



ORDINARY MEETING

MINUTES

22 OCTOBER 2019

The resolutions contained within the Minutes were confirmed at the Council Meeting held on
5 November 2019.

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MINUTES OF THE ORDINARY MEETING HELD AT COUNCIL CHAMBERS, 4 LAGOON PLACE, YEPPON ON TUESDAY, 22 OCTOBER 2019 COMMENCING AT 9.07AM

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."

2 PRESENT

Members Present:

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

Officers in Attendance:

Mrs Chris Murdoch – Chief Executive Officer
Mr Brett Bacon – Executive Director Liveability and Wellbeing
Mrs Andrea Ellis – Chief Financial Officer
Mr Matthew Willcocks - Chief Technology Officer
Mr Nick Sheehan - Chief Human Resources Officer
Mr Rod Chapman – Coordinator Governance
Ms Nicole Robertson – Coordinator Executive Support

3 LEAVE OF ABSENCE / APOLOGIES

Nil

4 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

COUNCIL RESOLUTION

THAT the minutes of the Ordinary Meeting held on 8 October 2019 be taken as read and adopted as a correct record.

Moved by: Councillor Kelly

Seconded by: Councillor Wyatt

MOTION CARRIED

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

6 PUBLIC FORUMS/DEPUTATIONS

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 - October 2019** [⇒](#)

Responsible Officer: Chris Murdoch - Chief Executive Officer

SUMMARY

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

COUNCIL RESOLUTION

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

Moved by: Councillor Kelly

Seconded by: Councillor Eastwood

MOTION CARRIED

8 PRESENTATION OF PETITIONS

Nil

9 MAYORAL MINUTE

9.1 MAYOR MINUTE - SHARK DRUMLINE RE-INSTATEMENT

File No: GV13.4.1

Responsible Officer: Chris Murdoch - Chief Executive Officer

SUMMARY

Council has flagged that the community expects both the Federal and State governments to work together to get this sorted before we have an attack on our beaches. To that end I put forward the following motion to hopefully facilitate a cooperative approach between all three tiers of Government to address the issue to ensure the safety of our community and visitors.

COUNCIL RESOLUTION

THAT Council

1. Make direct representations to the Federal Minister for the Environment the Honourable Sussan Ley MP in Canberra urging her to fast-track legislative changes needed to allow the conventional drumline programs to continue in Local Government areas impacted by the Federal Court ruling in relation to shark control in Great Barrier Reef Marine Park waters;
2. Further, that Council express its willingness to support appropriately monitored trials of other shark deterrent measures and technologies, providing such trials have been appropriately researched as suitable and effective for areas such as the Capricorn Coast. Further, any such trials should only be undertaken if it can be demonstrated that the trials have the support of the community and stakeholder groups like Surf-Lifesaving Queensland; and
3. Council invite both the Federal Member Michelle Landry and State Member Brittany Lauga to provide a briefing on how Council can best assist them to advance the issue to ensure our beaches are kept safe for locals and visitors.

Moved by: Mayor Ludwig

Seconded by: Deputy Mayor, Councillor Hutton

MOTION CARRIED UNANIMOUSLY

10 COUNCILLOR/DELEGATE REPORTS

Nil

11 AUDIT, RISK AND BUSINESS IMPROVEMENT COMMITTEE REPORTS

11.1 AUDIT, RISK AND BUSINESS IMPROVEMENT COMMITTEE MEETING - 10 OCTOBER 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

The Audit, Risk and Business Improvement Committee met on 10 October 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 ARaBIC and Councillor Portals.

COUNCIL RESOLUTION

THAT the unconfirmed minutes of the Audit, Risk and Business Improvement Committee held on 10 October 2019 be received and the following recommendations contained within those minutes be adopted.

3 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

THAT the minutes of the Audit, Risk and Business Improvement Committee held on 27 August 2019 be taken as read and adopted as a correct record.

7.1 COMMITTEE WORK PROGRAM STATUS

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

7.2 CFO Assurance Statement 2018-19

THAT the Audit, Risk and Business Improvement Committee note the Chief Financial Officer statement to the Chief Executive Officer.

7.3 CFO UPDATE

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

7.4 2018-19 GENERAL PURPOSE FINANCIAL STATEMENTS

THAT the Audit, Risk and Business Improvement Committee makes the following recommendations for the consideration of Council:

1. The revised unaudited 2018-19 General Purpose Financial Statements be received;
2. Written notification of the differences between the attached 2018-19 unaudited General Purpose Financial Statements and the draft 2018-19 General Purpose Financial Statements as previously presented to the Audit, Risk and Business Improvement Committee on 27 August 2019 be noted;
3. The Chief Executive Officer and Chief Financial Officer sign the Management Representation letter as part of finalising the audit and for the Mayor and Chief Executive Officer to sign the final 2018-219 audited General Purpose Financial Statements when completed; and
4. Any material change in the final 2018-19 audited General Purpose Financial Statements be reported to Council and the Audit, Risk and Business

Improvement Committee.

7.5 QAO'S PROPOSED STRATEGIC AUDIT PLAN

THAT the Committee receive the QAO Proposed Strategic Audit Plan 2020-23.

7.6 EXTERNAL AUDIT UPDATE

THAT the Committee receive the update from the External Auditors.

7.7 EXTERNAL AUDITOR'S UPDATE

THAT the Committee receive the 2018-19 external audit closing report and management representation letter from the Council's external auditors.

7.8 INTERNAL AUDIT UPDATE

THAT the Committee receive the report on Internal Audit.

7.9 INTERNAL AUDIT REPORT – REVIEW OF OVERDUE RATES MANAGEMENT

THAT the Committee receive the Internal Audit Report for Review of Overdue Rates Management.

7.10 INTERNAL AUDIT REPORT – DATA ANALYTICS

THAT the Committee receive this internal Audit report on Data Analytics.

7.11 INTERNAL AUDIT REPORT – FOOTPATH MAINTENANCE

THAT the Committee receive the Internal Audit report on Footpath Maintenance.

7.12 INTERNAL AUDIT REPORT – PLANNING SCHEME OPERATIONS

THAT the Committee receive the Internal Audit Report on Planning Scheme Operations.

7.13 BUSINESS CONTINUITY PLANNING

THAT the Committee receive this report.

7.14 RISK MANAGEMENT UPDATE

THAT the Committee receive the Risk Management Report for information.

7.15 REVIEW OF OPERATIONAL RISK REGISTER – INFRASTRUCTURE

This report has been carried over to the Audit, Risk and Business Improvement Committee meeting scheduled for 2 December 2019.

7.16 BUSINESS TRANSFORMATION TEAM WORKS PROGRAMME HIGHLIGHTS AND UPDATES

THAT the Audit, Risk and Business Improvement Committee receive this report.

7.17 COMMITTEE SELF ASSESSMENT

THAT the Committee note the proposed approach and timetable for its self-assessment process.

7.18 REVIEW DEBT WRITE-OFF REPORT

THAT Council note that the Review of Debt Write-Off report is endorsed by the Audit, Risk and Business Improvement Committee.

7.19 REPORTABLE LOSSES

THAT the Audit, Risk and Business Improvement Committee receive the report on reportable losses.

7.20 LEGISLATIVE COMPLIANCE OVERVIEW

THAT the Committee receive the report on legislative compliance overview.

7.21 ANNUAL OPERATIONAL PLAN UPDATE

THAT the 2018-19 Annual Operational Plan report be received and;

THAT the 2019-20 Operational Plan be noted.

7.22 PROCUREMENT AND TRANSFORMATION PROGRAM UPDATE

THAT the Audit, Risk and Business Improvement Committee receive the update on the Procurement Transformation Program.

7.23 EXECUTIVE LEADERSHIP TEAM UPDATE TO THE COMMITTEE

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

7.24 CEO UPDATE ON EMERGING ISSUES

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

7.25 CONFIRM WHETHER MEMBER'S BRIEFING SESSION IS REQUIRED

THAT the recommendation was dismissed as the Committee agreed that no briefing session was required.

L1 STATUS OF OPEN AGREED AUDIT ACTIONS

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

L2 DRAFT CONTENT FO THE 2019 ANNUAL REPORT – ARABIC COMMITTEE

THAT the Audit, Risk and Business Improvement Committee receive this report containing proposed content for the Annual Report on the Committee.

Moved by: Deputy Mayor, Councillor Hutton

Seconded by: Councillor Kelly

MOTION CARRIED UNANIMOUSLY

12 REPORTS

12.1 COUNCILLOR AGENDA ITEM REQUESTS

File No: GV13.4.1
Attachments: Nil
Responsible Officer: Chris Murdoch - Chief Executive Officer
Author: Nicole Robertson - Coordinator Executive Support

SUMMARY

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

COUNCIL RESOLUTION

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

- Reticulated Water to Mabel Edmund Park
- Reallocation of Funding
- Reinstate Meeting Procedures
- Beach Access Bangalee
- Yeppoon Aquatic Centre

Moved by: Councillor Kelly

Seconded by: Councillor Mather

MOTION CARRIED

12.2 MONTHLY FINANCIAL REPORT FOR THE PERIOD ENDING 30 SEPTEMBER 2019**File No:** FM12.14.1**Attachments:** 1. **Monthly Financial Report - September 2019** [!\[\]\(6605b201d6f14d9b3bcb8ab5f274d107_img.jpg\)](#)**Responsible Officer:** Andrea Ellis - Chief Financial Officer**Author:** Damien Cross - Coordinator - Accounting Services
Rachel Jackson - Coordinator Procurement

SUMMARY

Presentation of the Livingstone Shire Council Monthly Financial Report for the period ending 30 September 2019 by the Chief Financial Officer.

COUNCIL RESOLUTION

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

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

12.3 QUARTERLY BUDGET REVIEW (20Q1)**File No:** FM12.5.2**Attachments:**

1. 20Q1 Budget Review Statements [⇒](#)
2. 20Q1 Measures of Financial Sustainability [⇒](#)
3. 20Q1 % Change in Rates [⇒](#)
4. 20Q1 Estimated Activity Statements [⇒](#)

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

SUMMARY

The Quarterly Budget Review (20Q1) is presented to Council for adoption recognising changes to the financial position since the original budget (20Q0) was adopted on 11 July 2019. The first quarter budget review for 2019-20 has been input into the Long Term Financial Forecast. Impacts on this and future financial years have been reviewed and some of the forecast assumptions have been amended.

COUNCIL RESOLUTION

THAT Council resolve to adopt, pursuant to Section 107A of the *Local Government Act 2009* and Sections 169 and 170 of the *Local Government Regulation 2012*, the Quarter 1 Revised Budget (20Q1) for the financial year 2019-20 and the Long Term Financial Forecast for the financial years 2019-20 to 2028-29 as contained in the document entitled 2019-20 Revised Budget and Long Term Financial Forecast (Attachment 1) and set out in the pages contained therein:

- i. Statement of Financial Position (Attachment 1);
- ii. Statement of Cash Flows (Attachment 1);
- iii. Statement of Income and Expenditure (Attachment 1);
- iv. Statement of Changes in Equity (Attachment 1);
- v. Long-Term Financial Forecast (Attachment 1);
- vi. Relevant Measures of Financial Sustainability (Attachment 2);
- vii. Total Value of change in the rates and charges expressed as a percentage (Attachment 3);
- viii. Revised estimated business activity costs for the period ending 30 June 2020 (Attachment 4).

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

12.4 PETITION AND PROPOSED MOTION - COUNCIL MEETING PROCEDURES POLICY: MOTIONS AND QUESTIONS ON NOTICE

File No: CM4.7.36

Attachments: 1. Petition Request - Cr Belot [⇒](#)
2. Proposed Notice of Motion - Cr Mather [⇒](#)

Responsible Officer: Andrea Ellis - Chief Financial Officer

Author: Rodney Chapman - Coordinator Governance

SUMMARY

Council has received a petition lodged by Councillor Belot and a Proposed Motion from Councillor Mather both requesting Councils Meeting Procedures be amended to reflect that all Questions on Notice and Notice of Motions submitted by Councillors must be included on the Agenda for Council Meetings.

As both submissions reflect the same subject matter, this report is submitted in relation to both the petition and proposed motion for the consideration of Councillors.

COUNCIL RESOLUTION

THAT Council resolve to

- a) Amend the Meeting Procedures Policy, section 2.9.2 to reflect the following;

Notice of Motion

Notices of Motion are a means available of showing an intention to do something at a particular Meeting. An advantage of giving notice is that persons are made aware of the motion on the Agenda and therefore have time to consider its implications.

Submission of 'Notice of Motion' must be given at least seven (7) days before the meeting at which the proposal is to be received.

Where a Councillor who has given notice of a motion is absent from the meeting at which the motion is to be considered, the motion may be:

- (a) Moved by another Councillor at the meeting; or*
- (b) Deferred to the next appropriate ordinary meeting.*

Notice of motions must:

- (a) Be framed as succinctly as possible;*
- (b) Not include argument or discussion or excessive background material;*
- (c) Be relevant to the good order of the business of the Council; and*
- (d) Not be an action that could be dealt within operational procedures.*

The Chairperson may call the notices of motion in the order in which they appear on the agenda, and where no objection is taken to a motion being taken as a formal motion, the Chairperson may put the motion to receive the Notice of Motions to the vote without discussion.

Each Notice of Motion may then be dealt with. The Chairperson may determine that any Notice of Motion formally received is best dealt with at another ordinary meeting (to allow time for preparation of an Officer's Report in relation to the matter).

Moved by: Councillor Kelly

Seconded by: Deputy Mayor, Councillor Hutton

MOTION LOST

DIVISION:

Crs N Hutton, J Kelly and B Ludwig voted in the affirmative.

Crs A Belot, P Eastwood, G Mather and T Wyatt voted in the negative.

COUNCIL RESOLUTION

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 and to return to a future Council Meeting.

Moved by: Councillor Kelly

MOTION LOST

COUNCIL RESOLUTION

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 until later in the meeting, to be dealt with as the last item of the meeting, pending further discussion.

Moved by: Deputy Mayor, Councillor Hutton

MOTION CARRIED

10.39am The meeting was adjourned.

10.43am The meeting resumed with item 13 - Urgent Business.

Members Present:

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

Officers in Attendance:

Mr Brett Bacon – Executive Director Liveability and Wellbeing
Mrs Andrea Ellis – Chief Financial Officer
Mr Matthew Willcocks - Chief Technology Officer
Mr Nick Sheehan - Chief Human Resources Officer
Mr Rod Chapman – Coordinator Governance
Ms Nicole Robertson – Coordinator Executive Support

COUNCIL RESOLUTION

THAT Council, notwithstanding the officers recommendation, resolves to amend the Council *Meeting Procedures Policy*, section 2.9.2, to reflect the following;

Notice of Motions

The Chief Executive Officer in preparing the agenda for a council meeting must include Notices of Motions requested in writing by a councillor that is received by the Chief Executive Officer seven (7) business days before the meeting at which the proposal is to be made.

Where a councillor who has given notice of a motion is absent from the meeting at which the

motion is to be considered, the motion may be:

- (a) Moved by another Councillor at the meeting*
- (b) Deferred to the next appropriate Committee or Ordinary Council meeting.*

Notice of Motions should:

- (a) Be framed as succinctly as possible*
- (b) Not include argument or discussion or excessive background material*
- (c) Be relevant to the good order of the business of the Council*
- (d) Not be an action that could be dealt with in operational procedures.*

Questions on Notice

The Questions on Notice from a Councillor will be published in the agenda of the appropriate meeting providing such questions are received by the Chief Executive Officer seven (7) days before the meeting at which the question is to be raised.

Questions on Notice should:

Be framed as succinctly as possible

- (a) Not include argument or discussion or excessive background material*
- (b) Be relevant to the good order of the business of the Council*
- (c) Not be a question that could be answered under operational procedures.*

Councillors can ask questions without notice where a genuine urgency exists, and the matter is not included in the agenda.

Moved by: Councillor Mather

Seconded by: Councillor Belot

MOTION CARRIED

DIVISION:

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

Cr J Kelly voted in the negative.

13 URGENT BUSINESS\QUESTIONS

- 10.45am Pursuant to section 150 (I) of the *Local Government Act 2009* and; part 2.21 and part 3 of Livingstone Shire Council's *Meeting Procedures Policy*, the Chair of the Meeting issued an warning to Councillor Belot in relation to his unsuitable meeting conduct.
- 10.49am The meeting was adjourned pending advice.
- 11.25 am The meeting resumed and dealt with item 12.4 – Petition and Proposed Motion – Council Meeting Procedures Policy: Motions and Questions on Notice

Members Present:

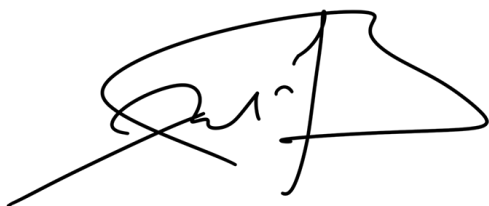
Mayor, Councillor Bill Ludwig (Chairperson)
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Councillor Tom Wyatt

Officers in Attendance:

Mr Brett Bacon – Executive Director Liveability and Wellbeing
Mrs Andrea Ellis – Chief Financial Officer
Mr Matthew Willcocks - Chief Technology Officer
Mr Nick Sheehan - Chief Human Resources Officer
Mr Rod Chapman – Coordinator Governance
Ms Nicole Robertson – Coordinator Executive Support

14 CLOSURE OF MEETING

There being no further business the meeting closed at 11.43am.

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

Mayor, Councillor Bill Ludwig
CHAIRPERSON

5 November 2019

DATE