;
- (4) if its disclosure is required by law;
- (5) if it comes into the public domain other than by a breach of this *Rule 12.2*;
- (6) (subject to *Rule 12.5*) to the Company's banker or professional adviser; and
- (7) if its disclosure is required by an Act.

12.5 Confidentiality Agreements

Confidential Information may be disclosed to a banker or professional adviser only if that person first undertakes to the Company, by deed, to comply with obligations similar to those contained in *Rules 12.3, 12.2* and this *Rule 12.5*, amended as necessary.

PART 13 EXECUTION OF DOCUMENTS

13.1 Manner of Execution

The Company executes an instrument, including a deed, by:

- (1) the signatures of two Directors;
- (2) the signatures of a Director and a Secretary;
- (3) the signature of a Director who is the only Director and the only Secretary (but he or she must state next his or her signature that he or she signs in the capacity of sole Director and sole Secretary); or
- (4) the signature of a person whom the Board, by resolution, authorizes to sign.

13.2 Common Seal

- (1) The Company may have a common seal.
- (2) *Rules 13.3 to 13.6* apply if the Company adopts a common seal.

13.3 Safe custody of Seal

The Directors must provide for the safe custody of the common seal.

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13.4 Use of Seal

- (1) The common seal must be used only by the authority of:
 - (a) the Directors; or
 - (b) a committee of the Directors, which the Board has authorized to use of the seal.
- (2) The authority to use the common seal may be given before or after the seal is used.
- (3) Until the Board determines otherwise, every instrument to which the common seal is affixed must be signed by:
 - (a) two Directors;
 - (b) a Director and a Secretary;
 - (c) a Director and another person appointed by the Board to countersign the instrument or a class of instruments to which the instrument belongs;
 - (d) a Director who is the only Director and the only Secretary (but he or she must state next to his or her signature that he or she witnesses the affixation in the capacity of sole Director and sole Secretary); or
 - (e) a person authorized under *Rule 13.1(4)*.

13.5 Seal Register

- (1) If it adopts a common seal, the Company must keep a seal register.
- (2) If the Company keeps a seal register, the Secretary must enter in the register the particulars of every instrument to which the common seal is affixed, specifying in each instance:
 - (a) the date of the instrument;
 - (b) the names of the parties to the instrument;
 - (c) a short description of the instrument; and
 - (d) the names of the signatories under *Rule 13.4(3)*.
- (3) The register must be produced at Board meetings for confirmation of common seal use since confirmation was last effected under this *Rule 13.5*.
- (4) Non-compliance with either of *Rules 13.5(2)* and *13.5(3)* does not invalidate an instrument to which the common seal is otherwise properly affixed.

13.6 Duplicate Common Seal

- (1) The Company may have one or more duplicate common seals for use in place of its common seal outside the state or territory where its common seal is kept.
- (2) Each duplicate seal must be a facsimile of the common seal with the addition on its face of:
 - (a) "duplicate seal"; and
 - (b) the name of the place where it is to be used.
- (3) An instrument sealed with a duplicate common seal is to be regarded as having been affixed with the Company's common seal.

PART 14 NOTICES**14.1 Formal Requirements**

- (1) This Part 14 governs notices under this Constitution unless another provision of the Constitution expressly provides otherwise.
- (2) A notice must be in writing.
- (3) The party giving the notice must sign the notice.

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- (4) If the party is composed of more than one person:
 - (a) the notice need not be signed by all of those persons if it expressly states that the signatory is, or signatories are, authorized by all of those persons to sign the notice; and
 - (b) the recipient of the notice need not enquire into the validity of the authorization.

14.2 Service of Notices

- (1) A notice may be given:
 - (a) by delivering it to the intended recipient's Address for Notices; or
 - (b) by posting it to the intended recipient at its Address for Notices; or
 - (c) by transmitting it via facsimile to the intended recipient at its Address for Notices.
- (2) A notice also may be given by electronic mail, but only where the intended recipient has:
 - (a) requested or authorized the sender, in writing, to deliver notices (or a specific notice or type of notice) by that means; and
 - (b) has specified clearly in the written request or authorization the recipient's electronic mail address.
- (3) A notice posted to an address outside Australia must be sent via airmail.

14.3 Receipt of Notices

- (1) A notice that is delivered or posted is deemed received:
 - (a) if delivered: at the moment of delivery;
 - (b) if posted to an address in Australia: 2 Business Days after posting;
 - (c) if posted to an address outside Australia: 5 Business Days after posting.
- (2) A notice sent by facsimile transmission is deemed received at the time of receipt specified in a confirmation report, if the report discloses that the transmission was received at or before 5:00pm.
- (3) If the confirmation report discloses receipt of the transmission after 5:00pm, the notice is deemed received at 8:30am on the Business Day following the date of receipt disclosed in the report.
- (4) A confirmation report is, for a facsimile transmission, a transmission confirmation report produced by the sender's facsimile machine:
 - (a) containing the identification code of the intended recipient's facsimile machine; and
 - (b) indicating that the transmission was received without error.
- (5) A notice sent by email or other electronic means other than facsimile is deemed received on the Business Day following the day upon which it is sent, unless the sender receives confirmation, by whatever means, that the message:
 - (a) has not been received by of the intended recipient; or
 - (b) has been received in corrupt, incomplete, or illegible form.
- (6) A notice received on a day that is not a Business Day is deemed received at 8:30am on the Business Day following the day of receipt.

14.4 Company Signature

A signature upon a notice from the Company to a Member may be:

- (1) hand-written; or
- (2) a facsimile, printed or affixed by mechanical or other means.

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14.5 Notices via Facsimile and Electronic Mail

The fact that a person gives the Company a facsimile number or electronic mail address for notices to that person does not oblige the Company to give a notice to that person by facsimile transmission or other electronic means.

14.6 Evidence of Notice

A certificate signed by a Director or Secretary, stating that a notice has been given in accordance with this Constitution is prima facie evidence of that fact.

PART 15 MISCELLANEOUS**15.1 Exercise of Statutory Powers**

The Company may do anything that the *Corporations Act* permits a company limited by guarantee to do, so long as the act is:

- (1) authorized by this Constitution;
- (2) done in a manner permitted by the *Corporations Act*.

15.2 Prohibition and Enforceability

- (1) If a provision of this Constitution, or application of the provision, is prohibited in a particular place, the provision or application in that place is ineffective only to the extent of the prohibition.
- (2) If a provision of this Constitution, or application of the provision, is void, illegal or unenforceable in a particular place:
 - (a) the provision or its application does not become void, illegal or unenforceable in another place; and
 - (b) the remaining provisions of the Constitution do not become void, illegal or unenforceable in any place,
 merely because of that fact.

15.3 Communications between Parties

- (1) Neither an approval nor a consent or permission given under the Constitution binds the person giving it unless that person gives it in writing.
- (2) An appointment or direction made or given under the Constitution is ineffective unless made or given in writing.
- (3) A statement the Constitution obliges a person to give is ineffective unless given in writing.
- (4) A request made under the Constitution is deemed neither made nor received if not made in writing.
- (5) The waiver of an entitlement under the Constitution is not binding unless made in writing.
- (6) For clarity, a notice under the Constitution is ineffective unless given in writing.²¹

15.4 Cumulative Entitlements

- (1) The remedies and other entitlements given by the Constitution are cumulative, not alternative.
- (2) Moreover, no remedy or entitlement is exclusive of other remedies or entitlements that the Constitution gives.

Adopted: _____, 2020.

²¹ Refer to Rule 14.1(2). A notice must be in writing.

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Draft

Corporations Act 2001



**Central Queensland Regional Organisation of Councils
Limited**
[A Company Limited by Guarantee]

CONSTITUTION

**KING &
COMPANY**
— SOLICITORS —

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947462_1
11.08.2020

12.2 OPERATIONAL PLAN 2019-2020 Q4 PROGRESS REPORT

File No: CM4.6.2

Attachments: 1. Q4 Operational Plan 2019-20 Progress Report [↓](#)

Responsible Officer: Andrea Ellis - Chief Financial Officer

Author: Tanya Callaghan - Support Services Officer

SUMMARY

The 2019-2020 Operational Plan progress for Quarter 4 as at 30th June 2020 is presented, pursuant to Section 174(3) of the Local Government Regulation 2012.

OFFICER'S RECOMMENDATION

THAT Council notes the 2019-2020 Operational Plan Performance Report June 2020.

BACKGROUND

The *Local Government Act 2009* requires Council to adopt an Operational Plan each year. The Operational Plan 2019-2020 forms an important part of Council's strategic planning process and sets out the work Council plans to deliver towards achievement of the Corporate Plan 2014-2020.

The *Local Government Act 2009* also requires the Chief Executive Officer to present a written assessment of Council's progress towards implementing the annual Operational Plan at meetings of Council, at least quarterly.

The 2019-20 Operational Plan provides the detail of the key programs and identified outcomes to be achieved against the Corporate Plan for the 2019-20 financial year.

COMMENTARY

The Operational Plan Performance Report June 2020 defines significant activities that Council plans to undertake during the year. Table 1 details the status of planned activities for the quarter ending 30 June 2020.

The attached Operational Plan Quarter Performance Report June 2020 provides a status update and comment summarizing overall progress for each of the activities in Quarter 4 2019-20. Operational KPI's are tracked and reported cumulatively on progression of work result (%) during each quarter towards respective annual targets.

Of the activities, 83 are either complete or on track, 11 require monitoring but still expected to be delivered, 5 require directed attention and 4 activities are on hold due to COVID-19 and staffing levels.

The five that require further attention are:

- AM1.1: Annual review of Asset Management Plans
- AM3.3: Water Recycling System Augmentation
- AM4.2: Deliver annual road and stormwater maintenance program
- AM4.10: Emu Park Sewage Treatment Plant Upgrade
- GO3.6: Outstanding rates and charges management

Table 1

Status	Assets	Environment	Economy	Community	Governance
Complete	14	11	6	14	34
On Track	0	1	0	0	3
Emergent	3	2	0	0	6
Needs Attention	4	0	0	0	1
On Hold	0	0	0	0	4

PREVIOUS DECISIONS

The 2109-20 Operational Plan was adopted by Council on 11 July 2019.

ACCESS AND INCLUSION

The activities in this report are undertaken in accordance with the commitments and principles within Council's *Inclusive Community Policy*

ENGAGEMENT AND CONSULTATION

Consultation taken place with internal stakeholders.

HUMAN RIGHTS IMPLICATIONS

Section 4(b) of the *Human Rights Act 2019* requires public entities such as Council “to act and make decisions in a way compatible with human rights”.

BUDGET IMPLICATIONS

The Operational Plan 2019-20 is funded from the 2019-20 Annual Budget.

LEGISLATIVE CONTEXT

Section 104(5) of the *Local Government Act 2009* and Section 174 of the *Local Government Regulation 2012* require a Local Government to prepare an Operational Plan that is consistent with the annual budget and progresses the implementation of the Corporate Plan.

Section 174 of the *Local Government Regulation 2012* states:

(3) The Chief Executive Officer must present a written assessment of the Local Government's progress towards implementing the Annual Operational Plan at the meetings of the Local Government held at regular intervals of not more than 3 months.

LEGAL IMPLICATIONS

There are no legal implications associated with this matter.

STAFFING IMPLICATIONS

Activities listed in the Operational Plan 2019-20 are managed by the responsible Council areas. The status and comments for each activity in the attached report are provided by the relevant area. Although the delivery of the plan itself is dependent on staff resources and some significant activities relate to people issues, there are no direct impacts on staff resulting from this report.

RISK ASSESSMENT

The risk of not delivering against Council's Operational Plan is that Council does not achieve the commitments set out in the longer term Corporate Plans. Each significant activity has associated risks which are managed by the relevant area.

The current Operational Plan and Corporate Plan presently do not align with the Community Plan. There are several projects in progress to facilitate the alignment and consistency of all key planning documents as part of the 2020-21 budget process.

CORPORATE PLAN REFERENCE***Leading Livingstone***

Community Plan Goal 4.1 - Innovative and accountable leadership to achieve a shared future

4.1.2 Council produces and delivers against sustainable financial forecasts as a result of best practice Capital and Asset Management Plans which guide project planning and service delivery across the Shire.

The Operational Plan 2019-2020 is a key strategic document that outlines the key objectives for Council's annual programme and aligns with the budget.

CONCLUSION

Quarterly reporting against the 2019-20 Operational Plan is a statutory requirement and informs Council and the community on the performance of Council against yearly programs and activities in line with the Corporate Plan 2014-20.

12.2 - OPERATIONAL PLAN 2019-2020 Q4 PROGRESS REPORT

Q4 Operational Plan 2019-20 Progress Report

Meeting Date: 18 August 2020

Attachment No: 1

Assets Goal: Reliable, durable, cost effective infrastructure and Council assets which meet the needs and aspirations of the communities of Livingstone Shire.						Q4 Review	Q4 Comments	Progress
Action	Responsible Portfolio	Business Unit	Team	Role	Performance Measure			
AM1 Develop an innovative and integrated framework for long term, cost effective asset management.								
AM1.1: Annual review of Asset Management Plans.	I	Community Assets	Asset Management	L	100% reviewed (Roads, Water and Sewer, Fleet and Buildings) and updated as required.	60%	It was decided to delay the road and drainage modelling until the revaluation is completed. The Pathway AMP is completed and was provided to the Steering Committee for feedback. Water and Sewer modelling has been completed and data provided to Finance for capital budgeting purposes with the AMP documents to be collated. Draft modelling completed for Buildings. Fleet review yet to commence. SAMP may change the way AMP's are presented and this is yet to be determined.	Needs Attention
AM1.2: Development of operational works program for roads and drainage infrastructure.	I	Construction and Maintenance	Urban Operations and Rural Operations	L	100% completed and entered in to budget.	100%	Grading program currently in use. Long term resheeting program has been developed and usage commenced.	Complete
AM1.3: Regularly inspect roads and drainage infrastructure and prioritise maintenance works.	I	Construction and Maintenance	Urban Operations and Rural Operations	L	100% as per adopted inspection frequency.	100%	Inspection program on track.	Complete
AM1.4: Organisational Asset Management.	ORG	Community Assets	Asset Management	P	Asset management strategy implemented.	90%	Draft SAMP has been completed and provided to AM Steering Committee for review and comment. Feedback = New Corporate Plan to be identified in document and linkages to be updated to existing AM Objectives. Once completed document will be presented back to Committee.	Emergent
AM1.5: Asset Audit and Creation of Asset Management Plan for all ICT Assets.	ICT	ICT Services	IT Infrastructure	L	100% complete by 30 June 2020.	100%	Complete	Complete

Action	Responsible Portfolio	Business Unit	Team	Role	Performance Measure			
AM2 Identify infrastructure and assets requirements through community consultation and technical expertise.								
AM2.1: Capital Projects 2019/20 to 2028/29 relevant to Construction and Maintenance Unit are identified and submitted for inclusion in Corporate project register.	I	Construction and Maintenance	Urban Operations and Rural Operations	L	100% complete prior to budget adoption.	100%	Projects forwarded to PMO as identified. 2020/21 Projects reviewed and required project documentation completed. Preliminary 2020/21 program available.	Complete
AM2.2: Inspect assets 'to be contributed' at hold points identified in development Decision Notice.	I	Engineering Services	Development Engineering	L	100% of inspections complete	100%	KPI met for the year.	Complete
AM2.3: Development of Strategic Asset Management Plan for LSC.	I	Community Assets	Asset Management	L	100% complete by 30 June 2020.	90%	Draft SAMP has been completed and provided to AM Steering Committee for review and comment. Feedback = New Corporate Plan to be identified in document and linkages to be updated to existing AM Objectives. Once completed document will be presented back to Committee.	Emergent
AM3 Design and implement practical infrastructure solutions.								
AM3.1: Engineering Designs completed for projects in the Forward Works Program.	I	Engineering Services	Infrastructure Planning and Design	L	10 completed and construction ready per annum.	100%	23 future projects with detailed designs completed.	Complete
AM3.2: Yeppoon Sewage Treatment Plant upgrade.	I	Infrastructure Project Management	Infrastructure Project Management	L	100% complete by 30 June 2020.	99%	Outstanding defects are currently being addressed and are planned to be completed by August 2020. Delays are due to Covid-19 travel restrictions and internal staff resourcing which has effected progress.	Emergent
AM3.3: Water Recycling System Augmentation.	I	Infrastructure Project Management	Infrastructure Project Management	L	100% complete by 30 June 2020. <NOTE: Completion date in funding agreement is November 2020, not June 2020>	20%	Delays due to staffing availability and change-over Pipeline design almost complete - tender issue for construction due in August 2020 TMR and Planning approvals being sought Land tenure for reservoir site being resolved Reservoir PPR and specifications prepared ready for review for D&C tender EOT required for funding agreement	Needs Attention

Action	Responsible Portfolio	Business Unit	Team	Role	Performance Measure			
AM4 Operate, maintain and use Council assets to deliver efficient and cost effective service to the community.								
AM4.1: Plant Replacement - Annual asset renewals program achieved in accordance with replacement guidelines.	I	Community Assets	Asset Management	L	90% achieved in accordance with replacement thresholds.	92%	Replacements achieved within replacement thresholds	Complete
AM4.2: Deliver annual road and stormwater maintenance program.	I	Construction and Maintenance	Urban Operations and Rural Operations	L	100% complete within budget.	100%	The annual road and stormwater maintenance program was completed. Expenditure in both Urban & Rural Operations have exceeded original budget by 9% and 13% respectively. This is primarily due to this being the first year for the last 15 years that no DRFA funding has been available to compliment the Council program.	Emergent
AM4.3: Provision of safe water supply.	I	Water and Waste Operations	Water Supply and Sewerage Operations	L	98% of samples taken to be compliant with Drinking Water Quality Management Plan.	100%	100% of samples taken have been compliant with the Drinking Water Quality Management Plan. These samples include Microbiological, Chemical/Physical & Ultra Trace Pesticides. All analyses were undertaken by ALS Laboratories in Brisbane Queensland.	Complete
AM4.4: Provision of safe water supply.	I	Water and Waste Operations	Water Supply and Sewerage Operations	L	95% of Sewerage Treatment Plant discharges to comply with environmental authority requirements.	100%	Exceeded Plant Discharge of Nitrogen and Phosphorous. Plant now back in compliance.	Complete
AM4.5: Management of trade waste discharges to sewer.	I	Water and Waste Operations	Waste Services	L	Trade waste approvals for 100% of relevant businesses.	100%	99% of Trade Waste dischargers either have an approval in place or being processed. Due to Covid 19 Trade Waste inspections ceased from the latter half of March 2020 - until further notice. There is one Food Business - doing takeaway - that has not yet had a final inspection. Also I believe the target figure is 98% of Trade Waste Approvals for relevant businesses - not 100%.	Complete
AM4.6: Deliver Capital Program.	ORG	Finance and Business Excellence	Project Management Office	L	Allocated Capital projects delivered within +/- 5% of total projects adopted/revised budget, 100% compliance with funding agreement.	95%	Maintenance program delivered	Complete
AM4.7: Delivery of Facilities Maintenance Program.	I	Community Assets	Facilities Maintenance	L	95% of maintenance requirements delivered.	95%	Annual Maintenance program delivered	Complete
AM4.8: Issue tenures in accordance with relevant legislation.	LW	Community Wellbeing	Community Partnerships	L	100% of tenures issued in accordance with relevant legislation.	100%	100% of tenures issued in accordance with relevant legislation.	Complete
AM4.9: Address breaches of Council issued tenures within identified timeframes.	LW	Community Wellbeing	Community Partnerships	L	100% of breaches of Council issued tenures within identified timeframes.	100%	100% of breaches of Council issued tenures within identified timeframes (Nil identified breaches for this period)	Complete
AM4.10: Emu Park Sewage Treatment Plant upgrade.	I	Water and Waste Operations	Water Supply and Sewerage Operations	L	100% complete by 30 June 2020.	50%	Tender documents completed but not released to the market due to COVID-19. Tenders will be released to the market early in the 20/21 financial year. Delays due to internal staff resourcing has effected progress and this project will not be completed by the end of the financial year 19/20.	Needs Attention

Environment Goal: An environment which is valued and sustainable, and maintains a balance between the natural and built forms for the benefit of current and future generations.						Q4 Review	Q4 Comments	Progress
Action	Responsible Portfolio	Business Unit	Team	Role	Performance Measure			
EN1 Apply environmentally responsible land use planning to balance environmental and development outcomes.								
EN1.1: Development Applications responded to within business rules timeframes.	I	Engineering Services	Development Engineering	L	95% of referrals received responded to.	93%	Did not meet target due to a number of factors, including Covid-19 disruptions and internal staff resourcing. Increased monitoring of assessment tasks will be implemented to ensure this is met in 20/21.	Emergent
EN1.2: A Coastal Hazard Adaptation Strategy is developed through the QCoast2100 programme to address the potential impacts of coastal hazards.	LW	Liveability	Growth Management	L	Percentage of compliance with funding agreement	100%	Stakeholder Engagement and Community Consultation completed. Draft Phase 6 report identifying adaption options to mitigate risks produced.	Complete
EN1.3: Identify and prioritise rolling amendments to Livingstone Planning Scheme 2018 and report to Council to advance amendment process.	LW	Liveability	Growth Management	L	100% of identified amendments advancing through the process.	75%	A) Package two amendments; State Government has stopped the time period and requested Council provide further information to justify compliance of State interests. Growth Management will further investigate avenues for providing information requested. No further work has been undertaken. B) Package three amendments; have been sent to the State Government for statutory State Interest Review Period.	Emergent
EN2 Recognise and understand the various eco-systems of the Shire to encourage their sustainable use and appreciation through appropriate accessibility.								
EN2.1: Provide information and public education material to recognise, understand and utilise ecosystems of the Shire sustainably.	LW	Liveability	Natural Resources Management	L	2 events delivered - Habitat Stepping Stones and support Sustainable Living event.	100%	Habitat Stepping Stones programme ongoing. All events completed	Complete
EN2.2: Pest and vector services are client connected and outcome driven.	LW	Liveability	Public Environments	L	100% of pest weed contracts completed within contractual time frames, 100% of pest and vector related customer request responses initiated within two (2) business days.	100% for Contract Works 97.4% for Customer Requests	100% required contractual works undertaken in accordance with Main Road Contract. 79 customer requests only 2 not actioned within 2 days - 97.4%	Complete
EN2.3: Vector breeding locations identified and managed to reduce potential impacts on the community.	LW	Liveability	Public Environments	L	100% of permanent vector control sites monitored weekly and twenty (20) vector surveys undertaken each month between 1 October 2019 and 31 May 2020.	100%	100% (13) Permanent Vector sites 100% (1) Salt Marsh Surveillance and no Freshwater conducted Vector Management Officer on sick leave. Pest Management Officer unable to conduct	Complete

Action	Responsible Portfolio	Business Unit	Team	Role	Performance Measure			
EN3 Minimise impact on the natural environment through effective waste management and pollution control policies and programs.								
EN3.1: Waste and Recycling service delivered across the shire.	I	Water and Waste Operations	Waste Services	L	98% of bins for new services provided <=4 days of receipt of customer request and 100% of missed services rectified <=2 days.	98%	Percent of new bins delivered <= 4days – 98% Percent of missed bins serviced <= 2days – 95%.	Complete
EN3.2: Implementation of Waste Reduction and Recycling Plan.	I	Water and Waste Operations	Waste Services	L	2 community education / awareness activities delivered.	100%	No additional activities delivered in the fourth quarter.	Complete
EN3.3: Support effective waste management and pollution control programs.	LW	Liveability		L	2 events delivered - Clean Up Australia Day Event/ Erosion and Sediment Control training.	100%	Strategy refined and Draft completed. To go to Council Q1 2020/21 for approval.	Complete
EN4 Actively participate in conservation and enhancement programs to ensure the preservation of natural assets and identifiable built form.								
EN4.1: Minimal impact on environment of all construction and maintenance activities.	I	Construction and Maintenance	Urban Operations and Rural Operations	L	100% with zero breaches.	100%	No breaches in fourth quarter	Complete
EN4.2: Climate Change mitigation strategies adopted and embedded into Council's mainstream operations.	LW	Liveability	Growth Management	L	100% completion of Organisational (LSC) Carbon Strategy.	100%	Strategy refined and Draft completed. To go to Council Q1 2020/21 for approval.	Complete
EN4.3: Biodiversity Strategy.	LW	Liveability	Growth Management	L	25% complete by 30 June 2020.	100%	Project and business case developed. Currently sourcing funding to develop the strategy.	Complete
EN5 Proactively advocate to government on matters which impact on the health, wellbeing and sustainability of our Shire's natural environment.								
EN5.1: Advocate to other levels of government on matters which impact sustainability of the natural environment.	LW	Liveability	Growth Management	L	100% response to government policy and regulatory reviews.	100%	Tracking of all required tasks and responses through ECM, Info Council actions and team meeting minutes	Complete
EN5.2: Identify and prioritise rolling amendments to Livingstone Planning Scheme 2018 and report to Council to advance amendment processes.	LW	Liveability	Growth Management	L	100% of identified amendments advancing through the process.	100%	Package two amendment to look at changing the zone of a coastal site in Yeppoon will be reported to council in August 2020 to confirm a way forward. Package three amendments have been lodged with the state for review prior to public notification	On Track

Economy Goal: A diverse, strong, innovative and sustainable local economy providing employment and business opportunities for current and future generations.						Q4 Review	Q4 Comments	Progress
Action	Responsible Portfolio	Business Unit	Team	Role	Performance Measure			
EC1 Identify and capitalise on economic opportunities for the benefit of the community.								
EC1.1: Implement Invest Capricorn Coast Region Economic Development Plan.	LW	Economy and Places	Economic Development and Innovation	L	95% of year two (2) actions implemented, 4 quarterly workshops held and attendance numbers recorded.	100%	Business training workshops and programmes continued in an online capacity due to COVID-19.	Complete
EC2 Facilitate, encourage and enable the establishment of businesses and industries and the retention, growth and diversification of existing businesses and industries in suitable locations.								
EC2.1: The Gateway Business and Industry Park.	LW	Economy and Places	Economic Development and Innovation	L	3 land sales achieved in Stages 1 and 2.	100%	Council achieved one land sale within The Gateway Business and Industry Park and three land sales within the Capricorn Coast Homemaker Centre.	Complete
EC2.2: Investment Attraction Programme.	LW	Economy and Places	Economic Development and Innovation	L	100% complete by 30 June 2020.	80%	Investment brochure requires revision and updating with the latest economic data for 2019/20.	Complete
EC3 Promote Livingstone Shire as a desirable destination for investment, business, industry, tourism and living.								
EC3.1: Develop, implement and review three (3) specific marketing plans (new/revised) each quarter which promote Council services, tourism and the economy.	LW	Economy and Places	Economic Development and Innovation	L	3 marketing plans developed, implemented or reviewed each quarter which promote Council services, tourism and the economy.	90%	Current plans being delivered. Additionally the COVID-19 Small Business Subsidy program was implemented.	Complete
EC3.2: Capricorn Enterprise funding agreement established and yearly actions implemented.	LW	Economy and Places	Economic Development and Innovation	L	100% of year one (1) actions complete by 30 June 2020.	100%	100 percent of actions were completed. Additional activities were generated by the impacts of COVID-19 with a focus on buy local support local.	Complete

Action	Responsible Portfolio	Business Unit	Team	Role	Performance Measure			
EC4 Establish initiative including partnerships with both government and the private sector to create enterprises and undertake projects that generate jobs, wealth creation opportunities and sustainable economic growth.								
EC4.1: Implement Capricorn Coast Smart Region Strategy.	LW	Economy and Places	Economic Development and Innovation	L	70% of actions achieved (noting many of these are reliant on funding and other Council Units.	90%	Current plans being delivered. Additionally the COVID-19 Small Business Subsidy program was implemented.	Complete

Community Goal: Diverse and unique communities that are connected with the larger community in the common pursuit of an engaged, supportive, inclusive, creative and confident Shire.						Q4 Review	Q4 Comments	Progress
Action	Responsible Portfolio	Business Unit	Team	Role	Performance Measure			
CO1 Facilitate, encourage and enable self-sustainable community associations and volunteer groups to pursue their diverse aspirations.								
CO1.1: Volunteering Programmes enhancement.	LW	Community Wellbeing	Disaster Management and Resilience	L	9 programmes per annum.	100%	Some groups were reinstated with adhering to appropriate social distancing. One (1) new external group formalized for Mulambin Shared Spaces. National Volunteer week was acknowledged with all Volunteers written to and gift sent.	Complete
CO2 Facilitate programs and support local social, cultural, artistic and community building initiatives.								
CO2.1: Active and healthy library spaces	LW	Community Engagement	Library, Arts and Culture	L	10% increase in membership and 12 events / activities per annum.	100%	Engagement modes changed due to COVID 19, whilst the library was closed for much of this period, the team continued to engage with clients and deliver videos, home delivery service and other to support the community - 127 new members	Complete
CO2.2: Delivery of community development programmes which build the capacity of Livingstone's community.	LW	Community Wellbeing	Community Partnerships	L	100% compliance with Service Contracts (Community Centre, Livingstone Loop, ParentLink) and 100% adherence to funding agreements.	100%	COVID 19 Restrictions reduced the capability to deliver programmes. Body of work commenced to re-introduce programmes	Complete
CO2.3: Strengthening Family Connections comply with performance measures and reporting requirements of funding agreement.	LW	Community Wellbeing	Community Partnerships	L	100% compliance.	100%	Counselling continued during Covid 19 and performance measures adhered to	Complete
CO2.4: Yeppoon Place Making Strategy Year 2 initiatives implemented.	LW	Economy and Places	Place Making	L	90% of actions achieved by 30 June 2020.	100%	The dinosaur sculptures at the Yeppoon Landfill have had three small Australovenators and a nest of dinosaur eggs and landscaping added to complement the popular attraction. Keppel Sands Murals have been completed. Both projects have received positive feedback from the community. The Mill Gallery Expansion is under construction nearing completion.	Complete
CO2.5: Local law requirements promoted through educational activities.	LW	Liveability	Public Environments	L	1 Dog in the park day conducted (micro-chipping) and community education and awareness activities.	0%	All public events cancelled due COVID 19. Will re-schedule when appropriate	Complete

Action	Responsible Portfolio	Business Unit	Team	Role	Performance Measure			
CO3 Provide community facilities and services to encourage an enable participation in active and healthy lifestyles.								
CO3.1: Open spaces maintained in accordance identified community standards.	LW	Community Wellbeing	Open Spaces	L	100% of park maintenance service standards achieved and 100% of works up to date.	90%	Open Spaces team identified the excessive amount of Customer requests (Tech Officer suggestion but not supported). Open Spaces have been reducing CR from 164 down to 84 . All operations have been documented in Survey 123 and the relevant work completed. Staff fluxuation has been an ongoing issue as many staff have been away from work due to many reasons. Fatigue management identified and rectification action occured across all of the team. Retirement plans for community nursery Supervisor enacted with retirement 2022, sucession plan identified . Operationally Open Spaces have continued to service the community during COVID 19 restrictions and achieved positive results along with the mentioned above.	Complete
CO4 Promote and encourage community health and wellbeing through programs addressing environmental health, community safety issues, social cohesion and inclusiveness.								
CO4.1: Building and plumbing compliance activities are undertaken in accordance with Council's Risk Based Land Use Compliance Policy.	LW	Liveability	Built Environment	L	100% of Building and Plumbing Compliance complaints risk rated in accordance with Council's Risk Based Land use Compliance Policy. 5% of notifiable plumbing works (Form 4) audits are completed per annum.	Policy - 100% Audits - 25%	All complaints risk rated in accordance with the land use risk based compliance policy and measured through weekly building, plumbing and planning compliance meetings. 1 notifiable work Form 4A audit only (Total for period 113) carried out due to risk associated with COVID-19 during March/April inspection period = 1% carried out	Complete
CO4.2: Building and plumbing compliance services are client connected and outcome driven.	LW	Liveability	Built Environment	L	100% of customer request responses initiated within two (2) business days.	Building - 73% Plumbing - 92%	Plumbing had a total of 12 CR's with 1 over- Building had a total of 11 CR's with 3 over	Complete
CO4.3: Environmental health services comply with statutory requirements.	LW	Liveability	Public Environments	L	100% of food licence/permit applications completed in accordance with legislative requirements.	100%	8 new lodged and 1 amendment	Complete
CO4.4: Environmental health annual inspections (non public).	LW	Liveability	Public Environments	L	95% of inspections completed per annum.	92%	18 Annual Inspections - 18 of 183 is 33% so culmulative total is 92%	Complete
CO4.5: Local law services comply with statutory requirements.	LW	Liveability	Public Environments	L	100% of Local Law licence renewals completed within legislative or policy timeframes and 100% of licence/permit applications processed within ten (10) days.	0% for Renewals 100% Applications	No LL renewals due to COVID. 15 New Licences for Local Laws within time frames - NUIS files - 4 new files 100% processed in timelines	Complete
CO4.6: Reconciliation Action Plan.	LW	Community Wellbeing	Community Partnerships	L	100% complete by 30 June 2020.	100%	Draft reconciliation action plan to be presented to Council Briefing 4 August 2020 for update. Community Development Officer is being recuifed and will be tasked to complete.	Complete

Action	Responsible Portfolio	Business Unit	Team	Role	Performance Measure			
COS Facilitate the provision of programmes, activities and facilities which create opportunities for the Shire's youth to develop skills and pursue endeavours to equip them for life and enable them to make a valued contribution to the community.								
COS.1: Delivery of community development programmes which build the capacity of Livingstone's community.	LW	Community Wellbeing	Community Partnerships	L	100% compliance with Youth Services contract.	100%	COVID 19 Restrictions reduced the capability to deliver programmes. body of work commenced to re-introduce programmes	Complete

Community Goal: An efficient, progressive, transparent and financially sustainable organisation which is responsive to the needs of the community through sound decision making and leadership.						Q4 Review	Q4 Comments	Progress
Action	Responsible Portfolio	Business Unit	Team	Role	Performance Measure			
GO1 Inform and empower the community through ongoing engagement and communication.								
GO1.1: Management of Council's after hours call-centre provider.	LW	Community Engagement	Customer Support	L	95% of compliance with contract deliverables for After Hours provider.	100%	There were no reportable compliance issues during the period	Complete
GO1.2: Prompt handling of call-centre phone calls.	LW	Community Engagement	Customer Support	L	Average Handling Times in Call Centre to be under 340 seconds.	35400%	Times, despite COVID19 increase in calls, remain just outside desired KPI	Complete
GO1.3: Implementation and review of the objectives from Council's Events Attraction Strategy.	LW	Community Engagement	Engagement and Events	L	100 % percentage of actions within Council's Events Attraction Strategy identified for year one (1) implemented.	100%	The Action Plan Timeline and associated actions continue to be managed operationally by the E&E team	Complete
GO1.4: Get Ready Get Resilient Day	LW	Community Wellbeing	Disaster Management and Resilience	L	1 event hosted.			Complete
GO1.5: Ensure provision of quality innovative customer service to internal and external customers.	ORG	Community Engagement	Customer Support	P	10% reduction in long term customer service requests.	10%	This continues to be monitored and is an organisational target	Complete
GO2 Develop strategic plans and policies to address local and regional issues and guide service provision.								
GO2.1: Environmental Health Policy and Delegations Review.	LW	Liveability	Public Environments	L	100% complete by 30 June 2020.	90%	Unlicensed Premises Response Policy and Failure to Renew Licence Response Policy have been reviewed by EHO's and Acting Coordinator. To be sent to Governance for processing.	Complete
GO2-OP-OW6: Development of Corporate Plan	FBE	Finance and Business Excellence	Governance	L	Corporate Plan adopted by 30 June 2020.	100%	Corporate Plan adopted 19 May 2020	Complete
GO2-OP1: Development of a Governance Framework	FBE	Finance and Business Excellence	Governance	L	Governance Framework completed by 30 June 2020.	25%	Project on hold due to staffing availability.	On Hold
GO2-OP2: Climate Change Policy	LW	Liveability	Growth Management	L	25% complete by 30 June 2020.	100%	Organisational Climate Change position included in revised Environmental Sustainability Policy. Stakeholder Engagement on the policy has occurred. To go to Council for approval Q1 2020/21	Complete

Action	Responsible Portfolio	Business Unit	Team	Role	Performance Measure			
GO3 Pursue financial sustainability through effective use of the Council's resources and assets and prudent management of risk.								
GO3.1: Council formally reviews the budget during the financial year.	FBE	Finance and Business Excellence	Accounting	L	Budget reviewed at least three (3) times per annum.	100%	The Quarter 3 Budget Review (20Q3) was adopted by Council on 16 June 2020.	Complete
GO3.2: Sustainable Financial position maintained.	FBE	Finance and Business Excellence	Accounting	L	Long Term Strategic Financial Plan reviewed (100%).	100%	The final report of the water & sewerage business unit price review was presented to Council at the 25 May budget workshop.	Complete
GO3.3: 2018-19 financial audit completed on program, with unmodified audit opinion.	FBE	Finance and Business Excellence	Accounting	L	Unqualified external audit opinion on General Purpose Financial Statements (100%).	100%	Audited Financial Statements signed 10/10/19	Complete
GO3.4: Procurement Compliance.	FBE	Finance and Business Excellence	Procurement	L	95% policy compliant.	97%	Monthly education and training sessions paused due to COVID-19. Non-compliance report provided monthly to ELT for review and follow-up	Complete
GO3.5: Project governance framework is embedded across the organisation.	FBE	Finance and Business Excellence	Project Management Office	L	Project Portfolio Management system and reporting (100% compliance for all organisational projects), education and training sessions held bimonthly.	90%	All project business cases for 2020/21 completed. Additional 3 years 2021/22 to 2023/24 worth of business cases also started and completed. 4 Year CWP presented and discussed with Councillors - ready for adoption along with 2020/21 budget.	Emergent
GO3.6: Outstanding rates and charges management.	FBE	Finance and Business Excellence	Revenue and Rates	L	<5% bi-annually rates outstanding as a percentage of rates levied, prior to six monthly rates billing.	6%	Q4 Result 1% higher than that of the comparable period in 2018-19 (5.4% June 1819). Levy issued 05.02.20 was Due 11.03.20. Reminder letters Debt Recovery not undertaken due to sensitivity in the local economy due to the COVID-19 pandemic. Sensitive recovery resumed July.	Needs Attention
GO3.7: Research, design, develop and implement a Performance management and review process.	PC	People and Culture	Human Resources, Training and Payroll	L	50% complete by 30 June 2020.	90%	Training has recommenced in line with Covid restrictions	Emergent
GO3.8: Research and implement a Leadership Development Program.	PC	People and Culture	Human Resources, Training and Payroll	L	100% complete by 30 June 2020.	40%	Training has only recommenced in line with Covid restrictions. Results of staff survey & Merlin requirements will inform further development	Emergent
GO3.9: Develop a comprehensive learning and development calendar.	PC	People and Culture	Human Resources, Training and Payroll	L	100% of staff compliant with position requirements.	75%	RFQ for consultant for Safety Audit is closed and panel will award. Work will be completed by January 2021	Emergent

Action	Responsible Portfolio	Business Unit	Team	Role	Performance Measure			
GO3.10: Manage Councils budget in alignment with financial sustainability ratios.	ORG	Finance and Business Excellence	Accounting	P	Operating Surplus Ratio, Net Financial Liabilities Ratio and Asset Sustainability Ratio are equal to or better than the adopted / revised budget.	100%	The Operating Surplus Ratio and the Net Financial Liabilities Ratio were both favourable when compared to the Quarter 3 Revised Budget Ratios as at 30 June 2020. The Asset Sustainability Ratio was unfavourable when compared to the Quarter 3 Revised Budget as at 30 June 2020, due to the large proportion of new assets not requiring renewal at this stage.	Complete
GO3.11: Provide a safe work environment for employees and encourage a proactive approach to Work Health and Safety.	ORG	People and Culture	Safety	P	10% reduction in Lost Time Injuries / Days lost by 30 June 2020.	100%	There has been zero LTI's for Q4. The number of LTI's for 2019/20 was 7. The current LTIFR is 12.22, which is a reduction of 31% over 2018/19.	Complete
GO3.12: Develop an LSC Workforce Plan and identify key strategies and actions.	PC	People and Culture	Organisational Development	L	Workforce Plan completed by 30 June 2020.	100%	Plan was published in Q1. Implementation ongoing	Complete
GO4 Provide transparent and accountable decision making reflecting positive leadership to the community.								
GO4.1: Ensuring legislative timeframes are met for Council Meeting and Minutes.	OCEO	Office of the Chief Executive Officer	Executive Support	L	100% compliant with legislative requirements.	100%	Register has been updated to include a date that agendas are distributed/published for ease of auditing for compliance.	Complete
GO4.2: Delegations and Authorisations Registers are current.	FBE	Finance and Business Excellence	Governance	L	Annual review of CEO delegations 100% complete, public register 100% maintained and all staff have the required delegations to perform their roles (100%).	100%	Updated Instruments of Appointment have been issued to all authorised persons.	Complete
GO4.3: Local Disaster Management Group meetings.	LW	Community Wellbeing	Disaster Management and Resilience	L	4 meetings held.	100%	One (1) programme meeting conducted and three (3) COVID 19 meetings conducted	Complete
GO4.4: IT Transformation Project	ICT	ICT Services	ICT Services	L	Project 25% complete in line with Project Plan by 30 June 2020.	100%	Procurement process progressing appropriately	On Track
GO4.5: Enterprise Risk Management Capability Advancement.	FBE	Finance and Business Excellence	Governance	L	ERM Capability Advancement completed by 30 June 2020.	25%	Project has been deferred to 2020-21 financial year.	On Hold
GO4.6: Formalise Integrated Planning and Reporting Framework.	FBE	Finance and Business Excellence	Finance and Business Excellence	L	Integrated Planning and Reporting Framework completed by 30 June 2020.	25%	Project has been deferred to 2020-21 financial year.	On Hold

Action	Responsible Portfolio	Business Unit	Team	Role	Performance Measure			
GO5 Deliver customer focused and responsive services efficiently and effectively.								
GO5.1: Service Delivery Programme of Work.	FBE	Finance and Business Excellence	Business Transformation	L	100% complete in line with programme timeline.	0%	Service review Engineering services draft completed. No new service reviews commenced due to resources being allocated to support the development of Service Delivery Plans	On Track
GO5.2: Validate Council can continue business operations in the unlikely event of an event impacting the organisation.	FBE	Finance and Business Excellence	Governance	L	Annual test of Business Continuity Plans, Business Continuity Plans reviewed annually in line with the Business Continuity Management Framework	0%	BCP focus has currently been on COVID-19 response. 3-5 days subplans will look to commence in Q1 of 2020-21.	On Hold
GO5.3: Provide fit for purpose access to ICT Infrastructure.	ICT	ICT Services	Corporate Applications	L	Website and e-service availability >=98%, Network availability >=95%.	75%	On track with access provided	On Track
GO5.4: Implement an electronic Workplace Health and Safety System.	PC	People and Culture	Safety	L	50% complete by 30 June 2020.	100%	Skytrust now live and operational. Support continues as requested.	Complete
GO5.5: Workplace Health and Safety Compliance.	ORG	People and Culture	Safety	L	35% compliance achieved.	50%	Progress has been made on all training actions. A number of documents have been reviewed and updated and are to be submitted for final approval. Several of the significant projects are in varying stages of completion and still tracking to complete in required timeframe.	Emergent
GO5.6: Implement a comprehensive health and wellbeing strategy covering physical health, mental health, diet and sun safety.	PC	People and Culture	Safety	L	90% completed to schedule per quarter.	100%	Health assessments continuing as required	Complete
GO5.7: Management of Council's After Hours provider.	LW	Community Engagement	Customer Support	L	Percentage of compliance with contract deliverables for After Hours provider.	100%	There have been no compliance issues that have had to be addressed as part of the after hours contract Peak Services	Complete
GO5.8: Quality Assurance Audits - Liveability and Wellbeing.	LW	Liveability and Wellbeing Executive Support	Executive Support	L	Two (2), 100% completed.	100%	Two (2) audits completed - Open Spaces and Cemeteries	Complete
GO5.9: Building and Plumbing - compliance with legislative timeframes.	LW	Liveability	Built Environment Team	L	100% of building and plumbing approvals determined within ten (10) business days from the commencement of the decision stage.	95% and 100%	95% attained by Building and 100% attained by Plumbing	Complete
GO5.10: Assessment building and plumbing service quality.	LW	Liveability	Built Environment Team	L	12 peer reviews of approvals per annum.	100%	Building Applications are still with RRC for Review, Plumbing have undertaken 12 reviews in past twelve months	Complete
GO5.11: Building and plumbing services are client connected and outcome driven.	LW	Liveability	Built Environment Team	L	100% of customer request responses initiated within two (2) days, 95% customer satisfaction.	98% and 100%	98% attained by Building and 100% attained by Plumbing	Complete

Action	Responsible Portfolio	Business Unit	Team	Role	Performance Measure			
GO5.12: Development assessment services are client connected and outcome driven.	LW	Liveability	Development Assessment	L	85% customer satisfaction and 100% of customer request responses initiated within two (2) business days.	100% and 89.9%	Of the 504 Duty Planner Customer Requests received, 453 were dealt with under two business days which is 89.9%	Complete
GO5.13: Development assessment services comply with statutory requirements.	LW	Liveability	Development Assessment	L	85% of development approvals determined within twenty-five (25) business days and 100% of development applications considered by the Development Control Unit within five (5) business days.	71% and 94%	71% of DAs determined within 25 business days and 94% of DAs considered by DCU unit within 5 Business days.	Complete
GO5.14: Undertake development compliance services.	LW	Liveability	Development Assessment	L	100% of Development Compliance complaints risk rated in accordance with Council's Risk Based Land Use Compliance Policy.	100%	All Development compliance customer requests are considered and risk rated at fortnightly development compliance meetings.	Complete
GO5.15: Environmental Health compliance activities are undertaken.	LW	Liveability	Public Environments	L	100% of Development Compliance complaints risk rated in accordance with Council's Risk Based Land Use Compliance Policy.	100%	All Development compliance customer requests are considered and risk rated at fortnightly development compliance meetings.	Complete
GO5.16: Local Law services comply with statutory requirements.	LW	Liveability	Public Environments	L	100% of customer request responses initiated within two (2) days	94%	715 customer requests - 40 were not actioned within 2 business days	Complete
GO5.17: Infrastructure - Quality Assurance Certification.	I	Infrastructure Systems and Administration	Systems and Administration	L	100% complete.	100%	No Issues. Surveillance audit booked 6th,7th August 2020.	Complete
GO5.18: Development assessment services comply with statutory requirements.	ORG	People and Culture	Organisational Development	P	Cultural Values Assessment completed.	90%	Staff survey will be infield 8 September. Delays due to approvals plus desire to avoid Merlin activities	Emergent
GO5.19: Implement the most current version of InfoCouncil to support compliance for Council meetings and decision making.	OCEO	OCEO	Executive Support	L	100% complete by 30 June 2020.	100%	Completed in Q3	Complete
GO5.20: Review of Arts and Cultural Strategic Plan.	LW	Community Engagement	Engagement and Events	L	50% complete by 30 June 2020.	40%	Report regarding proposed engagement activities and Resident Reach Initiative to be taken to Ordinary Meeting 21 July 2020	Complete
GO5.21: Livingstone Whole of Community Plan.	LW	Community Wellbeing	Community Partnerships	L	100% complete by 30 June 2020.	100%	Completed Q2	Complete

12.3 COUNCILLOR FACILITIES AND EXPENSES POLICY**File No:** CM4.7.36**Attachments:**

1. Councillor Facilities and Expenses Policy (marked up version)[↓](#)
2. Councillor Facilities and Expenses Policy (clean version)[↓](#)

Responsible Officer: Andrea Ellis - Chief Financial Officer
Brett Bacon - Acting Chief Executive Officer**Author:** Poala Santini - Acting Coordinator Governance

SUMMARY

The Councillor Facilities and Expenses Policy has been reviewed by King and Company Solicitors and is being presented to Council for consideration and adoption. Any policy regarding Councillor expenses reimbursement may only be discussed at a Council meeting and not in closed (confidential) session.

OFFICER'S RECOMMENDATION

THAT Council resolve to adopt the *Councillor Facilities and Expenses Policy*, as contained within Attachment Two.

BACKGROUND

In December 2019, the Chief Executive Officer requested that King and Company undertakes a review of a suite of Council Policy documents, namely:

- 1) *Meeting Procedures Policy;*
- 2) *Councillor Briefing Session Policy;*
- 3) *Councillor Interaction with the Organisation Policy;*
- 4) *Media Policy;*
- 5) *Social Media Policy;*
- 6) *Councillor Facilities and Expenses Policy;*
- 7) *Councillor Training and Conference Policy;*
- 8) *Councillor Training and Conference Procedure;*
- 9) *Travel Policy;*
- 10) *Travel Procedure;*
- 11) *Councillor Complaints Investigation Policy;* and
- 12) *Drug and Alcohol Policy.*

The objective of the review was to improve the policies and procedures beyond mere compliance with the minimum requirements under the *Local Government Act 2009* or *Local Government Regulation 2012* to be presented to the new Council as 'best practice' based on the review undertaken by King and Company, noting it is also taking into consideration regulatory amendments.

Over the coming months the reviewed policy documents will be presented to Council for discussion and adoption.

COMMENTARY

After significant review from King and Company it was established that the *Councillor Expenses and Reimbursement Policy* should also encompass expenses for Councillor

training and travel so that there is a single policy which deals with Councillor expenses and facilities as per section 250 of the *Local Government Regulation 2012*.

Particular provisions have been amended in the policy in relation to the Mayor's corporate purchase card, training and conference attendance, principles for approving travel, allowable expenses, vehicle allowances, insurances, and breaches of policy.

PREVIOUS DECISIONS

The *Councillor Facilities and Expenses Policy* was initially adopted on the 3 January 2014 and subsequently reviewed and adopted on the 11 February 2014, 31 March 2016 and 14 June 2016.

ACCESS AND INCLUSION

This policy ensures that Council's functions as a planner, legislator, and regulator demonstrates commitment to equitable outcomes.

ENGAGEMENT AND CONSULTATION

Consultation has taken place with King and Company.

HUMAN RIGHTS IMPLICATIONS

Section 4(b) of the *Human Rights Act 2019* requires public entities such as Council 'to act and make decisions in a way compatible with human rights'. There are no human rights implications associated with this report.

BUDGET IMPLICATIONS

The suggested amendments have no implications upon Council's budget.

LEGISLATIVE CONTEXT

Section 250 of the *Local Government Regulation 2012* states a local government may, by resolution, amend its expenses reimbursement policy at any time.

LEGAL IMPLICATIONS

Section 252 of the *Local Government Regulations 2012* states that:

'A local government cannot resolve under section 275 that a meeting at which a proposed expenses reimbursement policy is discussed (including its adoption or amendment, for example) be closed.'

STAFFING IMPLICATIONS

There are no staffing implications associated with the consideration of this matter.

RISK ASSESSMENT

Having multiple policies which deal with the reimbursement of expenses and provisions of facilities could cause confusion of allowable reimbursements and provisions that will be provided to Councillors.

CORPORATE PLAN REFERENCE

Leading Livingstone

Community Plan Goal 4.3 - Engagement with the community as advisors and partners

4.3.2 Commit to open and accountable governance to ensure community confidence and trust in Council and its democratic values.

The proposed *Councillor Facilities and Expenses Policy* has been drafted in a manner which reinforces Council's commitment to open and accountable governance.

CONCLUSION

The proposed *Councillor Facilities and Expenses Policy* has been drafted in a manner which reinforces Council's commitment to open and accountable governance. It has been reviewed

in light of recent legislative changes and to reflect best practice. Consequently, it is recommended for adoption.

12.3 - COUNCILLOR FACILITIES AND EXPENSES POLICY

Councillor Facilities and Expenses Policy (marked up version)

Meeting Date: 18 August 2020

Attachment No: 1



COUNCILLOR FACILITIES AND EXPENSES POLICY

(STATUTORY POLICY)

1. Scope

The Councillor Facilities and Expenses Policy (this 'Policy') applies to the Mayor, Deputy Mayor and Councillors of Livingstone Shire Council.

2. Purpose

The payment and/or reimbursement of expenses and provision of facilities for Councillors must be consistent with the principles of good corporate governance and be only for the purpose of enabling them to perform their role as ~~an elected member-a Councillor~~ as outlined in the *Local Government Act 2009* and the *Local Government Regulation 2012*.

This Policy does not provide for salaries or other forms of Councillor remuneration as this is determined independently by the Local Government Remuneration Tribunal/Commission. ~~This Policy does not apply to expenses for which the Travel Policy, Travel Procedure, Councillor Training and Conference Policy and Councillor Training and Conference Procedure apply.~~

3. References (legislation/related documents)

Legislative reference

Income Tax Assessment Act 1997
Local Government Act 2009
Local Government Regulation 2012
 Taxation Rulings issued by the Australian Taxation Office

Related documents

Corporate Uniform Policy
 Workplace Health and Safety Policy
[Travel Policy](#)
[Travel Procedure](#)
[Councillor Training and Conference Policy](#)
[Councillor Training and Conference Procedure](#)
[Councillor Complaints Investigation Policy](#)
[Code of Conduct for Councillors in Queensland](#)

4. Definitions

To assist in interpretation, the following definitions shall apply to this Policy:

<u>Councillors</u>	The Mayor and Councillors of Livingstone Shire Council, within the meaning of the Local Government Act 2009.
<u>Approval Officer</u>	In the case of the Mayor, the Approval Officer is the Chief Executive Officer.

Commented [551]: The Policy does not specify who approves the Mayor's travel and expenses. For transparency, it should be someone other than the Mayor e.g. the Deputy Mayor or CEO (or both).

Councillor Facilities & Expenses Policy

Adopted/Approved: Draft
 Version: 5

Portfolio: Office of the CEO
 Business Unit: Finance and Business Excellence

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	<u>In the case of all other Councillors, the Approval Officer is the Mayor.</u>
<u>Council</u>	<u>Livingstone Shire Council.</u>
<u>Conference</u>	<u>An event, including a tour, seminar, conference, workshop or meeting for professional development.</u>
<u>Council Business</u>	<p>Official business conducted <u>by a Councillor</u> on behalf of Council, where a Councillor is required to undertake certain tasks to satisfy legislative requirements or achieve business <u>continuity objectives</u> for the Council, for example <u>attending</u> official Council meetings, Councillor forums and workshops, committees/boards as Council's official representative, scheduled meetings relating to <u>Councillor</u> portfolios, or Council appointments.</p> <p>Council business should result in a benefit being achieved <u>either for the local government Council and/or the Livingstone Shire local government area</u>, for example <u>Council may decide that Council business includes attending</u> civic ceremony duties such as opening a school fete.</p> <p><u>Council Business does not include</u> <u>participating in a community group event or being a representative on a board not associated with Council</u> <u>is not regarded as Council business.</u></p>
<u>Event</u>	<u>A conference, training activity or Council business related function or event.</u>
<u>Expenses</u>	<u>Reasonable costs reasonably incurred, or to be incurred, in connection with a Councillor discharging their duties and responsibilities as a Councillor under the Local Government Act 2012. The expenses may be either reimbursed to Councillors or paid direct by Council for something that is deemed a necessary cost or charge.</u>
<u>Facilities</u>	<u>Reasonable facilities Council deemed necessary to assist Councillors in discharging their duties and responsibilities as a Councillor under the Local Government Act 2012</u> <u>their role.</u>
<u>High Risk Country</u>	<u>A country for which the overall advice level published by the Commonwealth Department of Foreign Affairs and Trade (DFAT) is to "reconsider your need to travel" or "do not travel".</u>
<u>Local region</u>	Within the local government areas <u>covered-administered</u> by the Rockhampton Regional, Isaac Regional, Central Highlands Regional, Banana Shire and Gladstone Regional Councils.
<u>Training</u>	<u>A training course or further education and development activity.</u>
<u>Reasonable</u>	<u>Council must make sound judgements and consider what is prudent, responsible and acceptable to the community when determining reasonable levels of facilities and expenditure</u>

Commented [SS2]: Moved to clause 3.1.

Commented [SS3]: We would avoid attempting to define the term "reasonable".

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5. Policy Statement

This Policy is made in accordance with the following provisions of Local Government Regulation 2012:

249 What div 2 is about

- (1) This division is about the expenses reimbursement policy.
- (2) The **expenses reimbursement policy** is a policy providing for the following—
 - (a) payment of reasonable expenses incurred, or to be incurred, by councillors for discharging their duties and responsibilities as councillors;
 - (b) provision of facilities to councillors for that purpose.

250 Requirement to adopt expenses reimbursement policy or amendment

- (1) A local government must adopt an expenses reimbursement policy.
- (2) A local government may, by resolution, amend its expenses reimbursement policy at any time.

251 Notification of adoption of expenses reimbursement policy

- (1) As soon as practicable after a local government adopts or amends its expenses reimbursement policy, the local government must—
 - (a) Ensure a copy of the policy may be inspected and purchased by the public at the local government's public office; and
 - (b) Publish the policy on the local government's website.
- (2) The price for purchasing a copy of the policy must be no more than the cost to the local government of making the copy available for purchase.

252 Meetings about expenses reimbursement policy

A local government cannot resolve under section 275 that a meeting at which a proposed expenses reimbursement policy is discussed (including its adoption or amendment, for example) be closed.

5.1 Guidelines for Expense Reimbursement

The general guidelines in this clause are subject to the specific provisions of the Councillor Facilities and Expenses Procedure.

5.1.1 Expenses may be either reimbursed to Councillors or paid direct by Council for something that is deemed a necessary cost or charge.

Commented [SS4]: Moved from the definition of 'expenses'.

5.1.2 Reimbursement of expenses incurred will be paid through administrative processes approved by the Chief Executive Officer and as specified in the Councillor Facilities and Expenses Procedure. The Mayor will be provided with a Council credit card for Council business use under the approved administrative process approved by Council. All claims for reimbursement must be submitted to Council on a monthly basis. Councillors cannot claim expenses more than three months after the expense is incurred.

Commented [PS5]: refer to section 5.2 in relation to the Mayor's Purchase Card.

5.1.3 All Councillor travel, accommodation and event registration fees shall be booked centrally by an officer designated to arrange all corporate travel for the organisation. This ensures access to the most competitive rates available.

Commented [SS6]: There is some overlap here with the Travel Policy and Procedure and Councillor Training and Conference Policy and Procedure, so we have deleted the items that overlap.

Commented [PS7R6]:

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~~5.1.25.1.4~~ Travel should be via the most practical and direct route using the most economical and efficient mode of transport.

~~5.1.35.1.5~~ Where possible, the maximum standard for accommodation should be a four-star rating however, where particular accommodation is recommended by conference organisers as part of a conference package, a higher standard of accommodation is acceptable.

~~5.1.4~~ Any fines incurred while travelling in Council owned vehicles or privately owned vehicles when attending to Council business will not be reimbursed by Council.

~~5.1.6~~

~~5.1.8~~ Economy class air travel is to be used where possible.

~~5.1.7~~

~~5.1.65.1.8~~ ~~Tr~~ Any travel transfer expenses associated with Council business ~~is~~ official travel will be reimbursed by Council e.g. trains, buses, taxis and ferries.

~~5.1.9~~ Council will meet the costs of meals incurred by a Councillor which are not covered by event registration fees on a reimbursement basis

~~5.1.7~~

~~5.1.95.1.10~~ No costs associated with the purchase of alcohol will be reimbursed by Council. Hospitality expenses related to official receptions and other functions organised by Council are met from relevant approved budgets.

~~5.1.95.1.11~~ Should the Councillor choose not to attend a provided meal/dinner or eat a meal provided at an official reception or function, then the full cost of the alternative meal will not be reimbursed by Council.

~~5.1.12~~ Council will not reimburse expenses incurred by the Councillor's spouse/partner or any other members of the Councillor's family when accompanying the Councillor on official duties/Council business unless it is a Federal Government, State Government or Shire Council endorsed (e.g. ceremonial event) event at which the spouse/partner of the Councillor has been specifically invited.

~~5.1.13~~ Expenses referred to in clauses 5.32, 5.4, 5.5, 5.63 and 5.754 of this Policy shall include non-alcoholic refreshments and meals incurred whilst attending such meetings/functions/events unless these are provided directly by Council or a third party organiser or provider of the meeting/function/event.

Commented [SS8]: These clauses have been moved from clause 5.3, 5.4 and 5.4

~~5.1.14~~ Councillors cannot claim for participation in raffles or donations to groups as an expense under this policy, as these are regarded as private expenses.

~~5.1.15~~ Where a Councillor chooses not to attend an event, function or meeting where payment has been prepaid and an alternate Councillor is unable to attend in their stead, the Councillor originally registered to attend the event, function or meeting is liable to reimburse Council the costs it incurs in relation to the event, function or meeting at the discretion of the CEO/Council.

Commented [PS9]: Sonia Smith
We have amended this from the CEO to Council for consistency with clause 5.1.6 of the Procedure

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5.2 Corporate Purchase Card

The Mayor will be provided with a Corporate Purchase Card for the purposes of discharging their duties and responsibilities as a Councillor.

The Mayor must use the corporate purchase card subject to the terms and conditions of the card and in accordance with the Corporate Purchase Card Guidelines.

The Mayor's use of the corporate purchase card:

- a) is subject to a maximum expenditure limit of three thousand dollars (\$3,000) per month; and
- b) is subject to a maximum transaction limit of one thousand dollars (\$1,000) per transaction; furthermore
- c) must comply with Council's Corporate Purchase Card Guideline, Procurement Policy and other associated policies and procedures; and
- d) must not adversely affect Council's relation with the public at large.

5.3 Training and Conference Attendance**5.3.1 Identification of Training and/or Conference Need**

Councillors must maintain a current and broad knowledge of issues which affect Council and the Livingstone Shire community. Councillors should take an active interest in keeping themselves up to date with training and/or conferences that can assist them in maintaining this knowledge.

5.3.1 Support for Training and/or Conference Attendance

Council offers all Councillors financial support to attend Council-approved training and/or conferences. The nature of the financial support will be in accordance with this policy and the Councillor Facilities and Expenses Procedure.

Commented [SS10]: We have removed the paragraph about the panel of preferred training providers to avoid repetition with the procedure.

5.3.2 Withdrawal of Support

Council may, by resolution, withdraw financial support for any training and/or conferences if:

- a) the Councillor fails to attend, progress or complete training or a conference as specified in the Councillor Facilities and Expenses Procedure;
- b) in Council's opinion the Councillor's behaviour at the conference or training is unacceptable having regard to the *Local Government Act 2009* and the Code of Conduct for Councillors in Queensland;
- c) the Councillor ceases to be a Councillor of Livingstone Shire Council; or
- d) Council funding no longer enables support to be provided.

5.3.3 Equity of Development Opportunities

Training and conference opportunities must be accessible on an equitable basis. Where appropriate, and reasonably practicable, training and conference activities will accommodate any specific needs of individual Councillors.

Commented [SS11]: The phrase "any specific needs" is vague and could be disputed. Consider specifying or listing the types of needs you are referring to here (e.g. disability access).

5.4 Principle for Approving Travel Arrangements

- 5.4.1** Council endeavours to provide a high quality level of service to Councillors who are travelling on behalf of Council, while ensuring that accountability of

public moneys is maintained. Travel arrangements must be administered in the most cost effective and efficient manner.

5.4.2 Council is committed to ensuring that while travelling as part of their official Council duties, Councillors are not adversely financially impacted. However all expenses incurred while travelling are to be paid or reimbursed in accordance with the Councillor Facilities and Expenses Procedure and must be substantiated, reasonable and appropriate.

5.4.3 The Approval Officer has an obligation to ensure that all travel is necessary to the business of Council. When considering the appropriateness of a Councillor's travel request, the Approval Officer must consider:

- a) Where the Councillor is to travel, taking into consideration whether the travel is to an area that is a High Risk Country;
- b) Whether the absence of the Councillor is convenient to Council;
- c) Whether it is appropriate for Council to be funding the travel;
- d) Whether the travel is in relation to Council business and what value it adds to Council; and
- e) How to ensure that the costs of the travel are identified appropriately and managed to a level acceptable to Council.

It is the Approval Officer's responsibility to ensure that all Councillor travel arrangements are in accordance with this Policy and the Councillor Facilities and Expenses Procedure, and any other relevant Council policy, directive and/or procedure.

5.25.5 Allowable Expenses within the Council Area

Councillors are entitled to claim expenses incurred in attending to their role as ~~elected members~~Councillors within the Livingstone Shire Council area. Examples include:

- Attendance at Council meetings and arranged events;
- Attendance at functions and events;
- Inspections; and
- Attendance to constituents or constituent groups.

5.2.2 ~~In this clause expenses shall include non-alcoholic refreshments and meals incurred whilst attending such meetings/functions/events unless these are provided directly by Council or a third party.~~

5.2.3 ~~Councillors cannot claim for participation in raffles or donations to groups as an expense under this policy, as these are regarded as private expenses.~~

5.2.4 ~~Where a Councillor chooses not to attend an event where payment has been prepaid and an alternate Councillor is unable to attend in their stead, the Councillor originally registered to attend the event is liable to reimburse to Council such costs at the discretion of the CEO.~~

5.35.6 Allowable Expenses within the Local Region

Subject to this Policy and the Councillor Facilities and Expenses Procedure, ~~Elected members~~Councillors are entitled to claim expenses incurred in attending regional local government associated functions and events within the local region.

5.3.1 ~~In this clause expenses shall include non-alcoholic refreshments and meals incurred whilst attending such meetings/functions/events unless these are provided directly by Council or a third party.~~

5.45.7 Allowable Expenses outside the Local Region

5.4.15.7.1 Subject to this Policy and the Councillor Facilities and Expenses Procedure, Councillors are entitled to claim expenses incurred in attending to their role as ~~Clected members~~ councillors outside the local area ~~or~~ region provided such attendance has been authorised by resolution of Council.

5.4.25.7.2 The Mayor will not be required to have the approval of Council ~~under clause 5.7.1 above~~ if attending functions or meetings relevant to the role of Mayor.

5.4.35.7.3 Where Councillors are appointed by the Council as Council's representative on a committee or association, all reasonable travel and accommodation ~~outside the local region~~ associated with the Councillor's fulfillment of that role is deemed as approved without the need for a further specific approval by resolution ~~of Council~~ being required.

5.7.4 In emergent circumstances where prior approval by resolution of Council cannot be obtained ~~under clause 5.7.4.1 of this Policy~~, the Chief Executive Officer may approve such travel on the basis of obtaining ~~a majority positive response the approval of a majority of Councillors~~ by directly contacting Councillors. In such circumstances the Chief Executive Officer shall seek confirmation of the Councillors' approval at the next available ~~General M~~ meeting of Council.

~~5.4.4 In this clause expenses shall include non-alcoholic refreshments and meals incurred whilst attending such meetings/functions/events unless these are provided directly by Council or a third party.~~

5.55.8 General Provision of Facilities

5.5.15.8.1 As a general rule facilities required to assist Councillors in their official capacity ~~as councillors~~ will be provided by Council under these provisions ~~this clause 5.8.~~

5.5.25.8.2 Council determines the reasonable standard for facilities for Councillors. If a Councillor chooses a higher standard of facility than that prescribed by Council, any difference in cost must be met by the Councillor personally.

5.5.35.8.3 All facilities provided to Councillors remain the property of Council and must be accounted for during annual equipment audits. The facilities must be returned to Council when the Councillor's term expires ~~or the Councillor otherwise ceases to be a councillor of Council.~~

5.8.4 Council will cover all ongoing maintenance costs associated with fair wear and tear of ~~Council~~ Council owned equipment to ensure it is operating for optimal professional use.

~~5.5.45.8.5 Councillors must not use Council facilities for personal or political purposes.~~

5.65.9 Administrative tools and support

5.6.15.9.1 The Mayor will be provided with a dedicated office in the Lagoon Place ~~Anzac Parade~~ administration centre, Yeppoon.

5.6.25.9.2 The Council Chambers located at 4 Lagoon Place ~~70 Anzac Parade~~, Yeppoon is available for Councillors to meet with constituents or small constituent groups. Other rooms are available for Councillors to

use which can be booked through the Councillor Support Section.

5.6.35.9.3 The Mayor and Councillors will be provided with the appropriate level of administrative support for Council business purposes as approved in the annual budget to undertake their respective roles and responsibilities.

5.6.45.9.4 Councillors are provided with a laptop computer (with internet access) and printer for Council business use.

5.6.55.9.5 Councillors are entitled to access photocopiers and paper shredders for Council business use at the various Council offices

5.6.65.9.6 Councillors are provided stationery for official-Council business purposes only, including, but not limited to:

- Pens and pen sets;
- Note paper and Paper;
- Letterhead;
- Business cards;
- Envelopes;
- Laptop carry bag; and
- 'With Compliments' slips.

5.9.7 Councillors will be provided with a mobile telephone by Council. Council will place the phones on a phone plan which most suits the Council business demands of the Mayor and Councillors. It is understood that from a practical point of view this phone will be available for both their Council business and reasonable private use. Unless the costs can be justified as a genuine Council business cost all call costs above the plan limit ~~are expected to must~~ be met by the respective Councillors as a private expense. Should Councillors decide to not accept a Council provided phone, Council will reimburse the Councillor for all Council related call costs.

5.6.75.9.8 Councillors will be provided access to copies of relevant legislation, books and journals considered necessary for undertaking their duties as Councillors.

5.6.85.9.9 Council will not reimburse or provide funds, services or facilities for the purposes of advertising for Councillors.

5.6.95.9.10 Councillors will be paid an allowance of \$100 per month for them to provide their own home office and associated communication requirements for Council business use. It is the responsibility of each Councillor to ensure that where a home office is established, all workplace health and safety legislative requirements are met and where required, Council's Workplace ~~Health and Safety~~ Unit will provide assistance.

5.6.105.9.11 Councillors will be provided with any safety equipment such as overalls, safety shoes, safety helmets or glasses, as required, in their role as Councillors. Councillors will be provided a blazer with a Council insignia for official use.

5.75.10 Vehicles5.10.1 Mayor

Council will pay the Mayor a private vehicle allowance of \$20,000, paid by fortnightly instalments.

5.10.2 Councillors

The use of Councillor's private vehicles for Council business (as defined) will be reimbursed by Council, with Councillors electing one of the following two options:

- 1) Councillors accept an annual payment of \$3,000 as reimbursement for the use of their private vehicles on Council business; or
- 2) Councillors make a monthly claim for reimbursement of the use of their private vehicles on Council business by submitting the appropriate form detailing the relevant travel based on log book details. The amount reimbursed will be based upon the published Australian Taxation Office business use of motor vehicle cents per kilometer rate applicable at the time of travel.

Council will provide a fully serviced 4WD wagon to the Mayor for Council business use, and The Mayor may use the vehicle for reasonable private use provided that the Mayor reimburses Council for the costs associated with his or her private use. To determine the Mayor's private use, he or she must keep a log book of Council business use and private use for a period of at least three consecutive months each year. The Mayor will be required to reimburse Council on a quarterly basis the percentage of the costs associated with the vehicle equivalent to the percentage of private use as recorded in the log book.

Commented [SS12]: Based on our interpretation of section 249 of the Local Government Regulation 2012, Council can only allow private use if the Mayor reimburses Council for the costs of that private use.

5.7.1 A similar vehicle shall be purchased for pool vehicle only for Council business use by Councillors on a booking basis through the Councillor Support Section.

The use of private vehicles for Council business will only be acceptable where the Councillor has made every effort to use the Council pool vehicle in advance of its required need but the pool vehicle is not available. Before using a private vehicle, the Councillor must ensure that the vehicle has sufficient insurance coverage, as Council's insurance does not cover private vehicles used for Council business.

5.7.2 The Mayor or a Councillor who use their own private vehicle for Council business purposes can claim a mileage allowance for the Council business use of the vehicle, as per mileage allowances recommended by the Australian Tax Office (ATO). The mileage rate shall apply to all business kilometres travelled in the financial year. Such claims shall be supported by ATO compliant records and be submitted to Council on a quarterly basis.

Commented [SS13]: Inserted for consistency with the Travel Procedure.

5.85.11 Legal costs and insurance coverInsurance

5.11.1 Councillors will be covered under Council insurance policies while discharging their civic duties under the Local Government Act 2009. Specifically, insurance cover will be provided for public liability, professional indemnity, personal accident and/or workers compensation, and international and domestic travel insurance. Any claims over and above the coverage stated in an insurance policy will require the approval of a Council resolution. In addition the liability of any legal costs incurred while discharging a Councillor's civic duty under the Local Government Act 2009 will transfer to Council upon approval via a Council

resolution Introduction

Councillors will be covered under relevant Council insurance policies while discharging civic duties.

Specifically, insurance cover will be provided for public liability, professional indemnity, workers compensation, Councillors and officers liability and personal accident.

5.11.2 Public Liability and Professional Indemnity

Council has included Councillors under Council's ~~its~~ Public Liability and Professional Indemnity policy (Local Government Mutual – LGM). Any deductible payable as a consequence of a claim made pursuant to this policy will be paid by Council.

5.11.3 Worker's Compensation

Council has included Councillors in its Worker's Compensation coverage (Local Government Self Insurance Scheme – LGWS). That provides for a level of benefits substantially the same as for an employee of Council with the exception that elected members cannot bring a common law damages action against Council under the Worker's Compensation & Rehabilitation Act 2003.

This Workers Compensation covers Councillors while they are engaged in official Council business.

This business would include, but is not limited to such activities as attending a Council meeting or workshop, representing Council at an official function, or attending activities at another Council or location that is relevant to their elected position.

5.11.4 Councillors and Officers Liability

Council has effected separate Councillors and Officers Liability Insurance on behalf of Councillors. If Councillors wish to take the benefit of this insurance, Councillors must:

- in the event that a claim is made, first notify the Chief Executive Officer (or his/her delegate) of the existence and circumstances of the claim; and
- thereafter allow management of the claim (e.g. engagement of lawyers etc) to be handled by Council's Claims Managers – Jardine Lloyd Thompson Ltd and/or the insurer.

Any deductible payable as a consequence of a claim made pursuant to this policy:

- will be paid by Council, so long as the Councillor complies with the requirements above; or
- otherwise, must be paid by the Councillor.

5. Breaches of Policy

A breach of Council's policies or procedures, including this Policy, by a Councillor is 'inappropriate conduct' as defined in the Local Government Act 2009, which will be dealt with in accordance with that Act.

6.7. Changes to this Policy

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This Policy is to remain in force until otherwise amended/replaced by resolution of the Council.

7.8. Repeals/Amendments

This Policy repeals the former Livingstone Shire Council Policy titled 'Councillor Facilities and Expenses Policy (v3)'.

Version	Date	Action
1	03/01/2014	Adopted
2	11/02/2014	Amended Policy Adopted
3	31/03/2016	Amended Policy Adopted
4	14/06/2016	Amended Policy Adopted
4.1	27/08/2018	Administrative Amendments – reflect organisational restructure
<u>5</u>	<u>Draft</u>	<u>Policy reviewed and amended by King and Company</u>

CHRIS MURDOCH BRETT BACON
ACTING CHIEF EXECUTIVE OFFICER

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12.3 - COUNCILLOR FACILITIES AND EXPENSES POLICY

Councillor Facilities and Expenses Policy (clean version)

Meeting Date: 18 August 2020

Attachment No: 2



COUNCILLOR FACILITIES AND EXPENSES POLICY (STATUTORY POLICY)

1. Scope

The Councillor Facilities and Expenses Policy (this 'Policy') applies to the Mayor, Deputy Mayor and Councillors of Livingstone Shire Council.

2. Purpose

The payment and/or reimbursement of expenses and provision of facilities for Councillors must be consistent with the principles of good corporate governance and be only for the purpose of enabling them to perform their role as a Councillor as outlined in the *Local Government Act 2009* and the *Local Government Regulation 2012*.

This Policy does not provide for salaries or other forms of Councillor remuneration as this is determined independently by the Local Government Remuneration Commission.

3. References (legislation/related documents)

Legislative reference

Income Tax Assessment Act 1997

Local Government Act 2009

Local Government Regulation 2012

Taxation Rulings issued by the Australian Taxation Office

Related documents

Corporate Uniform Policy

Workplace Health and Safety Policy

Councillor Complaints Investigation Policy

Code of Conduct for Councillors in Queensland

4. Definitions

To assist in interpretation, the following definitions shall apply to this Policy:

Approval Officer	In the case of the Mayor, the Approval Officer is the Chief Executive Officer. In the case of all other Councillors, the Approval Officer is the Mayor.
Council	Livingstone Shire Council.
Conference	An event, including a tour, seminar, conference, workshop or meeting for professional development.
Council business	Official business conducted by a Councillor on behalf of Council, where a Councillor is required to undertake

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	<p>certain tasks to satisfy legislative requirements or achieve business objectives for the Council, for example attending official Council meetings, Councillor forums and workshops, committees/boards as Council's official representative, scheduled meetings relating to Councillor portfolios, or Council appointments.</p> <p>Council business should result in a benefit being achieved for Council or the Livingstone Shire local government area, for example attending civic ceremony duties such as opening a school fete.</p> <p>Council Business does not include participating in a community group event or being a representative on a board not associated with Council.</p>
Event	A conference, training activity or Council business related function or event.
Expenses	Reasonable costs incurred, or to be incurred, in connection with a Councillor discharging their duties and responsibilities as a Councillor under the <i>Local Government Act 2012</i> .
Facilities	Reasonable facilities Council deems necessary to assist Councillors in discharging their duties and responsibilities as a Councillor under the <i>Local Government Act 2012</i> .
High Risk Country	A country for which the overall advice level published by the Commonwealth Department of Foreign Affairs and Trade (DFAT) is to "reconsider your need to travel" or "do not travel".
Local region	Within the local government areas administered by the Rockhampton Regional, Isaac Regional, Central Highlands Regional, Banana Shire and Gladstone Regional Councils.
Training	A training course or further education and development activity.

5. Policy Statement

This Policy is made in accordance with the following provisions of *Local Government Regulation 2012*:

249 What div 2 is about

- (1) This division is about the expenses reimbursement policy.
- (2) The **expenses reimbursement policy** is a policy providing for the following—
 - (a) payment of reasonable expenses incurred, or to be incurred, by councillors for discharging their duties and responsibilities as councillors;
 - (b) provision of facilities to councillors for that purpose.

250 Requirement to adopt expenses reimbursement policy or amendment

- (1) A local government must adopt an expenses reimbursement policy.
- (2) A local government may, by resolution, amend its expenses reimbursement policy at any time.

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251 Notification of adoption of expenses reimbursement policy

- (1) *As soon as practicable after a local government adopts or amends its expenses reimbursement policy, the local government must—*
- (a) *Ensure a copy of the policy may be inspected and purchased by the public at the local government's public office; and*
 - (b) *Publish the policy on the local government's website.*
- (2) *The price for purchasing a copy of the policy must be no more than the cost to the local government of making the copy available for purchase.*

252 Meetings about expenses reimbursement policy

A local government cannot resolve under section 275 that a meeting at which a proposed expenses reimbursement policy is discussed (including its adoption or amendment, for example) be closed.

5.1 Guidelines for Expense Reimbursement

The general guidelines in this clause are subject to the specific provisions of the Councillor Facilities and Expenses Procedure.

- 5.1.1** Expenses may be either reimbursed to Councillors or paid direct by Council for something that is deemed a necessary cost or charge.
- 5.1.2** Reimbursement of expenses incurred will be paid through administrative processes approved by the Chief Executive Officer and as specified in the Councillor Facilities and Expenses Procedure. All claims for reimbursement must be submitted to Council on a monthly basis. Councillors cannot claim expenses more than three months after the expense is incurred.
- 5.1.3** All Councillor travel, accommodation and event registration fees shall be booked centrally by an officer designated to arrange all corporate travel for the organisation. This ensures access to the most competitive rates available.
- 5.1.4** Travel should be via the most practical and direct route using the most economical and efficient mode of transport.
- 5.1.5** Where possible, the maximum standard for accommodation should be a four-star rating however, where particular accommodation is recommended by conference organisers as part of a conference package, a higher standard of accommodation is acceptable.
- 5.1.6** Any fines incurred while travelling in Council owned vehicles or privately owned vehicles when attending to Council business will not be reimbursed by Council.
- 5.1.7** Economy class air travel is to be used where possible.
- 5.1.8** Travel transfer expenses associated with Council business travel will be reimbursed by Council e.g. trains, buses, taxis and ferries.
- 5.1.9** Council will meet the costs of meals incurred by a Councillor which are not covered by event registration fees on a reimbursement basis
- 5.1.10** No costs associated with the purchase of alcohol will be reimbursed by Council. Hospitality expenses related to official receptions and other functions organised by Council are met from relevant approved budgets.
- 5.1.11** Should the Councillor choose not to attend a dinner or eat a meal

provided at an official reception or function, then the full cost of the alternative meal will not be reimbursed by Council.

- 5.1.12** Council will not reimburse expenses incurred by the Councillor's spouse/partner or any other members of the Councillor's family when accompanying the Councillor on Council business unless it is a Federal Government, State Government or Council endorsed (e.g. ceremonial event) event at which the spouse/partner of the Councillor has been specifically invited.
- 5.1.13** Expenses referred to in clauses 5.3, 5.4, 5.5, 5.6 and 5.7 of this Policy shall include non-alcoholic refreshments and meals incurred whilst attending such meetings/functions/events unless these are provided directly by Council or a third party organiser or provider of the meeting/function/event.
- 5.1.14** Councillors cannot claim for participation in raffles or donations to groups as an expense under this policy, as these are regarded as private expenses.
- 5.1.15** Where a Councillor chooses not to attend an event, function or meeting where payment has been prepaid and an alternate Councillor is unable to attend in their stead, the Councillor originally registered to attend the event, function or meeting is liable to reimburse Council the costs it incurs in relation to the event, function or meeting at the discretion of Council.

5.2 Corporate Purchase Card

The Mayor will be provided with a Corporate Purchase Card for the purposes of discharging their duties and responsibilities as a Councillor.

The Mayor must use the corporate purchase card subject to the terms and conditions of the card and in accordance with the Corporate Purchase Card Guidelines.

The Mayor's use of the corporate purchase card:

- a) is subject to a maximum expenditure limit of three thousand dollars (\$3,000) per month; and
- b) is subject to a maximum transaction limit of one thousand dollars (\$1,000) per transaction; furthermore
- c) must comply with Council's Corporate Purchase Card Guideline, Procurement Policy and other associated policies and procedures; and
- d) must not adversely affect Council's relation with the public at large.

5.3 Training and Conference Attendance

5.3.1 Identification of Training and/or Conference Need

Councillors must maintain a current and broad knowledge of issues which affect Council and the Livingstone Shire community. Councillors should take an active interest in keeping themselves up to date with training and/or conferences that can assist them in maintaining this knowledge.

5.3.1 Support for Training and/or Conference Attendance

Council offers all Councillors financial support to attend Council-approved training and/or conferences. The nature of the financial support will be in accordance with this policy and the Councillor Facilities and Expenses Procedure.

5.3.2 Withdrawal of Support

Council may, by resolution, withdraw financial support for any training and/or conferences if:

- a) the Councillor fails to attend, progress or complete training or a conference as specified in the Councillor Facilities and Expenses Procedure;
- b) in Council's opinion the Councillor's behaviour at the conference or training is unacceptable having regard to the *Local Government Act 2009* and the Code of Conduct for Councillors in Queensland;
- c) the Councillor ceases to be a Councillor of Livingstone Shire Council; or
- d) Council funding no longer enables support to be provided.

5.3.3 Equity of Development Opportunities

Training and conference opportunities must be accessible on an equitable basis. Where appropriate, and reasonably practicable, training and conference activities will accommodate any specific needs of individual Councillors.

5.4 Principle for Approving Travel Arrangements

5.4.1 Council endeavours to provide a high quality level of service to Councillors who are travelling on behalf of Council, while ensuring that accountability of public moneys is maintained. Travel arrangements must be administered in the most cost effective and efficient manner.

5.4.2 Council is committed to ensuring that while travelling as part of their official Council duties, Councillors are not adversely financially impacted. However all expenses incurred while travelling are to be paid or reimbursed in accordance with the Councillor Facilities and Expenses Procedure and must be substantiated, reasonable and appropriate.

5.4.3 The Approval Officer has an obligation to ensure that all travel is necessary to the business of Council. When considering the appropriateness of a Councillor's travel request, the Approval Officer must consider:

- a) Where the Councillor is to travel, taking into consideration whether the travel is to an area that is a High Risk Country;
- b) Whether the absence of the Councillor is convenient to Council;
- c) Whether it is appropriate for Council to be funding the travel;
- d) Whether the travel is in relation to Council business and what value it adds to Council; and
- e) How to ensure that the costs of the travel are identified appropriately and managed to a level acceptable to Council.

It is the Approval Officer's responsibility to ensure that all Councillor travel arrangements are in accordance with this Policy and the Councillor Facilities and Expenses Procedure, and any other relevant Council policy, directive and/or procedure.

5.5 Allowable Expenses within the Council Area

Councillors are entitled to claim expenses incurred in attending to their role as Councillors within the Livingstone Shire Council area. Examples include:

- Attendance at Council meetings and arranged events;

- Attendance at functions and events;
- Inspections; and
- Attendance to constituents or constituent groups.

5.6 Allowable Expenses within the Local Region

Subject to this Policy and the Councillor Facilities and Expenses Procedure, Councillors are entitled to claim expenses incurred in attending regional local government associated functions and events within the local region.

5.7 Allowable Expenses outside the Local Region

- 5.7.1** Subject to this Policy and the Councillor Facilities and Expenses Procedure, Councillors are entitled to claim expenses incurred in attending to their role as Councillors outside the local region provided such attendance has been authorised by resolution of Council.
- 5.7.2** The Mayor will not be required to have the approval of Council under clause 5.7.1 above if attending functions or meetings relevant to the role of Mayor.
- 5.7.3** Where Councillors are appointed by the Council as Council's representative on a committee or association, all reasonable travel and accommodation outside the local region associated with the Councillor's fulfilment of that role is deemed as approved without the need for a further specific approval by resolution of Council.
- 5.7.4** In emergent circumstances where prior approval by resolution of Council cannot be obtained under clause 5.7.1 of this Policy, the Chief Executive Officer may approve such travel on the basis of obtaining the approval of a majority of Councillors by directly contacting Councillors. In such circumstances the Chief Executive Officer shall seek confirmation of the Councillors' approval at the next available general meeting of Council.

5.8 General Provision of Facilities

- 5.8.1** As a general rule facilities required to assist Councillors in their official capacity as councillors will be provided by Council under this clause 5.8.
- 5.8.2** Council determines the reasonable standard for facilities for Councillors. If a Councillor chooses a higher standard of facility than that prescribed by Council, any difference in cost must be met by the Councillor personally.
- 5.8.3** All facilities provided to Councillors remain the property of Council and must be accounted for during annual equipment audits. The facilities must be returned to Council when the Councillor's term expires or the Councillor otherwise ceases to be a councillor of Council.
- 5.8.4** Council will cover all ongoing maintenance costs associated with fair wear and tear of Council owned equipment to ensure it is operating for optimal professional use.
- 5.8.5** Councillors must not use Council facilities for personal or political purposes.

5.9 Administrative tools and support

- 5.9.1** The Mayor will be provided with a dedicated office in the Lagoon Place administration centre, Yeppoon.

- 5.9.2 The Council Chambers located at 4 Lagoon Place, Yeppoon is available for Councillors to meet with constituents or small constituent groups. Other rooms are available for Councillors to use which can be booked through the Councillor Support Section.
- 5.9.3 The Mayor and Councillors will be provided with the appropriate level of administrative support for Council business purposes as approved in the annual budget to undertake their respective roles and responsibilities.
- 5.9.4 Councillors are provided with a laptop computer (with internet access) and printer for Council business use.
- 5.9.5 Councillors are entitled to access photocopiers and paper shredders for Council business use at the various Council offices
- 5.9.6 Councillors are provided stationery for Council business purposes only, including, but not limited to:
- Pens and pen sets;
 - Note paper and Paper;
 - Letterhead;
 - Business cards;
 - Envelopes;
 - Laptop carry bag; and
 - 'With Compliments' slips.
- 5.9.7 Councillors will be provided with a mobile telephone by Council. Council will place the phones on a phone plan which most suits the Council business demands of the Mayor and Councillors. It is understood that from a practical point of view this phone will be available for both their Council business and reasonable private use. Unless the costs can be justified as a genuine Council business cost all call costs above the plan limit must be met by the respective Councillors as a private expense. Should Councillors decide to not accept a Council provided phone, Council will reimburse the Councillor for all Council related call costs.
- 5.9.8 Councillors will be provided access to copies of relevant legislation, books and journals considered necessary for undertaking their duties as Councillors.
- 5.9.9 Council will not reimburse or provide funds, services or facilities for the purposes of advertising for Councillors.
- 5.9.10 Councillors will be paid an allowance of \$100 per month for them to provide their own home office and associated communication requirements for Council business use. It is the responsibility of each Councillor to ensure that where a home office is established, all workplace health and safety legislative requirements are met and where required, Council's Workplace Safety Unit will provide assistance.
- 5.9.11 Councillors will be provided with any safety equipment such as overalls, safety shoes, safety helmets or glasses, as required, in their role as Councillors. Councillors will be provided a blazer with a Council insignia for official use.

5.10 Vehicles**5.10.1 Mayor**

Council will pay the Mayor a private vehicle allowance of \$20,000, paid by fortnightly instalments.

5.10.2 Councillors

The use of Councillor's private vehicles for Council business (as defined) will be reimbursed by Council, with Councillors electing one of the following two options:

- 1) Councillors accept an annual payment of \$3,000 as reimbursement for the use of their private vehicles on Council business; or
- 2) Councillors make a monthly claim for reimbursement of the use of their private vehicles on Council business by submitting the appropriate form detailing the relevant travel based on log book details. The amount reimbursed will be based upon the published Australian Taxation Office business use of motor vehicle cents per kilometer rate applicable at the time of travel.

5.11 Insurance**5.11.1 Introduction**

Councillors will be covered under relevant Council insurance policies while discharging civic duties.

Specifically, insurance cover will be provided for public liability, professional indemnity, workers compensation, Councillors and officers liability and personal accident.

5.11.2 Public Liability and Professional Indemnity

Council has included Councillors under Council's Public Liability and Professional Indemnity policy (Local Government Mutual –LGM). Any deductible payable as a consequence of a claim made pursuant to this policy will be paid by Council.

5.11.3 Worker's Compensation

Council has included Councillors in its Worker's Compensation coverage (Local Government Self Insurance Scheme – LGW). That provides for a level of benefits substantially the same as for an employee of Council with the exception that elected members cannot bring a common law damages action against Council under the *Worker's Compensation & Rehabilitation Act 2003*.

This Workers Compensation covers Councillors while they are engaged in official Council business.

This business would include, but is not limited to such activities as attending a Council meeting or workshop, representing Council at an official function, or attending activities at another Council or location that is relevant to their elected position.

5.11.4 Councillors and Officers Liability

Council has effected separate Councillors and Officers Liability Insurance on behalf of Councillors. If Councillors wish to take the benefit of this insurance, Councillors must:

- in the event that a claim is made, first notify the Chief Executive Officer

(or his/her delegate) of the existence and circumstances of the claim;
and

- thereafter allow management of the claim (e.g. engagement of lawyers etc) to be handled by Council's Claims Managers – Jardine Lloyd Thompson Ltd and/or the insurer.

Any deductible payable as a consequence of a claim made pursuant to this policy:

- will be paid by Council, so long as the Councillor complies with the requirements above; or
- otherwise, must be paid by the Councillor.

6. Breaches of Policy

A breach of Council's policies or procedures, including this Policy, by a Councillor is 'inappropriate conduct' as defined in the *Local Government Act 2009*, which will be dealt with in accordance with that Act.

7. Changes to this Policy

This Policy is to remain in force until otherwise amended/replaced by resolution of the Council.

8. Repeals/Amendments

This Policy repeals the former Livingstone Shire Council Policy titled 'Councillor Facilities and Expenses Policy (v3)'.

Version	Date	Action
1	03/01/2014	Adopted
2	11/02/2014	Amended Policy Adopted
3	31/03/2016	Amended Policy Adopted
4	14/06/2016	Amended Policy Adopted
4.1	27/08/2018	Administrative Amendments – reflect organisational restructure
5	Draft	Policy reviewed and amended by King and Company

BRETT BACON
ACTING CHIEF EXECUTIVE OFFICER

Councillor Facilities & Expenses Policy

Adopted/Approved: Draft
Version: 5

Portfolio: Office of the CEO
Business Unit: Finance and Business Excellence

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12.4 MONTHLY FINANCIAL REPORT FOR THE PERIOD ENDING 31 JULY 2020

File No: FM12.14.1
Attachments: 1. **Monthly Finance Report - July 2020**[↓](#)
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 July 2020 by the Chief Financial Officer.

OFFICER'S RECOMMENDATION

THAT the Livingstone Shire Council Monthly Financial Report for the period ending 31 July 2020 be received.

BACKGROUND

The attached Financial Report is collated financial data within Council's Finance One and Pathway systems. The report presented includes:

1. Executive Summary
2. Key Performance Indicators
3. Key Strategic Financial Indicators
4. Detailed Statements and Appendices

The attached financial results present a provisional indication of Council's year to date financial performance for the 2020-21 financial year. Council should note that various year-end accounting entries are to be completed which will affect these financial results. These entries are to be finalised throughout July and August 2020. Commitments are excluded from the reported operating & capital expenditures in the attached.

All variances are reported against the 2020-21 Budget as adopted by Council on the 28 July 2020. Budgets have been developed on a monthly basis. The attached report shows the business activities (water, sewerage & waste) segregated revenue and expenditure statements and balance sheets. At this early stage of the financial year, few trends have emerged.

COMMENTARY

The financial report compares actual performance with Council's 2020-21 adopted budget and identifies significant variances or areas of concern. It also provides information about additional areas of financial interest to Council and reinforces sound financial management practices throughout the organisation.

Financial Performance

Key financial highlights and associated commentary in relation to Council's financial performance are outlined in Part 1 of the Executive Summary in Attachment 1 to this report. Council's Key Performance Indicators are outlined in Part 2 of the Executive Summary in Attachment 1 to this report.

Operating Revenue

Table A in the Monthly Financial Report (Attachment 1) shows operating revenue by major category of actuals to budget variances by line item.

Operating revenue is in close proximity to the adopted budgeted revenue. At this early stage of the financial year, few trends have emerged. General Rates for the first half of the 2020-21 financial year have been recognised as operational revenue during July. General Rates are due by the 16 September 2020.

Table A in the Monthly Financial Report (Attachment 1) reports operating expenditure by major category of actuals to budget variances by line item.

Operating Expenditure

Operating expenditure is reported as less than the adopted budget by approximately 8%. At this early stage of the financial year, few trends have emerged and all variance in absolute dollars are immaterial.

Employee wages and salaries have been accrued up to and including the fortnight ending Sunday 2 August 2020 and as such have been included in the operational result outlined in this report. Depreciation expenditure and finance costs are in close proximity to the adopted budget.

Table A in the Monthly Financial Report (Attachment 1) reports operating expenditure by major category of actuals to budget variances by line item.

Below is a snapshot of the expenditure on the rural and urban roads maintenance programs in comparison to the 2020-21 Adopted Budget.

	Actuals (\$000's)	YTD Adopted Budget (\$000's)	Full Year Adopted Budget (\$000's)	% Full Year Adopted Budget Spent (\$000's)
Rural Maintenance	\$344	\$278	\$4,085	8.4%
Urban Maintenance	\$118	\$199	\$2,309	5.1%

Note: Actual results exclude purchase order commitments and accrued materials & services expenditure.

Capital Revenue

Total capital grants and contributions are below the adopted budget. This is not a cause for concern at this very early stage of the financial year. The 2020-21 adopted capital revenue budget for developer contributions is \$1.6 million. Total developer's contributions received year to date are approximately \$520,000. The monthly budget phasing of developer's contributions is difficult to predict given a number of factors determine the timing of the receipt of the contributions. Developer contributions are a factor in determining the funding mix of Council's capital works programme requiring Council officers to monitor the total funding received throughout the financial year.

Capital Expenditure

Capital expenditure incurred is summarised in Table D.1 and D.2 in Attachment 1. The 2020-21 full year adopted budgeted capital expenditure is approximately \$41.5 million with actuals of \$826,000. There is approximately \$6.27 million of capital expenditure commitments at month end.

Table D.4 highlights the significant capital works projects with adopted budget expenditure budget greater than \$500,000 and includes the year to date actuals and project life-to-date costs in comparison to budget.

Statement of Financial Position

A detailed balance sheet as provided in Table B in Attachment 1.

Statement of Cash Flows

The statement of cash flows provided in Table C in Attachment 1 shows Council's cash flows year to date in comparison to the year to date budget. The cash position remains sound with cash totalling approximately \$48.4 million.

Investments and Borrowings

Information in relation to year to date interest revenue earnings and borrowings are outlined in Table E.3 of Attachment 1. The Department of Local Government, Racing and

Multicultural Affairs has approved a working capital facility of \$10 million on a permanent basis subject to an annual review by the Queensland Treasury Corporation in consultation with the department.

Outstanding Rates and Trade Debtors

Information in relation to outstanding rates and trade debtors are outlined in Table E.4 of Attachment 1. Table E.4 also outlines aged rates and trade debtor's balances.

Debt Management Statistics

The KPI target for outstanding rates is to reduce rates receivables to less than 5% of total rates outstanding prior to the next six monthly billing cycle. Whilst the collection process of overdue rates receivables is proceeding, total rates receivables eligible for collection are \$2.9 million (excluding the current levy), which is 7.8% of rates levied. (July 2019: 9.78% of rates levied).

Ratepayers always have the option to enter into formal payment arrangements, which prevents legal action being progressed by Council's debt collection agency. Council resolved to charge 7% per annum on overdue rates and utility charges in 2020-21, applied monthly, on all overdue balances, including those under a formal payment agreement.

- 31% of overdue balances are under management; this reflects 396 assessments out of all 17,606 rateable assessments (2.25%).
- There are 93 current proposals to pay totalling \$218,276 (June: \$270,073).
- There are 91 assessments (June: 95) under long-term arrangements (agreements to pay) with a total of \$512,410 (June: \$396,800) with varying settlement periods.
- Council's debt collection agency is currently managing 212 assessments (June: 234), representing \$900,437 (June: \$1,054,320). Compared to July 2019, there are 187 less assessments under a debt management arrangement; and there is a decrease in the total value under management by \$484,000. Following the Cobraball Bush Fire event in November 2019 and the more recent evolving circumstances of COVID-19, referrals and legal action are currently on hold and have been delicately monitored by Council officers.
- Approximately 900 reminders have been issued during the month of July for rates and water consumption accounts that have fallen into arrears. As at the end of July, over 390 of these accounts remain with arrears greater than \$1,000. The next rates and utilities notices accompanied by the water consumption notices will be issued on the 12 August and are due for payment on the 16 September 2020. Customers in arrears are being urged to contact Council to discuss payment options available to them.
- Twelve (12) notices of intention to sell were issued in March 2020 to properties identified as eligible for 'sale of land' due to substantial arrears (> 3 years). There are two (2) properties remaining with a total of \$31,954 outstanding, representing 1.1% of total rates and utility charges in arrears.
- Under the provisions of Chapter 4, Part 12, Division 3 of the *Local Government Regulation 2012*, Auction Notices may be issued as early as 19 July 2020 and prior to the end of August 2020.

Procurement

Local Content

Council strongly supports locally owned and operated businesses, including those with an office or branch in our region. Table E.4 of Attachment 1 outlines the total year spend (inclusive of both operational and capital expenditure) with businesses located both within and outside of Council's boundaries. A second graph is included outlining the historical spend since 1 January 2014.

Current Tenders

The summary of current tenders facilitates oversight of the progress by Councillors. Council applies best practice with tender evaluation undertaken at officer level by way of membership on an evaluation panel and with Councillors not being involved in the tender evaluation process.

Status Legend:

Open – tender has been publicly advertised and suppliers are preparing and submitting tender responses. Officers and Councillors are to apply probity by directing all enquiries to the procurement team while the tender is open.

Evaluation – the tender is under evaluation by the tender evaluation panel. Officers outside of the evaluation panel and Councillors are restricted from this process.

Contract Award – the evaluation process is completed and approval process to award contract is underway.

Non-Award – a decision is made not to award the contract, as the submission/s received has been deemed not suitable.

Contract – contract issued by letter of award.

Summary of current tenders:

Evaluation	
1058 - A	Stanage Bay Road - Culverts
Open	
1070T	Register of Pre-Qualified Suppliers - Supply and Delivery of Chemicals
1055T	Emu Park Pool - Trustee Lease (Management Agreement)
1064T	Barmaryee Sports Complex - Construct Amenities Building
1048T	Mill Gallery
Contract Award	
1040T	Appleton Creek Bridge
Non -Award	
1049T	Preferred Supply Arrangement - Supply and Delivery of Chemicals

PREVIOUS DECISIONS

The 2020-21 Budget was adopted on 28 July 2020.

ACCESS AND INCLUSION

This report once adopted by Council will be made publicly available on Council's website.

ENGAGEMENT AND CONSULTATION

Whilst this report is drafted internally by the author in consultation with other Council officers as required, community consultation becomes a mandatory legislative requirement for the development of the 2021-22 annual budget.

HUMAN RIGHTS IMPLICATIONS

Section 4(b) of the *Human Rights Act 2019* requires public entities such as Council 'to act and make decisions in a way compatible with human rights'.

There are no foreseen human rights implications associated with the adoption of this monthly report.

BUDGET IMPLICATIONS

The Monthly Financial Report shows Council's financial position in relation to the 2020-21 Adopted Budget.

LEGISLATIVE CONTEXT

In accordance with Section 204 of the *Local Government Regulation 2012*, a Financial Report is to be presented to Council on at least a monthly basis.

LEGAL IMPLICATIONS

There are no anticipated legal implications because of this report.

STAFFING IMPLICATIONS

There are no staffing implications because of this report.

RISK ASSESSMENT

Regular robust reporting of Council's financial results assists in creating a framework of financial responsibility within the Council and providing sound long-term financial management of Council's operations.

CORPORATE PLAN REFERENCE***Leading Livingstone***

Community Plan Goal 4.3 - Engagement with the community as advisors and partners

4.3.2 Commit to open and accountable governance to ensure community confidence and trust in Council and its democratic values.

Regular monthly reporting of Council's finance performance and financial position promotes open and accountable financial outcomes whilst providing Council and the community with relevant and reliable information on which to base financial decision-making.

CONCLUSION

The financial report provides information about Council's financial performance and position for the period ending 31 July 2020. The attached financial results present a provisional indication of Council's year to date financial performance for the 2020-21 financial year. Council should note that various year-end accounting entries remain to be completed which will affect these financial results.

12.4 - MONTHLY FINANCIAL REPORT FOR THE PERIOD ENDING 31 JULY 2020

Monthly Finance Report - July 2020

Meeting Date: 18 August 2020

Attachment No: 1



**Monthly Financial Report
for period ending
31/07/2020**

Contents

Financial Health Indicators

- Executive Summary
- Key Performance Indicators
- Key Strategic Financial Indicators

Attachments: Detailed financial statements

1. Executive Summary

This monthly financial report illustrates the financial performance and position of Livingstone Shire Council compared to the 2020-21 Adopted Budget at an organisational level for the period ended 31 July 2020.

Key Financial Highlights and Overview

Key Financial Results (\$000's)	2020-21 Adopted Budget (\$000's)	2020-21 YTD Adopted Budget (\$000's)	YTD Actuals (\$000's)	YTD Variance (\$000's)	YTD Variance %	Status
Operating Surplus/(Deficit)	341	30,507	30,862	355	1%	✓
Operating Revenue	95,497	39,016	38,713	(304)	-1%	✗
Operating Expenditure	(95,156)	(8,509)	(7,850)	659	-8%	✓
Capital Works Expenditure	41,491	3,458	826	(2,632)	-76%	✓
Closing Cash & Cash Equivalents	38,412	28,585	48,435	19,850	69%	✓
Total Borrowings	70,271	75,840	75,831	(9)	0%	✓

Status Legend:

Above budgeted revenue or under budgeted expenditure	✓
Below budgeted revenue or over budgeted expenditure <10%	✗
Below budgeted revenue or over budgeted expenditure >10%	✖

Commentary

Operating revenue is in close proximity to the adopted budgeted revenue. At this early stage of the financial year, few trends have emerged. General Rates for the first half of the 2020-21 financial year have been recognised as operational revenue during July. General Rates are due by the 16 September 2020.

Operating expenditure is reported as less than the adopted budget by approximately 8%. At this early stage of the financial year, few trends have emerged and all variance in absolute dollars are immaterial. Employee wages and salaries have been accrued up to and including the fortnight ending Sunday 2 August 2020 and as such have been included in the operational result outlined in this report. Depreciation expenditure and finance costs are in close proximity to the adopted budget.

The 2020-21 full year adopted budgeted capital expenditure is approximately \$41.5 million with actuals of approximately \$932,000. There is approximately \$6.97 million of capital expenditure commitments at month end.

2. Key Performance Indicators

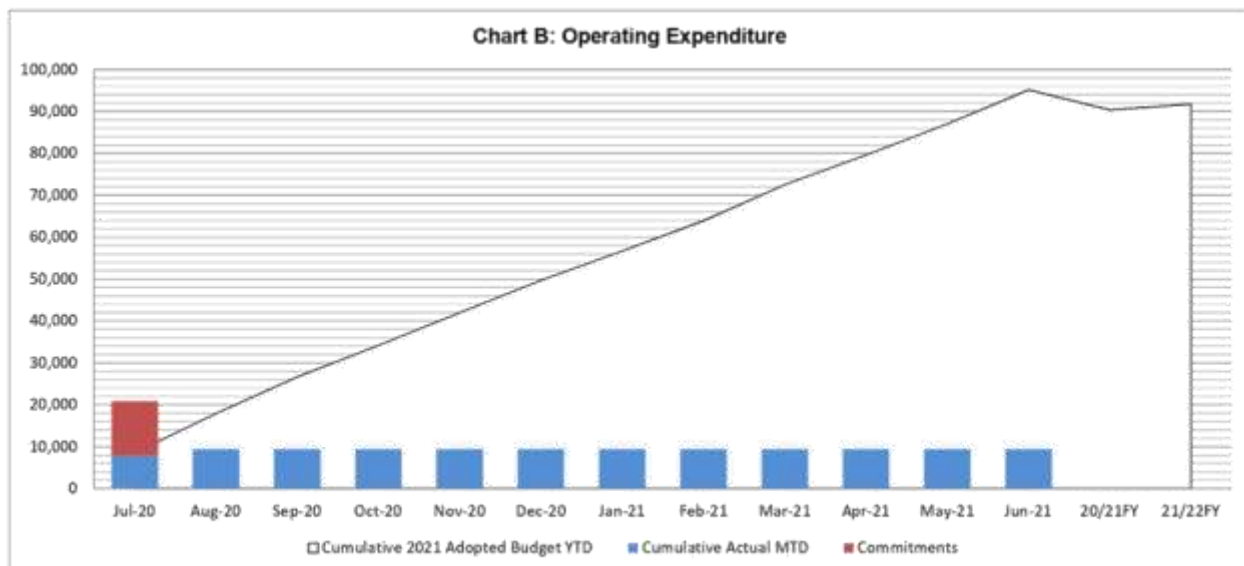
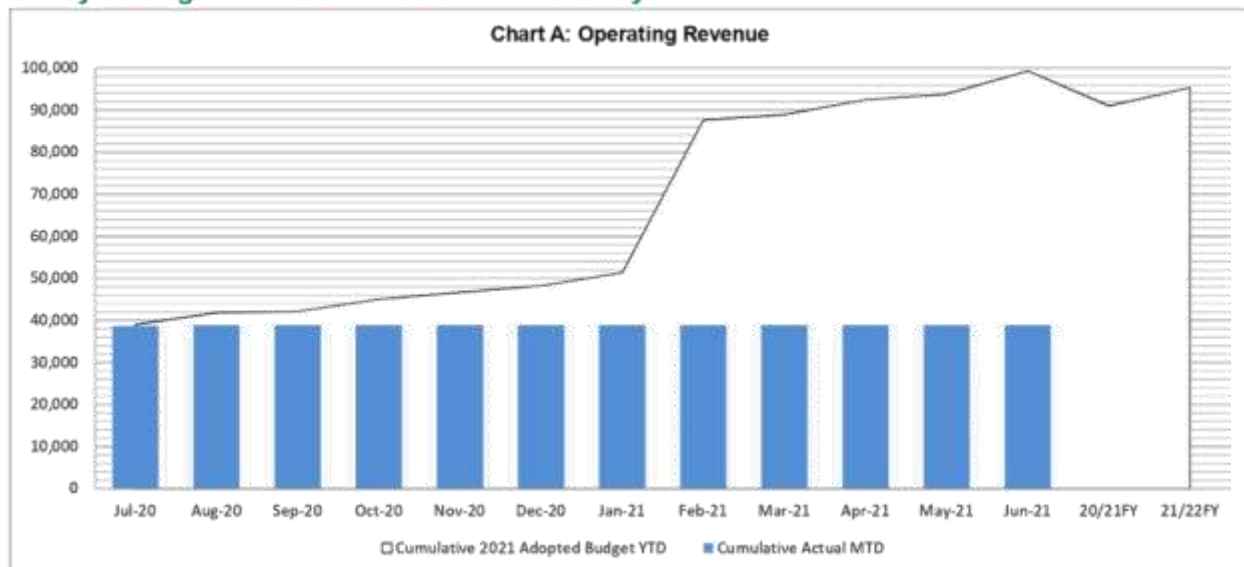
Key Financial Highlights and Overview

Financial Sustainability Ratios & Measures of Financial Sustainability	2020-21 Adopted Budget (\$000's)	2020-21 YTD Actuals (\$000's)	Status	Target
Operating Performance				
Operating Surplus Ratio (%)	0.4%	80%	✓	Between 0 - 10% (on average over the long term)
Operating Efficiency Ratio (%)	100%	493%	✓	Between 100% - 110%
Fiscal Flexibility				
Net Financial Liabilities Ratio (%)	41%	16%	✓	Less than 60% (on average over the long term)
Council Controlled Revenue Ratio (%)	87%	99%	✓	Greater than 60%
Interest Cover Ratio (Times)	4%	1%	✓	Between 0 - 10%
Asset Sustainability				
Asset Sustainability Ratio (%)	70%	17%	✖	Greater than 90% (on average over the long term)
Longer Term Financial Sustainability - Debt to Asset Ratio (%)	7%	7%	✓	Less than or equal to 10%
Liquidity				
Ability to pay our Bills - Current Ratio (Times)	3.3	5.7	✓	Greater than 2 times
Cash Balance (\$M's)	\$38.4	\$48.4	✓	Greater than or equal to \$20M
Cash Balance - Cash Capacity in Months	0.6	8.5	✓	Greater than 3 months cash capacity

Status Legend:

KPI target (budget) achieved or exceeded	✓
KPI target (budget) not achieved	✖

3. Key strategic financial indicators: trend analysis



4. Attachments

A: Monthly Summary revenue and expenditure report (by line item)

	2020-21 Adopted Budget	Year-to-date			Full year 2020-21 Adopted Budget
		Actual	Variance	Variance	
	(\$'000)	(\$'000)	(\$'000)	%	(\$'000)
Revenues					
Rates & Utility Charges	37,819	37,844	25	0%	77,846
User Fees & Charges	409	512	103	25%	4,453
Operating Grants	269	214	(56)	-21%	7,088
Interest	72	47	(24)	-34%	862
Sales Revenue	377	88	(289)	-77%	4,343
Other	70	8	(62)	-89%	905
Total operating revenues	39,016	38,713	(304)	-1%	95,497
Expenses					
Employee Benefits	(3,047)	(2,877)	171	-6%	(33,302)
Materials & Services	(3,171)	(2,795)	376	-12%	(34,668)
Depreciation	(1,853)	(1,854)	(1)	0%	(22,245)
Finance Costs	(311)	(312)	(1)	0%	(3,716)
Other	(127)	(12)	114	-90%	(1,225)
Less: Total operating expenses	(8,509)	(7,850)	659	-8%	(95,156)
Net operating result	30,507	30,862	355	1%	341
Capital Income					
Capital Grants	1,859	1,391	(468)	-25%	22,305
Developer Contributions	133	520	387	290%	1,600
Other Capital Income	-	55	55	0%	-
Less: restoration provision capital expense	(12)	-	12	-100%	(149)
Net Capital Income	1,980	1,966	(13)	-1%	23,756
Total comprehensive income	32,487	32,829	342	1%	24,097

B: Monthly summary of assets and liabilities report

	2020-21 Adopted Budget	Year-to-date			Full year 2020-21 Adopted Budget
		Actual	Variance	Variance	
	(\$'000)	(\$'000)	(\$'000)	%	(\$'000)
Assets					
Cash and cash equivalents	28,585	48,435	19,850	69%	38,412
Inventory	1,105	419	(686)	-62%	1,106
Receivables:					
Trade & Other Receivables	42,730	39,998	(2,732)	-6%	9,070
Land - for resale	6,507	6,841	334	5%	6,507
Infrastructure:					
PPE	974,328	1,001,709	27,381	3%	1,012,021
Capital WIP	-	11,817	11,817	0%	-
Other assets	-	-	-	0%	1,031
Total Assets	1,053,254	1,109,218	55,964	5%	1,068,147
Liabilities					
Employee benefits	3,500	9,354	5,854	167%	6,527
Trade creditors and accruals	2,800	1,501	(1,299)	-46%	2,957
Borrowings:					
Short-term	5,730	5,720	(10)	0%	5,533
Long-term	70,110	70,110	0	0%	64,738
Other liabilities	11,740	11,501	(239)	-2%	11,484
Total Liabilities	93,880	98,187	4,307	5%	91,239
Current assets	72,420	91,881	19,461	27%	49,619
Current liabilities	12,030	16,009	3,979	33%	15,017
Non-current assets	980,835	1,017,337	36,503	4%	1,018,528
Non-current liabilities	81,850	82,178	328	0%	76,222
Net community assets	959,374	1,011,030	51,656	5%	976,908

C: Monthly summary cash flow report

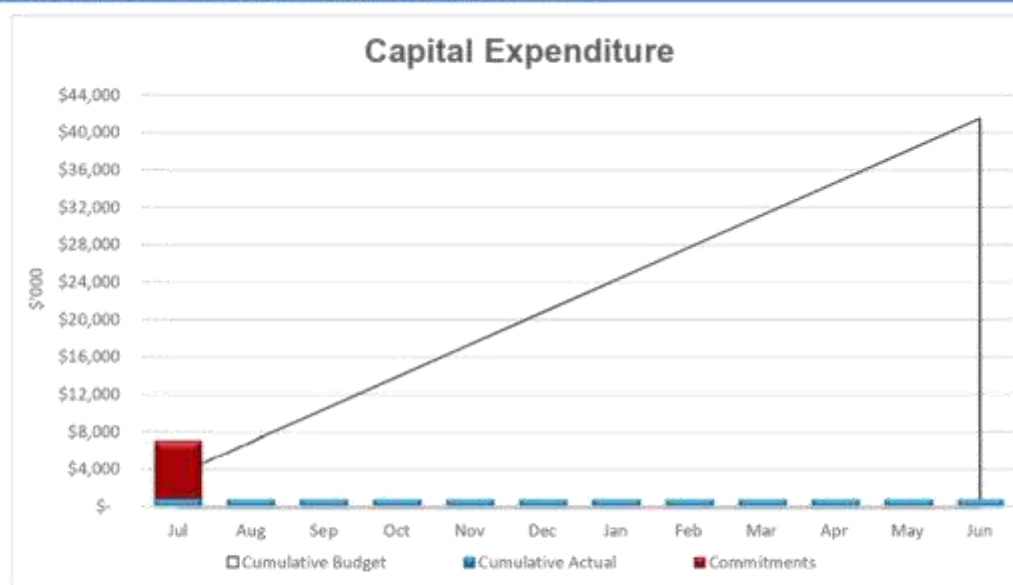
	2020-21 Adopted Budget	Year-to-date			Full year 2020-21 Adopted Budget
	(\$'000)	Actual (\$'000)	Variance (\$'000)	Variance %	(\$'000)
Operating Cashflows					
<i>Cash inflows from operations</i>					
Rates & utility charges	2,714	4,113	1,399	52%	81,074
User fees and charges	588	748	159	27%	5,951
Operating grants	40	214	174	437%	7,054
Interest	106	47	(59)	-55%	862
Proceeds from sale of land inventory	-	-	-	0%	443
Total operating cash inflows	3,570	5,122	1,552	43%	95,383
<i>Cash outflows from operations</i>					
Employee entitlements	(3,487)	(3,977)	(490)	14%	(30,236)
Payments to suppliers	(8,868)	(9,488)	(620)	7%	(38,448)
Borrowing costs	-	-	-	0%	(3,585)
Other operating cash outflows	(25)	(73)	(48)	192%	(300)
Total operating cash outflows	(12,380)	(13,538)	(1,158)	9%	(72,568)
Net cash flows from operations	(8,810)	(8,416)	394	-4%	22,815
Investing cash flows					
Proceeds on disposal of assets	-	55	55	0%	0
Capital grants & infrastructure charges	1,956	1,912	(44)	-2%	23,905
Acquisition of assets	(3,004)	(1,268)	1,736	-58%	(41,491)
Net investing cash flows	(1,048)	698	1,746	-167%	(17,586)
Financing cash flows					
Repayments on borrowings	-	-	-	0%	(5,259)
Net financing cash flows	-	-	-	0%	(5,259)
Net combined cash flows	(9,857)	(7,717)	2,140	-22%	(29)
Add: Opening cash balance	38,442	56,152	17,710	46%	38,442
Closing cash balance	28,585	48,435	19,850	69%	38,413

D.1: Monthly summary capital revenue and expenditure report by category (all projects)

	2020-21 Adopted Budget	Year-to-date			Full year 2020-21 Adopted Budget
	(\$'000)	Actual (\$'000)	Variance (\$'000)	Variance %	(\$'000)
Renewal of existing assets					
Capital grants and contributions	(90)	(125)	(35)	39%	(1,076)
Renewal expenditure	699	323	(376)	-54%	8,384
New assets/upgrade of existing assets					
Capital grants and contributions	(1,769)	(1,266)	503	-28%	(21,230)
New/upgrade expenditure	2,759	503	(2,256)	-82%	33,107
Total					
Capital grants and contributions	(1,859)	(1,391)	468	-25%	(22,305)
Renewal, upgrade and acquisition	3,458	826	(2,632)	-76%	41,491

D.2: Monthly summary capital revenue and expenditure report by asset class (all projects)

		Year-to-date			Full year
	2020-21 Adopted Budget	Actual	Variance	Variance	2020-21 Adopted Budget
	(\$'000)	(\$'000)	(\$'000)	%	(\$'000)
Land					
Capital grants and contributions	-	-	-	0%	-
Renewal, new/upgrade	6	2	(4)	-66%	70
Buildings					
Capital grants and contributions	(195)	-	195	-100%	(2,345)
Renewal, new/upgrade	240	17	(223)	-93%	2,880
Plant & Equipment					
Capital grants and contributions	-	0	0	0%	0
Renewal, new/upgrade	145	68	(77)	-53%	1,742
Roads & Drainage					
Capital grants and contributions	(894)	(186)	708	-79%	(10,730)
Renewal, new/upgrade	1,658	458	(1,200)	-72%	19,892
Bridges					
Capital grants and contributions	(29)	-	29	-100%	(350)
Renewal, new/upgrade	62	-	(62)	-100%	748
Water					
Capital grants and contributions	(100)	(395)	(295)	295%	(1,200)
Renewal, upgrade and acquisition	260	145	(115)	-44%	3,119
Sewerage					
Capital grants and contributions	(384)	-	384	-100%	(4,610)
Renewal, upgrade and acquisition	624	137	(487)	-78%	7,491
Site Improvements					
Capital grants and contributions	(256)	(810)	(554)	217%	(3,070)
Renewal, upgrade and acquisition	398	0	(398)	-100%	4,781
Information Communication Technology					
Capital grants and contributions	-	-	-	0%	-
Renewal, upgrade and acquisition	64	-	(64)	-100%	768

D.3 Capital Expenditure for the Period Ending 31/07/2020

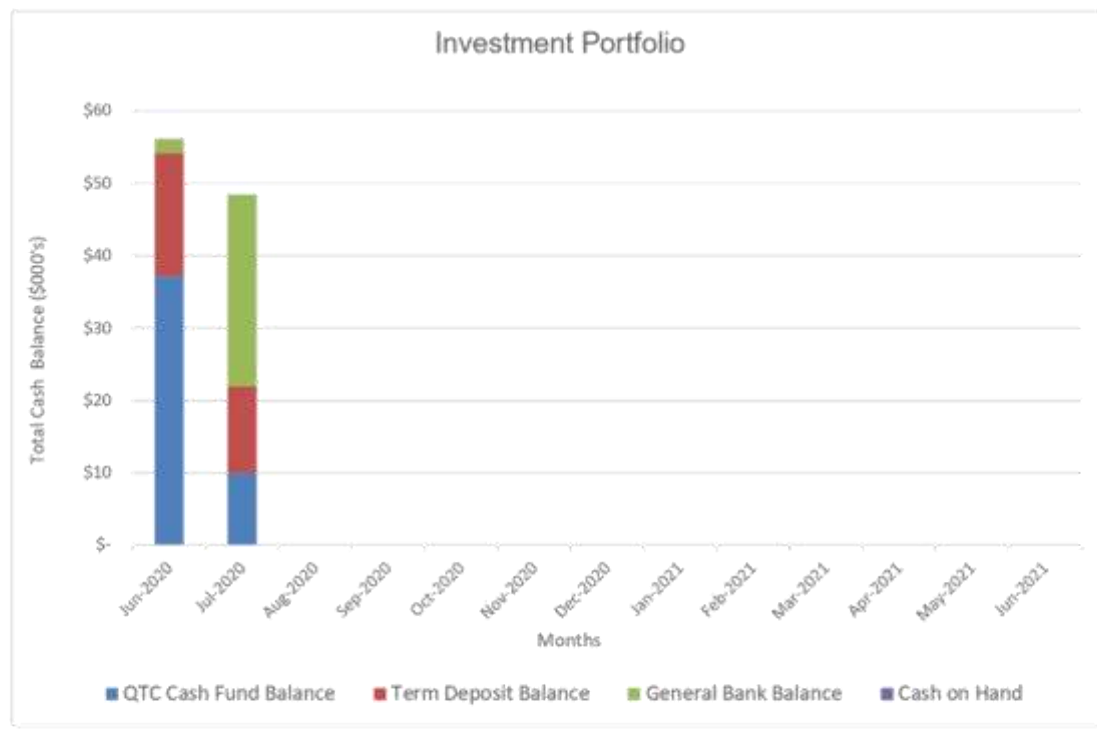
	2020-21 Adopted Budget (\$'000)	YTD Adopted Budget (\$'000)	YTD Actual (\$'000)	YTD Variance (\$'000)	YTD Variance %
Capitalised goods and services	38,497	3,208	485	(2,723)	-85%
Capitalised employee costs	2,994	250	341	92	37%
Total	41,491	3,458	826	2,632	

D.4: Summary capital expenditure report by project (>\$500,000)											
Project Number/Cost Centre	Project/Cost Centre Description	% Project Complete	Project Dates		WP B/F from Prior Year	Project Costs 2020-21				Project Life Costs	
			Planned Start Date	Planned Completion Date		Actual	Commitments	Total Project Costs	2020-2021 Adopted Budget	Project LTD Costs	Project Life Budget
1115362 ICT Strategy		0%	01/06/2020	30/07/2022	-	-	-	-	768	-	2,120
CP440 Fleet Renewal Program		0%	02/07/2019	30/06/2021	24	7	493	500	1,518	32	1,518
Subtotal					24	7	493	500	2,286	32	3,638
Road & Drainage											
CP415 Rural Projects Storage Bay Road		3%	01/07/2020	30/06/2021	145	27	54	81	5,100	172	5,100
CP418 Rural Rehabilitation Annual Program		0%	01/07/2020	30/06/2021	3	-	-	-	578	3	578
CP422 Gravel Resheet Annual Program		1%	02/07/2019	30/06/2021	-	16	2	17	1,380	16	1,380
CP428 Urban Reseal Program Annual Program		0%	01/07/2020	30/06/2021	-	-	-	-	566	-	566
1017252 Matthew Finders Drive - Scenic Highway to Gregory Street		90%	06/01/2020	16/07/2020	881	133	283	417	100	1,014	1,500
1103794 (U)-RC-RC-Greenlake Rd Artillery Rd-Lake Mary Road		54%	10/06/2021	20/09/2021	1,141	272	357	628	2,800	1,412	2,800
1116543 (U)-RC-RC-Greenlake Road Horizontal Upgrade Rockyview		1%	01/07/2020	30/06/2021	4	0	9	9	846	4	846
1121292 (H)-MP-Emu Park West Reservoir Access Road Design & Construction		0%	01/07/2020	30/06/2021	-	-	-	-	700	-	700
1106378 Barmarjee Rd-Oaks Village - Nails Road		90%	18/11/2019	23/07/2020	915	9	119	128	-	924	1,017
1098065 Frangipani Drive Extension & Taranganba School Bus Setdown		28%	17/07/2020	05/11/2020	327	9	308	317	1,186	336	1,186
1113798 Whiteman St - Morris to Arthur Streets		65%	16/03/2020	31/07/2020	301	42	183	225	75	343	800
1070253 (H)-UC-SW-Flag Tree Creek Drainage Little Park to Park St - Retaining walls		15%	28/10/2019	15/10/2020	224	2	4	6	735	226	735
1110801 (H)-UC-PW-Yeppoon Precinct Northern Shared Pathway Connections		2%	01/07/2020	30/06/2021	12	4	-	4	962	16	957
1114439 (U)-RC-NC-Adelaide Park Rd-Stage 2-St Brenden's Gate 2 to Panorama Drive		7%	01/07/2020	30/06/2021	72	1	1	2	1,000	73	1,000
Subtotal					4,023	514	1,320	1,834	15,818	4,537	18,965
Major Projects											
1113829 (H)-SP-Yeppoon Sewerage Treatment Plant Solar Array		5%	02/09/2019	30/06/2021	59	1	13	13	2,955	59	2,955
1110848 Yeppoon Water Recycling Augmentation		15%	13/09/2018	30/04/2021	263	26	305	331	2,516	289	2,516
1116434 (U)-SP-Emu Pk Sewerage Treatment Plant Process Upgrade		9%	01/10/2019	30/06/2021	21	0	4	4	775	21	800
Subtotal					342	27	321	349	6,246	370	6,271
Community Programmes											
1113300 (H)-MP-Mill Gallery Additional Building Refurbishment Project		25%	01/06/2019	26/02/2021	201	3	23	26	1,004	204	1,004
1115552 (H)-PM-Art Gallery Emu Park W4Q R3 (2019-21)		20%	18/05/2020	31/03/2021	109	5	27	31	990	114	990
088173 (H) Cap Coast Cemetery internal works		75%	15/09/2017	31/03/2021	664	2	124	127	680	696	1,531
Subtotal					1,005	10	174	185	2,674	1,915	3,525
Water and Waste Operations											
1119394 Yeppoon Landfill entry works - Planning and Design		16%	01/05/2020	30/06/2021	31	0	-	0	1,980	32	1,980
1116575 Reservoir West Emu Park		9%	16/06/2019	31/08/2021	19	0	26	27	50	19	2,200
1065688 Arthur St Yeppoon Trunk Sewer		5%	04/06/2020	10/11/2020	149	90	90	180	400	239	919
1063723 (H) WAT-30-Inverness-BPS-Stage 1-16-138-Design and site procurement Booster Pump St		10%	01/07/2020	30/06/2021	10	8	-	8	515	18	595
Subtotal					209	98	117	215	2,945	307	5,694

E.1: Business Unit summary revenue and expenditure report (by line item)																
	Water				Sewer				Waste				Council			
	2020-21 Adopted Budget	YTD Actual	Variance	Variance %	2020-21 Adopted Budget	YTD Actual	Variance	Variance %	2020-21 Adopted Budget	YTD Actual	Variance	Variance %	2020-21 Adopted Budget	YTD Actual	Variance	Variance %
	(\$'000)	(\$'000)	(\$'000)	%	(\$'000)	(\$'000)	(\$'000)	%	(\$'000)	(\$'000)	(\$'000)	%	(\$'000)	(\$'000)	(\$'000)	%
Rates & utility charges	19,074	5,428	(13,646)	-72%	10,050	5,618	(4,433)	-44%	6,492	3,519	(2,973)	-46%	42,290	23,276	(18,993)	-45%
User fees & charges	258	11	(248)	-96%	150	57	(136)	-70%	1,383	131	(1,252)	-91%	2,621	313	(2,308)	-88%
Operating grants	0	0	0	0%	0	0	0	0%	0	0	0	0%	7,068	214	(6,875)	-97%
Interest	0	0	0	0%	0	0	0	0%	0	0	0	0%	862	47	(815)	-94%
Sales revenue	70	11	(59)	-84%	76	5	(71)	-94%	0	0	0	0%	4,197	72	(4,125)	-98%
Other	2	0	(2)	0%	0	(8)	(8)	0%	204	13	(197)	-94%	703	(5)	(708)	-101%
Total operating revenues	19,400	5,450	(13,952)	-72%	10,319	5,680	(4,640)	-45%	8,079	3,643	(4,436)	-55%	57,761	23,916	(33,783)	-59%
Expenses																
Employee benefits	(2,331)	(183)	2,148	-92%	(1,518)	(73)	1,446	-95%	(320)	(24)	296	-93%	(28,132)	(2,598)	26,554	-91%
Materials & services	(8,879)	(263)	8,616	-97%	(3,319)	(196)	3,124	-94%	(5,770)	(37)	5,733	-99%	(16,699)	(2,297)	14,402	-86%
Depreciation	(4,308)	(359)	3,949	-92%	(2,328)	(194)	2,134	-92%	(485)	(40)	445	-92%	(15,124)	(1,291)	13,864	-92%
Interest	(307)	(44)	463	-91%	(642)	(55)	587	-91%	(533)	(45)	488	-91%	(2,035)	(166)	1,868	-92%
Other	0	0	(0)	0%	0	0	0	0%	(10)	(5)	5	-15%	(1,215)	(4)	1,211	-100%
Less: Total operating expenses	(16,028)	(848)	15,177	-95%	(7,808)	(516)	7,290	-92%	(7,118)	(166)	6,962	-98%	(64,265)	(6,325)	57,940	-90%
Net operating result	3,372	4,601	1,229	26%	2,511	5,162	2,651	106%	961	2,507	2,550	266%	(6,504)	17,593	24,097	-370%

E.2: Business Unit summary of assets and liabilities report									
	Water	Sewerage	Waste	Council	Year-to-date				Full year
	2020-21 Adopted Budget	YTD Actual	Variance	Variance %	2020-21 Adopted Budget	Actual	Variance	Variance %	2020-21 Adopted Budget
	(\$'000)	(\$'000)	(\$'000)	(\$'000)	(\$'000)	(\$'000)	(\$'000)	%	(\$'000)
Assets									
Cash and cash equivalents	20,178	9,945	11,118	10,153	20,565	48,435	19,850	69%	38,412
Inventory	0	0	0	421	1,105	419	(686)	-62%	1,106
Trade & Other Receivables	7,383	3,502	3,868	23,544	42,730	35,998	(2,732)	0%	9,970
Land - for resale	0	0	0	6,841	6,507	6,841	334	5%	6,507
Infrastructure:									
PPE	208,295	131,807	10,137	651,469	974,328	1,001,709	27,381	3%	1,012,021
Capital WIP	1,258	1,569	33	8,367	0	11,817	11,817	0%	0
Other assets	(0)	(0)	(0)	(0)	0	0	0	0%	1,331
Total Assets	237,114	146,823	21,888	791,423	1,052,294	1,109,218	56,964	5%	1,868,147
Liabilities									
Employee benefits	633	635	156	7,931	3,500	9,354	5,854	167%	6,327
Trade creditors and accruals	642	41	55	763	2,800	1,501	(1,299)	-46%	2,957
Borrowings:									
Short-term	839	952	882	3,037	5,730	5,730	(10)	0%	5,533
Long-term	8,458	14,417	8,879	38,357	70,110	70,150	40	0%	64,738
Other liabilities	0	0	11,278	222	11,740	11,501	(239)	-2%	11,484
Total Liabilities	19,872	16,045	21,266	58,310	93,880	96,187	2,307	2%	91,239
Current assets	27,561	13,447	11,688	37,165	72,420	91,861	19,441	27%	49,619
Current liabilities	2,091	1,606	1,103	11,209	12,030	15,009	3,979	33%	15,017
Non-current assets	209,554	133,376	10,170	664,238	980,835	1,017,337	36,503	4%	1,018,528
Non-current liabilities	8,481	14,439	20,158	39,101	81,850	82,178	328	0%	79,222
Net community assets	226,542	132,778	597	851,113	958,374	1,013,030	54,656	5%	976,908

Table E.3 Investment and Borrowings

Investment Returns for the Period Ending
31/07/2020

Total cash held at 31 July 2020 was \$48.44m

Council's investments are held in the Capital Guaranteed Cash Fund and short term investment market. The Capital Guaranteed Cash Fund is operated by the Queensland Treasury Corporation (QTC). Council's current interest earning rate is 0.75% p.a (net of administration fees) with the QTC and Council's three (3) term deposits have interest rates ranging between 1.65% and 1.85% p.a. All three term deposits are due to mature during September 2020; where it is anticipated that the interest rate Council could obtain to re-invest surplus cash funds will be lower than the current interest rates being earned.

The movement in interest earned is indicative of both the interest rate and the surplus cash balances held, the latter of which is affected by Council's cash flow requirements on a monthly basis as well as the rating cycle.

Cash surplus to day-to-day requirements is deposited with the QTC on a regular basis to earn higher interest. The interest returns are monitored regularly by Council finance officers to maximise interest earnings as much as possible.

Term deposit rates are also monitored regularly to identify investment opportunities to ensure Council maximises its interest earnings balanced against the need to invest cash for a fixed term.

Council adopted its Investment Policy on 16 June 2020 for the 2020-21 financial year.

Total Debt and Borrowing Costs

Debt Position	\$'000
Total Debt held as at 1 July 2020	75,520
New borrowings drawn down in 2020-21	-
Capitalised interest & administrative charges	310
Total debt service payments	0
Total Debt held as at 31 July 2020	75,831

In line with Council's debt policy, a debt service payment of \$2,211,013 (being approximately \$1.23m repayment of principal and \$981k interest and administrative charges) is to be paid quarterly during 2020-21. Interest accrues monthly calculated on a daily basis until the next debt service payment. No new borrowings are budgeted to be drawn down during the 2020-21 financial year.

As at 31 July 2020 the weighted average interest rate of all Council debt is approximately 4.9%.

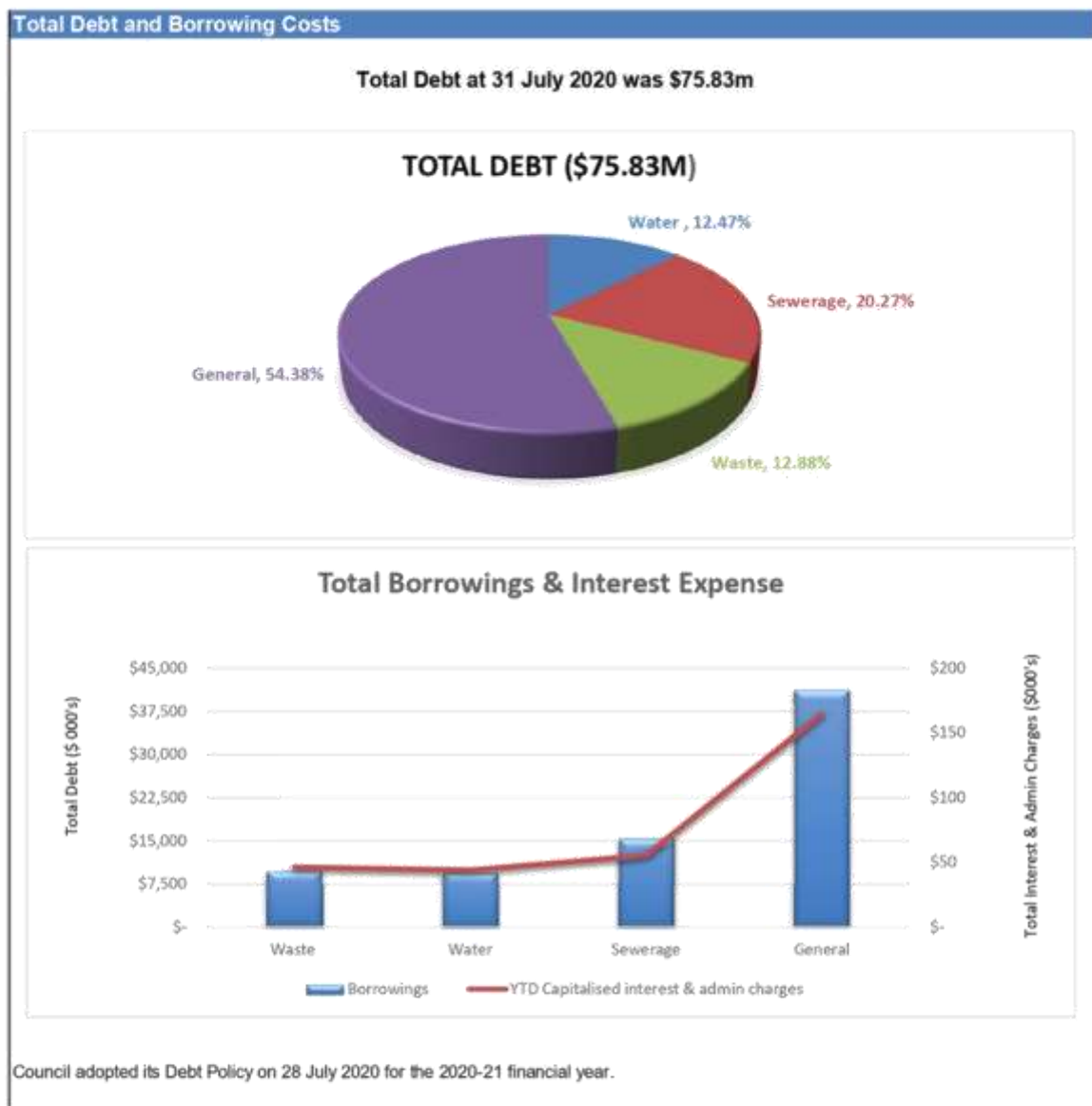
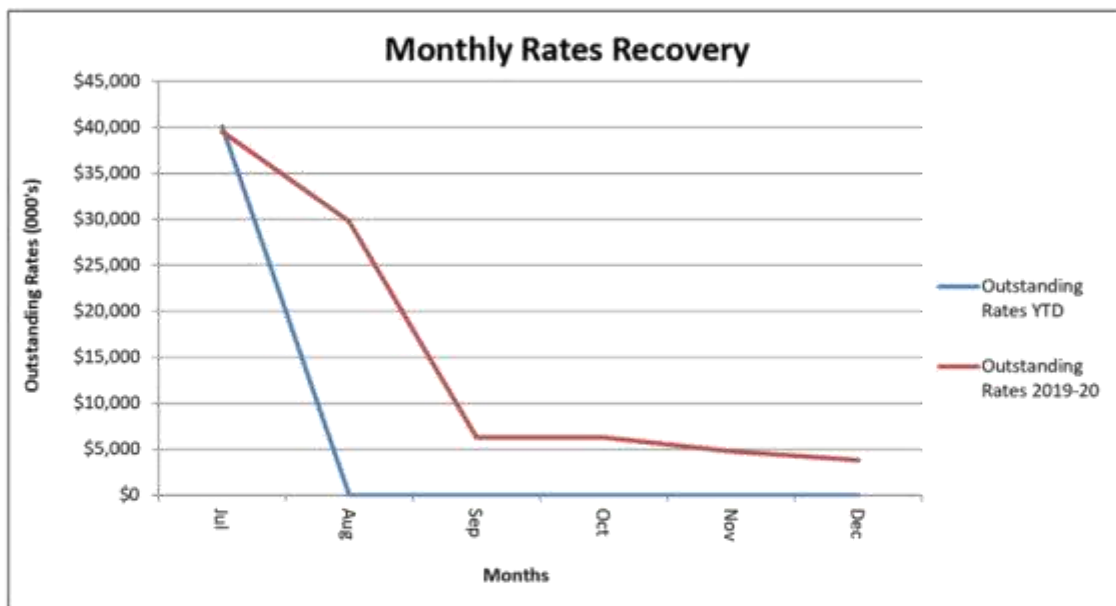
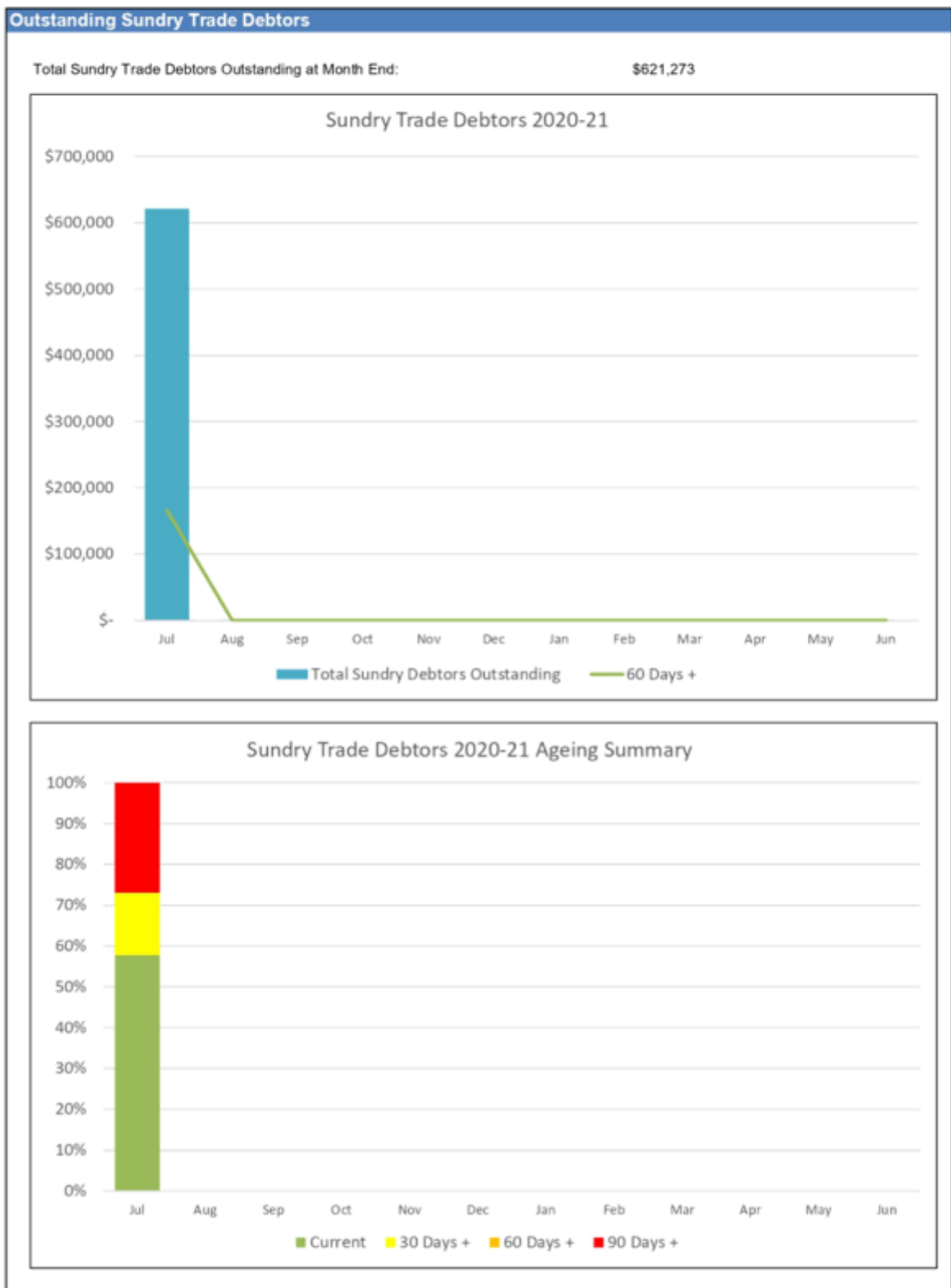


Table E.4: Additional Information
Outstanding Rates

Ageing of Rates Receivable at Month End		
Ageing Period	Arrears (before deducting prepaid rates)	% of total eligible for collection
Current	\$38,056,054	90.02%
1 years	\$2,702,739	6.75%
2 years	\$753,310	1.88%
3 years	\$236,168	0.59%
4 years	\$149,337	0.37%
5 years	\$154,934	0.39%
TOTAL	\$40,052,542	100.0%





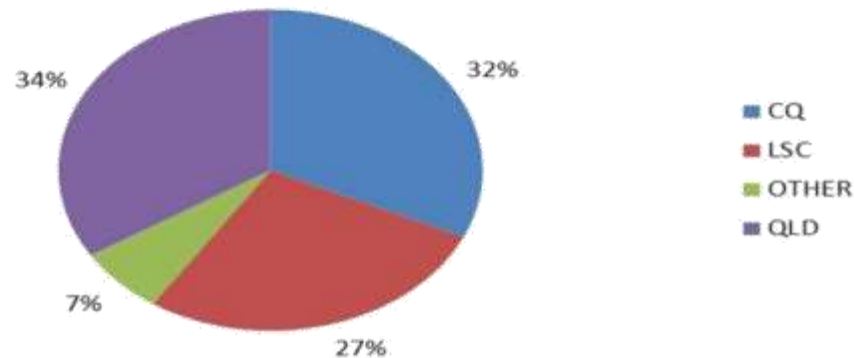
Procurement

Council strongly supports locally owned and operated businesses, including those with an office or branch in our region. Council is able to report on direct local spend for both operational and capital expenditure in addition to employee salaries & wages. Total expenditure with businesses located within the shire boundaries year to date is 27% or \$1.96 million and illustrated in the following pie chart.

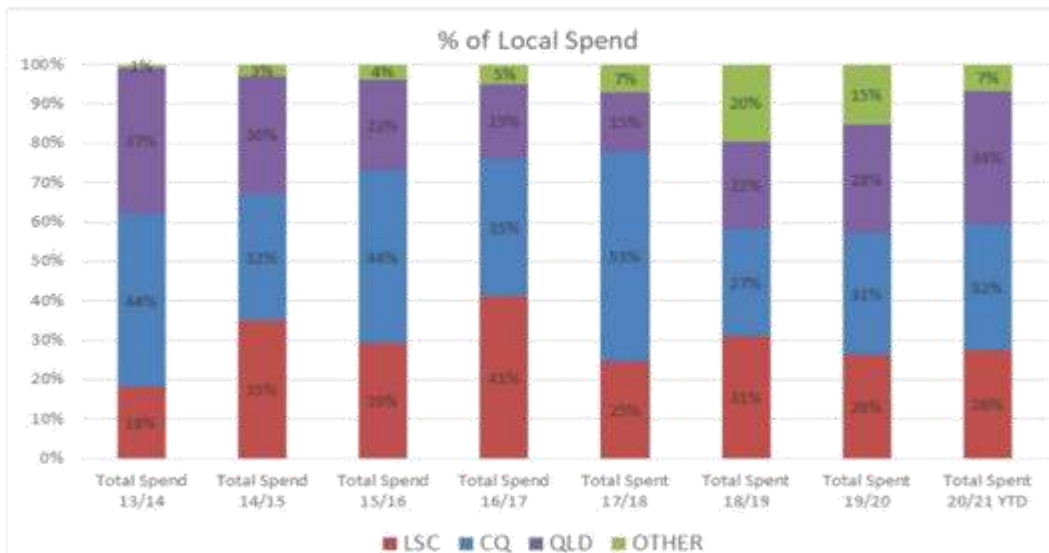
Chart legend:

LSC	Business located within the shire boundaries.
CQ	Business completely set up and run outside of LSC boundaries but within the Central Queensland region.
QLD	Business based outside of Central Queensland but within Queensland.
OTHER	Business based outside of Queensland.

Percent of Spend per Locality 2020-21 Year to Date



The bar graph below summarises the allocation by local spend categories per financial year since 2013-14. Council has procured, on average, 66% of materials & services from within the greater Central Queensland area, which includes Livingstone Shire Council.



5. Glossary

Key Terms		
Operating surplus / deficit	Operating Revenues less Operating Expenses	
Definition of Ratios		
Operating Performance		
Operating surplus ratio (%)	This is an indicator of the extent to which revenues raised covers operational expenses only or are available for capital funding purposes.	$\frac{\text{Operating result}}{\text{Total operating revenue}}$
Operating efficiency ratio (%)	This is an indicator of the extent to which operating revenue covers operational expenses.	$\frac{\text{Total operating revenue}}{\text{Total operating expenses}}$
Fiscal Flexibility		
Net financial liabilities ratio (%)	This is an indicator of the extent to which the net financial liabilities of Council can be serviced by operating revenues.	$\frac{\text{Total Liabilities} - \text{Current assets}}{\text{Total operating revenue}}$
Council controlled revenue ratio (%)	This is an indicator of the extent to which total Council controlled operational revenues are as a proportion of total operating expenses. Council controlled revenue sources are specifically Rates & Utility Charges, Fees & Charges and Other Miscellaneous Operating Revenues.	$\frac{\text{Total operating revenue} - \text{Operating subsidies, grants, contributions and donations}}{\text{Total operating expenses}}$
Interest cover ratio (times)	Interest coverage ratio indicates the extent to which Council's operating revenues are committed to interest expenses.	$\frac{\text{Operating result} + \text{Depreciation \& amortisation} + \text{Gross interest expense}}{\text{Gross interest expense}}$
Asset Sustainability		
Asset Sustainability Ratio (%)	This ratio indicates whether Council is renewing or replacing existing non-financial assets at the same rate that its overall stock of assets is wearing out.	$\frac{\text{Capital expenditure on renewals}}{\text{Depreciation}}$
Longer Term Financial Sustainability Debt to Asset Ratio (%)	This is total debt as a percentage of total assets, i.e. to what extent will our long term debt be covered by total assets.	$\frac{\text{Current and non-current loans}}{\text{Total assets}}$
Liquidity		
Ability to pay our Bills Current ratio (times)	This measures the extent to which Council has liquid assets available to meet short term financial obligations.	$\frac{\text{Total current assets}}{\text{Total current liabilities}}$
Cash Balance \$M	Cash balance includes cash on hand, cash at bank and other short term investments.	Cash held at period end
Cash balances Cash capacity in months	This provides an indication as to the number of months cash held at period end would cover operating cash flows.	$\frac{\text{Cash and cash equivalents}}{\text{Total operating expenses} - \text{Depreciation \& amortisation} - \text{Gross interest expense}} \times 12 \text{ months}$

12.5 HUMAN RIGHTS POLICY

File No: GR14.4.6
Attachments: 1. Human Rights Policy [↓](#)
Responsible Officer: Andrea Ellis - Chief Financial Officer
Author: Poala Santini - Acting Coordinator Governance

SUMMARY

This report is to present the Human Rights Policy for consideration by Councillors for adoption.

OFFICER'S RECOMMENDATION

THAT Council adopts the attached Human Rights Policy.

BACKGROUND

The *Human Rights Act 2019* (the Act), commenced in its entirety on 1 January 2020. The Act requires public entities to make decisions and act compatibly with human rights. The main objects of the Act are to:

- protect and promote human rights;
- help build a culture in the Queensland public sector that respects and promotes human rights; and
- help promote a dialogue about the nature, meaning and scope of human rights.

As a public entity, Council needs to give proper consideration to human rights and ensure that actions, policies and services are compatible with human rights.

There are twenty-three (23) fundamental human rights protected under the Act.

COMMENTARY

Section 58 of the Act states that it is unlawful for a public entity:

- *to act or make a decision in a way that is not compatible with human rights; or*
- *in making a decision, to fail to give proper consideration to a human right relevant to the decision.*

Council is committed to building and promoting a human rights culture within the organisation and has created a Human Rights Implement Plan with strategies for Council to implement.

As part of the Human Rights Implementation Plan a Human Rights Policy has been prepared to assist all areas of Council to act or make a decision in a way that is compatible with human rights and to give proper consideration to human rights.

This Policy also outlines the complaint management process and mechanisms for external review; should an individual believe that Council has breached their human rights obligations.

PREVIOUS DECISIONS

There are no previous decisions in relation to this policy.

ACCESS AND INCLUSION

This Policy supports that all people and businesses are treated fairly and with respect, equity and dignity at all times.

ENGAGEMENT AND CONSULTATION

Consultation has taken place with the Executive Leadership Team and a number of internal stakeholders in relation to the Human Rights Implementation Plan.

HUMAN RIGHTS IMPLICATIONS

Section 4(b) of the *Human Rights Act 2019* requires public entities such as Council 'to act and make decisions in a way compatible with human rights'.

There are no human rights implications associated with this report.

BUDGET IMPLICATIONS

There are no budget implications associated with the implementation of this policy.

LEGISLATIVE CONTEXT

This report and the attached policy is consistent with main objectives of the *Human Rights Act 2019*.

LEGAL IMPLICATIONS

Should Council not act and make decisions in a way compatible with human rights and contravenes section 58(1) of the *Human Rights Act 2019*, an individual may make a human rights complaint.

STAFFING IMPLICATIONS

There are no staffing implications.

RISK ASSESSMENT

By not implementing a Human Rights Policy, Council may be seen as to not be giving proper consideration to human rights or promoting and building a culture in Council that protects, respects and promotes human rights.

CORPORATE PLAN REFERENCE***Leading Livingstone***

Community Plan Goal 4.3 - Engagement with the community as advisors and partners

4.3.2 Commit to open and accountable governance to ensure community confidence and trust in Council and its democratic values.

CONCLUSION

This report is to present the Human Rights Policy for consideration by Councillors for adoption.

12.5 - HUMAN RIGHTS POLICY

Human Rights Policy

Meeting Date: 18 August 2020

Attachment No: 1



HUMAN RIGHTS POLICY (COMMUNITY POLICY)

1. Scope

The Human Rights Policy (this 'Policy') applies to all Councillors, employees, volunteers and contractors of Livingstone Shire Council.

2. Purpose

This Policy is to assist all areas of Council to meet our human rights obligations. As a public entity, Council must:

- a) act or make a decision in a way that is compatible with human rights; and
- b) give proper consideration to human rights.

3. References (legislation/related documents)

Legislative references

Human Rights Act 2019

Local Government Act 2009

Local Government Regulations 2012

Related documents

Councillor Code of Conduct

Employee Code of conduct

Queensland's Human Rights Act 2019: A guide for public entities (Queensland Human Rights Commission)

4. Definitions

To assist in interpretation, the following definitions shall apply:

Council	Livingstone Shire Council.
Human Rights	The rights stated in part 2, divisions 2 and 3 of the <i>Human Rights Act 2019</i> .
The Act	<i>Human Rights Act 2019</i> .

5. Policy Statement

Council is committed to building a culture within the organisation that respects and promotes human rights.

Human rights will be taken into consideration when delivering services, applying policies and creating new laws. The Act requires Council to act and make decisions in a way that is compatible with human rights. When making a decision Council must give proper consideration to a human right relevant to that decision.

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5.1 Objectives of the Act

The main objectives of the Act are:

- a) to protect and promote human rights; and
- b) to help build a culture in the Queensland public sector that respects and promotes human rights; and
- c) to help promote a dialogue about the nature, meaning and scope of human rights.

5.2 Protected human rights

All individuals in Queensland have human rights. The Act protects twenty-three (23) fundamental human rights as outlined below:

- 1) Right to recognition and equality before the law (section 15 of the Act);
- 2) Right to life (section 16 of the Act);
- 3) Right to protection from torture and cruel inhuman or degrading treatment (section 17 of the Act);
- 4) Right to freedom from forced work (section 18 of the Act);
- 5) Right of freedom of movement (section 19 of the Act);
- 6) Right to freedom of thought, conscience, religion and belief (section 20 of the Act);
- 7) Right to freedom of expression (section 21 of the Act);
- 8) Right to peaceful assembly and freedom of association (section 22 of the Act);
- 9) Right to take part in public life (section 23 of the Act);
- 10) Property rights (section 24 of the Act);
- 11) Right to privacy and reputation (section 25 of the Act);
- 12) Right to protection and families and children (section 26 of the Act);
- 13) Cultural rights – generally (section 27 of the Act);
- 14) Cultural rights – Aboriginal peoples and Torres Strait Islanders peoples (section 28 of the Act);
- 15) Right to liberty and security of persons (section 29 of the Act);
- 16) Right to humane treatment when deprived of liberty (section 30 of the Act);
- 17) Right to fair hearing (section 31 of the Act);
- 18) Rights in criminal proceedings (section 32 of the Act);
- 19) Rights of children in the criminal process (section 33 of the Act);
- 20) Right not to be punished more than once (section 34 of the Act);
- 21) Protection from retrospective criminal laws (section 35 of the Act);
- 22) Right to education (section 36 of the Act); and
- 23) Right to health Services (section 37 of the Act).

5.3 Act compatibly with human rights

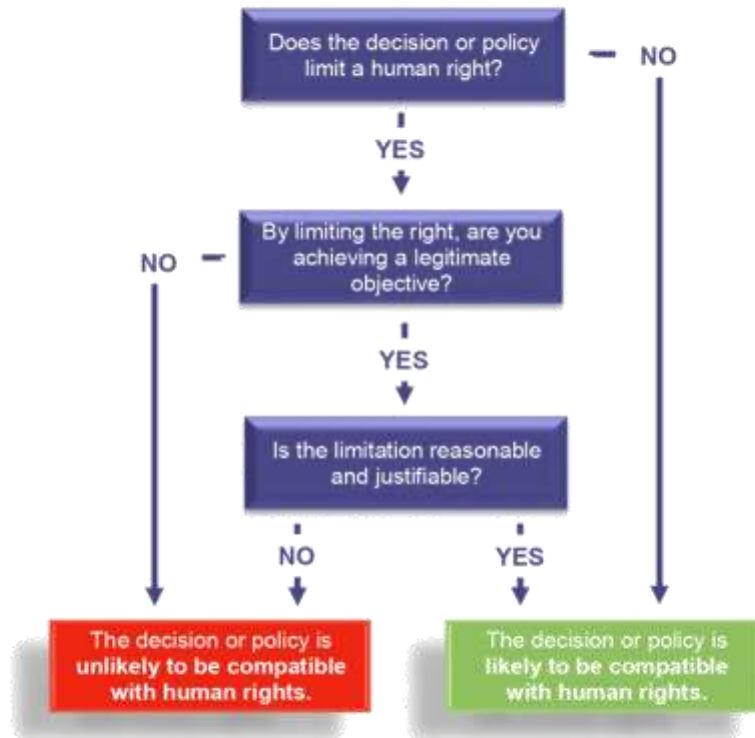
One of the key requirements of the Act is that actions, decision or statutory provision must be compatible with human rights.

An action, decision or provision will be compatible with human rights if:

- a) it does not limit a human right; or
- b) it limits a human right only to the extent that is reasonable and demonstrably justifiable in accordance with the Act.

Section 13 of the Act provides guidance for deciding whether a limit on a human right is reasonable and justifiable.

Council has adopted the following approach tabled below to assess the compatibility of decisions or policies.



5.4 Human Rights Complaints

If an individual believes that Council has breached their human rights obligations, they have the right to complain and seek remedies.

There are several ways that an individual can make a complaint under the Act, which includes:

- Internal complaints;
- Independent complaints; and
- Raising the Act in courts and tribunals.

5.4.1 Internal complaints

An individual must first raise a complaint directly with Council. Once forty-five (45) business days has elapsed the matter may be referred to the Queensland Human Rights Commission if the complaint has not been responded to, or if the individual is not satisfied with the response.

An individual may make a human rights complaint to Council as follows:

- a) Verbally – either by a telephone call to Council's call centre or by visiting Council's customer service centre.

Council's call centre number is:

- 1300 790 919

Council's customer service centre address is:

- 25 Normanby Street, Yeppoon (Town Hall)
- 7 – 9 Hill Street, Emu Park (Library)

- b) In writing – either mailed to the Chief Executive Officer, or via Council's enquiries email address or via Council's internet site.

The mailing address is:

The Chief Executive Officer
Livingstone Shire Council
PO Box 2292
YEPPOON QLD 4703

Council's enquiries email address is:

enquiries@livingstone.qld.gov.au

Council's internet site is:

www.livingstone.qld.gov.au

Council's Human Rights complaint management process is outline in Appendix 1: Complaints handling flowchart.

5.4.2 Independent complaints

An individual may also raise a complaint about human rights with the Queensland Human Rights Commission or another independent body. In order to accept complaints under the Act, the Queensland Human Rights Commission must be satisfied that:

- A complaint has first been made to the public entity alleged to have breached the Act.
- At least 45 business days have elapsed since the complaint was made to the public entity.
- The complainant has not received a response to their complaint, or has received an inadequate response.

Further details on the Queensland Human Rights Commission complaint process can be found on their website.

5.4.3 Raising the Act in courts and tribunals

In some cases, the complaint can be taken to a court or tribunal. While individuals cannot make complaints directly to courts and tribunals for breaches of the Act, it is possible to raise breaches of the Human Rights Act in the process of a hearing based on another law.

5.5 Remedies

Where there is a breach of the Act, a person cannot claim financial compensation. However, where the complaint is not resolved, the Queensland Human Rights Commission can make recommendations regarding actions required of the respondent to uphold human rights.

6. Changes to this Policy

This Policy will be reviewed when any of the following occur:

- 1) The related information is amended or replaced; or
- 2) Other circumstances as determined from time to time by the Council.

7. Repeals/Amendments

Version	Date	Action
1	Draft	

BRETT BACON
ACTING CHIEF EXECUTIVE OFFICER

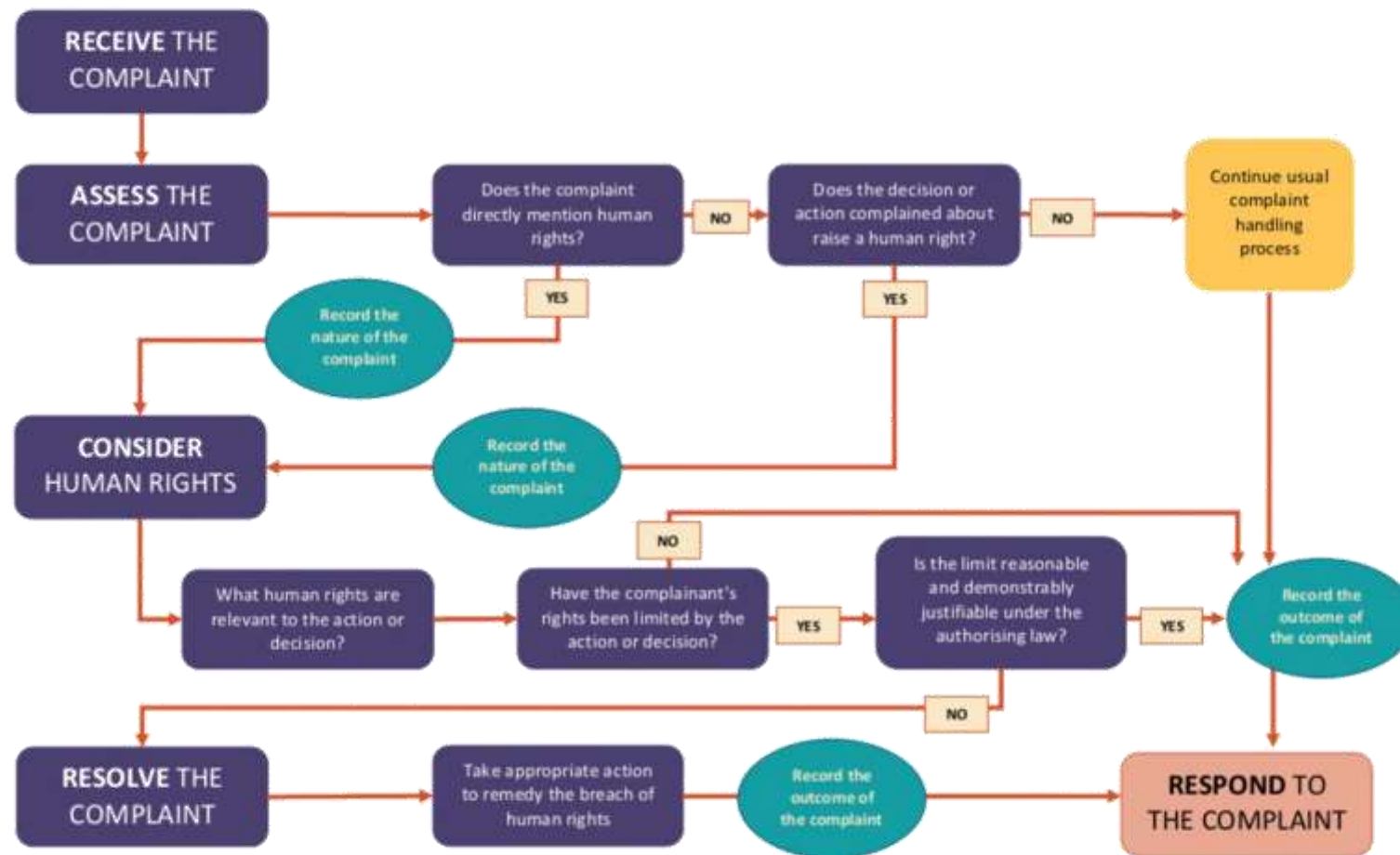
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Appendix 1: Complaints handling flowchart



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12.6 FINANCIAL HARDSHIP POLICY (COMMUNITY POLICY)

File No: FM12.1.1
Attachments: 1. Financial Hardship Policy [↓](#)
Responsible Officer: Andrea Ellis - Chief Financial Officer
Author: Priscilla Graham - Coordinator Revenue

SUMMARY

This report presents the Financial Hardship Policy for adoption.

OFFICER'S RECOMMENDATION

THAT Council resolve to adopt the updated Financial Hardship Policy as attached to this report.

BACKGROUND

The Financial Hardship Policy is aimed toward those ratepayers who are experiencing genuine and severe financial hardship and as a result have Rates and Utility charges overdue. These ratepayers will be identified as those with a genuine intention to pay but the inability to do so. Application for Financial Hardship consideration will be offered only where the current payment provisions outlined within the Debt Recovery are not offering sufficient relief and additional consideration is required. The amendments made are to ensure the provisions outlined within the policy can be extended to all ratepayers in the event of a natural disaster or pandemic. This will ensure prompt response to requests for assistance and not requiring a separate or individual resolution of Council.

COMMENTARY

The intention of this Policy is to ensure that those experiencing severe financial difficulties remain in their home (for at least an interim period) and to alleviate the immediate financial burden and escalation of potential debt recovery by Council. Under normal circumstances the Policy does not extend to landlords or commercial business. The extension of the provisions of the Hardship Policy to commercial ratepayers or landlords in the event of a natural disaster or pandemic will ensure that the businesses can access extensions & remain in the premises and tenants are not adversely impacted.

Council has many options of payment available to ratepayers experiencing difficulties with on time payment. Increased contact points and a variety of reminders are aimed at early intervention. This is aimed at preventing large levels of aged arrears from accumulating.

On most occasions, The Debt Recovery Policy provides sufficient payment options and/or short term extensions of time. However, there are some circumstances where the Ratepayer will need additional relief. This policy assists by ensuring consistency of assessment and level of hardship provisions offered, by outlining the principals and eligibility criteria to be taken into consideration whilst assessing individual applications.

The policy and application form will ensure the appropriate information is provided by the ratepayers in an efficient manner and also clearly outlines the eligibility criteria for the applicant to assess whilst completing the application. For the extension provisions (in the event of the Natural Disaster or Pandemic) the applicant will be required to provide details of circumstance, business/land use in a statutory declaration. Applicants will be notified in writing of the status of the application and their obligations.

PREVIOUS DECISIONS

The Financial Hardship Policy for Livingstone Shire Council was adopted on the 20th June 2019.

ACCESS AND INCLUSION

There are no foreseen access and inclusion implications associated with this report. This policy once adopted will be made publicly available on Council's website.

ENGAGEMENT AND CONSULTATION

The Hardship Policy has been reviewed by Council officers in consultation with the Chief Financial Officer.

HUMAN RIGHTS IMPLICATIONS

Section 4(b) of the *Human Rights Act 2019* requires public entities such as Council 'to act and make decisions in a way compatible with human rights'.

There are no foreseen human rights implications associated with the content of this report.

BUDGET IMPLICATIONS

The Financial Hardship Policy does not provide for any arrears to be written off, additional rebates or concessions applied within the Hardship provisions listed. Therefore, no additional budget will be required.

Should exceptional circumstances present themselves these requests will be assessed and presented on a case by case basis to Council and the requirement of a Council Resolution made under the provisions of Sections 120, 121 and 122 of the *Local Government Regulation 2012*.

LEGISLATIVE CONTEXT

Sections 170 and 171(1) of the *Local Government Act 20019*.

The Financial Hardship Policy can be reviewed at any time throughout the year upon resolution of Council.

LEGAL IMPLICATIONS

There are no legal implications foreseen should Council adopt this policy. This policy is in the interest of the ratepayer experiencing financial difficulties and offers additional relief available

STAFFING IMPLICATIONS

The application of the Financial Hardship Policy will be managed by the Revenue and Rates Unit and reviewed and assessed within

RISK ASSESSMENT

Risk is mitigated by strict eligibility criteria to ensure the appropriate individual ratepayers are awarded provisions of Hardship.

CORPORATE PLAN REFERENCE***Leading Livingstone***

Community Plan Goal 4.2 - Collaboration and partnerships to advocate for the needs of the community

4.2.2 Identify opportunities for alignment between Council's interests and objectives with those of Federal and State Governments.

Amendment to policy considers support offered by Federal & State Government to those effected by Natural Disasters & Pandemics. The Financial Hardship Policy provides the ability to promptly extend support to commercial properties and non-owner occupied properties (provided eligibility criteria is met) in the event of Natural Disasters & Pandemics.

CONCLUSION

This Policy is presented to Council for adoption.

12.6 - FINANCIAL HARDSHIP POLICY (COMMUNITY POLICY)

Financial Hardship Policy

Meeting Date: 18 August 2020

Attachment No: 1



FINANCIAL HARDSHIP POLICY (COMMUNITY POLICY)

1. Scope

The Financial Hardship Policy (this 'Policy') applies to those ratepayers who are experiencing genuine and severe financial hardship and as a result have Rates and Utility charges overdue. This Policy will only apply to residential properties where the property is the ratepayer's principal place of residence and no commercial benefit is derived from the property.

2. Purpose

The purpose of this Policy is to outline the principals and eligibility criteria, which will be taken into consideration when assessing applications and the hardship provisions available to the ratepayer. The intention of this Policy is to ensure that those experiencing severe financial difficulties remain in their home and to alleviate the immediate financial burden and escalation of potential debt recovery by Council.

3. References (legislation/related documents)

Legislative reference

Local Government Act 2009

Local Government Regulation 2012

Related documents

Debt Recover Policy

Hardship Application Form

4. Definitions

To assist in interpretation, the following definitions shall apply:

CEO	<i>Chief Executive Officer</i> A person appointed under section 194 of the <i>Local Government Act 2009</i> , including a person acting in that position.
Council	Livingstone Shire Council.
Hardship	Shall mean unable to meet basic needs, including food, clothing, medicine, accommodation and children's education.
Long Term Financial Hardship	Shall mean the inability to meet future rates and charges in the medium to long term (12-24 months).
Welfare of the ratepayer	Shall mean the provision to family or other dependents the following: food; accommodation; clothing; medical treatment; education; or other basic necessities.
Application Form	Shall mean the Council's Hardship Application Form for the purpose of applying consideration for assistance under this Policy.

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Natural Disaster	An event that causes serious disruption to the community. Caused by nature or the natural processes of the earth. Events that occur in unpopulated areas are not considered disasters.
Pandemic	A pandemic is the worldwide spread of a new disease. An outbreak of a new pathogen that spreads easily from person to person across the globe A pandemic is not the same as an epidemic.

5. Policy Statement

In accordance with the provisions of Sections 170 and 171(1) of the *Local Government Act 2009*, this Policy will be used to provide a framework to support the Revenue and Rates unit to accept and consider applications for hardship. Approval is to be given by the Coordinator Revenue and Chief Financial Officer or the Chief Executive Officer.

5.1 Assessing an Application for Hardship

The following principals will be considered and provide guidance when assessing an application for hardship.

- a) Council must ensure responsible management and collection of revenue to ensure effective cash flow management and provision of services to the greater community.
- b) Council aims to ensure the balance of outstanding accounts are minimised.
- c) Transparent, timely and efficient debt collection processes must be maintained with consistency.
- d) Early intervention and assistance is aimed at assisting both the ratepayer and Council to prevent large levels of aged arrears to accumulate.
- e) Assistance is targeted to applicants who demonstrate genuine attempts to help themselves and have a genuine wish to pay.
- f) Ratepayers in arrears are expected to act responsibly in regard to their obligations and organise their affairs in order to discharge these obligations when required.
- g) Hardship provisions are considered where payment provisions outlined in the Debt Recovery Policy are not possible.
- h) Hardship provisions made must ensure the arrears are cleared within a reasonable timeframe that must not exceed 3 years and payment provisions outlined in the Debt Recovery Policy are not possible.
- i) Should a concession be offered by Council it must be consistent with the provisions of Section 120 of the *Local Government Regulation 2012*.
- j) Assisting ratepayers build resilience by recommending local community services, financial councillors contact information, community legal support, and ensure a reduction in barriers to encourage engagement.
- k) To ensure accountability; successful applications will be reviewed periodically in line with the conclusion of the half-yearly billing cycle.

5.2 Eligibility

Hardship will be considered upon receipt of the Hardship Application Form and is provided for residential ratepayers where the ratepayer is genuine in their wish to pay the arrears. However, if the ratepayer can demonstrate that due to a life event, death in the immediate family, serious injury, trauma or other circumstances beyond their control, that the payment of outstanding balances will cause or further exacerbate financial hardship.

Further eligibility requirements are:

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- a) Balance exceeds \$1,000 or 6 months of arrears and the instalment provisions made within the Debt Recovery Policy are unable to be met and payments, or lack thereof are insufficient to cease the debt recovery action; and
- b) Applicant/s either solely or jointly with a co-owner, have the legal responsibility for the payment of rates and charges, and other household utilities which are levied in respect of the property; and
- c) Person/s is the owner or life tenant of the property which is his/her principal place of residence; and
- d) At no time whilst under the provision of hardship will the property be partially let out and/or derive an income; and
- e) Previously strong payment history; and
- f) Mortgagor has been notified of arrears situation; and
- g) The applicant/s has exhausted all avenues to alleviate the situation and seek assistance. For example; sort additional finances or have tried to sell the property or other assets.

Other Eligibility Criteria that will be taken into consideration:

- a) Expected duration of their current financial hardship position;
- b) Property is listed for sale;
- c) Applicant or direct dependent/s is/has suffered a medical emergency, trauma, injury, or terminal diagnosis; and
- d) The applicant has sought financial assistance from either a community organisation (For example; Financial Services Information Officer (Department of Human Services); or their Banking Institution.

5.3 Categories of Hardship

Hardship will be assigned as per the following categories:

5.3.1 Hardship Category One (1)

Commitment to payments sufficient to meet annual Rates and Utility charges (Annual gross general Rates and charges represented in monthly instalments).

Provision to apply: Hold recovery action, defer payment of arrears and hold interest charges on overdue rates effective from the application date.

Circumstances are to be reviewed at the end of each rating period. (30th June, 31st December).

5.3.2 Hardship Category Two (2)

Commitment to minimal or no payments, expected duration of hardship up to 12 months.

Provision to apply: Hold recovery action (effective from date of receipt of application for hardship and supporting documentation), defer payment of rates, charges and interest to the end of the current period. (30th June, 31st December).

Circumstances are to be reviewed at the end of each rating period. (30th June, 31st December).

Applicants are expected to continue to maintain payments of future water consumption in accordance with the relevant due dates.

5.3.3 Hardship Category Three (3)

Expected duration of hardship is unknown as a result of a terminal illness and commitment to minimal or no payments.

Provision to apply: Hold recovery action, defer payment of arrears and hold interest charges effective on overdue rates effective from the application date. Circumstances are to be reviewed at the end of each financial year and generally will not exceed 2 years of arrears.

Any deferred rate, charges or interest (added to the account prior to the hardship application being accepted by Council) by Council shall remain a charge on the property until such time as the property is sold, or the ratepayer finds themselves in a position capable of paying down the arrears or the ability to provide payment in full. At such time the assessment and hardship provisions will be reassessed.

5.4 Exceptional Circumstances

Where exceptional circumstances exist beyond this Policy, individual circumstances will be considered on a case by case basis and presented to the Council for individual consideration.

5.5 Declared Natural Disaster or Declared Pandemic

In the event of a Declared Natural Disaster or Declared Pandemic effecting the local community, Council will extend the provisions of the Financial Hardship Policy to Commercial ratepayers who can demonstrate that they have been adversely impacted by the declared event.

Applications must be made in writing using Council's approved application form and accompanied by a Statutory Declaration outlining circumstances.

5.5 Failure to Comply

Following successful application, Council reserves the right to recommence normal debt recovery action should the ratepayer fail to:

- a) respond to the Council's offer of relief; or
- b) wholly comply with Council's offer of Relief; or
- c) comply with the agreed requirements.

5.6 Close of Applications

Applications for hardship will be considered at any time during the rating period (i.e. half yearly).

Applications must be made in writing using Council's approved application form and a new application will need to be submitted where circumstances and eligibility change.

Successful applications will take effect from the relevant rating period in which the application was submitted and approved.

There will be no backdating of applications or retrospective adjustments.

5.8 Monitoring and Reporting

Council will monitor successful applications made under this Policy by reporting the following information monthly within the Monthly Financial Report.

- a) Number of applications registered; and
- b) Reason/category.

Further monitoring will be conducted by Revenue Officers at half-yearly intervals in line with the billing cycles of Council.

5.9 Delegation of Authority

Authority for the implementation of the Financial Hardship Policy is delegated by Council to the CEO in accordance with section 257 of the *Local Government Act 2009*.

Authority for the day-to-day management of this Policy is to be delegated by the CEO to the Chief Financial Officer and Coordinator Revenue.

6 Changes to this Policy

This Policy is to remain in force until otherwise amended/replaced or other circumstances as determined from time to time by the Council.

7. Repeals/Amendments

Version	Date	Action
1	20/06/2019	Policy Adopted

CHRIS MURDOCH
CHIEF EXECUTIVE OFFICER

12.7 RESPONSE TO MAYORAL MINUTE - PACIFIC HEIGHTS ROAD TRAFFIC ISSUES**File No:** CR2.13.40**Attachments:**

1. Roundabout Concept Design [↓](#)
2. Preliminary Design - PHR Shared Path [↓](#)
3. Updated Layout [↓](#)

Responsible Officer: Michael Kriedemann - Executive Director Infrastructure**Author:** Tony Lau - Manager Engineering Services**Previous Items:**

5.3 - Pacific Heights Road Traffic Concerns - Briefing Session - 09 Mar 2020 12.30pm
9.2 - Mayoral Minute - Pacific Heights Road - Ordinary Council - 19 May 2020 9.00am

SUMMARY

In November 2019, Council received a petition from residents of Pacific Heights Road outlining their safety concerns in relation to traffic matters. A subsequent meeting with the head petitioner and related parties resulted in a Mayoral Minute on 19 May 2020 requesting further investigation and report to Council.

RECOMMENDATION

That Council accepts the Officers' investigation outcomes and endorses the proposed actions being:

1. Maintain the current default speed limit of 50 kilometres per hour;
2. Maintain the current number of speed limit signs;
3. Rule out the use of roundabouts along Pacific Heights Road as viable options for calming traffic;
4. Officers to raise the matter of speed cameras along Pacific Heights Road at the next Rockhampton Regional Road Safety (3E) Committee meeting;
5. The shared path project with staged pedestrian crossings within the section of Pacific Heights Road may act to calm traffic through narrowed and divided traffic lanes; and
6. Officers to monitor traffic speed environment following completion of the on-going shared pathway project.

BACKGROUND

In November 2019, Council received a petition from residents of Pacific Heights Road that raised safety concerns in relation to traffic issues. Council received the petition at its Ordinary meeting on 3 December 2019.

Following an investigation, Council officers presented a briefing session report on 9 March 2020 that recommended the following actions:

1. If approved in the budget, Pacific Heights Road Shared Pathway project is recommended to be delivered during the first half of the 2020/2021 financial year (in order to address Items 1 & 2);
2. For the section from Samoa Street and Roberts Street, appropriate temporary measures are recommended to achieve acceptable level of speed compliance in the short term (in order to address Item 3);

3. Council Officers will continue to monitor operational efficiency and safety concerns at the intersection and the immediate network, and will address if deemed necessary (in order to address Item 8); and
4. No other actions are required to address any of the other concerns.

On 23 April 2020, Council Officers attended a site meeting with members of the elected Council, head petitioner and residents of Pacific Heights Road. A subsequent Council resolution on 19 May 2020 provided instruction for officers to carry out the following:

1. Prepare a report to Council outlining options and costs for reducing the speed and volume of traffic along Pacific Heights Road, and
 - a. that these options consider the following:
 - i. reducing the speed limit to 40 kilometres per hour;
 - ii. increasing the number of speed signs along Pacific Heights Road to remind motorists of the speed limit
 - iii. the construction of a suitably positioned roundabout along Pacific Heights Road;
 - iv. in conjunction with the Queensland Police Service, the installation of speed cameras along Pacific Heights Road;
 - v. installing painted traffic markers/lines for traffic calming; and
 - b. that the report from officers be presented to Council no later than July 2020.

On 21 July 2020, Council instructed Officers to carry out further transport modelling to demonstrate the effects on the road network, should Council resolve to reduce the speed limit along a section of Pacific Heights Road from Setu Drive to Letchford Court.

COMMENTARY

Officers have carried out further investigations to considered treatment methods and remedial measures and their responses are as follows:

1 Reducing the speed limit to 40 kilometres per hour

In the Council briefing session report dated 9 March 2020, officers presented their investigation outcomes in relation to reduction of speed limit under items 1, 2, 3, 5, and 6 in the petition. Officers recommended that no actions are required in relation to reducing the speed limit on Pacific Heights Road. In response to Item 3, officers explained the engineering methodology adopted to collect traffic volume and speed data across three different sections of Pacific Heights Road. Officers concluded that out of the three sections investigated, two sections substantially complied with the default speed limit, including the section from Roberts Street to Laceys Road. Therefore, speed limit reduction is not warranted for the entire length of Pacific Heights Road.

Further consideration was given to the function of Pacific Heights Road. It is classed as a Minor Urban Collector and a speed limit of 40 kilometres per hour is not consistent with the criteria associated with this classed of road.

Officers also concluded that the recorded speeds for the section from Samoa Street to Roberts Street does not comply with the default speed limit, hence recommended appropriate temporary measures and/or speed limit enforcement (via Queensland Police Service) to be adopted in order to achieve an acceptable level of speed compliance.

Accordingly, Officers utilised a trailer mounted "Smiley Face" sign for a two-week period in early 2020. These signs proved effective at reminding drivers to check speeds and encouraged speed limit compliance. Officers intend to reapply similar temporary measures in future as the resources become available. On 7 July 2020, the trailer mounted "Smiley Face" sign was once again deployed along Pacific Heights Road. It is the intention of Officers to routinely deploy this device along Pacific Heights Road for short periods, as the resource becomes available.

A review of the previous findings confirm that the Officers conclusions are justified.

Officers' conclusions:

- a. Speed limit reduction is not warranted based on speed statistics for the entire Pacific Heights Road as explained in the previous report. However, Officers expect to monitor traffic speeds again through their traffic counters, when the traffic flow conditions on the Shire's roads become normal following removal of current Covid-19 restrictions in the future;
- b. Trailer mounted "Smiley Face" signs (or similar temporary speed reduction measures) will be routinely be placed along Pacific Heights Road for short periods in future, as the resources become available;
- c. Council should seek Queensland Police Service involvement to enforce speed limits to achieve an acceptable level of speed compliance; and
- d. Officers will continue to monitor traffic speeds when the traffic flow conditions on the Shire's roads become normal following removal of current Covid-19 restrictions in the future.

To effectively model the transport network, a wider network model should be developed using an appropriate modeling tool, including Farnborough Road and Panorama Drive, requiring extensive data collection and model building. For this scenario, an Aimsun model would be appropriate. Council does not possess a working Aimsun model for the Pacific Heights Road area and Officers are experiencing licensing issues that the software vendor is working to resolve. Therefore, engagement of an external consultant is necessary to develop a transport network model.

Council Officers believe that a transport network model is not necessary or useful as reducing the speed limit from 50 kilometres per hour to 40 kilometres per hour over a short length of Pacific Heights Road (approximately 300 metres) is not expected to cause considerable traffic diversion, impacting the larger transport network. In the Ordinary Council Report dated 9 March 2020, Council Officers demonstrated that there would be minimal use of Pacific Heights Road as a short cut by the drivers within the larger transport network (in items 9 and 10). It is expected that the main traffic volumes would be made up of local area traffic. With this in mind, Officers determined that transport modelling is of little benefit for this scenario.

Officers' recommendation is to maintain the current default speed limit of 50 kilometres per hour. Should Council resolve to lower the speed limit to 40 kilometres per hour from Setu Drive to Letchford Court; the potential outcomes may be as follows.

1) Advantages:

- a. May experience a reduction in traffic speeds. If not reduced down to 40 kilometres per hour as desired, there may still be a reduction to at least below 50 kilometres per hour; and
- b. Complements the pedestrian facilities.

2) Disadvantages:

- a. There is a chance that the 85th percentile speeds could still stay above reasonable compliance levels for a 40 kilometres per hour section, which is not best practice for encouraging good driver behavior;
- b. May not be necessary due to drivers slowing for the pedestrian facilities anyway. Pedestrian facilities may have the desired effect and slow drivers down to the default speed limit to suit presence of pedestrians and cyclists; and
- c. Frustration by drivers other than local residents as Pacific Heights Road serves the collector function, not a local street.

The Manual of Uniform Traffic Control Devices outlines the 8-stage process for setting and changing speed limits. Part of the process involves endorsement from the Rockhampton Regional Road Safety (3E) Committee. On 5 August 2020, Officers attended the August Rockhampton Regional Road Safety (3E) Committee meeting and raised this matter for consideration. The Committee advised that should Council wish to reduce the speed limit, Officers would need to undertake a formal Speed Limit Review, as per the legislation, and table the report for consideration at the next committee meeting. Any speed limit change must be reviewed and endorsed by the Rockhampton Regional Road Safety (3E) Committee before implementation. If Council are not in agreement with the Committee's direction on the speed limit, then the Committee will initiate the independent review process via the Department of Transport and Main Roads in Brisbane.

2 Increasing the number of speed signs along Pacific Heights Road to remind motorists of the speed limit

In the Council briefing session report dated 9 March 2020, officers presented their investigation outcomes in relation to increasing the number of speed limit signs under item 4 of the petition. Officers investigated the need to increase the number of speed limit signs on Pacific Heights Road against applicable legislation and standards i.e. Manual of Traffic Control Devices. Investigations concluded that the current speed limit for Pacific Heights Road is 50 kilometres per hour by default, and hence, no additional speed limit signage is warranted or proposed.

A review of the previous findings confirm that the Officers' conclusions are justified.

Officers' conclusions:

- a. No additional speed limit signage is warranted or proposed.

3 The construction of a suitably positioned roundabout along Pacific Heights Road

Officers investigated the residents' suggestion for constructing a roundabout along Pacific Heights Road as a traffic-calming device. From a traffic engineering perspective, this form of traffic calming device is not recommended, as a roundabout should serve a different purpose. Roundabouts should be provided for traffic management at intersections, based on vehicle movements, volumes, and trends. However, as requested by Council, Officers carried out preliminary investigations to determine if a roundabout along Pacific Heights Road is warranted or viable.

The preliminary investigation outcomes are as follows.

- a. Geometry:
 - i. There is insufficient area within the road reserve to construct a suitably sized roundabout along Pacific Heights Road and land acquisitions will be required, which includes possible removal or alteration of structures.
 - ii. Driveway locations within the roundabout are unsafe.
 - iii. Underground services may require relocating.
- b. Noise:
 - i. Increase in noise generated by vehicles stopping and accelerating.
 - ii. Increase in noise generated by large vehicles mounting the island to navigate the intersection.
- c. Lighting:
 - i. Increased levels of lighting will be required.
 - ii. Potential nuisance caused by vehicle headlights being directed at houses.

- d. Cost:
 - i. Significant capital outlay compared to cheaper alternative traffic calming treatments.
 - ii. Approximate cost of the roundabout construction is in the order of \$25,000 excluding any additional works and land acquisitions. When considering the land acquisitions and potential modifications to structures required, costs could increase to several hundred thousand dollars.
 - iii. Higher maintenance costs compared to alternative treatments.
- e. Traffic calming:
 - i. May be effective in slowing some motorists but not all, as the roundabout island must be mountable to accommodate long vehicles.
 - ii. Over time, motorists will become accustomed to mounting the island, rendering the roundabout as ineffective at calming traffic.

A concept design to demonstrate the required geometry is attached. Considering the significant costs and hindrances to acquire land and construct a roundabout, this option is not viable.

Officers assessed that a different form of intersection traffic management structure other than the existing treatments, is not required or recommended for any of the current mid-block intersections along Pacific Heights Road.

Officers' conclusions:

- a. Installing a roundabout is likely to generate a significant number of undesirable effects on nearby residents.
- b. Installing a roundabout as a measure of traffic calming is not recommended.
- c. Installing a roundabout as an intersection traffic management structure is not required.

4 In conjunction with the Queensland Police Service, the installation of speed cameras along Pacific Heights Road;

The current practice is that installation of mid-block speed cameras must be discussed and endorsed by the Rockhampton Regional Road Safety (3E) Committee meeting which involves Queensland Police Service, Department of Transport and Main Roads, Livingstone Shire Council (as a peer reviewer) and Rockhampton Regional Council (as a peer reviewer).

On 5 August 2020, Officers attended the August Rockhampton Regional Road Safety (3E) Committee meeting and advised that there is a request to install speed cameras on Pacific Heights Road. Queensland Police Service advised that Pacific Heights Road would not meet their criteria for installing speed cameras on roads.

Officers' conclusions:

- a. This matter is not supported by the Queensland Police Service.

5 Installing painted traffic markers/lines for traffic calming

Council officers are currently undertaking a shared pathway project on Pacific Heights Road that includes staged pedestrian crossings within the section of Pacific Heights Road in question. These works will include some traffic calming in design through narrowed and divided traffic lanes, and appropriate channeling of traffic through line marking at the crossing locations.

A copy of the preliminary design is attached.

Officers believe the additional treatments provided by the pathways works will have the desired effect in calming traffic. Upon completion of this project, Officers will monitor traffic speeds and behaviour. Further actions may be implemented if necessary.

Officers' conclusions:

- a. Officers will monitor traffic speed environment following completion of on-going shared pathway project on Pacific Heights Road; and
- b. Consider outcomes of the above and identify if further measures are required.

PREVIOUS DECISIONS

No previous decisions have been passed. On 9 March 2020, a report was tabled at the Council briefing session informing Council of the officers' intended responses to the numerous requests and enquiries from the residents of Pacific Heights Road, in particular the head petitioner.

Previously, the residents had been informed of the outcome from officers' investigations. Those outcomes are consistent with the findings of this latest investigation and review.

ACCESS AND INCLUSION

Introduction of new traffic calming measures and the shared path will allow for improved shared use of Pacific Heights Road for vehicular and pedestrian traffic. The shared path also incorporates accessibility principles to cater for people with mobility aids and prams, in order to benefit the whole community. Consequently, by providing pedestrian crossing facilities with refuge islands and additional signs and line marking, the overall effect is to encourage drivers to reduce speeds.

ENGAGEMENT AND CONSULTATION

Records indicate that officers have engaged with the residents of Pacific Heights Road and participated in numerous on site meetings, consultations, and various other forms of correspondence, since early 2018. Officers will continue to engage with the Pacific Heights Road community as required.

HUMAN RIGHTS IMPLICATIONS

Section 4(b) of the *Human Rights Act 2019* requires public entities such as Council 'to act and make decisions in a way compatible with human rights'.

There are no adverse human rights implications associated with this report.

BUDGET IMPLICATIONS

Existing Council staff, within existing operational budgets, carry out investigations. The shared path construction project has been included in the 2020/2021 capital budget and is scheduled for construction in Q2.

Should Council wish to proceed with the implementation of additional traffic management treatments, a business case will be prepared for future budget consideration.

LEGISLATIVE CONTEXT

There are no legislative implications.

LEGAL IMPLICATIONS

Safety concerns are being investigated and dealt with following approved Council processes and procedures and carried out by appropriately qualified and authorised Officers. There are no legal implications.

STAFFING IMPLICATIONS

Investigations are carried out by existing Council staff and is within current resourcing requirements.

RISK ASSESSMENT

There are no associated risks as appropriately qualified Registered Professional Engineers of Queensland, following standard traffic engineering principles and practices, carry out investigations.

CORPORATE PLAN REFERENCE***Liveable Livingstone***

Community Plan Goal 1.2 - Supporting healthy living at any age

1.2.3 Plan, design and deliver community infrastructure which connects communities and encourages non-vehicular transport

Officers' investigations are carried out with the broader community in mind, in order to plan, design and deliver transport infrastructure that connects communities. The transport network planning identifies Pacific Heights Road as a minor urban collector that connects communities. Maintaining this important link is essential for supporting the Community Plan.

The current project to construct a shared path along Pacific Heights Road supports the Community's desire for Council to support non-vehicular transport and to provide a shared use solution that benefits all users.

CONCLUSION

Officers have carried out further investigation along with reviewing the results of previous reports and conclude the following:

1. Reducing the speed limit to 40 kilometres per hour is not warranted;
2. Increasing the number of speed limit signage is not warranted;
3. Installation of roundabouts for traffic calming purposes is not appropriate or recommended;
4. Installation of speed cameras along Pacific Heights Road was raised for discussion at the 5 August 2020 Rockhampton Regional Road Safety (3E) Committee meeting and was not supported;
5. The shared path project with staged pedestrian crossings within the section of Pacific Heights Road may act to calm traffic through narrowed and divided traffic lanes; and
6. Officers to monitor traffic speed environment following completion of the on-going shared pathway project.

Should Council resolve to implement additional traffic calming measures, there will be budget implications. For example, if Council resolved to reduce the speed limit to 40 kilometres per hour a formal road safety audit or speed limit review will be required in addition to design, procurement, installation, and public notification. The overall project costs could be in the order of \$20,000.

12.7 - RESPONSE TO MAYORAL MINUTE - PACIFIC HEIGHTS ROAD TRAFFIC ISSUES

Roundabout Concept Design

Meeting Date: 18 August 2020

Attachment No: 1

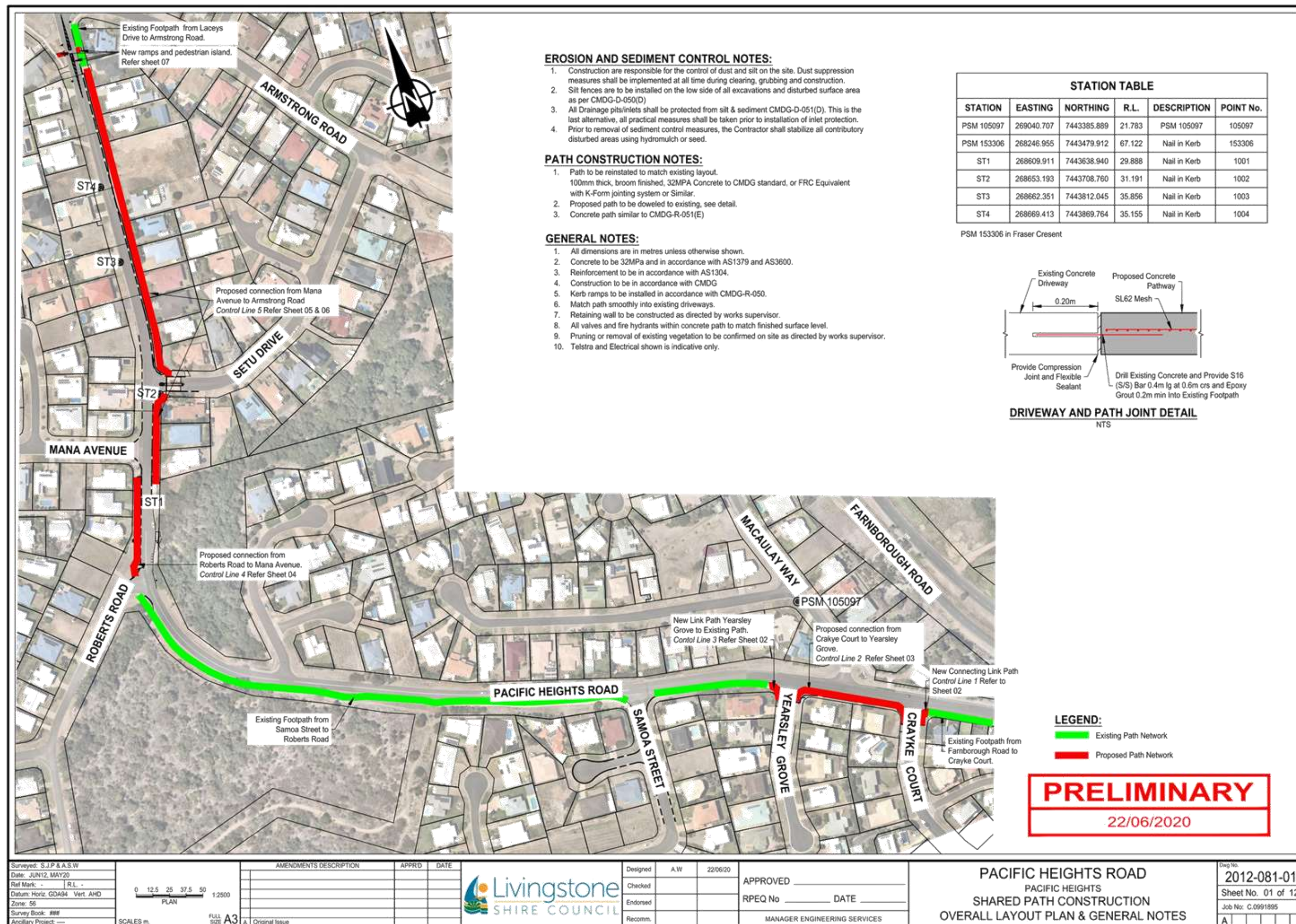


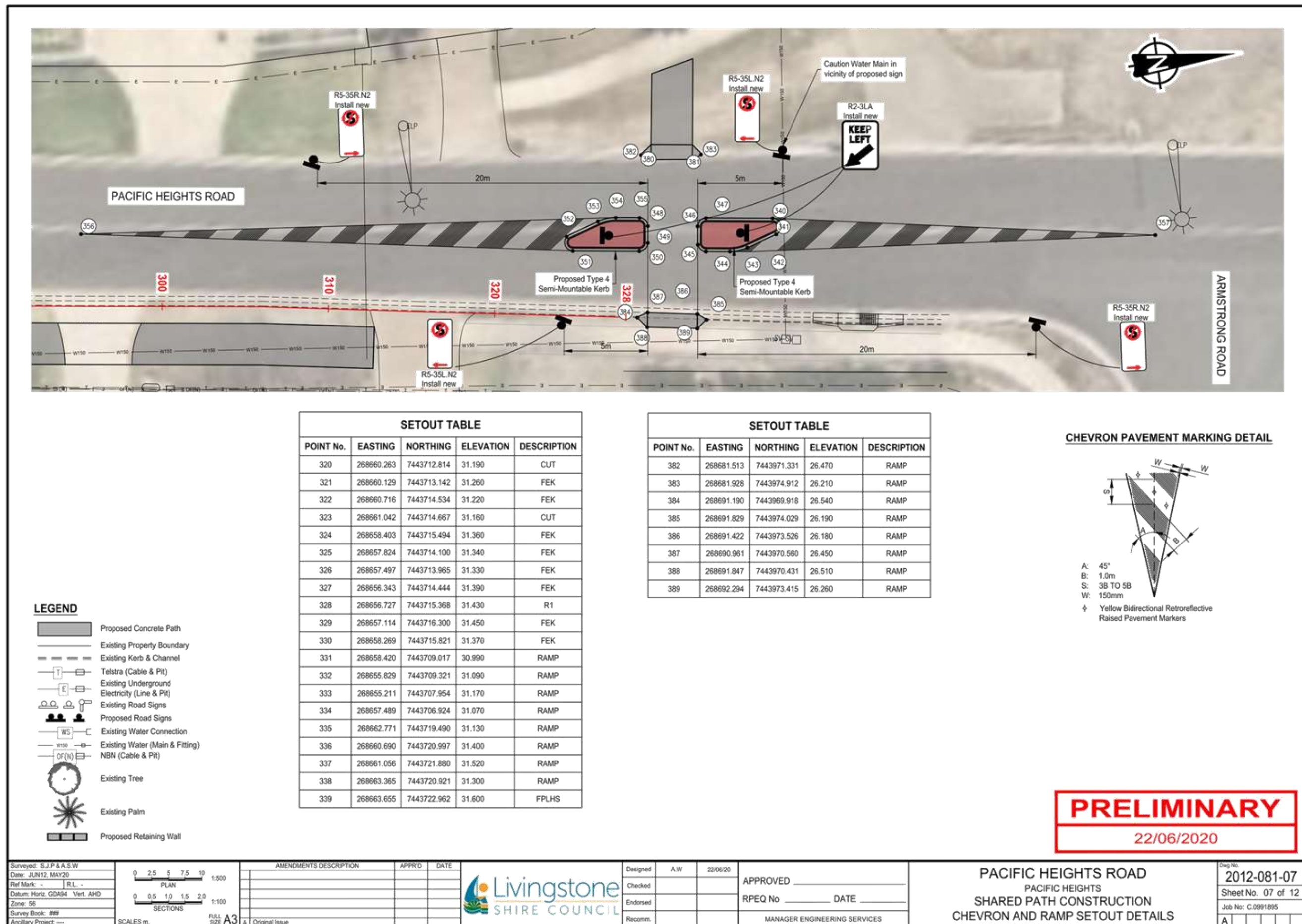
12.7 - RESPONSE TO MAYORAL MINUTE - PACIFIC HEIGHTS ROAD TRAFFIC ISSUES

Preliminary Design - PHR Shared Path

Meeting Date: 18 August 2020

Attachment No: 2



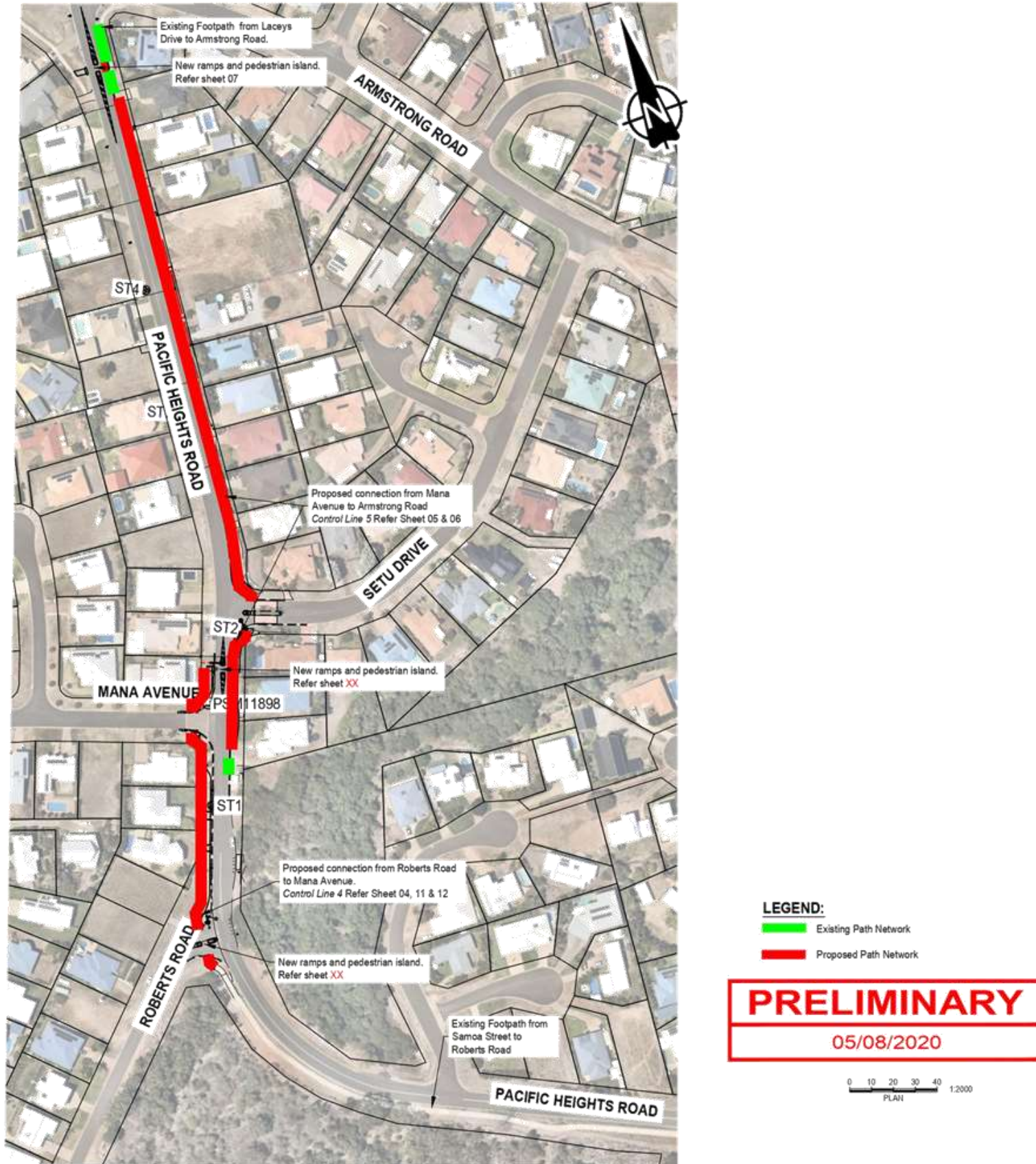


12.7 - RESPONSE TO MAYORAL MINUTE - PACIFIC HEIGHTS ROAD TRAFFIC ISSUES

Updated Layout

Meeting Date: 18 August 2020

Attachment No: 3



W:\Projects\2012 (RRC)\081 - Pacific Heights Shared Path\3 Design\3.2 ACAD Drawings\2012-081-00_2020_PLAN.dwg, Staged Crossing, 05/08/2020 4:48:08 PM, 1:1

12.8 APPLICATION FOR PERMANENT ROAD CLOSURE - LAKE MARY ROAD, LAKE MARY

File No: 14.4.2

Attachments: 1. Application for road closure [↓](#)
2. Locality Plan [↓](#)

Responsible Officer: Tony Lau - Manager Engineering Services
Michael Kriedemann - Executive Director Infrastructure

Author: Carrie Burnett - Policy & Planning Officer

SUMMARY

This report pertains to an application to permanently close an area of road at Lake Mary Road, Lake Mary.

OFFICER'S RECOMMENDATION

THAT Council resolve to:

1. advise the applicant that it does not object to the proposal to permanently close approximately 50m x 30m of road reserve adjacent to Lot 3 SP146338 on Lake Mary Road for the provision of a rural fire station; and
2. authorise the Manager Engineering Services to sign a 'Statement in relation to an application under the *Land Act 1994* over State Land (Part C)' advising the Department of Natural Resources, Mines and Energy that Council, as road manager, does not object to the proposal to permanently close approximately 50m x 30m of road reserve adjacent to Lot 3 SP146338 on Lake Mary Road for the provision of a rural fire station.

BACKGROUND

In December 2019 the Public Safety Business Agency ('PSBA') approached Council to ascertain its support (or otherwise) of a proposed permanent road closure on Lake Mary Road for a new fire station for the Bungundarra Rural Fire Brigade. The location of the proposed road closure is identified on Attachment 2. Council Officers supported the proposed closure and the PSBA has now lodged a formal request for Council to consider the matter and complete a 'Statement in relation to an application under the *Land Act 1994* over State land Part C'.

COMMENTARY

Under the *Land Act 1994* a public utility provider may apply for the permanent closure of a road. The PSBA on behalf of the Bungundarra Rural Fire Brigade is requesting Council complete a 'Statement in relation to an application under the *Land Act 1994* over State land Part C' which they will lodge with the Department of Natural Resources, Mines and Energy ('NRM') along with their application for a permanent road closure road closure (refer to Attachment 1 for application form).

Advice was sought from various sections of Council and comments provided are covered below:

1. Acting Strategic Planer Growth Management has advised:

'... the use would be defined as Emergency Services under the Livingstone Planning Scheme 2018 and would be Code assessable development in this location. An Emergency Services use would need to be compatible with the immediate area, and designed and sited so that it does not limit of [sic] compromise any existing or future

rural activities on the adjoining lots. Given the nature of the use it is highly likely that the use would be supported, subject to an application and appropriate conditioning. Based on the above, and subject to planning approval, planning does not have any objections to the proposed road closure.'

2. Co-ordinator Natural Resource Management has advised:

"The location identified for the proposed new Bungundarra Fire Shed on Lake Mary Road does not have any mapped environmental protection layers.

The site does contain some mature trees but it is not identified as a mapped Remnant or Matter of Local Environment Significance.

The extent of clearing for the area would need to be identified as part of a formal proposal to build the shed and associated vehicle parking and movements because the site may encroach on an area of mapped regrowth vegetation.

A plan to manage any erosion and sedimentation issues arising due to the construction and operation of the facility would also be necessary."

3. Coordinator Development Engineering has no objection and provided the following advisory notes:

'1. Lake Mary Road is classified as a Rural Minor Collector Road.

2. Existing accesses to adjacent lots must not be compromised.

3. Any future structures within the subject area may lead to an increased crash severity for off carriageway type crashes.'

4. Coordinator Infrastructure Planning Engineering Services has advised:

"Infrastructure Planning Team has no objection to the proposed road closure.' and 'However, the Infrastructure Planning Team would like to emphasise the potential associated safety issues of the ingress and egress point(s), if not properly positioned / treated. Upgrade to the road may be required considering the location of the site and the types of the vehicles involved".

5. Manager, Construction & Maintenance has advised:

"From a roads point of view I don't have any major issue with the proposal as a structure built on the outside of a horizontal bend doesn't generally interfere with sight distances but can sometimes cause a hazard for errant vehicles leaving the road at speed. It would more than likely be no worse than existing trees in the location. Main issue would be ensuring the new building does not interfere with existing access to adjacent property".

PREVIOUS DECISIONS

There have been no previous decisions made in relation to this matter.

ACCESS AND INCLUSION

There are no access and inclusion implications associated with the consideration of this matter.

ENGAGEMENT AND CONSULTATION

On their website, *NRM* states ‘*To assess local community opinion about a proposed closure, a public notice is required (e.g. advertisement in a local newspaper, signs erected on the land).*’

HUMAN RIGHTS IMPLICATIONS

Section 4(b) of the *Human Rights Act 2019* requires public entities such as Council ‘*to act and make decisions in a way compatible with human rights*’.

There are no adverse human rights implications associated with this report.

BUDGET IMPLICATIONS

There are no foreseeable budget implications associated with this matter.

LEGISLATIVE CONTEXT

Pursuant to s 99 of the *Land Act 1994* a public utility provider may apply for the permanent closure of a road. Applications are assessed by *NRM* on their own merits and the Minister may refuse a road closure application if the Minister is satisfied-

- a. the road is the only dedicated access to a person’s land;
- b. the road is, or may be, used regularly by the public as a road or stock route; or
- c. the road provides continuity to a road network.

LEGAL IMPLICATIONS

There are no foreseeable legal implications associated with this matter.

STAFFING IMPLICATIONS

Existing staff can accommodate this project.

RISK ASSESSMENT

Based on advice from Officers any future structures within the subject area may lead to an increased crash severity for off carriageway type crashes and there is a potential safety issue if the ingress and egress points are not properly positioned / treated.

CORPORATE PLAN REFERENCE***Leading Livingstone***

Community Plan Goal 4.2 - Collaboration and partnerships to advocate for the needs of the community

4.2.1 Build and maintain strong, collaborative, and co-operative relationships across all levels of government, industry, business and community.

While Council is custodian of roads under its control, the road reserves are owned by the State. Prior to disposing of road reserves, *NRM* affords Council an opportunity to comment on the disposal which is taken into consideration when making a decision on an application. This collaboration between Council and *NRM* fosters a co-operative relationship between Council and the State and ensures that Council’s interests are considered.

CONCLUSION

The road closure proposed by the applicant is to facilitate an important community service. Consultation has been undertaken with internal Council stakeholders and no objections were raised, therefore Council should support the road closure proposal.

12.8 - APPLICATION FOR PERMANENT ROAD CLOSURE - LAKE MARY ROAD, LAKE MARY

Application for road closure

Meeting Date: 18 August 2020

Attachment No: 1



DEPARTMENT OF NATURAL RESOURCES, MINES AND ENERGY

Application form Contact and Land Details Part A

Application form requirements

1. **Part A:** Contact and land details will need to be completed.
2. **Part B:** Application specific form will need to be completed.
3. Payment of the prescribed application fee, if relevant. A refund of application fees will not be given. (Details of fees are available on the Department of Natural Resources, Mines and Energy (DNRME) website at <https://www.dnrme.qld.gov.au> or from a regional DNRME business centre).
4. If the application is not lodged by a solicitor, bank or consultant on behalf of the applicant, then all applicants must sign the declaration on the appropriate Part B application form.
5. All parts of this application form need to be completed accurately, otherwise your application may be returned to you to complete.
6. Prior to lodging your application, the Department encourages the applicant to have a pre-lodgement meeting with a DNRME officer who will provide additional information in relation to native title, expected timeframes, anticipated costs and to ensure the application will achieve your desired outcome.

Important information

7. All applications will be processed having regard to the requirements of the [Land Act 1994](#) and related legislation, approved policies and procedures and the requirements of all other agencies with an interest in the land.
8. All completed applications can be lodged with DNRME by sending information to the following email or postal addresses or in person at your local DNRME business centre.
9. **Email:**
SLAMlodgement@dnrme.qld.gov.au
10. If lodging an application, all relevant Part B application forms must be signed and supporting documentation must be scanned and then emailed.
11. **Post:**
Department of Natural Resources, Mines and Energy
PO Box 5318
TOWNSVILLE QLD 4810
12. In terms of the [Right to Information Act 2009](#) interested parties may seek access to DNRME records and view relevant documents.
13. Information on this form, and any attachments, is being collected to process and assess your application under the [Land Act 1994](#). The consideration of your application may involve consultation and if so details of your application may be disclosed to third parties. They will not be otherwise disclosed outside the department unless required or authorised by law.

Contact details

Lodger Details and Mailing Address		
A lodger is only required when a solicitor, bank, consultant lodges the application on behalf of the applicant.		
Full Name(s)		
Title	First name	Surname
Company name(s)		
If a Corporation then record <input type="checkbox"/> ACN <input type="checkbox"/> ARBN <input type="checkbox"/> ABN		
<input type="text"/>		
Postal Address	<input type="text"/>	
	<input type="text"/>	
	<input type="text"/>	
Phone number	<input type="text"/>	Mobile phone <input type="text"/>
Email	<input type="text"/>	

Applicant(s) Details and Mailing Address		
If the applicant is a Corporation, either the Australian Company number, Australian Registered Body number or the Australian Business number must be shown.		
Full Name(s)		
Title	First name	Surname
Company name(s)		
The State of Queensland (Represented by Public Safety Business Agency)		
If a Corporation then record <input type="checkbox"/> ACN <input type="checkbox"/> ARBN <input type="checkbox"/> ABN 		
Postal Address	<div style="border: 1px solid black; padding: 2px;">GPO Box 1440</div> <div style="border: 1px solid black; padding: 2px;">Brisbane QLD 4001</div> <div style="border: 1px solid black; height: 20px; margin-top: 2px;"></div>	
Phone number	<div style="border: 1px solid black; padding: 2px;">07/3145 2908</div>	Mobile phone <div style="border: 1px solid black; padding: 2px;">0411 189 488</div>
Email	<div style="border: 1px solid black; padding: 2px;">RuralFire.PFM@psba.qld.gov.au</div>	
Future correspondence should be sent to <input type="checkbox"/> Lodger <input checked="" type="checkbox"/> Applicant		
1. Are the applicants a foreign acquirer as defined by the Additional Foreign Acquirer Duty (AFAD)? <input type="checkbox"/> Yes go to 2 <input checked="" type="checkbox"/> No go to 4		
<small>For further information refer to the Queensland Government website to determine if the applicant/s are a foreign person (acquirer) for AFAD. https://www.business.qld.gov.au/industries/service-industries-professionals/professional-financial-services/transfer-duty/investors/afad/foreign-persons </small>		
2. Is the application related to the purchase of land, for example a permanent road closure, or conversion of a lease where the land is or will be used solely or primarily for residential purposes as defined for the Additional Foreign Acquirer Duty (AFAD) under the Duties Act 2001 ? <input type="checkbox"/> Yes go to 3 <input checked="" type="checkbox"/> No go to 4		
<small>Note – Under the Duties Act 2001 an additional amount of duty applies where the land is residential land and the applicant is a foreign person (acquirer) for AFAD. For further details, please refer to the information on the Queensland Government website for Additional Foreign Acquirer Duty:- https://www.business.qld.gov.au/industries/service-industries-professionals/professional-financial-services/transfer-duty/investors/afad </small>		
LA00	May 2019	Page 3 of 6
© The State of Queensland (Department of Natural Resources, Mines and Energy)		

3. Enter the full name/s of the foreign acquirer/s.
(If there is insufficient space, please lodge as an attachment) go to 4

Full Name/s (If a company, also provide a contact name)	Share held

4. Are the Applicant/s registered for GST **AND** acquiring the land for a creditable purpose? ☐ Yes ☒ No go to 5

Under the *Tax Administration Act (Cth) 1953* certain purchasers of new residential premises or potential residential land are required to withhold the Goods and Services Tax (GST) amount from the price of the supply (purchase price) for payment directly to the [Australian Taxation Office \(ATO\)](https://www.ato.gov.au/business/gst/in-detail/your-industry/property/gst-property-settlement-online-forms-and-instructions/) as outlined on the ATO's website. The department is unable to provide further advice on the ATO's requirements. For further information contact the ATO on 13 28 65 or refer to the ATO website <https://www.ato.gov.au/business/gst/in-detail/your-industry/property/gst-property-settlement-online-forms-and-instructions/> or seek advice from a financial or legal expert.

Details of land for which the application is being lodged

5. Select the type of land for which the application is being lodged. go to 6

<input type="checkbox"/> Permit	<input type="checkbox"/> Lease
<input type="checkbox"/> Licence	<input type="checkbox"/> Unallocated State Land (USL)
<input type="checkbox"/> Trust Land Reserve/ Deed of Grant in Trust (DOGIT)	<input checked="" type="checkbox"/> Road
<input type="checkbox"/> Dealing Number (refer to Item 6)	<input type="checkbox"/> Other

6. Enter the description of the land for which the application is being lodged. If this application concerns a road, enter the description of the land adjoining the road.

Schedule 1		
You must enter either the Lot on Plan or Title Reference of the land for which the application is being lodged.		
Lot	Plan	Title Reference
3	SP146338	
2	RP854883	

The details of the land can be found on a current copy of the Title, your rates notice or the [Queensland Globe](https://www.business.qld.gov.au/business/support-tools-grants/services/mapping-data-imagery/maps) from the Queensland Government website can be downloaded to help access current Lot on Plan details. <<https://www.business.qld.gov.au/business/support-tools-grants/services/mapping-data-imagery/maps>>. If insufficient space, please add additional description as an attachment.

go to 7

7. Enter additional details of the land

Dealing number

Tenure type Tenure number

Local Government

Other details of land location (optional)

go to 8

8. Have you participated in a pre-lodgement meeting with the department? ☐ Yes go to 9 ☒ No

Please provide name of officer you spoke with and this department's associated reference.

DNRME Contact Officer Prelodgement ID (eLVAS CI Ref)

9.	Provide details of pre-lodgement meeting. (optional) (If there is insufficient space, please lodge as an attachment)
Departmental Officers contact details and any reference number should be included if known.	

THIS FORM MUST BE ACCOMPANIED BY THE RELEVANT PART B APPLICATION FORM.



DEPARTMENT OF NATURAL RESOURCES MINES AND ENERGY

Application for road closure

Part B

Application form requirements

1. This Application is for a road closure.
2. Read the respective Roads – Applying for a road closure – [Guide](#) which include the application requirements.
3. Payment of the prescribed [application fee](#). A refund of application fees will not be given. (Details of fees are available on the [Department of Natural Resources, Mines and Energy \(DNRME\) website](#) at <<https://www.dnrme.qld.gov.au>> or from a [DNRME business centre](#) or call 13 QGOV 13 74 68).
4. A drawing showing the information listed in the "[application requirements](#)" that are included in the Applying for a road closure guide.
5. Any additional information to support application.
6. **Part A:** [Contact and land details form](#) will need to be completed and submitted with your application.
7. **Part C:** [Statement in relation to an application under the Land Act 1994 over state land](#) will need to be completed and submitted with your application.
8. Your application will not be considered as having been properly made unless all parts of this application form are completed accurately, otherwise your application may be returned to you to complete.

Important information

9. A road is any area of land that has been set aside by legislation for the use of the travelling public. Not all roads are currently formed or being used by vehicles or pedestrians, and some may never be developed or used for that purpose.
10. You are encouraged to contact your nearest [DNRME business centre](#) to arrange a pre-lodgement meeting. The pre-lodgement meeting is intended to clarify the application requirements thereby preventing any unnecessary delays. It is also intended to cover the process, timeframes, costs and the quality of information necessary to properly assess the application.
11. An adjoining landholder may apply for a permanent or temporary road closure. An adjoining owner is defined as the registered owner of the property that shares a common boundary. i.e. Contiguous; directly connected; or without interruption.

An adjoining owner can apply for the area of road that immediately adjoins the property boundary and not any part of the road that continues in either direction beyond the property boundary.

If a road is a "dead end"; and the property boundary only adjoins on the end and does not extend along the road, the owner is not considered an adjoining owner for a road closure application. To be clear, a person who has limited frontage to the road cannot apply for closure of the entire length of the road.
12. A public utility provider as defined under the [Land Act 1994](#) may also apply for a permanent road closure. An application for temporary closure can be considered for another person for:
 - pipes for irrigation purposes that cross the road beneath its surface.
 - water channels for irrigation purposes that cross the road.

13. A road may be closed "in strata" to provide for works such as:
- connecting overhead viaduct, or underground tunnel for commercial purposes between two buildings,.
 - structure which will overhang a road.
 - car park or building under or over a road.
14. You may be required to pay a purchase price for the permanent closure of a road.
15. When a road is closed permanently, its status changes from 'road' to 'unallocated state land'. Depending on how the land is to be allocated, the area of road to be permanently closed may be:
- incorporated into the applicant's adjoining freehold or leasehold land.
 - included in an existing reserve or set apart as a new reserve.
 - retained as a separate parcel of freehold land, although this option is rarely used in view of the planning requirements of local governments.
16. A road may be permanently closed under the [Land Act 1994](#) if the Minister is satisfied the road is not the only dedicated access to a person's land; used regularly by the public as a road or stock route; or providing continuity to a road network.
17. Although the state owns the land in a dedicated road, a local government (section 60 of the [Local Government Act 2009](#)) is responsible for the day to day management of dedicated roads in its area including their construction and maintenance. The [Department of Transport and Main Roads](#) is responsible for management of state controlled roads such as a freeway, highway or 'major road connecting cities'.

Information on this form, and any attachments, is being collected to process and assess your application under the *Land Act 1994*. The consideration of your application may involve consultation, and if so details of your application may be disclosed to third parties. They will not be otherwise disclosed outside DNRME unless required or authorised by law.



1.	The Application is for:	<input checked="" type="checkbox"/> Permanent road closure <input type="checkbox"/> Temporary road closure	go to 2 go to 2
----	-------------------------	---	------------------------

2.	If you are not the manager of the road as defined below, have you consulted with the Road Manager to determine if the road is still required?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	go to 3 go to 3
----	---	--	--------------------

Note: Before submitting your application to the DNRME, it is recommended that you discuss your proposal for closure of a local road with the local government responsible for its management, or the [Department of Transport and Main Roads](#) for a state controlled road managed under the [Transport Infrastructure Act 1994](#).

This will assist you to plan your project and will help reduce the time required to assess your application. It will also provide you with an opportunity to address in your application any issues identified through discussion with the road manager.

A signed 'Part C - Statement in relation to an application under the [Land Act 1994](#) over State land' from the road manager must accompany this application.

A road may be permanently closed under the [Land Act 1994](#) if the Minister is satisfied the road is not:

- (a) the only dedicated access to a person's land;
- (b) used regularly by the public as a road or stock route; or
- (c) providing continuity to a road network.

An application must be refused if the road is still needed in accordance with section 101(3) of the [Land Act 1994](#).

Note: A road manager has the powers to authorise various uses on roads, however neither agency is able to permanently close the dedicated road and allocate the land for another use.

Road Manager is –

- The local government for a road that is controlled by the local council
- For a state controlled road, the chief executive of the Queensland Government agency administering the [Transport Infrastructure Act 1994](#) such as the Department of Transport and Main Roads.

3.	Are you a public utility provider or the registered owner, lessee or trustee of the land adjoining the area of road subject to this road closure application?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	go to 4 Application cannot be considered unless temporary closure is for reasons listed in Question 4
----	---	--	--

Note: Section 99(1) of the [Land Act 1994](#) states that only a public utility provider or the registered owner, lessee or trustee of the land adjoining a road may apply for a permanent closure of the road.

4.	Is the temporary closure to make structural improvements for:	<input type="checkbox"/> Pipes for irrigation purposes that cross the road beneath its surface <input type="checkbox"/> Water channels for irrigation purposes that cross the road	go to 5
----	---	---	---------

Note: Section 99(3) of the [Land Act 1994](#) limits who can apply for temporary closure of a road to only the registered owner, lessee or trustee of the land adjoining a road or another person for:

- Pipes for irrigation purposes that cross the road beneath its surface; or
- Water channels for irrigation purposes that cross the road.

5. Provide details in Schedule 1 below, of any land you lease from the state or are the registered owner that adjoins or is in the vicinity of the land applied for. (If there is insufficient space, please lodge as an attachment) go to 6

Schedule 1 You must enter either the Lot or Plan or Title Reference of the land.		
Lot	Plan	Title Reference

6. Have you made a previous application for closure of this area of road? ☐ Yes go to 7 ☒ No go to 10

7. Was this application refused? ☐ Yes go to 8 ☐ No go to 10

8. Has there been any change in circumstances from the previous application, which may lead to this application being accepted for further consideration? ☐ Yes go to 9 ☐ No go to 10

Note: The application may be rejected without further consideration.

9. Provide details of the change in circumstances from the previous application. (If there is insufficient space, please lodge as an attachment) go to 10

10. Is any use currently being made of the road area? ☒ Yes go to 11 ☐ No go to 12

11. Provide details of the current use of road e.g. grazing, encroachment of building or structure (If there is insufficient space, please lodge as an attachment) go to 12

12. Provide details of the proposed use of the road area. (If there is insufficient space, please lodge as an attachment) go to 13

Development of the Bungundarra Rural Fire Station which will involve responding to emergency events when required and training exercises.

13.	Provide details of any additional information to support the application. (optional) (If there is insufficient space, please lodge as an attachment)	go to 14
<div style="border: 1px solid black; padding: 2px; margin-bottom: 2px;">This application is endorsed at the highest levels within the Queensland Rural Fire Service.</div> <div style="border: 1px solid black; padding: 2px;">See supporting information.</div>		

Attachments

The following will need to be lodged with your application for it to be considered a properly made application. If all this information is not submitted or the forms are not completed accurately, your application will be returned.

14.	Tick the box to confirm the attachments for part of the application. <div style="margin-top: 10px;"> <div style="display: flex; align-items: center; margin-bottom: 5px;"> <input checked="" style="margin-right: 10px;" type="checkbox"/> <div>Part A - Contact and land details form.</div> </div> <div style="display: flex; align-items: center; margin-bottom: 5px;"> <input checked="" style="margin-right: 10px;" type="checkbox"/> <div>Part C - Statement from road manager.</div> </div> <div style="display: flex; align-items: center; margin-bottom: 5px;"> <input checked="" style="margin-right: 10px;" type="checkbox"/> <div>Application fee.</div> </div> <div style="display: flex; align-items: center; margin-bottom: 5px;"> <input checked="" style="margin-right: 10px;" type="checkbox"/> <div>A copy of a Dial Before You Dig enquiry confirmation sheet verifying if there is any public utility infrastructure located on the road area applied for</div> </div> <div style="display: flex; align-items: center; margin-bottom: 5px;"> <input checked="" style="margin-right: 10px;" type="checkbox"/> <div>A drawing showing the information listed in the "application requirements" that are included in the Applying for a road closure guide.</div> </div> <div style="display: flex; align-items: center;"> <input checked="" style="margin-right: 10px;" type="checkbox"/> <div>Additional information in support of your application such as correspondence from the road manager or current users of the road.</div> </div> </div>
------------	--

Declaration

I certify that I have read the information which forms part of this application and the information I have provided is true and accurate.

Signature of applicant (or their legal representative)

Date: / /

Note: If applicant, section 142 of the [Land Act 1994](#) states a person is eligible to apply for, buy or hold land under the Land Act 1994 if the person is an adult, that is, 18 years of age or over.
 If the legal representative of the applicant is signing as the applicant then the legal representative's full name must be printed immediately below the signature.



DEPARTMENT OF NATURAL RESOURCES, MINES AND ENERGY
**Statement in relation to an application under
 the *Land Act 1994* over State land**
Part C

Supplementary requirements

1. This form (Part C) is to be used to support the following applications under the [Land Act 1994](#) (Land Act):
 - Application for Road Closure. [Part B Form LA18](#)
 - Application for a Permit to Occupy. [Part B Form LA03](#)
2. Refer to the [DNRME web site](#) and relevant Part B for specific application requirements.

Important information

3. Notice of your application must be first provided to the road manager or trustee of the reserve to determine the impacts of your application.

Road Manager is –

- the local government for a road that is under the control of the a local government; or
 - for a State-controlled road—the chief executive of the department administering the [Transport Infrastructure Act 1994](#).
4. Section 68 of the [Local Government Act 2009](#) and section 74 of the [City of Brisbane Act 2010](#), requires notice of any proposed closure or opening be provided to the local government. The local government must fully state its reasons for its decision, which this department will consider.
 5. The local government may have a specific local law for administering the use of local roads and reserves.
 6. A Permit to Occupy application over a reserve or road must include the support of the reserve trustee or the road manager. For reserve land, the trustee of the reserve must provide additional comments stating why a trustee lease is not supported.
 7. This form must be supported by a drawing (minimum size A4) which includes the following information:
 - general location
 - area of land under application
 - Lot on Plan information
 - scale
 - dimensions
 - a north point
 8. This form must be lodged with the application, including Part A and Part B, within three months.

I/We _____, as

Please tick relevant fields –

- ☐ Road Manager; or
- ☐ Trustee of a reserve issued under the *Land Act 1994*.

have considered information from the applicant including:

- ☐ Completed copy of the application form, namely Part A and Part B – Application under the Land Act
- ☐ Copy of drawing referred to as _____ (copy attached, endorsed by the road manager or trustee).

and advise the Department of Natural Resources, Mines and Energy (DNRME) that use of the land as proposed:

- ☐ Will be authorised by the road manager or trustee of the reserve land and advise that no further contact with DNRME is needed at this time. A formal application to the road manager will be required.
- ☐ Can be authorised by the road manager or trustee of the reserve, however it is not supported for the reasons detailed in the additional comments.
- ☐ Is unable to be authorised by the road manager or trustee of the reserve and it is not supported for the reasons detailed in the additional comments.
- ☐ Can be authorised by the road manager or trustee of the reserve, however for the reasons detailed in the additional comments, requests DNRME to consider an application under the Land Act.
- ☐ Is unable to be authorised by the road manager or trustee of the reserve, however for the reasons detailed in the additional comments, requests DNRME to consider an application under the Land Act.

Additional comments –

Provide information or requirements that you believe should be consider when assessing this application. (If there is insufficient space, please lodge as an attachment)

Does the road manager or trustee require further contact from the department before a decision is made on the application?	
<input type="checkbox"/> Yes	<input type="checkbox"/> No
Note – a different form of tenure may be considered a more appropriate tenure once the application has been assessed.	

Authorisation

I certify that I have the authorisation to make this statement and the information I have provided is true and accurate.

I have signed a copy of the attached drawing provided by the applicant in relation to this application.

Full name and position of person making this declaration on behalf of the road manager or trustee

Signature

--

--

Date: / /

This information will not otherwise be disclosed outside of the department unless required or authorised by law such as under the [Right to Information Act 2009](#).

END DOCUMENT

Queensland Fire and Emergency Services

Form

Effective Date: June 2019

RURAL FIRE SERVICE

RFB Land Acquisition Approval

Please ensure all supporting documentation is attached and legible.

1. PROPOSAL

Brigade Name: Brigade Classification:
 RFS Area: RFS Region:
☒ New Facility ☐ Relocation of existing facility ☐ Site redevelopment

2. BRIGADE REQUIREMENTS

What is the justification for the proposed new station site?

Current site inadequate, no toilets, kitchen. Appliance does not fit in shed, stored at brigade members residence, current lease expires in 2022. Better location for access of brigade members.

If the brigade has an existing base, discuss the adequacy of the present land or station:

As above (too small, inappropriate)

How many appliances does the brigade currently have and what are they?

1 X 51 medium appliance
 2 x trailers
 1 X slip on unit

If the brigade currently does not have any appliances is it considered appropriate that they should?:

N/A

If the previous two answers are nil explain why the brigade requires a station:



N/A

3. BRIGADE PARTICULARS

How many firefighter members does the Brigade have? How often does the Brigade train:
 How many support members does the Brigade have: How often does the Brigade meet:
 What has been the Brigades attendance at incidents over the past five years:
 Number of wildfires in own Brigade area: Number of structural fires:
 Number of hazard reduction burns undertaken: Number of road accidents attended:
 What is the current population within the Brigade area:

CBM 096 UNCLASSIFIED Page 1 of 4

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Will this proposal impact upon any other existing Brigade, Urban Station, QAS Base, SES Base? ☐ Yes ☒ No

If yes, explain impact:

Is there a possibility of sharing the site with other Rural, Urban, QAS, SES, QPS Unit? ☐ Yes ☒ No

If yes, provide further details:

4. BRIGADE CAPACITY FOR STATION

What is the estimated cost of building a station?

90K

How many appliance bays will the station have?

at least 3

What is the proposed construction method?

Metrol kit construction

Has the Brigade been made aware that the station needs to meet a minimum QFES standard for construction?

☒ Yes ☐ No

Does the Brigade receive a levy?

☒ Yes ☐ No

If yes, how much per annum?

\$13,600

How does the Brigade propose to pay for the new station?

Current funds, & various grants (QFES & Gambling)

What is the current level of support for the proposal (eg: community, shire, local member)?

Mayor has visited site along with brigade members & Area Director Wayne Kapernick. Direct neighbors have been consulted with by 1st Officer Anthony Sylvester, supporting documentation attached.

5. LAND DETAILS

Has a potential land parcel been identified? ☒ Yes ☐ No

If yes, provide details:

As per attached map. Address; The site is adjacent to the frontage of 221 Lake Mary Road Coberbell Qld 4703

Adjacent Property: Lot 3 SP146336

What is the proposed tenure i.e. lease or purchase (lease is the preferred option)?

PSBA to negotiate. (Brigade would like 10yrs with 2 X 5 year extensions or peppercorn lease)

If lease, what is the cost of the lease per annum?

Unknown

If lease, what is the term of the lease?

Unknown PSBA to negotiate



CBM 095

UNCLASSIFIED

Page 2 of 4

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If purchase, what is the proposed purchase cost? Unknown
 How suitable is the land for intended purposes? Suitable for development of a fire station
 Is the drainage of the land adequate? yes
 Is vehicular access to the site adequate? yes via Lake Mary Road
 Are there any issues with access to power/water? power no, water yes. Options for bore to be established/tanks
 Is levelling required; if so is major work required? no
 Is a survey of the land parcel required? yes

Are there any other comments/issues regarding the proposed land parcel? (provide details below):

Correspondence between Mayor Bill Ludwig supporting proposed location, attached.

6. SUPPORTING DOCUMENTS

Indicate below documents attached to this land approval form:

- ☒ Map of land parcel ☒ Long term resident flood statement (2 statements required)
☒ Land owner offer / correspondence ☐ Other tenure offer documents

7. CONFIRMATION BY RURAL FIRE BRIGADE

As a representative of the storementioned Rural Fire Brigade, I confirm that all Brigade members understand and support this proposal.

Name: Anthony Sylvester Signature: ASylv Date: 6/2/2020

8. RECOMMENDATION BY AREA DIRECTOR RFS

What is the Area priority for this proposal (high, medium, low): high

Approval in principle is sought for the detailed property project. Further Area Director comments are below.

This new station is better situated for brigade + community

Name: Orlando Wayne Kaperich Signature: Orlando Date: 5/2/2020

9. ENDORSEMENT BY ASSISTANT COMMISSIONER RFS

☒ support this proposal. Further Assistant Commissioner comments are below.

fully supported
AC CR.

Name: Steve Baker Signature: SB Date: 7/2/2020

10. ENDORSEMENT BY REGIONAL MANAGER RFS

☒ endorse this proposal. Further Regional Manager comments are below.

Active & community minded brigade with High Risk Area, currently inadequate facilities.

Name: Brian Smith Signature: Brian Date: 10/2/2020



QBN 008

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Page 3 of 4



11. ENDORSEMENT BY DIRECTOR RFS

☐ I endorse this proposal. Further Director, RFS comments are below.

Name: T. Schuster Signature: [Signature] Date: 12/2/2020

12. APPROVAL BY ASSISTANT COMMISSIONER RFS

☒ I approve this proposal. Further Assistant Commissioner comments are below.

John Bolger AFSM
 Assistant Commissioner
 Rural Fire Service

Name: John Bolger Signature: [Signature] Date: 12-2-2020

Once this form has been completed and signed off by all relevant parties, it should be forwarded to the Property and Leasing Officer, Built Asset Service Group, Public Safety Business Agency for action. If you have any queries regarding this tenure arrangement please contact the Property and Leasing Officer on (07) 3364 6614.



OBM 086

UNCLASSIFIED

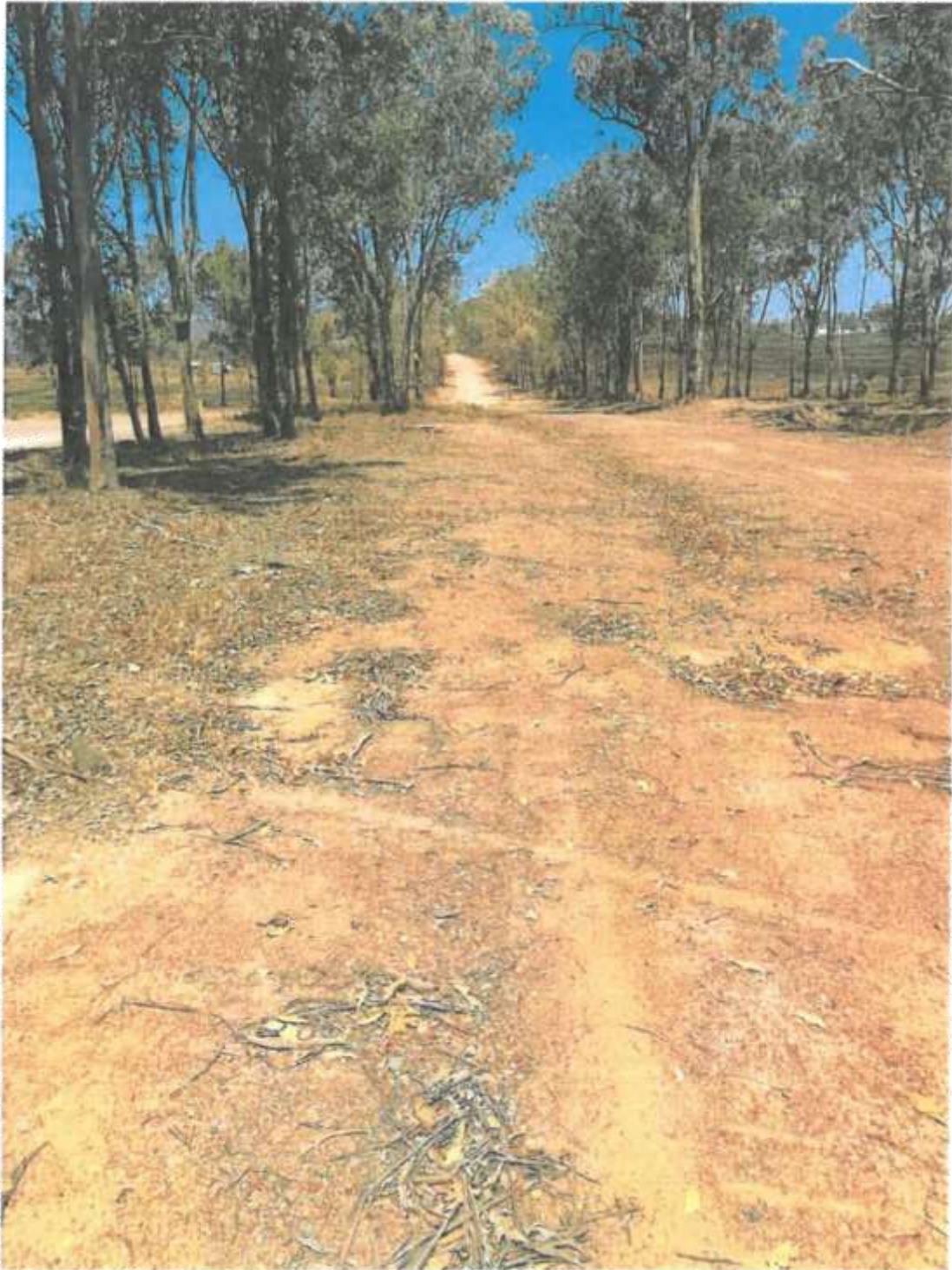
Page 4 of 4

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EMERGENCY

Call 000

Lake Mary Rd

GPS COORDINATES (Address updated 1 second ago)

LAT: -23.10255° LONG: 150.64335°

Lake Mary Road

Lake Mary QLD 4703

ACCURATE TO 8 METRES





10 December 2019

Our Reference:
Enquiries to:
Telephone:
Email:

CLB:db 14.4.2
Carrle Burnett
07 49399887
carrle.burnett@livingstone.qld.gov.au

Public Safety Business Agency
GPO BOX 1440
BRISBANE QLD 4001

ATTENTION: Howard Ellems – A/Project Officer Planning & Property

Dear Sir

**Bungundarra Rural Fire Brigade – New Fire Station
Proposed Road Closure Adjacent to 221 Lake Mary Road, Cobraball**

Reference is made to your email of 3 December 2019 seeking Council support for a possible application for road closure adjacent to 221 Lake Mary Road Cobraball for the Bungundarra Rural Fire Brigade. I have made enquiries with the relevant sections of council and advise as follows:

- a) Council's Co-ordinator Infrastructure Planning – Amel Meegahawattage wishes to emphasise potential safety issues if the ingress and egress points are not properly positioned / treated. Upgrade to the road may be required considering the location of the site and the types of vehicles involved.
- b) Council Manager Construction & Maintenance – Jeff Carter has highlighted that importance that the new building does not interfere with the existing access to the adjacent property.
- c) Council's Co-ordinator Natural Resource Management - Leise Childs has advised:
 - The site does not have any mapped environmental protection layers.
 - The site does contain some mature trees but it is not identified as a mapped Remnant or Matter of Local Environment Significance.
 - The extent of clearing for the area would need to be identified as part of a formal proposal to build the shed and associated vehicle parking and movements.
 - A plan to manage any erosion and sedimentation issues arising due to the construction and operation of the facility would also be necessary.
- d) Council's Duty Planner Tammy Wardrop has advised
 - 221 Lake Mary Road is located in the Rural zone and the same zone can be applied to the road reserve for purposes of development triggers and assessment.
 - The site is affected by the following overlays:
 - OM02 Agricultural Land Class A and Class B
 - OM12 Bushfire Hazard Area – Medium Potential Bushfire Intensity and Potential Impact Buffer
 - OM20 Road Hierarchy – Rural Minor Collector

PO Box 2292 Yeppoon Qld 4703
Phone 07 4913 5000 or 1300 790 919

www.livingstone.qld.gov.au
enquiries@livingstone.qld.gov.au

ABN 95 399 253 048

- A Rural Fire Service would fall under the definition of Emergency Services within the *Livingstone Planning Scheme 2018* and a code assessable application for Material Change of Use would be required. An Emergency Services activity can be supported in the zone where it is compatible with the immediate area and designed and sited so as not to limit or compromise existing or future rural activities on adjoining lots.
- Given the nature of the use I believe it could be supported subject to application and appropriate conditioning.

Subject to the above considerations, Council would not object to the road closure proposal.
If you have any enquiries please contact Carrie Burnett on (07) 49399857.

Yours faithfully



Tony Lau
Manager – Engineering Services



19/12/2019

Rural Fire Service
Queensland Fire and
Emergency Services

Dear Resident/Occupier,

The Bungundarra Rural Fire Service is proposing to acquire a block of land for the purpose of constructing a fire station to serve the local community & greater Livingstone Shire Council Area.

The proposed location of this site is adjacent to the frontage of [REDACTED]
Cobarball Qld 4703 [REDACTED]

By signing this letter, I can confirm that I have no objection to Bungundarra RFS establishing itself on this block of land, and that I have lived/occupied at this address [REDACTED] for the past [REDACTED] years. During this time, I can confirm that the area is not prone to flooding.

Signed

Thank you for your continued support, regards

Anthony Sylvester
1st Officer
Bungundarra Rural Fire Brigade
Mob 0427 267 165

RFS Rockhampton Area Office
PO Box 460
ROCKHAMPTON QLD 4700

Telephone: +61 4332 8129
Facsimile: 081 4832 8196
Email:
Website:



19/12/2019



Rural Fire Service
Queensland Fire and
Emergency Services

Dear Resident/Occupier,

The Bungundarra Rural Fire Service is proposing to acquire a block of land for the purpose of constructing a fire station to serve the local community & greater Livingstone Shire Council Area.

The proposed location of this site is adjacent to the frontage of [REDACTED]
Coberbell Qld 4703 [REDACTED]

By signing this letter, I can confirm that I have no objection to Bungundarra RFS establishing itself on this block of land, and that I have lived/occupied at this address [REDACTED] for the past [REDACTED] years. During this time, I can confirm that the area is not prone to flooding. [REDACTED]

Signed

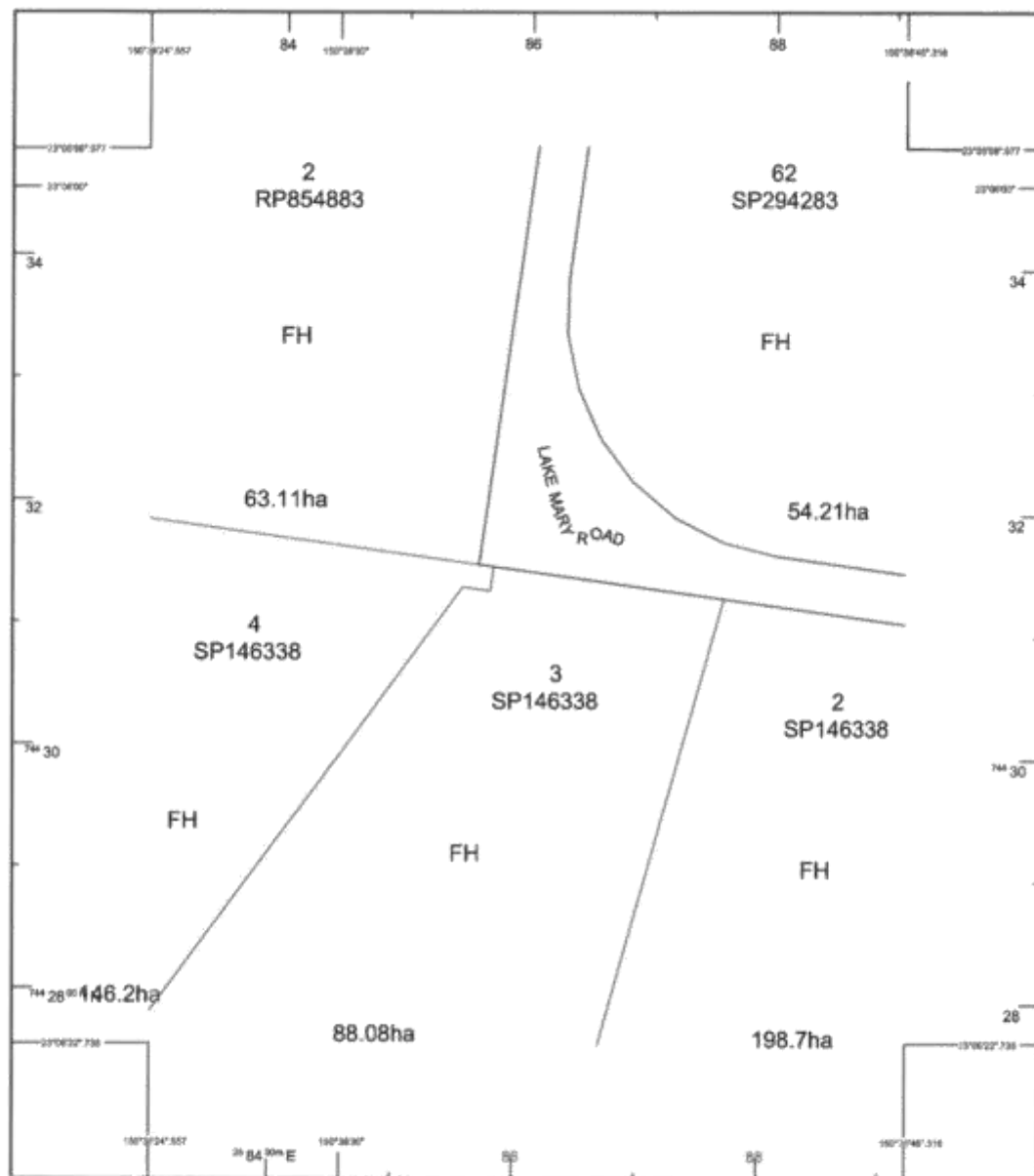
[REDACTED]

Thank you for your continued support, regards

Anthony Sylvester
1st Officer
Bungundarra Rural Fire Brigade
Mob 0427 267 165

RFS Rockhampton Area Office
PO Box 460
ROCKHAMPTON QLD 4700

Telephone: +61 4932 8129
Facsimile: +61 4932 8196
Email:
Website:



STANDARD MAP NUMBER
9051-41331

MAP WINDOW POSITION &
NEAREST LOCATION



SUBJECT PARCEL DESCRIPTION

SCDB
Lot/Plan
Area/Volume
Tenure
Local Government
Locality
Segment/Parcel

No Lot/Plan Selected.
No Lot/Plan Selected.
No Lot/Plan Selected.
No Lot/Plan Selected.
No Lot/Plan Selected.

CLIENT SERVICE STANDARDS

PRINTED (ddmmyyyy) 05/12/2019

SCDB 05/12/2019

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Queensland Government
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Natural Resources,
Mines and Energy) 2019.

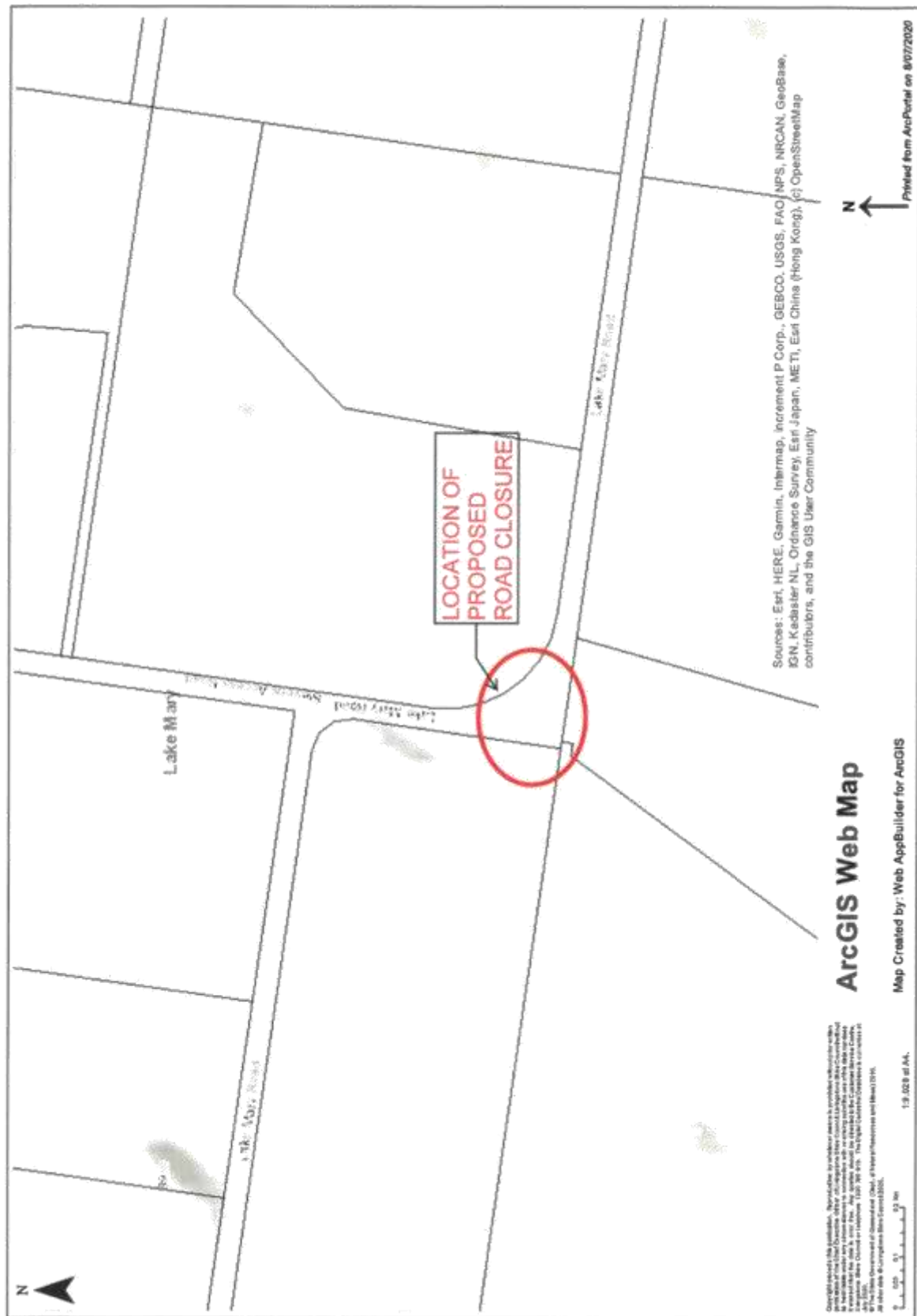


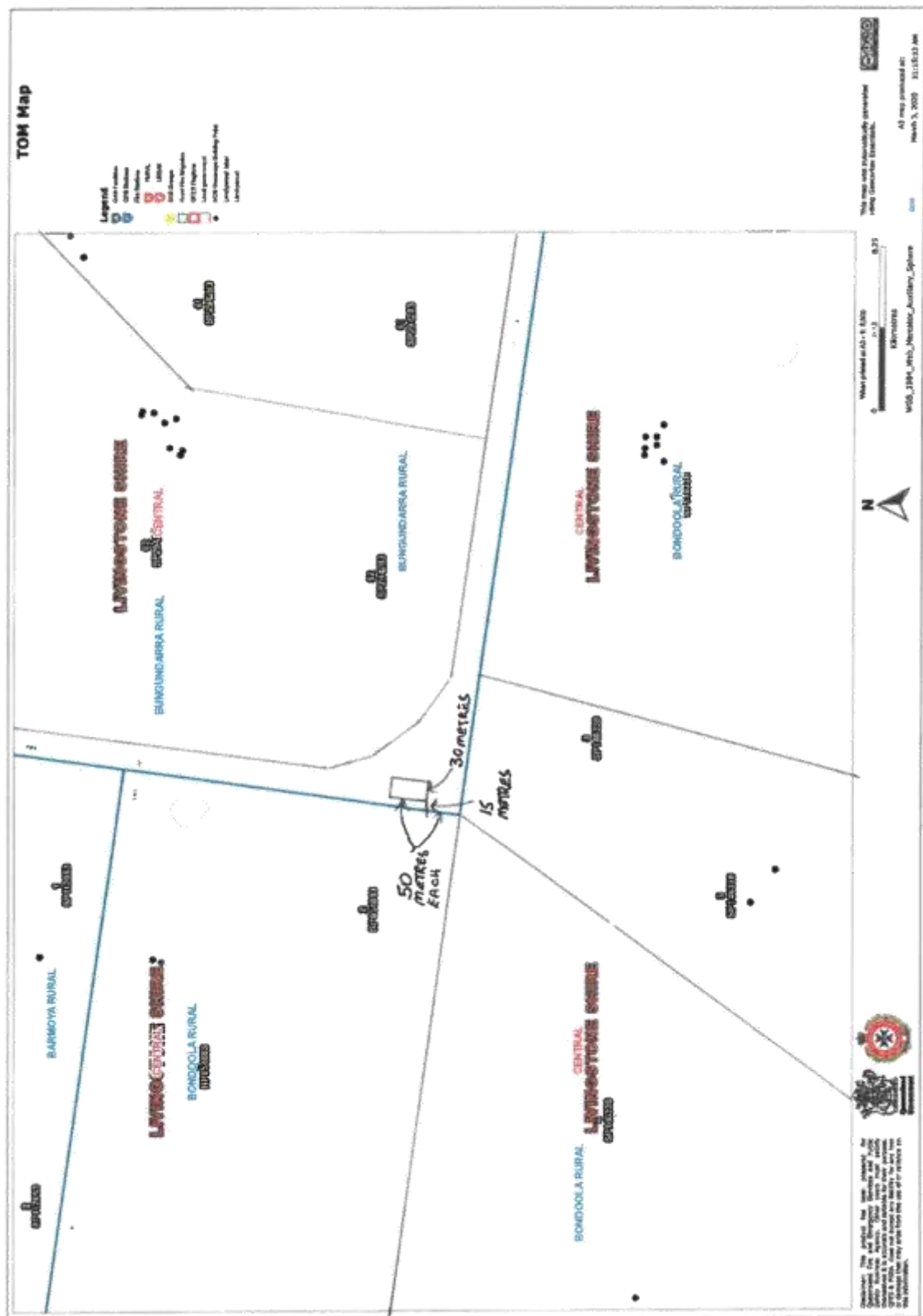
12.8 - APPLICATION FOR PERMANENT ROAD CLOSURE - LAKE MARY ROAD, LAKE MARY

Locality Plan

Meeting Date: 18 August 2020

Attachment No: 2





12.9 CAPRICORN COAST MEMORIAL PARKLANDS

File No:	15-066
Attachments:	Nil
Responsible Officer:	David Mazzaferri - Acting Executive Director - Liveability & Wellbeing
Author:	Stuart Doak - Manager Infrastructure Projects
Previous Items:	5.6 - Capricorn Coast Memorial Parklands - Briefing Session - 04 Aug 2020 9.00am 15.1 - Capricorn Coast Memorial Parkland Management - Ordinary Council - 19 Dec 2019 1pm (Special) 5.16 - Capricorn Coast Memorial Parkland Management - Briefing Session - 29 Jul 2019 12.30pm

SUMMARY

This report summarises the current status of the Capricorn Coast Memorial Parklands project and the outcomes of the analysis and comparison of the crypt and traditional burial systems. It also seeks a review of the previous Council decision of 19th December 2019 to prepare Expression of Interest documentation to gauge interest from the private sector in the future management and operation of the cemetery.

OFFICER'S RECOMMENDATION

THAT Council:

- i) rescinds the motion adopted at the Special Meeting held on 19 December 2019 in relation to inviting *Expressions of Interest* for the future management, operation and maintenance of the new *Capricorn Coast Memorial Parklands*
- ii) confirms it will retain the management, operation and maintenance responsibilities for the new cemetery for the foreseeable future utilising the traditional burial system, while maintaining the option to convert to the crypt burial system in the future as demands and trends dictate
- iii) requests that council staff to prepare a comprehensive *Commissioning Plan* for the new cemetery, including:
 - extending the life of the current Yeppoon and Emu Park cemeteries for an additional 2-3 years, as can be reasonably achieved, to allow establishment of the new memorial parklands
 - preparation of business cases to support capital budget allocations in the 2021/22 and 2022/23 financial years for completion of the memorial parklands and establishment of the grounds to an acceptable standard to be opened for burials, including:
 - an amenities block (temporary or permanent)
 - columbarium walls
 - ashes gardens
 - lawns and landscaping, and
 - civil works and pathways
 - seeking future funding opportunities for construction of
 - Stage One of the Bush Chapel – amenities and kitchenette
 - Stage Two of the Bush Chapel – Bush Chapel building, or

- Stage One and Two of the Bush Chapel – entire Bush Chapel complex
- inclusion in future budgets and the long-term financial plan for the operation and maintenance of the new cemetery, once opened
- considering future agistment arrangements for the adjacent land not currently being used for burial purposes

iv) undertakes a review of future burial costs and fees

BACKGROUND

The *Capricorn Coast Memorial Parklands* is located between Yeppoon and Emu Park on a 100 hectare freehold parcel of land acquired by Council and will be adequate to service Livingstone Shire for at least the next fifty years. The parkland setting will also offer an alternative to existing more formal cemeteries in the region. The masterplan for the parklands includes the provision of a Bush Chapel (eighty-person capacity) and refreshments pavilion which will allow funeral services to be held on site; something that has not been possible at the Shire's existing cemeteries.

The project will provide a range of options for burials and interment of ashes in a landscaped parkland setting. This facility will replace the existing local cemeteries, which are approaching capacity. It is understood that the life of the current cemeteries at Yeppoon, Cawarral and Emu Park can be extended by up to four (4) years with some additional work.

The original approved scope of the project included:

1. Development of a masterplan for the site, in the form of a memorial parkland, to provide a range of burial options for the Capricorn Coast
2. Obtain *Infrastructure Designation* for the site as a cemetery and adjust the site boundaries (Reconfiguring a Lot)
3. Construction of access to the site, internal roads and carparking
4. Construction of landscaping, pathways and landscaped earthworks
5. Construction of a Bush Chapel, refreshment pavilion, and maintenance compound, and
6. Provision of services to the site, id est, power, water supply and waste treatment

(Note: the Bush Chapel was included in the funding application as future works)

The budget for the project is \$3.5 million, which included a \$1.75 million matched contribution from the State Government *Building Our Regions* (BOR) fund.

COMMENTARY

Future Cemetery Management and Operation

As a result of some private sector interest, Council considered the possibility of outsourcing the management, operation and maintenance of the new cemetery facility, and decided at a Special Meeting held on 19 December 2019 to prepare draft *Expression of Interest* documentation to seek interest levels from the private sector. As part of this market-testing exercise, Council also requested that the crypt burial system (also known as the *Modern Burial System*) be considered as an alternative to the traditional burial system currently being utilised at the Yeppoon and Emu Park cemeteries.

Burial Systems Analysis and Comparison

A comprehensive comparison of capital and operational costs of the crypt burial system (CBS) compared to the traditional burial system (TBS) has been undertaken, including a longer term net present value (NPV) analysis. The results of this analysis is included in the report to the Council Briefing Session of 4 August 2020.

The financial analysis demonstrated convincingly that Council's current burial practice, the traditional burial system, was far more cost effective in the short-term and over the longer term than the crypt burial system while burial space was not at a premium. This would not

preclude Council, however, moving to the crypt system at some stage in the future should circumstances and trends dictate.

The cost analysis also highlighted the actual costs of burials compared to Council's current fees and charges (revenue generated) for burials and interments. While Council's current level of charges for burials were comparable to neighbouring Council's (refer table below), the level of annual cost subsidisation for burials was substantial. It is considered that Council should undertake a formal review of actual costs and revenue associated with burials at some stage in the near future.

Council	Traditional	Crypt	Monumental
Livingstone Shire Council	\$2,061	-	\$3,077
Gladstone Regional Council	\$2,400	\$2,895	-
Rockhampton Regional Council	\$2,130	\$2,253	-

Expressions of Interest for Future Management Arrangements

The resolution from Council's Special Meeting of 19 December 2019 requested Council Officers to prepare an *Expressions of Interest* document to gauge the level of interest from the private sector in managing and undertaking burials utilising the crypt system, interment of ashes, operating and maintaining the site and development of a chapel and crematorium.

Given the costs associated with

- the crypt burial system
- ongoing maintenance of the site
- construction of a chapel
- the cost of establishing a cremator on the site, and
- the low rate of burials

It is hard to comprehend how a business plan could be established to guarantee a suitable rate of return for a business to be feasible, sustainable and profitable.

It is envisaged that responses to the *Expression of Interest* might indicate interest in discreet packages of the overall scope of the venture, exempli gratia, site maintenance or establishment / operation of the cremator. Hence, comparison and evaluation of the *Expressions of Interest* may prove difficult.

The most significant risks to Council in establishing a *Public Private Partnership* venture of this nature are:

1. obtaining a substantial enough business case / plan from proponents at the *Expression of Interest* stage which would provide Council with the confidence that the venture is feasible and sustainable
2. being able to comparatively evaluate those business cases / plans, and
3. should a 'feasible' venture be established, having the contractual conditions in place as part of a *Public Private Partnership* arrangement that would protect Council and the community from that business closing down / going into voluntary administration / being placed into receivership

The development and preparation of a comprehensive and credible *Expression of Interest* document to issue for a public response would require a substantial amount of research and work in order to address the above risks. At the very least, the legal input into protection clauses relating to failure of the business and guarding Council from the subsequent fall-out would be substantial. There would appear to be a significant amount of uncertainty about the feasibility of such a venture and arrangement, and it would be prudent at this juncture for Council to reconsider the feasibility and the practicalities of proceeding with the *Expression of Interest* process.

It is considered that Council should continue to manage and operate the new cemetery facility, and not pursue the outsourcing of the management and operational arrangements via an *Expression of Interest* (other than possibly grounds maintenance) in the foreseeable future due to the potential risks as outlined above.

It is also considered that the crypt burial system should not be pursued further at this point in time due to its significant cost, and the fact that the new cemetery has adequate space to accommodate the traditional burial system for many years to come.

Completion of the New Memorial Parklands

Project expenditure to date is ~\$2.82 million, leaving ~\$680,000 to complete the works remaining in this stage of the project. The original project scope of work cannot be completed within the current \$3.5 million budget, but the project has to be completed in accordance with the funding agreement.

It is suggested that the works listed below should be focused on to complete the current stage of the project to comply with the funding agreement. It would appear that the establishment of a reliable water supply and irrigation system is a high priority, to enable the grounds to be developed and sustained.

Item	Estimated Cost
Groundwater investigation and installation of up to three (3) bores	\$25,000
Repairs to the constructed lagoon / wetlands	\$200,000
Preliminary landscaping works – including a) pruning dead limbs of tress within Stage One b) spraying Giant Rats Tail grass infestation c) slashing and establishment of grounds	\$125,000
Irrigation (including pipelines from bores to storage)	\$135,000
Earthworks	\$80,000
Construction of maintenance shed and compound	\$130,000
TOTAL	~\$695,000

As highlighted in the Council Briefing Session report of 4 August 2020, the current budget for the Capricorn Coast Memorial Parklands project is insufficient to enable the facility to be completed to an acceptable standard to be opened to the community for burials. The additional capacity that can be garnered from the existing Yeppoon and Emu Park cemeteries to enable their continuance for two to three more years will allow the timeframe for the new memorial parklands to be completed; but additional budget allocations will be required over the next two budgets to enable its completion. This will require business cases to be prepared to establish and justify the ongoing works.

It is considered that a *Commissioning Plan* should be prepared for the new cemetery by Council's cemetery management staff (with assistance from Infrastructure Projects staff) to outline the outstanding works to complete the project, their costs and their timing. The *Commissioning Plan* should include:

- a) extending the life of the current Yeppoon and Emu Park cemeteries for an additional 2-3 years, as can be reasonably achieved, to allow establishment of the new memorial parklands
- b) preparation of business cases to support capital budget allocations in the 2021/22 and 2022/23 financial years for completion of the memorial parklands and establishment of the grounds to an acceptable standard to be opened for burials, including:
 - an amenities block (temporary or permanent)

- columbarium walls
 - ashes gardens
 - lawns and landscaping, and
 - civil works and pathways
- c) seeking future funding opportunities for construction of
- Stage One of the Bush Chapel – amenities and kitchenette
 - Stage Two of the Bush Chapel – Bush Chapel building, or
 - Stage One and Two of the Bush Chapel – entire Bush Chapel complex
- d) inclusion in future budgets and the long-term financial plan for the operation and maintenance of the new cemetery, once opened
- e) considering future agistment arrangements for the adjacent land not currently being used for burial purposes

PREVIOUS DECISIONS

29 July 2019 Council Briefing Session – Report on Capricorn Coast Memorial Parklands Management

A report was presented to the Council Briefing Session held on 29 July 2019, which proposed five (5) options for Council's consideration on future ownership/management of the new cemetery facility. The options ranged from full Council ownership, operation and maintenance to sale of the entire facility to private enterprise (the latter of which was not recommended).

The outcome from this meeting was that Councillors wanted to give further consideration to pursuing Option Four, which was a public private partnership.

19 December 2019 Special Council Meeting – Confidential Report on Capricorn Coast Memorial Parklands Management

A follow-up report was presented to a Special Council Meeting held on 19 December 2019 to provide further information on the potential for a *Public Private Partnership* arrangement for future management and operation of the new cemetery, and to gauge Council's attitude towards pursuing this arrangement.

The resolution adopted by Council at the meeting was

THAT Council resolve to authorise Council officers to invite expressions of interest from parties interested in the provision and management of the following components of the Capricorn Coast Memorial Parkland:

- 1) *provision of burials and interment of ashes in accordance with the Capricorn Coast Memorial Parkland Landscape Key Plan Two: Burial Plot Layout, including:*
 - (a) *using the modern burial system (crypt burial system) for formal lawn and informal lawn burials;*
 - (b) *provision of ashes garden(s);*
 - (c) *provision of columbarium(s); and*
 - (d) *the establishment of a pet cemetery;*
- 2) *horticultural and general maintenance of the site;*
- 3) *general operation (including opening hours) of the site;*
- 4) *development of a chapel; and*
- 5) *development of a crematorium.*

Moved by: **Councillor Belot**

Seconded by: **Councillor Wyatt**

MOTION CARRIED

ACCESS AND INCLUSION

There are no issues foreseen at this stage relating to access or inclusion. All services and facilities will be constructed at ground level with disabled access accommodated.

It is intended that the burial and interment services and facilities at the memorial parklands will accommodate the requirements of all faiths and beliefs, as far as practicable.

ENGAGEMENT AND CONSULTATION

An outline of the project is available on Council's website and it is intended to keep this updated with progress of the project.

Media opportunities will also be facilitated at specific project milestones.

HUMAN RIGHTS IMPLICATIONS

There are no human rights implications from this project.

BUDGET IMPLICATIONS

This project will require additional budget in the 2021/22 and 2022/23 years to complete the project. The quantum of the budget allocations required will be identified in business cases to be prepared as part of the suggested *Commissioning Plan* for the new memorial parklands.

The Bush Chapel component of the project is at a point where it can be put forward for State or Federal Government funding (preferably 100 percent funded), as plans and tender documentation are almost complete.

LEGISLATIVE CONTEXT

The management of cemeteries is undertaken pursuant to *Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011* and Council's *Management of Local Government Cemeteries and Undertaking Regulated Activities Regarding Human Remains Policy* and associated procedure.

LEGAL IMPLICATIONS

There are no legal implications if Council decides not to pursue a *Public Private Partnership* arrangement for the future.

Should Council wish to continue to pursue the potential for private sector involvement in the future management and operation of the new cemetery, there will need to be significant legal involvement in preparing the conditions of contract for a *Public Private Partnership* arrangement.

If Council was to outsource the management and operation of an essential service / industry such as a community cemetery to a private enterprise, Council would need to ensure, as part of any *Public Private Partnership* agreement / contract, that continuity of access to the cemetery and burials by Council is not prevented in the event of a failure of the business.

STAFFING IMPLICATIONS

There are obviously future staffing implications from this project as provision needs to be made for future maintenance of the new cemetery in addition to continuing the maintenance of the existing Yeppoon and Emu Park cemeteries. Cost estimates for this ongoing workload were provided in the Briefing Session report of 4 August 2020, and additional resources are currently being reviewed and assessed within the Open Spaces team.

RISK ASSESSMENT

The most significant risks to Council in considering a *Public Private Partnership* venture of this nature are:

1. obtaining a substantial enough business case/plan from proponents at the Expression of Interest stage which will provide Council with the confidence that the venture is feasible and sustainable
 2. being able to comparatively evaluate those business cases/plans, and
-

3. should a 'feasible' venture be established, having the contractual conditions in place as part of a *Public Private Partnership* arrangement that will protect Council and the community from that business closing down, going into voluntary administration or being placed in receivership.

These risks were discussed in more detail in the *Future Cemetery Management Options* section of the Briefing Session report of 4 August 2020.

CORPORATE PLAN REFERENCE

Liveable Livingstone

Community Plan Goal 1.2 - Supporting healthy living at any age

1.2.2 Plan for Livingstone's ageing demographics and partner with regional health and aged care sector.

The provision of a cemetery and access for burial and interment is essential community infrastructure for residents of the Livingstone community, and accords with Council's goal of future planning for the community's needs, especially for the aged.

CONCLUSION

As indicated in the report above, the *Capricorn Coast Memorial Parklands* project is at a crossroads with a significant amount of the original scope of work completed, but with insufficient funds to complete the facility to an operational standard as originally intended.

The short-term extension of the capacity of the current cemeteries at Yeppoon and Emu Park will enable the new memorial parkland to be established to a more acceptable standard for the community prior to opening. It would appear that the establishment of a reliable water supply and irrigation system is a high priority, to enable the grounds to be developed and sustained. A list of works has been suggested to complete the current stage of the project to comply with the funding agreement.

The matter of future private sector involvement in the management and operation of the cemetery facility is considered not to be a viable alternative and it is recommended that Council continue utilising Council staff to manage and operate the memorial parklands. This should not preclude consideration of any viable opportunities to outsource elements of the cemetery operation if they arise.

A detailed analysis of the crypt burial system as an alternative to Council's current traditional burial system has also been undertaken and has demonstrated that the current traditional system should be continued with at this stage. The crypt system can always be reconsidered in the future, as necessary.

12.10 RESPONSE TO MAYORAL MINUTE - KEPPEL KRAKEN

File No:	CR2.13.5
Attachments:	Nil
Responsible Officer:	Michael Kriedemann - Executive Director Infrastructure
Author:	Daniel Pearce - Manager Assets & GIS
Previous Items:	9.4 - Mayoral Minute - Repairs to Kracken - Ordinary Council - 16 Jun 2020 9.00am 5.1 - Keppel Kraken Softfall and Options - Briefing Session - 04 Aug 2020 9.00am

SUMMARY

This report is to provide a response to the Mayoral Minute tabled in the Ordinary Council meeting on 16 June 2020 requesting that Council prepare a business case, with community consultation, for the 2020/2021 budget to install cushioning or soft fall material on all concrete surfaces of the Kracken that have sharp edges in wet areas.

OFFICER'S RECOMMENDATION

THAT Council proceed with community consultation on the Keppel Kraken softfall and options as discussed in the Council briefing session on 4 August 2020 and close off the Mayoral Minute.

BACKGROUND

The Keppel Kraken commenced operation in December 2015 after an extended design, review and construction period. The end to end phases of this project were overseen by a Project Control Group (PCG) who were the decision makers on the design and type of construction for the site. This facility has, however, continued to be a topic of conversation as to whether or not the exposed blocks within the wet areas of the facility should be covered with a cushioning or soft fall material.

The lower cascade area of the facility was covered with soft fall in July 2016.

COMMENTARY

A Mayoral Minute was tabled in the Ordinary Council meeting on 16 June 2020 requesting a business case be prepared for the 2020/21 budget to install cushioning or soft fall material. A further request was received from the Acting Chief Executive Officer requesting a briefing session report be presented at the August 2020 meeting. This report was presented to the Councillors on 4 August 2020 and included:

- Options to remove the concrete columns and replace with park furniture, a garden bed or additional water features;
- The number of recorded injuries; and
- A risk assessment of the individual components.

The report presented at the briefing session outlined the details to address the Mayoral Minute and the Acting Chief Executive Officer's request. The briefing session discussions reached a consensus of offering the options and pricing estimates to the community for feedback and future consideration by Council based on the outcomes of the consultation.

PREVIOUS DECISIONS

Briefing session discussions on 4 August 2020 requested community consultation be undertaken with options and pricing being provided to the community for consideration and feedback. This is to be facilitated via Council's Marketing and Communication team.

ACCESS AND INCLUSION

The Kraken facility is accessible and inclusive.

ENGAGEMENT AND CONSULTATION

As discussed above the Keppel Kraken options and pricing will be provided to the community for consideration and feedback.

HUMAN RIGHTS IMPLICATIONS

Section 4(b) of the *Human Rights Act 2019* requires public entities such as Council 'to act and make decisions in a way compatible with human rights'.

There are no human rights implications associated with this report.

BUDGET IMPLICATIONS

Budget implications as they relate to both capital expenditure and maintenance expenditure were outlined in the attached Keppel Kraken Options Report presented in the 4 August 2020 briefing session report. Community consultation will guide the future outcomes for Council's consideration and future budget requirements. There is not currently a budget item for this work in the 2020/21 capital budget.

LEGISLATIVE CONTEXT

The Queensland Health Water Quality guidelines need to be adhered to.

LEGAL IMPLICATIONS

There are legal implications with such a facility as indicated by the one (1) claim that has been submitted against Council for an injury sustained in 2018.

STAFFING IMPLICATIONS

There will be ongoing requirements for Council staff to undertake maintenance at the facility regardless of which option Council pursues. These would need to be more clearly outlined given the decision made.

RISK ASSESSMENT

A risk assessment undertaken by Council's Safety team was included in the Keppel Kraken Options Report presented in the 4 August 2020 briefing session report.

CORPORATE PLAN REFERENCE***Liveable Livingstone******Community Plan Goal 1.3 - Places for active and passive recreation***

1.3.2 Optimise community benefit from the use of parklands and facilities by improving the quality, access to, and shared use of, public spaces and facilities for cultural, recreational, and community activities.

CONCLUSION

That Council proceed with community consultation via its Marketing and Communication team on the Keppel Kraken softfall and options as discussed in the Council Briefing Session on 4 August 2020 and close off the Mayoral Minute.

13 QUESTIONS/STATEMENT/MOTIONS ON NOTICE FROM COUNCILLORS**13.1 QUESTIONS ON NOTICE - COUNCILLOR FRIEND - ENVIRONMENTAL LEVY****File No:** GV13.4.3**Attachments:** 1. Questions on Notice - Councillor Friend - Environmental Levy [↓](#)**Responsible Officer:** Brett Bacon - Acting Chief Executive Officer

SUMMARY

Councillor Andrea Friend submitted a request to include the attached Questions on Notice at the Council Meeting 18 August 2020.

COUNCILLOR RECOMMENDATION

THAT the 'Questions on Notice' be received and a report providing a response to the Councillor's questions be presented to a Council meeting.

BACKGROUND

The background for the questions on notice are detailed in Attachment One. In the interests of brevity, they have not been repeated within this report.

13.1 - QUESTIONS ON NOTICE - COUNCILLOR FRIEND - ENVIRONMENTAL LEVY

Questions on Notice - Councillor Friend - Environmental Levy

Meeting Date: 18 August 2020

Attachment No: 1

4 Lagoon Place
Yeppoon
Qld 4703

A/Chief Executive Officer
Livingstone Shire Council
Yeppoon Q 4703

**Questions on Notice
Environmental Levy**

Dear Mr Bacon,

I wish to submit the following Questions on Notice in relation to the Environmental Levy.

- Q1. In the 2019/20 Q3 Budget Pest Management were allocated \$72,547. Where were these actual funds specifically dispersed?
- Q2. In the 2020/21 Draft Budget adopted 28th July 20, Budget Pest Management are allocated \$267,356. Where are these actual funds specifically dispersed?
- Q3. In the 2019/20 Q3 Budget Vector Management were allocated \$230,006. Where were these actual funds specifically dispersed?
- Q4. In the 2020/21 Draft Budget adopted 28th July 20, Vector Management are allocated \$144,410. Where are these actual funds specifically dispersed?
- Q5. In the 2019/20 Q3 Sustainability were allocated \$119,565. Where were these actual funds specifically dispersed?
- Q6. In the 2020/21 Draft Budget adopted 28th July 20, Sustainability are allocated \$106,863. Where are these actual funds specifically dispersed?
- Q7. What specifically defines Sustainability?
- Q8. Which specific department/ departments within council, receive this portion of the environmental levy for Sustainability?
- Q9. In the 2019/20 Q3 Nursery were allocated \$75,055. Where were these actual funds specifically dispersed?
- Q10. In the 2020/21 Draft Budget adopted 28th July 20, Nursery are allocated \$69,272. Where are these actual funds specifically dispersed?

Q11. In the 2019/20 Q3 Waste Management Initiatives were allocated \$100,000. Where were these actual funds specifically dispersed?

Q13. In the 2020/21 Draft Budget adopted 28th July 20, Waste Management Initiatives are allocated \$100,000. Where are these actual funds specifically dispersed?

Q14. What are the specific Waste Management Initiatives?

Q15. Which department/departments within council, receive this portion of the environmental levy for Waste Management Initiatives?

Q16. In the 2019/20 Q3 Land Rehabilitation were allocated \$433,863. Where were these actual funds specifically dispersed?

Q17. In the 2020/21 Draft Budget adopted 28th July 20, Land Rehabilitation are allocated \$499,190. Where are these actual funds specifically dispersed?

Q18. Which specific department/ departments within council, receive this portion of the environmental levy for Land Rehabilitation?

I welcome any additional information Council may supply.

Many thanks,
Andrea Friend Cllr

13.2 NOTICE OF MOTION - COUNCILLOR HUTTON - GREAT KEPPEL ISLAND**File No:** GV13.4.4**Attachments:** 1. Notice of Motion - Great Keppel Island [↓](#)**Responsible Officer:** Brett Bacon - Acting Chief Executive Officer

SUMMARY

Councillor Nigel Hutton has submitted a 'Notice of Motion' in relation to Great Keppel Island.

COUNCILLOR RECOMMENDATION

THAT Council instigates a working group with potential government and private sector partners and or island related businesses with the explicit agenda of cataloguing and addressing the tourism infrastructure challenges which require attention to allow the island to achieve its current potential.

BACKGROUND

Councillor Nigel Hutton has indicated his intention to move a Notice of Motion at the Ordinary Council Meeting of 18 August 2020. Details of the Notice of Motion are contained within Attachment One and in the interests of brevity will not be repeated in this report.

**13.2 - NOTICE OF MOTION -
COUNCILLOR HUTTON - GREAT
KEPPEL ISLAND**

Notice of Motion - Great Keppel Island

Meeting Date: 18 August 2020

Attachment No: 1

C/O PO BOX 2292
Yeppoon Q 4703

Acting Chief Executive Officer
Livingstone Shire Council
Anzac Parade Yeppoon Q 4703

Monday, 3 August 2020

**Notice of Motion
Great Keppel Island – Jewel in the Crown**

Dear Brett,

I hereby request consideration of this motion and give notice of my intention to move the following motions at the next Ordinary Meeting of Council:

“That Council instigates a working group with potential government and private sector partners and or island related businesses with the explicit agenda of cataloguing and addressing the tourism infrastructure challenges which require attention to allow the island to achieve its current potential.”

Background:

Renown as the Jewel of Keppel Bay, and remembered fondly by generations of Australians, Great Keppel Island is a key part of advancing any localised tourism growth through the ‘In our own backyard’ transformation of the tourism economy in the COVID age.

Visitors and locals alike have much to enjoy and experience, however investment in maintaining the small scale tourism assets of the island inclusive of walk ways, lookouts, signage etc has dropped. The desire has been to see these assets renewed/improved concurrently with any large scale development due to cost efficiencies and capacity. However, the culmination of recent investments by council in additional facilities and services, the continued desirability of the island, and COVID; support a more immediate and coordinated robust response. Contributions from both the private and public sector have demonstrably shown the benefit / the outcome of enhancing the facilities available.

One of the great successes of Livingstone has been its capacity to raise the profile of issues / opportunities and work collaboratively with groups and government to find both cost effective ways forward and achieve great community outcomes. I would encourage Livingstone Shire Council to adopt this motion and advance the common desire of all members of our community by escalating the importance and timeliness of improvements to the tourism infrastructure of Great Keppel Island.

Regards

Councillor Nigel Hutton

**13.3 NOTICE OF MOTION - COUNCILLOR HUTTON - 25 YEARS OF FRIENDSHIP
CENTRAL QUEENSLAND AND SINGAPORE****File No:** GV13.4.3**Attachments:** 1. Notice of Motion - Celebrating 25 Years of
Friendship Central Queensland and
Singapore [↓](#)**Responsible Officer:** Brett Bacon - Acting Chief Executive Officer

SUMMARY

Councillor Nigel Hutton has submitted a 'Notice of Motion' in relation to Celebrating 25 Years of Friendship – Central Queensland and Singapore.

COUNCILLOR RECOMMENDATION

THAT Council create a working group, to collaborate with community, Rockhampton Regional Council and other levels of Government to identify opportunities to recognise 25 years of Central Queensland & Singapore friendship.

BACKGROUND

Councillor Nigel Hutton has indicated his intention to move a Notice of Motion at the Ordinary Council Meeting of 18 August 2020. Details of the Notice of Motion are contained within Attachment One and in the interests of brevity will not be repeated in this report.

**13.3 - NOTICE OF MOTION -
COUNCILLOR HUTTON - 25 YEARS OF
FRIENDSHIP CENTRAL QUEENSLAND
AND SINGAPORE**

**Notice of Motion - Celebrating 25 Years
of Friendship Central Queensland and
Singapore**

Meeting Date: 18 August 2020

Attachment No: 1

C/O PO BOX 2292
Yeppoon Q 4703

Acting Chief Executive Officer
Livingstone Shire Council
Anzac Parade Yeppoon Q 4703

Monday, 3 August 2020

**Notice of Motion
Celebrating 25 Years of Friendship
Central Queensland & Singapore**

Dear Brett,

I hereby request consideration of this motion and give notice of my intention to move the following motions at the next Ordinary Meeting of Council:

"That Council create a working group, to collaborate with community, Rockhampton Regional Council and other levels of Government to identify opportunities to recognise 25 years of Central Queensland & Singapore friendship.

Background:

Collaboration in recognising this significant milestone will support the ambitions of the 2017 Australian Government 'Foreign Policy' whitepaper, which promoted displays of 'public diplomacy' as an example of our capacity to exert 'soft power' in support of mutually beneficial outcomes such as the military benefits expressed in the joint exercises and training available through the enhancement of Shoalwater Bay.

Demonstrations of people to people engagement and continuing to grow the community support of these initiatives in advance of further stages of the Australia-Singapore Military Training Initiatives program will have social, economic and enduring long term outcomes for Central Queensland and all partners.

This motion supports the Livingstone 2050 Community Plan; Thriving Livingstone 2.3 and Leading Livingstone 4.2 and 4.3.

I would encourage Livingstone Shire Council to adopt this approach and build on 25 years of interconnection and mutual growth.

Regards

Councillor Nigel Hutton

13.4 NOTICE OF MOTION - COUNCILLOR HUTTON - NEIGHBOURHOOD PRIDE ENTRY SIGNAGE**File No:** GV13.4.3**Attachments:** 1. Notice of Motion - Neighbourhood Pride Entry Signage [↓](#)**Responsible Officer:** Brett Bacon - Acting Chief Executive Officer

SUMMARY

Councillor Nigel Hutton has submitted a Notice of Motion in relation to Neighbourhood Pride Entry Signage.

COUNCILLOR RECOMMENDATION

THAT Council provide a report to a briefing session; investigating the policy/procedural change necessary and the cost of maintaining neighbourhood entry signage across the shire. This report be considered in the 21/22 budget deliberations.

BACKGROUND

Councillor Nigel Hutton has indicated his intention to move a Notice of Motion at the Ordinary Council Meeting of 18 August 2020. Details of the Notice of Motion are contained within Attachment One and in the interests of brevity will not be repeated in this report.

**13.4 - NOTICE OF MOTION -
COUNCILLOR HUTTON -
NEIGHBOURHOOD PRIDE ENTRY
SIGNAGE**

**Notice of Motion - Neighbourhood
Pride Entry Signage**

Meeting Date: 18 August 2020

Attachment No: 1

The Acting Chief Executive Officer
Livingstone Shire Council
Lagoon Place, Yeppoon Q 4703

Monday, 3 August 2020

**Notice of Motion
Neighbourhood Pride – Entry Signage**

Dear Brett,

I hereby request consideration of this motion at the next meeting of council and give notice of my intention to move the following:

“That Council provide a report to a briefing session; investigating the policy/procedural change necessary and the cost of maintaining neighbourhood entry signage across the shire. This report be considered in the 21/22 budget deliberations.

Background:

Generally, signature signage along with entry statement gardens are provided as a unique identifier for estates in their development phase (Creating a sense of place). These are paid for by developers and seek to lift the profile of a neighbourhood (promotion/awareness) and provide a standard of garden (upkeep) which many intrinsically seek to replicate in their contributions to the communities' street scapes. However once an estate becomes settled and is termed 'off maintenance' this signage is seen as beyond the standard of service.

Across our shire, we have some fantastic examples of both private and public contributions made to maintain these entry statements including Taranganba, Olive Estate, Mulambin Waters, Keppel Bay Estate, and the Pines.

By examining the costs of providing this standard/maintenance of entry signage into estates including examples such as Pacific Heights, Zilzie Bay, Glendale, the Club Estate, Tanby Heights, Keppel Cove, Ocean View Estate, council can consider its capacity to contribute to a sense of neighbourhood pride while enhancing the visual amenity and signage for residents, visitors and services alike.

This motion aligns with the Livingstone 2050 Community Plan, Liveable Livingstone 1.3.3, Thriving Livingstone 2.3, and Future Livingstone 5.2.

I would encourage Livingstone Shire Council to investigate opportunities to integrate place making techniques/maintenance into estate entry signage for the benefit of our community and tourists.

Kind Regards



Cr Nigel Hutton
Livingstone Shire Councillor

13.5 NOTICE OF MOTION - COUNCILLOR HUTTON - ELECTION SIGNAGE**File No:** GV13.4.3**Attachments:** 1. Notice of Motion - Election Signage [↓](#)**Responsible Officer:** Brett Bacon - Acting Chief Executive Officer

SUMMARY

Councillor Nigel Hutton has submitted a 'Notice of Motion' in relation to Election Signage.

COUNCILLOR RECOMMENDATION

THAT Council instigates a briefing with potential candidates and or parties for the forthcoming Queensland election with the explicit agenda of educating on election signage and its placement within the communities of Livingstone.

That post the Queensland Election, council partners with community stakeholders to review our signage regulations.

BACKGROUND

Councillor Nigel Hutton has indicated his intention to move a Notice of Motion at the Ordinary Council Meeting of 18 August 2020. Details of the Notice of Motion are contained within Attachment One and in the interests of brevity will not be repeated in this report.

13.5 - NOTICE OF MOTION - COUNCILLOR HUTTON - ELECTION SIGNAGE

Notice of Motion - Election Signage

Meeting Date: 18 August 2020

Attachment No: 1

C/O PO BOX 2292
Yeppoon Q 4703

Acting Chief Executive Officer
Livingstone Shire Council
Anzac Parade Yeppoon Q 4703

Monday, 27 July 2020

**Notice of Motion
Election signage**

Dear Brett,

I hereby request consideration of this motion and give notice of my intention to move the following motions at the next Ordinary Meeting of Council:

“That Council instigates a briefing with potential candidates and or parties for the forthcoming Queensland election with the explicit agenda of educating on election signage and its placement within the communities of Livingstone.”

“That post the Queensland Election, council partners with community stakeholders to review our signage regulations”.

Background:

The Livingstone Community 2050 plan identifies our shire as a community celebrated for its natural beauty and laid back lifestyle. Participation in the democratic process is believed by campaigns to be enhanced through the use of signage however the visual amenity and impact on the community and environment can at times be negative. By being proactive in educating participants as to the communities' expectations in the various settings; we reinforce our desire to balance the wants and desires of candidates and supporters with the liveability requested by the community.

Further by reviewing our regulation post the Queensland election; we provide opportunity for all stakeholders to review existing application in practice, provide continuity and certainty in the immediate future and can more broadly engage with stakeholders. Thus 'if and where necessary changes are identified' we can enhance our existing regulations to provide innovative approaches into the future.'

One of the great successes of Livingstone has been its capacity to raise the profile of issues / opportunities and work collaboratively with groups to address needs/concerns before they become heated. I would encourage Livingstone Shire Council to adopt this motion and take the first steps in maturing our approach to election signage education for the forthcoming Queensland election and reviewing it into the future.

Regards

Councillor Nigel Hutton

13.6 NOTICE OF MOTION - COUNCILLOR MATHER - ADELAIDE STREET PARKING AND TRAFFIC ISSUES**File No:** GV13.4.3**Attachments:** 1. Notice of Motion - Adelaide Street Parking and Traffic Issues [↓](#)**Responsible Officer:** Brett Bacon - Acting Chief Executive Officer

SUMMARY

Councillor Glenda Mather has submitted a 'Notice of Motion' in relation to Adelaide Street Parking and Traffic Issues.

COUNCILLOR RECOMMENDATION

THAT Council

1. acknowledge the need to ratify the carparking on the eastern side of Adelaide St servicing the lookout / picnic area,
2. arrange an on site meeting with the relevant officers, Oshen Managers and Council Portfolio holder, to discuss improved carparking and traffic issues, and
3. A report be provided to a future Briefing session with recommendations."

BACKGROUND

Councillor Glenda Mather has indicated her intention to move a Notice of Motion at the Ordinary Council Meeting of 18 August 2020. Details of the Notice of Motion are contained within Attachment One and in the interests of brevity will not be repeated in this report.

**13.6 - NOTICE OF MOTION -
COUNCILLOR MATHER - ADELAIDE
STREET PARKING AND TRAFFIC
ISSUES**

**Notice of Motion - Adelaide Street
Parking and Traffic Issues**

Meeting Date: 18 August 2020

Attachment No: 1

PO Box 5186
Red Hill PO
Rockhampton Q 4701
3 August 2020

Mr Brett Bacon
A/Chief Executive Officer
Livingstone Shire Council
Yeppoon Q 4703

Notice of Motion

Dear Sir,

I hereby give Notice of my intention to move the following motion at the next available Ordinary Meeting of Council:

"that Council

1. acknowledge the need to ratify the carparking on the eastern side of Adelaide St servicing the lookout / picnic area,
2. arrange an on site meeting with the relevant officers, Oshen Managers and Council Portfolio holder, to discuss improved carparking and traffic issues, and
3. A report be provided to a future Briefing session with recommendations."

Many thanks.
Glenda Mather Clr

14 URGENT BUSINESS/QUESTIONS

Urgent Business is a provision in the Agenda for members to raise questions or matters of a genuinely urgent or emergent nature, that are not a change to Council Policy and can not be delayed until the next scheduled Council or Committee Meeting.

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.

RECOMMENDATION

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 Recyclables Processing Services Contract Update

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 Council.

16.2 Acquisition of Easements for Sewerage and Drainage Purposes - Sorrento Way Zilzie

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.

16.3 Sole Supplier Arrangement - Council Supplied Uniforms

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 Council.

16 CONFIDENTIAL REPORTS

16.1 RECYCLABLES PROCESSING SERVICES CONTRACT UPDATE

File No: FM12.7.1-2013-8145

Attachments: Nil

Responsible Officer: Michael Kriedemann - Executive Director Infrastructure

Author: Leanne Randall - Principal Waste 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 Council.

SUMMARY

The purpose of this report is to allow Council to consider a contractual arrangement pursuant to Section 235 Other exceptions of the Local Government Regulation 2012 for Recyclable Processing Services for an additional one (1) year, being three (3) years in total.

**16.2 ACQUISITION OF EASEMENTS FOR SEWERAGE AND DRAINAGE PURPOSES -
SORRENTO WAY ZILZIE****File No:** 5.2.2-009**Attachments:**
1. Drawing No 20-084-01
2. Aerial photography**Responsible Officer:** Tony Lau - Manager Engineering Services
Michael Kriedemann - Executive Director Infrastructure**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 addresses Council's easement requirements for drainage and sewerage purposes at Sorrento Way Zilzie.

16.3 SOLE SUPPLIER ARRANGEMENT - COUNCIL SUPPLIED UNIFORMS**File No:** PL22.11.1**Attachments:** Nil**Responsible Officer:** Belinda Housman - Acting Chief Human Resources Officer**Author:** Suzanne Pambid - Human Resources 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 Council.

SUMMARY

The Local Government Regulation 2012 provides for an exception to the requirements to obtain quotes or tenders where the local government resolves that there is only one (1) supplier reasonably available to it.

17 CLOSURE OF MEETING