



# Minutes of the Ordinary Meeting held on 11 February 2015



## Council's Guiding Principles:

- To act in the best interests of the whole community
- To manage the Shire's finances prudently and effectively
- To provide for the community quality services on a day to day basis
- To initiate sustainable capital works programs to enhance the local economy
- To provide excellent customer service for both citizens and visitors
- To support Council's workforce with appropriate training and safe working practices
- To act in the best interests of the natural environment at all times



Whitsunday Regional Council  
**Minutes of the Ordinary Meeting** held at  
**Proserpine Council Chambers, 83-85 Main Street, Proserpine** on  
**11 February 2015** commencing at **9:00am**

**Councillors Present:**

J Whitney; J Clifford; J Atkinson; J Collins; D Clark and A Willcox

**Council Officers Present:**

S Waters (Chief Executive Officer); M McGoldrick (Chief Financial Officer); G Jarvis (Director Corporate Services); D Staley (Director Planning and Community); A McGregor (Executive Manager Water & Sewerage); H Van Der Schyff (Executive Manager Roads & Drainage); K Adams (Communications Manager) and B Davis (Administration Officer)

**Other Details:**

The meeting commenced at 9.00am

The meeting adjourned for staff certificate presentations, Jetstar Proserpine to Melbourne flights announcement and morning tea at 10.18am

The meeting reconvened after morning tea at 11.17am

The meeting closed at 12.26pm

Whitsunday Regional Council  
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 on 11 February 2015 commencing at 9:00am

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1. Apologies
- 1.1 2015/02/11.01 APOLOGY

Moved by: A WILLCOX  
Seconded by: D CLARK

That the apology from Cr Ramage be received by Council.

**MEETING DETAILS:**

The motion was Carried 6/0

**CARRIED**

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2. Condolences
- 2.1 2015/02/11.02 CONDOLENCES

Moved by: J CLIFFORD  
Seconded by: J COLLINS

That Council observe one (1) minutes silence for the recently deceased.

**MEETING DETAILS:**

The motion was Carried 6/0

**CARRIED**

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- 3.1 Mayoral Minute
- 3.1.1 2015/02/11.03 PROSERPINE JUNIOR SPORTS COMPLEX & WHITSUNDAY SPORTS COMPLEX

Moved by: J WHITNEY  
Seconded by: J CLIFFORD

That Council continue to provide Proserpine Junior Sports Complex and Whitsunday Sports Complex funding as per previous allocations.

Furthermore, that Council discuss the implementations of a regional leasing regime and grants policy at the next briefing session.

**MEETING DETAILS:**

The motion was Carried 6/0

**CARRIED**

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### 3.2 Mayoral Update

- |                         |                                                                                                                                                                                                                                                                                                                                                                                          |
|-------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Wednesday<br>28.01.2015 | <ul style="list-style-type: none"><li>• All Councillors &amp; Executive Council Staff attended the Council Meeting</li><li>• Mayor &amp; Cr Clifford attended the Chinese New Year Sponsor Media Event</li><li>• Cr Clifford attended the CAEAI Celebration Dinner</li></ul>                                                                                                             |
| Thursday<br>29.01.2015  | <ul style="list-style-type: none"><li>• Mayor &amp; CEO attended a dinner with the Chinese</li></ul>                                                                                                                                                                                                                                                                                     |
| Friday<br>30.01.2015    | <ul style="list-style-type: none"><li>• Mayor attended a meeting with a representative from the Proserpine Police</li><li>• Mayor attended a meeting with a ratepayer</li><li>• Mayor &amp; Cr Atkinson attended a Fleet meeting</li></ul>                                                                                                                                               |
| Sunday<br>01.02.2015    | <ul style="list-style-type: none"><li>• Mayor, Cr Clifford, Cr Atkinson, Cr Collins, Cr Clark &amp; Cr Willcox attended the Q150 Steam Train Event</li></ul>                                                                                                                                                                                                                             |
| Monday<br>02.02.2015    | <ul style="list-style-type: none"><li>• Mayor attended a meeting with a ratepayer</li><li>• Mayor attended a meeting with a representative from Enigma Media Group</li><li>• Mayor attended a meeting with a ratepayer</li><li>• Mayor attended a meeting with a ratepayer</li><li>• Mayor, Cr Clifford, Cr Atkinson, CEO &amp; CFO attended a meeting regarding VMR Boat Ramp</li></ul> |
| Tuesday<br>03.02.2015   | <ul style="list-style-type: none"><li>• All Councillors &amp; CEO attended an Airport Strategic Director Workshop</li><li>• Mayor, CEO, Director of Planning &amp; Community &amp; the HR Manager attended a PRD Luncheon to discuss key staff retention ideas and launch of Whitsunday Development Map</li></ul>                                                                        |
| Wednesday<br>04.02.2015 | <ul style="list-style-type: none"><li>• All Councillors attended the Corporate &amp; Engineering Briefing Session</li></ul>                                                                                                                                                                                                                                                              |
| Thursday<br>05.02.2015  | <ul style="list-style-type: none"><li>• Mayor attended the Community Advisory Committee meeting</li><li>• Mayor attended the Asset Management Steering Committee Meeting</li><li>• Mayor attended a meeting with the Cannon Valley Rural Fire Brigade</li></ul>                                                                                                                          |
| Friday<br>06.02.2015    | <ul style="list-style-type: none"><li>• Mayor &amp; CEO attended a meeting with the new CEO of Regional Development Australia Mackay Whitsunday Inc.</li><li>• Mayor &amp; CEO attended a meeting with new Chinese Investors</li></ul>                                                                                                                                                   |
| Saturday<br>07.02.2015  | <ul style="list-style-type: none"><li>• Mayor, Cr Clifford, Cr Clark &amp; Cr Willcox attended the Bowen Library Saturday 'Grand Opening'</li></ul>                                                                                                                                                                                                                                      |

Monday  
09.02.2015

- Cr Atkinson on behalf of the Mayor attended the Proserpine State High School Annual Induction Ceremony

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**4. Confirmation of Minutes**

**4.1 2015/02/11.04 CONFIRMATION OF MINUTES**

**Moved by: J COLLINS**

**Seconded by: A WILLCOX**

**That the Minutes of the Ordinary Meeting held on 28 January 2015 be confirmed.**

**MEETING DETAILS:**

The motion was Carried 6/0

**CARRIED**

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**6. Petitions**

**6.1 2015/02/11.05 PETITION - NO STANDING SIGNS AT CORAL ESPLANADE, CANNONVALE**

**Moved by: J CLIFFORD**

**Seconded by: J COLLINS**

**That the petition submitted by Ms Heather Marshall regarding the removal of the no standing signs installed at the cul-de-sac Coral Esplanade be received.**

**MEETING DETAILS:**

The motion was Carried 6/0

**CARRIED**

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## 9. Questions from Public Gallery

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### PUBLIC QUESTION TIME

At this time in the meeting the opportunity is provided to members of the gallery to ask questions of the Council or to make statements about the Council and its operations. Under Council's Standing Orders the following applies in relation to this public question time:

1. In every Council Meeting time shall be set aside to permit members of the public to address the Council on matters of public interest related to local government. Questions from the Public Gallery will be taken on notice and may or may not be responded to at the Meeting and must be submitted in writing to Council prior to the Council Meeting in accordance with Council's Policy for Standing Orders – Meetings. The time allocated shall not exceed fifteen (15) minutes and no more than three (3) speakers shall be permitted to speak at any one (1) meeting. The right of any individual to address the Council during this period shall be at absolute discretion of the Council.
2. If any address or comment is irrelevant, offensive, or unduly long, the Chairperson may require the person to cease making the submission or comment.
3. Any person addressing the Council shall stand, state their name and address, act and speak with decorum and frame any remarks in respectful and courteous language.

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**Name:** Andrew Marshall  
2 Coral Esplanade  
CANNONVALE QLD 4800

**Subject:** Petition lodged against no stopping signs in Coral Esplanade cul-de-sac

#### Background

Coral Esplanade West in Cannonvale was narrowed by Council in 2012 so that parking is no longer possible outside 9 dwellings. In late 2014, no stopping signs were erected twice and taken down twice in the cul-de-sac. In 2015 the signs have been re-erected a third time and on-street parking is no longer allowed outside a further 3 dwellings. This is a 40kmh no through road with low usage.

Turning in the cul-de-sac has never been a problem in the 100 year history of the street.

Parking in cul-de-sac is legal in Queensland. The S sign means 'no stopping' and not 'no standing'. Therefore delivery vehicles, tradesmen and visitors, including the elderly and disabled, cannot alight or disembark from a vehicle for a distance of 200 meters up this steep hill that does not have a sidewalk. There is very limited parking available more than 200 metres from the cul-de-sac.

The signs have resulted from complaints that have been made to the Council originating from two people.

One has withdrawn his complaint, which was to do with parking by his neighbour, but the other has enlisted the help of friends in which seems like a vendetta against others in the street. The signs were removed twice as a result of protests by affected residents.

The whole process has been 'handled incorrectly', as stated by Cr Jan Clifford. The Councillor for the division, Cr John Atkinson, has not responded to correspondence from one of the petitioners complaining about how the matter has been handled.

**Question components in relation to above**

Has the Council reviewed all of the correspondence, because several letters are not on the agenda?

Has the Council established beyond any doubt the integrity of the complaints?

How does the Council propose to facilitate access by visitors to the 12 dwellings affected by the actions of this and the previous Council?

Is the Council aware that residents may have a cause of action for compensation under common law?

Will the Council set up a proper investigation before making any decision?

**Response:** *Mr Marshall was thanked and advised Council will respond to his question at the next Council meeting and that it was also being addressed in this Council Meeting.*

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**Name:** Whitsunday Regional Residents Association Inc  
PO Box 799  
BOWEN QLD 4805

**Subject:** Water Access Charges – Commercial Properties

Preamble:

Council will be aware of the current status of small business operators in Bowen. In excess of forty small businesses have shut their doors and many more are struggling under the economic circumstances that currently exist within the Region as a whole.

General:

Whilst it is acknowledged that the situation is unlikely to change in the foreseeable future and given the operating constraints that currently exist within Council, it is recognised that there are limitations as to what Council can currently implement to provide some respite to small business.

Given the disparity that exists between the cost of water as provided by Sun Water and the income generated by the Council from the sale of water through rates, we would ask Council to consider some short term respite to small business through reassessing the access charges for water to small business for a period of say 18 months. This would result in some way in assisting small business with their current operating costs.

We believe there are considerable anomalies that exist which clearly demonstrate that such decision by Council would be viable.

There are many small business operators within our Region whose commercial water access charge is far in excess of their domestic consumption. Examples exist of small businesses with one or two employees a single or perhaps two cisterns and the capacity to make a cup of tea. Many shops are vacant and not generating income to set off against water charges. In one instance the recent water bill on an unoccupied shop was \$1,300. On another small business (two staff) the cost of water for minimal consumption equated to \$3.00 per litre. Another one person business in Herbert Street \$1,200 to make a cup of tea and one toilet with yet another like business \$1,100 against this residential cost of \$368

Matter of Consideration:

That Council tables this matter for consideration with Executive Officers to present a review at the following Council Meeting with a view to developing a strategy to provide some rate relief to the small business operators in the Region. Without them, we do not have viable communities.

**Response:** *Mr Newell was thanked and advised Council will respond to his question at the next Council meeting*

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**10. Office of the Mayor and CEO**

**10.1 2015/02/11.06 ADVISORY - PROPOSED WHITSUNDAY AIR RACING & AIR SHOW**

**Moved by: J CLIFFORD**

**Seconded by: J COLLINS**

**That Council note the interest in F1 Aviation Pty Ltd conducting a proposed Whitsunday Air Racing and Air Show scheduled for September, 2015.**

**MEETING DETAILS:**

The motion was Carried 6/0

**CARRIED**

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**10. Office of the Mayor and CEO**

**10.2 2015/02/11.07 DONATION OF MAJOR EVENT FEE - OBSTACLES GONE MAD! WHITSUNDAYS**

**Moved by: J CLIFFORD**

**Seconded by: J COLLINS**

**That Council donate the major event application fee of \$874.00 for the Obstacles Gone Mad! Whitsundays event scheduled for the 30 May, 2015.**

**Furthermore, that Council provide additional in-kind support by authorising the Chief Executive Officer to direct staff to assess the site after the event and conduct rubbish cleaning where necessary.**

**MEETING DETAILS:**

The motion was Carried 6/0

**CARRIED**

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**10. Office of the Mayor and CEO**

**10.3 2015/02/11.08 UPDATE - SPONSORSHIP REQUEST - PROSERPINE RUGBY LEAGUE FOOTBALL CLUB INC**

**Moved by: D CLARK**

**Seconded by: J COLLINS**

**That Council receives the update provided by Proserpine Rugby League Football Club Inc advising there has been a delay in hosting the Queensland Cup match and coaching clinic at Les Stagg Oval, Proserpine.**

**Furthermore, that the sponsorship value of \$5,000.00 be expensed to the 2015/2016 financial year.**

**MEETING DETAILS:**

The motion was Carried 6/0

**CARRIED**

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**10. Office of the Mayor and CEO**

**10.4 2015/02/11.09 DELEGATIONS - ENVIRONMENTAL PROTECTION ACT 1994**

**Moved by: J CLIFFORD**

**Seconded by: J ATKINSON**

**That under Section 257 of the Local Government Act 2009, Council resolves to delegate the exercise of the powers contained in Schedule 1 of the Instrument of Delegation, to the Chief Executive Officer. These powers must be exercised subject to any limitations contained in Schedule 2 of the attached Instrument of Delegation.**

**INSTRUMENT OF DELEGATION**

**Whitsunday Regional Council**

***Environmental Protection Act 1994***

Under section 518(1)(b) of the *Environmental Protection Act 1994*, **Whitsunday Regional Council** resolves to delegate the exercise of the powers contained in Schedule 1 to the Chief Executive Officer.

These powers must be exercised subject to the limitations contained in Schedule 2.

All prior resolutions delegating the same powers to the Chief Executive Officer are repealed.

## Schedule 1

### *Environmental Protection Act 1994 ("ENPA")*

## CHAPTER 5 – ENVIRONMENTAL AUTHORITIES FOR ENVIRONMENTALLY RELEVANT ACTIVITIES

### Part 2 - Application Stage

#### Division 4 – Notices about not properly made applications

Entity power given to	Section of ENPA	Description
Administering Authority	128(2)	In certain circumstances, the power to give the applicant a notice.
Administering Authority	129(2)	In certain circumstances, the power to agree to a further period with the applicant.

#### Division 5 – Joint applicants

Entity power given to	Section of ENPA	Description
Administering Authority	130(3)	In certain circumstances, the power to: <ul style="list-style-type: none"> <li>(a) give a notice or other document relating to the application to all the applicants, by giving it to the principal applicant nominated in the application; or</li> <li>(b) make a requirement under this chapter relating to the application of all the applicants, by making it of the principal applicant nominated in the application.</li> </ul>

#### Division 6 – Changing applications

##### *Subdivision 1 – Preliminary*

Entity power given to	Section of ENPA	Description
Administering Authority	131(d)	In certain circumstances, power to be satisfied that a change would not adversely affect the ability of the authority to assess the changed application.

##### *Subdivision 3 – Changed applications – effect on assessment process*

Entity power given to	Section of ENPA	Description
Administering Authority	133(1)(b)	Power to agree in writing to the change.
Administering Authority	134(4)	In certain circumstances, the power to be satisfied that the change would not be likely to attract a submission objecting to the thing the subject of the change, if the notification stage were to apply to the change.

### Part 3 - Information Stage

#### Division 2 – Information requests

Entity power given to	Section of ENPA	Description
Administering Authority	140(1)	Power to ask the applicant, by written request (an <i>information request</i> ), to give further information needed to assess the application.
Administering Authority	143(2)	In certain circumstances, the power to include in an information request a requirement that the applicant provide an EIS for the application.
Administering Authority	145(1)	Power to, by written notice given to the applicant and without the applicant's agreement, extend the information request period by not more than 10 business days.
Administering Authority	145(3)	Power to request a further extension of the information request period.
Administering Authority	147(3)	Power to, within 5 business days after receiving the request: (a) decide whether to agree to the extension; and (b) give an information notice of the decision.

### Part 4 - Notification Stage

#### Division 1 – Preliminary

Entity power given to	Section of ENPA	Description
Administering Authority	150(1)(d)	In certain circumstances, the power to be satisfied that the change would not be likely to attract a submission objecting to the thing the subject of the change, if the notification stage were to apply to the change.

#### Division 2 – Public notice

Entity power given to	Section of ENPA	Description
Administering Authority	152(3)	Power to: (a) give the applicant an information notice about the decision before the application notice is given; and (b) decide an additional or substituted way to give or publish the application notice.
Administering Authority	159(2)	In certain circumstances, power to decide whether to allow the application to proceed under this part as if the noncompliance had not happened.
Administering Authority	159(3)	In certain circumstances, power to be satisfied that there has been substantial compliance with the public notice requirements.
Administering Authority	159(4)	In certain circumstances, power to within 10 business days after the decision is made, give the applicant written notice of the decision.
Administering Authority	159(5)(b)(i)	In certain circumstances, power to: (a) fix a substituted way to give or publish the application notice; and (b) give the applicant written notice of the substituted way.
Administering Authority	159(5)(b)(ii)	In certain circumstances, power to: (a) fix a new submission period for the application; and (b) give the applicant written notice of the period.

Administering Authority	159(5)(b)(iii)	In certain circumstances, power to give the applicant an information notice about the decision.
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### **Division 3 – Submissions about applications**

<b>Entity power given to</b>	<b>Section of ENPA</b>	<b>Description</b>
An Entity	160	Power to, within the submission period, make a submission to the administering authority about the application.
Administering Authority	161(3)	Power to accept a written submission even if it is not a properly made submission.
An Entity	162(1)	In certain circumstances, power to, by written notice, amend or replace a submission.

## **Part 5 - Decision Stage**

### **Division 2 – Deciding an application**

#### ***Subdivision 1 – Decision period***

<b>Entity power given to</b>	<b>Section of ENPA</b>	<b>Description</b>
Administering Authority	168(2)	In certain circumstances, the power to, by written notice given to the applicant and without the applicant's agreement, extend the period mentioned in subsection 168(1) by not more than 20 business days.
Administering Authority	168(4)	Power to request a further extension of the decision period.

#### ***Subdivision 2 – Decision***

<b>Entity power given to</b>	<b>Section of ENPA</b>	<b>Description</b>
Administering Authority	170(2)(a)	In certain circumstances, the power to decide that that the application be approved subject to the standard conditions for the relevant activity or authority.
Administering Authority	170(2)(b)	In certain circumstances, the power to decide that the applicant be issued an environmental authority on conditions that are different to the standard conditions for the activity or authority.
Administering Authority	171(2)(a)	In certain circumstances, the power to decide that the application be approved subject to conditions that are different to the standard conditions for the activity or authority.
Administering Authority	171(2)(b)	In certain circumstances, the power to decide that the applicant be issued an environmental authority subject to the standard conditions for the activity or authority.
Administering Authority	172(2)	In certain circumstances, the power to decide that the application: (a) be approved subject to conditions; or (b) be refused.
Administering Authority	173(1)	Power to refuse an application if the applicant is not a registered suitable operator.
Administering Authority	173(3)	Power to refuse an application for an environmental authority.

#### Division 4 – Steps after deciding application

Entity power given to	Section of ENPA	Description
Administering Authority	195	In certain circumstances, power to issue an environmental authority to the applicant.
Administering Authority	198(2)	In certain circumstances, power to give the application an information notice about the decision.
Administering Authority	198(4)	In certain circumstances, power to give any submitter for the application an information notice about the decision.

#### Division 6 – Conditions

Entity power given to	Section of ENPA	Description
Administering Authority	203(1)	Power to impose a condition on an environmental authority or draft environmental authority if: (a) it considers the condition is necessary or desirable; and (b) if the authority is for an application to which section 115 applies - the condition relates to the carrying out of the relevant prescribed ERA.
Administering Authority	203(2)	In certain circumstances, power to impose a condition on an environmental authority or draft environmental authority.
Administering Authority	204(2)	In certain circumstances, power to impose on the authority a condition requiring the holder of the authority to take all reasonable steps to ensure the relevant activity complies with the eligibility criteria for the activity.
Administering Authority	209(4)	Power to enter into an agreement to establish obligations, or secure the performance, of a party to the agreement about a condition.

### Part 6 - Amending Environmental Authorities by Administering Authority

#### Division 1 – Amendments

Entity power given to	Section of ENPA	Description
Administering Authority	211	In certain circumstances, power to amend an environmental authority to correct a clerical or formal error.
Administering Authority	212(2)	Power to amend the environmental authority to ensure compliance with conditions included in a determination made by the NNTT under the Commonwealth Native Title Act, section 38(1)(c).
Administering Authority	212(3)	Power to give written notice of the amendment to the environmental authority holder.
Administering authority	212A(2)	Power to amend the environmental authority to ensure it is consistent with the regional interests development approval.
Administering authority	212A(3)	Power to given written notice the amendment to the environmental authority holder.
Administering Authority	213(2)	In certain circumstances, power to amend the existing authority to replace the existing standard conditions with the new standard conditions.
Administering Authority	213(3)	In certain circumstances, power to give written notice of the amendment to the environmental authority holder.
Administering Authority	214(2)	In certain circumstances, power to amend the environmental authority.



Administering Authority	214(3)	In certain circumstances, power to give: (a) an information notice about the amendment to the holder of the environmental authority; and (b) written notice of the amendment to the assessment manager for the development application.
Administering Authority	215(1)	In certain circumstances, power to amend an environmental authority.
Administering Authority	215(1)(a)	Power to consider the amendment is necessary or desirable because of a matter mentioned in subsection (2) and the procedure under division 2 is followed.

### Division 2 – Procedure for particular amendments

Entity power given to	Section of ENPA	Description
Administering Authority	216	Power to propose to amend an environmental authority
Administering Authority	217	Power to give the environmental authority holder a written notice (the <b><i>proposed amendment notice</i></b> ).
Administering Authority	218	Power to consider any written representation made within the period stated in the proposed amendment notice by the holder of the environmental authority.
Administering Authority	219(1)	In certain circumstances, power to believe a ground exists to make the proposed amendment, and to make the amendment.
Administering Authority	219(3)	Power to give the holder written notice of the decision.
Administering Authority	220	Power to give the environmental authority holder an information notice about the decision.

### Division 3 – Steps for amendments

Entity power given to	Section of ENPA	Description
Administering Authority	221(2)(b)	In certain circumstances, power to issue the amended environmental authority to the holder.

## Part 7 - Amendment of Environmental Authorities by Application

### Division 2A – Provision for particular amendment applications

Entity power given to	Section of ENPA	Description
Administering Authority	227A(2)	Power to refuse application within 10 business days after receiving the amendment application.
Administering Authority	227A(3)	Power to require the holder of the environmental authority to make a site-specific application for a new environmental authority.
Administering Authority	227A(5)	Power to give written notice of any refusal.

### Division 3 – Assessment level decisions

Entity power given to	Section of ENPA	Description
Administering Authority	228	Power to decide whether the proposed amendment is a major or minor amendment.
Administering Authority	229	Power to give the applicant a written notice.
Administering Authority	230(2)	In certain circumstances, power to be satisfied that: <ul style="list-style-type: none"> <li>(a) there is likely to be a substantial increase in the risk of environmental harm under the amended environmental authority; and</li> <li>(b) the risk is the result of a substantial change in:               <ul style="list-style-type: none"> <li>(i) the quantity or quality of contaminant permitted to be released into the environment; or</li> <li>(ii) the results of the release of a quantity or quality of contaminant permitted to be released into the environment.</li> </ul> </li> </ul>

### Division 4 – Process if proposed amendment is a major amendment

Entity power given to	Section of ENPA	Description
Administering Authority	233(3)	In certain circumstances, power to: <ul style="list-style-type: none"> <li>(a) decide another way of publishing the notice for subsection (2)(b)(ii); and</li> <li>(b) give the applicant an information notice about the decision before the notice is published.</li> </ul>
Administering Authority	237(1)(b)	Power to agree in writing to the change.
Administering Authority	238(3)(a)	In certain circumstances, power to within 10 business days after notice of the change is received, ask the applicant to give further information needed to assess the application
Administering Authority	238(7)	In certain circumstances, power to be satisfied the change would not be likely to attract a submission objecting to the thing the subject of the change, if the notification stage were to apply to the change.

### Division 5 – Process if proposed amendment is minor amendment

Entity power given to	Section of ENPA	Description
Administering Authority	240(1)	Power to decide either to approve or refuse the application: <ul style="list-style-type: none"> <li>(a) for a condition conversion – within 10 business days after the application is received (for a condition conversion); or</li> <li>(b) otherwise, within 10 business days after notice of the assessment level decision is given to the applicant.</li> </ul>
Administering Authority	240(2)	Power to be satisfied the proposed amendment is necessary or desirable.
Administering Authority	240(3)	In certain circumstances, power to make any other amendments to the conditions of the environmental authority it considers: <ul style="list-style-type: none"> <li>(a) relate to the subject matter of the proposed amendment; and</li> <li>(b) are necessary or desirable.</li> </ul>

### Division 6 – Steps after deciding amendment application

Entity power given to	Section of ENPA	Description
Administering Authority	242(1)(b)	In certain circumstances, power to issue the amended environmental authority to the applicant.
Administering Authority	242(3)	Power to within 5 business days after the decision is made, give the applicant an information notice about the decision.

## Part 8 - Amalgamating Environmental Authorities

### Division 2 – Deciding amalgamation application

Entity power given to	Section of ENPA	Description
Administering Authority	247(1)	Power to, within 20 business days after the day the amalgamation application is received, decide to: (a) approve the application; or (b) if the application is for an amalgamated local government authority or amalgamated project authority—refuse the application.
Administering Authority	247(2)(c)	Power to be satisfied there is an appropriate degree of integration between the activities.
Administering Authority	247(3)	Power to be satisfied the relevant activities for the existing environmental authorities are being carried out as a single integrated operation.

### Division 3 – Miscellaneous provisions

Entity power given to	Section of ENPA	Description
Administering Authority	248(b)	In certain circumstances, power to issue to the applicant: (a) if the application is for an amalgamated corporate authority – an amalgamated corporate authority; or (b) if the application is for an amalgamated local government authority – an amalgamated local government authority; or (c) if the application is for an amalgamated project authority – an amalgamated project authority.
Administering Authority	249	Power to, within 10 business days after refusing an amalgamation application, give the applicant an information notice about the decision.

### Division 4 – De-amalgamating environmental authorities

Entity power given to	Section of ENPA	Description
Administering Authority	250C(a)	Power to de-amalgamate the relevant authority within 15 business days after receiving a de-amalgamation application that complies with section 250B.

## Part 9 - Transferring Environmental Authorities for Prescribed ERAs

Entity power given to	Section of ENPA	Description
Administering Authority	254(1)	Power to consider each transfer application and decide to: (a) approve the transfer; or

		(b) refuse the transfer.
Administering Authority	255(1)(b)	In certain circumstances, power to issue the amended environmental authority (the <b>transferred environmental authority</b> ) to each holder.
Administering Authority	255(2)	In certain circumstances, power to, within 10 business days after the decision is made, give the existing holder and the proposed holder written notice of the decision.

## Part 10 - Surrender of Environmental Authorities

### Division 1 – Preliminary

Entity power given to	Section of ENPA	Description
Administering Authority	258(2)	In certain circumstances, power to by written notice (a <b>surrender notice</b> ), require the holder of the environmental authority to make a surrender application.
Administering Authority	261(2)	In certain circumstances, power to approve a surrender application for part of the environmental authority.

### Division 3 – Final rehabilitation reports

Entity power given to	Section of ENPA	Description
Administering Authority	264(2)(a)	Power to agree to a methodology.

### Division 4 – Requests for Information

Entity power given to	Section of ENPA	Description
Administering Authority	265	Power to ask the applicant, by written request, to give further information needed to assess the surrender application.

### Division 5 – Deciding surrender applications

Entity power given to	Section of ENPA	Description
Administering Authority	266(1)	Power to decide to: (a) approve the surrender application; or (b) refuse the surrender application.
Administering Authority	269(a)	Power to be satisfied the conditions of the environmental authority have been complied with.
Administering Authority	269(b)(i)	Power to be satisfied the land on which each relevant activity for the environmental authority has been carried out has been satisfactorily rehabilitated.
Administering Authority	269(b)(ii)	Power to be satisfied the land will be satisfactorily rehabilitated under a transitional environmental program.
Administering Authority	269(c)	Power to be satisfied of another circumstance prescribed by regulation.

### Division 8 – Miscellaneous provisions

Entity power given to	Section of ENPA	Description
Administering Authority	275(a)(ii)	In certain circumstances, power to give the applicant written notice of the decision.
Administering Authority	275(b)	In certain circumstances, power to give the applicant an information notice about the decision.

## Part 11 - Cancellation or Suspension of Environmental Authorities

### Division 1 – Preliminary

Entity power given to	Section of ENPA	Description
Administering Authority	278(1)	In certain circumstances, power to cancel or suspend an environmental authority .

### Division 2 – Procedure for cancellation or suspension by administering authority

Entity power given to	Section of ENPA	Description
Administering Authority	280(1)	Power to give the environmental authority holder a written notice.
Administering Authority	281	Power to consider any written representation made within the stated period by the environmental authority holder.
Administering Authority	282(1)	In certain circumstances, power to believe a ground exists to take the proposed action.
Administering Authority	282(1)(a)	In certain circumstances, power to suspend the environmental authority for no longer than the proposed suspension period.
Administering Authority	282(1)(b)	In certain circumstances, power to either cancel the environmental authority or suspend it for a fixed period.
Administering Authority	282(3)	Power to decide not to take the proposed action and, if so, give the environmental authority holder written notice of the decision.
Administering Authority	283(1)	Power to give the environmental authority holder an information notice about the decision.
Administering Authority	283(2)	In certain circumstances, power to give written notice of the decision to the chief executive administering the resource legislation.

## Part 11A - General Provisions

### Division 3 – Deciding suspension applications

Entity power given to	Section of ENPA	Description
Administering Authority	284C	Power to decide whether to approve the application or refuse the application.
Administering Authority	284F(1)(a)(ii)	In certain circumstances, power to give the holder of the environmental authority written notice of the decision.
Administering Authority	284F(1)(b)	In certain circumstances, power to give the holder an information notice about

Authority		the decision.
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## Part 12 - General Provisions

### Division 1 – Plan of operations for environmental authority relating to mining lease or petroleum lease

Entity power given to	Section of ENPA	Description
Administering Authority	287	Power to agree with the holder in writing to a shorter period.

### Division 2 – Financial assurance

#### Subdivision 1 – Requiring financial assurance

Entity power given to	Section of ENPA	Description
Administering Authority	292(1)	Power to, by condition of an environmental authority, require the holder of the environmental authority to give the administering authority financial assurance.
Administering Authority	292(2)	Power to be satisfied the condition is justified.
Administering Authority	292(3)	Power to require a financial assurance to remain in force until satisfied no claim is likely to be made on the assurance.

#### Subdivision 2 – Amount and form of financial assurance

Entity power given to	Section of ENPA	Description
Administering Authority	295(1)	Power to decide the amount and form of financial assurance required under a condition of an environmental authority.
Administering Authority	295(2)(c)	Power to agree with the holder of the environmental authority to a further period.
Administering Authority	295(4)	Power to form an opinion as to the amount that represents the total of likely costs and expenses that may be incurred taking action to rehabilitate or restore and protect the environment because of environmental harm that may be caused by the activity.
Administering Authority	296	Power to, within 5 business days after making a decision under section 295(1), give an information notice about the decision to the holder of the environmental authority.

#### Subdivision 3 – Claiming or realising financial assurance

Entity power given to	Section of ENPA	Description
Administering Authority	299(2)	Power to must give written notice to the entity who gave the financial assurance.
Administering Authority	300	Power to consider any written representations made within the stated period by the entity who gave the financial assurance.
Administering Authority	301(1)	Power to decide whether to make a claim on or realise the financial assurance.
Administering	301(2)	In certain circumstances, power to give the entity an information notice about

Authority		the decision.
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#### ***Subdivision 4 – Amending or discharging financial assurance***

<b>Entity power given to</b>	<b>Section of ENPA</b>	<b>Description</b>
Administering Authority	304(1)	Power to, by written notice, require the applicant to give it a compliance statement for the financial assurance before deciding the application.
Administering Authority	305(1)(a)	Power to approve or refuse the application.
Administering Authority	305(1)(b)	In certain circumstances, power to give the applicant an information notice about the decision.
Administering Authority	305(3)	Power to be satisfied no claim is likely to be made on the assurance.
Administering Authority	305(5)	Power to withhold making a decision under subsection (1).
Administering Authority	306(1)	In certain circumstances, power to, at any time, require the holder of an environmental authority or small scale mining tenure for which financial assurance has been given to change the amount of the financial assurance.
Administering Authority	306(3)	Power to give written notice to the holder of the environmental authority or small scale mining tenure.
Administering Authority	306(6)	In certain circumstances, power to consider any written submissions made by the holder within the stated period.

#### **Division 3 – Annual fees and returns**

##### ***Subdivision 1 – Annual notices***

<b>Entity power given to</b>	<b>Section of ENPA</b>	<b>Description</b>
Administering Authority	308(2)	In certain circumstances, power to give the environmental authority holder a written notice complying with subsection (3) (an <b>annual notice</b> ).
Administering Authority	310(1)	In certain circumstances, power to change the anniversary day, for an environmental authority for which an annual fee is prescribed under a regulation, to another day (the <b>new day</b> ).
Administering Authority	311	Power to decide whether or not to change the anniversary day to the new day.
Administering Authority	312	Power to give the holder: (a) if the decision is to change the day – written notice of the decision; or (b) if the decision is not to change the day – an information notice about the decision.

#### **Division 4 – Non-compliance with eligibility criteria**

<b>Entity power given to</b>	<b>Section of ENPA</b>	<b>Description</b>
Administering Authority	314(2)	In certain circumstances, power to require the holder of the environmental authority to: (a) make a site-specific application for a new environmental authority under part 2; or

		(b) make an amendment application for the authority under part 7.
Administering Authority	314(3)	Power to give written notice of the proposed requirement to the holder of the environmental authority.
Administering Authority	314(5)	Power consider any representations made by the holder within the stated period.

#### Division 5 – Miscellaneous provisions

Entity power given to	Section of ENPA	Description
Administering Authority	315(1)	Power to ask any entity for advice, comment or information about an application made under this chapter at any time.

### CHAPTER 7 – ENVIRONMENTAL MANAGEMENT

#### Part 1 - Environmental Duties

##### Division 2 – Duty to Notify of Environmental Harm

##### *Subdivision 3B – Duty of local government*

Entity power given to	Section of ENPA	Description
Local Government	320D(1)	Power to give the administering authority written notice of the activity.
Local Government	320D(2)	Power to give the administering authority written notice of (a) the nature of the event or change in the condition and the circumstances in which the event or change happened or is happening; or (b) within 24 hours after becoming aware of the event or change in condition of the land.

#### Part 2 - Environmental Evaluations

##### Division 2 – Environmental audits

##### *Subdivision 1 – Audit requirements*

Entity power given to	Section of ENPA	Description
Administering Authority	322(1)	In certain circumstances, power to, by written notice, require the holder of an environmental authority to: (a) conduct or commission an audit (an <b><i>environmental audit</i></b> ) about a stated matter concerning a relevant activity; and (b) give the administering authority an environmental report on the audit.
Administering Authority	322(2)	Power to be reasonably satisfied the audit is necessary or desirable.
Administering Authority	323(1)	Power to be satisfied that: (a) a person is, or has been, contravening a regulation, an environmental protection policy, a transitional environmental program or an enforceable undertaking; or (b) a person is, or has been, contravening any of the following provisions: (i) section 363E;



		(ii) section 440Q; (iii) section 440ZG; (iv) a provision of chapter 8, part 3D, 3E or 3F.
Administering Authority	323(2)	Power to, by written notice (also an <b>audit notice</b> ), require the person to: (a) Conduct or commission an audit (also an <b>environmental audit</b> ) about the matter; and (b) give the administering authority an environmental report about the audit.

### Division 3 – Environmental investigations

Entity power given to	Section of ENPA	Description
Administering Authority	326B(1)	Power to be satisfied on reasonable grounds that: (a) an event has happened causing environmental harm while an activity was being carried out; or (b) an activity or proposed activity is causing, or is likely to cause environmental harm.
Administering Authority	326B(2)	Power to, by written notice (an <b>investigation notice</b> ), require the person who has carried out, is carrying out or is proposing to carry out the activity to: (a) conduct or commission an investigation (an <b>environmental investigation</b> ) about the event or activity; and (b) submit an environmental report about the investigation to the authority.

### Division 5 – Steps after receiving environmental reports

Entity power given to	Section of ENPA	Description
Administering Authority	326F(2)	Power to, by written notice, ask the recipient to give further information needed to decide whether to approve the environmental report.
Administering Authority	326G(4)	Power to decide to accept the report or to refuse to accept the report.
Administering Authority	326G(5)	Power to be satisfied that the report does not adequately address the relevant matters for the environmental investigation to which the report relates.
Administering Authority	326G(7)	In certain circumstances, power to extend the period mentioned in subsection (6) for making the decision.
Administering Authority	326G(7)(a)	Power to be satisfied that there are special circumstances for extending the time.
Administering Authority	326G(8)	Power to give the recipient written notice of the decision within 5 business days after making the decision.
Administering Authority	326H	Power to do one or more of the following: (a) require the recipient to prepare and submit a transitional environmental program to it; (b) if the recipient is the holder of an environmental authority – amend the conditions of the authority; (c) serve an environmental protection order on the recipient; or (d) take any other action it considers appropriate.
Administering Authority	326I(2)	Power to require the recipient to conduct or commission another environmental investigation and submit a report on the investigation to it.

Administering Authority	326l(3)	Power to give written notice to the recipient.
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### Part 3 - Transitional Environmental Programs

#### Division 2 - Submission and approval of transitional environmental programs

Entity power given to	Section of ENPA	Description
Administering Authority	332(1)	Power to require a person or public authority to prepare and submit for approval a draft transitional environmental program: (a) as a condition of an environmental authority; or (b) as a development condition of a development approval.
Administering Authority	332(2)	In the specified circumstances, the power to require a person or public authority to prepare and submit for approval a draft transitional environmental program.
Administering Authority	334A(1)	Power to, by written notice, ask the person or public authority that submitted the draft transitional environmental program to give further information needed to decide whether to approve the draft program.
Administering Authority	336(1)	Power to invite a person or public authority that has submitted a draft transitional environmental program and another person who has made a submission under section 335 of the Environmental Protection Act 1994 about the transitional environmental program, to a conference to help in deciding whether or not to approve the program.
Administering Authority	336(2)	Power to give written notice to all persons invited to attend a conference of when and where the conference is to be held.
Administering Authority	336(3)	If its considered impracticable to give notice to all persons invited to attend a conference, the power to give notice of the conference by publishing a notice in the newspapers you decide.
Administering Authority	336(4)	In the specified circumstances, the power to appoint an independent person to mediate a conference.
Administering Authority	336A(1)	Power to ask any person for advice, comment or information about a submission for approval of a transitional environmental program at any time.
Administering Authority	337(1)	In the specified circumstances, the power to decide whether to approve a draft transitional environmental program within the specified time period.
Administering Authority	337(2)	In certain circumstances, power to extend the period mentioned in subsection (1) for making the decision.
Administering Authority	337(2)	Power to gives an information notice about the decision to extend to the person or public authority that submitted the program and any submitters.
Administering Authority	338(1)	In deciding whether to approve or refuse to approve a draft program or the conditions (if any) of the approval, the power to: (a) comply with any relevant regulatory requirement; and (b) subject to paragraph (a), consider the specified criteria.
Administering Authority	339(1)	Power to: (a) approve a draft transitional environment program: (i) as submitted; or (ii) as amended at the request, or with the agreement, of the administering authority; or (b) refuse to approve a draft transitional environmental program.
Administering	339(2)	Power to impose on an approval of a draft transitional environmental program:

Authority		(a) any conditions the authority must impose under a regulatory requirement; (b) a condition requiring the holder of the approval to give an amount of financial assurance as security for compliance with the transitional environmental program and any conditions of the program; and (c) any other conditions the administering authority considers appropriate.
Administering Authority	340(1)	Power to , within 8 business days after making a decision under section 339, give the person or public authority that submitted the program a written notice about the decision.
Administering Authority	340(2)(b)	If the program is approved, power to state any conditions imposed on the approval by the administering authority.
Administering Authority	340(2)(c)	If the program is approved, power to state the day the approval ends.
Administering Authority	340(3)	If the program is refused, or approved with conditions, power to give an information notice.
Administering Authority	342(2)	In the specified circumstances, the power to consider and decide whether to approve a draft transitional environmental program if satisfied there has been substantial compliance with the Environmental Protection Act 1994.
Administering Authority	343A(2)(B)	In certain circumstances, power to give the holder of the environmental authority a copy of the environmental authority including the note.

### Division 3A – Financial assurances

Entity power given to	Section of ENPA	Description
Administering Authority	344(3)	In the specified circumstances, the power to approve an amendment of an approval for a transitional environmental program for an environmentally relevant activity.
Administering Authority	344(4)	Without limiting the matters to be considered in deciding an application, the power to have regard to the specified criteria.
Administering Authority	344A(2)	Power to may recover the reasonable costs or expenses of taking the action by making a claim on or realising the financial assurance or part of it.
Administering Authority	344A(3)	Power to give written notice to the person who gave the financial assurance.
Administering Authority	344B	Power to consider any written representations made within the stated period by the person who gave the financial assurance.
Administering Authority	344C(1)	Power to, within 10 business days after the end of the stated period, decide whether to make a claim on or realise the financial assurance.
Administering Authority	344C(2)	Power to, within 5 business days after making the decision, give the person an information notice about the decision.

### Part 4 - Special Provisions about Voluntary Submission of Transitional Environmental Programs

Entity power given to	Section of ENPA	Description
Administering Authority	352(1)	In the specified circumstances, the power to give written notice to a person of: (a) receiving a program notice; and (b) the day by which a draft transitional environmental program dealing

		with the activity must be submitted for approval.
Administering Authority	355(1)	In certain circumstances, power to apply to the Court for an order that section 353(1) does not apply to the person for any continuation of the original offence.

#### Part 4A - Temporary emissions licences

Entity power given to	Section of ENPA	Description
Administering Authority	357E(1)	Power to: (a) grant the application for a temporary emissions licence: (i) as submitted; (ii) on different terms than have been requested in the application; or (b) refuse to grant the application for a temporary emissions licence.
Administering Authority	357E(2)	Power to impose conditions on the temporary emissions licence it considers are necessary or desirable.
Administering Authority	357F	Power to give the applicant an information notice about the decision if the decision is to: (a) grant the application on different terms than have been requested in the application: or (b) refuse the application.
Administering Authority	357J	In certain circumstances, power to amend, cancel or suspend a temporary emissions licence.

#### Part 5 - Environmental Protection Orders

Entity power given to	Section of ENPA	Description
Administering Authority	358	In the specified circumstances, the power to issue an order (an <b>environmental protection order</b> ) to a person.
Administering Authority	359	Before deciding to issue an environmental protection order, the power to consider the standard criteria.

### CHAPTER 9 – INVESTIGATION AND ENFORCEMENT

#### Part 1 - Administration Generally

Entity power given to	Section of ENPA	Description
As delegate of	445(1)(c) <sup>1</sup>	In the specified circumstances, the power to appoint an authorised person.

- <sup>1</sup> The power is subject to the following limitations as per the instrument of delegation of the Chief Executive of the Environmental Protection Agency dated 7 February 2008 (copy attached).
- The only powers under the *Environmental Protection Act 1994* the authorised person who is appointed by the Local Govt is to exercise are:
    - Sections 440J, 452, 453, 455, 456, 457, 459, 460, 461, 462, 463A, 463, 464, 465 and 466 of the *Environmental Protection Act 1994*; and
    - Only to be used in relation to those matters referred to in s.440D of the *Environmental Protection Act 1994* and s.68 of the *Environmental Protection (Waste Management) Regulation 2000*; and
  - That the certificates issued pursuant to s.490 of the *Environmental Protection Act 1994* are only used in respect of Court proceedings in relation to those matters referred to in s.440D of the

the Chief Executive of the Environmental Protection Agency: 516(1)(b) and 517		
Chief Executive Officer	445(2)	Power to appoint an employee of a local government to be an authorised person
As delegate of the Chief Executive of the Environmental Protection Agency: 516(1)(b) & 517.	448 <sup>2</sup>	In the specified circumstances, the power to issue an identity card to each authorised person appointed.
Administering Authority	451(1)	In the specified circumstances, the power to give a notice under section 451 of the Environmental Protection Act 1994 to a person requiring the person to give information relevant to the administration and enforcement of the Environmental Protection Act 1994.

## Part 2 - Powers of Authorised Persons for Places and Vehicles

Entity power given to	Section of ENPA	Description
Administering Authority	454(1)	Power to believe on reasonable grounds land is contaminated land
Administering Authority	454(3)(b)	Power to give written notice to the owner and occupier.
Administering Authority	458(2)	In the specified circumstances, the power to give written notice of an application made under section 458(1) of the Environmental Protection Act 1994 to: <ul style="list-style-type: none"> <li>(a) the owner of the land; and</li> <li>(b) if the owner is not the occupier of the land - the occupier; and</li> <li>(c) if the application is for an order to carry out work mentioned in section 458(1)(a) of the Environmental Protection Act 1994: <ul style="list-style-type: none"> <li>(i) the environmental authority holder; or</li> <li>(ii) transitional environmental program approval holder; or</li> <li>(iii) the registered operator.</li> </ul> </li> </ul>

*Environmental Protection Act 1994 and s.68 of the Environmental Protection (Waste Management) Regulation 2000.*

<sup>2</sup>

The power is subject to the following limitations as per the instrument of delegation of the Chief Executive of the Environmental Protection Agency dated 7 February 2008 (copy attached).

1. The only powers under the *Environmental Protection Act 1994* the authorised person who is appointed by the Local Govt is to exercise are:
  - (a) Sections 440J, 452, 453, 455, 456, 457, 459, 460, 461, 462, 463A, 463, 464, 465 and 466 of the *Environmental Protection Act 1994*; and
  - (b) Only to be used in relation to those matters referred to in s.440D of the *Environmental Protection Act 1994* and s.68 of the *Environmental Protection (Waste Management) Regulation 2000*; and
2. That the certificates issued pursuant to s.490 of the *Environmental Protection Act 1994* are only used in respect of Court proceedings in relation to those matters referred to in s.440D of the *Environmental Protection Act 1994* and s.68 of the *Environmental Protection (Waste Management) Regulation 2000*.

		(d) if the application is for an order to take actions required under a clean-up notice – the recipient of the notice.
Administering Executive	463(2)	In the specified circumstances, the power to direct the destruction or disposal of a forfeited thing.
As delegate of the Chief Executive of the Environmental Protection Agency: 516(1)(b) and 517.	490	In the specified circumstances, the power to issue a certificate.

## CHAPTER 10 – LEGAL PROCEEDINGS

### Part 3 - Legal Proceedings

Entity power given to	Section of ENPA	Description
Administering Authority	502A(2)	Power to carry out work or take any other action reasonably necessary to fulfil the requirements of an order made against a person under section 502.

## CHAPTER 11 – ADMINISTRATION

### Part 2 - Delegations

Entity power given to	Section of ENPA	Description
CEO (both as CEO and as administering executive)	517(2)	Power to delegate their powers under this Act to an appropriately qualified employee of the local government.

### Part 3 - Review of Decisions and Appeals

#### Division 2 – Internal Review of Decisions

Entity power given to	Section of ENPA	Description
Administering Authority	521(2)(a)(ii)	In the specified circumstances, the power to allow a longer period within which an application for a review of an original decision must be made.
Administering Authority	521(5)	In the specified circumstances, the power to, within the decision period for a review of an original decision: <ul style="list-style-type: none"> <li>(a) review the original decision; and</li> <li>(b) consider any submissions properly made by a recipient of a review notice; and</li> <li>(c) make a decision (the <b>review decision</b>) to: <ul style="list-style-type: none"> <li>(i) confirm or revoke the original decision; or</li> <li>(ii) vary the original decision in a way considered appropriate.</li> </ul> </li> </ul>
Administering Authority	521(8)	Within 10 business days after making a review decision, the power to give written notice of the review decision to the applicant and persons who were given notice of the original decision.

**Part 4 - General**

Entity power given to	Section of ENPA	Description
Administering Executive	544(1)	Power to approve forms.

**CHAPTER 12 – MISCELLANEOUS**

**Part 3A - Auditors**

**Division 1 – Preliminary**

Entity power given to	Section of ENPA	Description
Auditor	568	Power to, subject to the terms of an approval under division 2: <ul style="list-style-type: none"> <li>(a) conduct environmental audits and prepare environmental reports about audits under chapter 7, part 2, division 2; and</li> <li>(b) evaluate site investigation reports, validation reports, draft site management plans and draft amendments of site management plans prepared under chapter 7, part 8 against criteria prescribed under a regulation (the prescribed criteria) and:               <ul style="list-style-type: none"> <li>(i) if the report or plan does not comply with the prescribed criteria—prepare a report about the evaluation; or</li> <li>(ii) if the report or plan complies with the prescribed criteria—provide written certification that it complies with the criteria; and</li> </ul> </li> <li>(c) audit or evaluate another matter or thing prescribed under a regulation and prepare a report or written certification about the audit or evaluation.</li> </ul>

**CHAPTER 13 – SAVINGS, TRANSITIONAL AND RELATED PROVISIONS**

**Part 5 - Transitional provisions for Environmental Protection Legislation Amendment Act 2003**

Entity power given to	Section of ENPA	Description
Administering Authority	620(2)	In the specified circumstances, the power to change or cancel a condition of a environmental authority.
Administering Authority	620(5)(b)	In the specified circumstances, if a condition has changed or cancelled, the power to, within the specified time period, give the registered operator: <ul style="list-style-type: none"> <li>(i) a copy of the development conditions as applying after the change or cancellation; and</li> <li>(ii) a registration certificate.</li> </ul>
Administering Authority	621(1)	Power to, for an activity being carried out under an environmental authority mentioned in section 619(1) of the Environmental Protection Act 1994, give to the person carrying out the activity: <ul style="list-style-type: none"> <li>(a) if the activity was carried out at 1 location - a development approval for the location; or</li> <li>(b) if the activity was carried at more than 1 location and is not a mobile</li> </ul>

		and temporary environmentally relevant activity - a development approval for each location; or (c) if the activity is a mobile and temporary environmentally relevant activity - a development approval for a mobile and temporary environmentally relevant activity.
Administering Authority	621(2)	If the person carrying out the activity does not have a registration certificate for the activity, the power to also give the person a registration certificate for the activity.
Administering Authority	621(4)	If you act under section 621(1) or (2) of the Environmental Protection Act 1994, the power to give the person carrying out the activity an information notice about your decision to give the approval or approval and certificate.
Administering Authority	623(2)	In the specified circumstances, the power to give a registered operator a notice stating that you are satisfied that the risk of environmental harm from carrying out the activity is no longer insignificant.
Administering Authority	626(3)(a)	In the specified circumstances, the power to, by written notice, ask an applicant to give a stated document or information relevant to an application.

**Part 6 - Transitional Provisions for Petroleum and Other Legislation Amendment Act 2004**

Entity power given to	Section of ENPA	Description
Administering Authority	634(1)	In the specified circumstances, the power to amend a condition about financial assurance imposed under Part 7, Chapter 13 of the Environmental Protection Act 1994 to require the giving of replacement financial assurance, in a form and amount decided by you.

**Part 17 - Transitional provisions for the Environmental Protection and Other Legislation Amendment Act 2011**

Entity power given to	Section of ENPA	Description
Administering Authority	671(2)	Power to consider, or continue to consider, the draft transitional environment program and decide whether to approve an existing draft transitional environment program under the unamended Act.

**Part 18 - Transitional provisions for Environmental Protection (Greentape Reduction) and Other Legislation Amendment Act 2012**

**Division 5 –Transitional authorities for environmentally relevant activities**

Entity power given to	Section of ENPA	Description
Administering Authority	697(1)	Power to decide whether to approve the application or refuse the application.
Administering Authority	698(1)	In certain circumstances, power to: (a) amend the environmental authority to give effect to the conversion; and (b) issue the amended environmental authority to the applicant.
Administering Authority	698(2)	In certain circumstances, power to give the applicant an information notice about the decision.



### Division 5A – Suspended Activities

Entity power given to	Section of ENPA	Description
Administering Authority	698B	Power to approve an application to convert the surrendered registration certificate to an environmental authority that has been suspended under chapter 5, part 11A (a <b>conversion application</b> ).

### Division 6 – Financial assurance

Entity power given to	Section of ENPA	Description
Administering Authority	699(4)	Power to amend the environmental authority to impose a condition about financial assurance.
Administering Authority	699(5)	Power to give written notice of the amendment.

### Division 8 – Provisions about environmental management plans

Entity power given to	Section of ENPA	Description
Administering Authority	701(2)	Power to amend the new authority to impose conditions consistent with the environmental management plan.

### Part 21 - Saving and Transitional Provisions for State Development, Infrastructure and Planning (Red Tape Reduction) and Other Legislation Amendment Act 2014

Entity power given to	Section of ENPA	Description
Administering Authority	715B(4)	Power to amend an existing environment authority to replace a condition that relates to a former item if the new condition imposes requirements that are equivalent to the replaced condition.
Administering Authority	715B(5)	Power to give written notice of the amendment to the environmental authority holder. <sup>3</sup>

## Schedule 2

### Limitations to the Exercise of Power

1. Where Council in its budget or by resolution allocates an amount for the expenditure of Council funds in relation to a particular matter, in exercising delegated power in relation to that matter, the delegate will only commit Council to reasonably foreseeable expenditure up to the amount allocated.
2. The delegate will not exercise any delegated power in relation to a matter which, to the delegate's knowledge, adversely affects, or is likely to adversely affect, Council's relations with the public at large.

<sup>3</sup> Section 715B expires one year after commencement.

3. The delegate will not exercise any delegated power contrary to a resolution or other decision of Council (including a policy decision relating to the matter).
4. The delegate will not exercise any delegated power in a manner, or which has the foreseeable effect, of being contrary to an adopted Council policy or procedure.
5. The delegate will only exercise a delegated power under this resolution in a manner which complies with the requirements of Council's Planning Scheme, and any exercise of power which involves a departure from or variation of those requirements will only be undertaken by Council.
6. The delegate will not exercise any delegated power which cannot lawfully be the subject of delegation by Council.

**MEETING DETAILS:**

The motion was Carried 6/0

**CARRIED**

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**10. Office of the Mayor and CEO**

**10.5 2015/02/11.10 NORTH QUEENSLAND SPORTSTAR AWARDS 2015**

**Moved by: J COLLINS**

**Seconded by: J CLIFFORD**

**That Council grant approval for Council's representative, Mr Alf Pearce to attend the North Queensland Sportstar Awards to be held on Saturday 28 March 2015 in Hughenden and authorise for payment of registration, accommodation and travel for Mr Pearce and his wife, nominees and partner or one parent.**

**MEETING DETAILS:**

The motion was Carried 6/0

**CARRIED**

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**11. Corporate Services**

**11.1 2015/02/11.11 ADVISORY - ASSESTIC USER CONFERENCE**

**Moved by: J CLIFFORD**

**Seconded by: J ATKINSON**

**That Council receive the advice from Assetic that the Director of Corporate Services has been invited to present a case study of Council's improvements in asset management at the 2015 Assetic User Conference.**

Furthermore, that congratulations be forwarded to the Director of Corporate Services.

**MEETING DETAILS:**

The motion was Carried 6/0

**CARRIED**

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11. Corporate Services

11.2 2015/02/11.12 CANNON VALLEY RURAL FIRE BRIGADE - LAND AVAILABILITY

Moved by: D CLARK

Seconded by: J ATKINSON

That Council assist the Cannon Valley Rural Fire Brigade (CVFRB) to secure land for the construction of a rural fire brigade facility.

Furthermore, that Council consult with the CVFRB on suitable options within the vicinity of the Robinson Road, Gregory / Cannon Valley Road and Shute Harbour Road intersection and once an agreeable site has been determined that Council Officers provide assistance in the development of a rural fire brigade facility.

**MEETING DETAILS:**

The motion was Carried 6/0

**CARRIED**

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11. Corporate Services

11.3 2015/02/11.13 REVIEW OF POLICY - CONTRIBUTED ASSETS

Moved by: J ATKINSON

Seconded by: J CLIFFORD

That Council approve the amendments to the Contributed Assets Policy which will change the recognition of developer contributed assets from "Off Maintenance" to "On Maintenance".

**MEETING DETAILS:**

The motion was Carried 6/0

**CARRIED**

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**11. Corporate Services**

**11.4 2015/02/11.14 REVIEW OF POLICY - WAIVING OF RATES & CHARGES GENERALLY**

**Moved by: J ATKINSON**

**Seconded by: J CLIFFORD**

**That Council adopt the reviewed policy - Delegated Authority - Waiving of Rates & Charges Generally and supersede the previous policy adopted on 13 June, 2012.**

**MEETING DETAILS:**

The motion was Carried 6/0

**CARRIED**

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**11. Corporate Services**

**11.5 2015/02/11.15 REVIEW OF POLICY - WATER CHARGES TO COMMUNITY TITLE PROPERTIES**

**Moved by: J CLIFFORD**

**Seconded by: J COLLINS**

**That the Policy "Water Charges to Bodies Corporate" be withdrawn, and the new Policy - "Water Charges to Community Title Properties" be adopted.**

**MEETING DETAILS:**

The motion was Carried 6/0

**CARRIED**

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**12. Planning and Community Services**

**12.1 2015/02/11.16 ADVISORY - NORTH HEAD LIGHTHOUSE CONSERVATION MANAGEMENT PLAN DRAFT STATUS**

**Moved by: A WILLCOX**

**Seconded by: J CLIFFORD**

**That Council note the status of the Conservation Management Plan Draft on the North Head Lighthouse.**

**Furthermore, that the finalised plan is presented to Council as soon as possible.**

**MEETING DETAILS:**

The motion was Carried 6/0

**CARRIED**

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12. Planning and Community Services

12.2 2015/02/11.17 COUNCIL REPRESENTATION ON THE MIMOSA  
PIGRA STAKEHOLDER GROUP

Moved by: J CLIFFORD

Seconded by: J COLLINS

That Council nominates Cr John Atkinson to become a member of the Mimosa Pigra Stakeholder Group.

**MEETING DETAILS:**

The motion was Carried 6/0

CARRIED

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12. Planning and Community Services

12.3 2015/02/11.18 20060982 - REQUEST FOR EXTENSION OF  
RELEVANT PERIOD - DEVELOPMENT PERMIT FOR  
MATERIAL CHANGE OF USE AND  
RECONFIGURATION OF A LOT - ONE (1) LOT INTO  
FOURTY FOUR (44) LOTS AND CLEARING OF  
NATIVE VEGETATION - ST BEES BLVD JUBILEE  
POCKET - GSPF3 AB PTY LTD

Moved by: J CLIFFORD

Seconded by: J COLLINS

That Council in relation to the request for an extension of relevant period of the Development Permit for Material Change of Use and Reconfiguration of a Lot - One (1) Lot into Forty Four (44) Lots and Clearing of Native Vegetation on Freehold Land Protected under the Vegetation Management Act lodged by SMEC on behalf of GSPF3 Airlie Beach Pty Ltd on land described as Lot 906 SP248489, Lot 907 SP260241, Lot 908 SP260241, St Bees Boulevard Jubilee Pocket, approve the request for an extension of the relevant period to the 26 November 2016.

**MEETING DETAILS:**

The motion was Carried 6/0

CARRIED

**12. Planning and Community Services**

- 12.4 2015/02/11.19 20150031 - APPLICATION FOR CONVERSION TO FREEHOLD OF GRAZING HOMESTEAD PERPETUAL LEASE 5/2113 DESCRIBED AS LOT 5 ON SB686 PARISH OF GUTHALUNGRA**

**Moved by: D CLARK**  
**Seconded by: A WILLCOX**

**That the Department of Natural Resources and Mines be advised that Council has no objection to the Grazing Homestead Perpetual Lease 5/2113 over Lot 5 on SB686 being converted to freehold provided the use of the land is for grazing purposes.**

**MEETING DETAILS:**

The motion was Carried 6/0

**CARRIED**

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**12. Planning and Community Services**

- 12.5 2015/02/11.20 20150032 - APPLICATION FOR CONVERSION TO FREEHOLD OF GRAZING HOMESTEAD PERPETUAL LEASE 5/2060 DESCRIBED AS LOT 4 ON SB45 AND LOT 1 ON SB279 PARISH OF GUTHALUNGRA**

**Moved by: D CLARK**  
**Seconded by: A WILLCOX**

**That Council advise the Department of Natural Resources and Mines that Council has no objection to the Grazing Homestead Perpetual Lease 5/2060 over Lot 4 on SB45 and Lot 1 on SB279 being converted to freehold provided the use of the land is for grazing purposes.**

**MEETING DETAILS:**

The motion was Carried 6/0

**CARRIED**

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**12. Planning and Community Services**

- 12.6 2015/02/11.21 BOWEN WHITSUNDAY LIONS CLUB - CONSTRUCTION OF SHADE STRUCTURE - HANSEN PARK BOWEN**

**Moved by: D CLARK**  
**Seconded by: A WILLCOX**

**That Council receive the request from the Bowen Lions Club in relation to the proposed development at Hansen Park.**

Furthermore that subject to further consultation with Council's Director of Planning and Community an approval is provided for the location, a licence to occupy is issued for the rotunda and that associated application and development fees are waived.

**MEETING DETAILS:**

The motion was Carried 6/0

**CARRIED**

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**12. Planning and Community Services**

**12.7 2015/02/11.22 WHITSUNDAY LIONS CLUB - CONSTRUCTION OF SHADE STRUCTURE - LOT 187 SP219978 COCONUT GROVE AIRLIE BEACH**

**Moved by: J CLIFFORD**

**Seconded by: J ATKINSON**

**That Council receive the request from the Whitsunday Lions Club in relation to the proposed installation of a shade sail on the Airlie Beach Foreshore.**

Furthermore that subject to further consultation with Council's Director of Planning and Community an approval is provided for the location and that associated application and development fees are waived.

**MEETING DETAILS:**

The motion was Carried 6/0

**CARRIED**

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**12. Planning and Community Services**

**12.8 2015/02/11.23 REQUEST FOR FEE WAIVER - ECO BARGE CLEAN SEAS INC**

**Moved by: D CLARK**

**Seconded by: J CLIFFORD**

**That Council waive the application fee of \$250.00 and the Annual Licence fee of \$188.00 for the Use of Councils Reserves, Parks and Foreshores for Eco Barge – Clean Streets and Creeks program.**

**MEETING DETAILS:**

The motion was Carried 6/0

**CARRIED**

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**12. Planning and Community Services**

**12.9 2015/02/11.24 REQUEST FOR FEE WAIVER - WHITSUNDAY TURTLE RESCUE CENTRE**

**Moved by: J CLIFFORD**

**Seconded by: J ATKINSON**

**That Council waive the water usage notice for Assessment No: 1102528 in the sum of \$361.83 to assist the Whitsunday Turtle Rescue Centre in the care provided to the marine turtles.**

**MEETING DETAILS:**

The motion was Carried 6/0

**CARRIED**

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**12. Planning and Community Services**

**12.10 2015/02/11.25 COMMUNITY ASSISTANCE GRANT APPLICATION - SUPPORT FOR ELITE PERFORMANCE - BRYCE SELMAN**

**Moved by: J COLLINS**

**Seconded by: J CLIFFORD**

**That Council approve an Elite Performance Grant of \$1000.00 to Bryce Selman to attend the Australian Youth Men Futsal Team tour of Taiwan in May 2015.**

**MEETING DETAILS:**

The motion was Carried 6/0

**CARRIED**

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**13. Engineering Services**

**13.1 2015/02/11.26 BLUEWATER PARADE PROGRESS REPORT**

**Moved by: A WILLCOX**

**Seconded by: D CLARK**

**That Council note the current status of the Bluewater Parade capital project.**

**Furthermore, that the commencement date be in the month of April due to the Turtle breeding season.**

**MEETING DETAILS:**

The motion was Carried 6/0

**CARRIED**

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**13. Engineering Services**

**13.2 2015/02/11.27 WILSON BEACH ROCK WALL**

**Moved by: J ATKINSON**

**Seconded by: J CLIFFORD**

**That the Council resolves to:**

- a) accept the quote from International Coastal Management for the assessment of the coastal erosion hazard at Wilson's Beach; and**
- b) subject to the assessment of the erosion hazard resulting in the need to develop an erosion mitigation structure at Wilson's Beach, engage International Coastal Management to design a suitable structure for Wilson's Beach; and**
- c) Finalise works on the Wilson's Beach Foreshore as soon as possible.**

**MEETING DETAILS:**

The motion was Carried 6/0

**CARRIED**

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**13. Engineering Services**

**13.3 2015/02/11.28 NO STANDING SIGNS AT CORAL ESPLANADE, CANNONVALE**

**Moved by: J ATKINSON**

**Seconded by: D CLARK**

**That Council retains and where removed, immediately reinstates the no standing signs at the cul-de-sac area of Coral Esplanade in order to ensure the safety of road users and to provide unobstructed access to emergency vehicles.**

**MEETING DETAILS:**

The motion was Carried 6/0

**CARRIED**

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**13. Engineering Services**

**13.4 2015/02/11.29 REVISED PARKING BOWEN LIBRARY & NORTH AUSTRALIAN HOTEL MOTEL**

**Moved by: A WILLCOX**

**Seconded by: D CLARK**

**That Council:**

**(a) Resolves to implement the revised design of 2 car parks and the bus stop in Herbert Street, Bowen, allowing increased access to the North Australian Hotel Motel; and**

**(b) Notes the change in parking restrictions for the first Five (5) centre parking bays in Williams Street to 5 minute parking only. "5 min Parking Only".**

**MEETING DETAILS:**

The motion was Carried 6/0

**CARRIED**

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**15. General Business**

**15.1 BOWEN ENTRY STATEMENT**

**Moved by: J CLIFFORD**

**Seconded by:**

**That in order to progress the Bowen Entry Statement Project; a committee be formed comprising of one (1) member from each of the following groups:**

- **The Bowen Chamber of Commerce**
- **Bowen Tourism and Business**
- **Rotary - Bowen**
- **Lions - Bowen**
- **Zonta**
- **BCE**

**Furthermore, that any interested Councillors be included in the committee.**

**MEETING DETAILS:**

*The motion was not accepted due to the motion being inconsistent with a formal resolution just adopted at a previous meeting relating to the Bowen Entry Statement.*

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**15. General Business**

**15.2 2015/02/11.30 REQUEST FOR PLANNING APPROVAL WAIVER**

**Moved by: D CLARK**

**Seconded by: A WILLCOX**

**That Bill and Sandra Myers of Silk Road, Bowen be contacted immediately and be informed that they only require a building approval and not planning approval or MCU for a garden shed on their property as they are in the 'White Zone'.**

**MEETING DETAILS:**

The motion was defeated 2/4

**DEFEATED**

**Moved by: J WHITNEY**

**Seconded by: J CLIFFORD**

**That Council workshop waiving its fees and charges for planning applications under the Bowen Town Planning Scheme triggered under:**

- 1. Storm Surge**
- 2. Flood Corridor**
- 3. In between the trigger maps and the defined map areas**

**Furthermore, that a report be brought back to Council.**

**Furthermore, that consideration be given to retrospective refund of fees and charges in these scenarios since the TLPI.**

**MEETING DETAILS:**

The motion was Carried 6/0

**CARRIED**

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**15. General Business**

**15.3 2015/02/11.31 PARKWOOD TERRACE DRAINAGE**

**Moved by: D CLARK**

**Seconded by: J ATKINSON**

**That Council provide engineering solutions and costing and that the matter be brought back to Council in relation to Parkwood Terrace drainage.**

**MEETING DETAILS:**

The motion was Carried 6/0

**CARRIED**

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**15. General Business**

**15.4 2015/02/11.32 ABBOT POINT EXPANSION PROJECT**

**Moved by: A WILLCOX**

**Seconded by: J CLIFFORD**

**That as soon as the Queensland State Government is formed the Mayor and Councillors of Whitsunday Regional Council arrange a meeting, form a deputation and go down to George Street with a view to drive the Abbot Point expansion project forward.**

**MEETING DETAILS:**

The motion was Carried 6/0

**CARRIED**

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**16. Procedural Motion**

**16.1 2015/02/11.33 PROCEDURAL MOTION - ADJOURNMENT**

**Moved by: J CLIFFORD**

**Seconded by: A WILLCOX**

**That Council adjourn the meeting at 10.18am for the purpose of staff certificate presentations, Jetstar Proserpine to Melbourne flights announcement and morning tea.**

**MEETING DETAILS:**

The motion was Carried 6/0

**CARRIED**

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**16. Procedural Motion**

**16.2 2015/02/11.34 PROCEDURAL MOTION - RECONVENE**

**Moved by: J CLIFFORD**

**Seconded by: D CLARK**

**That Council reconvene the meeting from morning tea and presentations at 11.17am**

**MEETING DETAILS:**

The motion was Carried 6/0

**CARRIED**

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**16. Procedural Motion**

**16.3 2015/02/11.35 PROCEDURAL MOTION - CLOSURE OF MEETING**

**Moved by: J CLIFFORD**

**Seconded by: P RAMAGE**

That Council reconvene from lunch at 1.48pm and that in accordance with Section 275 of the Local Government Regulations 2012, Council close the meeting to the public for the purpose of discussing employee or industrial matters, budget, rating concessions, contractual matters, legal proceedings, planning matters or other business likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.

- Item 14.1.1 – Proserpine Caravan Park – Section 275 (e) contracts proposed to be made by it;
- Item 14.1.2 – Organisational Structure 2<sup>nd</sup> Quarterly Review – Section 275 (a) the appointment, dismissal or discipline of employees;
- Item 14.2.1 – Bowen Loader Tender Report – Section 275 (e) contracts proposed to be made by it;
- Item 14.2.2 – Request for special consideration for hardship in payment rates – Section 275 (f) starting or defending legal proceedings involving it;
- Item 14.3.1 – Affordable Housing Donation Request – Section 275 (d) rating concession;
- Item 14.3.2 – Donation for Not-for-Profit Organisation – Section 275 (d) rating concession;
- Item 14.4.1 – Argyle Park Road Q100 Cyclone Shelter Access – Section 275 (f) starting or defending legal proceedings involving it;
- Item 14.4.2 – Bowen Sewage Outfall Receiving Environment Monitoring Program – Section 275 (h) other business for which a public discussion would likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.

**MEETING DETAILS:**

The motion was Carried 6/0

**CARRIED**

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**16. Procedural Motion**

**16.4 2015/02/11.36 PROCEDURAL MOTION - REOPENING OF MEETING**

**Moved by: J CLIFFORD**

**Seconded by: D CLARK**

That the meeting be resumed and opened to the general public.

**MEETING DETAILS:**

The motion was Carried 6/0

**CARRIED**

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**14.1 Confidential Matters - Office of the Mayor and CEO**

**14.1.1 PROSERPINE CARAVAN PARK**

**Moved by: J CLIFFORD**

**Seconded by: J WHITNEY**

**That once the revised survey plan has been assessed by Council and lodged with Natural Resources that Council Tender the Sale of the Proserpine Caravan in accordance with the previous resolution of Council and further:**

- that a condition be clearly imposed with the contract of sale that the site remain a caravan park,
- based on the legal advice develop contractual documents for a conditional sale of the caravan park,
- engage Knight Frank to market and sell the Caravan Park subject to the marketing plan submitted and that the marketing plan be revised to achieve a lower cost to Council where possible,
- engage Knight Frank to sub-contract to the cheapest Caravan Park Broker the sale of the Caravan Park, and
- draft a lease for the swimming pool to continue the management of the Pool with Lane4 from the date of sale of the caravan park to the current termination date of the existing lease.

**MEETING DETAILS:**

The motion was defeated 2/4

*Under section 275 of the Local Government Regulation this motion was defeated due to local Proserpine residents expressing their concerns in a negative manner, personally to Cr Collins, in regards to the proposed sale of the Proserpine Caravan Park. Voted with what the majority of these people wanted.*

**DIVISION**

**For:** Mayor Whitney, Cr Clifford

**Against:** Cr Atkinson, Cr Clark, Cr Collins, Cr Willcox

**DEFEATED**

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**14.1 Confidential Matters - Office of the Mayor and CEO**

**14.1.2 2015/02/11.37 ORGANISATIONAL STRUCTURE 2<sup>ND</sup> QUARTERLY REVIEW**

**Moved by: J COLLINS**

**Seconded by: A WILLCOX**

That Council resolve to adopt the quarterly review and changes to the Organisational Structure for the remainder of the 2014/2015 year.

**MEETING DETAILS:**

The motion was Carried 6/0

**CARRIED**

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**14.2 Confidential Matters - Corporate Services**

**14.2.1 2015/02/11.38 BOWEN LOADER TENDER REPORT**

**Moved by: J CLIFFORD**

**Seconded by: D CLARK**

That Council awards the Bowen Loader tender to Hastings Deering (Aust) Ltd to supply a CAT930K loader.

**MEETING DETAILS:**

*Mayor Cr Whitney declared a conflict of interest (as per section 173 of the Local Government Act 2009) on the matter of her being associated with a business that provide this equipment and left the meeting room, taking no part in the debate or decision of the meeting.*

The motion was Carried 5/0

**CARRIED**

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**14.2 Confidential Matters - Corporate Services**

**14.2.2 2015/02/11.39 REQUEST FOR SPECIAL CONSIDERATION FOR HARDSHIP IN PAYING RATES**

**Moved by: D CLARK**

**Seconded by: J COLLINS**

That Council approves the attached application for consideration for hardship received from property owners of Assessment 1205606.

Furthermore, that Council approves a write-off \$672.74 in accrued interest and cease further interest accrual for a period of 2 years on Assessment 1205606, to allow the Ratepayers a reprieve in order to service the debt.

Furthermore, that a review will be undertaken in 2 years.

**MEETING DETAILS:**

The motion was Carried 6/0

**CARRIED**

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**14.3 Confidential Matters - Planning and Community Services**

**14.3.1 2015/02/11.40 AFFORDABLE HOUSING DONATION REQUEST**

**Moved by: A WILLCOX**

**Seconded by: J COLLINS**

- 1. That approval be granted for a donation equivalent to 50% of general rate and 50% of the service charges levied for the 2014/2015 financial year, and 50% of water consumption for the fourteen (14) rate assessments that are properties owned by the Whitsunday Housing Company Ltd, and one (1) properties leased from the Department of Housing & Public Works, which were granted this donation in previous years; and**
- 2. That approval cannot be granted for a donation on the further properties claimed, in accordance with Council's current policy.**

**MEETING DETAILS:**

*Cr Clifford declared a conflict of interest (as per section 173 of the Local Government Act 2009) on the matter of her being a Whitsunday Housing Company Ltd Board member and left the meeting room, taking no part in the debate or decision of the meeting.*

The motion was Carried 5/0

**CARRIED**

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**14.3 Confidential Matters - Planning and Community Services**

**14.3.2 2015/02/11.41 DONATION FOR NOT-FOR-PROFIT ORGANISATION**

**Moved by: J CLIFFORD**

**Seconded by: J COLLINS**

**That a donation be granted in line with Council's Policy Donations & Concessions for Not-for-Profit Organisations, for rate assessment 1104019, as the tenants on this property being a Club, have vacated the premises. Upon receipt of a copy of the financial statements, a concession of 50% of the nett General Rate and 37.5% of the nett Service Charges be granted for the 2014/15 financial year.**

**Further that the Returned & Services League of Australia, Proserpine Sub-Branch Inc. be granted an ongoing benefit in accordance with the current policy and will not need to reapply in each year unless the use of the property remains unchanged from its present use.**

**MEETING DETAILS:**

The motion was Carried 6/0

**CARRIED**

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**14.4 Confidential Matters - Engineering Services**

**14.4.1 2015/02/11.42 ARGYLE PARK ROAD Q100 CYCLONE SHELTER ACCESS**

**Moved by: A WILLCOX**

**Seconded by: J CLIFFORD**

**That Council note the progression of the Argyle Park Road Project.**

**Furthermore, that Council instruct the CEO to apply for an extension of time for the approved funding application.**

**MEETING DETAILS:**

The motion was Carried 6/0

**CARRIED**

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**14.4 Confidential Matters - Engineering Services**

**14.4.2 2015/02/11.43 BOWEN SEWAGE OUTFALL RECEIVING ENVIRONMENT MONITORING PROGRAM**

**Moved by: J CLIFFORD**

**Seconded by: D CLARK**

**That Council receives the Environment Monitoring Program Results 2014 for the Bowen Sewerage Treatment Plant.**

**MEETING DETAILS:**

The motion was Carried 6/0

**CARRIED**

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***The meeting closed at 12.26pm***

Confirmed as a true and correct recording this 25 February 2015

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**CR JENNIFER WHITNEY  
MAYOR**