



MINUTES
of the
GENERAL MEETING

CHAIRMAN: Cr R Dyne (Mayor)

**Held in the Boardroom
Town Hall
2 Caledonian Hill
Gympie Qld 4570**

**on Wednesday 27 July 2011
at 9.00 am**

Gympie Regional Council **GENERAL**

*Mayor RJ Dyne (Chairman),
Crs AJ Perrett, GL Engeman, RA Gâté, LJ Friske,
DR Neilson, IT Petersen, J Watt and JA Walker*

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The meeting commenced at 9:02 am.

PRESENT: Mayor Cr R.J. Dyne (Chairman), Cr A.J. Perrett, Cr G.L. Engeman, Cr I.T. Petersen, Cr R.A. Gâté, Cr L.J. Friske, Cr D.R. Neilson, Cr J. Watt and Cr J.A. Walker.

Also in attendance were Acting Chief Executive Officer (Mr C. Manson), and Minutes Clerk (Mrs S Lowe).

Cr G.L. Engeman was not present at the commencement of the meeting.

DECLARATIONS OF INTEREST BY COUNCILLORS

SECTION 1: OPEN WITH PRAYER

Pastor Thomas Hemphill from the Gympie Baptist Church offered a Prayer for the advancement of the Region and the true welfare of its people.

One Minute's silence was observed for family and friends of deceased residents of the Region.

LEAVE OF ABSENCE

Nil

SECTION 2: APOLOGIES

Nil

SECTION 3: CONFIRMATION OF MINUTES OF PREVIOUS GENERAL MEETING

G27/07/11 Moved: Cr R.A. Gâté

Seconded: Cr J.A. Walker

That the Minutes of the Gympie Regional Council General Meeting held on 13 July 2011 be taken as read and confirmed.

Carried

Cr G.L. Engeman entered the meeting at 9.06 am.

SECTION 4: PETITIONS

Nil

SECTION 5: ADOPTION OF COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE RECOMMENDATIONS

G28/07/11 Moved: Cr A.J. Perrett

Seconded: Cr R.A. Gâté

That the Recommendations of the Community & Economic Development Committee Meeting held on 13 July 2011 as presented, be received.

Carried

G29/07/11 Moved: Cr A.J. Perrett

Seconded: Cr R.A. Gâté

That the Recommendations of the Community & Economic Development Committee Meeting held on 13 July 2011 be adopted.

Carried

SECTION 6: REPORT BY THE COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE CHAIRMAN

Cr Tony Perrett present the following Report:

The Committee received the Health and Environmental Services report for the month of June noting the ongoing upgrade and maintenance at the Southside Waste Management Facility. This works includes;

- the bitumen sealing of a new pad adjacent to the recycler's shop and relocating the waste transfer & recycling bins to this area
- construction of grass swale drains and water control devices
- construction of a dedicated green waste area
- modification of the dedicated metal waste area
- construction of an inspection track along the northern batter
- maintenance of the northern firebreak/access track

An application by the proprietor of the Rainbow Beach Massage and Natural Therapies Centre for an approval to operate a beach massage service adjacent to the patrolled area at Rainbow Beach has the Committee recommending, that an onsite meeting be held with

Councillors and relevant staff to ascertain whether there is sufficient beach area available to approve this request. The matter will be reported back to the next meeting of the Community Services and Economic Development Committee.

The Committee recommends that an application for itinerant vending permit to allow the sale of ice cream on Council controlled roads be approved subject to the following condition; that the applicant must not vend on a road, public place or within a local government controlled area that is closer than 500 metres of an existing retail shop, shopping centre or roadside vending stall selling the same or similar goods; or school (between 7am and 5pm on school days); or public swimming or recreational facility or ground where sport is played and the same or similar goods are sold as part of that facility; or a place where a fete or market is operating unless they're part of that event.

The new owner of the Rainbow Beach Surf School has written to Council seeking approval to transfer the Beach Use Licence currently held by the previous owner to their name. The Committee recommends that Council approve the transfer subject to the commercial activities and conditions remaining unchanged. This approval will expire on the 30 June, 2012.

The Compliance & Local Disaster and Community Facilities & Services reports for the month of June were received with no notable concerns.

The Economic Development and Public Relations Officer's report was received noting the success of the Goomeri Business Leaders forum held in June. A series of other business meetings have been organised across the Region with the relevant local Chambers of Commerce. These forums provide an opportunity for Council to raise the awareness of Council's Economic Development Strategy as well as hearing directly from business owners about any business related concerns they might have.

The general manager of Gympie Cooloola Tourism, Amanda LePeilbet presented the monthly Tourism report noting the success of their attendance at the Brisbane Caravan and Camping Show at the RNA Showgrounds. Twelve (12) boxes of holiday guides and other promotional material were distributed during the event. Promotional and advertising work continues across the State with television advertising being aired in Toowoomba and Rockhampton. Radio and print media advertising also featured heavily during June.

G30/07/11 Moved: Cr A.J. Perrett

Seconded: Cr R.A. Gâté

That the Report be received.

Carried

Cr G.L. Engeman left the meeting at 9.10 am.

SECTION 7: ADOPTION OF PLANNING & DEVELOPMENT COMMITTEE RECOMMENDATIONS
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G31/07/11 Moved: Cr I.T. Petersen Seconded: Cr J. Watt

That the Recommendations of the Planning & Development Committee Meeting held on 20 July 2011 as presented, be received.

Carried

G32/07/11 Moved: Cr I.T. Petersen Seconded: Cr J. Watt

That the Recommendations of the Planning & Development Committee Meeting held on 20 July 2011, be adopted.

Carried

SECTION 8: REPORT BY THE PLANNING & DEVELOPMENT COMMITTEE CHAIRMAN

Nil

SECTION 9: OTHER MATTERS

9/1 Instruments of Appointment
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Re: **G33/07/11** Instruments of Appointment
From: King and Company solicitors, GPO Box 758, Brisbane Qld
 4001
File: 3/3/03/0128
Date: 21 December 2010
Reference:

Executive Summary:

Following the introduction of the new Local Government Act 2009, Council is required to review the delegations register to reflect the necessary changes.

Report: (Manager Corporate Administration - Debbie Jenkins)

King and Company Solicitors have been engaged to review the current Instruments of Appointment in line with the changes brought about by the introduction of the new Local Government Act 2009.

The Register has been prepared in accordance with the requirements of Section 257 of the Local Government Act 2009 for each power under the Local Government Act or another Act which may be delegated by Council to the Chief Executive Officer and Section 259 of the Local Government Act for each power of the Chief Executive Officer which may be delegated by the Chief Executive Officer to an appropriately qualified employee or contractor of Council.

Attachment 1, Gympie Regional Council's Delegations Register from Council to the CEO contains the relevant legislation at the time of compilation by King and Co. Solicitors.

It is noted that amendment of legislation is an ongoing process and as such the Delegations Register will need to be amended as and when changes in relevant State Legislation occurs.

Accordingly it is noted pursuant to Section 260 of the Local Government Act 2009 provides that Council's CEO must establish a register of delegations that contains the particulars prescribed under a regulation and must record all delegations by Council, the Mayor or the CEO in the register. The public may inspect the register for delegations.

Strategic Implications:

Corporate Plan: Administrative in nature.

Operational Plan: Outcome 1.2 (ii)

Budget: Nil

Budget: Nil

Legal/Statutory: Local Government Act 2009
Local Government (Finance, Plans & Reporting)
Regulation 2010

Risks: Council would be subject to legal implications should the delegations register not be adopted in the correct format.

Checklist:

- ☐ Financial Services Directorate
- ☒ Corporate Services Directorate
- ☐ Community Services Directorate
- ☐ Engineering Services Directorate

- ☐ Planning & Development Directorate
- ☒ Office of the Chief Executive Officer

ATTACHMENT 1**G33/07/11 Moved: Cr A.J. Perrett****Seconded: Cr L.J. Friske**

That Council consider all powers referred to in the document titled “Register of Delegations – Council to CEO” attached to this report are hereby delegated by Council to the Chief Executive Officer of Council pursuant to Section 257 of the Local Government Act 2009.

Carried

9/2	2011 Census of Population & Housing
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Re: **G34/07/11** 2011 Census of Population & Housing
From: Mr Brian Pink – Australian Bureau of Statistics
File: 1-2-2-7 Doc ID: 1510657
Date: 20 July 2011
Reference:

“This kit contains information about the upcoming 2011 Census of Population and Housing. It has been designed to assist you and your office to handle Census enquiries from the public.

The Census of Population and Housing is a snapshot of the nation, conducted once every five years by the Australian Bureau of Statistics under the Census and Statistics Act 1905. the next Census is 9 August, 2011 and also marks a significant milestone – 100 years of national Census taking in Australia.

On Census night, every person in Australia must complete the Census by either filling in the paper form or through eCensus online.

It is in all our interests to have a complete and accurate 2011 Census. I encourage you to use the information provided to promote the Census to your constituencies and inform them of the vital role that Census information plays in planning for a brighter future.

Population estimates based on the Census are used to determine the number of seats allocated to each state in the House of Representatives and to allocate Commonwealth revenue to the states in the territories.

The Census sheds some light on who we are, where and how we live as well as the characteristics of our households and communities. It’s used

by all levels of governments, business and the community sector to plan for, for example, better infrastructure, health care, education and transport.

For additional information or to assist you with answering questions from the public and MP's hotline has been set up on 1800 111 994. I would appreciate you promoting the Census within your jurisdictions, and we can provide a range of information and promotional materials to distribute within your local areas.

From June 2012 the ABS will begin releasing a range of data products to assist you, your staff and the public to access Census data. These products make it easy for users to access community profiles, compare Census data over time and provide geographical information for large and small areas. They will be available via the website www.abs.gov.au/census

I'd like to thank you in advance for your support for the 2011 Census."

Cr G.L. Engeman returned to the meeting at 9.13 am.

G34/07/11 Moved: Cr J.A. Walker Seconded: Cr J. Watt

That the information be received.

Carried

LATE ITEMS

Late Item 1 115th LGAQ Annual Conference 2011 – Call for Motions

Re: **G35/07/11** 115th LGAQ Annual Conference 2011 – Call for Motions
From: LGAQ
File: 1-4-2-1 Doc ID: 1510929
Date: 20 July 2011
Reference:

"The deadline for receipt of LGAQ Annual Conference 2011 motions is Friday 29 July 2011.

This year's 115th LGAQ Annual Conference is being held at the Gold Coast Convention and Exhibition Centre between 3 - 5 October 2011.

To enable a copy of the Preliminary Agenda to be forwarded to member councils prior to the Annual Conference, agenda items must be received by the LGAQ no later than Friday 29 July 2011.

The Agenda will consist of two parts:

- *Part 1: Review of Policy Statement*
- *Part 2: Motions for Consideration*

The Review of the Policy Statement will take place at the commencement of the Conference, so subsequent motions can be considered in line with the current Policy Statement. A copy of the current Policy Statement is available on LGOnline.

In submitting motions, please identify them as either PART 1 or PART 2.

When preparing motions and background information for either PART 1 or PART 2, please give particular attention to all relevant facts and, where appropriate, figures. Consideration should also be given to resolutions carried at previous Annual Conferences on the topic and what actions has resulted form the resolution. Please also bear in mind the five 'SMART' principles in policy development:

- *Be Specific and clear in your desired outcome, with your audience in mind (i.e. State or Federal Government);*
- *Consider Measurables*
- *Is it Achievable*
- *Is it Realistic*
- *Is it Timely*

Please list your motion TITLE, motion DESCRIPTION and the motion BACKGROUND. Please refer to last year's agenda format for further guidance.

Motions should be sent to beth_norman@lgaq.asn.au no later than Friday 29 July 2011."

G35/07/11 Moved: Cr G.L. Engeman Seconded: Cr R.A. Gâté

That the information be received.

Carried

Late Item 2 115 th LGAQ Annual Conference 2011

Re: **G36/07/11** 115th LGAQ Annual Conference 2011
From: LGAQ
File: 1-4-2-1 Doc ID: 1503791
Date: 17 June 2011
Reference:

"The 115th LGAQ Annual Conference will take place at the Gold Coast Convention and Exhibition Centre, Cnr Gold Coast Highway and TE Peters Drive, Broadbeach from 3-6 October 2011.

Registrations for this event are now open on the LG Online web page via the Events Tab 115th LGAQ Annual Conference. A copy of the program and correspondence relating to this event has been published on the web page.

Should you have any queries do not hesitate to contact Bron Browning, Professional Conference Organiser, Ph (07) 3000 2220 or email bron_browning@lgaq.asn.au"

G36/07/11 Moved: Cr R.A. Gâté

Seconded: Cr G.L. Engeman

That the Mayor, Cr Watt, Cr Neilson and the CEO be registered to attend the LGAQ Conference 2011.

Carried

SECTION 10: GENERAL BUSINESS

Water and Other Legislation Amendment Bill 2011 (Qld)

Cr Walker tabled the following correspondence from Mary River Catchment Co-ordination Committee.

"MRCCC submission to the Parliamentary Environment, Agriculture, Resources and Energy Committee regarding the Water and Other Legislation Amendment Bill 2011 (Qld)

MRCCC sector representatives

Under the new parliamentary committee system, Bills to introduce or amend legislation are considered by a multi-party committee before being presented in Parliament, along with a report and set of

recommendations from the committee. These committees have the ability to hold inquiries and call for public submissions as part of their work. The Water and Other Legislation Amendment Bill 2011 (Qld) is currently being reviewed by the Parliamentary Environment, Agriculture, Resources and Energy Committee, and they have invited public submissions. Information about the Bill can be found at <http://www.getinvolved.qld.gov.au/consultqld/index.cfm?go=consultonline.view/issue&activityID=387>. Closing date for written submissions is Friday 12 August 2011. Information submitted to the committee is protected by Parliamentary privilege.

Several of these proposed changes to water legislation are significant from a MRCCC perspective and the executive has asked that MRCCC staff prepare a brief submission. This is unpaid work, and MRCCC sector representatives may like to assist by reviewing the proposed legislative changes, considering the likely impacts on their sector and reporting back to MRCCC staff so that their concerns can be reflected in the MRCCC submission.

Here is a summary of the parts of the bill that have raised concern so far:

- establish a Single Process framework for the concurrent development of a water resource plan and resource operations plan. The amendments also remove the requirement for establishment of community reference panels (CRPs) and provide discretion to employ a shortened process in certain circumstances, for example, if a replacement plan is not materially different to the existing plan;
- simplify the notification of works process by relocating the process from the Water Regulation 2002 (Water Regulation) and water resource plans to the Water Act;
- introduce an amendment to enable the South East Queensland water grid manager and the Commonwealth Environmental Water Holder to apply for a water licence not attached to land and to engage in dealings with water licences, for example, enabling a water licence already attached to land to be transferred to these entities. This amendment is intended to provide the flexibility necessary for these entities to achieve the significant water reform activities for which they were originally established;
- provide an exemption from the requirement to hold a riverine protection permit if works that take or interfere with water are made self-assessable under a water resource plan or regulation and the works are being constructed in accordance with a self-assessable code listed in the Water Regulation.

If you want to find out more about the bill, or want to help with researching and preparing a submission (either the MRCCC's or your own) could you please contact me during the next week (in light of the

brief timelines). It is worthwhile reading the legal opinions in the explanatory notes about this bill with respect to how the proposed amendments contravene the Legislative Standards Act. This Bill definitely reduces opportunities for public consultation in Water Resource Planning, which is a step in the opposite direction to the stated aims of the MRCCC and the National Water Initiative. On the bright side - doing the research for this is how I found that Traveston Crossing Dam has been removed from the Water Act and State Development Act regulations - and I am very happy about this discovery."

G38/07/11 Moved: Cr J.A. Walker

Seconded: Cr G.L. Engeman

That the matter be referred to the next Works & Services Committee Meeting.

Carried

Rainbow Beach State School

G39/07/11 Moved: Cr J. Watt

Seconded: Cr D.R. Neilson

That a letter of congratulations be sent to Rainbow Beach State School and others involved in winning the Dugong Rock Competition.

Carried

Business Leaders Forum – Rainbow Beach
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Cr Jan Watt reported that she and other Councillors attended the Business Leaders Forum conducted last week at Rainbow Beach. She commented that it was an excellent opportunity to hear the views and issues facing local businesses. Cr Tony Perrett advised that the dates of these meetings are included in the Community and Economic Development Committee Meeting Minutes.

Gold Rush Art Competition

Cr Rae Gâté drew to Councillors' attention to the dates of the upcoming Gold Rush Art Competition.

Flood Damage Repairs

Cr Larry Friske reported that ongoing repairs of flood damaged roads are well under way, with work being prioritised accordingly. The Mayor, Cr Ron Dyne commented that Council had received positive comments and gratitude from residents in Booubijan regarding repairs, but that patience is still required from residents as the works are undertaken.

Burnett Mary Regional Group Showcase and Awards

Cr Graham Engeman reported that he attended the Burnett Mary Regional Group Showcase - a series of workshops and information sessions – on Monday, 25 July. He commented that the forum was very well attended.

SECTION 11: IN COMMITTEE**SECTION 12: ATTACHMENTS**

Attachment 1: Item 9/1 – Instruments of Appointment

There being no further business the meeting closed at 9.34 am.

Confirmed this TENTH day of AUGUST 2011

Cr R.J. Dyne
CHAIRMAN