



ORDINARY MEETING

MINUTES

15 JULY 2019

The resolutions contained within these minutes were confirmed at the Council meeting
20 August 2019.

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MINUTES OF THE ORDINARY MEETING HELD AT COUNCIL CHAMBERS, 4 LAGOON PLACE, YEPPON ON MONDAY, 15 JULY 2019 COMMENCING AT 9.03AM

1 OPENING

Deputy Mayor, Councillor Nigel Hutton chaired the meeting until the arrival of Mayor Ludwig at 9.24am.

2 PRESENT

Members Present:

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

Officers in Attendance:

Mr Brett Bacon – Acting Chief Executive Officer
Mr Dan Pearce – Acting Executive Director Infrastructure
Mr Matthew Willcocks - Chief Technology Officer
Mr Nick Sheehan - Chief Human Resources Officer
Mr Damien Cross – Coordinator Accounting Services
Ms Suzanne Pambid – Governance Officer
Ms Molly Saunders – Community Development Officer
Ms Maddie Crigan – Property Officer
Ms Lucy Walker – Executive Support Officer

Apologies:

Councillor Jan Kelly

3 LEAVE OF ABSENCE / APOLOGIES

Councillor Jan Kelly has tendered her apology and will not be in attendance for the meeting.

RECOMMENDATION

THAT the apologies tendered for the absence of Councillor Kelly be 'received'.

Moved by: Councillor Mather

Seconded by: Councillor Wyatt

MOTION CARRIED

4 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

The minutes from Ordinary Meeting on 20 June and Special Meeting on 11 July 2019 will be confirmed at Council Meeting on 6 August 2019.

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

Nil

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 - July 2019** [📄](#)

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

SUMMARY

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

COUNCIL RESOLUTION

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

Moved by: **Councillor Mather**

Seconded by: **Councillor Eastwood**

MOTION CARRIED

8 PRESENTATION OF PETITIONS

Nil

9 MAYORAL MINUTE

Nil

10 COUNCILLOR/DELEGATE REPORTS

Nil

11 AUDIT, RISK AND BUSINESS IMPROVEMENT COMMITTEE REPORTS

11.1 AUDIT, RISK AND BUSINESS IMPROVEMENT COMMITTEE MEETING - 24 JUNE 2019

File No: GV13.4.2
Attachments: Nil
Responsible Officer: Rodney Chapman - Coordinator Governance
Andrea Ellis - Chief Financial Officer
Author: Tanya Callaghan - Support Services Officer

SUMMARY

The Audit, Risk and Business Improvement Committee met on 24 June 2019 and this report provides the recommendations from the Committee for consideration and adoption by Council. The reports from the meeting are available for viewing by Councillors on the Councillor Portal.

COUNCIL RESOLUTION

THAT the unconfirmed minutes of the Audit, Risk and Business Improvement Committee held on 24 June 2019 be received and the following recommendations contained within those minutes to be adopted.

3 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

THAT the minutes of the Audit, Risk and Business Improvement Committee held on 13 May 2019 be taken as read and adopted as a correct record.

7 REPORTS

7.1 COMMITTEE WORK PROGRAM STATUS

THAT the Committee receives the status of the Annual Work Program.

7.2 2018-19 POSITION PAPERS – ACCOUNTING FOR EASEMENTS

THAT Council note that the attached Accounting for Easements Position Paper as endorsed by ARABIC.

7.3 2018-19 POSITION PAPER NON-CURRENT ASSET REVALUATIONS

THAT the Committee note the results of the assessed movement in Non Current Asset Classes and endorse the report for consideration by Council.

7.4 2019/20 ASSET REVALUATIONS – SCOPE OF WORKS

THAT the Committee receive this report on the proposed 2019/20 Asset Revaluations for Buildings and Water and Sewerage asset classes.

7.5 CFO UPDATE

THAT the Committee receive the Chief Financial Officer's update.

7.6 SUMMARY OF QUEENSLAND AUDIT OFFICE REPORT ON AUDITS OF LOCAL GOVERNMENT ENTITIES 2017-18

THAT the Committee note this summary of the Queensland Audit Office Report "Local Government Entities: 2017-18 Results of Financial Audits".

7.7 EXTERNAL AUDIT UPDATE

THAT the Committee receive the update from the External Auditors.

7.8 FINAL INTERNAL AUDIT PLAN 2019-20 TO 2022-23

THAT the Committee endorse this final draft to be presented to Council for approval.

7.9 INTERNAL AUDIT UPDATE

THAT the Committee receive the report on Internal Audit.

7.10 STATUS OF OPEN AGREED AUDIT ACTIONS

THAT the Committee receive this update on the status of open agreed audit actions.

7.11 INTERNAL CONTROL FRAMEWORK

THAT the Committee receive this report on the status of the Internal Control Framework.

7.12 RISK MANAGEMENT UPDATE

THAT the Committee receive the Risk Management Report for information.

7.13 OPERATIONAL RISK REGISTER – ICT SERVICES

THAT the update of the overview of Operational Risks provided by the Chief Technology Officer be received.

7.14 FINANCIAL SUSTAINABILITY MONITORING

THAT the Committee note the Financial Sustainability Monitoring report.

7.15 BUSINESS TRANSFORMATION TEAM WORKS PROGRAMME HIGHLIGHTS AND UPDATES

THAT the Committee receive this report.

7.16 CEO UPDATE ON EMERGING ISSUES

THAT the Committee receive the verbal update provided by the Chief Executive Officer on emerging issues.

7.17 EXECUTIVE LEADERSHIP TEAM UPDATE TO THE COMMITTEE

THAT the Committee receives the verbal updates provided by the Leadership Team on key activities or issues.

7.18 CONFIRM WHETHER MEMBERS' BRIEFING SESSION IS REQUIRED

THAT it is confirmed that a Members' Briefing will be held following the meeting.

Moved by: Deputy Mayor, Councillor Hutton

Seconded by: Councillor Belot

MOTION CARRIED UNANIMOUSLY

12 REPORTS

12.1 COUNCILLOR AGENDA ITEM REQUESTS

File No: GV13.4.1
Attachments: Nil
Responsible Officer: Brett Bacon - Executive Director Liveability and Wellbeing
Author: Sue Schluter - Executive Assistant to Mayor

SUMMARY

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

COUNCIL RESOLUTION

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

- Reticulated Water to Mabel Edmund Park
- Audit of Shire Intersections
- Breakwater Drive
- Project expenditure details
- Road maintenance resources
- Memorial Gardens - Tanby Road
- Multi-story carpark carwash
- Keppel Kraken repairs
- Ross Creek Boat
- Executive Contracts
- Road Work Options Scenic Highway
- Proposal for Recycle Bins
- Changes to meeting procedures
- LGAQ Motion

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

12.2 COMMENCEMENT TIME OF ORDINARY COUNCIL MEETINGS

File No: GV13.4.1
Attachments: Nil
Responsible Officer: Brett Bacon - Executive Director Liveability and Wellbeing
Author: Sue Schluter - Executive Assistant to Mayor

SUMMARY

After a trial period of Ordinary Council Meetings commencing at 8.30am, discussion has been held with regard to reverting to 9am start time.

COUNCIL RESOLUTION

THAT Council resolve to commence the remaining Ordinary Council Meetings for 2019 at 9am.

Moved by: Councillor Mather
Seconded by: Councillor Eastwood
MOTION CARRIED UNANIMOUSLY

12.3 ACKNOWLEDGEMENT OF COUNTRY

File No: GV13.4.1
Attachments: Nil
Responsible Officer: Andrea Ellis - Chief Financial Officer
Author: Suzanne Pambid - Governance Officer

SUMMARY

Consideration be given to a submission from a member of the public in relation to the inclusion of and Acknowledgement of Country at Council Meetings and other Council events of importance.

COUNCIL RESOLUTION

9.22AM

That pursuant to s2.16 and s2.19 of Council's *Meeting Procedures Policy* the provisions of the Council meeting procedures be suspended to allow for further discussion on Item 12.6 prior to entering into formal debate.

Moved by: Deputy Mayor, Councillor Hutton

MOTION CARRIED

COUNCIL RESOLUTION

9.26AM

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

Moved by: Deputy Mayor, Councillor Hutton

MOTION CARRIED

9.24AM Mayor Ludwig entered the meeting.

COUNCIL RESOLUTION

THAT Council resolve to include an Acknowledgement of Country or where relevant have a Welcome to Country at Council Meetings and other Council events of importance.

Moved by: Deputy Mayor, Councillor Hutton

Seconded by: Councillor Eastwood

MOTION CARRIED UNANIMOUSLY

9.27AM Mayor Ludwig assumed the role of Chair for the meeting.

12.4 EMU PARK HISTORICAL TRAIL**File No:** CR2.13.35**Attachments:**
1. Emu Park Historical Trail Map and Legend [⇒](#)
2. Emu Park Sculpture [⇒](#)**Responsible Officer:** Jared Thomsen - Principal Community Development and Engagement Officer
David Mazzaferri - Manager Community Wellbeing
Brett Bacon - Executive Director Liveability and Wellbeing**Author:** Molly Saunders - Community Development and Engagement Officer

SUMMARY

This report discusses a grant obtained by the Emu Park Lions Club to construct a historical trail throughout the Emu Park town centre.

COUNCIL RESOLUTION

THAT Council resolves to provide co-funding, including in-kind and oncost support, for the Emu Park Historical Trail and in doing so acknowledges the operational responsibilities which it will be accepting as the eventual owner of the assets.

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

12.5 PROPOSED ROAD OPENING - PART OF LOT 1 ON AP6816**File No:** GR14.4.2**Attachments:**

1. Aerial Photograph of encroachments onto Lot 1 on AP6816⇒
2. Aerial photograph of road encroachment onto Lot 1 on AP6816⇒
3. Amended proposed road opening area⇒

Responsible Officer: Mark McLean - Principal Property Officer
Leise Childs - Coordinator Natural Resource Management
Brett Bacon - Executive Director Liveability and Wellbeing**Author:** Maddie Crigan - Property Officer

SUMMARY

This report pertains to a request from the Department of Natural Resources, Mines and Energy for Council's views on a proposal to dedicate part of Lot 1 on AP6816 as road reserve and amalgamate same into the adjoining Causeway Esplanade road reserve.

COUNCIL RESOLUTION

THAT Council resolve to advise the Department of Natural Resources, Mines and Energy that it does not object to the proposal to dedicate part of Lot 1 on AP6816 (shown in Attachment Three of this report) as road reserve on the following basis:

1. that the area will be treated as unmaintained road verge and will not be mapped as part of Council's Open Spaces or any other maintenance schedule;
2. that there is no expectation from the Department of Natural Resources, Mines and Energy or any other party that any form of constructed access will be provided by Council to the realigned lease area; and
3. that there is no expectation from the Department of Natural Resources, Mines and Energy or any other party that Council will take ownership of or maintain the boat ramp which will adjoin the area of newly dedicated road reserve.

Moved by: Councillor Mather**Seconded by:** Councillor Eastwood**MOTION CARRIED**

**12.6 PROPOSED FREEHOLD LEASE TO THE AUSTRALIAN VOLUNTEER COAST
GUARD ASSOCIATION INCORPORATED OVER PART OF LOT 3 ON
REGISTERED PLAN 618778 - MT BARMOYA**

File No: LEA284
Attachments: 1. Mt Barmoya Compound Area [⇒](#)
Responsible Officer: David Mazzaferri - Manager Community Wellbeing
Brett Bacon - Executive Director Liveability and Wellbeing
Author: Mark McLean - Principal Property Officer

SUMMARY

This report pertains to the provision of a freehold lease to The Australian Volunteer Coast Guard Association Incorporated over part of Lot 3 on Registered Plan 618778 at Mt Barmoya.

COUNCIL RESOLUTION

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 Australian Volunteer Coast Guard Association Incorporated over part of Lot 3 on Registered Plan 618778;
2. pursuant to section 236(2) of the *Local Government Regulation 2012* to apply section 236(1)(b)(ii) of the *Local Government Regulation 2012* in its dealing with The Australian Volunteer Coast Guard Association Incorporated over part of Lot 3 on Registered Plan 618778; and
3. to provide a ten (10) year lease to The Australian Volunteer Coast Guard Association Incorporated, at a nominal rent amount of \$1 per annum, over part of Lot 3 on Registered Plan 618778.

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

12.7 QUEENSLAND BLACK SPOT PROGRAM 2020-21 FUNDING APPLICATION

File No: TBC
Attachments: Nil
Responsible Officer: Amal Meegahawattage - Co-ordinator Infrastructure Planning
Dan Toon - Executive Director Infrastructure
Author: Reece Sainsbury - Infrastructure Planning Engineer

SUMMARY

Council officers have identified the following locations as suitable nominations to submit for the 2020-21 Queensland Black Spot funding program:

- *Greenlake Road Upgrade (Ch2400 – Ch2700)*
- *Cawarral Road – Botos Road Intersection Upgrade*

COUNCIL RESOLUTION

THAT Council resolves to endorse applications for the 2020-21 Queensland Black Spot funding program, to provide upgrades to:

- *Greenlake Road (Ch2400 – Ch2700)*
- *Cawarral Road – Botos Road Intersection*

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

12.8 MONTHLY FINANCIAL REPORT FOR THE PERIOD ENDING 30 JUNE 2019**File No:** FM12.14.1**Attachments:** 1. Monthly Financial Report - June 2019 [⇒](#)**Responsible Officer:** Andrea Ellis - Chief Financial Officer**Author:** Damien Cross - Coordinator Accounting Services

SUMMARY

Presentation of the Livingstone Shire Council Monthly Financial Report for the period ending 30 June 2019 by the Coordinator Accounting Services.

COUNCIL RESOLUTION

THAT the Livingstone Shire Council Monthly Financial Report for the period ending 30 June 2019 be received.

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

13 CLOSED SESSION

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

COUNCIL RESOLUTION

10.01AM

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

14.1 Removal of Boat from Vicinity of Fig Tree Creek

This report is considered confidential in accordance with section 275(1)(f), of the *Local Government Regulation 2012*, as it contains information relating to starting or defending legal proceedings involving the Council.

Moved by: Councillor Mather

Seconded by: Councillor Wyatt

MOTION CARRIED

COUNCIL RESOLUTION

10.20AM

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

Moved by: Councillor Mather

Seconded by: Councillor Eastwood

MOTION CARRIED

14 CONFIDENTIAL REPORTS

14.1 REMOVAL OF BOAT FROM VICINITY OF FIG TREE CREEK

File No: CP5.4.4

Attachments:

1. Report to Planning, Finance, Innovation and Business Excellence Advisory Committee meeting of 19 November 2018 (including report to meeting of 5 November 2018)
2. Fig Tree Creek general locality and examples of unlawful occupation of non-freehold and trust land
3. Photographs of unlawful occupation of non-freehold and trust land

Responsible Officer: Chris Murdoch - Chief Executive Officer

Author: Brett Bacon - Executive Director Liveability and Wellbeing

This report is considered confidential in accordance with section 275(1)(f), of the *Local Government Regulation 2012*, as it contains information relating to starting or defending legal proceedings involving the Council.

SUMMARY

This report discusses a proposed motion tendered by Cr Mather to require a direction to be given to the owner of a vessel currently situated next to Fig Tree Creek (in the general vicinity of the Tourism Visitor Information Centre) to remove the vessel by 31 July 2019.

10.25AM

Pursuant to section 181 (2) of the *Local Government Act 2009* and s3.1.7(a) *Council Meeting Procedures*, the Chair of the Meeting issued an Order that a record of Councillor Mather's unsuitable meeting conduct be recorded in the Minutes of the Meeting.

COUNCIL RESOLUTION

THAT Council resolve to refer the matter of boats being stored on land (such as the vessel currently located adjacent to the Fig Tree Creek, in the vicinity of the Visitor Information Centre) to the Fig Tree Creek Jetty Sites Working Group which comprises Councillors, Council officers, representatives from the Department of Natural Resources, Mines and Energy, and the Yeppoon Inlet Association, to include in its consideration of the formalisation of tenure over jetty sites in Fig Tree Creek.

Moved by: Mayor Ludwig

Seconded by: Deputy Mayor, Councillor Hutton

MOTION CARRIED

DIVISION:

Crs A Belot, P Eastwood, N Hutton and B Ludwig voted in the affirmative.

Crs G Mather and T Wyatt voted in the negative.

15 URGENT BUSINESS\QUESTIONS

16 CLOSURE OF MEETING

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

A handwritten signature in black ink, appearing to read 'Bill Ludwig', written over a horizontal line.

Mayor Bill Ludwig
CHAIRPERSON

20 August 2019
DATE