ORDINARY MEETING NO. 12
WEDNESDAY 28 JULY 2010

Councillors Mick Kruger (Chairman), Julie Arthur, Sue Brooks, David Dalgleish, Linda Harris, Debbie Hawes, Barbara Hovard, Belinda McNeven, Les MucKan, Anne Nioa, Gerard O'Connell.

Councillors are advised that an **ORDINARY MEETING** will be held in the Fraser Coast Regional Council Chambers, Kent Street, Maryborough on **WEDNESDAY 28 JULY 2010 at 9.30AM.**

Desmond

LISA DESMOND
ACTING CHIEF EXECUTIVE OFFICER

22 July 2010

Fraser Coast Regional Council acknowledges the traditional owners of the land upon which we meet today.

BUSINESS

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	Council resolves that under the *Local Government (Operations) Regulation 2010* the Meeting be closed to the public in accordance with Section 72(1)(h) - 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 for the purpose of considering Item ORD 15.1 – Hervey Bay Gallery/Library Options.	
ORD 15.1	**Hervey Bay Gallery / Library Options**	***To Be Distributed***

FRASER COAST REGIONAL COUNCIL
PUBLIC PARTICIPATION
PROCEDURAL GUIDELINES

Please switch off mobile phones. The use of mobile phones is not permitted in the Council Chamber during Ordinary Council Meetings and meetings of the Planning & Development Committee.

Taping of Committee or Council Meetings by the public is not permitted unless the Chairperson has been notified and approval given by a majority of Councillors present at the meeting.

Public Participation is a Fraser Coast Regional Council initiative to provide an opportunity for the Community to bring important issues directly before Council.

Specifically, Public Participation addresses the following key issues:

- To ensure Council is accessible and open to all members of the Community.
- To encourage the Community to take an interest in the welfare of the City.
- To provide a forum for the Community to present opportunities and ideas that could benefit the City and Council's operations.
- To provide a final opportunity for presenters to bring issues, objections or appeals before Council.

1. At each Ordinary Meeting a period of time is allocated for Public Participation to be conducted.

2. The presentation during Public Participation must be restricted to **five (5) minutes**. At the discretion of Council an extension of time may be granted.

3. **Issues arising from Public Participation are not to be debated**, however Councillors may make statements to the Meeting or ask questions. The presenter is allowed to provide brief answers, and if necessary, Council may invite additional information to be submitted to the relevant Councillor/s. Matters arising from Public Participation that Council wishes to address may be referred to the appropriate Department/Director.

4. Public Participation **is not a venue to voice complaints or personal statements against any individual Councillor or Officer**.

5. The Mayor may order a person to cease speaking if he considers the presentation to be disrespectful, abusive, outside these procedural guidelines or otherwise not in the public interest.

6. If you lodge any questions 24 hours prior to the meeting, relevant information may be able to be provided at the Meeting.

7. Questions requiring written response from Council Officers are to be submitted in writing and should include name, address and telephone number for contact purposes.

ITEM NO.: ORD 4.1

MINUTES OF THE ORDINARY MEETING NO. 11
HELD IN THE FRASER COAST REGIONAL COUNCIL CHAMBERS,
TAVISTOCK STREET, TORQUAY, HERVEY BAY
ON WEDNESDAY 14 JULY, 2010 COMMENCING AT 9.32AM.

PRESENT:
Councillor Mick Kruger (Chairman)
Councillor Julie Arthur
Councillor Sue Brooks
Councillor David Dalgleish
Councillor Linda Harris
Councillor Debbie Hawes
Councillor Barb Hovard
Councillor Belinda McNeven
Councillor Les MucKan
Councillor Gerard O'Connell

STAFF IN ATTENDANCE:
Acting Chief Executive Officer, Ms Lisa Desmond
Director Infrastructure & Environment Services, Mr Wayne Sweeney
Director Community & Development Services, Mr Peter Smith
Principal Officer Major Projects, Mrs Tracey Genrich
Executive Manager Building Services, Mr Shane McGowan
Principal Officer Corporate Communication & Marketing, Mr Kevin Corcoran
Meeting Secretary, Mrs Julie Schoonderwoerd

ORD 1 OPENING PRAYER

The Opening Prayer was delivered by Pastor Bal Ram Sami from the Church of Christ.

ORD 2 APOLOGIES

RESOLUTION (O'Connell / Hawes)

That the apology from Councillor Nioa, who is absent due to illness, be accepted.

Carried Unanimously
Ord 11/216/07/10

ORD 3 MAYORAL MINUTES

Nil

ORD 4 CONFIRMATION OF MINUTES OF MEETINGS

ORD 4.1 Planning & Development Committee Meeting No. 5 – 9 June, 2010

RESOLUTION (Hawes / Arthur)

That the Minutes of Planning & Development Committee Meeting No. 5 held on 9 June, 2010, be confirmed.

Carried Unanimously
Ord 11/217/07/10

ORD 4 CONFIRMATION OF MINUTES OF MEETINGS

ORD 4.2 Ordinary Meeting No. 10 – 16 June, 2010

RESOLUTION (O'Connell / Brooks)

That the Minutes of Ordinary Meeting No. 10 held on 16 June, 2010, be confirmed.

Carried Unanimously
Ord 11/218/07/10

ORD 4 CONFIRMATION OF MINUTES OF MEETINGS

ORD 4.2 Special Meeting – 21 June, 2010

RESOLUTION (Hawes / O'Connell)

That the Minutes of the Special Meeting held on 21 June, 2010, be confirmed.

Carried Unanimously
Ord 11/219/07/10

ORD 5 ADDRESSES/PRESENTATIONS

Nil

ORD 6 PUBLIC PARTICIPATION

ORD 6.1 Environmental Levy and Purchase of Environmentally Sensitive Land

Mrs Audrey Sorensen, 8 William Street, Urangan

Seeking Council to utilise the environmental levy entirely for the purchase of environmentally sensitive land.

ORD 6 PUBLIC PARTICIPATION

ORD 6.2 Sustainable Fraser Coast Charter and Environmental Issues

Mr Les Gallagher, Freelance Journalist, Bushvision Media

Comments in relation to the Sustainable Fraser Coast Charter and environmental issues.

ORD 6 PUBLIC PARTICIPATION

ORD 6.3 Private Property Drainage Issues

Ms Sharon Hasham, 19 Totness Street, Torquay

Seeking outcome in relation to ongoing drainage issues regarding private property.

ORD 7 DEPUTATIONS

Nil

ORD 8 PETITIONS

ORD 8.1 Receipt of Petitions

Nil

ORD 8 PETITIONS

ORD 8.2 Open Petitions Register

RESOLUTION (Brooks / MucKan)

That the Open Petitions Register report be received and noted.

Carried Unanimously
Ord 11/220/07/10

ORD 9 COMMITTEES' AND DELEGATES' REPORTS

ORD 9.1 Economic Development Advisory Committee Meeting Minutes – 1 June 2010

RESOLUTION (O'Connell / MucKan)

That:

1. the Minutes of the Economic Development Advisory Committee Meeting held 1 June 2010 be received and noted, and

2. The Chief Executive Officer write to the State Government to recommend that a new dual lane and flood proof Mary River bridge for the township of Tiaro be included in their 10 year roads program.

Carried Unanimously
Ord 11/221/07/10

ORD 9 COMMITTEES' AND DELEGATES' REPORTS

ORD 9.2 Infrastructure & Environment Committee Meeting - 7 July 2010

Item I&E 9.2 – Airport Landing Fees and Charges (page 9)

Councillor Arthur said that she believed the Mayor had also been designated the spokesperson for the group but this was not reflected in the recommendation. The recommendation should read:

That Council (represented by the Mayor) agrees to participate and be spokesperson in a consultative airport user working group which includes all key stakeholders to consider alternate models for landing fees and charges prior to 1 September 2010.

Item I&E 6.7 – Informal Carparking – Park and Recreation Reserve, Endeavour Way, Eli Waters – (page 6/7)

In accordance with s173(2) of the Local Government Act 2009, Councillor Hawes declared a perceived conflict of interest in Item I&E 6.7 because members of her family were employed at the college, and she retired from the Meeting.

Councillor McNeven referred to matters associated with Item I&E 6.7.

Councillor Hawes returned to the Meeting when discussion on Item I&E 6.7 concluded.

RESOLUTION (Dalgleish / Harris)

That Council:

1. confirm the Minutes of the Infrastructure & Environment Committee Meeting held on 7 July, 2010, and

2. adopt the recommendations of the Infrastructure & Environment Committee.

Carried Unanimously
Ord 11/222/07/10

ORD 10 OFFICERS' REPORTS

Nil

ORD 11 MATTERS/MOTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil

ORD 12 QUESTIONS ON NOTICE

Nil

ORD 13 CONSIDERATION OF ITEMS PLACED ON THE AGENDA WITH THE CONSENT OF THE MAYOR

Nil

ORD 14 GENERAL BUSINESS

ORD 14.1 Bauple Recreation Ground Facilities

Councillor MucKan referred to a recent problem at the Bauple Recreation Ground facilities whereby the water ran out and caused inconvenience to visitors wishing to use the facilities. He said that he wished to congratulate Council staff for their quick action in rectifying the matter.

ORD 14 GENERAL BUSINESS

ORD 14.2 Visionary 2031 Community Consultation Meetings

Councillor MucKan said that he had attended five of the six Visionary 2031 meetings held across the region. He said that he wished to congratulate the people who had braved the wet and cold to attend the meetings because Council needed the input of the community members as well as Councillors.

ORD 14 GENERAL BUSINESS

ORD 14.3 Visionary 2031 - Howard Community Consultation Meeting

Councillor Dalgleish said that the Visionary 2031 meeting held in Howard was quite interesting and the "burning issue" that kept being raised was the boat ramp at Burrum Heads. He said that the community was as strong as ever with regard to the boat ramp matter. Councillor Dalgleish said that a lot of interesting angles were raised regarding the need for the boat ramp, as well as economic development issues. Councillor Dalgleish said that this community ran on tourism alone and such a facility had a wide spread benefit. He offered his ongoing support to resolve this issue.

ORD 14 GENERAL BUSINESS

ORD 14.4 Name Change – Standing Committee Meeting

Councillor Hovard advised that with the restructure of Departments, Council now had the Community & Development Department but the Committee name was Development & Community. She said to reflect the name of the Department the Committee name be amended accordingly, adding this would assist in avoiding confusion.

RESOLUTION (Hovard / McNeven)

That the name of the Development & Community Committee be altered to Community & Development Committee to reflect the Department name.

Carried Unanimously
Ord 11/223/07/10

ORD 14 GENERAL BUSINESS

ORD 14.5 Business Confidence Survey

Councillor O'Connell said that Councillors would be aware that the results of a Business Confidence Survey, conducted in conjunction with USQ, Hervey Bay Chamber of Commerce and Fraser Coast Regional Council, had been released and comments were being received. He said that not surprisingly most of the respondents spoke about the need they had, as business owners and operators, to work/life balance which had been their reason for wanting to operate on the Fraser Coast. This had come before profitability, sales and infrastructure. Councillor O'Connell referred to the Fraser Coast Enterprise Zone which had been established by the former Maryborough and Hervey Bay City Councils prior to amalgamation, which had a tag line of "where business was living". He said that, not surprisingly, the survey also indicated that times had been tough and there were still challenging times, but the majority of people saw potential in this area. Entities such as Council were being looked to for support. Councillor O'Connell said that the survey respondents spoke very highly of the professionalism and expertise of Council's customer service and reception area. He said that there were also comments regarding Development Services with the respondents recognising Council's hard work in this area to provide assistance.

ORD 14 GENERAL BUSINESS

ORD 14.6 Keep Australia Working Advisory Committee

Councillor O'Connell referred to a recent report by the Keep Australia Working Advisory Committee, which looked particularly at the high unemployment numbers in the Hervey Bay and Bundaberg area and the Federal Government initiatives brought about by former Prime Minister, Kevin Rudd. Councillor O'Connell said that he wished to commend the work of Mr Jason Millward and his committee for their hard work and understanding in relation to local issues. He said that he would implore, on behalf of Council, that the Keep Australia Working group look at grant funding and any support the Federal Government could give to this area.

ORD 14 GENERAL BUSINESS

ORD 14.7 Guy Leech Health Adventure

Councillor McNeven said that on the Mayor's behalf she had attended the Guy Leech Health Adventure held at the Ramada Hervey Bay at the beginning of July. She said that she had participated in the cycling activity which had entailed riding from Urangan to Aqua Vue at Torquay, followed by beach volleyball. In referring to the good weather experienced in our area and some of the social issues particularly relating to children and their health and childhood obesity, Councillor McNeven said that she wished to congratulate the Ramada on its initiative in trying to put the Fraser Coast forward on the map as the health capital adventure of the world and bringing people to the area to have a holiday with a difference. Councillor McNeven said that there had been many interesting people in attendance at the Health Adventure event, and Guy Leech had said that it had been family health issues in his childhood which had motivated him to undertake the healthy lifestyle he followed. She said that the message regarding good health needed to be promoted, especially for men. Councillor McNeven referred to health initiatives previously conducted within the Council organisation, saying she believed Council should try annually to focus employees on health initiatives.

ORD 14 GENERAL BUSINESS

ORD 14.8 Retirement of Ranger Jay

Councillor McNeven said that she had attended Ranger Jay's retirement gathering. She said that she thought that one of the things that the former Hervey Bay City Council had done really well had been the introduction for animal education purposes of the late Ranger Lacy and her nephew Ranger Jay. Councillor McNeven said that she believed Council needed to investigate a way whereby this type of initiative could continue, particularly taking into account recent issues in the media relating to dogs. She said that Lacy and Jay in fact had been used to educate children who in turn took the message home. Councillor McNeven said that she believed that Council and the community would be let down if, with Ranger Jay's retirement, this type of animal education initiative did not continue. She said that it was Council's responsibility to assist people to be responsible pet owners.

ORD 14 GENERAL BUSINESS

ORD 14.9 Sarah Kay – First Solo Album Launch

Councillor McNeven said that she had attended the launch of Sarah Kay's first solo album, "Dawn of a New Day". She said that Sarah is the daughter of Bobkatz member, Garry Koehler. Councillor McNeven said that it was fantastic to see the rise of local young artists and she urged everybody to get on the internet or contact their local radio station and request Sarah's song to be played. She said it was important to promote new artists in the community.

ORD 14 GENERAL BUSINESS

ORD 14.10 Community Consultation Meetings

Councillor Brooks said that she concurred with Councillor MucKan's comments regarding the recently held Community Consultation Meetings, and she wished to commend the members of the public who had attended the meetings. She said that perhaps the media could help in informing the community of any opportunities to provide comment and have their say on the way forward. Councillor Brooks referred to the Growth Strategy, Community Planning, the SEMP process, Sustainability Charter, and the Aviation Strategy. She said that members of the community could learn more by going to Council's website and subscribing to eNews.

ORD 14 GENERAL BUSINESS

ORD 14.11 Brolga Theatre – 10th Anniversary

Councillor Harris said that on Saturday 10 July, she had attended the 10th Anniversary celebration for the Brolga Theatre which had been a memorable evening. She said that a tremendous amount of organisation had been involved in this event by the Organising Committee and it had concluded a week of celebrations. Councillor Harris said that the talent exhibited for the afternoon and evening performances had been fantastic. She said that a tremendous amount of work had gone into organising the costumes which had been used in Brolga Theatre musicals and performances in years past. Councillor Harris congratulated the Organising Committee and thanked everybody who attended.

Councillor Kruger thanked Councillor Harris for her comments, saying he had attended the afternoon performance which had included some of the original entertainers who had helped launch the Brolga 10 years ago.

ORD 14 GENERAL BUSINESS

ORD 14.12 NAIDOC Week

Councillor MucKan said that this past week had been NAIDOC Week and he wished to thank everybody, including Council staff, for coming together to participate in the celebrations.

ORD 14 GENERAL BUSINESS

ORD 14.13 Confidential Item – Road Issue - Tiaro

Councillor Kruger advised he had an item he wished to raise in confidential relating to a road issue at Tiaro.

ORD 15 CONFIDENTIAL

RESOLUTION (Dalgleish/ MucKan)

Council resolves that under the *Local Government (Operations) Regulation 2010* the Meeting be closed to the public for the purpose of discussing the following items:

ORD 15.1 – **Council Property Matter -** Section 72(1)(h) (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)

In accordance with s173(2) of the Local Government Act 2009, Councillor Harris declared a perceived conflict of interest in Item ORD 15.2 because she resides in the road to be discussed, and she retired from the Meeting.

ORD 15.2 – **Road Issue - Tiaro -** Section 72(1)(c) (the local government's budget)

Carried Unanimously
Ord 11/224/07/10

RESUMPTION OF ORDINARY COUNCIL MEETING

RESOLUTION (MucKan / Hovard)

That the Meeting resume in open Council.

Carried Unanimously
Ord 11/225/07/10

Councillor Harris returned to the Meeting.

ORD 15 CONFIDENTIAL

ORD 15.1 Council Property Matter

RESOLUTION (Dalgleish / MucKan)

That, until such time as a satisfactory resolution is reached to the fire compliance issues within the PCYC building, a number of actions be implemented immediately in order to address Council's risk as building owner as follows:-

1. Require PCYC to immediately address the following items which have previously been requested in correspondence dated 6 May, 2010:

   - Remove locks to the gates on the awning side of the PCYC building and replace with single release action hardware;
   - Demolish the illegal pergola structure located at the northern aspect of the building; and
   - Remove the roller door from the first floor stairwell;

2. Council investigate and attend to the remaining rectification works, as a matter of urgency, in accordance with instructions from Council's building certifiers;

3. Council advises the PCYC that to enable the continuation of non-sports related activities the PCYC is required to implement the following:

   - Evaluate the adequacy of emergency fire exit doors (including installation of appropriate emergency/fire compliant door hardware) to allow for increase in "allowable" maximum occupant numbers at any given time;

   - Install a temporary auditory warning system that could be used in the event of an emergency to instruct occupants to evacuate the building;

   - Ensure an appropriate number of trained fire wardens are onsite during times of peak occupancy and special events;

   - Undertake pressure testing on existing hydrant system to ensure that adequate levels of water pressure are available in the event of an emergency;

   - Engage QFRS for 1-off events, emergency evacuation and fire fighting;

   - Ensure good housekeeping of the venue;

4. Finalise investigations, suitable fire safety management options and costing as a matter of urgency;

5. Upon finalisation of point 4. above, forward a report to Council recommending a suitable solution.

Carried Unanimously
Ord 11/226/07/10

In accordance with s173(2) of the Local Government Act 2009, Councillor Harris declared a perceived conflict of interest in Item ORD 15.2 because she resides in the road to be discussed. She retired from the Meeting and was not present for voting.

ORD 15 CONFIDENTIAL

ORD 15.2 Road Issue - Tiaro

RESOLUTION (Dalgleish / MucKan)

That Council carry out gravel sheeting of Railway Parade from the intersection of Hopper Street to connect to the existing bitumen surface in accordance with Tiaro Special Meeting resolution of 24 August 2006.

Carried Unanimously
Ord 11/227/07/10

Councillor Harris returned to the Meeting.

There being no further business, the Meeting closed at 11.05am.

Confirmed at Ordinary Meeting No. 12 of the Fraser Coast Regional Council held at Maryborough on 28 July, 2010.

.....
MAYOR

ITEM NO.: ORD 8.2

OPEN PETITIONS REGISTER

Meeting Date	Petition Subject / Petition Docs #	Action Request	Progress
17/02/10	Bayridge Heights Estate (#1875910)	#cp0900217	A meeting was held on 3 February with the developer and his advisors which was attended by (including others) the ADDS, the DCS, and some councillors. Following that meeting, an amended offer was put to the developer to resolve the outstanding issue by email on 23 March 2010. Despite follow up phone calls to the developer's consultant, no response has been received to the offer for an amended schedule of works to accept the park on maintenance. Applicant's representatives were again contacted by the DC&DS on or around 7 July 2010 to follow up on offer of 23 March. Still no response to date.

07/04/10	Erosion on Urangan South Beach (#1902075)	#cp0900259	1 SEMP process commenced 2 Discussed possible interim nourishment with DERM- Advice received that 2 formal applications would be required. 3 Petition report to be prepared for consideration by Council 20/07/10 - Application forms and mandatory information required received. Quotes required to enable the calculation of fees for applications. Upon receipt of quotes. Petition report to be completed seeking council support to lodge applications for interim sand nourishment being sand pushes at trial locations including Urangan South. DERM have confirmed that this could only be an interim solution until such time as the SEMP is completed.

RECOMMENDATION

That the Open Petitions Register report be received and noted.

ITEM NO: ORD 9.1

FRASER COAST REGIONAL COUNCIL
ORDINARY MEETING NO. 12

WEDNESDAY 28 JULY 2010

SUBJECT:	**MINUTES OF COMMUNITY & DEVELOPMENT COMMITTEE MEETING NO. 1 – 14 JULY 2010**
CHAIRPERSON:	**COUNCILLOR BARBARA HOVARD**
RESPONSIBLE OFFICER:	**DIRECTOR COMMUNITY & DEVELOPMENT, Peter Smith**
DOC NO:	**#1933544**

1. PURPOSE

For Council to confirm the Minutes of the Community & Development Committee Meeting No. 1 held on 14 July 2010 and adopt the Committee recommendations not adopted at the meeting under delegated authority.

2. RECOMMENDATION

That:

1. the Minutes of the Community & Development Committee Meeting No. 1 held on 14 July 2010 be confirmed, and

2. the Committee recommendations for the following items be adopted:

C&D 4.1	Winding Up of Hervey Bay (Cultural Fund) Limited and Hervey Bay Cultural Trust
C&D 4.2	Request by Queensland Eisteddfod Fraser Coast 2011 Committee for Waiving of Hire Fee for Brolga Theatre
C&D 4.3	Circus Animals
C&D 4.4	Regional Arts Development Fund – Out of Round Application – Fraser Coast Show Society
C&D 4.5	Community Plan Update.

ATTACHMENT:

1. **Minutes of Community & Development Committee Meeting No. 1 – 14 July 2010 (DOCS#1878854)**

ORD 9.1 – ATTACHMENT 1
Minutes of C&D Committee Meeting No. 1 – 14 July 2010

MINUTES OF COMMUNITY & DEVELOPMENT COMMITTEE MEETING NO 1
HELD IN THE FRASER COAST REGIONAL COUNCIL CHAMBERS IN HERVEY BAY,
77 TAVISTOCK STREET, TORQUAY
ON WEDNESDAY 14 JULY, 2010 COMMENCING AT 11.25AM

PRESENT:
Councillor Barb Hovard (Chairperson)
Councillor Julie Arthur
Councillor Sue Brooks
Councillor David Dalgleish
Councillor Linda Harris
Councillor Debbie Hawes
Councillor Mick Kruger
Councillor Belinda McNeven
Councillor Les MucKan
Councillor Gerard O'Connell

STAFF IN ATTENDANCE:
Acting Chief Executive Officer, Ms Lisa Desmond
Director Community & Development, Mr Peter Smith
Director Infrastructure & Environment, Mr Wayne Sweeney
Executive Manager Strategic Planning, Ms Rosalyn Acworth
Executive Manager Development Assessment, Mr Michael Ellery
Principal Planner, Mr Adam Yem
Senior Planner Strategic Planning, Mr Jeff Brannan
Principal Development Engineer, Mr Pascal Balley
Principal Officer Corporate Communication & Marketing, Mr Kevin Corcoran
Meeting Secretary, Mrs Julie Schoonderwoerd

C&D 1 APOLOGIES

RECOMMENDATION (O'Connell / MucKan)

That the apology from Councillor Nioa who is absent due to illness be accepted.

Carried Unanimously
C&D 1/1/07/10

C&D 2 PUBLIC PARTICIPATION (AGENDA ITEMS ONLY)

Nil

C&D 7 CONFIDENTIAL

PROCEDURAL MOTION (Arthur / Harris)

The Executive Manager Strategic Planning introduced Messrs Stephen Patey and Jason Kruger from Humphreys Reynolds Perkins, Planning Consultants, who had been invited to address the meeting in relation to Items C&D 7.2 and C&D 7.3.

Council resolves that under the *Local Government (Operations) Regulation 2010* the Meeting be closed to the public for the purpose of discussing the following items:

C&D 7.2 – **Eli Waters/Dundowran Structure Plan – Further Investigations -** Section 72(1)(h) (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)

C&D 7.3 – **Hervey Bay Structure Planning Project – Doolong Flats/Ghost Hill & Kawungan North East (Main Street) – Draft Structure Plan -** Section 72(1)(h) (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)

Carried Unanimously
C&D 1/2/07/10

RESUMPTION OF DEVELOPMENT & COMMUNITY COMMITTEE MEETING

PROCEDURAL MOTION (Arthur / Brooks)

That the Meeting resume in open Committee.

Carried Unanimously
C&D 1/3/07/10

C&D 7 CONFIDENTIAL

C&D 7.2 Eli Waters/Dundowran Structure Plan – Further Investigations

RECOMMENDATION (Kruger / Hawes)

That:

A. the report be received and noted;

B. additional consultation be undertaken with relevant State agencies, including but not limited to, the Department of Environment and Resource Management (DERM) and the Department of Transport and Main Roads (DTMR);

C. key stakeholders be advised of the timeframes to undertake the additional consultation outlined in (B) above; and

D. a further report be brought back to inform Council about the outcome of advice received from the relevant State agencies.

Carried Unanimously
C&D 1/4/07/10

C&D 7 CONFIDENTIAL

C&D 7.3 Hervey Bay Structure Planning Project – Doolong Flats/Ghost Hill & Kawungan North East (Main Street) – Draft Structure Plan

RECOMMENDATION (Brooks / Dalgleish)

That Council:

(A) receive the Draft Doolong Flats/Ghost Hill and Kawungan North East (Main Street) Structure Plan and releases it for the purposes of stakeholder consultation; and

(B) proceeds with the second round of stakeholder consultation.

Carried Unanimously
C&D 1/5/07/10

12.40pm **PROCEDURAL MOTION** (Dalgleish / Brooks)

That the Meeting adjourn for a short break.

Carried Unanimously
C&D 1/6/07/10

1.00pm The Meeting reconvened.

C&D 3 **OFFICERS' REPORTS – DEVELOPMENT ITEMS**

C&D 3.1 **Request for Development to be Considered Shovel Ready for Infrastructure Discount Purposes - Development Permit for an MCU for Residential Low Density and Reconfiguration of a Lot (1 into 32 lots) - 92 Main St, Kawungan**

RECOMMENDATION (O'Connell / Kruger)

That the request for a reduction in infrastructure contributions under Council's 'shovel ready' development initiative for Stage 2 of the Development Permit 513/3-061064 be approved to the extent outlined in the officers report, subject to the applicant entering into an infrastructure agreement with the Council to guarantee performance of the matters listed in Council's resolution ORD 10.6 dated 7 April 2010 and that the sealing of the survey plan for Stage 1 of the Development Permit 513/3-061064 occurs before the sealing of the survey plan for Stage 2 of the Development Permit 513/3-061064.

Carried Unanimously
513/3-061064
C&D 1/7/07/10

C&D 3 OFFICERS' REPORTS – DEVELOPMENT ITEMS

C&D 3.2 Request for Development to be Considered Shovel Ready for Infrastructure Discount Purposes – Combined Material Change of Use – Dwelling House on Residential Lots Between 450m^2 and 599m^2 and Reconfiguring a Lot- 1 Lot into 62 Lots - 60 Wattle Street, Point Vernon

RECOMMENDATION (Hawes / Arthur)

That the request for a reduction in infrastructure contributions under Council's 'shovel ready' development initiative for Stage 4C of Development Permit 513/3-061047 be approved to the extent outlined in the officers report, subject to the applicant entering into an infrastructure agreement with the Council to guarantee performance of the matters listed in Council's resolution ORD 10.6 dated 7 April 2010.

Carried Unanimously
513/3-061047
C&D 1/8/07/10

C&D 3 OFFICERS' REPORTS – DEVELOPMENT ITEMS

C&D 3.3 Request for Development to be Considered Shovel Ready for Infrastructure Discount Purposes –Material Change of Use – Office – 69, 71 and 73 Main Street, Pialba

RECOMMENDATION (Hawes / Kruger)

That the request for a reduction in infrastructure contributions under Council's 'shovel ready' development initiative for the Development Permit 513/3-081430 be approved to the extent outlined in the officers report, subject to the applicant entering into an infrastructure agreement with the Council to guarantee performance of the matters listed in Council's resolution ORD 10.6 dated 7 April 2010.

Carried Unanimously
513/3-081430
C&D 1/9/07/10

C&D 3 OFFICERS' REPORTS – DEVELOPMENT ITEMS

C&D 3.4 Application for a Development Permit - Operational Works Permit Vegetation Removal – Fraser Coast Regional Council – Located at Elizabeth Street, Urangan

RECOMMENDATION (Brooks / Arthur)

That the application by Fraser Coast Regional Council for a Development Permit for a Operational Works Vegetation Removal in respect of Lot 2 on RP121741, being Elizabeth Street, Urangan, be approved generally in accordance with the plans titled 'Detail Survey' prepared by surveyors@work and received 25 May 2010 as marked in red subject to the following conditions, which must be met prior to the commencement of the use, or at such other time as may be specified in any particular condition.

PRE-CONSTRUCTION

General

1. Undertake the development in accordance with Council's Planning Scheme Policy 2 - Development Manual and Planning Scheme Policy 15 - Development Procedures.

2. Meet the costs of all development works including any necessary alteration, relocation of services, public utility mains or installations shall be met as costs of the development including accurately locating all existing services before any development works commence.

CONSTRUCTION

Vegetation

1. Limit clearing to the two trees identified for removal on the approved plan.

2. Dispose of cleared material by chipping or mulching, at a Council approved green waste disposal facility or salvage timber for reuse, unless otherwise approved in writing by the Assessment Manager.

3. Inspect the tree prior to clearing for the presence of nesting birds, and habitat hollows. No clearing of trees which may disturb nesting birds is permitted until the birds have fledged and left the nest. Removal of trees with habitat hollows must be carried out under the supervision of a Department of Environment registered fauna management spotter-catcher who will be responsible for dealing with native fauna present as required under the Queensland Nature Conservation Act 1992.

Environmental Health

4. Contain airborne hazards and other emissions, such as ash, fumes, light, or odour from the operational work on site and take all reasonable steps to prevent a release to neighbouring properties.

5. Implement drainage, erosion and sediment control measures and maintain in a proper and efficient working order to ensure dirt and sediment remains on the site. Ensure erosion and sediment runoff does not contaminate stormwater and waterways at unacceptable levels.

6. Do not undertake any works:–

   (a) on a Sunday or public holiday, at any time; or
   (b) on a Saturday or business day, before 6.30 am or after 6.30 pm.

POST-CONSTRUCTION

7. Offset the loss of vegetation on the site by:

   Planting a minimum of four (4) trees elsewhere on the land as part of landscaping. These must be local native species endemic to the area that will grow to at least 8 metres in height at maturity and selected from the recommended plant lists in Table B.1.12 in Appendix B of the Hervey Bay City Council Development Scheme Policy 2 Development Manual.

Carried Unanimously
OP-106071
C&D 1/10/07/10

C&D 3 OFFICERS' REPORTS – DEVELOPMENT ITEMS

C&D 3.5 Hervey Bay Structure Planning Projects – Progress Report

RECOMMENDATION (Dalgleish / MucKan)

That:

(a) the report be received and noted; and

(b) in relation to the Eli Waters/Dundowran Structure Plan, the proposed methodology and timeframes be amended to undertake further consultation with State agencies;

(c) a further report be received as soon as practicable to outline the change in time frames.

Carried Unanimously
C&D 1/11/07/10

C&D 3 OFFICERS' REPORTS – DEVELOPMENT ITEMS

C&D 3.6 Fraser Coast 2031: Sustainable Growth Strategy

RECOMMENDATION (McNeven / O'Connell)

That the report be received and noted.

Carried Unanimously
C&D 1/12/07/10

C&D 4 OFFICERS' REPORTS – COMMUNITY ITEMS

C&D 4.1 Winding Up of Hervey Bay (Cultural Fund) Limited and Hervey Bay Cultural Trust

RECOMMENDATION (McNeven / Brooks)

That this report be received and noted.

Carried Unanimously
C&D 1/13/07/10

C&D 4 OFFICERS' REPORTS – COMMUNITY ITEMS

C&D 4.2 Request by Queensland Eisteddfod Fraser Coast 2011 Committee for Waiving of Hire Fee for Brolga Theatre

RECOMMENDATION (Kruger / Dalgleish)

That Qld Eisteddfod Fraser Coast 2011 Inc be advised that Council does not require the refund of the $20,000 advance to assist in funding the $25,000 hire fee for the Brolga Theatre.

Carried Unanimously
C&D 1/14/07/10

C&D 4 OFFICERS' REPORTS – COMMUNITY ITEMS

C&D 4.3 Circus Animals

RECOMMENDATION (Kruger / O'Connell)

That Council receive and note the report.

Carried Unanimously
C&D 1/15/07/10

C&D 4 OFFICERS' REPORTS – COMMUNITY ITEMS

C&D 4.4 Regional Arts Development Fund – Out of Round Application – Fraser Coast Show Society

RECOMMENDATION (Kruger / Harris)

That

(A) the Regional Arts Development Fund grant application for the Fraser Coast Show Society be approved and funds distributed to the recipient; and

(B) Council Officers organise a presentation to the recipient.

Carried Unanimously
C&D 1/16/07/10

C&D 4 OFFICERS' REPORTS – COMMUNITY ITEMS

C&D 4.5 Community Plan Update

RECOMMENDATION (Harris / Hawes)

That Council receives and notes the contents of this report.

Carried Unanimously
C&D 1/17/07/10

C&D 5 OFFICERS' REPORTS – OTHER

Nil

C&D 6 QUESTIONS ON NOTICE

C&D 6.1 Questions on Notice Register

RECOMMENDATION (Harris / Dalgleish)

That the Questions on Notice Register report be received and noted.

Carried Unanimously
C&D 1/18/07/10

C&D 6 QUESTIONS ON NOTICE

C&D 6.2 Response to Question on Notice – Hervey Bay Planning Scheme 2006

RECOMMENDATION (Brooks / Hawes)

That a copy of the Activity Centres and Employment Areas Planning Study be provided to Council on completion and that the allocation of commercial and retail land, in terms of both location and amount, be further considered during the development of the Sustainable Growth Strategy and subsequently, a new Fraser Coast Regional Council Planning Scheme.

Carried Unanimously
C&D 1/19/07/10

C&D 7 CONFIDENTIAL

PROCEDURAL MOTION (Hawes / Arthur)

Council resolves that under the *Local Government (Operations) Regulation 2010* the Meeting be closed to the public for the purpose of discussing the following items:

C&D 7.1 – **Burrum Heads and Toogoom Social Infrastructure -** Section 72(1)(h) (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)

Items C&D 7.2 – Eli Waters/Dundowran Structure Plan – Further Investigations and C&D 7.3 - Hervey Bay Structure Planning Project – Doolong Flats/Ghost Hill & Kawungan North East (Main Street) – Draft Structure Plan were dealt with earlier in the Meeting (refer page 3).

C&D 7.4 – **Hervey Bay Retail Strategy Review Study -** Section 72(1)(h) (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)

C&D 7.5 – **Request from Uniting Care Health for Infrastructure Contributions to be Calculated in Accordance with Previous Planning Scheme Policies for Stage 2 of St Stephen's Private Hospital, Nissen Street, Urraween -** Section 72(1)(h) (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)

C&D 7.6 – **Developments Not Complying with Development Approval – Unpaid Infrastructure Charges -** Section 72(1)(h) (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)

C&D 7.7 – **Request for Extension of Infrastructure Contribution Discounts for Shovel Ready Projects -** Section 72(1)(h) (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)

C&D 7.8 – **Request for Extension of Hervey Bay City Planning Scheme Policy No. 4 – Water Supply, Sewerage, Transport, Stormwater, and Public Parks and Community Land Infrastructure Contributions Roll In Provisions -** Section 72(1)(h) (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)

C&D 7.9 – **Infrastructure Contributions** - Section 72(1)(h) (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)

A Councillor raised a matter of a perceived conflict of interest by another Councillor regarding Item C&D 7.10. The matter was discussed by Council and there was no conflict of interest.

C&D 7.10 – **Proposed Purchase of Centro Shopping Complex -** Section 72(1)(h) (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)

Carried Unanimously
C&D 1/20/07/10

PROCEDURAL MOTION (McNeven / Hawes)

1.43pm That the Meeting be adjourned to enable Councillors to attend the 2010 Ergon Energy Tidy Towns Wide Bay-Burnett Regional Awards at 2.00pm.

Carried Unanimously
C&D 1/21/07/10

3.05pm The Meeting reconvened.

RESUMPTION OF PLANNING & DEVELOPMENT COMMITTEE MEETING

RECOMMENDATION (Hawes / Harris)

That the Meeting resume in open Committee.

Carried Unanimously
C&D 1/22/07/10

C&D 7 CONFIDENTIAL

C&D 7.1 Burrum Heads and Toogoom Social Infrastructure

RECOMMENDATION (Kruger / O'Connell)

That Council resolves:

(a) to receive and note the report; and

(b) the report be referred to the consultants appointed to undertake the Fraser Coast 2031 – Sustainable Growth Strategy.

Carried Unanimously
C&D 1/23/07/10

C&D 7 CONFIDENTIAL

C&D 7.4 Hervey Bay Retail Strategy Review Study

RECOMMENDATION (O'Connell / Arthur)

That:

(a) the report be received and noted; and

(b) a copy of the confidential 'Final Report – Review of Retail Strategy for Hervey Bay', as prepared by Leyshon Consulting Pty Ltd dated June 2010 be referred to the consultants appointed to undertake the Fraser Coast 2031 – Sustainable Growth Strategy and the Hervey Bay Structure Planning Projects respectively, as background information only.

Carried (8/2)
C&D 1/24/07/10

Councillors Dalgleish and MucKan abstained from voting.

C&D 7 CONFIDENTIAL

C&D 7.5 Request from Uniting Care Health for Infrastructure Contributions to be Calculated in Accordance with Previous Planning Scheme Policies for Stage 2 of St Stephen's Private Hospital, Nissen Street, Urraween

RECOMMENDATION (Kruger / O'Connell)

That:

1. the Chief Executive Officer be delegated the authority to enter into an Infrastructure Agreement with St Stephen's Hospital in accordance with the total infrastructure contribution listed in Option B of the confidential report (DOCS #1926893) on page 166 for a 96 bed facility,

2. Council enters into discussion with Uniting Care Health in relation to the retention of health services at the Maryborough facility.

Carried Unanimously
C&D 1/25/07/10

C&D 7 CONFIDENTIAL

C&D 7.6 Developments Not Complying with Development Approval – Unpaid Infrastructure Charges

RECOMMENDATION (Arthur / Hawes)

That Council receives and notes the process to be implemented for recovering outstanding infrastructure contributions.

Carried Unanimously
C&D 1/26/07/10

C&D 7 CONFIDENTIAL

C&D 7.7 Request for Extension of Infrastructure Contribution Discounts for Shovel Ready Projects

RECOMMENDATION (O'Connell / Kruger)

That Council extend the deadline for submission of applications for consideration under the 'shovel ready' initiative (as resolved by Council on 7 April 2010) to the close of business on 29 October 2010.

Carried (9/1)
C&D 1/27/07/10

Councillor Brooks requested her vote against be recorded.

C&D 7 CONFIDENTIAL

C&D 7.8 Request for Extension of Hervey Bay City Planning Scheme Policy No. 4 – Water Supply, Sewerage, Transport, Stormwater, and Public Parks and Community Land Infrastructure Contributions Roll In Provisions

RECOMMENDATION (Kruger / O'Connell)

That pursuant to Section 6.5 of Planning Scheme Policy No 4 Water Supply, Sewerage, Transport, Stormwater, and Public Parks and Community land Infrastructure Contributions (adopted 18 June 2009), the payment of infrastructure contributions will be discounted to the extent particularised below:

(a) The payment of infrastructure contributions received on or before 30 September 2010 for Development Permits that have not lapsed will be discounted as follows:

Type 1 – Existing development permits granted prior to 19 June 2009 that have not lapsed or development permits granted for development applications that entered the decision stage before the policy took effect on 19 June 2009 – 30% discount (this includes development applications within a statutory appeal period provided for in the *Integrated Planning Act 1997* or *Sustainable Planning Act 2009*).

Type 2 – Development permits for properly made development applications that had not entered the decision stage before the policy took effect on 19 June 2009 – 25% discount.

Type 3 – Development permits for properly made development applications lodged after 19 June 2009 – 25% discount; and

(b) The discount provisions will not apply to any payment received after close of business on 30 September 2010. Further, the discounts within this section do not apply to either Section 6.6.1 or 6.6.2 of Planning Scheme Policy No 4 (adopted 18 June 2009).

Carried (9/1)
C&D 1/28/07/10

Councillor Brooks requested her vote against be recorded.

C&D 7 CONFIDENTIAL

C&D 7.9 Infrastructure Contributions

RECOMMENDATION (McNeven / Brooks)

That a report be presented to the Community and Development Committee regarding:

1. the consideration of previous land dedications when determining contributions for public parks and community land, and

2. the process of advising applicants in relation to infrastructure contributions.

Carried Unanimously
C&D 1/29/07/10

C&D 7 CONFIDENTIAL

C&D 7.10 Centro Shopping Centre, Hervey Bay

The Executive Manager Development Assessment briefed Council regarding discussions held with Stocklands in relation to the proposed purchase of the Centro Shopping Centre, Hervey Bay.

C&D 8 DELEGATED AUTHORITY

RECOMMENDATION (Kruger / Hawes)

That the recommendations from the following Agenda items be approved by the Committee in accordance with its delegated authority under s257(1)(c) of the Local Government Act 2009:

C&D 3.1 Request for Development to be Considered Shovel Ready for Infrastructure Discount Purposes - Development Permit for an MCU for Residential Low Density and Reconfiguration of a Lot (1 into 32 lots) - 92 Main St, Kawungan

C&D 3.2 Request for Development to be Considered Shovel Ready for Infrastructure Discount Purposes – Combined Material Change of Use – Dwelling House on Residential Lots Between 450m^2 and 599m^2 and Reconfiguring a Lot- 1 Lot into 62 Lots - 60 Wattle Street, Point Vernon

C&D 3.3 Request for Development to be Considered Shovel Ready for Infrastructure Discount Purposes –Material Change of Use – Office – 69, 71 and 73 Main Street, Pialba

C&D 3.4 Application for a Development Permit - Operational Works Permit Vegetation Removal – Fraser Coast Regional Council – Located at Elizabeth Street, Urangan

C&D 3.5 Hervey Bay Structure Planning Projects – Progress Report

C&D 3.6 Fraser Coast 2031: Sustainable Growth Strategy

C&D 6.1 Questions on Notice Register

C&D 6.2 Response to Question on Notice – Hervey Bay Planning Scheme 2006

C&D 7.1 Burrum Heads and Toogoom Social Infrastructure

C&D 7.4 Hervey Bay Retail Strategy Review Study

C&D 7.5 Request from Uniting Care Health for Infrastructure Contributions to be Calculated in Accordance with Previous Planning Scheme Policies for Stage 2 of St Stephen's Private Hospital, Nissen Street, Urraween

C&D 7.6 Developments Not Complying with Development Approval – Unpaid Infrastructure Charges

C&D 7.7 Request for Extension of Infrastructure Contribution Discounts for Shovel Ready Projects

C&D 7.8 Request for Extension of Hervey Bay City Planning Scheme Policy No. 4 – Water Supply, Sewerage, Transport, Stormwater, and Public Parks and Community Land Infrastructure Contributions Roll In Provisions

C&D 7.9 Infrastructure Contributions

The recommendations on items not listed above are to be put to the next Ordinary Meeting of Council.

Carried Unanimously
C&D 1/30/07/10

There being no further business, the Meeting closed at 4.40pm.

.....
CHAIRPERSON
COMMUNITY & DEVELOPMENT COMMITTEE

Received as a report, amended where necessary and recommendations adopted at Ordinary Meeting No. 12 of the Fraser Coast Regional Council held on 28 July, 2010.

.....
MAYOR

ITEM NO: ORD 9.2

FRASER COAST REGIONAL COUNCIL
ORDINARY MEETING NO. 12

WEDNESDAY 28 JULY 2010

SUBJECT:	**MINUTES OF STRATEGIC & ORGANISATIONAL COMMITTEE MEETING NO. 1 – 21 JULY 2010**
CHAIRPERSON:	**COUNCILLOR GERARD O'CONNELL**
RESPONSIBLE OFFICER:	**DIRECTOR ORGANISATIONAL SERVICES, Lisa Desmond**
DOC NO:	**#1934716**

1. PURPOSE

For Council to confirm the Minutes of the Strategic & Organisational Committee Meeting No. 1 held on 21 July 2010 and adopt the Committee recommendations.

2. RECOMMENDATION

That:

1. the Minutes of the Strategic & Organisational Committee Meeting No. 1 held on 21 July 2010 be confirmed, and

2. the Committee recommendations be adopted:

ATTACHMENT:

1. **Minutes of Strategic & Organisational Committee Meeting No. 1 – 21 July 2010 (DOCS#1933117)**

ORD 9.2 – ATTACHMENT 1
Minutes of S&O Committee Meeting No. 1 – 21 July 2010

MINUTES OF THE STRATEGIC & ORGANISATIONAL COMMITTEE MEETING NO. 1 HELD IN THE FRASER COAST REGIONAL COUNCIL CHAMBERS, MARYBOROUGH CITY HALL, KENT STREET, MARYBOROUGH ON WEDNESDAY 21 JULY, 2010 COMMENCING AT 9.30AM.

PRESENT:
Councillor Gerard O'Connell (Chairperson)
Councillor Julie Arthur
Councillor Sue Brooks
Councillor David Dalgleish
Councillor Linda Harris
Councillor Debbie Hawes
Councillor Barb Hovard
Councillor Mick Kruger
Councillor Les MucKan

STAFF IN ATTENDANCE:
Acting Chief Executive Officer, Ms Lisa Desmond
Director Community & Development Services, Mr Peter Smith
Director Infrastructure & Environment, Mr Wayne Sweeney
Executive Manager Strategic Integration, Mr Kim Roberts
Executive Manager Building Services, Mr Shane McGowan
Financial Revenue Manager, Mr Rodney Faint
Principal Officer Property, Ms Janet Campbell
Senior Property Officer, Mrs Toni Souvlis
Principal Officer Corporate Communication & Marketing, Mr Kevin Corcoran
Meeting Secretary, Mrs Julie Schoonderwoerd

The Strategic and Organisational Committee, through the Chairperson, Councillor O'Connell, submits the following Recommendations for adoption by Council.

S&O 1 APOLOGIES

RECOMMENDATION (Brooks / MucKan)

That the apologies from Councillor Nioa, who is absent due to illness, and Councillor McNeven who is absent on annual leave be accepted.

Carried Unanimously
S&O 1/1/07/10

S&O 2 ADDRESSES / PRESENTATIONS

Nil

S&O 3 PUBLIC PARTICIPATION

S&O 3.1 Environmental Levy

Mr Tim Thornton, Wild Life Preservation Society

Commented regarding the increase in the Environmental Levy, in particular to public comments he had received.

S&O 4 DEPUTATIONS

Nil

S&O 5 COMMITTEES' AND DELEGATES' REPORTS

Nil

S&O 6 OFFICERS' REPORTS

S&O 6.1 Surrender of Easement – Rohan Way

RECOMMENDATION (Hovard / Dalgleish)

That Council approves the Surrender of Easement B on Lot 24 RP186188, 35 Rohan Way, Kawungan, subject to the owner signing a Deed of Surrender, indemnifying Council from any liability following the removal of the Easement from the property, and with costs to be met by the landowner.

Carried Unanimously
S&O 1/2/07/10

S&O 6 OFFICERS' REPORTS

S&O 6.2 Application for Lease - Koala Social & Sporting Club of Hervey Bay

RECOMMENDATION (Dalgleish / MucKan)

That consecutive leases be entered into between Council and the Koala Social & Sporting Club of Hervey Bay Inc. over land described as part of Lot 9 MCH812609 Parish of Urangan, with the first lease being for a period of ten (10) years and the second lease having an expiration date to coincide with the expiration date for the Club's lease over the adjoining Reserve in 2022.

Carried Unanimously
S&O 1/3/07/10

S&O 6 OFFICERS' REPORTS

S&O 6.3 Lease Agreement - Munna Creek Hall & Recreation Association Inc

RECOMMENDATION (Harris / MucKan)

That Council delegates authority to the Chief Executive Officer to negotiate a ten (10) year lease between Council and the Munna Creek Hall and Recreation Association Inc. over land described as Lot 1 M33021 and Lot 2 M33022 Parish of Miva in accordance with Council's Land/Lease Assistance for Community Groups (Sport, Recreation, Arts and Culture and Community) Policy.

Carried Unanimously
S&O 1/4/07/10

S&O 7 MATTERS / MOTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil

S&O 8 QUESTIONS ON NOTICE

Nil

S&O 9 CONFIDENTIAL

PROCEDURAL MOTION (Arthur / MucKan)

Council resolves that under the *Local Government (Operations) Regulation 2010* the Meeting be closed to the public for the purpose of discussing the following items:

S&O 9.1 – **Proposed Hervey Bay Solar World Park Update -** Section 72(1)(h) (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)

S&O 9.2 – **Properties for Auction - Overdue Rates -** Section 72(1)(h) (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)

S&O 9.3 – **Council Insurance Matter -** Section 72(1)(h) (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)

S&O 9.4 – **Brolga Board Appointments -** Section 72(1)(h) (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)

S&O 9.5 – **Certified Agreement Negotiations -** Section 72(1)(b) (industrial matters affecting employees)

S&O 9.6 – **Employee Opinion Survey -** Section 72(1)(b) (industrial matters affecting employees)

S&O 9.7 – **Councillor Conduct -** Section 72(1)(h) (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)

Carried Unanimously
S&O 1/5/07/10

RESUMPTION OF STRATEGIC & ORGANISATIONAL COMMITTEE MEETING

PROCEDURAL MOTION (MucKan / Hawes)

That the Meeting resume in open Council.

Carried Unanimously
S&O 1/6/07/10

S&O 9 CONFIDENTIAL

S&O 9.1 Proposed Hervey Bay Solar World Park Update

RECOMMENDATION (Dalgleish / MucKan)

That Council receives and notes the confidential progress report (DCOS #1927321).

Carried Unanimously
S&O 1/7/07/10

S&O 9 CONFIDENTIAL

S&O 9.2 Properties for Auction - Overdue Rates

RECOMMENDATION (Hovard / Brooks)

That:

1. Council set the public auction as the 8 September 2010 (for properties listed in Schedule A, as amended, attached to the confidential report #1928885), advertise the notice, attach a copy of the notice to a conspicuous part of the land; and give a copy of the notice to the owner of the land; and each encumbrance, lessee and trustee who has given written notice to the local government of the person's interest in the land; and

2. the Chief Executive Officer be delegated to set the reserve price for the auction in accordance with the *Local Government (Finance, Plans and Reporting) Regulation 2010*.

Carried Unanimously
S&O 1/8/07/10

S&O 9 **CONFIDENTIAL**

S&O 9.3 **Council Insurance Matter**

RECOMMENDATION (Dalgleish / MucKan)

That Council approves the Chief Executive Officer to proceed with this matter as outlined in the confidential report (DOCS #1929904).

Carried Unanimously
S&O 1/9/07/10

S&O 9 **CONFIDENTIAL**

S&O 9.4 **Brolga Board Appointments**

RECOMMENDATION (Hovard / Arthur)

That Council seek further expressions of interest for appointment of Directors positions for the Brolga Theatre Inc Board for a four year term.

Carried Unanimously
S&O 1/10/07/10

S&O 9 **CONFIDENTIAL**

S&O 9.5 **Certified Agreement Negotiations**

RECOMMENDATION (Dalgleish / Hawes)

That Council receive and note the confidential report (DOCS #1930671).

Carried Unanimously
S&O 1/11/07/10

S&O 9 CONFIDENTIAL

S&O 9.6 Employee Opinion Survey

RECOMMENDATION (Brooks / Hawes)

That Council receive and note the confidential report (DOCS #1929256).

Carried Unanimously
S&O 1/12/07/10

S&O 9 CONFIDENTIAL

S&O 9.7 Councillor Conduct

The Mayor briefed Council relating to a councillor conduct issue.

There being no further business, the Meeting closed at 11.17am.

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CHAIRPERSON
STRATEGIC & ORGANISATIONAL COMMITTEE

Received as a report, amended where necessary and adopted at Ordinary Meeting No. 12 of the Fraser Coast Regional Council held on 28 July, 2010.

.....
MAYOR

ITEM NO: ORD 10.1

FRASER COAST REGIONAL COUNCIL
ORDINARY MEETING NO. 12

WEDNESDAY 28 JULY 2010

SUBJECT: **OPEN RESOLUTIONS REGISTER – JUNE 2010**

DIRECTORATE: **OFFICE OF THE CEO**

RESPONSIBLE OFFICER: **CHIEF EXECUTIVE OFFICER – Andrew Brien**

AUTHOR: **ADMINISTRATION OFFICER – AGENDA UNIT, Julie Schoonderwoerd**

DOC NO: **#903213v18**

LINK TO CORPORATE / OPERATIONAL PLAN:

1. PURPOSE

The purpose of this report is to provide Council with an update on the status of outstanding Council Resolutions, Questions on Notice, General Business and Public Participation.

2. BACKGROUND & PREVIOUS COUNCIL CONSIDERATION

N/A

3. PROPOSAL

Attachment 1 provides details of the status of outstanding Council Resolutions, Questions on Notice, General Business and Public Participation as at the reporting date.

The following Action Requests have been finalised:

- A/R #cp0900148 Purchase of Property
  (*Final Outcome*: Despite continual contact with the Queensland Police Service, a response has still not been received from them. The offer will remain current and Council will be advised upon receipt of a formal response from the Queensland Police Service.)

- A/R #cp0900321 Wide Bay Water Corporation Quarterly Report – March 2010
  (*Final Outcome*: WBW report received and issues addressed in new SCI. Awaiting end of financial year for final distributions.)

- A/R #0900326 Performing Animals in Circuses – In Particular Exotic Animals
  (Final Outcome: Report listed for consideration at the Development and Community Committee Meeting – 14/07/10.)

- A/R #0900223 Tree Management Policy
  (Final Outcome: Local laws under preparation. Tree assessment policy and internal procedures currently under review. To be presented to the I&E meeting September 2010.)

- A/R #cp0900233 Advertising on Bus Shelters
  (*Final Outcome*: The ability to advertise will be considered in the new local laws and will provide Council with the opportunity to advertise on the bus shelters at any time in the future..)

4. FINANCIAL & RESOURCE IMPLICATIONS

N/A

5. POLICY & LEGAL IMPLICATIONS

N/A

6. CRITICAL DATES & IMPLEMENTATION

N/A

7. CONSULTATION

N/A

8. CONCLUSION

N/A

9. OFFICER'S RECOMMENDATION

That the Open Resolutions Register – June report be received and noted.

ATTACHMENT

1. DOC #903217v18 - Open Resolutions Register – June 2010

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OPEN RESOLUTIONS REGISTER – ORDINARY MEETING JUNE 2010

Responsible Officer	Action Request	Resolution Details	Status

ORD 10.1 – ATTACHMENT 1
Open Resolutions Register – June 2010

ORDINARY MEETING RESOLUTIONS (OFFICERS' REPORTS)

Tracey GENRICH	cp0900106	**Resolution of Former Tiaro Shire Council** **19/4/07 -** Item No. 13.2 **- Acquisition of Native Title Rights – Bauple** Moved Cr Stratford seconded Cr MacKellar That Council note the advice of the Gazettal Notice and authorise the Chief Executive Officer to continue to the process of acquisition by obtaining advice from the Department of Natural Resources in relation to purchase price. Carried 27-04-07 Action Taken Receipt from DNR received regarding Application for purchase price on land at Bauple Application for purchase of land was received by DNR 8-6-07. DNR sent acknowledgement 25-6-07 Comments After numerous Contacts DNR advised on 10-01-2008 that it would be some time before a purchase price would be issued and certainly not prior to 14-03-2008.	**14/05/2008** Andrew Brien - Chief Executive Officer Referred to Director Organisational Services for inclusion in budget re acquisition of land. Please ensure follow up with DNR to get land valuation. **30/06/2008** Lauron Power - Executive Assistant Director Organisational Services advised budget allocation nil. Council briefed. AR transferred to Director Community Services Peter Smith for DNR valuation and native title. **1/08/2008** Sonya Chapman - Executive Assistant Tracey Genrich has followed up on valuation. Currently awaiting. SC on behalf of Peter Smith **10/11/2008** Sonya Chapman - Executive Assistant Tracey Genrich has received a response from DNR raising millable timber would need to be purchased prior to acquiring the property. Tracey Genrich advised that she needs to do some further research. **6/02/2009** Peter Smith (HB) - Director Community Environment 6/2/09 - phone contact with DNR&W has revealed that the millable timber details have now been received by Forestry and Council should be receiving the valuation in the near future. **26/03/2009** Peter Smith (HB) - Director Community Environment

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OPEN RESOLUTIONS REGISTER – ORDINARY MEETING
JUNE 2010

Responsible Officer	Action Request	Resolution Details	Status
			Have received email from DNR&W advising that the proposed acquisition will need to be considered by the Cabinet Review Committee - Next Meeting 12/5/09. Will advise further following this date. **8/09/2009** Peter Smith - Director Community Services Offer received from DNRW for acquisition. Currently being reviewed and meeting has been arranged for 08/09/09 with Andrew Brien, Peter Smith and Tracey Genrich to progress further. Report to go to Council early November 2009. **19/01/10** DCS A request for an extension of time has been made to DERM and an infrastructure plan is being prepared in conjunction with Engineering Services. Report to Council - March 2010. **09/03/10** Discussions held with Engineering Services. Infrastructure Plans are being prepared. **09/06/10** Tracey Genrich On site visit to land being held with DI&ES 10/06/10. Report on viability of progression of acquisition to be presented to future Council Meeting.
Andrew BRIEN	cp0900148	**Ordinary Meeting No. 19 – Wednesday 4 November 2009** (Minutes DOCS #908658) ORD 15.4 **Purchase of Property** RESOLUTION (Hovard / Nioa) That Council authorise the Chief Executive Officer to continue to negotiate on the purchase of property at Tinana.	**08/12/09** Awaiting formal acceptance of offer. **09/02/10** CEO This matter remains under consideration by the Queensland Police Commissioner. Council is awaiting further feedback.

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OPEN RESOLUTIONS REGISTER – ORDINARY MEETING
JUNE 2010

Responsible Officer	Action Request	Resolution Details	Status
		Carried (7/2) Councillors MucKan and Dalgleish abstained from voting.	**05/03/10** CEO Following counter-offer received from QPS, report considered by Council at Ordinary Council Meeting No. 3 on 3 March 2010 (ORD15.2 - DOCS# 1886363). Council resolution to advise QPS that existing offer is to remain current. **02/06/10** CEO Ongoing attempts continue with respect to obtaining feedback from Queensland Police regarding status of this matter - see latest correspondence of 140510 - DOCS#1913008 **07/07/10** CEO Despite continual contact with the Queensland Police Service, a response has still not been received from them. The offer will remain current and Council will be advised upon receipt of a formal response from the Queensland Police Service. **A/R CLOSED**
Paul RICE	cp0900244	**Ordinary Meeting No. 4 – Wednesday 17 March 2010** (Minutes DOCS #1878335) ORD 10.4 **Sustainable Home Hervey Bay** RESOLUTION (Hovard / Brooks) That: 1. the Sustainable Home Hervey Bay be sold by auction and that the revenue from the sale be set aside within the capital budget for 2010/11 and beyond for future environmentally sustainable projects; 2. the option of 'greening' an existing brick and tile design 1980's home be further investigated to determine the projects financial viability and practicality as well as its ability to promote sustainable housing within the area and that a report be brought back to council presenting a detailed assessment of the project; and	**05/04/10** Andy Gaze Requested Principal Officer Property Management to organise valuation etc. **13/04/10** Andy Gaze Janet is to arrange auction and remainder of issues to be considered by Paul Rice **13/04/10** Andy Gaze Janet is to arrange auction and remainder of issues to be considered by Paul Rice **15/04/10** Andy Gaze Referred to Paul Rice, Sustainability Officer for follow up on further actions.

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OPEN RESOLUTIONS REGISTER – ORDINARY MEETING JUNE 2010

Responsible Officer	Action Request	Resolution Details	Status
		3. a list of other possible Environmentally Sustainable projects be developed for further consideration. Carried Unanimously	**04/06/10** Re Point 1 – Report presented to Ordinary Meeting No. 9 020610. **08/06/10** Paul Rice Investigations commenced in consultation with Strategic Planning. Report to go to July Ordinary meeting. **07/07/10** Draft report considered by Executive 050710. Sustainability Officer to undertake further investigation to determine suitability of existing Council owned houses for the project. Once finalised the report will be presented to Council.
Andrew BRIEN	cp0900253	**Ordinary Meeting No. 4 – Wednesday 17 March 2010** (Minutes DOCS #1878335) ORD 15.3 **Burrum Heads Boat Ramp Update** RESOLUTION (Dalgleish / MucKan) That: 1. The Chief Executive Officer be authorised to progress a preliminary concept plan in conjunction with relevant State agencies; 2. The key stakeholders be advised of the outcomes of the meeting with State Government and the proposed way forward; and 3. The key stakeholders be provided with a copy of the report presented to Council. Carried Unanimously	**24/03/10** CEO Meeting between CEO, Director Engineering Services and Executive Manager Design to be held on 31 March 2010 to progress. **13/04/10** CEO 1. Draft concept forwarded to DERM to seek comments in relation to preliminary design. 2. Ongoing discussions with State government departments to progress alternative options.
Lisa DESMOND	cp0900321	**Minutes of Ordinary Meeting No. 8 - Wednesday 19 May 2010** (Minutes #1891990) ORD 15.1 **Wide Bay Water Corporation Quarterly Report – March 2010**	**24/06/10** DOS WBW report received and issues addressed in new

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OPEN RESOLUTIONS REGISTER – ORDINARY MEETING JUNE 2010

Responsible Officer	Action Request	Resolution Details	Status
		RESOLUTION (Brooks / O'Connell) That Council receive and note the March 2010 Quarterly Report for Wide Bay Water Corporation and take the necessary action contained within the confidential report (DOCS #1911520). Carried Unanimously	SCI. Awaiting end of financial year for final distributions. **A/R CLOSED**
Andy GAZE	cp0900326	**Minutes of Ordinary Meeting No. 9 - Wednesday 2 June 2010** (Minutes #1892002) ORD 10.1 **Performing Animals in Circuses – In Particular Exotic Animals** RESOLUTION (Brooks / Hawes) That: 1. Council refer the matter to the LGAQ for consideration at a State level in order to seek a consistent approach by all Queensland Local Governments, and 2. the Chief Executive Officer provides a further report to Council defining a list of animals which may be banned, consistent with the approach of other councils throughout Australia and in line with RSPCA guidelines. Carried (7/4)	Report listed for consideration at the Development and Community Committee Meeting – 14/07/10. **A/R CLOSED**
QUESTIONS ON NOTICE			
		NIL	
GENERAL BUSINESS			
Peter SMITH	cp0900086	**Ordinary Meeting No. 15 - Wednesday 2 September 2009** (Minutes DOCS #908626) ORD 14.2 **Disability Access at Scarness** Councillor Dalgleish requested an update on the disability access at Scarness in relation to the timeframe regarding legal action relating to the design and construction work.	**14/10/09** David King Received the joint report from the Court appointed expert which raises further issues and further decisions on the future of the Scarness Access Ramp will need to have regard for the finalisation of this report. The contractual obligations over the alleged failure are a separate matter which will be followed up once the future of the ramp has been determined.

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OPEN RESOLUTIONS REGISTER – ORDINARY MEETING
JUNE 2010

Responsible Officer	Action Request	Resolution Details	Status
			19/01/10 David King Awaiting response from McDonnells Solicitors regarding queries raised by Council in relation to the expert report. **18/04/10** – EA Development Services Refer #1906730 - J Taylor request to Director Community Services for update on response from MacDonnells Solicitors to determine the future of the ramp, before the separate issue of contractual obligations over the alleged failure are dealt with.
Jamie COCKBURN	cp0900223	**Minutes of Ordinary Meeting No. 2 - Wednesday 17 February 2010** (Minutes #1866431) ORD 14.8 **Tree Management Policy** Councillor Dalgleish referred to the matter of tree management as raised earlier in the meeting. He said that some time ago the matter to revisit and redevelop the Tree Policy was raised and received a unanimous vote to move forward with that matter. Councillor Dalgleish said that Brisbane City Council had a policy in place and Council should be having a close look at that, and the matter be brought back to Council as quickly as possible.	**08/06/10** Peter Smith TLPI report is going to the Planning & Development Meeting on 9 June 2010. Other tree management issue will be dealt with as part of Local Law Review. **08/07/10** Jamie Cockburn Local laws under preparation. Tree assessment policy and internal procedures currently under review. To be presented to the I&E meeting September 2010. **A/R CLOSED**
Tony WOODS	cp0900233	**Minutes of Ordinary Meeting No. 3 - Wednesday 3 March 2010** (Minutes #1872960) ORD 14.5 **Advertising on Bus Shelters** (REFER MINUTE DOCUMENT FOR FULL ITEM) RESOLUTION (Dalgleish / MucKan) That the Chief Executive Officer bring a report to Council proposing an advertising strategy on all new bus shelters. Carried Unanimously	**13/04/10** Barry Heins Local Laws are still being investigated along with possible shelter types and locations suitable for advertisements. Once this is complete a report to Council will be prepared. **14/04/10** Barry Heins A/R referred to Tony Woods for attention. **18/05/10** Tony Woods Report being prepared.

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OPEN RESOLUTIONS REGISTER – ORDINARY MEETING
JUNE 2010

Responsible Officer	Action Request	Resolution Details	Status
			07/06/10 The Local Law will be amended to allow for provision of advertising on bus shelters. **07/10** In accordance with last entry, the ability to advertise will be considered in the new local laws and will provide Council with the opportunity to advertise on the bus shelters at any time in the future. **A/R CLOSED**
Wayne SWEENEY	cp0900296	**Minutes of Ordinary Meeting No. 7 - Wednesday 5 May 2010** (Minutes #1891968) ORD 14.1 **Urangan Pier – Proposal for Kiosk** RESOLUTION (Brooks / Hovard) That the Chief Executive Officer prepare a report on the feasibility of establishing a food kiosk type facility located on the Urangan Pier, including options for the construction, management and operation of the facility. Carried (7/1)	**08/07/10** Janet Campbell Investigations being carried out and report to be presented to council in August.
Andy GAZE	cp0900350	**Minutes of Ordinary Meeting No. 10 - Wednesday 16 June 2010** (Minutes #1892011) ORD 14.4 **Election Signage** Councillor Dalgleish said that he sought clarification in relation to election signage. He asked if election signs rected before an election was called were required to be registered as an individual sign. The Director Community & Development, Mr Peter Smith, advised that enquiries were currently being made in relation to election signs, in particular with the Electoral Office in relation to the period from when an election was called and Council's role, as well as the period prior to an election being called. Mr Smith advised a response would be advised as soon as information was acquired.	**08/07/10** Andy Gaze Emailed Barrister who is undertaking FCRC Local Law review) re issue of signage and the holding of gatherings/meetings/promotional activities for election candidates pre and post an election being called. Copy of the information distributed last election (DOCS 1930276) also provided for his comment. Awaiting his comments which should encompass any amendments as a result of new LG Act.
PUBLIC PARTICPATION - NIL			

ITEM NO: ORD 10.2

FRASER COAST REGIONAL COUNCIL
ORDINARY MEETING NO. 12

WEDNESDAY 28 JULY 2010

SUBJECT: **DELEGATION OF COUNCIL POWERS TO THE POSITION OF CHIEF EXECUTIVE OFFICER – S236(b) LOCAL GOVERNMENT ACT 2009**

DIRECTORATE: **OFFICE OF THE CHIEF EXECUTIVE OFFICER**

RESPONSIBLE OFFICER: **EXECUTIVE MANAGER STRATEGIC INTEGRATION – Kim Roberts**

AUTHOR: **SENIOR CORPORATE GOVERNANCE OFFICER – Cecily Clifford**

DOC NO: **#1932672**

LINK TO CORPORATE / OPERATIONAL PLAN:
4.1.1 Govern in a positive, innovative and unified manner

1. PURPOSE

The purpose of this report is to obtain Council's delegation of powers to the Chief Executive Officer (CEO) for s236 (b) of the new *Local Government Act 2009* (LGA 2009) for signing of Council documents eg contracts, agreements etc.

2. BACKGROUND & PREVIOUS COUNCIL CONSIDERATION

A report was presented to Council on 16 June 2010 and the recommendation adopted for delegation of powers to the CEO under the new LGA 2009 effective 1 July 2010 or upon date of proclamation thereafter.

3. PROPOSAL

Advice has been received from MacDonnells Law that a separate delegation is required for signing of local government documents (eg contracts, agreements etc).

Section 236 of the LGA 2009 lists those persons who are authorised to sign local government documents as follows:

"s236 Who is authorised to sign local government documents

The following persons may sign a document on behalf of a local government -

(a) the head of the local government;
(b) a delegate of the local government;
(c) a councillor or local government employee who is authorised by the head of the local government, in writing, to sign documents."

In accordance with s236 (b), a Council resolution is required to delegate the signing of local government documents to the CEO.

Based on the advice from MacDonnells Law, an additional Instrument of Delegation to the CEO has been prepared and requires the endorsement of Council.

Refer ***Attachment 1*** *– Table of Local Government Acts under Review:*

- *Local Government Act 2009*

The necessary Instrument of Delegation relating to the above legislation which delegates Council's powers to the CEO is included in ***Attachment 2***.

4. FINANCIAL & RESOURCE IMPLICATIONS

N/A

5. POLICY & LEGAL IMPLICATIONS

Section 257 of the LGA 2009 allows Council to delegate its powers under a local government Act to one or more individuals or standing committees, including to the CEO.

Further, Section 259 of the LGA 2009 allows the CEO to sub-delegate his powers (including those delegated to him by Council) to an appropriately qualified employee or contractor of the local government.

Introduction of the new LGA 2009 took effect on 1 July 2010 and for signing of documentation since that date, transitional powers under s277 of the LGA 2009 allow for a continuation of previous authorisations as follows:

"S277 Decisions

(1) A decision under a repealed LG Act, that was in force immediately before the commencement of this section, continues in force as if the decision were made under this Act.

(2) A decision includes an agreement, appointment, approval, authorisation, certificate, charge, consent, declaration, delegation, direction, dismissal, exemption, immunity, instruction, licence, memorandum of understanding, order, permit, plan, policy, protocol, rates, release, resolution, restriction, settlement, suspension and warrant, for example."

It is to be noted that the delegation of Council's powers does not involve Council surrendering those powers. Council continues to retain all powers which are the subject of the delegation. A delegation involves a "sharing" of power, so that both Council and the delegate can exercise the same power.

Other important legal principles which apply to the delegation proposal set out in this report are:-

(a) Council at all times retains power to revoke the delegation. Accordingly Council retains ultimate control.

(b) Council, as delegator, still has responsibility to ensure that the relevant power is properly exercised. Council will therefore continue to supervise and oversee the exercise of its powers.

(c) A delegation of power by Council may be subject to any lawful conditions which Council wishes to impose. The imposition of conditions enables Council to enforce checks and balances on its delegations. However, as with any vesting of power, the delegated power cannot be unduly fettered.

(d) The delegate must exercise a power fairly and impartially, without being influenced by or being subject to the discretion of other individuals.

As stated above, Council is entitled to impose certain conditions and limitations on the delegation of its powers. These can be either specific or broad. To ensure that there is some limitation upon the exercise of Council's powers, a series of broad conditions on the delegation of Council's powers has been developed and included in the Instrument of Delegation.

All delegations or sub-delegations must be recorded in a register of delegations.

6. CRITICAL DATES & IMPLEMENTATION

To implement the proposal in this report:

Step 1 - Council would pass the resolution to delegate powers to the CEO in relation to the Instrument of Delegation under the Local Government Act 2009 in Attachment 1.

Step 2 - To the extent that there are existing delegations of the same powers to the CEO, they will be repealed upon the resolution to delegate new powers. To the extent that there are existing delegations of other powers in place, they will remain.

Step 3 - The resolution would be recorded in Council's register of delegations.

Adoption of the recommendation in this report will enable the next phase of the implementation of sub-delegations under s259.

7. CONSULTATION

The table of delegable powers on which the Instrument of Delegation has been developed was established by MacDonnells Law. Council has subscribed to an ongoing update service to ensure that any changes are readily incorporated into Council's delegations in order to maintain continued protection and relevance.

8. CONCLUSION

The delegation as proposed will enable Council to continue to efficiently and effectively carry out its day to day functions required by the *Local Government Act.*

9. OFFICER'S RECOMMENDATION

That under section 257 of the *Local Government Act 2009* Council resolves to delegate to the Chief Executive Officer the exercise of the powers contained in Schedule 2 of the Instrument of Delegation in Attachment 2 to Report DOC #1932672. These powers must be exercised subject to any limitations and conditions contained in Schedule 3 of the Instrument of Delegation.

ATTACHMENTS:

1. **Local Government Acts under Review**
2. **Instrument of Delegation – DOC #1932006**

TABLE OF LOCAL GOVERNMENT ACTS UNDER REVIEW

New Legislation

- *Local Government Act 2009*

INSTRUMENT OF DELEGATION

LOCAL GOVERNMENT ACT 2009

Under section 257 of the *Local Government Act 2009*, **Fraser Coast Regional Council** resolves to delegate the exercise of the power contained in Schedule 2 to the Chief Executive Officer.

This power must be exercised subject to the limitations and conditions contained in Schedule 3.

All prior resolutions delegating the same power to the Chief Executive Officer under the *Local Government Act 1993* are repealed.

Schedule 1 **Position**	
Position Code	**Position Title**
1001	**Chief Executive Officer**

Schedule 2 **Powers Conferred**	
Section of Local Government Act 2009 ***(Reprint No. 1)***	**Description**
CHAPTER 7 – OTHER PROVISIONS	
PART 4 – LEGAL PROVISIONS	
236	Who is authorised to sign local government documents

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INSTRUMENT OF DELEGATION

Schedule 3 Limitations to the Exercise of Power
1. The Chief Executive Officer may sub-delegate the power conferred on the Local Government contained in Schedule 2. 2. Where Council in its budget or by resolution allocates an amount for the expenditure of Council funds in relation to a particular matter, the delegate in exercising delegated power in relation to that matter, will only commit the Council to reasonably foreseeable expenditure up to the amount allocated. 3. The delegate will not significantly exercise any delegated power in relation to a matter which, to the delegate's knowledge significantly adversely affects, or is likely to adversely affect, the Council's relations with the public at large. 4. The delegate will not exercise any delegated power to overturn, override or significantly vary a decision in relation to a matter which has already been the subject of a resolution or other decision of the Council (including a policy decision relating to the matter). 5. The delegate will not exercise any delegated power in a manner, or which has the foreseeable effect, of being contrary to an adopted Council policy or procedure. 6. The delegate will only exercise a delegated power under this resolution in a manner which is generally consistent with the requirements of Council's Planning Scheme and any exercise of power which involves a departure from or variation of those requirements will only be undertaken by Council. 7. The delegate will not exercise any power which can not lawfully be the subject of delegation by Council.

ITEM NO: ORD 10.3

FRASER COAST REGIONAL COUNCIL
ORDINARY MEETING NO. 12

WEDNESDAY 28 JULY 2010

SUBJECT:	**ELECTION SIGNAGE**
DIRECTORATE:	**COMMUNITY AND DEVELOPMENT**
RESPONSIBLE OFFICER:	**EXECUTIVE MANAGER ENVIRONMENTAL HEALTH AND REGULATION, Andy Gaze**
AUTHOR:	**EXECUTIVE MANAGER ENVIRONMENTAL HEALTH AND REGULATION, Andy Gaze**
DOC NO:	**#1934086**
LINK TO CORPORATE / OPERATIONAL PLAN:	

1. PURPOSE

To outline the controls available to Council regarding Election signage on Council Controlled land.

2. BACKGROUND & PREVIOUS COUNCIL CONSIDERATION

With the Federal Election being called for the 21 August 2010, the following options are available for Council consideration in controlling Election signage on Council controlled land -

Option 1 - Regulation of Election Signage

a. Local Laws

Under the current Local Laws, Maryborough, Tiaro and Woocoo all have advertising Local Laws (but no subordinate Local Laws) that can give Council the power to require permits for all signage. Hervey Bay does not have a Local Law of this type.

Whilst provisions enable the application of a Local Law from one area to apply across the entire region, the Local Laws have not been used fully in the past. If current Local Laws were utilised this would require all real estate signage to have a permit and it would be difficult for Council to justify why only election signage was being enforced under the local law and is therefore not a recommended option.

b. Trustees under Land Act

Council may regulate election signage under the Land Act. Under the Land Act, trustees 'may take all action necessary for the maintenance and management of land' as long as that action is 'for the purpose for which the reserve was dedicated". It could be argued that parks are for recreation purposes and that signage would negatively impact on the amenity of the area and for roads signage could pose a safety issue.

The Senior Policy Officer for State Land Asset Management, QLD Transport and the Electoral Commission have been contacted in respect to the ability to regulated election signage and consideration has been given to previous advice from King and Co.

The State Policy Officer responded *"'The use of trust land for political advertising signs by candidates is not appropriate – the State as owner of the land needs to be seen to be politically neutral'*, the Main Roads Department have a Policy on the placement of Election Signage on State Controlled Roads (Attachment 2). It is recommended that Council use a similar approach to regulate signage on Council Controlled Roads.

Option 2 - No Regulation of Election Signage

Under the Local Government Act Council's cannot prohibit election signage however this does not prohibit the ability for Council's to regulate the placements of signs.

3. PROPOSAL

Council not allow election signage on its parks however allow signage on road reserve as long as it complies with the requirements as specified within Attachment 1.

4. FINANCIAL & RESOURCE IMPLICATIONS

N/A

5. POLICY & LEGAL IMPLICATIONS

Council has the ability to take action over election signage under relevant Local Laws and the Land Act. Under the Local Government Act 2009, local government cannot prohibit election signage, however that does not preclude regulation.

6. CRITICAL DATES & IMPLEMENTATION

The election has been called and signs have already started to be placed within the area.

7. CONSULTATION

Consultation has taken place internally as well as with QLD Transport the Electoral Commission and Council's Legal advisers.

8. CONCLUSION

That taking all factors into account the best option for control is to not allow signage on our parks but to allow signage on road reserve as long as it complies with the guidelines specified within Attachment 1.

9. OFFICER'S RECOMMENDATION

That:

1. Council not allow the placement of election signage on its Parks; and

2. Council allow the placement of Election signage on road reserve that meets the requirements as specified within Attachment 1 and all candidates be provided with the details immediately.

ATTACHMENTS:

1. **Proposed specification sheet for election candidates**
2. **Guidelines from Main Roads**

ORD 10.3 – ATTACHMENT 1
Proposed Specification Sheet for Election Candidates

Electoral Signage

The Fraser Coast Regional Council does not currently have a local law governing election signage issues and does not impose a limit on the number of election signs that can be placed across the area.

The only restrictions in place are:

- signage must not be placed on Council controlled parkland;
- signage must not be placed anywhere that would cause environmental harm;
- due regard must be given to the size and placement of signs so as not to cause a hazard; and
- if placing signs on commercial sites due regard must be had to any development approvals for the placement of signage.

It is also requested that all signage be removed within one (1) week after the election.

Election signage on road reserves

Road safety a priority

The Council ensures the safety of all road users and promotes traffic efficiency on roads. For these reasons we manage advertising upon our roads.

We support sensible and safe activities by political parties during democratic processes and allow the installation of election signs under certain conditions.

What are election signs?

Election signs are any freestanding advertising device identifying candidates promoting a political party at local, state or federal government elections.

Our requirements

Council approval is not required for election signs located within the road reserves, provided the following requirements are met.

- Election signs are to be erected after the official notification of an election and removed within seven days after election polling day.

- Election signs must be non-rotating and must not be illuminated or incorporate reflective or fluorescent materials.

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- The maximum size of an election sign is 0.6m².
- Election signs must not interfere with the road or its operations.
- Election signs are prohibited on motorways, freeways or roads of a similar standard.
- Election signs must always be located as close as practicable and parallel to the property boundary. This is particularly important in urban areas for safety reasons.
- No portion of an election sign shall project over the carriageway or any surface used by motor vehicles.
- Election signs must be located so as not to distract motorists, restrict sight distances on approaches to intersections, restrict the visibility of other authorised signs, or otherwise impact on safety.
- The placement of an election sign must not cause a safety hazard to other traffic (for example, pedestrians or cyclists).
- Election signs must not be fastened to trees or road infrastructure (for example, signs or guardrails).
- Signs must be made of a frangible material that is material that is designed to be easily broken. The stake or frame on which the sign is fastened should have a cross section measurement of not more then 55mm x 25mm.

The following location requirements apply for election signs.

- In rural areas where the speed limit is 80km/h or less, frangible election signs must be located at least 3.5 metres from the edge of the nearest traffic lane.
- In rural areas where the speed limit is greater than 80km/h, frangible election signs must be located at least 6 metres from the edge of the nearest traffic lane.

Commonwealth Electoral Guidelines

Guidelines issued under the Commonwealth Electoral Act 1918 Section 328 state the following in relation to **Electoral Signage**:

(1) A person shall not print, publish or distribute or cause, permit or authorize to be printed, published or distributed, an electoral advertisement, handbill, pamphlet, poster or notice unless:
- *(a) the name and address of the person who authorised the advertisement, handbill, pamphlet, poster or notice appears at the end thereof; and*
- *(b) in the case of an electoral advertisement, handbill, pamphlet, poster or notice that is printed otherwise than in a newspaper--the name and place of business of the printer appears at the end thereof.*

(1A) A person must not produce, publish or distribute or cause, permit or authorise to be produced, published or distributed an electoral video recording unless the name and address of the person who authorised the video recording appears at the end of it.

(1AB) Subject to subsection (1AC), a person must not print, publish or distribute or cause, permit or authorise to be printed, published or distributed an electoral advertisement that takes up the whole or part of each of 2 opposing pages of a newspaper unless, in addition to fulfilling the requirement under paragraph (1)(a) that the name and address of the person who authorised the electoral advertisement appear at the end of it, such name and address also appears on the other page, or the part of the other page, taken up by the electoral advertisement.

(1AC) Subsection (1AB) does not apply to an advertisement of the kind referred to in that subsection:
- *(a) that is contained within:*
  - *(i) a broken or unbroken border; or*
  - *(ii) broken or unbroken lines extending across, or partly across, the top and bottom of the advertisement; or*
  - *(iii) a broken or unbroken line extending along, or partly along, each side of the advertisement; or*
- *(b) that is printed so that to read one or more lines of the text of the advertisement it is necessary to read across both pages.*

(2) A person who contravenes subsection (1), (1A) or (1AB) is guilty of an offence punishable on conviction:
- *(a) if the offender is a natural person--by a fine not exceeding $1,000; or*
- *(b) if the offender is a body corporate--by a fine not exceeding $5,000.*

(3) Subsection (1) does not apply in relation to:
- *(a) T-shirt, lapel button, lapel badge, pen, pencil or balloon; or*
- *(b) business or visiting cards that promote the candidacy of any person in an election for the Parliament; or*
- *(c) letters and cards:*
  - *(i) that bear the name and address of the sender; and*
  - *(ii) that do not contain a representation or purported representation of a ballot paper for use in an election for the Parliament; or*
- *(d) an article included in a prescribed class of articles.*

(4) Nothing in paragraph (3)(a), (b) or (c) is taken, by implication, to limit the generality of regulations that may be made by virtue of paragraph (3)(d).

(5) In this section:
***"address"** of a person means an address, including a full street address and suburb or locality, at which the person can usually be contacted during the day. It does not include a post office box.*
***"electoral advertisement, handbill, pamphlet, poster or notice"** means an advertisement, handbill, pamphlet, poster or notice that contains electoral matter, but does not include an advertisement in a newspaper announcing the holding of a meeting.*
***"electoral video recording"** means a video recording that contains electoral matter.*
***election period**, for an election, means the period commencing on the issue of the writ for the election and expiring at the latest time on polling day at which an elector in Australia could enter a polling booth for the purpose of casting a vote in the election.*

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Transport and Main Roads

Election signage

Election signage in state-controlled road corridors

Road safety a priority

The department must ensure the safety of all road users and promote traffic efficiency on Queensland's roads. For these reasons the department manages advertising within state-controlled road corridors.

The department supports sensible and safe activities by political parties during democratic processes and allows the installation of election signs under certain conditions.

What are election signs?

Election signs are any freestanding advertising device identifying candidates promoting a political party at local, state or federal government elections.

Department requirements

Department approval is not required for election signs located within the state-controlled road corridor, provided the following requirements are met.

- Election signs are to be erected after the official notification of an election and removed within seven days (or less if required by the relevant local government) after election polling day.
- Election signs must be non-rotating and must not be illuminated or incorporate reflective or fluorescent materials.
- The maximum size of an election sign is 0.6m².
- Election signs must not interfere with a state-controlled road or its operation.
- Election signs must comply with any local government law about size and numbers.
- Local governments may impose additional requirements on election signs located beside all roads, including state-controlled roads, in a local government area through local laws or town planning provisions.
- Where a local law or town planning provision does not apply to state-controlled roads, the department will adopt a similar approach to the local government to ensure consistency across the electoral region.
- However, where a local government's election sign provisions cause a road safety or traffic efficiency problem for a state-controlled road, the department's requirements will take precedence.

Site selection and lateral placement

Where the local government has not imposed any permit conditions, election signs will be subject to statutory controls and the following criteria.

- Election signs are prohibited on motorways, freeways or roads of a similar standard.
- Election signs must always be located as close as practicable and parallel to the property boundary. This is particularly important in urban areas for safety reasons.
- No portion of an election sign shall project over the carriageway or any surface used by motor vehicles.
- Election signs must be located so as not to distract motorists, restrict sight distances on approaches to intersections, restrict the visibility of other authorised signs, or otherwise impact on safety.
- The placement of an election sign must not cause a safety hazard to other traffic (for example, pedestrians or cyclists).
- Election signs must not be fastened to trees or road infrastructure (for example, signs or guardrails).
- Signs must be made of a frangible material, that is material that is designed to be easily broken. The stake or frame on which the sign is fastened should have a cross section measurement of not more then 55mm x 25mm.

The following location requirements apply for election signs.

- In rural areas where the speed limit is 80km/h or less, frangible election signs must be located at least 3.5 metres from the edge of the nearest traffic lane.
- In rural areas where the speed limit is greater than 80km/h, frangible election signs must be located at least 6 metres from the edge of the nearest traffic lane.

Location requirements for signs made of heavier materials should be discussed with a department office.

Signs requiring a department permit

A department permit is required for signs that do not comply with the requirements outlined above. A local department office can provide assistance, and applications are assessed on their merits. Contact details for our offices and the department's website are listed on the next page.

Other criteria

The candidate accepts liability for any claims arising from the placement of election signs.

This fact sheet provides general information on election signage. For further information contact a department office or visit www.tmr.qld.gov.au to locate the Roadside Advertising Guide and other technical publications.

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Contacts for Transport and Main Roads

For information about what's happening in the Department of Transport and Main Roads, visit the department's website at www.tmr.qld.gov.au.

Organisation contacts

General Manager *(Strategic Policy)*	+61 7 3306 7166
General Manager *(Integrated Transport Planning)*	+61 7 3146 1400
General Manager *(Rail, Ports and Freight)*	+61 7 3306 7433
General Manager *(Road Safety and System Management)*	+61 7 4529 7000
General Manager *(Passenger Transport)*	+61 7 3167 4534
General Manager *(Portfolio Investment)*	+61 7 3120 7531
General Manager *(Program Development and Management)*	+61 7 3120 7266
Chief Engineer *(Engineering and Technology)*	+61 7 3306 7333
General Manager *(Maritime Safety Queensland)*	+61 7 3120 7477
General Manager *(Emergency Management)*	+61 7 3253 4812
General Manager *(Major Infrastructure Projects)*	+61 7 3337 8243
General Manager *(Assets and Operations)*	+61 7 3306 6714
General Manager *(Transport Services)*	+61 7 3135 5515
General Manager *(RoadTek)*	+61 7 3032 3432
Chief Finance Officer *(Finance)*	+61 7 3834 2087
Chief Information Officer *(Enterprise Information and Systems)*	+61 7 3834 3987
General Manager *(Business Solutions Delivery)*	+61 7 3834 2732
General Manager *(People and Capability)*	+61 7 3306 7324
General Manager *(Corporate Governance)*	+61 7 3306 7372
General Manager *(Rail Safety and Security)*	+61 7 3253 4770

Roads office contacts

Central West Region	
Barcaldine Office	+61 7 4651 2777
Darling Downs Region	
Warwick Office	+61 7 4661 6333
Toowoomba Office	+61 7 4639 0777
Far North Region	
Cairns Office	+61 7 4050 5444
Fitzroy Region	
Rockhampton Office	+61 7 4931 1500
Emerald Office	+61 7 4983 8700
Mackay/Whitsunday Region	
Mackay Office	+61 7 4951 8555
Metropolitan Region	
Brisbane Office	+61 7 3137 8344
Ipswich Office	+61 7 3413 3200
North Coast Region	
Sunshine Coast Office	+61 7 5313 8700
Moreton Office	+61 7 5313 8700
Northern Region	
Townsville Office	+61 7 4720 7200
North West Region	
Cloncurry Office	+61 7 4769 3200
South Coast Region	
Gold Coast Office	+61 7 5596 9500
Logan Office	+61 7 3412 0600
South West Region	
Roma Office	+61 7 4622 9511
Wide Bay/Burnett Region	
Bundaberg Office	+61 7 4154 0200
Gympie Office	+61 7 5482 0333

Department Call Centres

General Enquiries *(Vehicle and recreation vessel registration, driver licences and recreational boat licences)*	13 23 80
Real time traffic information	13 19 40

July 2010