



Minutes of the Ordinary Meeting held on 22 July, 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
Bowen Council Chambers, 67 Herbert Street, Bowen on
22 July, 2015 commencing at 9:00am**

Councillors Present:

J Whitney; J Atkinson; D Clark; J Clifford (*via teleconference*); J Collins; P Ramage; and A Willcox

Council Officers Present:

S Waters (Chief Executive Officer); K McLoughlin (Chief Operating Officer); M McGoldrick (Chief Financial Officer); G Jarvis (Director Corporate Services); D Staley (Director Planning and Community); Hennie van der Schyff (Executive Manager Roads and Drainage); L Maher (Communications Officer); Y Hughes (Graduate Water Engineer) and M Douglas (Administration Officer)

Other Details:

The meeting commenced at 9.04am

The meeting adjourned for morning tea at 10.25am

The meeting reconvened after morning tea at 10.53am

The meeting closed at 1.22pm

Whitsunday Regional Council
 Minutes of the Ordinary Meeting to be held at
Bowen Council Chambers, 67 Herbert Street, Bowen
 on 22 July, 2015 commencing at 9:00am

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2. Condolences

2. 2015/0722.01 CONDOLENCES

Moved by: D CLARK

Seconded by: A WILLCOX

That Council observe one minute silence for the recently deceased.

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

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**3.2 Mayoral Update**

| <b>MAYOR'S ATTENDANCE - 9 JULY TO 21 JULY 2015</b> |                                                                                                                                                       |
|----------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------|
| Thurs 09/07/15                                     | Mayor Whitney, Cr Atkinson, Cr Clark, Cr Clifford, Cr Collins and Cr Willcox attended the Council Meeting in Proserpine                               |
| Fri 10/07/15                                       | Mayor Whitney attended a meeting with representatives from Elite Security                                                                             |
|                                                    | Mayor Whitney attended the WRIT meeting                                                                                                               |
| Sat 11/07/15                                       | Mayor Whitney, Cr Clark and Cr Clifford attended the Bowen NAIDOC Family Fun Day                                                                      |
|                                                    | Cr Clifford attended the Proserpine NAIDOC Celebrations                                                                                               |
| Mon 13/07/15                                       | Mayor Whitney attended the State River Trust Meeting in Brisbane                                                                                      |
|                                                    | Mayor Whitney attended the Department of State Development                                                                                            |
| Tues 14/07/15                                      | Mayor Whitney and all Councillors attended the Special Budget Meeting in Proserpine                                                                   |
|                                                    | Mayor Whitney, Cr Atkinson, Cr Clifford, Cr Collins and Cr Willcox attended the Councillors Briefing Session                                          |
|                                                    | Mayor Whitney, Cr Clifford and the CEO attended dinner with Mr Wang and representatives from TAFE North Queensland to discuss Chinese Student Program |
|                                                    | Mayor Whitney, Cr Atkinson and Cr Willcox attended a Public Meeting to discuss 'Coconut Management Policy' held at Airlie Beach PCYC                  |
| Wed 15/07/15                                       | Mayor Whitney and all Councillors attended the Planning & Corporate Briefing Session                                                                  |
|                                                    | Mayor Whitney attended a meeting with representative from Girudala regarding Flagstaff Lease                                                          |
|                                                    | Cr Ramage and Cr Willcox attended a Public Meeting to discuss 'Coconut Management Policy' held at Collinsville Community Centre                       |

|                |                                                                                                |
|----------------|------------------------------------------------------------------------------------------------|
| Thurs 16/07/15 | Mayor Whitney attended the Whitsunday Regional Roads and Transport Group                       |
|                | Mayor Whitney attended the Whitsunday ROC Meeting                                              |
|                | Mayor Whitney attended the launch of a History of Mackay Rugby League                          |
| Fri 17/07/15   | Mayor Whitney attended a media event with George Christensen regarding Sugarloaf Road          |
|                | Mayor Whitney and the CEO attended a meeting with Chinese Daydream Island                      |
|                | Mayor Whitney and Cr Willcox attended Offshore Superboats in Bowen                             |
| Sat 18/07/15   | Cr Ramage attended the D&R Community Services Morning Tea in Collinsville                      |
|                | Cr Clifford attended the Invitation to export - The Cove - Airlie Beach                        |
| Mon 20/07/15   | Mayor Whitney and Cr Clifford attended the LGAQ Diploma Elected Members                        |
| Tues 21/07/15  | Cr Willcox attended a Public Meeting to discuss 'Coconut Management Policy' held at Bowen PCYC |
|                | Mayor Whitney and Cr Clifford attended the LGAQ Diploma Elected Members                        |

#### 4. Confirmation of Minutes

##### 4.1 2015/0722.02 CONFIRMATION OF MINUTES

Moved by: J COLLINS

Seconded by: A WILLCOX

That the Minutes of the Ordinary Meeting held on 9 July, 2015 and the Special Budget Meeting on the 14 July, 2015 be confirmed.

#### MEETING DETAILS:

The motion was Carried 7/0

**CARRIED**

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10. Office of the Mayor & CEO
10.1 2015/0722.03 OPERATIONAL PLAN 2014/2015 - JUNE 2015
QUARTER

Moved by: J ATKINSON

Seconded by: A WILLCOX

That the Operational Plan containing the 2014/2015 update for the fourth and final quarter ending 30th June 2015, be approved and staff be acknowledged for their contribution.

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

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10. Office of the Mayor & CEO  
10.2 2015/0722.04 MONTHLY FINANCIAL REPORT - JUNE 2015

Moved by: J ATKINSON

Seconded by: J COLLINS

That Monthly Financial Report for the month of June 2015 be received.

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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10. Office of the Mayor & CEO
10.3 2015/0722.05 DELEGATIONS - WORK HEALTH AND SAFETY ACT
2011

Moved by: A WILLCOX

Seconded by: J COLLINS

That Council under Section 257 of the *Local Government Act 2009* resolve 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 Instrument of Delegation.

INSTRUMENT OF DELEGATION

Whitsunday Regional Council
Work Health and Safety Act 2011

Under section 257 of the *Local Government Act 2009*, **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 powers to the Chief Executive Officer under the *Work Health and Safety Act 2011* are repealed.

Schedule 1

Work Health and Safety Act 2011 ("WHS")

Part 3 - Incident notification

Entity power given to	Section of WHSA	Description
Person who conducts a business or undertaking	38(1)	Power to notify the regulator immediately after becoming aware that a notifiable incident arising out of the conduct of the business or undertaking has occurred.
Person who conducts a business or undertaking	38(4)(b)	Power to, if required by the regulator, give written notice of the incident within 48 hours of that requirement being made.

Part 5 - Consultation, representation and participation

Division 3 – Health and safety representatives

Subdivision 2 - Determination of work groups

Entity power given to	Section of WHSA	Description
Person who conducts a business or undertaking	52(1)	Power to negotiate and agree upon the work group.
Person who conducts a business or undertaking	52(4)	Power to negotiate a variation of the agreement upon a work group.
Person who conducts a business or undertaking	53(1)	Power to notify the workers of the outcome of negotiations and of any work groups determined by agreement.
Person who conducts a business or undertaking	53(2)	Power to notify the worker of the outcome of the negotiations and of the variation (if any) to the agreement.

Any person who is or would be a party to negotiations	54(1)	Power to ask the regulator to appoint an inspector for the purposes of this section.
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Subdivision 3 – Multiple-business work group

Entity power given to	Section of WHSA	Description
Parties to an agreement	55(3)	Power to negotiate a variation of the agreement.
Any party to the negotiations	56(3)	Power to ask the regulator to appoint an inspector.
Person who conducts a business or undertaking	57(1)	Power to notify the workers of the outcome of the negotiations and of any work groups determined by agreement.
Person who conducts a business or undertaking	57(2)	Power to notify the workers of the outcome of the negotiations and of the variation (if any) to the agreement.
A party to a negotiation for an agreement	58(1)	Power to withdraw from the negotiation or agreement by giving notice in writing to the other parties.

Subdivision 6 – Obligations of person conducting business or undertaking to health and safety representatives

Entity power given to	Section of WHSA	Description
Person who conducts a business or undertaking	71(5)	Power to refuse, on reasonable grounds to grant access to the workplace to a person assisting a health and safety representative for a work group.
Person who conducts a business or undertaking	71(5A)	Power to refuse to grant access to the workplace to a person (the assistant) assisting a health and safety representative for a work group if the health and safety representative has not: <ul style="list-style-type: none"> (a) given notice under section 68(3B); or (b) given the person conducting the business or undertaking the information about the assistant prescribed under a regulation.
Person who conducts a business or undertaking	73(1)	Power to agree to apportion the costs.
Person who conducts a business or undertaking	73(2)	Power to negotiate and agree upon a variation to the apportionment of costs between persons conducting the businesses or undertakings.

Division 4 – Health and safety committees

Entity power given to	Section of WHS Act	Description
Person who conducts a business or undertaking	76(1)	Subject to subsections (2) to (4) power to agree upon the constitution of a health and safety committee.
Person who conducts a business or undertaking	76(5)	Power to ask the regulator to appoint an inspector to decide the matter.
Person who conducts a business or undertaking	77(c)	Power to agree upon the functions of a health and safety committee.

Division 5 – Issue resolution

Entity power given to	Section of WHS Act	Description
A party to the issue	82(2)	Power to ask the regulator to appoint an inspector to attend the workplace to assist in resolving the issue.

Division 6 – Right to cease or direct cessation of unsafe work

Entity power given to	Section of WHS Act	Description
Person who conducts a business or undertaking	87	Power to direct a worker to carry out suitable alternative work at the same or another workplace if that work is safe and appropriate for the worker to carry out until the worker can resume normal duties.
Person who conducts a business or undertaking	89	Power to ask the regulator to appoint an inspector to attend the workplace to assist in resolving an issue arising in relation to the cessation of work.

Part 7 - Workplace entry by WHS entry permit holders

Division 6 – Dealing with disputes

Entity power given to	Section of WHS Act	Description
Party to the dispute	141	Power to ask the regulator to appoint an inspector to attend the workplace to assist in resolving the dispute.

Part 12 - Review of decisions

Division 2 – Internal review

Entity power given to	Section of WHS Act	Description
An eligible person in relation to a	224	Power to apply to the regulator for internal review.

reviewable decision		
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Division 3 – External review

Entity power given to	Section of WHS Act	Description
Eligible person	229	Power to apply to the external review body for an external review.

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.
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.
7. The delegate will only exercise a delegated power consistent with their financial delegations.

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

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10. Office of the Mayor & CEO

10.4 2015/0722.06 DELEGATIONS - LAND REGULATION 2009

Moved by: J ATKINSON

Seconded by: J COLLINS

That Council under Section 257 of the *Local Government Act 2009* resolve 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 Instrument of Delegation.

## INSTRUMENT OF DELEGATION

### Whitsunday Regional Council *Work Health and Safety Act 2011*

Under section 257 of the *Local Government Act 2009*, 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 powers to the Chief Executive Officer under the *Work Health and Safety Act 2011* are repealed.

### Schedule 1

#### *Work Health and Safety Act 2011 ("WHS")*

##### Part 3 - Incident notification

| Entity power given to                         | Section of WHSA | Description                                                                                                                                                       |
|-----------------------------------------------|-----------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Person who conducts a business or undertaking | 38(1)           | Power to notify the regulator immediately after becoming aware that a notifiable incident arising out of the conduct of the business or undertaking has occurred. |
| Person who conducts a business or undertaking | 38(4)(b)        | Power to, if required by the regulator, give written notice of the incident within 48 hours of that requirement being made.                                       |

**Part 5 - Consultation, representation and participation**  
**Division 3 – Health and safety representatives**  
**Subdivision 2 - Determination of work groups**

| Entity power given to                                 | Section of WHSA | Description                                                                                                   |
|-------------------------------------------------------|-----------------|---------------------------------------------------------------------------------------------------------------|
| Person who conducts a business or undertaking         | 52(1)           | Power to negotiate and agree upon the work group.                                                             |
| Person who conducts a business or undertaking         | 52(4)           | Power to negotiate a variation of the agreement upon a work group.                                            |
| Person who conducts a business or undertaking         | 53(1)           | Power to notify the workers of the outcome of negotiations and of any work groups determined by agreement.    |
| Person who conducts a business or undertaking         | 53(2)           | Power to notify the worker of the outcome of the negotiations and of the variation (if any) to the agreement. |
| Any person who is or would be a party to negotiations | 54(1)           | Power to ask the regulator to appoint an inspector for the purposes of this section.                          |

**Subdivision 3 – Multiple-business work group**

| Entity power given to                         | Section of WHSA | Description                                                                                                    |
|-----------------------------------------------|-----------------|----------------------------------------------------------------------------------------------------------------|
| Parties to an agreement                       | 55(3)           | Power to negotiate a variation of the agreement.                                                               |
| Any party to the negotiations                 | 56(3)           | Power to ask the regulator to appoint an inspector.                                                            |
| Person who conducts a business or undertaking | 57(1)           | Power to notify the workers of the outcome of the negotiations and of any work groups determined by agreement. |
| Person who conducts a business or undertaking | 57(2)           | Power to notify the workers of the outcome of the negotiations and of the variation (if any) to the agreement. |
| A party to a negotiation for an agreement     | 58(1)           | Power to withdraw from the negotiation or agreement by giving notice in writing to the other parties.          |



**Subdivision 6 – Obligations of person conducting business or undertaking to health and safety representatives**

| Entity power given to                         | Section of WHS Act | Description                                                                                                                                                                                                                                                                                                                                                                |
|-----------------------------------------------|--------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Person who conducts a business or undertaking | 71(5)              | Power to refuse, on reasonable grounds to grant access to the workplace to a person assisting a health and safety representative for a work group.                                                                                                                                                                                                                         |
| Person who conducts a business or undertaking | 71(5A)             | Power to refuse to grant access to the workplace to a person (the assistant) assisting a health and safety representative for a work group if the health and safety representative has not:<br>(a) given notice under section 68(3B); or<br>(b) given the person conducting the business or undertaking the information about the assistant prescribed under a regulation. |
| Person who conducts a business or undertaking | 73(1)              | Power to agree to apportion the costs.                                                                                                                                                                                                                                                                                                                                     |
| Person who conducts a business or undertaking | 73(2)              | Power to negotiate and agree upon a variation to the apportionment of costs between persons conducting the businesses or undertakings.                                                                                                                                                                                                                                     |

**Division 4 – Health and safety committees**

| Entity power given to                         | Section of WHS Act | Description                                                                                              |
|-----------------------------------------------|--------------------|----------------------------------------------------------------------------------------------------------|
| Person who conducts a business or undertaking | 76(1)              | Subject to subsections (2) to (4) power to agree upon the constitution of a health and safety committee. |
| Person who conducts a business or undertaking | 76(5)              | Power to ask the regulator to appoint an inspector to decide the matter.                                 |
| Person who conducts a business or undertaking | 77(c)              | Power to agree upon the functions of a health and safety committee.                                      |

**Division 5 – Issue resolution**

| Entity power given to | Section of WHS Act | Description                                                                                                  |
|-----------------------|--------------------|--------------------------------------------------------------------------------------------------------------|
| A party to the issue  | 82(2)              | Power to ask the regulator to appoint an inspector to attend the workplace to assist in resolving the issue. |

**Division 6 – Right to cease or direct cessation of unsafe work**

| Entity power given to | Section of WHS Act | Description                                                                                                                                                   |
|-----------------------|--------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Person who conducts a | 87                 | Power to direct a worker to carry out suitable alternative work at the same or another workplace if that work is safe and appropriate for the worker to carry |

|                                               |    |                                                                                                                                                          |
|-----------------------------------------------|----|----------------------------------------------------------------------------------------------------------------------------------------------------------|
| business or undertaking                       |    | out until the worker can resume normal duties.                                                                                                           |
| Person who conducts a business or undertaking | 89 | Power to ask the regulator to appoint an inspector to attend the workplace to assist in resolving an issue arising in relation to the cessation of work. |

**Part 7 - Workplace entry by WHS entry permit holders**

**Division 6 – Dealing with disputes**

| Entity power given to | Section of WHSA | Description                                                                                                    |
|-----------------------|-----------------|----------------------------------------------------------------------------------------------------------------|
| Party to the dispute  | 141             | Power to ask the regulator to appoint an inspector to attend the workplace to assist in resolving the dispute. |

**Part 12 - Review of decisions**

**Division 2 – Internal review**

| Entity power given to                                   | Section of WHSA | Description                                          |
|---------------------------------------------------------|-----------------|------------------------------------------------------|
| An eligible person in relation to a reviewable decision | 224             | Power to apply to the regulator for internal review. |

**Division 3 – External review**

| Entity power given to | Section of WHSA | Description                                                        |
|-----------------------|-----------------|--------------------------------------------------------------------|
| Eligible person       | 229             | Power to apply to the external review body for an external review. |

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.
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.
7. The delegate will only exercise a delegated power consistent with their financial delegations.

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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10. Office of the Mayor & CEO

10.5 2015/0722.07 DELEGATIONS - LOCAL GOVERNMENT ACT 2009

Moved by: J COLLINS

Seconded by: A WILLCOX

That Council under Section 257 of the *Local Government Act 2009* resolve 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 Instrument of Delegation.

INSTRUMENT OF DELEGATION

Whitsunday Regional Council *Local Government Act 2009*

Under section 257 of the *Local Government Act 2009*, **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

Local Government Act 2009 ("LOGA")

CHAPTER 3 - THE BUSINESS OF LOCAL GOVERNMENT

Part 1 - Local Laws

Division 2 - Making, recording and reviewing local laws

Entity power given to	Section of LOGA	Description
Local government	29(1)	Power to decide local government process for making a local law to the extent that the process is not inconsistent with this part.

Division 5 - Miscellaneous

Entity power given to	Section of LOGA	Description
Chief Executive Officer	38B(9)	Power to ask the police commissioner to give the chief executive officer information about noise abatement directions given to persons in the local government area.

Part 3 - Roads and other infrastructure

Division 1- Roads

Entity power given to	Section of LOGA	Description
Local government	61(1)	Power to give the owner of land the local government wants to acquire, a notice of intention to acquire land.
Local government	61(5)	Power to give permission to an owner to erect, place, re-erect, replace or repair any structure or part of a structure on the land.
Local government	62(6)	Power to reasonably require information to decide the claim.
Local government	62(7)	In the specified circumstances, power to give the claimant written notice of Council's decision on the claim.
Local government	65(1)	Power to decide not to proceed with the realignment of a road or part of a road after giving a notice of intention to acquire land.
Local government	65(3)	Power to serve notice of Council's decision on all owners of land who were served with the notice of intention to acquire land.
Local government	65(4)(a)	Power to withdraw the notice of intention to acquire land.
Local government	65(4)(b)	Power to lodge with the registrar of titles for registration a notice of Council's decision not to proceed with the realignment of the road, or part of the road.
Local government	67(2)	In the specified circumstances, power to decide whether any of the rights specified in this subsection are appropriate.
Local government	67(3)	Power to consider necessary structural alterations to the structure, room or cellar.
Local government	68(4)	Power to object to the opening or closing of the road.

Local government	69(1)	Power to close a road.
Local government	69(2)(c)	Power to decide that it is necessary or desirable to close a road for a temporary purpose in the circumstances specified.
Local government	69(4)	Power to do everything necessary to stop traffic using the road after it is closed.
Local government	69(5)	If a road is closed to traffic for a temporary purpose, power to permit the use of any part of the road on the conditions considered appropriate.
Local government employee or contractor	70(3)	In the specified circumstances, power to: (a) make an agreement with the owner or occupier of the land; or (b) give the owner or occupier of the land at least 3 days written notice.
Local government	70(4)	In the specified circumstances, power to give the owner or occupier of the land oral notice of the matters mentioned in subsection (3)(b).
Chief Executive Officer	70(6)(b)	Power to allow a later time for receipt of a claim for compensation.
Local government	71(2)	Power to give the owner or occupier advice about the permanent level of the road.
Local government	71(4)(a)	Power to make an agreement with the owner or occupier, or their successor in title, for the amount of compensation.
Local government	72(1)(b)	Power to consider that the conduct of the activity is having, or will have, a significant adverse impact on a road in the local government area.
Local government	72(2)	Power to require the entity which is conducting an activity to provide information, within a reasonable time, that will enable the local government to assess the impact of the activity on the road.
Local government	72(3)	After assessing the impact of the activity on the road, power to do one or more of the following: (a) give the entity a direction about the use of the road to lessen the impact; (b) require the entity: (i) to carry out works to lessen the impact; or (ii) to pay an amount as compensation for the impact.
Local government	74(2)	Power to consider appropriate particulars to be shown on the register of roads.
Local government	75(2)	For the specified reasons, power to give written approval.
Local government	75(4)	Power to decide the conditions of an approval under subsection (2).

Division 2 - Stormwater drains

Entity power given to	Section of LOGA	Description
Local government	77(1)	Power to, by written notice, require the owner of a property to connect a stormwater installation for the property to the local government's stormwater drain in the way, under the conditions and within the time stated in the notice.
Local	77(3)(b)	Power to give approval for the connection to a local government stormwater

government		drain.
Local government	77(4)	Power to impose conditions on approval for the connection, including about the way the connection must be made.
Local government	78(4)	Under the specified circumstances, power to, by written notice, require the owner of the property to perform the work stated in the notice, within the time stated in the notice.
Local government	78(5)	For a notice provided in subsection (4), power to decide a time that is reasonable.
Local government	79(4)(e)(i)	Power to approve the maximum temperature for a substance.

CHAPTER 4 - FINANCES AND ACCOUNTABILITY

Part 1 - Rates and charges

Entity power given to	Section of LOGA	Description
Local government	95(3)(a)	Power to sign and lodge for registration a request to register a charge over the land on behalf of the local government.
Chief Executive Officer	95(3)(b)	Power to sign a certificate that states there is a charge of the land for overdue rates and charges.
Chief Executive Officer	95(5)(b)	Power to sign a certificate that states the overdue rates and charges have been paid.

CHAPTER 5 - MONITORING AND ENFORCING THE LOCAL GOVERNMENT ACTS

Part 1 - Local governments

Division 3 – Action by the Minister

Entity power given to	Section of LOGA	Description
Local government	120(5)	Power to make submissions within the time specified in the notice.

Part 2 - The public

Division 1 - Powers of authorised persons

Entity power given to	Section of LOGA	Description
Local government	133(3)	Power to give, or make a reasonable attempt to give, the occupier of the property a written notice that informs the occupier of the following: (a) the intention to enter the property; (b) the reason for entering the property; (c) an estimation of when the property will be entered.
Local government	133(4)	Power to give, or make a reasonable attempt to give, written notice to the occupier within a reasonable time before the property is to be entered.
Local government	137(2)(a)	Power to agree on an amount of compensation for a person who has incurred damage or loss because of the exercise or purported exercise of a

		power under this division.
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Division 2 - Powers of other persons

Entity power given to	Section of LOGA	Description
Local government	140(1)(a)	Power to give a remedial notice to the owner of a property.
Owner or Owner's agent	140(2)	Power to enter property at the times stated in the reasonable entry notice and take the action that is required under the remedial notice.
Local government	142(6)	In the specified circumstances, power to give the person who failed to take the action, written notice of the amount of the debt.
Local government	143(1)	Power to form a belief that there is no reasonably practicable way of obtaining materials other than by removing the materials from the relevant land.
Person	146(1)	Power to enter the property in accordance with a Court order made under this section.
Person	146(2)	Power to apply to a Magistrate for a Court order.
Local government	147(3)(a)	Power to agree on an amount of compensation for a person who has incurred damage or loss because of the exercise or purported exercise of a power under this division.

Part 3 - Investigation of local government records

Division 3 – Investigations by local government

Entity power given to	Section of LOGA	Description
Chief Executive Officer	148F(2)	Power to make all inquiries the Chief Executive Officer considers to be reasonable to find out whether and to what extent the register or record is incorrect/power to direct an authorised person to make such enquiries.
Chief Executive Officer	148G(2)	Power to, in the circumstances in subsection (1) require a person to give information or produce a document, or direct an authorised person to require a person to give information or produce a document.

CHAPTER 6 - ADMINISTRATION

Part 2 - Councillors

Division 3 - Vacancies in councillor's office

Entity power given to	Section of LOGA	Description
Chief Executive Officer	162(1)(e)	Power to give leave.
Chief Executive Officer	166(6)	In the specified circumstances, power to request the political party to advise the full name and address of its nominee.
Chief Executive	166(8)	Power to, within 14 days after the office become vacant, invite nominations.

Officer		
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Division 6 - Conduct and performance of councillors

Entity power given to	Section of LOGA	Description
Entity dealing with the complaint under this division	176A(2)	The power to decide not to take any further action in relation to a complaint about the conduct of a person who is no longer a councillor in the prescribed circumstances.
Entity that makes a decision under subsection (2)	176A(3)	The power to give to an entity that made the complaint, and the accused person, a written notice that states: (a) No further action will be taken in relation to the complaint; and (b) The reasons for the decision.

Part 5 - Local government employees

Division 3 - Common provisions

Entity power given to	Section of LOGA	Description
Local government	198(2)	Power to make an agreement with other local governments that an employee may be employed by more than one local government.

CHAPTER 7 - OTHER PROVISIONS

Part 2 - Superannuation

Entity power given to	Section of LOGA	Description
Local government	219(2)	Power to declare an employee to be a permanent employee by a written notice given to the super board.

Part 4 - Legal provisions

Entity power given to	Section of LOGA	Description
Local government	236(1)	The power to sign a document on behalf of a local government.

Part 6 - Other provisions

Entity power given to	Section of LOGA	Description
Local government	262(2)	In the specified circumstances, power to do anything that is necessary or convenient for performing the responsibilities.
Chief Executive Officer	265A(1)(b)	Power to authorise an employee of a local government to conduct searches of registers or documents about the land in the land registry.

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.
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.
7. The delegate will only exercise a delegated power consistent with their financial delegations.

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

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

**10.6 2015/0722.08 DELEGATIONS - LAND ACT 1994**

**Moved by: J ATKINSON**

**Seconded by: A WILLCOX**

**That Council under Section 257 of the *Local Government Act 2009* resolve 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 Instrument of Delegation.**

# INSTRUMENT OF DELEGATION

## Whitsunday Regional Council *Land Act 1994*

Under section 257 of the *Local Government Act 2009*, **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

#### *Land Act 1994 ("LANA")*

#### CHAPTER 1 - PRELIMINARY

##### Part 4 - Tidal and non-tidal boundaries and associated matters

| Entity power given to | Section of LANA | Description                                                                                                                                                                                                                                                                                                                                                                                                              |
|-----------------------|-----------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Registered owner      | 12(3)           | Power to suitably indicate where the boundaries of land are across a surface of water.                                                                                                                                                                                                                                                                                                                                   |
| Registered owner      | 12(4)           | Power to regulate or prohibit the use or movement of ships in or over water above inundated land.                                                                                                                                                                                                                                                                                                                        |
| Owner                 | 13A(4)          | Power to:<br>(a) exercise a right of access for the owner, the owner's family, executive officers, employees, agents and stock over the adjacent area of the watercourse or lake that is the property of the State that adjoins the owner's land; and<br>(b) exercise a right of grazing for the person's stock over the adjacent area; and<br>(c) bring an action against a person who trespasses on the adjacent area. |
| Applicant             | 13B(1)          | In certain circumstances, power to apply to the Chief Executive to have watercourse land adjoining the relevant land's non-tidal boundary declared to be former watercourse land.                                                                                                                                                                                                                                        |
| Applicant             | 13B(2)          | Power to give notice of a person's intention to make the application.                                                                                                                                                                                                                                                                                                                                                    |
| Applicant             | 13B(6)          | Power to appeal against the refusal of the application.                                                                                                                                                                                                                                                                                                                                                                  |

#### CHAPTER 2 - LAND ALLOCATION

##### Part 2 - Reservations

| Entity power given to | Section of LANA | Description                                           |
|-----------------------|-----------------|-------------------------------------------------------|
| Registered owner or   | 25(2)           | Power to appeal against the unimproved value of land. |

|                             |        |                                                                                                                                                                    |
|-----------------------------|--------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| lessee                      |        |                                                                                                                                                                    |
| Registered owner or Trustee | 26(2)  | In certain circumstances, power to agree with the Minister in respect to the specified matters when the Minister is deciding the boundaries of land being resumed. |
| Lessee or registered owner  | 26B(8) | Power to appeal against the value decided by the Minister for the commercial timber.                                                                               |

## CHAPTER 3 - RESERVES, DEEDS OF GRANT IN TRUST AND ROADS

### Part 1 - Reserves and deeds of grant in trust

#### Division 2 - Reserves

| Entity power given to             | Section of LANA | Description                                                                                                                                                                                                                                                                                          |
|-----------------------------------|-----------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Any person                        | 31C(2)          | Power to give notice of the person's intention to make the application to:<br>(a) if the person is not the proposed trustee of the reserve - the proposed trustee; and<br>(b) each person with a registered interest in the unallocated State land over which a reserve is proposed to be dedicated. |
| Any person                        | 31C(3)          | Power to give notice to any other person that the person considers has an interest in the unallocated State land over which the reserve is proposed to be dedicated.                                                                                                                                 |
| Trustee of a reserve              | 31D(2)          | Power to give notice of the trustee's intention to make the application to each person with a registered interest in the reserve.                                                                                                                                                                    |
| Trustee of a reserve              | 31D(3)          | Power to give notice to any other person the trustee considers:<br>(a) has an interest in the reserve; or<br>(b) would have an interest in the reserve if the boundaries of the reserve or the purpose for which the reserve is dedicated were changed.                                              |
| Any person                        | 34(2)           | Power to give notice of the person's intention to make the application to:<br>(a) if the person is not the trustee of the reserve - the trustee of the reserve; and<br>(b) each person with a registered interest in the reserve.                                                                    |
| Any person                        | 34(3)           | Power to give notice to any other person that the person considers has an interest in the reserve.                                                                                                                                                                                                   |
| Local government                  | 34H(1)          | Power to apply to the Minister to remove improvements from a revoked reserve.                                                                                                                                                                                                                        |
| Trustee of an operational reserve | 34I(1)          | In certain circumstances, power to apply for the issue of a deed of grant over a reserve.                                                                                                                                                                                                            |
| Trustee of an operational reserve | 34I(3)          | Power to give notice of the trustee's intention to make the application to each person with a registered interest in the reserve.                                                                                                                                                                    |
| Trustee of an operational reserve | 34I(4)          | Power to give notice to any other person the trustee considers has an interest in the reserve.                                                                                                                                                                                                       |

### Division 3 - Deeds of grant in trust

| Entity power given to                                                     | Section of LANA | Description                                                                                                                                                                                                                      |
|---------------------------------------------------------------------------|-----------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Trustee of deed of grant in trust                                         | 38A(1)          | Power to apply:<br>(a) for an additional community purpose to be notified; or<br>(b) to amalgamate land with common purposes.                                                                                                    |
| Any person                                                                | 38A(2)          | Power to apply for the cancellation of a deed of grant in trust.                                                                                                                                                                 |
| Applicant                                                                 | 38A(3)          | Power to give notice of the applicant's intention to apply to each of the following:<br>(a) the trustee of the deed of grant in trust, other than the applicant<br>(b) each person with a registered interest in the trust land. |
| Applicant                                                                 | 38A(4)          | Power to give notice to any other person the applicant considers has an interest in the trust land.                                                                                                                              |
| Owner of improvements on a deed of grant in trust that has been cancelled | 38G(1)          | Power to apply to the Minister to remove the owner's improvements on a deed of grant in trust.                                                                                                                                   |

### Division 5 - Appointments, functions and removal of trustees

| Entity power given to | Section of LANA | Description                                                                                                                                                                                                                                                                                                                                                  |
|-----------------------|-----------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Proposed trustee      | 44(4)           | Power to provide written acceptance of appointment as trustee.                                                                                                                                                                                                                                                                                               |
| Trustee               | 48(1)(a)        | Power to apply for the approval of a management plan for the trust land.                                                                                                                                                                                                                                                                                     |
| Trustee               | 49              | In certain circumstances, power to:<br>(a) allow the auditor general, a person mentioned in section 47(1)(a) to (d), or a person authorised by the Chief Executive of a Department, to audit the trust's financial accounts; and<br>(b) help the conduct of the audit, including a disclosure of the financial institution accounts necessary for the audit. |

### Division 6 - Powers of trustee

| Entity power given to               | Section of LANA | Description                                                                                                                                                                                    |
|-------------------------------------|-----------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Trustee                             | 52(1)           | Power to take all action necessary for the maintenance and management of the trust land.                                                                                                       |
| Trustee of trust land               | 52(5)           | Power to apply for the approval of an action that is inconsistent with the purpose for which the reserve was dedicated or the land was granted in trust ( <b><i>inconsistent action</i></b> ). |
| Trustee of a deed of grant in trust | 55A(1)          | Power to apply to surrender all or part of a deed of grant in trust.                                                                                                                           |
| Trustee of a deed of grant in trust | 55A(2)          | Power to give notice of the trustee's intention to apply to each person with a registered interest in the deed of grant in trust.                                                              |



|                                                                             |        |                                                                                                               |
|-----------------------------------------------------------------------------|--------|---------------------------------------------------------------------------------------------------------------|
| Trustee of a deed of grant in trust                                         | 55A(3) | Power to give notice to any other person the trustee considers has an interest in the deed of grant in trust. |
| Owner of improvements on a deed of grant in trust that has been surrendered | 55H(1) | Power to apply to remove the owner's improvements on a surrendered deed of grant in trust.                    |

#### Division 7- Trustee leases and trustee permits

| Entity power given to | Section of LANA | Description                                                                                                                                                                                                   |
|-----------------------|-----------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Trustee               | 66(1)           | In certain circumstances, power to allow a trustee lessee or trustee permittee to remove the trustee lessee's or trustee permittee's improvements on the land within a reasonable time stated by the trustee. |

#### Division 11 - Other grants for public purposes

| Entity power given to                                                                             | Section of LANA | Description                                                                                                                                                                                             |
|---------------------------------------------------------------------------------------------------|-----------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Trustee of land granted for an estate in fee simple for some community, public or similar purpose | 84(1)           | In certain circumstances, power to apply to the Minister to surrender land to the State and for the issue of a deed in grant in trust under the <i>Land Act 1994</i> for a community or public purpose. |

#### Division 2 - Closing roads

| Entity power given to        | Section of LANA | Description                                                                                                                                                 |
|------------------------------|-----------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Adjoining owner              | 99(4)           | Power to ask for the road, on its closure, to be amalgamated with the adjoining owner's adjoining land.                                                     |
| Adjoining owner for the road | 99(6)           | In certain circumstances, power to ask in the application that, on the closure of the road, the road, the adjoining land and the other land be amalgamated. |

#### Division 4 - Permanently closed roads

| Entity power given to | Section of LANA | Description                                                                     |
|-----------------------|-----------------|---------------------------------------------------------------------------------|
| Registered owner      | 109A(3)         | Power to appeal against any conditions the Minister imposes under section 420I. |
| Trustee               | 109B(4)         | Power to appeal against any conditions the Minister imposes under section 420I. |

## CHAPTER 4 - LAND HOLDINGS

### Part 1 - Making land available

| Entity power given to    | Section of LANA | Description                                                                                                  |
|--------------------------|-----------------|--------------------------------------------------------------------------------------------------------------|
| Any person               | 120A(1)         | Power to apply for an interest in land without competition.                                                  |
| Buyer or previous lessee | 140(1)          | Power to negotiate the provisional value (negotiated value).                                                 |
| Buyer or previous lessee | 140(2)          | Power to give written agreement to the negotiated value becoming the amount to be paid for the improvements. |
| Buyer or previous lessee | 140(4)          | Power to make application to the Court to decide the value.                                                  |

### Part 3 - Leases

| Entity power given to        | Section of LANA | Description                                                                                                                                                                                         |
|------------------------------|-----------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Lessee                       | 154(1)          | Power to apply to the Minister for a lease to be used for additional or fewer purposes.                                                                                                             |
| Lessee                       | 155A(2)         | Power to apply to extend a lease.                                                                                                                                                                   |
| Lessee                       | 155B(2)         | Power to apply to extend a lease.                                                                                                                                                                   |
| Lessee                       | 155BA(2)        | Power to apply to extend a lease.                                                                                                                                                                   |
| Lessee                       | 155DA(4)        | Power to make written submissions to the Minister.                                                                                                                                                  |
| Lessee of term lease         | 158(1)          | Power to apply for an offer of a new lease unless the condition of the lease or the <i>Land Act 1994</i> prohibits a renewal.                                                                       |
| Applicant                    | 160(3)          | Power to appeal against the Chief Executive's decision to refuse the renewal application if the only reason for the refusal was that the applicant had not fulfilled the conditions of the lease.   |
| Lessee                       | 164H(1)(b)      | Power to advise the Chief Executive and agree to the lease becoming a rolling term lease.                                                                                                           |
| Lessee                       | 166(1)          | Power to make a conversion application.                                                                                                                                                             |
| Applicant                    | 168(5)          | Power to appeal against the Chief Executive's decision to refuse the conversion application if the only reason for the refusal is that the applicant had not fulfilled the conditions of the lease. |
| Lessee                       | 169(a)          | Power to enter into a conservation agreement.                                                                                                                                                       |
| Lessee                       | 176(1)          | Power to apply for approval to subdivide a lease.                                                                                                                                                   |
| Applicant                    | 176E            | In certain circumstances, power to appeal against a decision.                                                                                                                                       |
| Lessee of two or more leases | 176K(1)         | In certain circumstances, power to apply for approval to amalgamate existing leases.                                                                                                                |
| Applicant                    | 176Q            | In certain circumstances, power to appeal against a decision that is given to an Applicant.                                                                                                         |
| Lessee                       | 176UA(2)        | Power to enter into a land management agreement.                                                                                                                                                    |

## Part 4 - Permits to occupy particular land

| Entity power given to        | Section of LANA | Description                                                                                                                                                                                                                                                                                                                                                                                |
|------------------------------|-----------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Any person                   | 177A(2)         | Power to give notice of the person's intention to apply to the following and to any other entity with a registered interest in the proposed permit land:<br>(a) for a permit for a reserve – the trustee of the reserve; or<br>(b) for a permit for a State-controlled road – the Chief Executive of the department in which the <i>Transport Infrastructure Act 1994</i> is administered. |
| Registered owner             | 179(2)          | In certain circumstances, power to agree with an applicant for a permit on conditions about the maintenance of a boundary fence.                                                                                                                                                                                                                                                           |
| Permittee                    | 180(2)          | Power to surrender a permit:<br>(a) on terms agreed between the Chief Executive Officer and the permittee; and<br>(b) with the Chief Executive's written approval.                                                                                                                                                                                                                         |
| Relevant entity for a permit | 180A(1)         | Power to apply to cancel a permit.                                                                                                                                                                                                                                                                                                                                                         |
| Relevant entity for a permit | 180A(2)         | Power to give notice of the entity's intention to apply to:<br>(a) the permittee; and<br>(b) any other entity with a registered interest in the permit land.                                                                                                                                                                                                                               |
| Relevant entity for a permit | 180A(4)         | Power to give notice to any other entity the relevant entity considers has an interest in the permit land.                                                                                                                                                                                                                                                                                 |
| Permittee                    | 180A(5)         | Power to apply to surrender a permit.                                                                                                                                                                                                                                                                                                                                                      |
| Permittee                    | 180H(1)         | Power to apply to the Chief Executive to remove improvements on permit land.                                                                                                                                                                                                                                                                                                               |

## CHAPTER 5 - MATTERS AFFECTING LAND HOLDINGS

### Part 2 - Conditions

#### Division 3 - Changing and reviewing imposed conditions

| Entity power given to         | Section of LANA | Description                                                                                          |
|-------------------------------|-----------------|------------------------------------------------------------------------------------------------------|
| Lessee, licensee or permittee | 210(1)          | Power to agree to a change of an imposed condition of the lease, licence or permit.                  |
| Lessee, licensee or permittee | 210(2)          | Power to apply to change conditions of a lease, licence or permit under section 210(1).              |
| Lessee                        | 212(1)          | Power to agree to change an imposed condition about the protection and sustainability of lease land. |
| Lessee                        | 212(3)          | In certain circumstances, power to appeal against a decision.                                        |

### Division 5 – Remedial action

| Entity power given to | Section of LANA | Description                                                                                                 |
|-----------------------|-----------------|-------------------------------------------------------------------------------------------------------------|
| Lessee                | 214(3)          | Power to enter into an amended or a new land management agreement upon receipt of a remedial action notice. |
| Lessee or Licensee    | 214A(4)         | Power to make written submissions to the Minister in response to a warning notice.                          |
| Lessee                | 214F(3)         | Power to appeal against a decision.                                                                         |

### Part 3 - Resumption and compensation

#### Division 2 – Resumption of a lease under a condition of the lease

| Entity power given to | Section of LANA | Description                                      |
|-----------------------|-----------------|--------------------------------------------------|
| Lessee                | 226(5)          | Power to appeal against the Minister's decision. |

#### Division 3 – Resumption of a reservation for a public purpose

| Entity power given to    | Section of LANA | Description                                      |
|--------------------------|-----------------|--------------------------------------------------|
| Owner of the improvement | 232(5)          | Power to appeal against the Minister's decision. |

### Part 4 - Forfeiture

#### Division 2A – Forfeiture of leases by referral to court or for fraud

| Entity power given to     | Section of LANA | Description                                                                                                                                   |
|---------------------------|-----------------|-----------------------------------------------------------------------------------------------------------------------------------------------|
| Relevant local government | 239(4)          | Power to appeal against a decision under subsection (2)(b)(iv) to allow an entity other than the relevant local government to sell the lease. |

#### Division 3A - Sale of lease instead of forfeiture

| Entity power given to       | Section of LANA | Description                                                                                                                                 |
|-----------------------------|-----------------|---------------------------------------------------------------------------------------------------------------------------------------------|
| Local government            | 240I(3)         | Power to start the process of selling a lease under this subdivision within the required period stated in the notice under section 240H(2). |
| Lessee of a forfeited lease | 243(1A)         | Power to apply to remove the lessee's improvements on the lease.                                                                            |

## CHAPTER 6 - REGISTRATION AND DEALINGS

### Part 3 - Documents

#### Division 2 – Documents forming part of standard terms documents

| Entity power given to | Section of LANA | Description                                                                        |
|-----------------------|-----------------|------------------------------------------------------------------------------------|
| Person                | 321(1)          | Power to ask the Chief Executive to withdraw a registered standard terms document. |

### Part 4 - Dealings affecting land

#### Division 1 – Transfers

| Entity power given to | Section of LANA | Description                                      |
|-----------------------|-----------------|--------------------------------------------------|
| Transferor            | 322(6)          | Power to appeal against the Minister's decision. |

#### Division 2 - Surrender

| Entity power given to                                      | Section of LANA | Description                                                                                                          |
|------------------------------------------------------------|-----------------|----------------------------------------------------------------------------------------------------------------------|
| Lessee                                                     | 327C(2)         | Power to give notice of the lessee's intention to apply to any other person with a registered interest in the lease. |
| Lessee                                                     | 327C(3)         | Power to give notice to any other person the lessee considers has an interest in the lease.                          |
| Owner of improvements on a lease that has been surrendered | 327I(1)         | Power to apply to remove improvements on surrendered lease.                                                          |
| Any grantee of an easement or profit a prendre             | 330(c)          | Power to give written approval to the surrender where the grantee's interests will be adversely affected.            |

#### Division 3 - Subleases

| Entity power given to | Section of LANA | Description                                                                |
|-----------------------|-----------------|----------------------------------------------------------------------------|
| Person                | 332(1)(a)(i)    | The power to seek the Minister's written approval to the sublease.         |
| Sublessor             | 332(8)          | Power to appeal against a Minister's decision.                             |
| Sublessor             | 339(1)          | Power to lodge a request for the Chief Executive to register the re-entry. |

#### Division 3A - Mediation for disputes about terms of particular subleases

| Entity power given to | Section of LANA | Description                                                       |
|-----------------------|-----------------|-------------------------------------------------------------------|
| Party to a sublease   | 339B(1)         | Power to ask the Chief Executive to refer a dispute to mediation. |
| Party to a            | 339B(3)(a)      | Power to agree on a person to conduct the mediation.              |

|                     |            |                                                                      |
|---------------------|------------|----------------------------------------------------------------------|
| sublease            | (i)        |                                                                      |
| Party to a sublease | 339B(3)(b) | Power to decide the way in which the mediation is to be conducted.   |
| Party to a sublease | 339B(3)(c) | Power to participate in mediation on behalf of the local government. |

### Division 7 - Correcting and changing deeds of grant and leases

| Entity power given to                    | Section of LANA | Description                                                                                                                                                                                  |
|------------------------------------------|-----------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Lessee or a person acting for the lessee | 360C(1)         | In certain circumstances, power to apply to amend the description in a freeholding lease if the description of the lease may be amended under section 360(1)(a) or (d).                      |
| Lessee or a person acting for the lessee | 360C(2)         | Power to apply to amend the description in a term lease, other than a State lease, or a perpetual lease if the description of the lease may be amended under section 360A(2)(a), (b) or (c). |
| Lessee or a person acting for the lessee | 360C(3)         | Power to apply to amend the description in a State lease if the description of the lease may be amended under section 360B(1)(a), (b), (c) or (d).                                           |
| Applicant                                | 360D(2)         | Power to give notice of the applicant's intention to apply to any other person with a registered interest in the lease land.                                                                 |
| Applicant                                | 360D(3)         | Power to give notice to any other person the applicant considers has an interest in the lease.                                                                                               |

### Division 8 - Easements

| Entity power given to                            | Section of LANA | Description                                                                           |
|--------------------------------------------------|-----------------|---------------------------------------------------------------------------------------|
| Trustee                                          | 368(2)(a)       | In certain circumstances, power to ask the Chief Executive to extinguish an easement. |
| Owner of land or public utility provider         | 371(2)          | In certain circumstances, power to sign a document of surrender                       |
| Person who has a registered interest in the land | 371(3)          | Power to agree to surrender an easement.                                              |

### Division 8A - Covenants

| Entity power given to | Section of LANA | Description                                      |
|-----------------------|-----------------|--------------------------------------------------|
| Person                | 373B(1)(a)      | Power to sign a document creating a covenant.    |
| Person                | 373C(2)(a)      | Power to sign a document amending the covenant.  |
| Covenantee            | 373D(2)         | Power to sign a document releasing the covenant. |



### Division 8B – Profits a prendre

| Entity power given to | Section of LANA | Description                                                          |
|-----------------------|-----------------|----------------------------------------------------------------------|
| Lessee                | 373L(a)         | Power to ask the Chief Executive to extinguish the profit a prendre. |

### Division 11A – Caveats

| Entity power given to | Section of LANA | Description                                                                                           |
|-----------------------|-----------------|-------------------------------------------------------------------------------------------------------|
| Caveatee              | 389H(1)         | Power to apply to the Supreme Court for an order that a caveat lodged under this division be removed. |

## CHAPTER 7 - GENERAL

### Part 2 - Unlawful occupation of non-freehold and trust land

#### Division 3 – Action by lessee, licensee, permittee or trustee

| Entity power given to                   | Section of LANA | Description                                                                     |
|-----------------------------------------|-----------------|---------------------------------------------------------------------------------|
| Trustee, lessee, licensee, or permittee | 415(1)          | In certain circumstances, power to start a proceeding in the Magistrates Court. |

#### Division 4 – Court matters

| Entity power given to | Section of LANA | Description                                                                                       |
|-----------------------|-----------------|---------------------------------------------------------------------------------------------------|
| Party                 | 420             | Power to appeal to the District Court on a question of law if dissatisfied with a trespass order. |

### Part 2A - General provisions for applications

| Entity power given to | Section of LANA | Description                                                                                                                                      |
|-----------------------|-----------------|--------------------------------------------------------------------------------------------------------------------------------------------------|
| Entity                | 420CB(1)        | Power to make a submission against the proposed application to:<br>(a) the person who gave the entity the notice; or<br>(b) the Chief Executive. |

### Part 3 - Review of decisions and appeals

#### Division 2 – Internal review of decisions

| Entity power given to                                         | Section of LANA | Description                                                  |
|---------------------------------------------------------------|-----------------|--------------------------------------------------------------|
| Person who has a right of appeal against an original decision | 423             | Power to apply to the Minister for a review of the decision. |
| Applicant                                                     | 425(1)          | Power to apply for a stay of the decision to the Court.      |

### Division 3 – Appeals

| Entity power given to                                                  | Section of LANA | Description                                                            |
|------------------------------------------------------------------------|-----------------|------------------------------------------------------------------------|
| A person who has applied for the review of a decision under division 2 | 427             | Power to appeal to the Court if dissatisfied with the review decision. |

### Part 3B - Making land available for public use as beach

| Entity power given to | Section of LANA | Description                                                                             |
|-----------------------|-----------------|-----------------------------------------------------------------------------------------|
| Local government      | 431V(3)         | Power to consult with the owner of the lot.                                             |
| Manager               | 431X(1)(b)(ii)  | Power to authorise or direct a person acting in the performance of functions or powers. |

### Part 4 - Miscellaneous

| Entity power given to | Section of LANA | Description                                                                                                                                                      |
|-----------------------|-----------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Offeree               | 442(4)          | In certain circumstances, power to apply to the person who made the offer to extend the time stated in the offer or that otherwise applies under subsection (1). |
| Offeror               | 442(9)          | Power to amend the offer by changing the price or premium to a price or premium decided by the offeror in the way prescribed by regulation.                      |

## CHAPTER 8 - CONTINUED RIGHTS AND TENURES

### Part 5 - Licences and permits

#### Division 1 - Occupation licences

| Entity power given to                          | Section of LANA | Description                                                                                                                                                                                                                                              |
|------------------------------------------------|-----------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Licensee                                       | 481A            | Power to surrender, absolutely, all or part of an occupation licence:<br>(a) on terms agreed to between the Minister and the licensee;<br>(b) and with the Minister's written approval.                                                                  |
| Public utility provider (an <i>applicant</i> ) | 481B(1)         | Power to apply to cancel all or part of an occupation licence.                                                                                                                                                                                           |
| Licensee (an <i>applicant</i> )                | 481B(3)         | Power to apply to surrender, absolutely, all or part of an occupation licence.                                                                                                                                                                           |
| Applicant                                      | 481B(4)         | Power to give notice of the applicant's intention to apply to each of the following:<br>(a) if the applicant is not the licensee of the occupation licence – the licensee;<br>(b) any other person with a registered interest in the occupation licence; |

|                                |         |                                                                                                                                                                                                                                                                              |
|--------------------------------|---------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                |         | (c) if the occupation licence is a designated occupation licence – the Chief Executive of the department having responsibility for the administration of the forest reserve, national park, State forest or timber reserve the subject of the designated occupation licence. |
| Applicant                      | 481B(5) | Power to give notice to any other person the applicant considers has an interest in the occupation licence.                                                                                                                                                                  |
| Licensee of occupation licence | 481J(1) | Power to apply to remove licensee's improvements on a licence.                                                                                                                                                                                                               |

## CHAPTER 9 - TRANSITIONAL AND REPEAL PROVISIONS

### Part 1K - Transitional provisions for Land, Water and Other Legislation Amendment Act 2013

| Entity power given to | Section of LANA | Description                                                                                                    |
|-----------------------|-----------------|----------------------------------------------------------------------------------------------------------------|
| Lessee                | 521ZE(2)        | Power to apply in writing to the Minister for the cancellation of the land management agreement for the lease. |

## 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.
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.

7. The delegate will only exercise a delegated power consistent with their financial delegations.

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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- 10. Office of the Mayor & CEO**
10.7 2015/0722.09 DELEGATIONS - LAND TITLE ACT 1994

Moved by: J COLLINS
 Seconded by: J ATKINSON

That Council under Section 257 of the Local Government Act 2009 resolve 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 Instrument of Delegation.

INSTRUMENT OF DELEGATION

Whitsunday Regional Council
Land Title Act 1994

Under section 257 of the *Local Government Act 2009*, **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

Land Title Act 1994 ("LATA")

Part 4 - Registration of land
Division 3 – Plans of subdivision

Entity power given to	Section of LATA	Description
Registered owner	50(1)(b)(i)	Power to include a statement agreeing to the plan and dedicating the public use land.

Division 3A – Dedication of road by notice

Entity power given to	Section of LATA	Description
Registered owner	54(1)	Power to sign and lodge for registration a dedication notice.

Part 6 - Dealings directly affecting lots

Division 1 - Transfers

Entity power given to	Section of LATA	Description
Local government	60(1)	Power to sign and lodge for registration an instrument of transfer for a lot or interest.

Division 2 - Leases

Entity power given to	Section of LATA	Description
Local government	64	Power to sign and lodge for registration an instrument of lease for a lot or part of a lot.
Local government	67(1)	Power to sign and lodge an instrument of amendment of the lease.
Lessor	68(1)	Power to sign and lodge a request for the registrar to register the re-entry.
Lessor or Lessee	69(1)	Power to execute and lodge for registration an instrument of surrender.

Division 4 - Easements

Entity power given to	Section of LATA	Description
Local government	82(1)	Power to sign and lodge for registration an instrument of easement.
Registered owner / Lessee / Person entitled to land / Public Utility Provider	83(1)(b)	Power to sign an instrument of easement.
Local government	83(2)(b)	In certain circumstances, power to approve a plan of survey.
Registered owner	87(a)	Power to ask the registrar to extinguish the easement.
Local government	90(1)	Power to sign and lodge for registration an instrument of amendment to an easement.
Local government	91(1)	Power to sign and lodge for registration an instrument of amendment of the easement.

Division 4AA – High-density development easements

Entity power given to	Section of LATA	Description
Owner of the benefitted lot	95(7)(c)	Power to give written consent to an owner of a burdened lot to remove, change or otherwise interfere with any support.
Owner of the benefitted lot	96A(5)	Power to provide written consent to an owner of a burdened lot to remove, change or otherwise interfere with any projection.
Owner of the benefitted lot	96C(6)	Power to provide written consent to an owner of a burdened lot to: <ul style="list-style-type: none"> (a) remove, change or otherwise interfere with the roof water drainage structure; or (b) obstruct or otherwise interfere with the flow of water through the structure.

Division 4A – Covenants

Entity power given to	Section of LATA	Description
Local government	97A(1)	Power to sign and lodge for registration an instrument of covenant.
Local government	97C(1)	Power to sign and lodge for registration an instrument of amendment of the covenant.
Local government	97D(1)	Power to sign and lodge for registration an instrument releasing a covenant.

Division 4B – Profits a prendre

Entity power given to	Section of LATA	Description
Local government	97E	Power to sign and lodge for registration an instrument of profit a prendre.
Local government	97K(1)	Power to sign and lodge for registration an instrument of amendment of the profit a prendre.

Division 4C – Carbon abatement interests

Subdivision 2 – Creation and registration

Entity power given to	Section of LATA	Description
Local government	97O(1)(a)	Power to sign and lodge for registration an instrument of carbon abatement interest.
Holders of the registered interests in the land	97P(c)	Power to consent to the proposed grant of a carbon abatement interest.

Subdivision 3 – Amendments and dealings

Entity power given to	Section of LATA	Description
Local	97S(1)	Power to sign and lodge for registration an instrument of amendment of a

government		carbon abatement interest.
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Division 5 – Application by adverse possessor

Entity power given to	Section of LATA	Description
Person who claims an interest in the lot	104	Power to sign and lodge a caveat.
Caveator	105(2)	Power to: (a) start a proceeding in the Supreme Court to recover the lot; and (b) give written notice to the registrar, in the way the registrar requires, that the proceeding has started.
Caveator	106	Power to seek leave of the Supreme Court to lodge a further caveat.
Caveator	107(2)	Power to start a proceeding in the Supreme Court to recover a lot.
Applicant	108A(2)	Power to sign a plan of subdivision.

Part 7 - Other dealings

Division 1 – Writs of execution

Entity power given to	Section of LATA	Description
Local government	116	Power to sign and lodge a request to register a writ of execution.

Division 2 – Caveats

Entity power given to	Section of LATA	Description
Caveator	121(1)	Power to sign a caveat.
A person mentioned in s. 122(1)	122(1)	Power to lodge for registration a caveat.
Caveator	124(2)(b)	Power to consent to the registration of an instrument.
Caveator	125	Power to sign and lodge for registration a request to withdraw a caveat.
Caveatee	126(2)	Power to serve a notice requiring the caveator to start a proceeding in a Court of competent jurisdiction to establish the interest claimed under the caveat.
Caveator	126(4)	Power to start a proceeding and notify the registrar in the way described in section 126(4).
Caveatee	127(1)	Power to apply to the Supreme Court for an order that a caveat be removed.
Caveator or caveatee	128(1)	Power to sign and lodge for registration a request to cancel a caveat.

Part 7A - Settlement notice

Entity power given to	Section of LATA	Description
Transferee	139(1)	Power to sign a settlement notice.
Transferee	140(1)	Power to deposit a settlement notice.
Transferee	141(2)(b)	Power to consent to the registration of an instrument.
Transferee	142	Power to sign and deposit a request to withdraw a settlement notice.
An affected person	144(1)	Power to apply to the Supreme Court for an order that a settlement notice be removed.

Part 8 - Instruments

Division 2 – Standard terms documents forming part of instruments

Entity power given to	Section of LATA	Description
Local government	169(1)	Power to lodge a standard terms document and lodge a further standard terms document amending the standard terms document.
Local government	172(1)	Power to ask the registrar to withdraw a registered standard terms document.

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.
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.
7. The delegate will only exercise a delegated power consistent with their financial delegations.

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

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10. **Office of the Mayor & CEO**
- 10.8 **2015/0722.10 DELEGATIONS - PUBLIC RECORDS ACT 2002**

Moved by: D CLARK  
 Seconded by: J ATKINSON

That Council under Section 257 of the Local Government Act 2009 resolve 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 Instrument of Delegation.

**INSTRUMENT OF DELEGATION**

**Whitsunday Regional Council  
 Public Records Act 2002**

Under section 257 of the *Local Government Act 2009*, **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

**Public Records Act 2002 ("PURA")**

**Part 2 - Public records  
 Division 2 – Making, managing, keeping and preserving public records**

| Entity power given to | Section of PURA | Description                                                                   |
|-----------------------|-----------------|-------------------------------------------------------------------------------|
| Public authority      | 10(1)(a)        | Power to give written notice of a public record's existence to the archivist. |



### Division 3 – Access to public records

| Entity power given to        | Section of PURA | Description                                                                                                                                  |
|------------------------------|-----------------|----------------------------------------------------------------------------------------------------------------------------------------------|
| Responsible public authority | 16(1)(a)        | Power to classify a public record as containing information that potentially is exempt information under the RTI Act, Schedule 3, section 3. |
| Responsible public authority | 16(1)(A)        | Power to classify a public record as containing information that potentially is exempt information under the RTI Act, Schedule 3, section 2. |
| Responsible public authority | 16(2)           | Power to classify a public record as containing information about the personal affairs of an individual, whether living or dead.             |
| Responsible public authority | 16(2)(b)(i)     | Power to give a written notice to the archivist.                                                                                             |
| Responsible public authority | 16(3)(a)        | Power to give a written notice to the archivist.                                                                                             |
| Responsible public authority | 18(2)(b)        | Power to give a written notice to the archivist.                                                                                             |
| Responsible public authority | 19(2)           | Power to give a written notice to the archivist to change the restricted access notice.                                                      |
| Responsible public authority | 19(3)           | Power to, if asked by the archivist, or by written notice given to the archivist to change the restricted access notice.                     |
| Responsible public authority | 19(4)           | Power to refer a dispute to the Public Records Review Committee for resolution.                                                              |

### Part 3 - State archivist and Queensland State Archives

#### Division 2 – Functions and powers

| Entity power given to | Section of PURA | Description                                                 |
|-----------------------|-----------------|-------------------------------------------------------------|
| Public authority      | 26(1)           | Power to apply for, or consent to, the disposal of records. |
| Public authority      | 28              | Power to make an arrangement with the archivist.            |

### Division 3 – Public records review committee

#### Subdivision 3 – Committee's review of archivist's decisions

| Entity power given to | Section of PURA | Description                                                                                            |
|-----------------------|-----------------|--------------------------------------------------------------------------------------------------------|
| Public authority      | 39              | Power to make written application to the committee for a review of the decision made by the archivist. |

## 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.
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.
7. The delegate will only exercise a delegated power consistent with their financial delegations.

### MEETING DETAILS:

The motion was Carried 7/0

**CARRIED**

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10. Office of the Mayor & CEO

10.9 2015/0722.11 JURU PEOPLE NATIVE TITLE DETERMINATION -
ELLIOT RIVER HUTS - JOINT WORKING PARTY
GROUP NOMINATION

Moved by: D CLARK

Seconded by: P RAMAGE

That Council move to have no representation from Council on the Elliott River Hut Joint Working Group.

The motion was Lost 4/2

Moved by: J ATKINSON

Seconded by: J CLIFFORD

That the correspondence dated 7th July 2015 from Department of Natural Resources and Mines regarding the Juru People Native Title Determination - Elliot River Huts - Joint Working Group be received and that the Mayor Cr Jennifer Whitney and the Director of Planning & Community be Council's authorised representatives.

MEETING DETAILS:

Cr Willcox declared a conflict of interest (as per section 173 of the Local Government Act 2009) on the matter of his family members are hut owners and left the meeting room at 9.17am, taking no part in the debate or decision of the meeting.

The motion was Carried 4/2

CARRIED

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*Cr Willcox returned to the meeting at 9.28am*

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10. Office of the Mayor & CEO

10.10 2015/0722.13 WHITSUNDAY COAST AIRPORT END OF FINANCIAL YEAR PASSENGER NUMBERS AND ACHIEVEMENTS

Moved by: J CLIFFORD

Seconded by: J ATKINSON

That Council receive the end of financial year passenger number report and forecast analysis for the Whitsunday Coast Airport. Noting the achievements and that the airport has achieved a record result.

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

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10. Office of the Mayor & CEO

10.11 2015/0722.14 COMPLETION OF THE WHITSUNDAY COAST AIRPORT MASTER PLAN

Moved by: J CLIFFORD

Seconded by: J ATKINSON

That Council adopt the Whitsunday Coast Airport - International Export Hub Master Plan and Feasibility Study.

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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10. Office of the Mayor & CEO

**10.12 2015/0722.15 WHITSUNDAY RIVER IMPROVEMENT TRUST
NOTIFICATION OF RESIGNATION OF BOARD
MEMBER COUNCILLOR DAVID CLARK**

Moved by: J ATKINSON

Seconded by: P RAMAGE

That Council receive the correspondence from Whitsunday River Improvement Trust regarding the resignation of Board Member Cr David Clark and appoint Cr J Collins to replace Cr Clark.

MEETING DETAILS:

Mayor Whitney and Cr Clark declared a conflict of interest (as per section 173 of the Local Government Act 2009) on the matter of being a board member and former board member of the Whitsunday River Improvement Trust and left the meeting room at 9.33am, taking no part in the debate or decision of the meeting.

Cr Collins declared a conflict of interest (as per section 173 of the Local Government Act 2009) after receiving advice from the Chief Executive Officer on the matter of being the yet to be appointed member of the Whitsunday River Improvement Trust and left the meeting room at 9.34, taking no part in the debate or decision of the meeting.

The motion was Carried 4/0

CARRIED

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

**10.13 2015/0722.16 CORRESPONDENCE FROM THE HON WAREN  
TRUSS MP IN REGARD TO LOCAL GOVERNMENT  
FUNDING**

**Moved by: A WILLCOX**

**Seconded by: D CLARK**

**That the correspondence from the Hon Warren Truss dated 7<sup>th</sup> July 2015 regarding the Australian Government's commitment to Local Government funding for Roads to Recovery Programme, Bridges Renewal Programme, Black Spot Programme, Heavy Vehicle Safety and Productivity Programme, National Stronger Regions Fund, Stronger Communities Fund, Northern Australia: Our North, Our Future, Drought Relief and Financial Assistance Grant Programme be received.**

**MEETING DETAILS:**

The motion was Carried 7/0

CARRIED

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- 11. Corporate Services
- 11.1 2015/0722.17 PROCUREMENT POLICY

Moved by: J WHITNEY

Seconded by: J COLLINS

That the item Procurement Policy be tabled and further workshopped.

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

- 11. Corporate Services
- 11.2 2015/0722.18 EXPRESSION OF INTEREST FOR USE OF COUNCILS INFRASTRUCTURE FOR FM RADIO SERVICES TO COLLINSVILLE

Moved by: P RAMAGE

Seconded by: D CLARK

That the item Expression of Interest for Use of Council's Infrastructure for FM Radio Services to Collinsville be tabled for further discussion.

MEETING DETAILS:

The motion was Carried 6/1

CARRIED

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- 11. Corporate Services
- 11.3 2015/0722.19 QUARTERLY CUSTOMER SERVICE REPORT APRIL-JUNE 2015

Moved by: J ATKINSON

Seconded by: J CLIFFORD

That Council receive the quarterly Customer Service Performance Report for April - June 2015.

**MEETING DETAILS:**

The motion was Carried 7/0

CARRIED



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12. Planning and Community Services

12.1 2015/0722.20 20150280 - DEVELOPMENT PERMIT FOR MATERIAL CHANGE OF USE - REFRESHMENT PREMISES - 1464 SHUTE HARBOUR ROAD, CANNON VALLEY - PLANTS WHITSUNDAY

Moved by: J ATKINSON

Seconded by: A WILLCOX

That Council approve the application for Development Permit for Material Change of Use a Refreshment Premises, made by Plants Whitsunday, on Lot 12 SP 112427 and located at 1464 Shute Harbour Road, Cannon Valley, subject to the following conditions:

1.0 ADMINISTRATION

1.1 The approved development must be completed and maintained generally in accordance with the approved drawings and documents:

Plan/Document Name	Prepared By	Plan Number	Dated
Proposed Coffee Shop Layout Sheet 1 of 2	Plants Whitsunday	A100-00	14/07/2015
Proposed Coffee Shop Layout Sheet 2 of 2	Plants Whitsunday	A100-01	14/07/2015
Site Plan	Plants Whitsunday	A100-03	14/07/2015

1.3 Where a discrepancy or conflict exists between the written conditions of this approval and the approved plans, the requirements of the written condition(s) will prevail.

1.4 All conditions of this approval must be complied with in full to Council's satisfaction prior to the commencement of the use.

1.5 The applicant shall demonstrate and provide evidence that compliance with all conditions of this development approval and any other subsequent development approvals as a result of this development approval have been complied with at the time of commencement of the use.

1.6 The operation of the refreshment premises must be undertaken in conjunction with the existing Plant Nursery operations on site at all times including hours of operation.

2.0 ENVIRONMENTAL HEALTH

2.1 The sale, preparation and/or handling of unpackaged food on the premises will require the operator to lodge and obtain a Food Premises Plan Approval from Whitsunday Regional Council.

2.2 A Food Business Licence must be issued by Council prior to any sale, preparation and/or handling of unpackaged food on the premises.

3.0 MISCELLANEOUS

- 3.1** If any item of cultural heritage is identified during site works, all work must cease and the relevant State Agency must be notified. Work can resume only after State Agency clearance is obtained.
- 3.2** Any alteration necessary to electricity, telephone, water mains, sewerage mains, and/or public utility installations resulting from the development or in connection with the development, must be at full cost to the developer.
- 3.3** Any building materials, equipment and the like must be appropriately tied down, placed indoors and secured on site at the time of preparation for cyclone events. The on-site supervisor is to ensure that all contractors/employees take the necessary steps to secure the construction site in the event of a cyclone.
- 3.4** All construction materials, waste, waste skips, machinery and contractors' vehicles must be located and stored or parked within the site. No storage of materials, parking of construction machinery or contractors' vehicles will be permitted in Shute Harbour Road or adjoining land unless written permission from the owner of that land and Council is provided.
- 3.5** It is the developer's responsibility for the full rectification of any damage caused to neighbouring public infrastructure (such as footpaths, driveways, fences, gardens, trees and the like) caused by contractors, including clean-up of any litter or waste that is a result of the subject development.

4.0 ADVISORY NOTES

4.1 Hours of work

It is the developer's responsibility to ensure compliance with the Environmental Protection Act 1994, which prohibits any construction, building and earthworks activities likely to cause nuisance noise (including the entry and departure of heavy vehicles) between the hours of 6.30 pm and 6.30 am from Monday to Saturday and at all times on Sundays or Public Holidays.

4.2 Dust Control

It is the developer's responsibility to ensure compliance with the Environmental Nuisance of the Environmental Protection Act 1994 which prohibits unlawful environmental nuisance caused by dust, ash, fumes, light, odour or smoke beyond the boundaries of the property during all stages of the development including earthworks and construction.

4.3 Sedimentation Control

It is the developer's responsibility to ensure compliance with the Environmental Protection Act 1994 and Schedule 9 of the Environmental Protection Regulation 2008 to prevent soil erosion and contamination of the stormwater drainage system and waterways.

4.4 Noise During Construction and Noise in General

It is the developer's responsibility to ensure compliance with the Environmental Protection Act 1994.

4.5 General Safety of Public During Construction

It is the project manager's responsibility to ensure compliance with the Work Health and Safety Act 2011. It states that the project manager is obliged to ensure construction work is planned and managed in a way that prevents or minimises risks to the health and safety of members of the public at or near the workplace during construction work.

It is the principal contractor's responsibility to ensure compliance with the Work Health and Safety Act 2011. It states that the principal contractor is obliged on a construction workplace to ensure that work activities at the workplace prevent or minimise risks to the health and safety of the public at or near the workplace during the work.

It is the responsibility of the person in control of the workplace to ensure compliance with the Work Health and Safety Act 2011. It states that the person in control of the workplace is obliged to ensure there is appropriate, safe access to and from the workplace for persons other than the person's workers.

- 4.6 Enquiries relating to the aforementioned conditions should be directed to the Planning and Community Services who will direct the enquiry to the relevant officer.

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

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**12. Planning and Community Services**

- 12.2 2015/0722.21 20150139 - DEVELOPMENT PERMIT FOR MATERIAL CHANGE OF USE - EIGHTY-THREE (83) BULK STORE UNITS (SELF STORAGE FACILITIES) AND ONE (1) ANCILLARY OFFICE, 2514 SHUTE HARBOUR ROAD, JUBILEE POCKET, SHARPE ENTERPRISES PTY LTD**

Moved by: J COLLINS

Seconded by: J ATKINSON

That Council approve the application for a Development Permit for Material Change of Use - Eighty-Three (83) Bulk Store Units (Self Storage Facilities) and One (1) Ancillary Office, made by Sharpe Enterprises Pty Ltd, on Lot 2 SP 219998 CTS: EMTS B-G and located at 2514 Shute Harbour Road Jubilee Pocket, subject to the following conditions:

**1.0 ADMINISTRATION**

- 1.1 The approved development must be completed and maintained generally in accordance with the approved drawings and documents:

| Plan/Document Name   | Prepared By       | Plan Number       | Dated      |
|----------------------|-------------------|-------------------|------------|
| Title Sheet          | McGregor Drafting | OGSS-002-00 Rev B | 03/10/2014 |
| Site Plan            | McGregor Drafting | OGSS-002-01 Rev B | 03/10/2014 |
| Ground Floor Plan    | McGregor Drafting | OGSS-002-02 Rev B | 03/10/2014 |
| First Floor Plan     | McGregor Drafting | OGSS-002-03 Rev B | 03/10/2014 |
| Elevations & Section | McGregor Drafting | OGSS-002-04 Rev B | 03/10/2014 |
| Title                | John Harper       | DRG               | 28/12/2014 |
| Location & Site Plan | John Harper       | LCP01             | 28/12/2014 |

|                        |             |       |            |
|------------------------|-------------|-------|------------|
| Landscape Concept Plan | John Harper | LCP02 | 28/12/2014 |
| Visualisations         | John Harper | LCP03 | 28/12/2014 |
| Concept Notes          | John Harper | LCP04 | 28/12/2014 |

1.2 The following further development permits are required prior to commencement of work on site or commencement of the use:

- Building Works; and
- Plumbing and Drainage Works;

All Plumbing and Drainage Works Development Permits must be obtained prior to the issue of a Building Works Development Permit.

1.3 Where a discrepancy or conflict exists between the written conditions of this approval and the approved plans, the requirements of the written condition(s) will prevail.

1.4 The applicant is to comply with the Department of Development, Infrastructure and Planning conditions as outlined in the Department's correspondence dated 26 May 2015.

1.5 All conditions of this approval must be complied with in full to Council's satisfaction prior to the commencement of the use.

## 2.0 ACCESS AND PARKING

2.1 Seven (7) line marked and signed short term car parking spaces, are to be provided and maintained as shown on Drawing OGSS-002-01 Rev B prior to commencement of the use. All accesses, parking bays and manoeuvring areas must be designed and constructed so as to comply with the criteria described in AS2890 and AS1428.

2.2 The seven (7) car-parking spaces are to be designated with signage indicating that they are to be used for a maximum time of fifteen (15) minutes only.

## 3.0 WATER INFRASTRUCTURE

3.1 The development must be connected to Council's water network prior to commencement of the use.

## 4.0 SEWERAGE INFRASTRUCTURE

4.1 The development must be connected to Council's sewerage network prior to commencement of the use.

## 5.0 STORMWATER

5.1 The developed flows from the land must be drained to a lawful point of discharge prior to the commencement of the use.

## 6.0 ENVIRONMENTAL MANAGEMENT PLAN (EMP)

6.1 Prior to commencement of any work on the site, the applicant must submit to Council for approval, an Erosion Prevention and Sediment Control Plan for the site.

6.2 The plan must be prepared in accordance with Council's Whitsunday Shire Council Development Manual (or equivalent replacement document current at the time of the development), the Soil Erosion and Sediment Control Engineering

**Guidelines for Queensland Construction Sites, June 1996 by The Institution of Engineers, Australia and the EPA Best Practice Urban Stormwater Management – Erosion and Sediment Control Guideline.**

**6.3 Discharges of water pollutants, wastewater or stormwater from the site must not cause measurable levels of water pollutants in the receiving waters to fall outside the acceptable ranges specified in the 'Australian Water Quality Guidelines for Fresh and Marine Waters', ANZECC 2000.**

**6.4 No visible emissions of dust must occur beyond the boundaries of the site during earthworks and construction activities on the site. If, at any time during the earthworks and construction activities the dust emissions exceed the levels specified above, all dust generating activities must cease until the corrective actions have been implemented to reduce dust emissions to acceptable levels or wind conditions are such that acceptable levels are achieved.**

#### **7.0 BUILDING**

**7.1 Buildings are to be finished with external building materials and colours to reduce scale and bulk.**

**7.2 Building and landscaping materials are not to be highly reflective, or likely to create glare, or slippery or otherwise hazardous conditions.**

**7.3 All air-conditioning units are not to be visible from the street or adjoining properties and are to be aesthetically screened.**

**7.4 Ventilation and mechanical plant must be located and designed so that prevailing breezes do not direct undesirable noise and odours towards nearby residential accommodation.**

#### **8.0 LANDSCAPING**

**8.1 The landscaping must be established in accordance with the approved plans and maintained thereafter to the requirements of the council. The landscaping must achieve a 50% coverage within two years of planting.**

#### **9.0 OPERATING PROCEDURES**

**9.1 There is to be at least one full-time staff member managing the premises at any one time.**

**9.2 The operator must carry out all practicable means necessary to prevent the emission or likelihood of emission of noise that constitutes environmental nuisance.**

**9.3 Any lighting device/s is to be so positioned and shielded so as not to cause any glare or lighting nuisance off the site.**

#### **10.0 MICELLANEOUS**

**10.1 The bulk storage units must only be utilised for self-storage purposes and for no other purpose.**

**10.2 No machinery is to be operated within the proposed storage shed.**

**10.3 If any item of cultural heritage is identified during site works, all work must cease and the relevant State Agency must be notified. Work can resume only after State Agency clearance is obtained.**

**10.4 Any building materials, equipment and the like must be appropriately tied down, placed indoors and secured on site at the time of preparation for cyclone events. The on site supervisor is to ensure that all contractors/employees take the necessary steps to secure the construction site in the event of a cyclone.**



**10.5 All construction materials, waste, waste skips, machinery and contractors' vehicles must be located and stored or parked within the site. No storage of materials, parking of construction machinery or contractors' vehicles will be permitted in Shute Harbour Road or adjoining land unless written permission from the owner of that land and Council is provided.**

**10.6 It is the developer's responsibility for the full rectification of any damage caused to neighbouring public infrastructure (such as footpaths, driveways, fences, gardens, trees and the like) caused by contractors, including clean up of any litter or waste that is a result of the subject development.**

## **11.0 ADVISORY NOTES**

### **11.1 Hours of work**

**It is the developer's responsibility to ensure compliance with the Environmental Protection Act 1994, which prohibits any construction, building and earthworks activities likely to cause nuisance noise (including the entry and departure of heavy vehicles) between the hours of 6.30 pm and 6.30 am from Monday to Saturday and at all times on Sundays or Public Holidays.**

### **11.2 Dust Control**

**It is the developer's responsibility to ensure compliance with the Environmental Nuisance of the Environmental Protection Act 1994 which prohibits unlawful environmental nuisance caused by dust, ash, fumes, light, odour or smoke beyond the boundaries of the property during all stages of the development including earthworks and construction.**

### **11.3 Sedimentation Control**

**It is the developer's responsibility to ensure compliance with the Environmental Protection Act 1994 and Schedule 9 of the Environmental Protection Regulation 2008 to prevent soil erosion and contamination of the stormwater drainage system and waterways.**

### **11.4 Noise During Construction and Noise in General**

**It is the developer's responsibility to ensure compliance with the Environmental Protection Act 1994.**

### **11.5 General Safety of Public During Construction**

**It is the project manager's responsibility to ensure compliance with the Work Health and Safety Act 2011. It states that the project manager is obliged to ensure construction work is planned and managed in a way that prevents or minimises risks to the health and safety of members of the public at or near the workplace during construction work.**

**It is the principal contractor's responsibility to ensure compliance with the Work Health and Safety Act 2011. It states that the principal contractor is obliged on a construction workplace to ensure that work activities at the workplace prevent or minimise risks to the health and safety of the public at or near the workplace during the work.**

**It is the responsibility of the person in control of the workplace to ensure compliance with the Work Health and Safety Act 2011. It states that the person in control of the workplace is obliged to ensure there is appropriate, safe access to and from the workplace for persons other than the person's workers.**

**11.6 Enquiries relating to the aforementioned conditions should be directed to the Planning and Community who will direct the enquiry to the relevant officer.**

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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12. Planning and Community Services

- 12.3 2015/0722.22 DA08035 & 20120400 - REQUEST FOR EXTENSION OF RELEVANT PERIOD - DEVELOPMENT PERMIT FOR MCU - SIXTEEN (16) MULTIPLE DWELLING UNITS & TWELVE (12) TOWNHOUSES & OP WORKS FOR STORMWATER & EARTHWORKS, 29 TYNWALD AVE BOWEN, TOP OF THE HILL APARTMENTS PTY LTD**

Moved by: D CLARK

Seconded by: A WILLCOX

That Council approve the request for an extension of the relevant period of the Development Permit for a Material Change of Use of Premises comprising of Sixteen (16) Multiple Dwelling Units and Twelve (12) Townhouses and Development Permit for Operational Works for Stormwater and Earthworks, lodged by WSG Pty Ltd on behalf of Top of the Hill Apartments Pty Ltd, on land described as Lot 26 SP194915, 29 Tynwald Avenue, Bowen until 11 June, 2017.

MEETING DETAILS:

As per section 273 of the Local Government Regulation 2012 the reason for going against a Council Officer's recommendation was due to the current economic climate.

The motion was Carried 7/0

CARRIED

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*The Council Meeting was adjourned for an emergency evacuation drill at 10.00am*

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16. Procedural Motion

- 16.1 2015/07/22.23 PROCEDURAL MOTION - RECONVENE**

Moved by: P RAMAGE

Seconded by: J COLLINS

That Council reconvene the meeting after returning from an emergency evacuation drill at 10.19am.

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

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12. Planning and Community Services

12.4 2015/0722.24 20150397 - APPLICATION FOR PERMANENT ROAD CLOSURE ADJOINING ABELL POINT MARINA - ADJOINING LOT 102 ON SP225395

Moved by: J WHITNEY

Seconded by: J ATKINSON

That the item Application For Permanent Road Closure Adjoining Abell Point Marina - Adjoining Lot 102 On SP225395 be tabled for further workshopping, advice from the Department and an onsite inspection with all Councillors and relevant Officers.

**MEETING DETAILS:**

The motion was Carried 7/0

CARRIED

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12. Planning and Community Services

12.5 2015/0722.25 20140642 - DEVELOPMENT APPLICATION FOR MATERIAL CHANGE OF USE - HOME BASED BUSINESS (WEIGHTLIFTING FACILITY) - 28 RIFLE RANGE ROAD MOUNT MARLOW - R & L KNOX

Moved by: J COLLINS

Seconded by: A WILLCOX

That Council approve the application for Development Permit for Material Change of Use - Home Based Business (Weightlifting Facility), made by R S Knox, on Lot 8 SP208358 and located at 28 Rifle Range Road Mount Marlow, subject to the conditions outlined in Appendix A.

Appendix Item A – Conditions of Approval

1.0 ADMINISTRATION

1.1 The approved development must be completed and maintained generally in accordance with the approved drawings and documents:

Plan/Document Name	Prepared By	Plan Number	Dated
Site Plan	Brazier Motti	76225/001B Sheet 1 of 2	11 May 2015
Floor Plan	Brazier Motti	76225/001B Sheet 2 of 2	11 May 2015

1.2 The following further development permits are required prior to commencement of work on site or commencement of the use:

- Building Works.

- 1.3 Where a discrepancy or conflict exists between the written conditions of this approval and the approved plans, the requirements of the written condition(s) will prevail.
- 1.4 All conditions of this approval must be complied with in full to Council's satisfaction prior to the commencement of the use.
- 1.5 The applicant shall demonstrate and provide evidence that compliance with all conditions of this development approval and any other subsequent development approvals as a result of this development approval have been complied with at the time of commencement of the use.

2.0 CLEARING, LANDSCAPING AND FENCING

- 2.1 The applicant is to maintain the existing landscaping within the property boundary around the training shed and along the southern and south-eastern boundaries of the subject premises.

3.0 ACCESS AND PARKING

- 3.1 A minimum of five (5) car parking spaces must be provided on site prior to commencement of the use.
- 3.2 Prior to commencement of any work on site an Operational Works development permit must be obtained in relation to Access.
- 3.3 Any application for Operational Works (Access and Parking) must be accompanied by detailed engineering drawings demonstrating compliance with Council's Development Manual (current at the time of development), Australian Standard AS2890, AS1428 and this Decision Notice.
- 3.4 The external access from the pavement of Rifle Range Road to the property boundary must be constructed to comply with the dimensions, gradients and specifications as indicated on Council's Standard Drawing R0035, prior to commencement of the use.
- 3.5 All internal accesses, driveways, parking bays and manoeuvring areas must comply with the criteria described in AS2890 and must be to a suitable gravel standard.

4.0 OPERATING PROCEDURES

- 4.1 The owner of the property is to be present during all training sessions.
- 4.2 Signage is limited to a single sign, not exceeding 0.75 m² in area, to be located on or within the boundaries of subject site and bearing the name of the occupier and of the occupation or profession.
- 4.3 The hours of operation are limited to 4.00 pm – 5.30 pm on Tuesday, 4.00 pm to 6.00 pm on Thursday, 8.00 am – 10.30 am and 3.30pm to 5.00pm on Friday and 7.00 am – 11.00 am on Saturday. There is to be no operation outside of these hours or on Public Holidays.
- 4.4 Noise emitted by the use of the premises must not exceed ten (10) decibels greater than the background noise levels at the site boundary.
- 4.5 All weightlifting activities are to be undertaken on the weightlifting areas as indicated on approved plan 76225/001B Sheet 2 of 2.
- 4.6 The applicant is to maintain at a minimum 500mm thick rubber flooring at weightlifting areas 1 – 4.
- 4.7 A maximum of five (5) people are to be on site during training sessions.
- 4.8 No competitions or special events are to be conducted on the site.

5.0 BUSHFIRE PROTECTION

5.1 The applicant is to provide and maintain at all times accessible on-site water storage of not less than 5,000 litre capacity in the form of a water tank with a standard rural fire brigade fitting (50mm cam lock).

6.0 MISCELLANEOUS

6.1 If any item of cultural heritage is identified during site works, all work must cease and the relevant State Agency must be notified. Work can resume only after State Agency clearance is obtained.

6.2 Any alteration necessary to electricity, telephone, water mains, sewerage mains, and/or public utility installations resulting from the development or in connection with the development, must be at full cost to the developer.

6.3 Any building materials, equipment and the like must be appropriately tied down, placed indoors and secured on site at the time of preparation for cyclone events. The on site supervisor is to ensure that all contractors/employees take the necessary steps to secure the construction site in the event of a cyclone.

6.4 All construction materials, waste, waste skips, machinery and contractors' vehicles must be located and stored or parked within the site. No storage of materials, parking of construction machinery or contractors' vehicles will be permitted in Rifle Range Road or adjoining land unless written permission from the owner of that land and Council is provided.

6.5 It is the developer's responsibility for the full rectification of any damage caused to neighbouring public infrastructure (such as footpaths, driveways, fences, gardens, trees and the like) caused by contractors, including clean up of any litter or waste that is a result of the subject development.

7.0 ADVISORY NOTES

7.1 Hours of work

It is the developer's responsibility to ensure compliance with the Environmental Protection Act 1994, which prohibits any construction, building and earthworks activities likely to cause nuisance noise (including the entry and departure of heavy vehicles) between the hours of 6.30 pm and 6.30 am from Monday to Saturday and at all times on Sundays or Public Holidays.

7.2 Dust Control

It is the developer's responsibility to ensure compliance with the Environmental Nuisance of the Environmental Protection Act 1994 which prohibits unlawful environmental nuisance caused by dust, ash, fumes, light, odour or smoke beyond the boundaries of the property during all stages of the development including earthworks and construction.

7.3 Sedimentation Control

It is the developer's responsibility to ensure compliance with the Environmental Protection Act 1994 and Schedule 9 of the Environmental Protection Regulation 2008 to prevent soil erosion and contamination of the stormwater drainage system and waterways.

7.4 Noise During Construction and Noise in General

It is the developer's responsibility to ensure compliance with the Environmental Protection Act 1994.

7.5 General Safety of Public During Construction

It is the project manager's responsibility to ensure compliance with the Work Health and Safety Act 2011. It states that the project manager is obliged to ensure construction work is planned and managed in a way that prevents or minimises risks to the health and safety of members of the public at or near the workplace during construction work.

It is the principal contractor's responsibility to ensure compliance with the Work Health and Safety Act 2011. It states that the principal contractor is obliged on a construction workplace to ensure that work activities at the workplace prevent or minimise risks to the health and safety of the public at or near the workplace during the work.

It is the responsibility of the person in control of the workplace to ensure compliance with the Work Health and Safety Act 2011. It states that the person in control of the workplace is obliged to ensure there is appropriate, safe access to and from the workplace for persons other than the person's workers.

- 7.6 Enquiries relating to the aforementioned conditions should be directed to the Planning and Community Services who will direct the enquiry to the relevant officer.

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

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**12. Planning and Community Services**

- 12.6 2015/0722.26 20101147 - REQUEST FOR CHANGE OR CANCEL CONDITIONS OF APPROVAL - DEVELOPMENT APPLICATION FOR DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE FOR A COMMERCIAL PREMISES - WEDDING FACILITY, VILLA BOTANICA/119B BOTANICA DRIVE WOODWARK, R G HOGAN & J C HOGAN

Moved by: J CLIFFORD

Seconded by: D CLARK

That Council approve the request to change or cancel conditions of the Development Permit for a Material Change of Use for a Commercial Premises - Wedding Facility lodged by R G Hogan & J C Hogan on land described as Lot 62 SP211518, Villa Botanica and located at /119B Botanica Drive Woodwark, so that condition 6.5 is:

- 6.5 Wedding functions are only to be conducted from March 1 to December 20.

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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12. Planning and Community Services

12.7 2015/0722.27 REQUEST FOR FEE WAIVER - DEPARTMENT OF STATE DEVELOPMENT

Moved by: P RAMAGE

Seconded by: D CLARK

That Council waive the hire fees only for the upcoming Collinsville Development and Industry Group (DIG) meeting, to be held at the Collinsville Community Centre on the 23rd of July.

Furthermore that Council note the management fee of \$42.90 (including GST) will be charged as agreed by the Queensland State Government, Department of State Development.

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

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**12. Planning and Community Services**

**12.8 2015/0722.28 ADVISORY - EMBRACING 2018 REGIONAL STEERING COMMITTEE MINUTES 12 JUNE 2015**

**Moved by: J COLLINS**

**Seconded by: J ATKINSON**

**That Council receive the Minutes from the Mackay, Issac, Whitsunday Commonwealth Games Steering Committee meeting on 12 June 2015.**

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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12. Planning and Community Services

12.9 2015/0722.29 COMMUNITY ASSISTANCE PROJECT GRANT - WHITSUNDAY REGIONAL GALLERY

Moved by: J COLLINS

Seconded by: P RAMAGE

That Council approve \$5000.00 as a Projects Grant under Council's Community Assistance Grants (CAG) Policy to the Whitsunday Regional Gallery Incorporated.

Furthermore, that Council request an invitation be extended by the Gallery Committee to similar organisations within the region to participate within the gallery.

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

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**12. Planning and Community Services**

**12.10 2015/0722.30 2015 SENIORS WEEK**

**Moved by: D CLARK**

**Seconded by: A WILLCOX**

**That Council allocate funds of \$2000 for the Seniors Week celebrations in Bowen, Proserpine/Airlie Beach and Collinsville.**

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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12. Planning and Community Services

12.11 2015/0722.31 REGIONAL ACHIEVEMENT & INCLUSIVE COMMUNITY AWARDS

Moved by: D CLARK

Seconded by: J COLLINS

That Council endorses the calling for nominations for the Regional Achievement & Community Awards and the 2015 Inclusive Community Champions Awards.

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

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**12. Planning and Community Services**

**12.12 2015/0722.32 PEST MANAGEMENT EXTENSION ACTIVITIES**

**Moved by: P RAMAGE**

**Seconded by: J ATKINSON**

**That Council note the additional activities undertaken by Council Officers in delivering the Pest Management Plan.**

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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12. Planning and Community Services

12.13 2015/0722.33 ADVISORY - NQ SPORTS FOUNDATION FORUM
MINUTES 22 MAY 2015

Moved by: D CLARK

Seconded by: J COLLINS

That Council receive the Minutes from the NQ Sports Foundation Forum on 22 May 2015.

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

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16. Procedural Motion

16.2 2015/07/22.34 PROCEDURAL MOTION - ADJOURNMENT

Moved by: P RAMAGE

Seconded by: J ATKINSON

That the meeting be adjourned for morning tea at 10.25am.

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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16. Procedural Motion

16.3 2015/07/22.35 PROCEDURAL MOTION - CLOSURE OF MEETING

Moved by: D CLARK

Seconded by: A WILLCOX

That Council reconvene the meeting in accordance with Section 275 of the Local Government Regulations 2012, and Council close the meeting to the public at 10.53am 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.

14.1.1 Business Activities Report - June 2015

(c) the local government's budget

14.1.2 Whitsunday China Town Investments

(e) contracts proposed to be made by it

14.2.1 Rates and Sundry Debtors - June 2015

- (c) the local government's budget
- 14.2.2 Application For Hardship Concession Assessment 1301528
 - (d) rating concessions
- 14.2.3 Lease Of Lot 5 On Cpb66104
 - (e) contracts proposed to be made by it
- 14.2.4 Hardship Application Assessment 1206182
 - (d) rating concessions
- 14.2.5 Hardship Application Assessment 1111133
 - (d) rating concessions
- 14.2.6 Hardship Application Assessment 1203397
 - (d) rating concessions
- 14.2.7 Hardship Application Assessment 1205820
 - (d) rating concessions
- 14.2.8 Hardship Application Assessment 1110690
 - (d) rating concessions
- 14.2.9 Hardship Application Assessment 1106112
 - (d) rating concessions
- 14.2.10 Hardship Application Assessment 1208493
 - (d) rating concessions
- 14.2.11 Hardship Application Assessment 1204868
 - (d) rating concessions
- 14.2.12 Hardship Application Assessment 1201868
 - (d) rating concessions
- 14.2.13 Hardship Application Assessment 1201826
 - (d) rating concessions
- 14.2.14 Proserpine Emergency Generator Project
 - (e) contracts proposed to be made by it
- 14.2.15 Request For Concession To Defer Payment Of Rates (1205953, 12022223 And 120806) And General Debt (31527)
 - (d) rating concessions
- 14.2.16 Foxdale Quarry Business Plan
 - (h) other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage
- 14.3.1 20150607 - Request To Waive Application Fee - Development Application for Development Permit For Material Change Of Use - (21) Multiple Dwelling Units, 34, 34a, 36 & 40 Gregory Street Bowen, R P Hansen & D J Hansen

- (g) any action to be taken by the local government under the *Sustainable Planning Act 2009*, including deciding applications made to it under that Act

14.4.1 Whitsunday Regional Council Engineering Services Water And Waste Water Department Proposed Cannonvale Integrated Potable And Recycled Water Project

- (e) Contracts proposed to be made by it

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

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**16. Procedural Motion**

**16.4 2015/07/22.36 PROCEDURAL MOTION - REOPENING OF MEETING**

**Moved by: D CLARK**

**Seconded by: J CLIFFORD**

**That the meeting be reopened to the general public at 1.14pm.**

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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14.1 Confidential Matters - Office of the Mayor & CEO

14.1.1 2015/0722.37 BUSINESS ACTIVITIES REPORT - JUNE 2015

Moved by: J COLLINS

Seconded by: A WILLCOX

That Council note the year end Business Unit Activity Report.

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

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**14.2 Confidential Matters - Corporate Services**

**14.2.1 2015/0722.38 RATES AND SUNDRY DEBTORS - JUNE 2015**

**Moved by: A WILLCOX**

**Seconded by: J ATKINSON**

That Council receive the report showing the actions taken to collect outstanding monies from general debtors and rates.

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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14.2 Confidential Matters - Corporate Services

14.2.2 2015/0722.39 APPLICATION FOR HARDSHIP CONCESSION ASSESSMENT 1301528

Moved by: J WHITNEY

Seconded by: J CLIFFORD

That Council approves to write off \$12,315.20 in rates, charges and interest levied as well as further interest accrued for Assessment 1301528 as a hardship concession with the exception of the EMFR of \$340.14.

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

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**14.2 Confidential Matters - Corporate Services**

**14.2.3 2015/0722.40 LEASE OF LOT 5 ON CPB66104**

**Moved by: A WILLCOX**

**Seconded by: D CLARK**

That Council authorises the Chief Executive Officer;

- a) to seek Ministerial Consent to the secondary use of the land described as Lease A in Lot 5 on CPB66104; and
- b) to negotiate a new lease with the lessee for a period of three years and to execute a new lease.

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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14.2 Confidential Matters - Corporate Services

14.2.4 2015/0722.41 HARDSHIP APPLICATION ASSESSMENT 1206182

Moved by: J COLLINS

Seconded by: J ATKINSON

That Council does not approve a concession under the Hardship Policy to assessment 1206182 to defer payment as evidence presented does not meet the Policy criteria that with formal hardship assistance a customer's financial situation can be restored.

Furthermore, that Council approves Officers to negotiate with the ratepayer, under the Paying Rates by Arrangement Policy, a deferral of the debt for six (6) months with the following conditions to enable the ratepayer time to seek other options to restore financial capacity to pay future Council rates and charges:

- Fortnightly payments of \$100 per fortnight be accepted for a period of six (6) months only;
- Interest of 11%;
- Debt cleared in full by end of arrangement, including new charges accrued during the arrangement;
- Failure to make a payment, customer to rectify within 7 days;
- Two consecutive failures to make payment, arrangement terminated;
- Council Officers to provide ratepayer with contact details to seek financial counselling; and
- Customer can renegotiate arrangement with Council approval.

Should the full debt not be cleared by the end of the arrangement that Council approves Officers to pursue debt recovery options outlined in the Rates Recovery Policy.

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

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14.2 Confidential Matters - Corporate Services

14.2.5 2015/0722.42 HARSHIP APPLICATION ASSESSMENT 1111133

Moved by: J COLLINS

Seconded by: A WILLCOX

That Council does not approve a concession under the Hardship Policy to assessment 1111133 to defer payment as evidence presented does not meet the criteria to be considered hardship under Council policy. In particular, the ratepayer has not demonstrated unusual and severe difficulty rather than the usual frustrations and trial to which other ratepayers or similar organisations are subjected from time to time.

Furthermore, that Council approves Officers to negotiate with the ratepayer, under the Paying Rates by Arrangement Policy, a deferral of the debt for six (6) months with the following conditions to enable the ratepayer time to seek other options to restore financial capacity to pay future Council rates and charges:

1. Fortnightly payments of \$50;
2. Interest of 11%;
3. Balance of debt to be cleared within six (6) months, including new charges accrued during the arrangement;
4. Payment by direct debit;
5. Failure to make payment, customer to rectify within 7 days;
6. Two consecutive failures to make payment, arrangement terminated; and
7. Customer can renegotiate arrangement with Council approval.

Should the full debt not be cleared by the end of the arrangement that Council approves Officers to pursue debt recovery options outlined in the Rates Recovery Policy.

#### MEETING DETAILS:

The motion was Carried 7/0

**CARRIED**

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14.2 Confidential Matters - Corporate Services

14.2.6 2015/0722.43 HARDSHIP APPLICATION ASSESSMENT 1203397

Moved by: J ATKINSON

Seconded by: A WILLCOX

That Council does not approve a concession under the Hardship Policy to assessment 1203397 to defer payment as evidence presented does not meet the Policy criteria that with formal hardship assistance a customer's financial situation can be restored.

Furthermore, that Council approves Officers to negotiate with the ratepayer, under the Paying Rates by Arrangement Policy, a deferral of the debt for six (6) months with the following conditions to enable the ratepayer time to seek other options to restore financial capacity to pay future Council rates and charges:

- Monthly payments of \$100 be accepted for a period of six (6) months only;
- Interest of 11%;
- Debt cleared in full by end of arrangement, including new charges accrued during the arrangement;
- Failure to make a payment, customer to rectify within 7 days;
- Two consecutive failures to make payment, arrangement terminated;
- Council Officers to provide ratepayer with contact details to seek financial counselling; and
- Customer can renegotiate arrangement with Council approval.

Should the full debt not be cleared by the end of the arrangement that Council approves Officers to pursue debt recovery options outlined in the Rates Recovery Policy.

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

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**14.2 Confidential Matters - Corporate Services**

**14.2.7 2015/0722.44 HARSHIP APPLICATION ASSESSMENT 1205820**

**Moved by: A WILLCOX**

**Seconded by: J COLLINS**

That Council does not approve a concession under the Hardship Policy to assessment 1205820 to defer payment as evidence presented does not meet the criteria to be considered hardship under Council policy. In particular, the ratepayer has not demonstrated unusual and severe difficulty rather than the usual frustrations and trial to which other ratepayers or similar organisations are subjected from time to time.

Furthermore, that Council approves Officers to negotiate with the ratepayer, under the Paying Rates by Arrangement Policy, a deferral of the debt for six months with the following conditions to enable the ratepayer time to seek other options to restore financial capacity to pay future Council rates and charges:

1. Monthly payments of \$400;
2. Interest of 11%;
3. Balance of debt to be cleared within twelve (12) months, including new charges accrued during the arrangement;
4. Payment by direct debit;
5. Failure to make payment, customer to rectify within 7 days;
6. Two consecutive failures to make payment, arrangement terminated; and
7. Customer can renegotiate arrangement with Council approval.

Furthermore, that Council Officers engage the ratepayer with advice to address the extra burden of the service charges for the four (4) vacant lots attached to the assessment.

Should the full debt not be cleared by the end of the arrangement that Council approves Officers to pursue debt recovery options outlined in the Rates Recovery Policy.

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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14.2 Confidential Matters - Corporate Services

14.2.8 2015/0722.45 HARDSHIP APPLICATION ASSESSMENT 1110690

Moved by: A WILLCOX

Seconded by: P RAMAGE

That Council does not approve a concession under the Hardship Policy to assessment 1110690 to defer payment as evidence presented does not meet the criteria to be considered hardship under Council policy. In particular, the ratepayer has not demonstrated unusual and severe difficulty rather than the usual frustrations and trial to which other ratepayers or similar organisations are subjected from time to time.

Furthermore, that Council approves Officers to negotiate with the ratepayer, under the Paying Rates by Arrangement Policy, a deferral of the debt for six months with the following conditions to enable the ratepayer time to seek other options to restore financial capacity to pay future Council rates and charges:

1. Fortnightly payments of \$100 for six (6) months only;
2. Interest of 11%;
3. Balance of debt to be cleared within six (6) months, including new charges accrued during the arrangement;
4. Payment by direct debit;
5. Failure to make payment, customer to rectify within 7 days;
6. Two consecutive failures to make payment, arrangement terminated; and
7. Customer can renegotiate arrangement with Council approval.

Should the full debt not be cleared by the end of the arrangement that Council approves Officers to pursue debt recovery options outlined in the Rates Recovery Policy.

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

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**14.2 Confidential Matters - Corporate Services**

**14.2.9 2015/0722.46 HARDSHIP APPLICATION ASSESSMENT 1106112**

**Moved by: J COLLINS**

**Seconded by: J ATKINSON**

That Council does not approve a concession under the Hardship Policy to assessment 1106112 to defer payment as evidence presented does not meet the criteria to be considered hardship under Council policy. In particular, the ratepayer has not demonstrated unusual and severe difficulty rather than the usual frustrations



and trial to which other ratepayers or similar organisations are subjected from time to time.

Furthermore, that Council approves Officers to negotiate with the ratepayer, under the Paying Rates by Arrangement Policy, a deferral of the debt for six months with the following conditions to enable the ratepayer time to seek other options to restore financial capacity to pay future Council rates and charges:

1. Fortnightly payments of \$150 per fortnight
2. Interest of 11%
3. Balance of debt to be cleared by 31<sup>st</sup> December, 2015, including new charges accrued during the arrangement
4. Payment by direct debit
5. Failure to make payment, customer to rectify within 7 days
6. Two consecutive failures to make payment, arrangement terminated
7. Customer can renegotiate arrangement with Council approval.

Should the full debt not be cleared by the end of the arrangement that Council approves Officers to pursue debt recovery options outlined in the Rates Recovery Policy.

#### MEETING DETAILS:

The motion was Carried 7/0

CARRIED

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14.2 Confidential Matters - Corporate Services

14.2.10 2015/0722.47 HARDSHIP APPLICATION ASSESSMENT 1208493

Moved by: J ATKINSON

Seconded by: A WILLCOX

That Council does not approve a concession under the Hardship Policy to assessment 1208493 to defer payment as evidence presented does not meet the criteria to be considered hardship under Council policy. In particular, the ratepayer has not demonstrated unusual and severe difficulty rather than the usual frustrations and trial to which other ratepayers or similar organisations are subjected from time to time.

Furthermore, that Council approves Officers to negotiate with the ratepayer, under the Paying Rates by Arrangement Policy, a deferral of the debt for six months with the following conditions to enable the ratepayer time to seek other options to restore financial capacity to pay future Council rates and charges:

1. Monthly payments of \$100;
2. Interest of 11%;
3. Balance of debt to be cleared within six (6) months, including new charges accrued during the arrangement;

4. Payment by direct debit;
5. Failure to make payment, customer to rectify within 7 days;
6. Two consecutive failures to make payment, arrangement terminated; and
7. Customer can renegotiate arrangement with Council approval.

Should the full debt not be cleared by the end of the arrangement that Council approves Officers to pursue debt recovery options outlined in the Rates Recovery Policy.

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

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**14.2 Confidential Matters - Corporate Services**

**14.2.11 2015/0722.48 HARDSHIP APPLICATION ASSESSMENT 1204868**

Moved by: J COLLINS

Seconded by: J ATKINSON

That Council does approve a concession under the Hardship Policy to assessment 1204868 to defer payment as evidence presented demonstrates unusual and severe difficulty rather than the usual frustrations and trial to which other ratepayers or similar organisations are subjected from time to time.

Furthermore, that Council approves Officers to negotiate with the ratepayer a deferral of the debt for twelve (12) months with the following conditions to enable the ratepayer time to seek other options to restore financial capacity to pay future Council rates and charges:

1. Fortnightly payments \$60 towards rates and \$40 towards water;
2. Interest of 11%;
3. Balance of debt to be cleared within twelve (12) months, including new charges accrued during the arrangement;
4. Payment by direct debit;
5. Failure to make payment, customer to rectify within 7 days;
6. Two consecutive failures to make payment, arrangement terminated; and
7. Customer can renegotiate arrangement with Council approval.

Should the full debt not be cleared by the end of the arrangement that Council approves Officers to pursue debt recovery options outlined in the Rates Recovery Policy.

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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14.2 Confidential Matters - Corporate Services

14.2.12 2015/0722.49 HARDSHIP APPLICATION ASSESSMENT 1201868

Moved by: J ATKINSON

Seconded by: A WILLCOX

That Council does not approve a concession under the Hardship Policy to assessment 1201868 to defer payment as evidence presented does not meet the Policy criteria that with formal hardship assistance a customer's financial situation can be restored.

Furthermore, that Council approves Officers to negotiate with the ratepayer, under the Paying Rates by Arrangement Policy, a deferral of the debt for six (6) months with the following conditions to enable the ratepayer time to seek other options to restore financial capacity to pay future Council rates and charges:

- **Fortnightly payments of \$150 per fortnight be accepted for a period of 6 months only;**
- **Interest of 11%;**
- **Debt cleared in full by end of arrangement, including new charges accrued during the arrangement;**
- **Failure to make a payment, customer to rectify within 7 days;**
- **Two consecutive failures to make payment, arrangement terminated;**
- **Council Officers to provide ratepayer with contact details to seek financial counselling; and**
- **Customer can renegotiate arrangement with Council approval.**

Should the full debt not be cleared by the end of the arrangement that Council approves Officers to pursue debt recovery options outlined in the Rates Recovery Policy.

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

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**14.2 Confidential Matters - Corporate Services**

**14.2.13 2015/0722.50 HARDSHIP APPLICATION ASSESSMENT 1201826**

**Moved by: A WILLCOX**

**Seconded by: J COLLINS**

**That Council does not approve a concession under the Hardship Policy to assessment 1201826 to defer payment as evidence presented does not meet the Policy criteria that with formal hardship assistance a customer's financial situation can be restored.**

**Furthermore, that Council approves Officers to negotiate with the ratepayer, under the Paying Rates by Arrangement Policy, a deferral of the debt for six months with the**

following conditions to enable the ratepayer time to seek other options to restore financial capacity to pay future Council rates and charges:

- Fortnightly payments of \$250 per fortnight – (\$200 Rates/\$50 Water) be accepted for a period of six (6) months only;
- Interest of 11%;
- Debt cleared in full by end of arrangement, including new charges accrued during the arrangement;
- Failure to make a payment, customer to rectify within 7 days;
- Two consecutive failures to make payment, arrangement terminated;
- Council Officers to provide ratepayer with contact details to seek financial counselling; and
- Customer can renegotiate arrangement with Council approval.

Should the full debt not be cleared by the end of the arrangement that Council approves Officers to pursue debt recovery options outlined in the Rates Recovery Policy.

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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14.2 Confidential Matters - Corporate Services

14.2.14 2015/0722.51 PROSERPINE EMERGENCY GENERATOR PROJECT

Moved by: P RAMAGE

Seconded by: J ATKINSON

That Council:

- a) award the contract based upon the competitive quotation for the supply of one (1) generator to Belmont Electrical including the trade in and removal of the existing onsite generator; and
- b) authorise officers to remove the records storage demountable building at the Proserpine Administration Building and engage contractors to complete the works for the installation of the Proserpine Administration Emergency Generator Shelter and Civil Works.

MEETING DETAILS:

Mayor Whitney declared a material personal interest (as per section 173 of the Local Government Act 2009) on the matter of her business providing a tender for the project and left the meeting room at 11.35am, taking no part in the debate or decision of the meeting. Deputy Mayor Willcox chaired the meeting in her absence.

The motion was Carried 6/0

CARRIED

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*Mayor Whitney returned to the meeting room at 11.36am*  
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14.2 Confidential Matters - Corporate Services

14.2.15 2015/0722.52 REQUEST FOR CONCESSION TO DEFER PAYMENT OF RATES (1205953, 2015/0722. 1202223 AND 120806) AND GENERAL DEBT (31527)

Moved by: D CLARK

Seconded by: A WILLCOX

That Council approves a concession under the Paying Rates by Arrangements Policy to defer payment of the outstanding debt for assessments 1205953, 1202223 and 1202806 and the general debtor account 31527 with the following conditions:

- **that payment of the outstanding debts be deferred for a period of six (6) months only;**
- **interest of 11% will continue to be charged on the rates accounts (no interest accrues on the debtor account 31527);**
- **that monthly payments of \$500 are received for each assessment (1205953, 1202223 and 1202806);**
- **that monthly payment of \$2,000 per month is received for general debtor account 31527; and**
- **that payment is made at the end of the six (6) months for the full amount outstanding for assessments 1205953, 1202223, 1202806 and the debtor account 31527.**

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

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**14.2 Confidential Matters - Corporate Services**

**14.2.16 2015/0722.53 FOXDALE QUARRY BUSINESS PLAN**

**Moved by: J COLLINS**

**Seconded by: A WILLCOX**

**That Council receives the Foxdale Quarry Business Plan, noting that no budget commitment has been provided for the proposed capital investments.**

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**  
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14.3 Confidential Matters – Planning and Community Services

14.3.1 2015/0722.54 20150607 - REQUEST TO WAIVE APPLICATION FEE - DEVELOPMENT APPLICATION FOR DEVELOPMENT PERMIT FOR MATERIAL CHANGE OF USE - (21) MULTIPLE DWELLING UNITS, 34, 34A, 36 & 40 GREGORY STREET BOWEN, R P HANSEN & D J HANSEN

Moved by: D CLARK

Seconded by: A WILLCOX

That Council waive the Development Application fees for Development Application for Development Permit for Material Change of Use – Twenty One (21) Dwelling Units located at 34, 34A, 36 & 40 Gregory Street, Bowen, on the following grounds:

- **The development has previously been assessed and approved by Council, and there are no changes to the proposed development;**
- **The Planning Scheme under which the previous approval was issued has not changed, therefore there is not the need to assess the application in detail;**
- **The circumstances surrounding past processes for this application; and**
- **The application fees therefore are not an accurate costs recovery value.**

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

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**14.4 Confidential Matters – Engineering Services**

**14.4.1 2015/0722.55 WHITSUNDAY REGIONAL COUNCIL ENGINEERING SERVICES WATER AND WASTE WATER DEPARTMENT PROPOSED CANNONVALE INTEGRATED POTABLE AND RECYCLED WATER PROJECT**

**Moved by: A WILLCOX**

**Seconded by: D CLARK**

**That Council approve the lodgement of the application for Round 2 of the Federal Government National Stronger Regions Fund for the Cannonvale Integrated Potable and Recycled Water Project.**

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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14.3 Confidential Matters – Office of the Mayor and CEO

14.1.2 2015/0722.56 WHITSUNDAY CHINA TOWN INVESTMENTS

Moved by: D CLARK

Seconded by: J ATKINSON

That Council thank Whitsunday Chinatown Investments for their three offers outside of the current contractual agreement.

Furthermore, that Council authorise the Chief Executive Officer and Chief Financial Officer to advise Whitsunday Chinatown Investments to lodge a Development Application under the current contract at the earliest possible opportunity to affect the sale of 45-71 Waterson Way as per Council's resolution of the 26th November, 2014 and the contract entered into as of the 23rd December, 2014

MEETING DETAILS:

Mayor Whitney declared a perceived conflict of interest (as per section 173 of the Local Government Act 2009) and left the meeting room at 12.11pm taking no part in the debate or decision of the meeting. Deputy Mayor Willcox chaired the meeting in her absence.

The motion was Carried 5/1

CARRIED

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Mayor Whitney returned to the meeting at 1.14pm

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The meeting closed at 1.22pm

Confirmed as a true and correct recording this 12 August, 2015

**Cr Andrew Willcox
DEPUTY MAYOR**