



Notice of Meeting

Notice is hereby given that the **Ordinary Meeting** of the **Whitsunday Regional Council** will be held at the **Proserpine Council Chambers, 83-85 Main Street, Proserpine** on **11 March 2015** commencing at **9:00 a.m.** and the Agenda is attached.

Councillors: Jennifer Whitney, Jan Clifford, John Atkinson, John Collins, Peter Ramage, David Clark and Andrew Willcox

Local Government Act 2009

55.(1) Written notice of each meeting or adjourned meeting of a local government must be given to each councillor at least 2 days before the day of the meeting unless it is impracticable to give the notice.

(2) The written notice must state:

- (a) the day and time of the meeting; and
- (b) for a special meeting – the object of the meeting

(3) A **special meeting** is a meeting at which the only business that may be conducted is the business stated in the notice of meeting.

S J WATERS
CHIEF EXECUTIVE OFFICER





Agenda of the Ordinary Meeting to be held at
Proserpine Council Chambers, 83-85 Main Street, Proserpine
on **11 March 2015** commencing at **9:00am**

Council acknowledges and shows respect to the Traditional Custodian/owners whose country we hold this meeting.

9:00 am

- Formal Meeting Commences

10:30 am – 11:00 am

- Morning Tea

1:00 pm

- Lunch

Whitsunday Regional Council
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Proserpine Council Chambers, 83-85 Main Street, Proserpine
 on 11 March 2015 commencing at 9:00am

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1. Apologies

No Agenda items for this section

2. Condolences
2.1 CONDOLENCES

RECOMMENDATION

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

The following report has been submitted for inclusion in Council's Ordinary Meeting to be held on 11 March 2015 by Council's Office of the Mayor and CEO Department.

BACKGROUND

Advice has been received by Council of members of the communities passing.

REPORT

The Mayor and Chief Executive Officer forwarded bereavement cards to the families of recently deceased members of the Whitsunday Regional Council.

STATUTORY MATTERS

N/A

CORPORATE PLAN REFERENCE

N/A

OPERATIONAL PLAN REFERENCE

N/A

BUDGET REFERENCE

N/A

CONSULTATION

N/A

ATTACHMENTS

N/A

3.1 **Mayoral Minute**

No Agenda items for this section

3.2 Mayoral Update

4. Confirmation of Minutes
4.1 CONFIRMATION OF MINUTES

RECOMMENDATION

That the Minutes of the Ordinary Meeting held on 25 February 2015 be confirmed.

The following report has been submitted for inclusion in Council's Ordinary Meeting to be held on 11 March 2015 by Council's Office of the Mayor and CEO Department.

BACKGROUND

Minutes were kept from the previous Ordinary Meeting of Council held on 25 February 2015. These minutes once drafted were submitted to the Chief Executive Officer for review before the unconfirmed version of the minutes were attached onto the internet for public viewing.

These minutes are therefore submitted for adoption of their accuracy by the Councillors at this meeting of Council.

REPORT

The Minutes of the Council's Ordinary Meeting held on 25 February 2015 are attached to this agenda report for review by Councillors.

STATUTORY MATTERS

Local Government Regulation 2012 section 272

CORPORATE PLAN REFERENCE

N/A

OPERATIONAL PLAN REFERENCE

N/A

BUDGET REFERENCE

N/A

CONSULTATION

Scott Waters – Chief Executive Officer

ATTACHMENTS

Copy of the minutes from Ordinary Meeting held on 25 February 2015 (separate email)

5. Delegations

No agenda items for this section.

6. Petitions

6.1 PETITION AGAINST PROPOSED BICYCLE TRACK AT THE AIRLIE BEACH LAGOON

RECOMMENDATION

That Council receive the petition, submitted by Lea Payne, regarding the proposed bicycle track at the Airlie Beach Lagoon.

The following report has been submitted for inclusion in Council's Ordinary Meeting to be held on 11 March 2015 by Council's Office of the Mayor and CEO Department.

BACKGROUND

In October, the issue of the cyclists using the footpaths in the lagoon was presented to an Ordinary Meeting of Council. Council resolved the following on the 8th of October 2014:

13.5 2014/10/08.48 Bikes in the Lagoon Precinct Airlie Beach

Moved by: J CLIFFORD

Seconded by: J ATKINSON

That the Council resolves to:

- a) support the existing signage pertaining to bikes, skateboards and scooter riding at the lagoon; and,**
- b) install additional signage at the entrances to the lagoon prohibiting the riding of bikes, skateboards and scooters in the lagoon precinct; and,**
- c) increase the compliance of the rules pertaining to the riding of bikes, skateboards and scooters in the lagoon precinct.**

Cr Clifford withdrew as mover of the motion

The motion lapsed due to lack of mover

Moved by: J CLIFFORD

Seconded by: J COLLINS

That the Bikes in the Lagoon Precinct Airlie Beach Report be tabled pending further discussions on options available at the next available briefing session.

MEETING DETAILS:

The motion was Carried 6/1

A briefing note was to provide an update on the progress of selecting another option to the issue of having cyclists moving through the Airlie lagoon precinct.

A report was provided to Council's Ordinary Meeting on 12 November 2014, stating that Council officers had investigated the installation of a dedicated cycle path around the outside of the lagoon precinct.

The preferred pathway around the outside of the lagoon precinct will enable cyclists to move from the Broadwater car park to the Airlie Central car park. Council staff stated they were concerned that if the proposed bike path was not constructed, cyclists were likely to use the existing footpaths which could cause an injury.

Additional signage and additional compliance may also reduce cyclists riding their bikes through the lagoon precinct.

It was recommended that the Council consider the installation of the bike way in 2015-16 budget and in the meantime increase compliance of site rules and improve site signage.

Council resolved the following on the 12 November 2015:

13.4 2014.11.12.69 Possible Bike Path at Airlie Lagoon

Moved by: J CLIFFORD

Seconded by: J ATKINSON

That Council take note of the report and consider the report for budget consideration.

Furthermore, that alternate routes for the bike path be considered.

MEETING DETAILS:

The motion was Carried 6/1

REPORT

The petition was received on Wednesday 4 March 2015 to be presented at the next Ordinary Meeting of Council.

STATUTORY MATTERS

N/A

CORPORATE PLAN REFERENCE

Governance and Leadership

Objective: Our Leadership engages with the community and provides open, accountable and transparent local government.

OPERATIONAL PLAN REFERENCE

Governance and Leadership

Strategies

- 1. Provide open, accountable and transparent leadership that ensures community confidence in Council and achieves positive outcomes for the Whitsunday Region.***
- 2. Develop a Governance Framework that provides accountable and transparent decision making and supports Council in meeting its legislative responsibilities.***
- 3. Engage with the community to inform Council's decision making processes.***
- 4. Communicate Council's objectives and decisions to the community through a variety of communication tools.***

BUDGET REFERENCE

N/A

CONSULTATION

Scott Waters – Chief Executive Officer

ATTACHMENTS

Appendix Item 1 – Petition against proposed bicycle track at Airlie Beach Lagoon

7. Notice of Motion

No agenda items for this section.

8. Questions on Notice

No agenda items for this section.

9. Questions from Public Gallery

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

10. Office of the Mayor and CEO
10.1 REGIONAL DEVELOPMENT AUSTRALIA BOARD
-

RECOMMENDATION

That Council notes the Chief Executive Officer's acceptance of reappointment to the Regional Development Australia Committee, Mackay-Isaac-Whitsunday as requested by the Deputy Prime Minister, the Hon Warren Truss MP.

The following report has been submitted for inclusion in Council's Ordinary Meeting to be held on 11 March, 2015 by Council's Office of the Mayor and CEO Department.

BACKGROUND

Regional Development Australia (RDA) is an Australian Government initiative that established partnership between all levels of government to enhance the development of regional communities of Australia. In Queensland, there are 12 RDA committees that are working to develop local solutions to the economic, social and environmental issues affecting their communities.

The RDA Mackay-Isaac-Whitsunday committee has developed the region's vision: *lifestyle, opportunity and prosperity* which has been established from extensive engagement with the community, peak bodies and three tiers of Government to map out a pathway forward for the region.

REPORT

Council's Chief Executive Officer (CEO) has received correspondence from the Deputy Prime Minister, the Hon Warren Truss MP, mutually congratulating and advising of re-appointment as an RDA Mackay-Isaac-Whitsunday committee member. This appointment is for an 18 month duration from 1 March, 2015 to 28 August, 2016.

This is a wonderful opportunity for both the CEO and Council, as this continued representation guarantees an active voice in advocating regional priorities, and working together to strengthen regional economic development in the Mackay-Isaac-Whitsunday region.

STATUTORY MATTERS

N/A

CORPORATE PLAN REFERENCE

Governance and Leadership

Objective: Our leadership partners with government, industry, business and community to deliver positive outcomes.

OPERATIONAL PLAN REFERENCE

Governance and Leadership

Strategies

- 1. Build and maintain strong, collaborative and cooperative relationships across all levels of government, business, industry and the community.***
- 2. Identify opportunities for alignment between Council's interests and objectives with those of Federal and State Governments.***
- 3. Partner with government, business, industry and the community to promote the Whitsunday Region at both a national and international level.***
- 4. Advocate Council's interests and objectives to government, business, industry and the community.***

BUDGET REFERENCE

N/A

CONSULTATION

Scott Waters – Chief Executive Officer (Author)

ATTACHMENTS

Appendix Item 1 – Correspondence from the Deputy Prime Minister, the Hon Warren Truss MP

10.2 DONATION - QUEENSLAND RAIL 150 EVENT

RECOMMENDATION

That Council donate an amount of \$250.00 to the Proserpine Lions Club and \$100.00 to the Proserpine Citizens Band for volunteering their time towards the Queensland Rail 150 Event held on 1 February 2015

The following report has been submitted for inclusion in Council's Ordinary Meeting to be held on 11 March 2015 by Council's Office of the Mayor and CEO Department.

BACKGROUND

On Sunday 1 February 2015, Whitsunday Regional Council hosted a Steam Train Welcome Ceremony to assist Queensland Rail in celebrating 150 Years of Rail in Queensland. Council requested assistance from both the Proserpine Lions Club and Proserpine Citizens Band which contributed to this event being successful.

REPORT

The Steam Train arrived in Proserpine at 12.00pm and left at 1.00pm. As this was a lunchtime stop it was decided to hold a 'sausage sizzle' and the Proserpine Lions Club assisted with this by donating four (4) hours by setting up and running this stall.

It was also decided to ask the Proserpine Citizens Band to play to welcome the Steam Train and they donated two (2) hours of their time by playing to the community.

STATUTORY MATTERS

N/A

CORPORATE PLAN REFERENCE

Governance and Leadership

Objective: Our leadership partners with government, industry, business and community to deliver positive outcomes.

OPERATIONAL PLAN REFERENCE

Governance and Leadership

Strategies

- 1. Build and maintain strong, collaborative and cooperative relationships across all levels of government, business, industry and the community.*
- 4. Advocate Council's interests and objectives to government, business, industry and the community.*

BUDGET REFERENCE

WO1552.1567.603

CONSULTATION

Tammy McDonald
Scott Waters

ATTACHMENTS

N/A

10.3 REDUNDANT FRAMEWORK IN COLLINSVILLE SHOWGROUNDS - EXPRESSIONS OF INTEREST

RECOMMENDATION

That Council instruct the CEO to advertise for Expressions of Interest in relation to redundant framework at the Collinsville Showgrounds.

The following report has been submitted for inclusion in Council's Ordinary Meeting to be held on 11 March 2015 by Council's Office of the Mayor and CEO Department.

BACKGROUND

Council has received an email from Collinsville Rodeo Association (attachment 1) requesting that Council allow them to remove redundant framework from Collinsville Showground, to enable them to construct a grandstand at their rodeo grounds.

REPORT

After Council officers sought clarification from the Rodeo Association, it was established that the framework in question is that remaining from temporary workers' accommodation some years ago and situated in the south-western part of the showgrounds (see attachment 2).

No mention of the framework is made in the Collinsville Showgrounds Master Plan, approved in 2013, and officers consider that the removal of this framework would enhance the visual amenity of the Showground. Its removal would also increase the space available to users of the 72 hour caravan and RV rest area. It would be a condition of removal that all holes are made good.

No records exist of any other enquiries to Council regarding the framework however it appears anecdotally that other groups may be interested in it. Officers therefore recommend that the wider community be given the opportunity to express an interest in this before an informed decision can be made by Council.

STATUTORY MATTERS

There are no statutory requirements associated with disposing of this framework

CORPORATE PLAN REFERENCE

People

Objective: Our region is inclusive and motivated by a range of social, cultural and recreation opportunities.

OPERATIONAL PLAN REFERENCE

People

Strategies

1. ***Effectively maintain public spaces and ensure they are accessible to people of all ages and abilities.***

6. ***Support community groups in facilitating a variety of cultural, community, sporting and recreation activities, events and programs.***

7. ***Promote volunteerism and encourage the participation of volunteers in community activities.***

BUDGET REFERENCE

Budget Cost Code: 1259.1022 Collinsville Parks Town General Maintenance

CONSULTATION

Karl Murdoch – Area Manager – Collinsville Area of Operations (Author)
Scott Hardy – Manager of Parks and Gardens
Scott Waters – Chief Executive Officer

ATTACHMENTS

Appendix Item 1 – Email from Collinsville Rodeo Association
Appendix Item 2 – Photograph of framework

10.4 THE COLLINSVILLE TOWN ENTRANCE STATEMENT PROJECT & COLLINSVILLE PIT PONY EXPERIENCE AS PROPOSED TO BY THE COLLINSVILLE BUSINESS WOMEN'S GROUP

RECOMMENDATION

That Council consider the Collinsville Business Women's Group entry statement plan to use Council's funding of \$100,000 to contribute \$50,000 to the Collinsville Pit Pony Experience project and \$50,000 towards Town and Regional signage.

The following report has been submitted for inclusion in Council's Ordinary Meeting to be held on 11 March 2015 by Council's Office of the Mayor and CEO Department.

BACKGROUND

Further to discussions that were held with the Collinsville Business Women's Group in 2013 in relation to the Collinsville Town Entrance Statement Project, a letter was sent by Council to the Collinsville Business Women's Group on 29 September 2014 advising that Council, as part of the 14/15 financial year's budget, had made funding to a total of \$100,000 available for this specific project.

REPORT

A letter has been received from the Collinsville Business Women's Group dated the 17 February 2015 advising that they would like to use the \$100,000 funding made available by Council for the Collinsville Entrance Statement Project by allocating \$50,000 to the Collinsville Pit Pony Experience project and \$50,000 towards Town and Regional Signage for the Collinsville area.

STATUTORY MATTERS

N/A

CORPORATE PLAN REFERENCE

Governance and Leadership

Objective: Our Leadership engages with the community and provides open, accountable and transparent local government.

OPERATIONAL PLAN REFERENCE

Governance and Leadership

Strategies

1. *Provide open, accountable and transparent leadership that ensures community confidence in Council and achieves positive outcomes for the Whitsunday Region.*

2. *Develop a Governance Framework that provides accountable and transparent decision making and supports Council in meeting its legislative responsibilities.*
3. *Engage with the community to inform Council's decision making processes.*
4. *Communicate Council's objectives and decisions to the community through a variety of communication tools.*
5. *Operate advisory committees, industry reference groups and community reference groups.*

BUDGET REFERENCE

As per budget funding for this specific project

CONSULTATION

Scott Waters – Chief Executive Officer (Author)

ATTACHMENTS

Appendix Item 1 – Collinsville Business Women's Group

Appendix Item 2 – Letter from Council to the Collinsville Business Women's Group

10.5 WHITSUNDAY REGIONAL COUNCIL MEETING STANDARD

RECOMMENDATION

That Council approve the locations of two (2) bench seats that have been donated by Queensland Rail, subject to acceptance by the local business owners:

- **Proserpine – one (1) bench seat to be located outside the Proserpine Museum**
 - **Bowen – one (1) bench seat to be located _____**
-

The following report has been submitted for inclusion in Council's Ordinary Meeting to be held on 11 March 2015 by Council's Office of the Mayor and CEO Department.

BACKGROUND

The following was resolved at Council Meeting dated 25 February 2015:

- 13. Engineering Services**
13.3 2015/02/25.38 Donation from Queensland Rail in relation to QR150 Celebrations

Moved by: J CLIFFORD
Seconded by: J ATKINSON

It is recommended that Council:
Accept the two bench seats from Queensland Rail as part of their QR150 Celebrations;
Write to Queensland Rail and thank them for their offer for two (2) bench seats to be located in Proserpine and Bowen;
Councillors decide on suitable locations for the two (2) bench seats in each town;
Councillors decide on a suitable date for the presentation of the two (2) bench seats.

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

REPORT

As part of Queensland Rail's 150 celebrations, Queensland Rail have gifted two QGR bench seats to the Whitsunday Regional Council. These bench seats are made of wrought iron from 100 years ago and only a few towns in Queensland have been selected to be part of the QR150 Celebrations by gifting bench seats to them. Queensland Rail have conditioned the donation that one seat has to be installed in Proserpine and one seat to be installed in Bowen.

The location of these bench seats have not been finalised and it is up to Council to decide where these bench seats are to be installed.

STATUTORY MATTERS

N/A

CORPORATE PLAN REFERENCE

Prosperity

Objective: Our tourism and small business sectors are strong, sustainable and actively promoted.

OPERATIONAL PLAN REFERENCE

Prosperity

Strategies

- 3. Partner with tourism, business and economic development organisations to promote the local tourism and small business sectors.***

- 5. Promote the Whitsunday Region as a desirable domestic and international tourist destination.***

BUDGET REFERENCE

WO1552.1567.603

CONSULTATION

Tammy McDonald – Executive Assistant to the Mayor and Councillors (Author)
Scott Waters – Chief Executive Officer

ATTACHMENTS

N/A

11. Corporate Services

11.1 DIGITAL ECONOMY STRATEGY AND ACTION PLAN

RECOMMENDATION

That Council endorse the final draft Digital Economy Strategy and Action Plan, noting that it is commissioned and yet to be approved by the Regional Organisation of Councils (ROC).

The following report has been submitted for inclusion in Council's Ordinary Meeting to be held on 11 March 2015 by Council's Corporate Services Department.

BACKGROUND

A Digital Economy Strategy and Action Plan is being prepared for the Mackay-Isaac-Whitsunday Region for the Whitsunday Regional Organisation of Councils (ROC).

The work is being facilitated by the State Government Department of State Development, Infrastructure and Planning under a Steering Committee consisting of CEOs or Directors (WRC representative is Graham Jarvis, Director of Corporate Services) and a Working group of Executive Managers and senior staff (WRC representative is Paul Fendley, Executive Manager Customer & Information).

REPORT

The work was drafted by consultants "Gravel Road P/L" and has included broad consultation with stakeholders and public, including 43 workshops across the broader region in late 2014. The draft strategy and roadmap makes observations regarding digital economy Demand, Supply and Local Leadership, and proposes a two-year set of actions addressing a series of desired outcomes. Several versions and edits have progressed through the committee structure and the strategy is now at final draft stage and expected to be endorsed by the working group and Strategy committee prior to submission to the Whitsunday Regional Organisation of Councils (ROC) for final approval.

The draft roadmap addresses the following desired outcomes:

1. Develop and implement a communications plan;
2. Conduct a series of information presentations regarding the digital economy (To be supported through the Digital Enterprise Program) ;
3. Establish collaboration between councils, industry peak bodies and industry and community leaders;
4. Develop case studies demonstrating the opportunities and benefits of the digital economy;
5. Conduct a series of training workshops utilising local case studies;
6. Liaise with telecommunications infrastructure constructors and Retail Service Providers (RSPs);
7. Utilise existing leadership groups such as the Mackay IT Network (MITN) and Diversify Mackay Leadership Alliance (DMLA) to foster the development of the local ICT industry;
8. Guide businesses and not for profit organisations to undertake an assessment of their current state, future desires and resultant gaps;

9. Work with education facilities and providers with the aim of enhancing digital capability at all levels (i.e. industry, business, community and individual);
10. Work with medical and health facilities and providers to optimise their usage of digital technology in the delivery of their services;
11. The three Councils, through the Whitsunday ROC, to lead by example demonstrating the principle “thinking digital first” when delivering services and through working collaboratively by sharing resources, information, knowledge, people and technology;
12. Develop a business case to encourage telecommunications companies to provide necessary infrastructure to alleviate blackspots as an interim measure until the NBN infrastructure is deployed; and
13. Liaise with NBN Co to ensure that all actions undertaken demonstrate the regions’ willingness and capability to partner with NBN Co and collaborate with the objective of sharing, or linking infrastructure to facilitate deployment of the NBN throughout the region.

It is also proposed to engage a Project Officer within the ROC to implement the action plan, contingent upon a funding model being agreed between the participant Councils.

STATUTORY MATTERS

Nil

CORPORATE PLAN REFERENCE

Place

Objective: Our region is accessible and connected.

OPERATIONAL PLAN REFERENCE

Place

Strategies

4. Advocate for improved telecommunications across the Whitsunday Region.

BUDGET REFERENCE

N/A

CONSULTATION

Paul Fendley – Executive Manager Customer and Information Services (Author)
Graham Jarvis – Director of Corporate Services

ATTACHMENTS

Appendix Item 1 Mackay Isaac Whitsunday Draft Digital Economy Strategy

11.2 REVIEW OF POLICY - DISCOUNT ON RATES WHEN SPECIAL CIRCUMSTANCES PREVENT PROMPT PAYMENT

RECOMMENDATION

That Council adopt the reviewed 'Discount on Rates when Special Circumstances Prevent Prompt Payment'. This policy will revoke the 'Discount on Rates when Special Circumstances Prevent Prompt Payment' that was adopted 07 February 2012 (Minute No. 2012/02/07.12).

The following report has been submitted for inclusion in Council's Ordinary Meeting to be held on 11 February, 2015 by Council's Corporate Services Department.

BACKGROUND

Council requires that in order for a discount on rates to be applicable, full payment must be received by Council's Cashier at a Customer Service Centre in Proserpine, Collinsville or Bowen by close of business on or before the due date for payment. Electronic payments and payments made through Council's agents must also be paid by close of business on the due date.

Section 130 (10) of the Local Government Regulations 2012 provides:

"If a local government is satisfied a ratepayer has been prevented, by circumstances beyond their control, from paying the rates or charges in time to get a discount, the local government may still allow the discount."

Council has had a policy for many years, to ensure that all applications for a discount after the closing date, are given consistent and fair consideration. The current policy is now due for review.

REPORT

To encourage the prompt payment of rates and charges in order to improve Council's cash flows and minimise the extent of subsequent recovery action, Council allows for a discount. The discount on rates is set by Council in each financial year, at its Budget Meeting. For the 2014/15 year a discount of 5% was set for rate accounts, where all arrears, interest and current rates are fully paid to Council within 30 days of the date of issue of the notice i.e. by the due date.

Council grants a discount on:

- General Rate
- Water Access Charge
- Sewerage Charge
- Garbage charge
- Infrastructure Charge
- Refuse Levy

In accordance with the Regulation, Council will grant discounts to ratepayers where evidence is provided and it can be established that there was a genuine attempt to pay within the discount period, or there were exceptional circumstances.

In order to process any such requests, the policy defines the requirements and situations that will be considered and the situations where a request is not accepted.

All applications can be considered in accordance with the policy, and a decision on granting or not granting a discount can be evidenced as being given consistent and fair consideration.

No major changes from the existing policy have been proposed.

STATUTORY MATTERS

Local Government Act 2009

Local Government Regulations 2012 Chapter 4, Part 11, Section 130 (10)

CORPORATE PLAN REFERENCE

Governance and Leadership

Objective: Our Leadership engages with the community and provides open, accountable and transparent local government.

OPERATIONAL PLAN REFERENCE

Governance and Leadership

Strategies

- 1. Provide open, accountable and transparent leadership that ensures community confidence in Council and achieves positive outcomes for the Whitsunday Region.***
- 2. Develop a Governance Framework that provides accountable and transparent decision making and supports Council in meeting its legislative responsibilities.***

BUDGET REFERENCE

N/A

CONSULTATION

Amanda Ayers – Rates Team Leader (Author)

Graham Jarvis – Director of Corporate Services

ATTACHMENTS

Appendix Item 1 – Draft Policy – Discount on Rates when Special Circumstances Prevent Prompt Payment

12. Planning and Community Services

12.1 BOWEN WORK CAMP COMMUNITY ADVISORY COMMITTEE

RECOMMENDATION

That Council receives the minutes from the Bowen work camp community advisory committee for the month of February 2015.

The following report has been submitted for inclusion in Council's Ordinary Meeting to be held on 11 March 2015 by Council's Planning and Community Services Department.

BACKGROUND

The Whitsunday Regional Council has developed a joint project with the Townsville correctional centre. This joint project is called the Bowen Community Service Project, or Bowen work camp project. The Bowen Community Service Project involves basing a small number of low security and low threat prisoners with a security officer in barracks at the Bowen Aerodrome, and using these prisoners to undertake community based projects. Over the last few years, this project has undertaken some valuable community projects such as the Flagstaff hill walkway upgrade. In addition, the Bowen Community Service Project undertake a range of lower priority community work which saves community organisations money, such as lawn mowing.

The Bowen Community Service Project is overseen by the Community Advisory Committee (CAC). The CAC was established to evaluate Queensland Corrective Services Community Work Program Applications submitted by various Community Groups and Organisations.

The Committee is made up of Queensland Corrective Services delegates, Whitsunday Regional Council delegates, and other community members. At present these other members include a representative from Girudala Co-operative Society and a representative from the Queensland Police Service. Meetings are held monthly based on need.

The role of the Council as a Committee Member is to:

1. Identify, assess and guide the management of community service projects for low security correctional centres, Work camps and Probation and Parole offices as applicable.
2. Provide information and advice with respect to the views and concerns of the local community.
3. Promote effective and open communication between communities and the Queensland Corrective Services' low security correctional centres, Work camps and Probation and Parole offices.
4. Assist in developing opportunities for prisoners in their rehabilitation and reparation, and to facilitate the reintegration of offenders to the community. This may include identifying training and post-release employment opportunities.

Various criteria are considered when evaluating each application. These criteria include but are not limited to if the organisation is a not for profit, type of work to be undertaken, when work is requested to be undertaken and benefit to the Work Camp participants.

Council also assists in providing administration assistance to the Community Advisory Committee.

REPORT

The Minutes from the Community Advisory Committee Meeting as Appendix Item 1.

STATUTORY MATTERS

N/A

CORPORATE PLAN REFERENCE

Community Services

Objective

To provide a diverse range of community services and facilities in conjunction with community groups and other agencies.

OPERATIONAL PLAN REFERENCE

Community Services

Strategies

- 2. *Support and assist community groups to provide necessary services for their clients.***
- 3. *Actively encourage tidiness and cleanliness within the region through community initiatives.***

BUDGET REFERENCE

N/A

CONSULTATION

Fiona Leddick – Administration Officer – Planning & Community (Author)

Scott Hardy – Manager Parks and Gardens

Dan Staley – Director of Planning and Community Services

ATTACHMENTS

Appendix Item 1 - Minutes of the Community Advisory Committee – month of February 2015

12.2 REQUEST FOR WAIVER OF FEE - GIRUDALA COMMUNITY CO-OPERATIVE

RECOMMENDATION

That Council waive the associated hire fees for the use of the old PCYC hall for the Girudala School Holiday Program being held on from Monday 6 April to Friday 17 April 2015.

The following report has been submitted for inclusion in Council's Ordinary Meeting to be held on 11 March 2015 by Council's Planning and Community Services Department.

BACKGROUND

Girudala Community Co-operative is a non-profit organisation that relies on the support from the local community that continues to provide a safe & healthy environment for the children in the community.

REPORT

Paul White – Youth Health Promotions Officer with Girudala sent an email dated 3 March 2015 to Whitsunday Regional Council requesting the waiver of the associated fees of \$1960.00, and to only pay the bond fee of \$470.00 for the hire of the hall for their Youth School Holiday Program commencing on 6 – 17 April 2015 (attached).

The youth who attended the last holiday program were mostly from low socio families and some youth just walked in and joined in with the program. Paul stated that if they were to pay the rent for the hall an entrance fee would have to be charged for the youth to attend and would stop the majority of them going, so if the fee could be waived it would be very much appreciated.

STATUTORY MATTERS

Local Government Act 2009

CORPORATE PLAN REFERENCE

People

Objective: Our region is inclusive and motivated by a range of social, cultural and recreation opportunities.

OPERATIONAL PLAN REFERENCE

People

Strategies

- 6. Support community groups in facilitating a variety of cultural, community, sporting and recreation activities, events and programs.***

BUDGET REFERENCE

WO: 2967.0085

CONSULTATION

Jacqueline Neave – Arts & Culture Officer (Author)
Rod Cousins - Regional Sports & Recreation Officer
Dan Staley – Director of Planning and Community Services

ATTACHMENTS

Appendix Item 1 – Email dated 3 March 2015 received from Paul White, Youth Health Promotions Officer – Girudala Community Co-operative.

12.3 REQUEST FOR WAIVER OF MAJOR EVENTS APPLICATION FEE - DINGO BEACH WHITFUNDAY 2015

RECOMMENDATION

That Council waive the Class 2 Major Event application fee of \$625.00 to assist the Dingo Beach Progress Association in holding their WhitFunday on 7 June 2015.

The following report has been submitted for inclusion in Council's Ordinary Meeting to be held on 11 March 2015 by Council's Planning and Community Services Department.

BACKGROUND

The Dingo Beach Progress Association Inc. in partnership with the Proserpine Lions Club, conduct the WhitFunday on the Queen's Birthday long weekend on the foreshore at Dingo Beach.

The WhitFunday is a family fun day and no fee is charged for admission. Whitsunday Regional Council for many years has supported this family event held by the Dingo Beach Progress Association.

The event includes; market stalls, raffles, children's beach races, sand sculpturing, and many other fun activities.

REPORT

A letter dated February 2015 has been received from Andrew Dinnie – President of the Dingo beach Progress Association requesting a waiver of the Major Event application Fee.

Whitsunday Regional Council has supported the Dingo Beach Progress Association WhitFunday in previous years through exempting the application fee of \$625.00 associated with holding the event. Once again the Dingo Beach Progress Association seeks this assistance from Whitsunday Regional Council to assist with holding this cultural activity.

STATUTORY MATTERS

Local Government Facilities and Areas Local Law 2011

CORPORATE PLAN REFERENCE

People

Objective: Our region is inclusive and motivated by a range of social, cultural and recreation opportunities.

OPERATIONAL PLAN REFERENCE

People

Strategies

- 1. Effectively maintain public spaces and ensure they are accessible to people of all ages and abilities.***
- 6. Support community groups in facilitating a variety of cultural, community, sporting and recreation activities, events and programs.***

BUDGET REFERENCE

WO: 2967.0084

CONSULTATION

Jacqueline Neave – Arts & Culture Officer (Author)
Rod Cousins - Regional Sports & Recreation Officer
Dan Staley – Director of Planning and Community Services

ATTACHMENTS

Appendix Item 1 – Letter dated February 2015 received from Andrew Dinnie President of the Dingo Beach Progress Association Inc.

12.4 REQUEST FOR WAIVER OF MAJOR EVENTS APPLICATION FEE - AIRLIE BEACH RUNNING FESTIVAL 2015

RECOMMENDATION

That Council waive the Class 2 Major Events application fee of \$625 to assist the Whitsunday Runners Club Inc. in hosting their 2015 Cruise Whitsundays Airlie Beach Running Festival “in the heart of the Whitsundays” to be held on Saturday 18 and Sunday 19 July 2015.

The following report has been submitted for inclusion in Council's Ordinary Meeting to be held on 11 March 2015 by Council's Planning and Community Services Department.

BACKGROUND

The Whitsunday Runners Club Inc. is a not for profit club with active volunteers within their group. These volunteers are supporting their club, and the community through assisting the Whitsunday Region to be active and engaging through their annual Airlie Beach Running Festival.

REPORT

The Whitsunday Runners Club Inc. is hosting its annual Airlie Beach Running Festival which attracts 200-1000 competitors and supporters. The event will be held at the Broadwater Avenue, Airlie Beach.

A proportion of the revenue raised from the event is donated to a nominated charity each year, this year funds will be donated to Eco Barge Clean Seas.

The club has completed all necessary forms to undertake the event and is requesting the Major Event application fee of \$625.00 to be waived.

STATUTORY MATTERS

Local Government Facilities and Areas Local Law 2011

CORPORATE PLAN REFERENCE

People

Objective: Our region is inclusive and motivated by a range of social, cultural and recreation opportunities.

OPERATIONAL PLAN REFERENCE

People

Strategies

- 5. Encourage cooperation between community and sporting groups and maximise benefits to sporting and recreation facilities across the Whitsunday Region.***
- 6. Support community groups in facilitating a variety of cultural, community, sporting and recreation activities, events and programs.***
- 7. Promote volunteerism and encourage the participation of volunteers in community activities.***

BUDGET REFERENCE

WO: 2967.0084

CONSULTATION

Jacqueline Neave – Arts & Culture Officer (Author)
Dan Staley – Director of Planning and Community Services

ATTACHMENTS

Appendix Item 1 – Letter received from Wendy Downes – Event Manager Whitsunday Running Club dated 19 January 2015

RECOMMENDATION

That the approved grants subject to conditions to applicants recommended to Council by the Regional Arts Development Fund Local Committee be approved as follows:

1. Art Whitsunday Inc.	<u>\$4780</u>
2. Latin Madness	<u>\$5000</u>
3. Heartists Arts Cooperative	<u>\$1670</u>
4. Whitsunday Regional Council Libraries workshops	<u>\$3516</u>
5. Dee Jays School of Dance	<u>\$2380</u>
6. Bowen Murals Society Inc.	<u>\$6500</u>
7. Bowen Quilters & Needlecraft Group Inc.	<u>\$1550</u>
8. Elizabeth Long	<u>\$1560</u>
9. Arts & Culture in the Tropics Inc.	<u>\$5000</u>
10. Jennifer Wood	<u>\$2500</u>
11. Neil Thompson	<u>\$5000</u>

The following report has been submitted for inclusion in Council's Ordinary Meeting to be held on 11 March 2015 by Council's Planning and Community Services Department.

BACKGROUND

The RADF Local Committee advised that at its recent meeting the committee assessed the applications for funding received and have recommended the applications below subject to conditions being endorsed by Council for approval.

Council's responsibilities for RADF operations are: promotion, endorsement and administration. Before RADF payments can be distributed Council is required to "*Endorse RADF committee decisions at a council meeting*". The purpose of this report is to seek the endorsement of Council of the attached minutes.

REPORT

Art Whitsunday Inc. \$4780

Building Community Cultural Capacity

The grant will be used towards the costs lead up workshops in a variety of subject matter and media, Art Exhibition and Professional Critique by the Director of Queensland Art Gallery of Modern Art, Mr Chris Saines.

Latin Madness \$5000

Building Community Cultural Capacity

The grant will be used towards the costs of bringing professional Latin dancers to the Whitsundays to teach workshops, up-skill local instructors and enhance community dance level and involvement.

Heartists Arts Cooperative **\$1670**

Building Community Cultural Capacity

The grant will be used towards the costs of preparing and staging a visual art exhibition of varying media by the artist cooperative Heartists.

Whitsunday Regional Council **\$3516**

Regional Partnerships

The grant will be used towards the costs of engaging professional artist Pam Finlay and materials to deliver Mosaic Art Workshops for members of the communities at the Whitsunday Regional Council Libraries.

Dee Jays School of Dance **\$2380**

Developing Regional Skills

The grant will be used towards the costs of providing professional choreographers & teachers for dance routines.

Bowen Shire Festival of Murals Inc. **\$6500**

Cultural Tourism

The grant will be used towards the costs of painting murals of Dalrymple St Station 1920s and Don St Station 1960s.

Bowen Quilters & Needlecraft Group Inc. **\$1550**

Developing Regional Skills

The grant will be used towards the costs of using fabric and paints to define movement and contrast in the contours of our beautiful sunburnt country to create a visual art quilt.

Elizabeth Long **\$1560**

Contemporary Collections/Stories

The grant will be used towards the costs of mounting and promoting the 10 x 8 photographic exhibition at the Whitsunday Regional Gallery.

Arts & Culture in the Tropics Inc. **\$5000**

Cultural Tourism

The grant will be used towards the costs of bringing authors to the Whitsunday Writers Festival including Jessica Watson, Ryan Campbell and Blanche D'Alpuget.

Jennifer Wood

\$2500

Building Community Cultural Capacity

The grant will be used towards the costs of attending various workshops on Genealogy at University College Cork, Dublin Research and 1798 Rebellion Re-enactment to work with local Whitsunday Family History Groups to improve their skills in family history research using the latest electronic resources and acquisition of the latest resources.

Neil Thompson

\$5000

Contemporary Collections/Stories

The grant will be used towards the costs of collating, writing, type-setting and publishing 500 hardback colour books of past and present Bowen.

STATUTORY MATTERS

RADF is a partnership program between Arts Queensland and local government. Participating local Councils bid for funding allocation for their region from Arts Queensland. Local Arts and Cultural workers then make application to the local Council. Their applications are assessed by a publicly elected committee against criteria based on program guidelines and priorities identified in each Council's Arts and Cultural Development policy.

CORPORATE PLAN REFERENCE

People

Objective: Our region is inclusive and motivated by a range of social, cultural and recreation opportunities.

OPERATIONAL PLAN REFERENCE

People

Strategies

6. Support community groups in facilitating a variety of cultural, community, sporting and recreation activities, events and programs.

BUDGET REFERENCE

Budget Cost Code - 03890.0405.0624

CONSULTATION

Jacqueline Neave – Arts & Culture Officer (Author)
Cr Jan Clifford
Whitsunday Regional Council Committee Members

ATTACHMENTS

Appendix Item 1 – Regional Arts Development Fund (RADF) meeting minutes dated 24 February 2015 for round 4.

12.6 COLLINSVILLE GOLF CLUB REQUEST FOR RATES CONCESSION 2014/2015

RECOMMENDATION

That Council approve a donation equivalent to 50% of general rate and 37.5% of the service charges levied for the 2014/2015 financial year for the Collinville Golf Club for their leased property at Scottsville Road, Collinville.

The following report has been submitted for inclusion in Council's Ordinary Meeting to be held on 11 March 2015 by Council's Planning and Community Services Department.

BACKGROUND

The reviewed policy for Donations and Concessions for Not for Profit Organisations was adopted by Council at its meeting of 17 July, 2013.

In Council's policy, 50% of the general rate and 37.5% of the service charges has previously been granted as a concession on the rates, for organisations with a Community Club liquor licence when the premises does not have gaming machines.

REPORT

A letter dated 17 February 2015 has been received from Joyce Buckley, Secretary of the Collinville Golf Club Inc., seeking a donation on the general rates and charges for the future years. A copy of their current audited financial statements has been received.

In 2010, a decline in membership saw the Club sell the licences of their four gaming machines with the funds invested in an upgrade of the clubhouse facilities. There has been a steady decline in revenue since.

Rates and Charges levied for the full 2014/15 year

General Rate	\$2,120.00 (less discount \$106.00)	Donation 50%	\$1,007.00
Sewerage	\$5,468.40 (less discount \$273.42)	Donation 37.5%	\$1,948.12
Water	\$1,321.84 (less discount \$66.09)	Donation 37.5%	\$ 470.91
Water Consumption	\$2,744.91	Donation 37.5%	<u>\$1,029.34</u>
			\$4,455.37

The granting of the concession, as per the Council policy, would assist the club to the value of **\$4,455.37** for the 2014/15 year.

STATUTORY MATTERS

Local Government Act 2009

Council Policy – Donations and Concessions for Not for Profit Organisations

CORPORATE PLAN REFERENCE

People

Objective: Our region is inclusive and motivated by a range of social, cultural and recreation opportunities.

OPERATIONAL PLAN REFERENCE

People

Strategies

- 3. Develop a balanced system of funding local sport and recreation facilities.***
- 5. Encourage cooperation between community and sporting groups and maximise benefits to sporting and recreation facilities across the Whitsunday Region.***
- 6. Support community groups in facilitating a variety of cultural, community, sporting and recreation activities, events and programs.***

BUDGET REFERENCE

GL 03870.0405.0622 - Donations

CONSULTATION

Rod Cousins - Regional Sports & Recreation Officer (Author)
Dan Staley – Director of Planning and Community Services

ATTACHMENTS

Appendix Item 1 – Request Letter from Collinsville Golf Club Inc

12.7 20150070 - APPLICATION FOR CONVERSION OF SPECIAL LEASE 5/52001 DESCRIBED AS LOT 303 ON CP897215 TO FREEHOLD TENURE

RECOMMENDATION

That Department of Natural Resources and Mines be advised that Council has no objection to Special Lease 5/52001 being converted to freehold provided the use of the land is for grazing purposes.

The following report has been submitted for inclusion in Council's Ordinary Meeting to be held on 11 March 2015 by Council's Planning and Community Department.

BACKGROUND

In accordance with s16 of the *Land Act 1994*, before land is allocated under this Act, the Chief Executive of the State Department of Natural Resources and Mines must evaluate the land to assess the most appropriate tenure and use for the land.

In accordance with Departmental Guideline - Land Allocation: Deciding Most Appropriate Use, Tenure and Management (PUX/901/101), an assessment of the most appropriate use of the land should give due consideration to:

- attributes of the land,
- views and rights of interested parties, and
- government policy.

“Attributes of the land” include the environmental, social and economic values of the land, and opportunities and constraints based upon land capacity (capabilities) and condition. This will require an assessment of (among other things) natural resources, environmental values, culturally valuable and sensitive areas and features, biodiversity, community needs, and the location of the land with respect to existing and future needs for public infrastructure and services.

“Views and rights of interested parties” may require a consideration of interest holders' views (including lessees, native title holders, secondary interest holders such as a grantee of an easement, holders of rights and interests under the Mineral Resources Act 1989) and consideration of the views of interested parties such as State and local government agencies and, at times, conservation groups, community groups and adjoining property owners or managers. At a minimum the consultation process will include requesting views of local government, other relevant government agencies and assessing the status of native title and indigenous cultural heritage over the land.

“Strategies and policies”, for example regional plans and local government planning schemes, need to be checked to expert advice will be largely relied upon to provide information – for example, the State will rely on the relevant local government to provide advice on whether a proposed use is consistent with its planning scheme and policies.

Land evaluation information, upon which the most appropriate use decision will be based, will be accessed from a range of sources, including planning strategies and policies, views of interested parties, departmental databases, government laws and policies, previous planning studies, and from a physical inspection of the subject land.

After the most appropriate use for the land is determined, the specific oversight that the State wishes to retain will need to be decided by the State to ensure that the tenure type which will achieve and maintain the use is allocated.

A decision to allocate tenure is a reviewable decision in terms of the *Judicial Review Act 1991* and a decision maker must be able to provide an adequate statement of reasons for a decision.

Further, allocation and other dealings under the Land Act are subject to Native Title being satisfactorily addressed - sections 7, 27 and 28 of the Land Act 1994 (Land Act) apply.

REPORT

The Department of Natural Resources and Mines has sought Council's views on an application for the conversion of a Special Lease 5/52001 being Lot 303 on CP897215 to Freehold.

Lot 303 on CP897215 is zoned Rural under the *2009 Whitsunday Shire Planning Scheme* and is approximately 124.0000 hectares. The property is identified on the Conservation Areas Overlay - Essential Habitat & Aquatic Habitat and the Natural Features & Resources Overlay – Special Management Areas – Bushfire Hazard.

In order to provide a response to the Department in relation to the “views and rights of interested parties”, council officers have undertaken a review as whether or not the proposed conversion of Special Lease 5/52001 will adversely impact on Council interests.

The conversion of Special Lease 5/52001 does not adversely impact on existing or future Council owned or controlled infrastructure, being:

- urban and rural residential water cycle management infrastructure, including infrastructure for water supply, and sewerage;
- transport infrastructure, including constructed roads and footpaths;
- public parks infrastructure;
- community facilities, including community halls or public libraries.

It is noted that the proposed area subject to Special Lease 5/52001 does not contain any Council owned or controlled infrastructure and there are no plans to locate Council owned or controlled infrastructure within the area subject to Special Lease 5/52001.

The conversion of Special Lease 5/52001 does not adversely impact on valuable features, as stated in the planning scheme, such as:

- resources or areas that are of ecological significance;
- areas contributing significantly to amenity;
- areas or places of cultural heritage significance;
- resources or areas of economic value.

The proposed conversion of Special Lease 5/52001 does not adversely impact on land use intent of the area, being rural nor the ability for the site to continue the current farming practices which is a consistent and suitable use given the overlays over the site.

Planning Assessment, Rates, Engineering and NRM Unit have reviewed and do not object to the proposed renewal of Special Lease 5/52001

STATUTORY MATTERS

Land Act 1994

CORPORATE PLAN REFERENCE

Place

Objective: Our natural environment is valued and sustainable.

Place

Objective: Our region is accessible and connected.

Place

Objective: Our infrastructure supports our region's current and future needs.

OPERATIONAL PLAN REFERENCE

Place

Strategies

- 1. Develop and implement an efficient, effective and accountable framework for managing the growth and development of the Whitsunday Region.***
- 2. Develop and implement strategies to preserve the unique character of our communities and heritage places.***
- 3. Advocate the Whitsunday Region's planning and growth needs to Federal and State Governments.***

BUDGET REFERENCE

N/A

CONSULTATION

Emma Letic – Technical Officer Planning Assessment (Author)
Patty Jago - Rates
Monica Stoinescu – NRM Unit
Hennie Van Der Schyff – Executive Manager Roads and Drainage
Kellianne Wynne – Manager Development Assessment

ATTACHMENTS

Appendix Item 1 – Locality Plan
Appendix Item 2 – Smart Map

12.8 20150071 - APPLICATION FOR CONVERSION TO FREEHOLD OF GRAZING HOMESTEAD PERPETUAL LEASE 12/2543 DESCRIBED AS LOT 6 ON SM99

RECOMMENDATION

That Department of Natural Resources and Mines be advised that Council has no objection to Grazing Homestead Perpetual Lease 12/2543 being converted to freehold provided the use of the land is for grazing purposes.

The following report has been submitted for inclusion in Council's Ordinary Meeting to be held on 11 March 2015 by Council's Planning and Community Department.

BACKGROUND

In accordance with s16 of the *Land Act 1994*, before land is allocated under this Act, the Chief Executive of the State Department of Natural Resources and Mines must evaluate the land to assess the most appropriate tenure and use for the land.

In accordance with Departmental Guideline - Land Allocation: Deciding Most Appropriate Use, Tenure and Management (PUX/901/101), an assessment of the most appropriate use of the land should give due consideration to:

- attributes of the land,
- views and rights of interested parties, and
- government policy.

“Attributes of the land” include the environmental, social and economic values of the land, and opportunities and constraints based upon land capacity (capabilities) and condition. This will require an assessment of (among other things) natural resources, environmental values, culturally valuable and sensitive areas and features, biodiversity, community needs, and the location of the land with respect to existing and future needs for public infrastructure and services.

“Views and rights of interested parties” may require a consideration of interest holders' views (including lessees, native title holders, secondary interest holders such as a grantee of an easement, holders of rights and interests under the Mineral Resources Act 1989) and consideration of the views of interested parties such as State and local government agencies and, at times, conservation groups, community groups and adjoining property owners or managers. At a minimum the consultation process will include requesting views of local government, other relevant government agencies and assessing the status of native title and indigenous cultural heritage over the land.

“Strategies and policies”, for example regional plans and local government planning schemes, need to be checked to expert advice will be largely relied upon to provide information – for example, the State will rely on the relevant local government to provide advice on whether a proposed use is consistent with its planning scheme and policies.

Land evaluation information, upon which the most appropriate use decision will be based, will be accessed from a range of sources, including planning strategies and policies, views of interested parties, departmental databases, government laws and policies, previous planning studies, and from a physical inspection of the subject land.

After the most appropriate use for the land is determined, the specific oversight that the State wishes to retain will need to be decided by the State to ensure that the tenure type which will achieve and maintain the use is allocated.

A decision to allocate tenure is a reviewable decision in terms of the *Judicial Review Act 1991* and a decision maker must be able to provide an adequate statement of reasons for a decision.

Further, allocation and other dealings under the Land Act are subject to Native Title being satisfactorily addressed - sections 7, 27 and 28 of the Land Act 1994 (Land Act) apply.

REPORT

The Department of Natural Resources and Mines has sought Council's views on an application for the conversion of a Grazing Homestead Perpetual Lease 12/2543 being Lot 6 on SM99 to freehold.

Lot 6 on SM99 is zoned Rural under the *Bowen Shire Planning Scheme 2006* and is approximately 26800.0000 hectares. The property is identified on the Natural Features and Resources Overlay – Special Management Areas - Bushfire Hazard.

In order to provide a response to the Department in relation to the "views and rights of interested parties", council officers have undertaken a review as whether or not the proposed conversion of Grazing Homestead Perpetual Lease 12/2543 will adversely impact on Council interests.

The conversion of Grazing Homestead Perpetual Lease 12/2543 does not adversely impact on existing or future Council owned or controlled infrastructure, being:

- urban and rural residential water cycle management infrastructure, including infrastructure for water supply, and sewerage;
- transport infrastructure, including constructed roads and footpaths;
- public parks infrastructure;
- community facilities, including community halls or public libraries.

It is noted that the proposed area subject to Grazing Homestead Perpetual Lease 12/2543 does not contain any Council owned or controlled infrastructure and there are no plans to locate Council owned or controlled infrastructure within the area subject to Grazing Homestead Perpetual Lease 12/2543.

The conversion of Grazing Homestead Perpetual Lease 12/2543 does not adversely impact on valuable features, as stated in the planning scheme, such as:

- resources or areas that are of ecological significance;
- areas contributing significantly to amenity;
- areas or places of cultural heritage significance;
- resources or areas of economic value.

The proposed conversion of Grazing Homestead Perpetual Lease 12/2543 does not adversely impact on land use intent of the area, being rural nor the ability for the site to continue the current farming practices which is a consistent and suitable use given the overlays over the site.

Planning Assessment, Rates, Engineering and NRM Unit have reviewed and do not object to the proposed renewal of Grazing Homestead Perpetual Lease 12/2543.

STATUTORY MATTERS

Land Act 1994

CORPORATE PLAN REFERENCE

Place

*Objective: Our region is accessible and connected.
Place*

Objective: Our region is accessible and connected.

Place

Objective: Our infrastructure supports our region's current and future needs.

OPERATIONAL PLAN REFERENCE

Place

Strategies

- 1. Develop and implement an efficient, effective and accountable framework for managing the growth and development of the Whitsunday Region.*
- 2. Develop and implement strategies to preserve the unique character of our communities and heritage places.*
- 3. Advocate the Whitsunday Region's planning and growth needs to Federal and State Governments.*

BUDGET REFERENCE

N/A

CONSULTATION

Emma Letic – Technical Officer Planning Assessment (Author)
Patty Jago – Rates
Monica Stoinescu – NRM Unit
Hennie Van Der Schyff – Executive Manager Roads and Drainage
Kellianne Wynne – Manager Development Assessment

ATTACHMENTS

Appendix Item 1 – Locality Plan
Appendix Item 2 – Smart Map

**12.9 20150079 - APPLICATION FOR RENEWAL OF TERM LEASE 0/235230
BEING LOT 56 ON HR319 OVER CAMPING RESERVE R56**

RECOMMENDATION

That Department of Natural Resources and Mines be advised that Council has no objection to the renewal of Term Lease 0/235230 provided the use of the land is for grazing.

The following report has been submitted for inclusion in Council's Ordinary Meeting to be held on 11 March 2015 by Council's Planning and Community Department.

BACKGROUND

In accordance with s16 of the *Land Act 1994*, before land is allocated under this Act, the Chief Executive of the State Department of Natural Resources and Mines must evaluate the land to assess the most appropriate tenure and use for the land.

In accordance with Departmental Guideline - Land Allocation: Deciding Most Appropriate Use, Tenure and Management (PUX/901/101), an assessment of the most appropriate use of the land should give due consideration to:

- attributes of the land,
- views and rights of interested parties, and
- government policy.

“Attributes of the land” include the environmental, social and economic values of the land, and opportunities and constraints based upon land capacity (capabilities) and condition. This will require an assessment of (among other things) natural resources, environmental values, culturally valuable and sensitive areas and features, biodiversity, community needs, and the location of the land with respect to existing and future needs for public infrastructure and services.

“Views and rights of interested parties” may require a consideration of interest holders' views (including lessees, native title holders, secondary interest holders such as a grantee of an easement, holders of rights and interests under the Mineral Resources Act 1989) and consideration of the views of interested parties such as State and local government agencies and, at times, conservation groups, community groups and adjoining property owners or managers. At a minimum the consultation process will include requesting views of local government, other relevant government agencies and assessing the status of native title and indigenous cultural heritage over the land.

“Strategies and policies”, for example regional plans and local government planning schemes, need to be checked to expert advice will be largely relied upon to provide information – for example, the State will rely on the relevant local government to provide advice on whether a proposed use is consistent with its planning scheme and policies.

Land evaluation information, upon which the most appropriate use decision will be based, will be accessed from a range of sources, including planning strategies and policies, views of interested parties, departmental databases, government laws and policies, previous planning studies, and from a physical inspection of the subject land.

After the most appropriate use for the land is determined, the specific oversight that the State wishes to retain will need to be decided by the State to ensure that the tenure type which will achieve and maintain the use is allocated.

A decision to allocate tenure is a reviewable decision in terms of the *Judicial Review Act 1991* and a decision maker must be able to provide an adequate statement of reasons for a decision.

Further, allocation and other dealings under the Land Act are subject to Native Title being satisfactorily addressed - sections 7, 27 and 28 of the Land Act 1994 (Land Act) apply.

REPORT

The Department of Natural Resources and Mines has sought Council's views on an application for the Renewal of Term Lease 0/235230 being Lot 56 on HR319 over Camping Reserve R56 Herbert.

Lot 56 on HR319 is zoned Rural under the *Bowen Shire Planning Scheme 2006* and is approximately 506.0000 hectares. The property is identified on the Natural Features and Resources Overlay – Special Management Areas - Bushfire Hazard.

In order to provide a response to the Department in relation to the "views and rights of interested parties", council officers have undertaken a review as whether or not the Renewal of Term Lease 0/235230 will adversely impact on Council interests.

The Renewal of Term Lease 0/235230 does not adversely impact on existing or future Council owned or controlled infrastructure, being:

- urban and rural residential water cycle management infrastructure, including infrastructure for water supply, and sewerage;
- transport infrastructure, including constructed roads and footpaths;
- public parks infrastructure;
- community facilities, including community halls or public libraries.

It is noted that the proposed area subject to Term Lease 0/235230 does not contain any Council owned or controlled infrastructure and there are no plans to locate Council owned or controlled infrastructure within the area subject to the Term Lease 0/235230.

The Renewal of Term Lease 0/235230 does not adversely impact on valuable features, as stated in the planning scheme, such as:

- resources or areas that are of ecological significance;
- areas contributing significantly to amenity;
- areas or places of cultural heritage significance;
- resources or areas of economic value.

The Renewal of Term Lease 0/235230 does not adversely impact on land use intent of the area, being rural nor the ability for the site to continue the current farming practices which is a consistent and suitable use given the overlays over the site.

Planning Assessment, Rates, Engineering and NRM Unit have reviewed and do not object to the proposed Renewal of Term Lease 0/235230.

STATUTORY MATTERS

Land Act 1994

CORPORATE PLAN REFERENCE

Place

Objective: Our natural environment is valued and sustainable.

Place

Objective: Our region is accessible and connected.

Place

Objective: Our infrastructure supports our region's current and future needs.

OPERATIONAL PLAN REFERENCE

Place

Strategies

- 1. Develop and implement an efficient, effective and accountable framework for managing the growth and development of the Whitsunday Region.***
- 2. Develop and implement strategies to preserve the unique character of our communities and heritage places.***
- 3. Advocate the Whitsunday Region's planning and growth needs to Federal and State Governments.***

BUDGET REFERENCE

N/A

CONSULTATION

Emma Letic – Technical Officer Planning Assessment (Author)
Patty Jago – Rates
Monica Stoinescu – NRM Unit
Hennie Van Der Schyff – Executive Manager Roads and Drainage
Kellianne Wynne – Manager Development Assessment

ATTACHMENTS

Appendix Item 1 – Locality Plan
Appendix Item 2 – Smart Map

13. Engineering Services

13.1 AIRLIE PROFESSIONAL CENTRE FOOTPATH GARDENS

RECOMMENDATION

That Council resolves to consider the removal of the garden beds outside of the Airlie Professional Centre on Shute Harbour Road and pave the site as part of the 2015-16 budget deliberations.

The following report has been submitted for inclusion in Council's Ordinary Meeting to be held on 11 March, 2015 by Council's Engineering Services Department.

BACKGROUND

In 2003-2004, Council installed garden beds outside of the Airlie Professional Centre at 400 Shute Harbour Road. The garden beds were installed at the same time as the raised garden beds along the Esplanade at Airlie Beach. Despite the positioning of a number of bins outside nearby shops and the garden beds, the planted area became a focal point for rubbish disposal and cigarette butt litter. Approximately two years ago the garden was removed because of vandalism and rubbish accumulation.

In mid-2014, the Body Corporate of the Airlie Professional Centre wrote to the Council requesting assistance with a solution to the garden bed issue. Council sought to work with the Body Corporate to find suitable options for the site. In September 2014, the Airlie Professional Centre Body Corporate met to discuss the gardens on site. In November 2014 the Airlie Professional Centre Body Corporate met again and resolved that their preference is to have the garden beds removed.

Council officers met with the secretary of the Airlie Professional Centre Body Corporate on the 23rd of February 2015 to discuss possible options and discuss the reasons for the removal of the garden beds. The Secretary of the Body Corporate provided the following information:

- If gardens were to be re-instated, they would attract rubbish again.
- If the raised garden beds were converted to an outdoor seating area, the site would need to be fenced due to the edge.
- The Body Corporate has a preference to remove the garden beds and install grass or pave the site.

The other issue raised by the Airlie Professional Centre is the bus stop. According to Whitsunday Transit, the bus stop is not a passenger pick up site for them.

The purpose of this report is to seek Council's endorsement for the removal of the raised garden beds outside of the Airlie Professional Centre building.

REPORT

Council constructed two raised garden beds outside of the Airlie Professional Centre approximately 10 years ago. The gardens attracted rubbish and were removed in 2013. The Airlie Professional Centre Body Corporate would like the raised garden beds to be removed. The raised garden beds are on the road reserve of Shute Harbour Road.

The raised garden bed blocks could be removed carefully and reused elsewhere in Airlie Beach. To remove the raised garden beds will require earth moving machinery. The two main options available to refurbish the site are:

- Option 1: Remove the garden beds and pave the site.
- Option 2: Remove the garden beds and grass the site.

To successfully grass the site may require irrigation. During the dry season, without irrigation the grass is likely to die-off making the site look unattractive. There is a nearby Council garden bed on the footpath which is likely to have irrigation.

The site has a slight incline which may make it slippery in wet weather. The incline may require the site to have stairs installed so that it complies with design standards.

The issue regarding the possible removal of the bus stop outside of the Airlie Professional centre is probably better assessed at a later date once the bus stops and bus movements through Airlie Beach have been holistically considered.

The estimated cost to remove the garden beds and excess soil is between \$3,000-\$5,000. The estimated cost to install grass and irrigation is estimated to cost \$3,000. The estimated cost to install the pavers and stairs is between \$5,000-\$9,000 (depending if stairs are included in the refurbishment).

STATUTORY MATTERS

The Council regulates the construction of infrastructure on the footpath at this section of Shute Harbour Road.

CORPORATE PLAN REFERENCE

Place

Objective: Our infrastructure supports our region's current and future needs.

OPERATIONAL PLAN REFERENCE

Place

Strategies

- 1. Develop and maintain effective roads and drainage infrastructure, networks and facilities.***

BUDGET REFERENCE

The cost of the removal of the garden beds and the refurbishment of the site has not been considered in the 2014-15 financial year. The estimated cost of the work is between \$11,000 - \$17,000 depending on the option chosen.

CONSULTATION

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ATTACHMENTS

Appendix Item 1 – Photo of location and garden beds