MINUTES OF THE ORDINARY MEETING NO. 16
HELD IN THE FRASER COAST REGIONAL COUNCIL CHAMBERS,
TAVISTOCK STREET, TORQUAY, HERVEY BAY
ON WEDNESDAY 7 SEPTEMBER, 2011 COMMENCING AT 9.30AM.

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

STAFF IN ATTENDANCE:
Chief Executive Officer, Ms Lisa Desmond
Director Community & Development Services, Mr Peter Smith
Director Infrastructure & Environmental Services, Mr Wayne Sweeney
Executive Manager Corporate Business, Ms Janet Campbell
Executive Manager Development Assessment, Mr Michael Ellery
Principal Planner, Mr Adam Yem
Senior Development Engineer, Mr John McLennan
Coordinator Vector & Pest Management, Mr Col Zemek
Executive Manager Community & Culture, Ms Debra Moore
Principal Officer Recreation Services, Ms Denise Cox
Manager Economic Development Projects, Mrs Tracey Genrich
Principal Officer Corporate Communication & Marketing, Mr Kevin Corcoran
Meeting Secretary, Mrs Julie Schoonderwoerd

ORD 1 OPENING PRAYER

The Opening Prayer was delivered by Pastor Heidrich from Hervey Bay Lutheran Church.

ORD 2 APOLOGIES

RESOLUTION (MucKan / Nioa)

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

Carried Unanimously
Ord 16/763/09/11

ORD 3 DISCLOSURE OF INTERESTS

Councillor O'Connell declared a perceived Conflict of Interest in Item ORD 16.4 and Item ORD 16.5.

Councillor McNeven declared a perceived Conflict Of Interest in Item ORD 16.5.

Councillor Nioa declared a perceived Conflict Of Interest in Item ORD 16.5.

Councillor Dalgleish declared a perceived Conflict Of Interest in Item ORD 16.5.

Councillor MucKan declared a perceived Conflict Of Interest in Item ORD 16.5.

ORD 4 MAYORAL MINUTES

Nil

ORD 5 CONFIRMATION OF MINUTES OF MEETINGS

ORD 5.1 Ordinary Meeting No. 15 – 17 August, 2011

RESOLUTION (Brooks / Arthur)

That the Minutes of Ordinary Meeting No. 15 held on 17 August, 2011, be confirmed.

Carried Unanimously
Ord 16/764/09/11

ORD 6 ADDRESSES/PRESENTATIONS

ORD 6.1 Customer Service and Recognition Awards – July 2011

Councillor Dalgleish welcomed members of the Home Assist Secure Team who had won the Customer Service and Recognition Service Champion Award (Office) for July but had been unable to attend the August Ordinary Meeting to accept their Award. Recipients in attendance were Ian Dawe, Kim Bayliss, Josephine Simmons and Collette Sanders. Unable to attend were Rod Lyons and Juls de Waard.

Congratulations were extended to all members of the team.

ORD 7 PUBLIC PARTICIPATION

ORD 7.1 Distribution of Information

Mr Frank Lovett, 24 East Street, Howard

Referred to an ongoing confidential matter and requested permission to be able to distribute to all Councillors information relating to the issue. The information was distributed.

ORD 7 PUBLIC PARTICIPATION

ORD 7.2 Aldershot & District Against Mining

Mr Brian Linforth, Aldershot & District Against Mining

Explained to Council the background behind the creation of "Aldershot & District Against Mining" in relation to the application for a mining lease by Northern Energy Corporation, to be constructed 2km from Aldershot. Requested permission to distribute information to Councillors, in which the organisation requested Council to make a submission to DEEDI and the State Government in relation to this matter.

ORD 7 PUBLIC PARTICIPATION

ORD 7.3 Fraser Coast Aqua Therapy Association

Mr Ian Bleys, Fraser Coast Aqua Therapy Association

Referred to a proposal regarding the Fraser Coast Aqua Therapy Association which had been sent to the Chief Executive Officer and Councillors, and said a reply was still awaited regarding this matter and the proposed programme which would be beneficial to disabled people.

ORD 7 PUBLIC PARTICIPATION

ORD 7.4 Boat Ramp – Gataker's Bay

Mr Chris Gates, 136 Long Street, Point Vernon

Referred to the new boat ramp at Gataker's Bay saying it was a great facility, had an excellent car park and provided a fish cleaning area, but there was a problem because there was no safe entrance to the facility at night when approaching the ramp from the water due to lack of illumination. Suggestions were made as to how this could be rectified.

Councillor Dalgleish advised Council was currently looking at options regarding this matter.

ORD 8 DEPUTATIONS

Nil

ORD 9 PETITIONS

ORD 9.1 Receipt of Petitions

(a) Dogs Off-Leash Area - Toogoom

Councillor Brooks tabled a petition containing the signatures of 31 people from the Toogoom area regarding dog off-leash areas. The residents have requested an area in line with Carkeet Road that was an existing off-leash area be retained.

RESOLUTION (Brooks / McNeven)

That the petition be received and included in the local laws review.

Carried Unanimously
Ord 16/765/09/11

ORD 9 PETITIONS

ORD 9.1 Receipt of Petitions

(b) Compulsory Cat Desexing

Councillor Hawes tabled a petition containing 279 signatures requesting Council introduce compulsory cat desexing as part of the local laws. She said that there had also been a further 139 submissions requesting compulsory cat desexing.

RESOLUTION (Hawes / MucKan)

That the petition be received and forwarded to the Chief Executive Officer for action.

Carried Unanimously
Ord 16/766/09/11

ORD 9 PETITIONS

ORD 9.1 Receipt of Petitions

(c) Proposed Dogs Off-Leash Area - Urangan

Councillor Hawes tabled a petition containing 12 signatures objecting to the proposed dogs off-leash area in Urangan, from Boat Harbour Drive to Pulgul Creek.

RESOLUTION (Hawes / McNeven)

That the petition be received and forwarded to the Chief Executive Officer for action.

Carried Unanimously
Ord 16/767/09/11

ORD 9 PETITIONS

ORD 9.1 Receipt of Petitions

(d) Request for Road Seal – Yachtsmans Drive & Fisher Road Intersection

Councillor Dalgleish tabled a petition from 38 residents of the Yachtsmans Drive area requesting that Council consider the sealing of the Yachtsmans Drive & Fisher Road Intersection because in dry conditions the gravel is slippery and when it is wet it becomes a quagmire.

RESOLUTION (Dalgleish / MucKan)

That the petition be received and forwarded to Chief Executive Officer for further consideration.

Carried Unanimously
Ord 16/768/09/11

ORD 9 PETITIONS

ORD 9.2 Open Petitions Register

RESOLUTION (Arthur / Nioa)

That the Open Petitions Register report be received and noted.

Carried Unanimously
Ord 16/769/09/11

ORD 9 PETITIONS

ORD 9.3 Petition Response Report – Skate Park Proposal for Brendan Hansen Park

RESOLUTION (McNeven / Brooks)

That the chief petitioner be advised that the construction of a skate facility has not been included in Council's 10 year capital plan, however Council will develop a master plan for Brendan Hansen Park which includes the provision of a skate facility and other park embellishments for the purpose of community consultation and prioritising future capital works.

Carried Unanimously
Ord 16/770/09/11

ORD 10 COMMITTEES' AND DELEGATES' REPORTS

Nil

ORD 11 OFFICERS' REPORTS

ORD 11.1 Quarterly Activity Report – April to June 2011 – Regulatory Services

RESOLUTION (O'Connell / MucKan)

That the Quarterly Activity report for Regulatory Services for April to June 2011 be noted.

Carried Unanimously
Ord 16/771/09/11

ORD 11 OFFICERS' REPORTS

ORD 11.2 Application for Material Change of Use - 32 Low Density Residential Lots - Preliminary Approval Varying the Effect of a Local Planning Instrument and Reconfiguring a Lot - One (1) Lot into 32 Lots – Located at Tooth Street, Pialba - Hervey Bay Golf and Country Club Inc. C/- Urban Planet Town Planning Consultants

RESOLUTION (Nioa / O'Connell)

MATERIAL CHANGE OF USE

That the application by the Hervey Bay Golf and Country Club Inc. C/- Urban Planet Town Planning Consultants for a Material Change of Use – 32 Low Density Residential Lots – Preliminary Approval varying the effect of a local planning instrument pursuant to section 242 of the *Sustainable Planning Act* 2009 and a Development Permit for Reconfiguring a Lot – One (1) lot into 32 lots and balance lot on land situated at Tooth Street, Pialba, be approved generally in accordance with the following drawings:

Plan/Document number	Plan/Document name	Date
---	"Foundation"	1/4/2011 (received)
---	"Old Maryborough Road Layouts"	1/4/2011 (received)
---	"Tooth Street Layouts"	1/4/2011 (received)
10071-FENCE	"Proposed Fencing", prepared by Urban Planet Town Planning Consultants	1/4/2011 (received)

This approval is 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. These conditions must be implemented at no cost to Council or Wide Bay Water Corporation (WBWC) unless specified in any particular condition:

CONDITIONS APPLICABLE TO MATERIAL CHANGE OF USE

Amended Plans

1. Submit to Council for approval, prior to the approval of any application related to this approval, amended plans, incorporating the following changes:

   (a) relocate the proposed access in Old Maryborough Road to be approximately equidistant between the Tooth Street and Islander Road intersections;

   (b) locate all residential lots 3 metres setback from Old Maryborough Road and Tooth Street; and,

(c) the setback required by (b), must be included in common property and set aside for the provision of an acoustic fence and landscaping.

When approved, the amended plans will become the endorsed plans for the development.

Use

2. All future development within the area designated for residential uses on the approved plan must be carried out in accordance with the Low Density Residential Zone provisions (or equivalent) of the Planning Scheme in force at the time of development. In the instance where there is a conflict between the approval and the Planning Scheme, the provisions of the Preliminary Approval prevail.

General

3. This approval lapses 5 years from the date it takes effect or the day that Council adopts a new Planning Scheme that changes the zoning of that part of the land affected by this approval to Low-Density Residential or similar, whichever occurs sooner.

Acoustic

4. Submit to Council for approval, prior to the approval of any application related to this approval, an Acoustic Report prepared by a suitable qualified person. The report must demonstrate the proposed acoustic treatments that will ensure that the acoustic levels of the proposed lots will meet the following criteria:

   (a) 60 dB(A) or less, where existing levels measured at the deemed-to-comply dwelling setback distance are greater than 40dB(A) L_{90} (8 hour) between 10pm and 6am; or

   (b) 57 dB(A) or less, where existing levels measured at the deemed-to-comply dwelling setback distance are less than or equal to 40dB(A) L_{90} (8 hour) between 10pm and 6am.

   When approved, the report will become part of the approved documents for the development.

CONDITIONS APPLICABLE TO RECONFIGURING A LOT

Amended Plans

5. Submit to Council for approval, prior to the approval of any application related to this approval, amended plans, incorporating the following:

   (a) the changes as detailed in condition 1 of this approval;

   (b) the dimensions and areas for all proposed lots and common areas relative to the existing boundaries of the site;

(c) the location of all acoustic fencing required by the endorsed Acoustic Report; and,

(d) the extent of all common areas, which must include the internal roads, storage areas and communal open space.

When approved, the amended plans will become the endorsed plans for the development.

General

6. The developer must meet the costs of all development works including any necessary alteration or relocation of services, provision of upgrading of roadworks to accommodate all vehicular access works together with all public utility mains and/or installations.

Administration

7. The development must be undertaken in accordance with Council's Planning Scheme, Planning Scheme Policies and Local Laws.

8. Liaise directly with Council's Waste Services Coordinator with regard to the size and quantity of bins and the method and frequency of service. The access road for the collection vehicle must provide for adequate turning space such that the vehicle enters and exits each site in a forward direction.

9. Submit engineering drawings detailing all civil engineering site works, road works, sewer relocations and stormwater works within and external to each site in an Operational Works Application. The design of these works is to be approved by Council before any works commence on site. All such works are to be completed to Council's satisfaction prior to the commencement of the approved use.

10. All final designs must be certified by a Registered Professional Engineer of Queensland (RPEQ).

11. Lodge a bond in accordance with Council's Development Manual Planning Scheme Policy (General performance Bond), prior to the commencement of any building or operational work associated for each stage of the development. In staged developments, if substantial compliance problems are experienced in any stage, the bond amount may be increased by Council to reflect the conditions of the site. The increased bond is to be paid prior to commencement of any subsequent stage.

    This bond (less any deductions for purposes defined in the Planning Scheme Policies) will be refunded when:

    (a) works to revert to Council have been accepted "on maintenance", and

    (b) all Building and Operational Works on the site have been completed and a Final Certificate (if applicable) issued by Council.

12. 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.

13. All works that will revert to Council control are subject to a twelve (12) 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.

14. 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 prior to the operation of the approved use.

15. All outstanding rates or other charges due to Council must be paid prior to the endorsement of the plan of survey.

16. Provide a plan sealing report and supporting documentation demonstrating compliance with each condition of this approval prior to the endorsement of the plan of survey.

Site and Environmental Management

17. Submit to and gain approval from Council as part of any Operational Works application and prior to the commencement of works being carried out onsite, a site specific Construction Management Plan (CMP). The CMP must include, but not be limited to:

    (a) proposed construction vehicle transport route(s);

    (b) specification of measures to ensure the safe and orderly ingress and egress of vehicles to and from the site;

    (c) 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 to and from the site including the pavement, kerb, channel, crossovers to adjoining properties and verges;

    (d) owner's permission for access over and/or parking on other land;

    (e) measures to discourage staff and contractor parking in adjoining lots;

    (f) lawful source and disposal sites of any fill or excavated material;

(g) wheel wash down and shake down grids for construction vehicles;

(h) the location of all areas on and/or off site to be used for staff and contractor parking;

(i) Maintenance of the existing drainage pattern of the land to avoid adverse impact on the downstream and upstream environments;

(j) Stormwater runoff quality management during operational works. The management plan must be in accordance with the general environmental values and water quality objectives outlined in the EPP (Water) 1997;

(k) That at any one time, the exposed soil area/work surface is minimised and sediment retention measures are implemented to ensure avoidance of sediment transport to the downstream environment;

(l) Avoidance of unacceptable risk to existing land uses from flooding and erosion;

(m) the means of ensuring the appearance of building works or materials does not detrimentally affect the amenity of the area;

(n) That at any one time dust control measure is implemented onsite to ensure avoidance of dust nuisance, and

(o) Location of site sheds and facilities.

18. Submit to and gain approval from Council, as part of an approval of any application for Operational Works for civil works and prior to the commencement of works being carried out on-site a Site Specific Erosion and Sediment Control Plan (SSESCP). The SSESCP must be designed in accordance with Best Practice Erosion and Sediment Control (IECA, 2008).

19. Provide laboratory testing for Acid Sulphate Soils in accordance with the State Planning Policy 2/02 "Planning and Managing Development involving Acid Sulphate Soils" as part of the Operational Works application and gain approval before any earthworks commence on-site.

Environmental Health

20. Undertake Sediment and Erosion control measures in accordance with the endorsed SSESCP.

21. Carry out the development in accordance with the endorsed CMP.

22. 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.

23. Dispose of building 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.

24. 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.

25. 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

Stormwater

26. Submit to and gain approval from Council as part of any 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 must 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).

27. The SSSMP must demonstrate that the stormwater drainage systems will ensure the development will not make 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 must produce evidence to Council's satisfaction of a legal right as to the method for stormwater discharge over the downstream land.

28. 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.

29. 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 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 with the provision of, Rain Gardens, swales, Gross Pollutant Traps, Rainwater Tanks, or similar features located within the dedicated landscaped areas of the site to treat all stormwater runoff from the car parks. Water discharged from the site, during operational works stage and post fully developed site, must meet State Planning Policy 04/10 Healthy Waters and Environmental Planning Policy (Water) and relevant State Planning Polices.

30. The stormwater drainage must be designed such that the development will not make material changes to the pre-development 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 must produce evidence to Council's satisfaction of a legal right as to the method for stormwater discharge over the downstream land.

31. The Developer must construct all stormwater control and management structures, including underground pipes, open drains and detention basins, in accordance with the SSSMP, Council's Policies and the Queensland Urban Drainage Manual.

32. Drainage easements or reserves are to be provided as may be required for all overland stormwater flows and drainage structures of 300mm diameter pipe (or equivalent) or greater, traversing land within the development (other than roads and parklands). The easements or reserves must be a minimum width of 3 metres or such greater width as necessary to convey the fully developed flow with the appropriate clearance required by Council policy. All easements and reserves are to be provided at no cost to Council.

33. An underground drainage system must be provided to collect and convey all minor stormwater flows from impervious areas within each standard format lot to an existing underground drainage system at a location approved by Council. The minor drainage system must be designed and constructed in accordance with Council policy and to ensure that existing stormwater discharge from surrounding property is not detrimentally affected.

Water Reticulation

34. Consult directly with Wide Bay Water Corporation with respect to the Corporation's requirements for design, construction and inspection of all water reticulation associated with this development. The design must ensure sufficient capacity to meet the demands from the development and to sustain any commercial fire stream requirement in the locality.

35. Construct all water supply works external to the development necessary 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.

36. Provide a reticulated water supply to serve the development. The internal water reticulation must be designed such that a separate water meter and control valve can be installed to serve each standard lot.

37. Water and Electricity conduits are to be installed to service the development by boring under the existing roads where required. Standard kerb markers are to be installed to mark the location of the conduits. A plan showing the location of the conduits is to be approved by Council prior to the commencement of works.

38. Provide blue reflective pavement markers on the road centreline opposite all hydrants.

Sewer Reticulation

39. Submit to and gain approval from Council and Wide Bay Water, as part of any Operational Works application and prior to the commencement of works being carried out, a sewer reticulation servicing proposal for the development.

40. The nominated sewer connection point for the development along Old Maryborough Road must be the DN150 sewer at the round a bout at Boat Harbour Drive.

41. The developer must construct a sewer across Tooth Street to provide a connection point on and within the property that will command the proposed development lots.

42. The Developer must consult directly with Wide Bay Water Corporation with respect to the Corporation's requirements for design, construction and inspection of all connection details to Council's existing sewerage system.

43. Construction all sewerage works external to the development necessary 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 sewerage reticulation strategy and design guidelines.

44. Provide a triple interceptor trap for all wash-down water adjacent to the boat and van storage area prior to discharge into Council sewer.

Electricity

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

46. 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 within the development without further capital contribution.

Site and Environmental Management

47. Undertake the development works in accordance with the results of the laboratory testing for Acid Sulphate Soils. In this regard all earthworks must be undertaken in accordance with the guidelines of State Planning Policy 2/02 "Planning and managing Development involving Acid Sulphate Soils".

Car Parking

48. Construct car parking spaces, associated access aisles and driveways to the dimensions detailed in Council's Planning Scheme Policies and Australian Standard AS 2890.1. Provide manoeuvring areas to ensure that vehicle ingress and egress can enter and exit the property in a forward direction. Driveways, car parking and reversing areas are to be constructed to the standards defined in Council's development manual and car parking spaces are to be permanently marked. Provide at least one disabled visitor car space at ground level, conforming to AS 1428 - Design for Access and Mobility.

Footpaths

49. Construct a minimum 2.5m wide concrete footpath and associated pram crossings along the western side of Tooth Street from the intersection of Old Maryborough Road to the Dover Street intersection. The footpath construction may be offset against the Adopted Infrastructure Charges.

Vehicular Access

50. Prior to the submission of an application for Operational Works provide a traffic impact assessment detailing the impact that the development will have on the immediate road network. The impact assessment is to provide details of the proposed access intersection treatments to the development from Tooth Street and Old Maryborough Road.

51. Construct an intersection/access on Old Maryborough Road and Tooth Street in accordance with the approved development layout and traffic impact assessment.

52. Property access and driveways are to be constructed to the standards defined in Council's Development Manual.

53. Construct concrete kerb and channel on an alignment approved by Council on the western side of Tooth Street from the existing kerb adjacent to the current golf club entrance to the northern side of the proposed intersection opposite Dover Street. The works are to include underground drainage and infill pavement to a Controlled Distributor standard. The road construction works may be offset against the Regulated Infrastructure Charges.

Vegetation Management

54. Submit to Council for approval, prior to the approval of any application related to this approval, a Vegetation Management Plan (VMP) that clearly identifies the vegetation proposed to be removed and retained to facilitate the development. The plan is to include:

    (a) the accurate location of all trees that are greater than 50cm at girth or 4 metres in height located and with 20 metres of the proposed development footprint;

(b) Details for each tree (mentioned above) including species identification, height, canopy spread, health and if the tree is to be retained or removed;

(c) The required Tree Protection Zone including Critical Root Zone as determined in accordance with AS4970 – Protection of Trees on Development Sites; and

(d) Details of the proposed location of all infrastructure including water, sewerage, electricity, WSUD features and roads that will be constructed or upgraded that may impact on existing vegetation.

55. Undertake the development in accordance with the approved VMP.

Landscaping

56. Submit to and gain approval from Council, prior to the approval of any application related to this approval, detailed Landscape Plans. The plans must be drawn to scale with dimensions and three (3) copies must be provided. Landscape Plans must include but not be limited to the following detail:

(a) The location of any acoustic fencing;

(b) Details of all external and internal fencing types and heights, including any acoustic fences required by the endorsed Acoustic Report. All acoustic fences to road frontages must be setback 3 metres from the road, articulated at 13 metre intervals and screened by a minimum 2 metre wide landscape strip;

(c) The areas set aside for landscaping;

(d) Low maintenance landscape plantings that incorporate at least 70% local endemic plant species;

(e) 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 turf or other surface material;

(f) A mixture of shrubs and substantial trees;

(g) A fully reticulated watering system;

(h) Consideration of Crime Prevention through Environmental Design (CPTED) principles;

(i) Enhancement, buffering and amenity planting;

(j) Measures to ensure that the planted trees will be retained and managed to allow growth of the trees to mature size;

(k) Details of all fencing noting that for the full extent of any road frontage of the site fencing is limited to a maximum height of 1.2m if solid and 1.5m if at least 50% transparent;

(l) Clear delineation of garden areas;

(m) Paving and surface treatment details for the site;

(n) The location of proposed services including stormwater pits and pipes, sewerage and water lines and electricity lines for comparison with plant locations;

(o) Additional screen planting to the fence adjacent the recreational areas to improve the visual privacy to the adjoining properties;

(p) Additional horticultural specification to successfully establish and ensure a quality landscape product such as imported soil quality, staking and planting techniques of advanced stock, reference to Australian Standards where applicable, fertiliser type and application, turf laying detail, garden bed preparation techniques, minimum soil depths, plant quality details and proposed maintenance regime for establishment (usually 3 months); and

(q) Hardscape details proposed including hard edging specification, raised planter construction details, paving types and details and key spot levels.

When approved, such plans will form part of the endorsed plans under this development approval.

57. Complete landscaping in accordance with the approved Landscaping Plans, prior to the sealing of the survey plan. Landscaping is to be maintained to the satisfaction of the Executive Manager Development Assessment.

Acoustic Fence

58. Implement all recommendations of the endorsed Acoustic Report, prior to the sealing of the survey plan or where the report requires measures to be implemented into the design of new buildings, prior to the issuance of the certificate of completion. Certification from a suitably qualified person shall be provided stating that any acoustic fences or new buildings have been constructed in accordance with the requirements of the endorsed Acoustic Report.

Carried (9/1)
MCU-101239
Ord 16/772/09/11

ORD 11 OFFICERS' REPORTS

ORD 11.3 Delegation of Council Powers to the Position of Chief Executive Officer: Environmental Protection Act 1994, Building Act 1975 & Integrity Act 2009

RESOLUTION (McNeven / Nioa)

That pursuant to section 257 of the *Local Government Act 2009* Council resolves:

1. To delegate to the Chief Executive Officer the exercise of its powers under the following Acts in the terms of the Instruments of Delegation contained in Attachment 2 to Report DOCS #2073229:

   - *Environmental Protection Act 1994 – Reprint 9K*
   - *Building Act 1975 – Reprint 7C*
   - *Integrity Act 2009 – Reprint 1C*

   These powers must be exercised subject to any limitations and conditions contained in Schedule 3 of the Instruments of Delegation.

2. That all prior resolutions delegating the same powers to the Chief Executive Officer are repealed.

Carried Unanimously
Ord 16/773/09/11

ORD 11 OFFICERS' REPORTS

ORD 11.4 Application for Lease – Council Workshop/Shed - Arts and Crafts Village – Hervey Bay Council for The Arts Inc.

RESOLUTION (Brooks / MucKan)

That a 3 year lease be offered to the Hervey Bay Council for the Arts Inc. for the occupation of the Council workshop/shed located within the Arts and Crafts Village, Bideford Street, Hervey Bay.

Carried Unanimously
Ord 16/774/09/11

ORD 11 OFFICERS' REPORTS

Mr Peter Scott, Wide Bay Water Corporation Chief Executive Officer, addressed Council in relation to Item ORD 11.5.

ORD 11.5 Wide Bay Water Corporation - Corporate Plan – 2011 to 2014

RESOLUTION (McNeven / Hovard)

That Council approve the Corporate Plan for Wide Bay Water Corporation for the period 2011 to 2014.

Carried Unanimously
Ord 16/775/09/11

Mr Scott retired from the Meeting.

ORD 11 OFFICERS' REPORTS

ORD 11.6 Striking the Balance between Exploring for Resources and Urban Living

RESOLUTION (McNeven / Nioa)

That:

(a) Council advise the Hon. S. Hinchliffe, MP, Minister for Employment, Skills and Mining that Council will not be seeking to opt towns in or out of the Restricted Area as the State Government (in consultation with community and local government) is best placed to determine the regulatory framework, conditions and applications for mining exploration within Queensland.

(b) Council requests the Minister to consider buffer zones around all urban centres and townships, such as Tiaro, Aldershot and Bauple, regardless of population when formulating the new legislation.

Carried Unanimously
Ord 16/776/09/11

ORD 11 OFFICERS' REPORTS

ORD 11.7 Draft Local Government Area Pest Management Plan 2010-2014

RESOLUTION (MucKan / McNeven)

That Council:

1. Approve the Pest Survey Program 2011-2012.

2. Approve the activities set out in the Annual Action Plan for Pest Plants and Animals 2011-2012.

Carried Unanimously
Ord 16/777/09/11

ORD 11 OFFICERS' REPORTS

ORD 11.8 Drainage Works in O'Regan Creek Road

RESOLUTION (MucKan / O'Connell)

That:

1. the upgrading of the culverts under O'Regan Creek Road be included on a future works program and prioritised along with other projects;

2. Council write to the relevant property owners on O'Regan Creek Road and advise that Council is prepared to provide a maximum of 99 cubic metres of sandy fill as a short term solution to reduce the impact of the rising water table and the corresponding health and amenity concerns. The fill is to be delivered and stockpiled in the front yard of the property and the property owner is responsible for placement and compaction.

Carried Unanimously
Ord 16/778/09/11

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 (Hovard / MucKan)

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

Carried Unanimously
Ord 16/779/09/11

ORD 13 QUESTIONS ON NOTICE

ORD 13.2 Response to Question on Notice – Weed Problems

RESOLUTION (Hawes / Hovard)

That the information be noted by Council.

Carried Unanimously
Ord 16/780/09/11

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

Nil

ORD 15 GENERAL BUSINESS

ORD 15.1 Toogoom Progress Association Meeting

Councillor Brooks said that she and Councillor Dalgleish had attended a Toogoom Progress Association Meeting. She said that a positive response had been received from the committee which had quite a list of operational and capital works items that they would like to see in Toogoom. Councillor Brooks said that she knew that Council staff would process the operational matters as promptly as possible, time and budget permitting, and that capital items such as a toilet for Fixter Park would be included in budget discussions and future recreational needs planning.

Councillor Brooks added that not that long ago she and Councillor Hawes had attended a meeting at Booral following which a list of operational matters had been lodged with staff and the attention and response to those matters had been very speedy. She said that the Booral community had been very appreciative of Council's attention to the issues.

Councillor Brooks said that the response being received from officers had been exceptional and she was sure it would continue and enable community concerns to be addressed. She said that she was also pleased that the communities were suggesting projects that could be done in partnership with Council. She referred specifically to the River Heads Reserve. Councillor Brooks said that it was a good sign for the future.

ORD 15 GENERAL BUSINESS

ORD 15.2 Local Employment Agencies

Councillor McNeven said that on behalf of the Mayor she had the pleasure of attending the graduation ceremony of some local people who were obtaining their Certificate 3 in Aged Care. She said that it was great to see people in the community proactively trying to make themselves more job ready. Councillor McNeven referred specifically to Epic Employment Agency. She said that she thought it would be a good idea to conduct a morning tea and invite the local employment agencies to learn about the work they were undertaking. Councillor McNeven said that some time ago the Federal Minister for Employment visited Hervey Bay and discussed ways of working with service providers to ensure the courses provided were appropriate for industries and jobs. She said that she thought it was important for Council to actively seek opportunities as to how it could help and work together with local providers.

ORD 15 GENERAL BUSINESS

ORD 15.3 Tidy Towns

Councillor Arthur referred to the recent visit by the Tidy Towns judge, saying she had been fortunate to accompany her for most of the visit. She said that unfortunately the weather had not been very good for the visit, but the judge had been very impressed. Councillor Arthur said that she would like to congratulate the staff who had given so much of themselves and had gone the extra mile during the judge's visit. She said that she was looking forward to the announcement of the regional winners, and hopefully we would go on to the State Awards in early October.

ORD 15 GENERAL BUSINESS

ORD 15.4 Maryborough Animal Refuge

Councillor Arthur said that recently she and Councillors Hawes, Nioa and Brooks, together with the Director Community and Development and the Executive Manager Regulatory Services, had attended the reopening of the Maryborough Animal Refuge on the last Saturday in August. She said that in the absence of the Mayor she had performed the Opening Ceremony. Councillor Arthur said that it was a $1.4 million project which had taken seven years to nurture, and finally there had been the reopening of a facility of which Friends of the Pound and the people from the Animal Refuge were very proud. She said that there were a lot of good feelings in the community as well as information on Facebook. Councillor Arthur commented on the number of staff who attended the reopening which had been held on a Saturday morning.

ORD 15 GENERAL BUSINESS

ORD 15.5 RDA Committee

Councillor Arthur referred to an advertisement which had been in the Courier Mail as well as the local paper calling for expressions of interest to the new RDA Committee for the next term of appointment for two to four years. She said that she had spoken to the Mayor this morning, and he was aware that she would raise this matter at today's meeting and he would accept a Council resolution for his expression of interest to go forward for consideration for appointment to the RDA Committee.

RESOLUTION (Arthur / Nioa)

That Council endorse an expression of interest for the Mayor for consideration to the RDA Committee.

Carried Unanimously
Ord 16/781/09/11

ORD 15 GENERAL BUSINESS

ORD 15.6 Waste Reform Update

Councillor Hawes said that last Tuesday she, Councillor Hovard and the Executive Manager Business Operations, Martyn Walton, had attended the Waste Reform update by Mr Paul Bell which had been held in Bundaberg. She said that it was exceedingly pleasing to note that Council was well prepared.

ORD 15 GENERAL BUSINESS

ORD 15.7 Glenwood Swap Meet

Councillor Hawes said that the Glenwood Swap Meet had recently been held and the event had been huge. She said that she wished to congratulate the executive at Glenwood for all of the hard work that had gone into the Swap Meet. Councillor Hawes said that Council had been thanked for its contribution, as well as Councillors who had attended as judges on the day. She said that on the day she and Councillor Harris had again been lobbied in relation to the SES shed on the property at the moment. Councillor Hawes said that she thought there had been an understanding under the former Tiaro Shire Council that at some point the shed would be built on a different property. She said that, as a question on notice, a report be brought to Council as to the history of the project and future intentions.

ORD 15 GENERAL BUSINESS

ORD 15.8 Waste Forum

Councillor Hovard said that further to the comments by Councillor Hawes regarding the Waste Forum, the introduction of the Industry Waste Levy was going to be another imposition on business and industry, and to date it had gone under the radar. She said that it was also another instance where local government would "wear the flak" because it would be paid at the waste facility. Councillor Hovard said that one thing that came out of the forum was that State Government would not promote the fact that it was imposing this levy, and would quite happily allow Local Government to "wear it". She said that there was a suggestion that the LGAQ as well as each local government should take it upon themselves to start getting the word out and educate the public that this was another levy by another level of government but being collected locally. Council would have to collect it and it was doubtful extra funds would be received by local government to assist.

ORD 15 GENERAL BUSINESS

ORD 15.9 White Balloon Day – Child Protection Week

Councillor Hovard said that today was White Balloon Day and this morning she had attended a breakfast, adding she had brought a white balloon to today's meeting to promote Child Protection Week. She said that a speaker at the breakfast had spoken of a new programme, Love's Bite. Councillor Hovard said that she would commend this programme which was training for people to work with teenagers.

ORD 15 GENERAL BUSINESS

ORD 15.10 Toy Library

Councillor Hovard said that the Toy Library had moved to new premises and an admirable job had been done. She said that she would recommend a visit to the Toy Library in Gympie Road, Tinana.

ORD 15 GENERAL BUSINESS

ORD 15.11 Glenwood Swap Meet

Councillor Harris said that she supported the comments made by Councillor Hawes, adding she would like to point out the Glenwood Swap Meet was on the same day as the opening of the Animal Refuge in Maryborough. She said that had prevented some Councillors from attending both of the activities. Councillor Harris commented on the issue of the SES shed saying there needed to be further investigation.

ORD 15 GENERAL BUSINESS

ORD 15.12 Fraser Coast Job Mart

Councillor O'Connell said that the annual Fraser Coast Job Mart had been held yesterday. He said that he would like to thank Council for its support, particularly the staff that attended and helped new staff members, Matthew and Nicole. Councillor O'Connell said that he wished to acknowledge the work undertaken by Kellie McElligott in relation to the Job Mart. He said that there had been a record number of exhibitors and a significant increase of candidates.

ORD 15 GENERAL BUSINESS

ORD 15.13 Flood Investigation

Councillor O'Connell asked if, following the recent visits by the flood investigators, there would be any report or update to Council.

The Chief Executive Officer advised that this was sent to Councillors for discussion at last Monday's meeting. Ms Desmond said that as he was absent on Monday she would ensure Councillor O'Connell received a copy.

ORD 15 GENERAL BUSINESS

ORD 15.14 HMS Ganges Association Queensland Div. Inc.

Councillor MucKan said that he wished to congratulate everybody who attended the dinner for the HMS Ganges Association Queensland Div. Inc. which he had attended on behalf of the Mayor. The Association, of ex Navy personnel, held biannual reunions and on this occasion chose Hervey Bay as the location. Councillor MucKan said that it had been a blessing to have them on the Fraser Coast. He added that people from all over the word attended and he had encouraged them to come back again. He said that the main committee met annually at another location in the world. Councillor MucKan said that the Association was in fact the largest single ship organisation in the world. He also expressed his gratitude to Council staff and the RSL for their contribution to this event.

ORD 15 GENERAL BUSINESS

ORD 15.15 Chamber of Commerce Breakfast

Councillor MucKan said that he attended the Chamber of Commerce breakfast which had been held in Maryborough. He said that he believed there had been a positive attitude across the floor in relation to what the Fraser Coast Regional Council was doing and would be undertaking across the region. Councillor MucKan said that a lot of people were not aware of the amount of work being done by Council.

ORD 15 GENERAL BUSINESS

ORD 15.16 River Heads Reserve

Councillor MucKan said that he, the Mayor and other Councillors attended the opening of the River Heads Reserve. He said that he wished to thank the Chief Executive Officer and Council staff for their assistance in relation to the reserve.

ORD 15 GENERAL BUSINESS

ORD 15.17 Glenwood Swap Meet

Councillor Dalgleish referred to the Glenwood Swap Meeting saying he believed it had been a record crowd. He said that he hoped this would be taken into account next year when Council assistance is sought, because for such a small community the effort put into this huge event was tremendous. Councillor Dalgleish said that there had been many different activities held over the weekend and it was a pleasure to be a part of the process. He said that he and Councillor MucKan had been judges for the Bike and Hotrod Show and the exhibits were first class and entrants were travelling big distances to take part because it was recognised all over the state as well as interstate. Councillor Dalgleish congratulated the members of the community who took part in originally establishing this event. He said that it had grown to the success it was today and he hoped that Council recognised that fact.

ORD 15 GENERAL BUSINESS

ORD 15.18 Toogoom Meeting

Councillor Dalgleish also referred to the Toogoom Meeting, saying it was apparent that it was time Council looked at updating its recreational plan for the Toogoom area. He said that a plan had been carried out many years ago, but the area had changed and certainly in a way that was not reflected very well in that plan. Councillor Dalgleish said that comments from that community group were very positive, they were more than supportive of Council's efforts and were very happy with past results. He said that there had been a lot of positive feedback in relation to Mr Sweeney's department and the works being carried out. Councillor Dalgleish said that there had been some minor drainage issues raised, a suggestion for a solution to the boat ramp area and the issue of a toilet block for Fixter Park.

ORD 15 GENERAL BUSINESS

ORD 15.19 Vacation - Director Infrastructure & Environment

Councillor Dalgleish said that he would like to wish the Director Infrastructure & Environment, Mr Wayne Sweeney, all the best for the well planned vacation he will be having over the next four weeks.

ORD 15 GENERAL BUSINESS

ORD 15.20 Proposed Regional Industry

Councillor Dalgleish said that he had recently been absent on a seven day vacation, four days of which he spent talking about Council. He said there would be a delegation coming from overseas regarding the proposed establishment of a major industry in the region. Councillor Dalgleish said there were also two other groups, from the tourism area, who were now going to undertake negotiations with Council regarding establishing some tourist networks here with clients from their country. He said that there was some good news on the horizon, and in general the word on the street had been very positive toward Council.

ORD 15 GENERAL BUSINESS

ORD 15.21 Inclusive Communities Advisory Team

Councillor Arthur said that recently members of the Council's Inclusive Communities Advisory Team went on an inspection to Tiaro with regard non-compliant pram ramps at the post office, but more importantly disabled access to the hall. She said that this would be worked through so that when public meetings were held at Tiaro people with a disability would have access from the carpark into the hall via a ramp.

Councillor Dalgleish advised that a set of plans were currently being drawn up for the ramp, and the Inclusive Communities Advisory Team would be consulted.

11.50am **RESOLUTION** (McNeven)

That the meeting adjourn for a short break.

Carried Unanimously
Ord 16/782/09/11

12.06pm The meeting reconvened.

CONFLICTS OF INTEREST

Councillor O'Connell declared a perceived Conflict of Interest in Item ORD 16.4 because Michael Monsour was his family doctor.

RESOLUTION (Hovard / MucKan)

That Councillor O'Connell did not have a conflict of interest in Item ORD 16.4.

Carried Unanimously
Ord 16/783/09/11

Councillors O'Connell, McNeven, Dalgleish, Nioa and MucKan declared perceived Conflicts of Interest in Item ORD 16.5 because they had each received an electoral donation from one of the tenderers.

Councillors O'Connell, McNeven, Dalgleish, Nioa and MucKan were not required to retire from the Chamber for discussion or voting on Item ORD 16.5 because under s173(6) of the *Local Government Act 2009*, sections (4) and (5) do not apply if a majority of the Councillors at a Meeting inform the Meeting of a conflict which would result in a quorum of Councillors not present.

ORD 16 CONFIDENTIAL

RESOLUTION (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:

ORD 16.1 – **Commercial Foreshore Leases** - 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)

ORD 16.2 – **Proposed Telecommunications Lease** - 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)

ORD 16.3 – **Capital Carryforward Budget Revisions 2010/11** - Section 72(1)(c) (the local government's budget)

ORD 16.4 – **CORP 2-11/12 – Leases – Tiaro Medical Centre** - Section 72(1)(e) (contracts proposed to be made by Council)

ORD 16.5 – **CORP 18-10/11 – Building Construction Services Maryborough Aquatic Centre Tender** - Section 72(1)(e) (contracts proposed to be made by Council)

Carried Unanimously
Ord 16/784/09/11

RESUMPTION OF ORDINARY COUNCIL MEETING

RESOLUTION (MucKan)

That the Meeting resume in open Council.

Carried Unanimously
Ord 16/785/09/11

ORD 16 CONFIDENTIAL

ORD 16.1 Commercial Foreshore Leases

RESOLUTION (O'Connell / MucKan)

That the Chief Executive Officer be delegated authority to implement the necessary processes as detailed in the confidential report (DOCS #2061075).

Carried Unanimously
Ord 16/786/09/11

ORD 16 CONFIDENTIAL

ORD 16.2 Proposed Telecommunications Lease

RESOLUTION (Arthur / MucKan)

That Council delegates authority to the Chief Executive Officer to negotiate a Trustee Lease over part of the land at the Maryborough Showgrounds and Equestrian Park, with Optus Pty Ltd, as outlined in the confidential report (DOCS #2069107).

Carried Unanimously
Ord 16/787/09/11

ORD 16 CONFIDENTIAL

ORD 16.3 Capital Carryforward Budget Revisions 2010/11

RESOLUTION (Hovard / MucKan)

That:

1. Council approve the Capital Carryforward Projects (as listed) for inclusion in the 2010/11 Budget and the Budget revisions contained within this report; and

2. the Capital Carryforward Projects report be made available to the public.

Carried Unanimously
Ord 16/788/09/11

ORD 16 CONFIDENTIAL

ORD 16.4 CORP 2-11/12 Lease – Tiaro Medical Centre

RESOLUTION (Nioa / MucKan)

That Council:-

1. does not accept the tender received from Michael Monsour for the establishment of a Medical Centre in Mayne Street, Tiaro,

2. delegates authority to the Chief Executive Officer to negotiate a lease over the premises with Michael Monsour on a commercial basis, and

3. delegates authority to the Chief Executive Officer to negotiate a lease over the premises on a commercial basis with appropriate medical providers should negotiations with Michael Monsour not reach agreement.

Carried Unanimously
Ord 16/789/09/11

ORD 16 CONFIDENTIAL

ORD 16.5 CORP 18-10/11 – Building Construction Services, Maryborough Aquatic Centre Redevelopment Project

RESOLUTION (O'Connell / MucKan)

That Council accept the tender of Win Constructions Queensland, in the sum of $5,379,087 (excluding GST) for CORP 18 11/12 Building Construction Services, Maryborough Aquatic Centre Redevelopment Project, John Street, Maryborough.

Carried Unanimously
Ord 16/790/09/11

Councillors O'Connell, McNeven, Dalgleish, Nioa and MucKan voted for the resolution.

There being no further business, the Meeting closed at 12.58pm.

Confirmed at Ordinary Meeting No. 17 of the Fraser Coast Regional Council held at Maryborough on 21 September, 2011.

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DEPUTY MAYOR