



# **ORDINARY MEETING**

## **MINUTES**

**20 JUNE 2019**

These minutes were be confirmed at the Council meeting held on 20 August 2019

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<b>MINUTES OF THE ORDINARY MEETING HELD AT COUNCIL CHAMBERS, 4 LAGOON PLACE, YEPPON ON THURSDAY, 20 JUNE 2019 COMMENCING AT 8.34AM</b>
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**1 OPENING**

**2 PRESENT**

Members Present:

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

Officers in Attendance:

Mrs Chris Murdoch – Chief Executive Officer  
Mr Brett Bacon – Executive Director Liveability and Wellbeing  
Mr Dan Toon – Executive Director Infrastructure  
Mrs Andrea Ellis – Chief Financial Officer  
Mr Matthew Willcocks - Chief Technology Officer  
Mr Nick Sheehan - Chief Human Resources Officer  
Mrs Jan Anfruns – Manager Economy and Places  
Mrs Elle Wallin – Project and Support Officer  
Mrs Priscilla Graham – Coordinator Revenue  
Mrs Poala Santini – Corporate Compliance and Grants Officer  
Mrs Maddie Crigan – Property Officer  
Mrs Lucy Walker – Executive Support Officer

### **3 LEAVE OF ABSENCE / APOLOGIES**

Leave of Absence for the meeting was previously granted to Councillor Bill Ludwig.

#### **3.1 LEAVE OF ABSENCE - COUNCILLOR TOM WYATT - 20 JUNE 2019**

**File No:** GV13.4.1

**Responsible Officer:** Chris Murdoch - Chief Executive Officer

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#### **SUMMARY**

Leave of absence for the meeting has been requested by Councillor Tom Wyatt.

#### **RECOMMENDATION**

THAT Councillor Wyatt be granted a leave of absence for 20 June 2019 meeting.

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

### **COUNCIL RESOLUTION**

THAT the minutes of the Ordinary Meeting held on 4 June 2019 be taken as read and adopted as a correct record.

**Moved by:** Councillor Kelly

**Seconded by:** Councillor Belot

**MOTION CARRIED**

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

## **6 PUBLIC FORUMS/DEPUTATIONS**

### **6.1 CAPRICORN ENTERPRISE ANNUAL UPDATE**

**File No:** ED8.5.26  
**Attachments:** Nil  
**Responsible Officer:** Brett Bacon - Executive Director Liveability and Wellbeing  
Jan Anfruns - Manager Economy and Places  
**Author:** Elle Wallin - Project Support Officer

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#### **SUMMARY**

*The purpose of this report is for the Chief Executive Officer of Capricorn Enterprise, Mary Carroll, to provide Council with a progress update on Capricorn Enterprise's 2018/2019 Key Performance Indicator outcomes and the future project initiatives of Capricorn Enterprise.*

#### **COUNCIL RESOLUTION**

THAT Council receive the deputation presented by the Chief Executive Officer of Capricorn Enterprise.

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

**Seconded by:** Councillor Mather

**MOTION CARRIED**



## **7 BUSINESS ARISING OR OUTSTANDING FROM PREVIOUS MEETINGS**

### **7.1 BUSINESS OUTSTANDING TABLE FOR ORDINARY COUNCIL MEETING**

**File No:** GV13.4.1

**Attachments:** 1. **Business Outstanding as at 20 June 2019** [⇒](#)

**Responsible Officer:** Chris Murdoch - Chief Executive Officer

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#### **SUMMARY**

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

#### **COUNCIL RESOLUTION**

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

**Moved by:** Councillor Mather

**Seconded by:** Councillor Kelly

**MOTION CARRIED UNANIMOUSLY**

## **8 PRESENTATION OF PETITIONS**

Nil

## 9 MAYORAL MINUTE

### 9.1 MAYORAL MINUTE - DEFENCE AND DEFENCE INDUSTRIES

**File No:** GV13.4.1  
**Attachments:** Nil  
**Responsible Officer:** Nigel Hutton - Councillor

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#### SUMMARY

*Council is looking for Federal Government partnerships and investment to mitigate the economic and social impact of the expansion of the Shoalwater Bay Training Area on the Livingstone Shire Council community.*

#### COUNCIL RESOLUTION

THAT Council, with assistance of the Assistant Minister for Families and Children, the Hon. Michelle Landry MP, formally write inviting the Minister for Defence, the Hon. Linda Reynolds and the Minister for Defence Industries, the Hon. Melissa Price MP to visit the Capricorn Coast Region; in supporting our agenda to draw localised benefit in new job creating defence industries from the further development of Shoalwater Bay Training Area.

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

**Seconded by:** Councillor Mather

**MOTION CARRIED UNANIMOUSLY**

#### BACKGROUND

Representing a third of our shire's landmass, the enhanced Shoalwater Bay Training Area, has a series of projects underpinning its growth and development. These include the billion dollar *Australia-Singapore Military Training Initiative*, the *Shoalwater Bay Military Training Area Remediation Project* worth >\$130 million, the annual *Australian Defence Exercise Hamel*, the biannual *Singaporean Defence Exercise Wallaby* and the biennial *Talisman Sabre* combined Australian and United States (US) training exercise.

Our communities' potential to benefit both directly from these activities and through secondary industries is reliant on Livingstone advocating at a federal level. With success in the creation of the 'trial regional local buy' procurement process for the ASTM I initiative and evidence of increased local buy in forthcoming Exercise Talisman Sabre 2019; we must now focus our efforts towards the creation of defence industry hubs and secondary industry support.

There must a recognition that the communities of Stanage Bay, Marlborough and Ogmoo are bearing the brunt of the impact of the Shoalwater Bay Training Area through the significant loss of community members and economic support base resulting from major land acquisitions to facilitate growth and development of SWBTA. Similarly the whole of shire impact from loss of rate revenue must also be recognised and addressed as well as the annual estimated economic loss of \$35 million from the beef industry.

These significant social and financial impacts could be mitigated through provision of investment initiatives and secondary defence industry development opportunities to support and grow localised employment in these communities and Livingstone Shire generally. These opportunities can be further enhanced and advanced in partnership with Livingstone Shire Council through huge potential win-win benefits flowing from investment

within the impeccably placed Gateway Business Park (Strategically located along the Blue Route)

Now is the time for our shire's leaders and our elected Federal and State representatives to work together to promote our communities' capacity to host new business developments in supporting industries. Support for these initiatives would ease the financial pressure felt by the shire's ratepayers due to the loss of rate-able land, and support the future of our communities, promoting their futures to thrive.

## **10 COUNCILLOR/DELEGATE REPORTS**

Nil

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

Nil

## 12 REPORTS

### 12.1 COUNCILLOR AGENDA ITEM REQUESTS

**File No:** GV13.4.1  
**Attachments:** Nil  
**Responsible Officer:** Chris Murdoch - Chief Executive Officer  
**Author:** Sue Schluter - Executive Assistant to Mayor

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#### SUMMARY

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

#### COUNCIL RESOLUTION

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

- Reticulated Water to Mabel Edmund Park
- Audit of Shire Intersections
- Breakwater Drive
- Project Expenditure details

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

**MOTION CARRIED**

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**12.2 PROPOSED PERMANENT ROAD CLOSURE ADJOINING LOT 8 ON LN2195,  
LOT 7 ON SP143273 AND LOT 18 ON LN1850****File No:** GR14.4.2**Attachments:**

1. Email from Department of Natural Resources, Mines and Energy [⇒](#)
2. Locality plan and aerial photograph of proposed road closure areas [⇒](#)
3. Locality plan of Permit to Occupy area and proposed new boat ramp site [⇒](#)

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

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**SUMMARY**

*This report pertains to a proposal to permanently close two areas of road reserve located at Thompson Point to enable same to be amalgamated with the adjoining lots.*

**COUNCIL RESOLUTION**

THAT Council resolve to advise the Department of Natural Resources, Mines and Energy that it offers no objection to the proposal to close the areas of road reserve adjoining Lot 7 on SP143273, Lot 8 on LN2195 and Lot 18 on LN1850.

**Moved by:** Councillor Eastwood**Seconded by:** Councillor Kelly**MOTION CARRIED UNANIMOUSLY**

Question without notice from Cr Mather – Could officers provide a briefing for Councillors requesting future negotiations with TMR to discuss the maintenance/upgrade of Thompson Point Road and whether TMR can contribute with any costs.



**12.3 PROPOSED ROAD OPENING ADJOINING KEPPEL STREET, EMU PARK - LOT 97 ON USL37106**

**File No:** GR14.4.2

**Attachments:** 1. Letter - 20 May 2019 [⇒](#)  
2. Plan and Aerial [⇒](#)

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

**Author:** Maddie Crigan - Property Officer

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**SUMMARY**

*This report pertains to a proposal by the Department of Natural Resources, Mines and Energy to dedicate unallocated state land described as Lot 97 on USL37106 as road reserve to enable it to be amalgamated with the adjoining road reserve (namely Keppel Street) at Emu Park.*

**COUNCIL RESOLUTION**

THAT Council resolve to advise the Department of Natural Resources, Mines and Energy that it objects to Lot 97 on USL37106 being dedicated as road reserve and amalgamated with the adjoining road reserve (namely Keppel Street) at Emu Park as this would provide adjoining lots legal access to the sand dune area.

**Moved by:** Councillor Mather

**Seconded by:** Councillor Kelly

**MOTION CARRIED UNANIMOUSLY**

**12.4 PROPOSED ROAD OPENING ADJOINING BANKSIA ROAD, STANAGE - LOTS 155 AND 156 ON USL36809**

**File No:** GR14.4.2

**Attachments:** 1. Letter - 20 May 2019 [⇒](#)  
2. Plan and aerial [⇒](#)

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

**Author:** Maddie Crigan - Property Officer

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**SUMMARY**

*This report pertains to a proposal by the Department of Natural Resources, Mines and Energy to dedicate unallocated state land described as Lots 155 and 156 on USL36809 as road reserve to enable it to be amalgamated with the adjoining road reserve (namely Banksia Road) at Stanage.*

**COUNCIL RESOLUTION**

THAT Council resolve to advise the Department of Natural Resources, Mines and Energy that it does not object to Lots 155 and 156 on USL36809 being dedicated as road reserve and amalgamated with the adjoining road reserve (namely Banksia Road) at Stanage on the condition that the Department of Natural Resources, Mines and Energy considers potential impacts to vegetation adjacent to Lot 155.

**Moved by:** Councillor Kelly  
**Seconded by:** Councillor Eastwood  
**MOTION CARRIED UNANIMOUSLY**

**12.5 INTERMITTENT SEALING OF UNSEALED RURAL ROADS POLICY (V3)****File No:** 4.7.28**Attachments:**  
1. Draft Policy (v3) [⇒](#)  
2. Ordinary Meeting Agenda 8 November 2016 [⇒](#)**Responsible Officer:** Dan Toon - Executive Director Infrastructure**Author:** Carrie Burnett - Policy & Planning Officer

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**SUMMARY**

*This report seeks Council's adoption of Version 3 of the Intermittent Sealing of Unsealed Rural Roads Policy.*

**COUNCIL RESOLUTION**

THAT Council adopt the Intermittent Sealing of Unsealed Rural Roads Policy (v3).

**PROCEDURAL MOTION**

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 further briefing to the Councillors and to return to a future Council Meeting.

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

**12.6 POWERS DELEGATED TO THE CHIEF EXECUTIVE OFFICER IN RELATION TO ROAD CLOSURES****File No:** PL22.1.1**Attachments:**

1. Powers delegated to the Chief Executive Officer in relation to road closures [⇒](#)
2. Statement in relation to an application under the Land Act 1994 over State land Part C [⇒](#)

**Responsible Officer:** Rodney Chapman - Coordinator Governance  
Andrea Ellis - Chief Financial Officer**Author:** Poala Santini - Governance Officer

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**SUMMARY**

*This report offers recommendations in regards to revoking powers delegated from Council to the Chief Executive Officer on the 5 December 2017, in relation to road closures. The report also provides additional information relating to operational road closure processes utilised within Council.*

**COUNCIL RESOLUTION****10.08am**

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****10.14am**

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****COUNCIL RESOLUTION****THAT**

1. Council revoke the following delegations that were issued to the Chief Executive Officer on 5 December 2017:
  - s 68(4) - *Local Government Act 2009*;
  - s 100 - *Land Act 1994*; and
  - s 176N - *Land Act 1994*; and
2. All future applications to close roads under s 99, s 109 and s 176N of the *Land Act 1994*, where Council is to provide advice as the road manager, are to be presented to Council for consideration.

**Moved by:** Councillor Kelly

**Seconded by: Councillor Belot**  
**MOTION CARRIED UNANIMOUSLY**

**12.7 CORPORATE PLAN**

**File No:** CM4.6.1  
**Attachments:** Nil  
**Responsible Officer:** Andrea Ellis - Chief Financial Officer  
**Author:** Melissa Minter - Principal Business Improvement Officer

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**SUMMARY**

*The existing Corporate Plan 2014-2019 is due for renewal. In order to allow for adequate time to connect the future Community Plan strategies to a new Corporate Plan 2020-2030, an extension of the existing plan through to 2020 will be required.*

**COUNCIL RESOLUTION**

THAT Council formally agree to extend the existing Corporate Plan 2014-2019 to 2014-2020 to enable adequate time for the new plan (2020-2030) to be developed in alignment with the Community Plan.

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

**12.8    HARSHIP POLICY**

**File No:** CM4.7.12  
**Attachments:** 1.    Financial Hardship Policy [⇒](#)  
**Responsible Officer:** Andrea Ellis - Chief Financial Officer  
**Author:** Priscilla Graham - Coordinator Revenue

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**SUMMARY**

*This report presents the Financial Hardship Policy for adoption.*

**COUNCIL RESOLUTION**

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

**Moved by:**                **Acting Mayor, Councillor Hutton**  
**Seconded by:**        **Councillor Eastwood**

**MOTION CARRIED UNANIMOUSLY**

**12.9 2019-20 INVESTMENT POLICY****File No:** CM4.7.33**Attachments:** 1. 2019-20 Investment Policy [↗](#)**Responsible Officer:** Andrea Ellis - Chief Financial Officer**Author:** Damien Cross - Coordinator Accounting Services

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**SUMMARY**

*Council's 2019-20 Investment Policy is presented to Council for adoption in accordance with Section 191 of the Local Government Regulation 2012.*

**COUNCIL RESOLUTION**

THAT pursuant to Section 191 of the *Local Government Regulation 2012*, Council adopts the attached Investment Policy for the 2019-20 financial year.

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



**12.10 FEES AND CHARGES REGISTER - 2019-20**

**File No:** GV1.1.1  
**Attachments:** 1. Fees and Charges Register 2019-20 [↗](#)  
**Responsible Officer:** Andrea Ellis - Chief Financial Officer  
**Author:** Priscilla Graham - Coordinator Revenue

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**SUMMARY**

*The intention of this report is to submit the Livingstone Shire Council's Fees and Charges Schedule for the 2019-20 financial year for adoption.*

**COUNCIL RESOLUTION**

THAT Council adopts the 2019-20 Fees and Charges Schedule, as contained in Attachment One, to be effective from Monday 1 July 2019.

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

**MOTION CARRIED UNANIMOUSLY**

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

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**SUMMARY**

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

**COUNCIL RESOLUTION**

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

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

## 13 CLOSED SESSION

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

### COUNCIL RESOLUTION

**10.21am**

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

**14.1 Bad Debt Write-Off**

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.

**14.2 Yeppoon Lagoon - Purchasing Policy Compliance for Maintenance of Filtration Equipment**

This report is considered confidential in accordance with section 275(1)(h), of the *Local Government Regulation 2012*, as it contains information relating to other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.

**Moved by: Councillor Mather**

**Seconded by: Councillor Belot**

**MOTION CARRIED**

### COUNCIL RESOLUTION

**10.23am**

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

**Moved by: Councillor Eastwood**

**Seconded by: Councillor Kelly**

**MOTION CARRIED UNANIMOUSLY**

## 14 CONFIDENTIAL REPORTS

### 14.1 BAD DEBT WRITE-OFF

**File No:** FM12.1.9

**Attachments:** Nil

**Responsible Officer:** Andrea Ellis - Chief Financial Officer

**Author:** Priscilla Graham - Coordinator Revenue

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.

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#### SUMMARY

*This report presents a number of aged sundry debtors arrears that have been identified as unrecoverable and are now recommended to be written off as bad debts.*

#### COUNCIL RESOLUTION

THAT the Sundry Debtor accounts, 622607-8, 622615-1, 622804-1, 623043-5, as listed within the report are deemed unrecoverable and are to be written off as bad debts.

**Moved by:** Councillor Kelly

**Seconded by:** Councillor Belot

**MOTION CARRIED**

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**14.2 YEPPOON LAGOON - PURCHASING POLICY COMPLIANCE FOR  
MAINTENANCE OF FILTRATION EQUIPMENT****File No:** FM12.18.1**Attachments:** Nil**Responsible Officer:** Dan Toon - Executive Director Infrastructure**Author:** Sharon Sommerville - Coordinator Facilities

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.

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**SUMMARY**

*This report provides Council with information regarding the maintenance of filtration equipment located at Yeppoon Lagoon. The main purpose of this report is to seek exception for the service and maintenance of plant and equipment located at the Lagoon complex.*

**COUNCIL RESOLUTION**

THAT Council resolves to award Sole Supplier to Evoqua for the servicing and maintenance of filtration equipment at Yeppoon Lagoon in accordance with:

*Local Government Regulation 2012, section 235*

- (b) the local government resolves that, because of the specialised or confidential nature of the services that are sought, it would be impractical or disadvantageous for the local government to invite quotes or tenders.

**Moved by:** Acting Mayor, Councillor Hutton**Seconded by:** Councillor Eastwood**MOTION CARRIED**

## **15 URGENT BUSINESS\QUESTIONS**

## 16 CLOSURE OF MEETING

There being no further business the meeting closed at 10.24am.

A handwritten signature in black ink, appearing to read 'Nigel Hutton', is written over a light blue rectangular background.

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Acting Mayor, Nigel Hutton  
CHAIRPERSON

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20 August 2019  
DATE