MINUTES OF THE ORDINARY MEETING NO. 5
HELD IN THE FRASER COAST REGIONAL COUNCIL CHAMBERS,
MARYBOROUGH CITY HALL, KENT STREET, MARYBOROUGH
ON WEDNESDAY 16 MARCH, 2011 COMMENCING AT 9.30AM.

PRESENT:
Councillor Julie Arthur (Chairperson)
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 Community & Development Services, Mr Peter Smith
Executive Manager Environment and Open Space, Mr Jamie Cockburn
Executive Manager Development Assessment, Mr Michael Ellery
Executive Assistant, Organisational Services, Mrs Toni Souvlis
Executive Manager Strategic Integration, Mr Kim Roberts
Principal Officer Corporate Communication & Marketing, Mr Kevin Corcoran
Meeting Secretary, Mrs Julie Schoonderwoerd

ORD 1 OPENING PRAYER

The Opening Prayer was delivered by Pastor David Collins from the Maryborough Wesleyan Church.

ORD 2 APOLOGIES

RESOLUTION (Dalgleish / McNeven)

That the apology from Councillor Kruger, who is absent on Council business, and Councillor Nioa, who is absent on sick leave, be accepted.

Carried Unanimously
Ord 5/501/03/11

ORD 3 DISCLOSURE OF INTERESTS

Nil

ORD 4 MAYORAL MINUTES

Nil

ORD 5 CONFIRMATION OF MINUTES OF MEETINGS

ORD 5.1 Ordinary Meeting No. 4 – 2 March, 2011

RESOLUTION (Hawes / Hovard)

That the Minutes of Ordinary Meeting No. 4 held on 2 March, 2011, be confirmed.

Carried Unanimously
Ord 5/502/03/11

ORD 6 ADDRESSES/PRESENTATIONS

Nil

ORD 7 PUBLIC PARTICIPATION

ORD 7.1 Dual Key Rates Charge

Mr Tim Wright, Ramada Hotel, Hervey Bay

Addressed the meeting in relation to Council rates being levied on dual key apartments at Ramada, Mantra and others stating that charging of double rates on a 2-bedroom dual key apartment was inequitable, unfair and not in the interest of tourism growth in Hervey Bay.

Mr Terry Johnson, Unit Owner, Mantra, Hervey Bay

Advised that Mantra owners also felt very strongly regarding the dual key levy charged by Council and they had received no satisfaction from their request for an explanation for the levy.

ORD 7 PUBLIC PARTICIPATION

ORD 7.2 RV Camping / Bauple Sport and Recreation Grounds

Mr Mark Bromet, Bauple

Addressed Council in support of the Bauple Sport and Recreation Ground being utilised for RV camping saying the recreation grounds were capable of supporting everybody. Advised people of Bauple were frustrated and referred to the issue of being able to make Bauple sustainable.

Ms Rachael Ireland, Bauple

Spoke in opposition to the proposed location utilising the recreations grounds indicating parents with children attending the Bauple State School had concerns regarding campers using the recreation area.

Mr Kit Stephens, Bauple

Said he was a foundation member of the Bauple Community Men's Shed and a member of the RSL at Tiaro. While seeking clarification in relation to the Men's Shed lease area in relation to the overall recreation grounds lease, was in favour of the RV camping proposal.

Mr Mick Peters, Bauple

Indicated he was primarily neutral regarding the issue but was concerned in relation to accusations involved. Said that the opinion of the majority should be considered, and referred to safety issues involved with long distance travelling and being able to take a break when necessary.

Mr Danny Hart, Bauple

Advised that he was new to Bauple and enjoyed living there. In speaking in support of the issue, referred to need to promote Bauple and encourage people to visit and the creation of jobs.

Mrs Robyn Hart, Bauple

Spoke in favour of RV camping at the recreation grounds, outlining how the positive should be highlighted, not the negative, adding it would help make the area economically viable. Said that the travelling older people were wonderful.

Ms Yolande Bromet, Bauple

Speaking in favour of RV camping, she said that Bauple was the first tourist route on the Fraser Coast, but this was not about one town in isolation; it was about the entire Fraser Coast. Referred to the many active community groups that would benefit. Requested Council consider it decision in relation to the Sport and Recreation Grounds.

Ms Leanne Phali, Bauple

Said their children were their future and Bauple was going ahead, and having a BMX track gave the children something to do during the school holidays

Ms Bernadette Patterson, Bauple

Spoke opposing the proposed RV camping site saying her child can no longer walk to and from school. Said she had no qualms with campers but did not want the camping area near the school.

ORD 8 DEPUTATIONS

Nil

ORD 9 PETITIONS

ORD 9.1 Receipt of Petitions

Overnight Free Campsite – Bauple Community Recreation Grounds

Councillor Arthur tabled a petition signed by 263 petitioners stating that they need, support and petition for an overnight free campsite within the Bauple Community Recreation Grounds. She said that the chief petitioner was Mr G Davis. Councillor Arthur said that only three of the signatories did not live in Bauple.

RESOLUTION (Arthur / O'Connell)

That the petition be received and referred to the Acting Chief Executive Officer.

Carried Unanimously
Ord 5/503/03/11

ORD 9 PETITIONS

ORD 9.2 Open Petitions Register

RESOLUTION (Hawes / Harris)

That the Open Petitions Register report be received and noted.

Carried Unanimously
Ord 5/504/03/11

ORD 10 COMMITTEES' AND DELEGATES' REPORTS

Nil

ORD 11 OFFICERS' REPORTS

ORD 11.1 Open Resolutions Register - February 2011

RESOLUTION (Brooks / McNeven)

That the Open Resolutions Register – February 2011 report be received and noted.

Carried Unanimously
Ord 5/505/03/11

ORD 11 OFFICERS' REPORTS

ORD 11.2 Local Government Boundary Review – Lot 1 SP233609 – Blowers Road, Munna Creek

RESOLUTION (Hovard / O'Connell)

That the Council supports the request of the Gympie Regional Council to include Lot 1 on SP233609 within the Fraser Coast Regional Council local government area.

Carried Unanimously
Ord 5/506/03/11

ORD 11 OFFICERS' REPORTS

ORD 11.3 Local Government Boundary Review – Lot 1 SP186935 – Kanyan Road, Theebine

RESOLUTION (Harris / Hawes)

That the Council supports the request of the Gympie Regional Council to include Lot 1 on SP186935 within the Gympie Regional Council local government area.

Carried Unanimously
Ord 5/507/03/11

ORD 11 OFFICERS' REPORTS

ORD 11.4 Notification of Review of Position of Deputy Mayor

RESOLUTION (Brooks / Dalgleish)

That notice is given of the intention to declare the position of Deputy Mayor vacant and a review of the position of Deputy Mayor which is to be addressed at Ordinary Meeting No. 6 to be held on 6 April 2011.

Carried Unanimously
Ord 5/508/03/11

ORD 11 OFFICERS' REPORTS

ORD 11.5 Fraser Coast Regional Council Environmental Advisory Committee

RESOLUTION (Brooks / McNeven)

That Expressions of Interest be sought from the public for the two (2) vacant community member positions on the Fraser Coast regional Council Environmental Advisory Committee in accordance with the Terms of Reference adopted by the committee on 28 November 2008 and endorsed by Council on 17 December 2008.

Carried (6 / 3)
Ord 5/509/03/11

ORD 11 OFFICERS' REPORTS

ORD 11.6 Parks and Reserves – Overnight RV Camping

MOVED (O'Connell / MucKan)

That:

1. Council endorse the recommendations for the nominated sites as detailed in the following table as suitable for Over Night RV Camp Areas and that the Chief Executive Officer be authorised to implement the recommendation.

Location	Recommendation	$
Petrie Park	Yes- Subject to further public consultation on designation of part of this site for overnight camping. Upgrade works for Toilet will be required regardless of outcome of public consultation. Site improvements necessary to cater for current use levels. Detailed assessment and master plan options are contained within Attachment 1 of the report (DOCS #2006212)	132,000*
Munna Creek	No. Further review of the adjoining School Reserve to be completed as a possible site.	7,000
Memorial Park Tiaro	Yes. Capital upgrades required to vehicle movement areas and access, pathways and lighting linking the camp area to the amenities	77,000*
Teddington Weir	Yes. Subject to consultation with Wide Bay Water.	7,000
Teebar Showgrounds	Yes. Subject to consultation with Management Group and Community.	7,000
Claude Wharton Park - Brooweena	Yes. Subject to Community Consultation.	7,000
Maryborough Showgrounds	Yes	7,000
Lenthalls Dam	Yes. Subject to consultation with Wide Bay Water.	Nil
Torbanlea Sporting Complex	Yes. Subject to consultation with management group and community.	15,000

* Both amenities blocks require upgrading regardless of overnight camping.

2. The following Bauple locations be referred for further community consultation and a report back to Council.

Location	Recommendation	$
Bauple Sport and Rec Ground	No. Result of public feedback on the appropriateness of this site and investigation of alternative site at Rosendale Park.	NA
Bauple Woolooga Road – Rosendale Park	Yes.	6,000

AMENDMENT (Brooks / -)

That:

1. Council endorse the recommendations for the nominated sites as detailed in the following table as suitable for Over Night RV Camp Areas and that the Chief Executive Officer be authorised to implement the recommendation.

Location	Recommendation	$
Bauple Sport and Rec Ground	No. Result of public feedback on the appropriateness of this site and investigation of alternative site at Rosendale Park.	NA
Bauple Woolooga Road – Rosendale Park	Yes.	6,000
Petrie Park	Yes- Subject to further public consultation on designation of part of this site for overnight camping. Upgrade works for Toilet will be required regardless of outcome of public consultation. Site improvements necessary to cater for current use levels. Detailed assessment and master plan options are contained within Attachment 1 of the report (DOCS #2006212)	132,000*
Munna Creek	No. Further review of the adjoining School Reserve to be completed as a possible site.	7,000
Memorial Park Tiaro	Yes. Capital upgrades required to vehicle movement areas and access, pathways and lighting linking the camp area to the amenities	77,000*
Teddington Weir	Yes. Subject to consultation with Wide Bay Water.	7,000
Teebar Showgrounds	Yes. Subject to consultation with Management Group and Community.	7,000

Location	Recommendation	$
Claude Wharton Park - Brooweena	Yes. Subject to Community Consultation.	7,000
Maryborough Showgrounds	Yes	7,000
Lenthalls Dam	Yes. Subject to consultation with Wide Bay Water.	Nil
Torbanlea Sporting Complex	Yes. Subject to consultation with management group and community.	15,000

* Both amenities blocks require upgrading regardless of overnight camping.

2. Further consultation be carried out in relation to the Bauple locations.

LAPSED FOR WANT OF A SECONDER
Ord 5/510/03/11

The MOTION O'Connell/MucKan on being PUT was CARRIED UNANIMOUSLY.

RESOLUTION (O'Connell / MucKan)

That:

1. Council endorse the recommendations for the nominated sites as detailed in the following table as suitable for Over Night RV Camp Areas and that the Chief Executive Officer be authorised to implement the recommendation.

Location	Recommendation	$
Petrie Park	Yes- Subject to further public consultation on designation of part of this site for overnight camping. Upgrade works for Toilet will be required regardless of outcome of public consultation. Site improvements necessary to cater for current use levels. Detailed assessment and master plan options are contained within Attachment 1 of the report (DOCS #2006212)	132,000*
Munna Creek	No. Further review of the adjoining School Reserve to be completed as a possible site.	7,000
Memorial Park Tiaro	Yes. Capital upgrades required to vehicle movement areas and access, pathways and lighting linking the camp area to the amenities	77,000*
Teddington Weir	Yes. Subject to consultation with Wide Bay Water.	7,000

Location	Recommendation	$
Teebar Showgrounds	Yes. Subject to consultation with Management Group and Community.	7,000
Claude Wharton Park - Brooweena	Yes. Subject to Community Consultation.	7,000
Maryborough Showgrounds	Yes	7,000
Lenthalls Dam	Yes. Subject to consultation with Wide Bay Water.	Nil
Torbanlea Sporting Complex	Yes. Subject to consultation with management group and community.	15,000

* Both amenities blocks require upgrading regardless of overnight camping.

2. The following Bauple locations be referred for further community consultation and a report back to Council.

Location	Recommendation	$
Bauple Sport and Rec Ground	No. Result of public feedback on the appropriateness of this site and investigation of alternative site at Rosendale Park.	NA
Bauple Woolooga Road – Rosendale Park	Yes.	6,000

Ord 5/511/03/11

PROCEDURAL MOTION (McNeven)

That Item ORD 11.9 be brought forward in the order of business.

Carried Unanimously
Ord 5/512/03/11

ORD 11 OFFICERS' REPORTS

ORD 11.9 Lease Agreement – Bauple and District Recreation Ground Association Inc.

RESOLUTION (Brooks / Hawes)

That:

(a) a ten (10) year lease be entered into between Council and the Bauple & District Recreation Ground Association Inc. for the lease of land described as the Bauple Recreation Grounds Reserve R. 429, Lot 401 N25503 Parish of Gundiah, but excluding the 30m x 50m Bauple Community Shed Inc. lease area, as outlined in the report (DOCS #2008222).

(b) Any lease document includes conditions for amendment subject to the outcome of public consultation on the RV overnight camping at the Bauple Recreation Ground.

Carried (7 / 2)
Ord 5/513/03/11

Upon a Division being called by Councillor MucKan the following voting resulted:

FOR:	**Councillor Brooks** **Councillor Hawes** **Councillor Arthur** **Councillor Harris** **Councillor Hovard** **Councillor McNeven** **Councillor Dalgleish**
AGAINST:	**Councillor MucKan** **Councillor O'Connell**

Councillor Arthur advised that the Chair, Ms Leith Boully, and the Chief Executive Officer, Mr Peter Scott, of the Wide Bay Water Corporation were present at the Meeting for discussion with Councillors relating to confidential item ORD 16.1.

ORD 16 CONFIDENTIAL

RESOLUTION (Harris)

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

ORD 16.1 – **Wide Bay Water Corporation – Quarterly Report December 2010 -** Section 72(1)(c) (the local government's budget)

Carried Unanimously
Ord 5/514/03/11

RESUMPTION OF ORDINARY COUNCIL MEETING

RESOLUTION (MucKan)

That the Meeting resume in open Council.

Carried Unanimously
Ord 5/515/03/11

Ms Boully and Mr Scott retired from the Meeting.

ORD 16 CONFIDENTIAL

ORD 16.1 Wide Bay Water Corporation – Quarterly Report December 2010

RESOLUTION (Hawes / Dalgleish)

That Council receive and note the December 2010 Quarterly Report for Wide Bay Water Corporation.

Carried Unanimously
Ord 5/516/03/11

ORD 11 OFFICERS' REPORTS

ORD 11.7 Public Interest Disclosure Management

RESOLUTION (Dalgleish / MucKan)

That the attached Public Interest Disclosure Management Policy (DOCS #1968369) be approved by Council and the current Whistleblowers Protection Management Policy be repealed.

Carried Unanimously
Ord 5/517/03/11

Note: Refer page 40 of Minutes for Policy.

ORD 11 OFFICERS' REPORTS

ORD 11.8 Community Development Plans

RESOLUTION (McNeven / Dalgleish)

That Council:

1. Approve the framework for the establishment of Community Development Plans for smaller communities;

2. Receive and note the Bauple – A Collective Vision 2010; and

3. Continue to work with the community of Bauple to implement the strategies in the draft Community Development Plan.

Carried Unanimously
Ord 5/518/03/11

ORD 11 OFFICERS' REPORTS

ORD 11.10 Reconfiguring a Lot – One (1) Lot into Two (2) Lots (Stage 1) and One (1) Lot into 117 Lots (Stage 2) – 125 Doolong South Road, Wondunna Qld 4655

RESOLUTION (O'Connell / Dalgleish)

That the application by Mrs Mavis McFie C/- Daniel Poacher for a Development Permit for Reconfiguring a Lot – One (1) Lot into two (2) lots (Stage 1) and one (1) lot into 117 lots on land situated at 125 Doolong Road, Kawungan, being Lot 2 RP884706 be approved generally in accordance with the drawing titled 'Proposed Subdivision Layout Plan', Drawing No.: BH080377 – L02, Original Issue, prepared by VDM Consulting (QLD) Pty Ltd and dated December 2010. The approval is subject to the following conditions which must be met prior to the approval of the plan of survey, or at such other time as may be specified in any particular condition. These conditions must be implemented at no cost to Council or Wide Bay Water Corporation unless specified in any particular condition:

STAGE ONE (1)

Environmental Open Space

1. Dedicate the portion of land contained within Stage 1, generally indicated as Major Environmental Open Space in Figure 10.1 of the endorsed Doolong Flats/Ghost Hill and Kawungan North East Structure Plan, as part of the first survey plan for the development.

2. All land to be dedicated for Environmental Open Space purposes must be confirmed as free of all Class 1, 2 and 3 weeds identified in the *Land Protection (Pest and Stock Route Management) Act,* 2002 prior to acceptance off maintenance.

General

3. Ensure all services and structures will be relocated as required to ensure that they are not contained within any other allotment unless ownership rights have been granted by way of an easement. Any alteration of services to provide for the development must be undertaken at no cost to Council or Wide Bay Water Corporation.

4. Ensure any alteration or extension of services to provide for the development is undertaken at no cost to Council.

5. Decommission all unused water service connections to the existing allotment to the satisfaction of the Assessment Manager. Works on live infrastructure must be undertaken by Council at the Developer's expense.

6. Rectify to the satisfaction of the Assessment Manager (prior to commencement of the use) any damage to Council infrastructure (including pavement damage) as a result of the development works.

WATER

7. Construct all water supply works internal and external to the development as required to service the development. The works must be in accordance with engineering design plans and other documentation approved by Council. Such engineering plans are to be in accordance with Wide Bay Water Corporation's water supply strategy and design guidelines and must include provision to service future upstream development.

SEWER

8. Construct all sewerage works internally and externally to the development as necessary to service the development. The works must be in accordance with engineering design plans and other documentation approved by the Assessment Manager. Such engineering plans are to be in accordance with Wide Bay Water Corporation's sewerage reticulation strategy and design guidelines and must include provision to service upstream development.

Administrative

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

10. Submit a plan to Council prior to approval of the plan of subdivision showing the locations of all buildings including services, structures, dams and other improvements on the land in relation to the proposed new boundaries and the distances there from. The plan must contain the following certification duly completed by the surveyor:-

    "I..... being a licensed surveyor hereby certify as follows:-

    - The information contained in this plan is accurate at the time of survey and may be relied on by Council.
    - the distances from the proposed new boundaries of all buildings and structures shown hereon generally conform to the boundary clearance requirements for side and rear boundaries as specified the Building Act 1975 and Council's Town Planning Scheme.
    - All services to the existing dwelling from the reticulation mains are contained wholly within the subject lot.

    ..... (Signature)"

11. Pay all outstanding rates, sewerage, cleaning or water charges or other charges due to Council, prior to sealing of survey plan for the subdivision. Where arrangements have been made with Council to pay the rates and charges on an instalment basis, all unpaid and outstanding instalments must be paid prior to endorsement of survey plans.

12. Undertake the development in accordance with Council's Planning Scheme and Planning Scheme Policies.

13. Submit a plan sealing report and supporting documentation demonstrating compliance with each condition of this approval and all related approvals to Council prior to the sealing of any survey plan to create separate titles. The plan sealing report must accompany the application for plan sealing.

Infrastructure Contributions

14. Pay a contribution toward Water Supply Infrastructure to Council in accordance with Planning Scheme Policy 4 or the policy current at the time of payment. Payment is to be made prior to application for sealing of the survey plan.

15. Pay a contribution toward Drainage Infrastructure to Council in accordance with Planning Scheme Policy 4 or the policy current at the time of payment. Payment is to be made prior to application for sealing of the survey plan.

16. Pay a contribution toward Transport Infrastructure (including footpath) to Council in accordance with Planning Scheme Policy 4 or the policy current at the time of payment. Payment is to be made prior to application for sealing of the survey plan.

17. Pay Public Parks and Community Land Infrastructure Contributions to Council in accordance with Planning Scheme Policy 4 or the policy current at the time of payment. For reconfiguration of lot approvals, payment is to be made prior to application for sealing of survey plans.

STAGE TWO (2)

PLAN OF DEVELOPMENT

18. Submit an amended plan of development for consideration and approval by the Assessment Manager, prior to the submission of any Operational Works application, such that lots 99-102 have full road frontage and continuance of the road reserve adjacent to the drain age reserve to the north in the vicinity of lot 99, generally as indicated in red on the endorsed plan.

19. Submit a staging plan for consideration and approval by the Assessment Manager, prior to commencement of any works on site.

GENERAL

20. Undertake the development in accordance with Council's Planning Scheme and Planning Scheme Policies.

21. Submit an Operational Works application for consideration and approval by the Assessment Manager, prior to commencement of any works on site. Prior to the approval of Operational Works, all engineering drawings and engineering reports submitted to Council for the design of Operational Works must bear the name, number and signature of a Registered Professional Engineer of Queensland (RPEQ) responsible for the design.

22. Provide easements or drainage reserves over stormwater structures as required.

23. Submit a plan sealing report and supporting documentation demonstrating compliance with each condition of this approval and all related approvals to Council prior to the sealing of any survey plan to create separate titles. The plan sealing report must accompany the application for plan sealing.

24. Dedicate as Drainage Reserve the portion of land indicated as Open Space (2.856 hectares) on the endorsed plan of development, as part of the first survey plan for the development of Stage 2. The provision of trunk infrastructure as identified in the plans for trunk infrastructure will be credited against infrastructure contributions required pursuant to PSP4 2009.

25. Dedicate as new road, the corner truncations and any additional localised widening to accommodate traffic facilities such as roundabouts and turn lanes as may be required generally in accordance with the approved layout plans and the detailed engineering plans to be submitted for Operational Works.

26. Meet the costs of all development works including any necessary alteration or relocation of services, public utility mains or installations. The Developer is responsible to accurately locate all existing services before any development works commence.

27. Rectify to the satisfaction of the Assessment Manager (prior to commencement of the use) any damage to Council infrastructure (including pavement damage) as a result of the development works.

WATER

28. Construct all water supply works internal and external to the development as required to service the development. The works must be in accordance with engineering design plans and other documentation approved by Council. Such engineering plans are to be in accordance with Wide Bay Water Corporation's water supply strategy and design guidelines and must include provision to service future upstream development.

29. Construct a reticulated water supply system, to serve each lot, to the standards contained in the Wide Bay Water Corporation's Guidelines. The system must be to a design approved by Council. Provide easements over all trunk water mains as defined in Council's policy.

30. Provide a connection to the existing DN100 water main in Samarai Dr adjacent to Lot 200 SP194939.

SEWER

31. Construct all sewerage works internally and externally to the development as necessary to service the development. The works must be in accordance with engineering design plans and other documentation approved by the Assessment Manager. Such engineering plans are to be in accordance with Wide Bay Water Corporation's sewerage reticulation strategy and design guidelines and must include provision to service upstream development.

32. Construct a reticulated sewerage system, to serve each lot, to the standards contained in the Wide Bay Water Corporation's Guidelines. The system must be to a design approved by Council. Provide extensions to the mains to the development boundary where applicable to service upstream properties.

33. Provide a 3m wide easement over all trunk sewer mains and any service mains which are not on a standard alignment.

34. In any lot less than 600m2, sewer mains must be located within the front building setback or contained within a 3m wide easement.

ROADWORKS

35. Obtain approval from Council for all new street names and erect all street name signs on all roads being constructed. The street name sign must be in accordance with Council's standard drawing. Traffic control and warning devices must be erected as required by the Manual of Uniform Traffic Control Devices.

36. Provide kerb and channel, associated pavement widening and stormwater drainage for the full frontage of the site to Rassmussens Rd on an alignment and configuration in accordance with Council's Trunk Infrastructure Policy.

37. Provide a preliminary design for the future intersection at the south west corner of the site to demonstrate sufficient land dedication for the ultimate intersection design. Liaise directly with Council's Development Engineer in this regard.

38. Reconstruct the section of Rassmussens Rd at the south western corner of the site to increase the centreline radius to conform with the future intersection design at this location.

39. No vehicular access to lots is to be gained from Rassmussens Road. Vehicular access to these lots must be gained via the internal road only.

LANDSCAPE AND STREETSCAPE

40. Submit concurrently with Operational Works civil works and gain approval for a Landscape Plan, including details for works proposed for each development stage, streetscape, shared pedestrian/cycle paths and rehabilitation of the drainage corridor. The plan must include a schedule of all proposed trees, shrubs and ground cover, including the location and size at maturity of all plants, the botanical names of such plants and the location of all areas to be covered by grass, lawn or other surface material in accordance with the Hervey Bay City Planning Scheme 2006.

41. Undertake all landscaping in accordance with the endorsed Landscape Plan.

42. Submit concurrently with Operational Works civil works and gain approval for a Rehabilitation Plan for the drainage corridor. The rehabilitation plan must address the following as a minimum:

    (a) Methodology – describe the process used to develop the plan. Include all field surveys, mapping data and literature used. Provide background information and describe the complexity of the project.

    (b) Environmental Values – describe the key environmental values within and adjoining the rehabilitation area. Environmental values may include but not be limited to; significant fauna or flora, vegetation communities, cultural heritage, geological, habitat, environmental corridors or biophysical values.

    (c) Ecosystem Threats – describe the current and future threats to ecosystem and environmental values. Threats may include but not limited to; weed infestation, illegal access, erosion, grazing, inappropriate fire or hydrological regimes, inappropriate access, sedimentation or salinity.

    (d) Ecosystem Condition – identify the condition of ecosystems within the rehabilitation area. The condition assessment will be used to determine management objectives and activities. The current condition should be accompanied with a series of photographs taken from established reference points.

    (e) Rehabilitation Targets - determine appropriate and realistic rehabilitation targets based on assessment of ecosystem threats and condition. Appropriate targets should be discussed with Council prior to the preparation of the rehabilitation plan.

    (f) Overall Rehabilitation Goals – provide an overarching statement of the desired outcome(s) for the rehabilitation plan.

(g) Rehabilitation Objectives – develop objectives to meet rehabilitation goals. The objectives will form the basis of the rehabilitation plan. Objectives can be used to set milestones and determine rehabilitation progression.

(h) Rehabilitation Activities – identify and describe all activities that are required to meet the objectives. It must be clear what activities will be undertaken during the project and how they will be implemented.

(i) Performance Criteria – performance criteria must be measurable, specific and relate directly to rehabilitation goals, objective and activities. The performance criteria may include but not be limited to; floristic and structural vegetation parameters, weed abundance, erosion, natural regeneration, recruitment, vegetation condition and fauna populations as may be appropriate.

(j) Management Zones – for clarity it is important to identify management zones based on rehabilitation activities. Define which parts of the rehabilitation area will be retained, regenerated and or revegetated. The management zones must be provided in a GIS spatial layer or a clearly annotated site map/aerial photograph.

(k) Implementation Schedule – determine an appropriate implementation schedule stating what activities will be undertaken during development and what activities need to be continued once transferred to Council. To improve the handover process to Council it is necessary to identify at what stage Council will need to continue with rehabilitation activities.

(l) Monitoring and Reporting – provide a monitoring and reporting schedule that will be implemented over the duration of the project. Work records of all activities including photos of the works must be submitted to Council quarterly for the duration of the project (includes the maintenance period).

43. Undertake all rehabilitation works in accordance with the endorsed Rehabilitation Plan.

44. Undertake the planting of street trees in accordance with the endorsed Landscaping Plan. Such street trees must be a minimum of two (2) metres in height at the time of planting. Any trees that have died or are considered by Council to be in a deteriorating state 6 months after planting, are to be replaced and maintained for a further six (6) months. Submit streetscaping plans for assessment, detailing the planting, in conjunction with an Operational Works application for the civil works.

45. Any future development over Medium Density Residential lots 1 and 81-85 must be designed and orientated such that the front of the residences addresses Rassmussens Road.

46. Submit to the Assessment Manager for approval a property boundary fence design that presents a consistent appearance for the length of the Rassmussens Road boundary.

47. Limit the height of fencing for the length of the southern boundary to Rassmussens Road to 1.2 metres if solid or 1.5 metres in height if at least 50% transparent.

48. Construct property boundary fencing along the length of the Rassmussens Road boundary in accordance with the approved design.

ELECTRICITY

49. Prior to the approval of the plan of subdivision, enter into an agreement with Ergon Energy to ensure that electricity will be available to each lot under standard tariff conditions and without further capital contributions.

50. Provide for reticulation of underground electricity including provision for street lights to serve each lot in the subdivision. The electricity reticulation must be designed and constructed to comply with all requirements of Ergon Energy.

51. Provide all easements required by Ergon Energy over existing or proposed power lines, cables and equipment in the development site.

STREET LIGHTING

52. Provide street lighting for the proposed new road construction based on Tariff 2 and prior to the approval of the plan of subdivision provide written evidence that:

    (i) A street light layout for the subdivision has been designed in accordance with Ergon Energy's requirements, Australian Standard 1158 Type P4, and the Council's Development manual.

    (ii) (a) a capital contribution to meet the full costs of the installation of street lighting has been paid to Ergon Energy; or

    (b) arrangements satisfactory to Ergon Energy have been made for the installation of street lighting; and

    (iii) The street lighting will be installed and operating in conjunction with the power reticulation of the subdivision.

FOOTPATHS AND CYCLEWAYS

53. Provide 1.5m wide concrete footpath on one side of every street in the development.

54. Construct 2.5 metre wide shared pedestrian/cycle paths generally in accordance with the locations as indicated in Planning Scheme Policy 4, Map 9 – Future Transport (Pedestrian Paths and Cycleways) Trunk Infrastructure. Detailed alignment and design is to be approved by the Assessment Manager prior to construction. The provision of trunk infrastructure as identified in the plans for trunk infrastructure will be credited against infrastructure contributions required pursuant to PSP4 2009.

ACCESS

55. Provide concrete driveways (or approved equivalent) from the road edge to the property boundary on each lot where there may be conflict with the frontage of other lots. Details of the driveways must be submitted and approved by Council as part of the Operational Works application.

56. Provide concrete driveway (or approved equivalent) construction to each hatchet shaped lot in accordance with Planning Scheme Policy 2 "Development Manual" from the kerb to the furthest end of the access strip.

STORMWATER

57. Submit to and gain approval from Council as part of Operational Works application and prior to the commencement of works being carried out onsite a final and detailed 'Site Specific Stormwater Management Plan' (SSSMP). The SSSMP must include detailed designs and layout of all essential stormwater drainage systems and stormwater quality management systems. The designs of stormwater drainage and quality management systems shall comply with Councils Policies and the Queensland Urban Drainage Manual as adopted by Council and must be undertaken and/or supervised and duly certified by a Registered Professional Engineer, Queensland (RPEQ).

58. The SSSMP must demonstrate that the stormwater drainage systems will ensure the development will not make adverse material changes to the pre-development flood flows' location, duration, frequency or concentration of overland stormwater flow at the point of discharge to all downstream properties including road reserves. In the event that a material change to the pre-development stormwater flow will occur, the applicant shall produce evidence to Council's satisfaction of a legal right as to the method for stormwater discharge over the downstream land.

59. The SSSMP must demonstrate that the design stormwater drainage will ensure no restriction to existing or developed stormwater flow from upstream properties or ponding of stormwater within upstream properties occurs as a result of the development.

60. The SSSMP must demonstrate how stormwater runoff from the site will be adequately managed post 'fully developed site stage' and especially during Operational Works to ensure the stormwater runoff quality is not adversely affected and the downstream aquatic environment is protected. To that effect all runoff from the site, especially during the operational works stage, must be through a suitable stormwater quality improvement and/or treatment device located within the site boundaries. The design is to incorporate Water Sensitive Urban Design techniques and should consider the use of water garden or similar features located within the dedicated landscaped areas of the site to treat all stormwater runoff from the roads. Water discharged from the site, during operational works stage and post fully developed site, must meet ANZECC & EPA water quality standards for discharge to marine waters in accordance with the provision of the 'State and Regional Coastal Management Plans – Queensland's Coastal Policy' (policies 2.4.1 Water Quality Management and 2.4.4 Stormwater Management).

ENVIRONMENTAL

61. Submit and obtain approval from Council for a Construction Management Plan (CMP) prior to an Operational Works Application approval. The CMP is to include but not limited to:

    (a) The location of all areas on- and/or off-site to be used for staff and contractor parking;
    (b) Owner's permission for parking on other land;
    (c) Specification for measures to ensure the safe and orderly ingress and egress of vehicles to and from the site;
    (d) The means by which the direction of traffic flows to and from parking areas will be controlled both on- and off-site to ensure no damage is cause to Council's road infrastructure in any adjoining streets including the pavement, kerb, channel, crossovers to adjoining properties and verges;
    (e) Measures to discourage staff and contractor parking in designated visitor parking spaces within adjoining properties; and
    (f) The means of ensuring the appearance of building works or materials does not detrimentally affect the amenity of the area surrounding the site.

62. Carry out all works in accordance with the Construction Management Plan.

63. Confine dust and other emissions, such as fumes, sediments, light, or odour from the building work on site and take all reasonable steps to prevent a release to neighbouring properties.

64. Dispose of construction and demolition waste only at an approved waste disposal facility. It is an offence to dispose of waste at other than an approved site. The burning of any construction or demolition waste is not permitted on site.

65. Contain all litter building waste, and sediments on the building site by the use of a skip and any other reasonable means during construction to prevent release to a neighbouring properties or roads.

66. Unless otherwise approved by the Executive Manager Development Assessment, do not undertake 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

67. Retain and protect existing significant vegetation on site and within existing and proposed road reserves where such vegetation does not present an immediate risk to personal safety or property damage, or interfere with essential infrastructure services.

68. Prior to any proposed clearing of significant vegetation, submit to Council an Operational Works application for vegetation removal detailing the location, size, species and condition of the vegetation. Such application must be supported by an assessment prepared by a duly qualified person demonstrating the need for removal and any proposal for offset revegetation.

69. All land to be dedicated for drainage purposes must be confirmed as free of all Class 1, 2 and 3 weeds identified in the Land Protection (Pest and Stock Route Management) Act, 2002 prior to acceptance off maintenance.

70. Submit to and obtain approval from Council, as part of any application for Operational Works, an Environmental Management Plan. In addition to plans for Erosion and Sediment Control and Stormwater Management, the Environmental Management Plan must include a site layout plan prepared with regard to AS4970-2009, clearly identifying methods for the protection of trees proposed to be retained on the development site.

71. Undertake all works in accordance with the endorsed Environmental Management Plan.

72. Submit to and obtain approval from Council, as part of any application for Operational Works, a Vegetation Management Plan (VMP) detailing:

    a. which vegetation is proposed for removal as part of any of the proposed works to occur within the site or within the existing road reserves adjacent to the site;

b. measures to be undertaken to ensure the protection of retained vegetation within the sites and within the road reserve during construction activities;

c. that all works carried out in accordance with the Australian Standard (AS.4970-2009) "Protection of Trees on Development Sites" to ensure the long-term survival of trees to be protected;

d. that all machinery operators are to be informed of the measures that are to be undertaken to protect the vegetation on site during works as outlined in the VMP; and

e. That all trees are to be inspected prior to any approved clearing for the presence of nesting birds, koalas 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 or koalas 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.

ADMINISTRATION

73. Pay all outstanding rates, sewerage, cleaning or water charges or other charges due to Council, prior to submission of a plan of subdivision to Council for approval. Where arrangements have been made with Council to pay the rates and charges on an instalment basis, all unpaid and outstanding instalments must be paid prior to the approval of the plan of subdivision.

74. All works that will revert to Council control must be designed and supervised by a Registered Professional Engineer in accordance with Council Policy. The works will be required to comply with all Local Laws, Policies and Standards of Council current at the time of submission of the application for approval of Operational Works. No works associated with this permit may commence until an Operational Works Permit has been issued by Council.

75. All works that will revert to Council control must be subject to a twelve month maintenance period during which time the Developer must be responsible for the maintenance of the works, the rectification of any design omissions or defects, and the repair of any construction defects that are subsequently found. Council requires the developer to secure the maintenance of the works by the submission of a bond valued at 5% of the total value of the works. The bond must be submitted in accordance with Council's policy.

76. Prior to acceptance of the works on maintenance, the supervising engineer must arrange for the collection and submission to Council of digital "as constructed" information for the works. The digital information must comply with Council's "Submission of Digital as Constructed Manual" and must be certified as specified in the Manual. As constructed data must include finished surface levels and data suitable for Digital Terrain Mapping.

77. This approval is valid for four years from the date of the Decision Notice and will lapse unless an application for extension is made to the Assessment Manager prior to that time.

INFRASTRUCTURE CHARGES

78. Pay a contribution toward Water Supply Infrastructure to Council in accordance with Planning Scheme Policy 4 or the policy current at the time of payment. Payment of contributions must be made prior to the endorsement of the plan of survey.

79. Pay a contribution toward Sewerage Infrastructure to Council in accordance with Planning Scheme Policy 4 or the policy current at the time of payment. Payment of contributions must be made prior to the endorsement of the plan of survey.

80. Pay a contribution toward Transport Infrastructure (including State Controlled Roads (Local Function), Council Roads, Public Transport, Pedestrian Paths and Cycleways) to Council in accordance with Planning Scheme Policy 4 or the policy current at the time of payment. Payment of contributions must be made prior to the endorsement of the plan of survey. The provision of trunk infrastructure as identified in the plans for trunk infrastructure will be credited against infrastructure contributions required pursuant to PSP4 2009.

81. Pay a contribution toward Stormwater Infrastructure to Council in accordance with Planning Scheme Policy 4 or the Policy current at the time of payment. Payment of contributions must be made prior to the endorsement of the plan of survey. The provision of trunk infrastructure as identified in the plans for trunk infrastructure will be credited against infrastructure contributions required pursuant to PSP4 2009.

82. Pay a contribution toward the provision of Public Parks and Community Land in accordance with Planning Scheme Policy 4 or the Policy current at the time of payment. Payment must be made prior to the endorsement of the plan of survey.

Carried Unanimously
Ord 5/519/03/11

ORD 11 OFFICERS' REPORTS

ORD 11.11 Brolga Theatre Inc – Council Representatives

RESOLUTION (Hovard / Dalgleish)

That:

1. Councillors O'Connell and Hawes be formally appointed as Council representatives for the Brolga Theatre Inc Board for the balance of the current term; and

2. The Acting Chief Executive Officer advise the Brolga Board Inc of the change in Council representation.

Carried Unanimously
Ord 5/520/03/11

ORD 12 MATTERS/MOTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil

ORD 13 QUESTIONS ON NOTICE

ORD 13.1 Questions on Notice Register

RESOLUTION (Hawes / Harris)

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

Carried Unanimously
Ord 5/521/03/11

ORD 13 QUESTIONS ON NOTICE

ORD 13.2 Response to Question on Notice - Inter-Allotment Water Drainage

RESOLUTION (Brooks / Dalgleish)

That the report be received and noted and the information provided be collated into a public information sheet.

Carried Unanimously
Ord 5/522/03/11

ORD 13 QUESTIONS ON NOTICE

ORD 13.3 Response to Question on Notice - Leases with Community Groups

RESOLUTION (McNeven / Dalgleish)

That:

1. the information relating to leases with community groups be noted, and

2. the Community Group Concession Policy regarding rates and charges be referred for review to the 2011/2012 budget process.

Carried Unanimously
Ord 5/523/03/11

ORD 14 CONSIDERATION OF ITEMS PLACED ON THE AGENDA WITH THE CONSENT OF THE MAYOR

Nil

ORD 15 GENERAL BUSINESS

ORD 15.1 Shave for a Cure

Councillor MucKan referred to the recently held "Shave for a Cure" at the Bayswater and the many people who had participated, including himself. He said that he wished to thank everybody, including Councillors and staff, who gave their time and donations to a worthy cause.

ORD 15 GENERAL BUSINESS

ORD 15.2 Motor Cycle/Trail Riding Park

Councillor Dalgleish displayed for Council a flyer he had been given which had been produced by the Council of Mayors – South East Queensland, with the support of eight councils and the State Government. He said that it was a positive step in addressing the use of trail bikes which was becoming a problem in built up areas because of a lack of appropriate locations for such activity. Councillor Dalgleish said that Councils referred to in the flyer had joined forces with the State Government and identified a large parcel of land and were developing a motor cycle/trail riding park. He said he believed this information would be useful and informative for this Council, and Council could be seen as doing something positive toward providing an alternative in a controlled environment to antisocial behaviour.

ORD 15 GENERAL BUSINESS

ORD 15.3 World Disasters

Councillor Dalgleish said that he wished to express his ongoing concerns regarding the situation in Japan. He said that while Australia had suffered its own disasters recently, he thought we were a planet in crisis and what had occurred in Japan was beyond belief. Councillor Dalgleish said that he believed everyone needed to be prepared, commenting that he believed Maryborough was actually on a fault line.

ORD 15 GENERAL BUSINESS

ORD 15.4 International Women's Day

Councillor McNeven said that she wished to personally thank Council officers, Toni Souvlis and Kellie McElligott who assisted in organising last week's event for International Women's Day. She said that it was a really good experience for those resident and Councillors who attended, adding there had been 49 sites across the country which had been connected over the internet and interacting with the host, Geraldine Doogue. Councillor McNeven said that a considerable amount of work had been undertaken to make this a successful day, and she hoped Council could continue to participate in the future. She said that attendance could have been better but there had been competing events and this was something that needed to be looked at.

ORD 15 GENERAL BUSINESS

ORD 15.5 Hervey Bay Community Centre

Councillor McNeven said that it had been interesting to be able to attend the official "turning of the sod" yesterday for the Hervey Bay Community Centre, and in particular hearing the architect speaking of the features of the building which would make it a longer term, less maintenance impost than would normally be the case for a building of this size and scale. Referring to the environmental aspects of this building she said that Council should be developing appropriate policies in relation to buildings, particularly community centres, and helping community groups to upgrade their own centres. Councillor McNeven said she thought it was great there would be an iconic building of that scale in the region to showcase such aspects. She said that she hoped Council would be looking at opportunities to be more respectful and mindful of the environment, as well as to save costs where possible.

ORD 15 GENERAL BUSINESS

ORD 15.6 Community Organisations - Fraser Coast TESS/ Maryborough Neighbourhood Centre

Councillor O'Connell said that he wished to mention two community organisations of note. He said that the first was Fraser Coast TESS, the training and employment support services, and it had recently held its AGM with two new Board Members appointed. They were Frank Lippet and Maria Carkagis. Councillor O'Connell said that the other group was the Maryborough Neighbourhood Centre, and Chita Bodmer, who had been the Director for 13 years had announced her retirement. Councillor O'Connell said that both organisations had made a considerable contribution to the community and they should be acknowledged by Council for what they did for the marginalised of the community.

ORD 15 GENERAL BUSINESS

ORD 15.7 Maryborough Chamber of Commerce

Councillor O'Connell said at the recent Maryborough Chamber of Commerce meeting there had been discussion regarding the issue of the Downer EDI rail situation and the possible impact on Maryborough which was obviously occupying the minds of the business community. He said there had also been reference to a submission lodged with Council relating to the Mangroves Management Strategy and he enquired as to the current situation regarding the Strategy.

The Executive Manager Environment and Open Space advised that the Council officer who had responsibility for this issue unfortunately was currently absent on sick leave. Mr Cockburn indicated that there had been a good response with submissions being received mostly from interest groups rather than individuals, and a meeting had been held with DEEDI with the responses enabling the Minister to be briefed. Mr Cockburn advised when the Council officer returns the matter would be further progressed and a report presented to Council.

ORD 15 GENERAL BUSINESS

ORD 15.8 Movie Presentations

Councillor Brooks advised that a preview would be held of the movie, The Reef, which had been filmed locally. She said hopefully the movie would be successful and promote Hervey Bay and the Fraser Coast. Councillor Brooks said that last night she and Councillor Hawes had attended the screening of "Gasland" at the Brolga Theatre, and she described the movie as being very educational and sobering, with a very big crowd in attendance. She said that she highly recommended and urged Councillors to view it and trailers were available on YouTube. Councillor Brooks explained how the movie explained the impacts this "fracking"/mining was having on American landowners. She said that the health of the people was being affected. Councillor Brooks said that Australia was facing similar issues and she hoped the Government had stricter regimes in place.

ORD 15 GENERAL BUSINESS

ORD 15.9 River Heads Reserve – Question on Notice

Councillor Brooks said that as a question on notice in relation to the River Heads Reserve she would like an update on the acquittal of the grant currently being used to undertake work and how the work being done aligned with the adopted Council Management Plan for that Reserve.

ORD 15 GENERAL BUSINESS

ORD 15.10 Japanese Earthquake/Tsunami Disaster

Councillor Hovard said that Tomei which had been a friendship city with Maryborough was in the Prefecture of Miyagi which was one of the most devastated locations of the Japanese disaster, although not as badly as Sendai. She said that she believed it would be appropriate to send a formal letter from Council to Tomei and Kasukabe, as well as Otsuki.

ORD 15 GENERAL BUSINESS

ORD 15.11 Change of Meeting Date - Ordinary Meeting

Councillor Hovard referred to the Ordinary Meeting scheduled for Wednesday 20 April saying she sought Council consideration to change the date to Wednesday 27 April. She said that this date was the 150th Anniversary of the first election in Maryborough for its first council. Councillor Hovard said that celebrations were planned with a re-enactment and morning tea, and former Councillors and senior executives would be in attendance.

RESOLUTION (Hovard / Harris)

That the Ordinary Meeting planned to be held in Maryborough on Wednesday 20 April 2011 be rescheduled for Wednesday 27 April at a time to be determined.

Carried Unanimously
Ord 5/524/03/11

ORD 15 GENERAL BUSINESS

ORD 15.12 "Music Man" Community Production

Councillor Harris referred to the local community performances of "Music Man", which are scheduled to be held at the Brolga Theatre on 31 March, 1 and 3 April. She said that it was wonderful to have these types of productions and she recommended attendance to see some of the community in this show.

ORD 15 GENERAL BUSINESS

ORD 15.13 Queensland Eisteddfod 2011

Councillor Harris referred to the Queensland Eisteddfod to be held in Maryborough in April and advised that programs for the event were now available at Ultra Music in Hervey Bay as well as from the Brolga Theatre. She said that season tickets were available for the two main sessions:

Juniors being held from 11-14 April - $20
Adults – over Easter - $25

ORD 15 GENERAL BUSINESS

ORD 15.14 Munna Creek Hall

Councillor Harris said that an email had been received from Bronco Jensen who was one of the members of the Munna Creek Hall Committee. She said that the committee was working very strongly with support from Council in restoring this old building. Councillor Harris briefed Council on some of the restoration work being done. She said the most recent email advised that a new kitchen had been received from Bunnings. Bunnings stores around Australia had been allocated a certain number of flat-pack kitchens to give to charities and organisations. Councillor Harris said it was wonderful to receive this support and Bunnings Maryborough had basically adopted the Munna Creek Hall and supported the restoration.

ORD 15 GENERAL BUSINESS

ORD 15.15 Trail Bike Riding Facilities

Councillor Harris referred to Councillor Dalgleish's comments regarding trail bikes saying there was a park on the Glen Echo Road which had overnight parking and camping facilities. She said that it was on a large rural property and was very successful. Councillor Harris said that this was one facility available and she could see other opportunities happening.

ORD 15 GENERAL BUSINESS

ORD 15.16 Hervey Bay Community Centre

Councillor Arthur said that further to Councillor McNeven's comments, it was lovely to welcome Senator John Hogg back to the Fraser Coast. She said that he was always passionate about the building areas and interest in the schools. Councillor Arthur also mentioned architect, Mr Dennis Beitz, who was very keen to show the site.

ORD 15 GENERAL BUSINESS

ORD 15.17 Visit by Major General Mick Slater, Queensland Reconstruction Authority

Councillor Arthur said that tomorrow would see a visit from Major General Mick Slater from the Queensland Reconstruction Authority. She said he was touring flood affected areas and would be meeting with interested Councillors. Councillor Arthur said that she wished to assure Councillors that due to time constraints it would not be possible for Major General Slater to view all of the damaged road network, in particular the timber bridges, he would be given a good briefing to ensure he had a total understanding of what this community went through.

ORD 15 GENERAL BUSINESS

ORD 15.18 Motor Cycle / Trail Bike Riding Park

Councillor MucKan said that further to Councillor Dalgleish's comments regarding a motor cycle/trail bike riding park he wished to move a motion that this be investigated for this area.

RESOLUTION (MucKan / Dalgleish)

That Council investigate options for a Regional Trail Bike Facility.

Carried Unanimously
Ord 5/525/03/11

ORD 16 CONFIDENTIAL

RESOLUTION (Hovard)

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

ORD 16.2 – **Economic Development Strategy** - 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)

All staff members retired from the Meeting and were not present for the confidential discussion in relation to Item ORD 16.3.

ORD 16.3 – **Staffing Matter** - Section 72(1)(a) (the appointment, dismissal or discipline of employees)

Carried Unanimously
Ord 5/526/03/11

RESUMPTION OF ORDINARY COUNCIL MEETING

RESOLUTION (Hawes)

That the Meeting resume in open Council.

Carried Unanimously
Ord 5/527/03/11

Staff members returned to the Meeting.

ORD 16 CONFIDENTIAL

ORD 16.2 Economic Development Strategy

RESOLUTION (O'Connell / McNeven)

That:

1. Council receive and note the progress report on the Economic Development Strategy; and

2. Council endorses the new Economic Development Model to be launched on 14 April at the Fraser Coast Business Forum and seeks Expressions of Interest from appropriately qualified professionals for the delivery of economic development initiatives.

Carried Unanimously
Ord 5/528/03/11

ORD 16 CONFIDENTIAL

ORD 16.3 Staffing Matter

RESOLUTION (Arthur / McNeven)

That:

1. Council delegate to the Mayor, Councillor Arthur and Councillor Dalgleish, together with the recruitment consultant and an external representative to represent Council on an interview panel; and

2. The interview panel report back to Council prior to any offer being made.

Carried Unanimously
Ord 5/529/03/11

There being no further business, the Meeting closed at 2.00pm.

Confirmed at Ordinary Meeting No. 6 of the Fraser Coast Regional Council held at Hervey Bay on 6 April, 2011.

.....
DEPUTY MAYOR

ATTACHMENT TO ITEM ORD 11.7

COUNCIL POLICY

Policy Title:	**PUBLIC INTEREST DISCLOSURE MANAGEMENT**
Policy Subject:	Governance
Policy No:	#1968369
Directorate:	Office of the CEO
Department:	Strategic Integration
Section:	Corporate Governance
Responsible Officer:	Executive Manager Strategic Integration
Authorised by:	Chief Executive Officer
Adopted Date:	16/03/11
Review Date:	Annual
Amended Date:	

OBJECTIVE:

As a public sector entity Council is subject to the requirements of the *Public Interest Disclosure Act 2010* and all Council Employees and Elected Members are public officers for the purposes of the legislation.

The Fraser Coast Regional Council has obligations under this Act in relation to the receiving of public interest disclosures and ensuring that persons making such disclosures are protected from reprisals.

The objective of this policy is to comply with the *Public Interest Disclosure Act 2010* by providing a consistent and professional response to any public interest disclosures (PID's) made to Council in accordance with the Act.

In addition, the policy is intended to ensure all elected members and Council employees are aware of their responsibilities by reporting serious misconduct and other important matters adversely affecting the public interest or Council operations.

POLICY:

Council will adopt a Public Interest Disclosure Management Policy to assist Council, Management and staff by clearly outlining Council's approach to addressing a PID and to provide direction to employees contemplating making a disclosure. This policy is also intended to support other Council reporting mechanisms in relation to any alleged occurrences of wrongdoing or fraud.

Philosophy

This policy provides Councillors and Officers protection in accordance with the *Public Interest Disclosure Act 2010,* by protecting persons who disclose unlawful, negligent or improper public sector conduct, or conduct which endangers public health or safety or the environment.

Council will support individuals making a PID which promotes the public interest and those reporting occurrences of wrongdoing internal to Council. Overall, the philosophy is to encourage all officers to be accountable for their actions and to maintain high standards of professional conduct and service.

Role

It is important for Council to establish an environment in which the reporting of negligent or improper behaviour is encouraged and to demonstrate a commitment to rigorous risk management.

The *Public Interest Disclosure Act 2010* promotes the public interest by protecting persons who disclose unlawful, negligent or improper public sector conduct or danger to public health or safety or the environment.

In addition, any person who suspects or is aware of any fraudulent behaviour or wrongdoing is encouraged, to report the matter to the Mayor, the Chief Executive officer, a Director, Executive Manager, Manager or Team Leader. Confidentiality of employees who report fraud or wrongdoing is guaranteed, and the reputation of those potentially involved must also be afforded the highest level of protection.

Authorities and Responsibilities

- Council is responsible for ensuring that appropriate measures are in place to support persons who disclose unlawful, negligent or improper public sector conduct or danger to public health or safety or the environment.

- The Chief Executive Officer or Mayor are the responsible officers for receiving disclosures and acting on them. The Chief Executive Officer has primary responsibility for receiving disclosures. Where a disclosure may involve the actions of the Chief Executive Officer, these should be referred to the Mayor.

- Directors and Executive Managers are responsible for the implementation and support of this policy and procedures within their areas of responsibility.

- Employees are responsible for the detection and reporting of fraud or wrongdoing within their areas of responsibility.

Scope and Activities

This policy applies to public interest disclosures within the meaning of the *Public Interest Disclosure Act 2010*.

Disclosure by Any Person

Section 12 of the Act applies if a person (whether or not the person is a public officer) has information about:

1. A substantial and specific danger to the health or safety of a person with a disability; or

2. The commission of an offence against a provision mentioned in schedule 2 of the Act, if the commission of the offence is or would be a substantial and specific danger to the environment; or

3. A contravention of a condition imposed under a provision mentioned in schedule 2 of the Act, if the contravention is or would be a substantial and specific danger to the environment; or

4. The conduct of another person that could, if proved, be a reprisal.

The person may make a disclosure under section 17 of the Act in relation to the information to a proper authority. For the above, a person has information about the conduct of another person or another matter if:

- The person honestly believes on reasonable grounds that the information tends to show the conduct or other matter; or

- The information tends to show the conduct or other matter, regardless of whether the person honestly believes the information tends to show the conduct or other matter.

Disclosure by a Public Officer

Section 13 of the Act applies if a person who is a public officer has information about:

1. The conduct of another person that could, if proved, be:

    - Official misconduct; or
    - Maladministration that adversely affects a person's interests in a substantial and specific way; or

2. A substantial misuse of public resources (other than an alleged misuse based on mere disagreement over policy that may properly be adopted about amounts, purposes or priorities of expenditure); or

3. A substantial and specific danger to public health or safety; or

4. A substantial and specific danger to the environment.

The person may make a disclosure under section 17 of the Act in relation to the information to a proper authority. For section 1 above, a person has information about the conduct of another person or another matter if:

- The person honestly believes on reasonable grounds that the information tends to show the conduct or other matter; or

- The information tends to show the conduct or other matter, regardless of whether the person honestly believes the information tends to show the conduct or other matter.

Recording and Reporting Standards

The Chief Executive Officer of a public sector entity must;

1. Establish reasonable procedures to ensure that:

    - Public officers of the entity who make public interest disclosures are given appropriate support; and
    - Public interest disclosures made to the entity are properly assessed and, when appropriate, properly investigated and dealt with; and
    - Appropriate action is taken in relation to any wrongdoing that is the subject of a public interest disclosure made to the entity; and
    - A management program for public interest disclosures made to the entity, consistent with any standard made under section 60 of the Act, is developed and implemented; and
    - Public officers of the entity are offered protection from reprisals by the entity or other public officers of the entity.

2. Ensure the procedures are published, as soon as practicable after the procedures are made, on a website that is maintained by the public sector entity and readily accessible to the public.

3. When a public interest disclosure is made, must keep a proper record of the disclosure, including:

    - The name of the person making the disclosure, if known; and
    - The information disclosed; and
    - Any action taken on the disclosure; and
    - Any other information required under a standard made under section 60 of the Act.

4. When a public interest disclosure is referred under section 31 or 34 of the Act, must keep a proper record of the disclosure, including:

    - The name of the person making the disclosure, if known; and
    - The information disclosed; and
    - The name of the public sector entity, or member of the Legislative Assembly, that referred the disclosure; and
    - Any action taken on the disclosure; and
    - Any other information required under a standard made under section 60 of the Act.

The Public Service Commission, as the oversight agency, may make, under section 60 of the Act, a standard that requires the Chief Executive Officer of a public sector entity to give to the oversight agency all or any of the information mentioned above. The standard may provide for the way in which and the period within which the information is to be given.

HEAD OF POWER:

Public Interest Disclosure Act 2010

The main objects of this Act are:

1. To promote the public interest by facilitating public interest disclosures of wrongdoing in the public sector; and

2. To ensure that public interest disclosures are properly assessed and, when appropriate, properly investigated and dealt with; and

3. To ensure that appropriate consideration is given to the interests of persons who are the subject of a public interest disclosure; and

4. To afford protection from reprisals to persons making public interest disclosures.

RELATED LEGISLATION:

- Local Government Act 2009
- Crime & Misconduct Act 2001
- Public Interest Disclosure Act 2010

RELATED DOCUMENTS (LOCAL LAWS, POLICIES, DELEGATIONS, ETC):

- Fraser Coast Regional Council Code of Conduct
- Councillors Code of Conduct

ATTACHMENT TO POLICY:

- Public Interest Disclosure Management Procedure

DEFINITIONS:

Administrative Action

Means any action about a matter of administration, including, for example a decision and an act; a failure to make a decision or do an act, including a failure to provide a written statement of reasons for a decision; the formulation of a proposal or intention; the making of a recommendation, including a recommendation made to a Minister and an action taken because of a recommendation made to a Minister.

Corruption

Is defined by the Crime and Misconduct Commission as behaviour that may involve fraud, theft, misuse of position or authority or other acts that are unacceptable to an organisation and which may cause loss to the organisation, its clients or the general community. It may also include such elements as breaches of trust and confidentiality.
The behaviour need not necessarily be criminal.

Detriment

Includes personal injury or prejudice to safety; property damage or loss; intimidation or harassment; adverse discrimination, disadvantage or adverse treatment about career, profession, employment, trade or business; financial loss and damage to reputation, including, for example, personal, professional or business reputation.

Maladministration

Is administrative action that was taken contrary to law; was unreasonable, unjust, oppressive, or improperly discriminatory; was in accordance with a rule of law or a provision of an Act or a practice that is or may be unreasonable, unjust,
oppressive, or improperly discriminatory in the particular circumstances; was taken for an improper purpose or on irrelevant grounds or having regard to irrelevant considerations; was an action for which reasons should have been given, but were not given; was based wholly or partly on a mistake of law or fact; or was wrong.

Official Misconduct

Is defined as any misconduct connected with the performance of an officer's duties that is dishonest or lacks impartiality, involves a breach of trust, or is a misuse of officially obtained information. To be considered official misconduct, the conduct must constitute a criminal offence or be serious enough to justify dismissal.

Oversight Agency

The Public Service Commission is the oversight agency. The main functions are to monitor the management of public interest disclosures, including, for example, by monitoring compliance with this Act, collecting statistics about public interest disclosures and monitoring trends in relation to public interest disclosures; review the way in which public sector entities deal with public interest disclosures generally, or particular public interest disclosures; perform an educational and advisory role, including for example by promoting the objects of this Act, providing advice about public interest disclosures and providing, or co-ordinating the provision of, education and training programs about public interest disclosures.

Public Funds

Are funds available to, or under the control of, a public sector entity including, for example, public moneys within the meaning of the *Financial Accountability Act 2009*.

HISTORY:

The *Whistleblowers Protection Act 1994* will be repealed upon the commencement of the *Public Interest Disclosure Act 2010,* effective January 2011.

ATTACHMENT – Public Interest Disclosure Management Procedure

PURPOSE:

The purpose of this procedure is to formalise the Council processes in relation to the receipt and actioning of a Public Interest Disclosure (PID).

SCOPE:

As a public sector entity Council is subject to the requirements of the *Public Interest Disclosure Act 2010* and all Council Employees and Elected Members are public officers for the purposes of the legislation.

Council has obligations under this Act in relation to the receiving of public interest disclosures and ensuring that persons making such disclosures are protected from reprisals. The objective of this procedure is to provide a consistent and professional response to any public interest disclosure made to Council in accordance with the Act.

PROCEDURE:

Sources of Disclosures

Council may receive disclosures from the general public, external agencies or internal staff members. These will normally relate to administrative action by the Council or alleged conduct breaches by Council employees or Councillors. In some cases, complaints may also relate to allegations of official misconduct by Council employees.

Disclosures could be received via:

- Verbally from members of the public;
- In writing from members of the public via mail or email;
- The online Administrative Action Complaints Process;
- The Ombudsman Office, Crime & Misconduct Commission or other external agency referring a matter to Council;
- External or internal Public Interest Disclosures;
- Internal complaints lodged by Council staff.

Any complaints of this nature would be directly referred to the Chief Executive Officer, Mayor or external agency dependant on the nature of the complaint. Council has a Public Interest Disclosure Management Policy in place which supports the reporting of matters affecting the public interest or Council operations.

Based on the nature of the complaint, the Chief Executive Officer, Mayor or a member of the Executive is to be made aware of such matters and may request separate updates. A detailed record of the disclosure and the tracking of any investigation, action or resolution is to be maintained in the Complaint Recording System.

Public Interest Disclosures

The Public Interest Disclosure Management policy provides Councillors and Officers protection in accordance with the *Public Interest Disclosure Act 2010,* by protecting persons who disclose unlawful, negligent or improper public sector conduct, or conduct which endangers public health or safety or the environment.

Disclosures can be made by any person (whether or not the person is a public officer) if they have information about:

1. A substantial and specific danger to the health or safety of a person with a disability; or

2. The commission of an offence against a provision mentioned in schedule 2 of the Act, if the commission of the offence is or would be a substantial and specific danger to the environment; or

3. A contravention of a condition imposed under a provision mentioned in schedule 2 of the Act, if the contravention is or would be a substantial and specific danger to the environment; or

4. The conduct of another person that could, if proved, be a reprisal.

In addition, if a person who is a public officer has information about the following, they may make a public interest disclosure:

5. The conduct of another person that could, if proved, be:

   - Official misconduct; or
   - Maladministration that adversely affects a person's interests in a substantial and specific way; or

6. A substantial misuse of public resources (other than an alleged misuse based on mere disagreement over policy that may properly be adopted about amounts, purposes or priorities of expenditure); or

7. A substantial and specific danger to public health or safety; or

8. A substantial and specific danger to the environment.

The person may make a disclosure in relation to the information to a proper authority.

For the above, a person has information about the conduct of another person or another matter if:

- The person honestly believes on reasonable grounds that the information tends to show the conduct or other matter; or
- The information tends to show the conduct or other matter, regardless of whether the person honestly believes the information tends to show the conduct or other matter.

How a Disclosure May Be Made

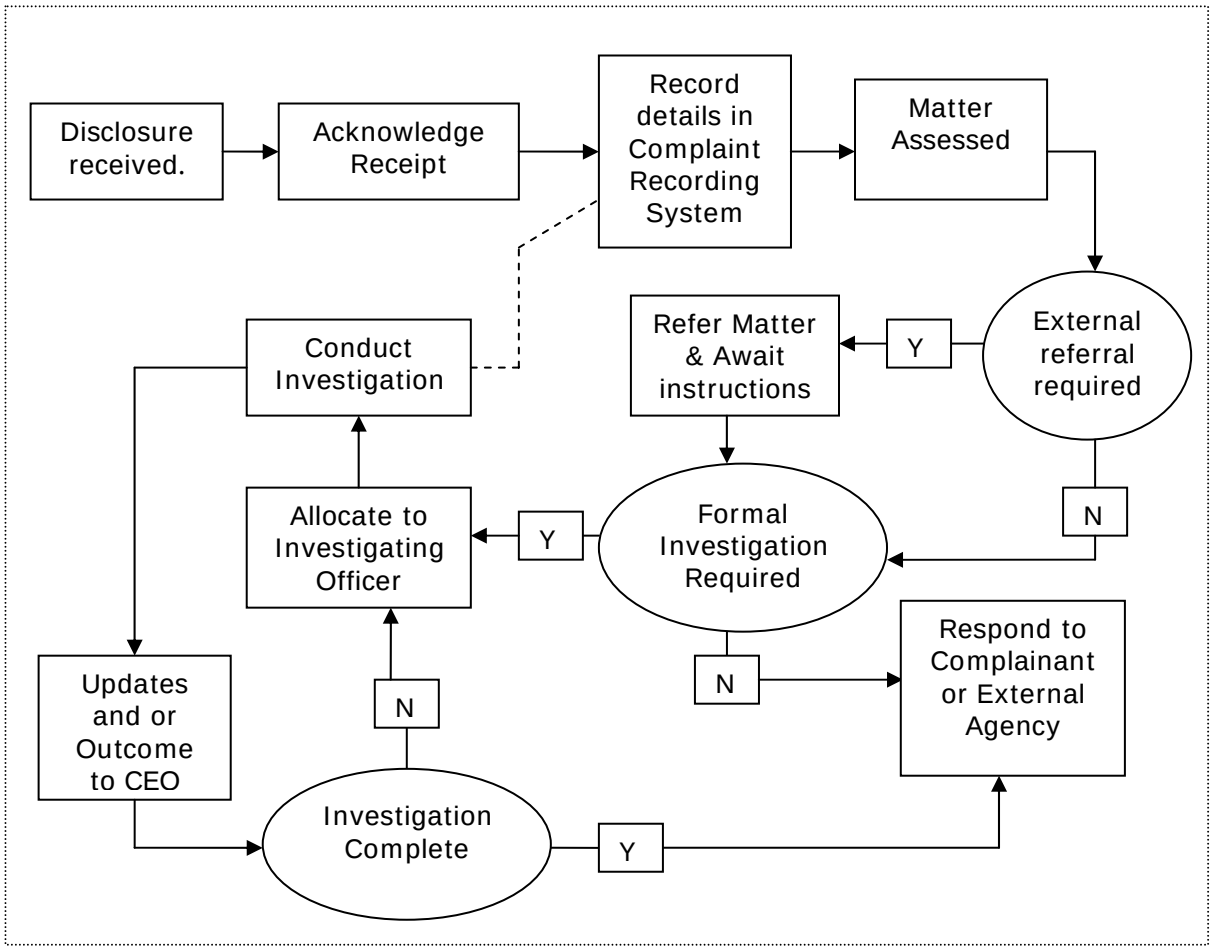
A person may make a disclosure in any way, including anonymously. If a disclosure is made anonymously, it is difficult to protect the person making the disclosure from any retributive action or reprisal. As such, anonymous disclosures, although permitted, are discouraged.

Disclosures should be made directly to the Chief Executive Officer, however a Council employee may make a public interest disclosure to their Supervisor, Executive Manager, Director, Chief Executive Officer or in need the Mayor being appropriate entities. In the case of a matter relating to alleged official misconduct, disclosures can be made directly to the Crime and Misconduct Commission.

When a disclosure is made to a supervisor, the supervisor must communicate the disclosure immediately to the Chief Executive Officer. The Chief Executive Officer has primary responsibility for receiving disclosures. Where a disclosure may involve the actions of the Chief Executive Officer, these should be referred to the Mayor. Unless specifically reported as a "public interest disclosure", the Chief Executive Officer or Mayor will assess whether a disclosure or reported matter is a "public interest disclosure" within the meaning of the Act. The Chief Executive Officer or Mayor may, where reasonable, communicate this determination to the discloser.

A disclosure should be in writing, although it may be made orally. If an appropriate entity receives a public interest disclosure, they should encourage the discloser to put the information in writing. If the discloser does not, the supervisor must promptly make a written note recording the precise matters raised and this should be referred to the Chief Executive Officer or to the Mayor.

Overview of Process



Reporting Requirements

Although public interest disclosures are required to be kept confidential, Council has some reporting and record-keeping obligations imposed on it, both under the Public Interest Act 2010 and other Acts that prevail over this obligation of confidentiality.

The Chief Executive Officer or the Mayor must keep a record of all public interest disclosures or purported public interest disclosures received by Council. These records will be kept in the central records system as limited access files and will be strictly confidential.

The Chief Executive Officer is responsible for fulfilling the Council's reporting obligations under the Act, when a public interest disclosure is made, the CEO must keep a proper record of the disclosure, including:

- The name of the person making the disclosure, if known; and
- The information disclosed; and
- Any action taken on the disclosure; and
- Any other information required under a standard made under section 60 of the Act.

Likewise, when a public interest disclosure is referred under section 31 or 34 of the Act, the CEO must keep a proper record of the disclosure, including:

- The name of the person making the disclosure, if known; and
- The information disclosed; and
- The name of the public sector entity, or member of the Legislative Assembly, that referred the disclosure; and
- Any action taken on the disclosure; and
- Any other information required under a standard made under section 60 of the Act.
- The Public Service Commission, as the oversight agency, may make, under section 60 of the Act, a standard that requires the Chief Executive Officer of a public sector entity to give to the oversight agency all or any of the information mentioned above. The standard may provide for the way in which and the period within which the information is to be given.

Investigation Procedure

The assessment about whether the reported conduct constitutes a public interest disclosure and the determination of appropriate action to be taken will be determined on a case by case basis.

If a disclosure is considered a public interest disclosure, the Chief Executive Officer or Mayor may develop an investigation and protection plan (in consultation with the discloser) in order to ensure the information is investigated and the discloser is protected from any retributive action. The plan will address whether immediate action needs to be taken to halt the conduct or remedy the danger to which the public interest disclosure relates and will recommend action to be taken to avoid reprisals against the disclosure.

The Chief Executive Officer or Mayor may consult with other relevant Council officers (while maintaining the confidentiality of the person making the disclosure). Council may choose to appoint an internal or external investigator, as appropriate. However, the disclosure will not be referred outside Council without first consulting the discloser.

Any person (whether internal or external to Council) involved in the investigation will be fully briefed on their obligations under the Act and the consequences of any breach of the obligations. The disclosure may also request information about the progress of any investigation, and any action taken on the disclosure. Council will provide such information where it is reasonable to do so.

Once a disclosure has been investigated, a report of the investigation will be delivered to the Chief Executive Officer or the Mayor. The report may contain recommendations for further action. Where reasonable, the report (or an edited extract of the report) will be forwarded to the discloser. The Chief Executive Officer or the Mayor will decide what further action (if any) will be taken on the disclosure.

In some cases the Chief Executive Officer or the Mayor may be bound to inform other agencies about the contents of a disclosure, such as the Crime and Misconduct Commission who has investigative powers for matters relating to official misconduct.

If a report of official misconduct is received, the Chief Executive Officer is required to report the matter to the Crime and Misconduct Commission for further advice on actions to be taken.

In other cases, the Chief Executive Officer or Mayor may be of the view that it is appropriate for other agency staff to be informed. In all cases, the confidentiality of the identity of the person making the disclosure will be protected to the greatest extent permitted by law and the Chief Executive Officer or the Mayor will (where practical) consult with the discloser before informing any other agency.

Communication

Appropriate communication and consultation between key parties to an enquiry is the most effective method of ensuring all facets have been considered.

The key communication and consultation aspects of this procedure are as follows:

- The status or results of any investigations will be disclosed or discussed only with those persons who require knowledge of such in the performance of their office or function;

- People making public interest disclosures will be guaranteed strict confidentiality and advised of investigation outcomes;

- Council expects all staff to be familiar with and act in accordance with the Code of Conduct and expects similar standards from contractors, volunteers, agencies or organisations that do business with the Council;

- An employee who has an interest in a matter in relation to which he or she is required or authorised to act in the course of official duties must disclose the interest to the Chief Executive Officer and must not, unless the CEO otherwise determines, act in relation to the matter;

- Consultation with management to verify the integration of the Public Interest Disclosure Management requirements;

- Chief Executive Officer to be immediately advised upon receipt of a public interest disclosure;

- At the conclusion of any investigation, the investigating officer in charge must submit a written report to the Chief Executive Officer;

- Matters relating to a criminal offence will be reported to the police as early as possible to avoid jeopardising potential police investigation.

Duties and Behaviour

Council expects its elected members and staff to maintain a high standard of ethical conduct in all activities, in particular with respect to resources, information and authority. The community rightly expects the Council to conduct its business in a fair and honest manner.

Furthermore, Council is responsible for ensuring that appropriate measures are in place to support persons who disclose unlawful, negligent or improper public sector conduct or danger to public health or safety or the environment.

Staff should also be familiar with and act in accordance with the Fraser Coast Regional Council Code of Conduct and elected members to comply with the Code of Conduct for Councillors.