



Minutes of the Ordinary Council Meeting held on Wednesday 23 August 2023 at Council Chambers, 67 Herbert Street, Bowen

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

Councillors Present:

Julie Hall (Mayor/Chair), Jan Clifford, Clay Bauman (Via teleconference), John Collins, Michelle Wright, Gary Simpson and Michael Brunker (Via teleconference)

Council Officers Present:

Warren Bunker (Chief Executive Officer); Scott Hardy (Acting Director Community Services); Neil McGaffin (Director Development Services); Peter Shuttlewood (Acting Director Corporate Services); Adam Hagy (Director Infrastructure Services); Lisa Maher (Senior Communications Officer); Tailah Jensen (Governance Administration Officer/Minute Taker); James Ngoroyemoto (Manager, Governance and Administration)

Other Officers Present (Partial Attendance):

Craig Turner (Chief Operating Officer – Aviation and Tourism); Shaun Cawood (Shute Harbour Coordinator)

Meeting Schedule:

The meeting commenced at 9.00am

The meeting adjourned for morning tea at 10.26am

The meeting reconvened from morning tea at 10.49am

The meeting closed at 10.59am

Whitsunday Regional Council
Minutes of the Ordinary Council Meeting held at
Council Chambers, 67 Herbert Street, Bowen on
Wednesday 23 August 2023 commencing at **9:00 AM**

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1 APOLOGIES/LEAVE OF ABSENCE

An apology was received from Director Corporate Services Jason Bradshaw and Director Community Services Julie Wright.

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## 2 CONDOLENCES

### 2.1 - Condolences Report

#### PURPOSE

To acknowledge and observe a minute silence for the recently deceased throughout the Whitsunday Region.

#### OFFICER'S RECOMMENDATION

That Council observe one (1) minute's silence for the recently deceased.

#### RESOLUTION OM2023/08/23.1

Moved By: CR J CLIFFORD

Seconded By: CR M WRIGHT

That Council observe one (1) minute's silence for the recently deceased.

#### MEETING DETAILS

*Cr Clifford acknowledged the recent passing of Mr Steve Neale, icon of Tourism Whitsundays.*

The motion was Carried 7 / 0.

**CARRIED**

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3 DECLARATIONS OF INTEREST

There were no declarations made during this meeting.

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## 4 MAYORAL MINUTE

There was no mayoral minute for this meeting.

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Wednesday 9 August	• Council Meeting, in Proserpine • Internal meetings, in Proserpine • Video conference with NQBP to discuss Bowen Wharf Project • That evening attended PRD Whitsunday annual research night, in Cannonvale
Thursday 10 August	• Radio interview with ABC Tropical North regarding Collinsville Petition presented at Council Meeting yesterday • Recorded Monthly Mayoral Talkback segment with ABC • Attended Bowen Neighbourhood Centre's Hamburger for the Homeless fundraiser • Catch up with CEO • That afternoon officially opened Airlie Beach Race Week
Friday 11 August	• Attended a Meteorology for Disaster Managers Masterclass, in Proserpine
Saturday 12 August	• Attended the Airlie Beach-Whitsunday RSL Annual President's Dinner
Monday 14 August	• Attended Audit and Risk Committee Meeting via video • Internal meetings, in Bowen
Tuesday 15 August	• Attended a breakfast with Minister for Housing the Hon Meaghan Scanlan MP, in Mackay • Attended the Greater Whitsunday Housing Summit alongside Crs Bauman, Wright & Clifford and CEO Warren Bunker, in Mackay
Wednesday 16 August	• Attended the Deputy Premier the Hon Steven Miles' Forum – Queensland New Industry Development Strategy Greater Whitsundays alongside Crs Brunker, Wright, Simpson, Bauman & Clifford and CEO Warren Bunker, in Mackay • Travelled back to Proserpine to chair Briefing Session
Thursday 17 August	• Internal meetings, in Proserpine
Friday 18 August	• Took part in the Airlie Beach-Whitsunday RSL 50th Anniversary of cessation of the Vietnam War • Met with a community member, in Airlie Beach • That afternoon attended Proserpine State School Annual Fete
Saturday 19 August	• Took part in the Zonta Ladies' Skipper Race, in Bowen
Sunday 20 August	• Attended Coral Sea Marina event
Monday 21 August	• Catch-up with CEO, in Bowen • Attended Economic Development Advisory Committee meeting, in Bowen • Filming for Council Meeting

	• Internal meetings, in Bowen
Tuesday 22 August	• Met with Bowen residents onsite in Hansen Park • Meeting with Whitsunday Swimming Club, in Proserpine • Internal meetings, in Proserpine • That afternoon, officially opened Yumbah Raw dining experience, in Airlie Beach

6.1 - Confirmation of Minutes

PURPOSE

At each Council meeting, the minutes of the previous meeting must be confirmed by the councillors present and signed by the person presiding at the later meeting. The Minutes of Council's Ordinary Council Meeting held on 9 August 2023 are provided for Councils review and confirmation.

OFFICER'S RECOMMENDATION

That Council confirms the Minutes of the Ordinary Meeting held on 9 August 2023.

RESOLUTION OM2023/08/23.2

Moved By: CR M WRIGHT

Seconded By: CR G SIMPSON

That Council confirms the Minutes of the Ordinary Meeting held on 9 August 2023.

MEETING DETAILS

The motion was Carried 7 / 0.

CARRIED

7 BUSINESS ARISING

There were no business arising matters for this meeting.

8 DEPUTATIONS

There were no deputations for this meeting.

9 PETITIONS

RESOLUTION OM2023/08/23.3

Moved By: CR J HALL (MAYOR)

Seconded By: CR J CLIFFORD

That Council receive the petition from the Whitsunday Swimming Club regarding Enhanced Community Services at Proserpine Pool and refer it to the Chief Executive Officer for action.

MEETING DETAILS

The motion was Carried 7 / 0.

CARRIED

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## 10 NOTICES OF MOTION

There were no notice of motions for this meeting.

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11 QUESTIONS ON NOTICE

There were no questions taken on notice for this meeting.

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## 12 QUESTIONS FROM THE PUBLIC GALLERY

There were no public questions submitted during this meeting.

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13 OFFICERS REPORTS

13.1 Office of the Mayor and CEO

13.1.1 - Annual Christmas Closure 2023

PURPOSE

This report seeks the endorsement of Council for the annual Christmas closure of Council buildings, offices, and depots for 2023.

OFFICER'S RECOMMENDATION

That Council:

1. Endorse the closure of Council offices and libraries, customer service centres and depots during the Christmas/New Year period commencing from Monday 25 December 2023 and resuming normal operating hours on Tuesday 2 January 2024
2. Note that other facilities will be operating throughout this period including after-hours service, skeleton works crews and waste services.

RESOLUTION OM2023/08/23.4

Moved By: CR J CLIFFORD

Seconded By: CR G SIMPSON

That Council:

1. **Endorse the closure of Council offices and libraries, customer service centres and depots during the Christmas/New Year period commencing from Monday 25 December 2023 and resuming normal operating hours on Tuesday 2 January 2024**
2. **Note that other facilities will be operating throughout this period including after-hours service, skeleton works crews and waste services.**

MEETING DETAILS

The motion was Carried 7 / 0.

CARRIED

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### 13.2.1 - Council Standing Orders and Meeting Dates Schedule

#### PURPOSE

The purpose of this report is to adopt the standard/model policies related to the ordinary meeting procedures [best practice example standing orders for local government and standing committee meetings] and to modify the Council meetings schedule.

#### OFFICER'S RECOMMENDATION

That Council:

1. Revoke the current Standing Orders and Meeting Procedures CORP\_45
2. Adopt the Proposed Council Standing Orders (Meetings) 2023 (Attachment 1);
3. Change the Ordinary Council Meetings cycle from two meetings a month to one meeting per month, commencing in September 2023; and set the ordinary council meeting dates for the rest of the Financial Year ending 30/06/2024 as follows:
  - a. 27 September 2023
  - b. 25 October 2023
  - c. 22 November 2023
  - d. 13 December 2023
  - e. 24 January 2024
  - f. 28 February 2024
  - g. 06 March 2024
  - h. 24 April 2024
  - i. 22 May 2024
  - j. 26 June 2024

#### RESOLUTION OM2023/08/23.5

Moved By: CR C BAUMAN

Seconded By: CR J HALL (MAYOR)

That Council:

1. Revoke the current Standing Orders and Meeting Procedures CORP\_45
2. Adopt the Proposed Council Standing Orders (Meetings) 2023 (Attachment 1) subject to the following changes:
  - (i) 1.2 If there is no resolution fixing the date and time for its ordinary meeting, the Chief Executive Officer must fix the date and time for the meeting in consultation with the Mayor.
  - (ii) 2.1 The Chief Executive Officer must call a special meeting of the local government if—
    - a) the special meeting is required by a resolution of the local government; or
    - b) a written request for the special meeting is lodged with the Chief Executive Officer under section 2.2.
  - (iii) 8.1 Any petition presented to a meeting of the local government should:

(iv) **26.2 Councillors will speak to each other or about each other during the local government meeting by their respective titles ('mayor' or 'councillor'), and when speaking of or addressing officers will call them by their appropriate title and will confine their remarks to the matter under consideration;**

(v) **Include the public questions and matters of importance within standing orders in item 4.1.**

#### **MEETING DETAILS**

The motion was Carried 5 / 2.

*Mayor Hall called for a Division.*

*For: Cr Bauman, Cr Simpson, Cr Wright, Cr Bruncker, Mayor Hall*

*Against: Cr Clifford, Cr Collins*

**CARRIED**

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RESOLUTION OM2023/08/23.6

Moved By: CR J HALL (MAYOR)

Seconded By: CR J CLIFFORD

That Council Change the Ordinary Council Meetings cycle from two meetings a month to one meeting per month alternating between Bowen Administration Building and Proserpine Administration Building, commencing in September 2023; and set the ordinary council meeting dates for the rest of the Financial Year ending 30/06/2024 as follows:

- a. 27 September 2023 - PROSERPINE**
- b. 25 October 2023 - BOWEN**
- c. 22 November 2023 - PROSERPINE**
- d. 13 December 2023 - BOWEN**
- e. 24 January 2024 - PROSERPINE**
- f. 28 February 2024 - BOWEN**
- g. 06 March 2024 - PROSERPINE**
- h. 24 April 2024 - BOWEN**
- i. 22 May 2024 - PROSERPINE**
- j. 26 June 2024 - BOWEN**

MEETING DETAILS

The motion was Carried 6 / 1.

Cr Collins voted against the motion.

CARRIED

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### 13.2.2 - Deputy Mayor Appointment

#### PURPOSE

This report serves to appoint a new Deputy Mayor on the basis that the current Deputy Mayor's 12-month term, that was appointed on 14 September 2022 concludes on 13 September 2023.

#### OFFICER'S RECOMMENDATION

That Council resolve to appoint Councillor xxxx as Deputy Mayor for the remaining Council term (to 2024), in accordance with Section 165 of the *Local Government Act 2009*.

#### RESOLUTION OM2023/08/23.7

Moved By: CR J HALL (MAYOR)

Seconded By: CR M WRIGHT

That Council resolve to appoint Councillor Simpson as Deputy Mayor for the remaining Council term (to 2024), in accordance with Section 165 of the *Local Government Act 2009*.

#### MEETING DETAILS

*Cr Collins raised his concerns with the Mayor moving the motion for the appointment of Deputy Mayor.*

*Manager Governance and Administration advised there is no conflict in this process.*

The motion was Carried 7 / 0.

**CARRIED**

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13.2.3 - Fuel Services - Whitsunday Coast Airport - Lease Extension

PURPOSE

To provide a report for consideration by Council for the approval of a six-month extension to the existing lessee to enable sufficient timeframe for the competitive tender process to proceed.

OFFICER'S RECOMMENDATION

That Council resolves to authorise the Chief Executive Officer to enter into negotiations and execute a six-month lease extension with Viva Energy Australia Pty Ltd for Part of land Lease AX on SP256312 also known as the Whitsunday Coast Airport in accordance Section 236(1)(c)(vii)(A) and (B) of the Local Government Regulation 2012.

RESOLUTION OM2023/08/23.8

Moved By: CR J CLIFFORD

Seconded By: CR G SIMPSON

That Council resolves to authorise the Chief Executive Officer to enter into negotiations and execute a six-month lease extension with Viva Energy Australia Pty Ltd for Part of land Lease AX on SP256312 also known as the Whitsunday Coast Airport in accordance Section 236(1)(c)(vii)(A) and (B) of the Local Government Regulation 2012.

MEETING DETAILS

The motion was Carried 7 / 0.

CARRIED

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### 13.2.4 - Lease - Bureau of Meteorology

#### PURPOSE

To advise Council of a request to renew and formalise a lease that has recently been received for the purpose of installing infrastructure to deliver reliable and responsive weather, water, climate, and ocean services to Australia.

#### OFFICER'S RECOMMENDATION

That Council resolves to authorise the Chief Executive Officer to enter into negotiations and execute a 10-year peppercorn lease with the Commonwealth of Australia represented as The Bureau of Meteorology for the lease of part of the land at Lot 50 on CPHR 808298, also known as the Whitsunday Coast Airport in accordance Section 236(1)(b)(i) of the Local Government Regulation 2012.

#### RESOLUTION OM2023/08/23.9

Moved By: CR M WRIGHT

Seconded By: CR J COLLINS

That Council resolves to authorise the Chief Executive Officer to enter into negotiations and execute a 10-year peppercorn lease with the Commonwealth of Australia represented as The Bureau of Meteorology for the lease of part of the land at Lot 50 on CPHR 808298, also known as the Whitsunday Coast Airport in accordance Section 236(1)(b)(i) of the Local Government Regulation 2012.

#### MEETING DETAILS

The motion was Carried 7 / 0.

**CARRIED**

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13.2.5 - Audit & Risk Committee Meeting Minutes - 25 July 2023 and 14 August 2023

PURPOSE

Council is required to review and consider the recommendations of the Audit & Risk Committee. The Audit & Risk Committee does not have decision-making authority and any recommendations it makes must be endorsed and approved by Council resolution prior to implementation or action.

OFFICER'S RECOMMENDATION

That Council:

1. endorse the Unconfirmed Minutes of the Audit & Risk Committee Meeting held on 25 July 2023.
2. Endorse the Unconfirmed Minutes of the Audit & Risk Committee Meeting held on 14 August 2023.

RESOLUTION OM2023/08/23.10

Moved By: CR M WRIGHT

Seconded By: CR J CLIFFORD

That Council:

1. **Endorse the Unconfirmed Minutes of the Audit & Risk Committee Meeting held on 25 July 2023.**
2. **Endorse the Unconfirmed Minutes of the Audit & Risk Committee Meeting held on 14 August 2023.**

MEETING DETAILS

Cr Bauman requested that the reference to his name in the meeting details of item 4.2.2 in the 25 July 2023 Unconfirmed Audit & Risk Committee Meeting Minutes be changed to reflect the Deputy Mayor.

The motion was Carried 7 / 0.

CARRIED

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### 13.2.6 - Audited Financial Statement 2022/23 and Closing Audit Report

#### PURPOSE

To present the Audited Financial Statements for the 2022/23 Financial Year and to present the closing audit report and opinion from the Queensland Audit Office.

#### OFFICER'S RECOMMENDATION

That Council receive the Audited Financial Statements for the 2022/23 Financial Year and the 2023 Closing Audit Report from the Queensland Audit Office.

#### RESOLUTION OM2023/08/23.11

Moved By: CR J CLIFFORD

Seconded By: CR J HALL (MAYOR)

That Council receive the Audited Financial Statements for the 2022/23 Financial Year and the 2023 Closing Audit Report from the Queensland Audit Office.

#### MEETING DETAILS

The motion was Carried 7 / 0.

**CARRIED**

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13.2.7 - Financial Report - Unaudited FY 2023-24 Period ending July 2023

PURPOSE

To inform Council of the current unaudited financial performance and position for the period to 31 July 2023.

OFFICER'S RECOMMENDATION

That Council receive the Financial Report, Capital Expenditure Report and the Unaudited Financial Statements 2023/24 for the period ended 31 July 2023.

RESOLUTION OM2023/08/23.12

Moved By: CR J COLLINS

Seconded By: CR M WRIGHT

That Council receive the Financial Report, Capital Expenditure Report and the Unaudited Financial Statements 2023/24 for the period ended 31 July 2023.

MEETING DETAILS

The motion was Carried 7 / 0.

CARRIED

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### 13.2.8 - Corporate Services Monthly Report - July 2023

#### PURPOSE

To provide an overview the Corporate Services Directorate for the month of July 2023.

#### OFFICER'S RECOMMENDATION

That Council receive the Corporate Services Monthly Report for July 2023.

#### RESOLUTION OM2023/08/23.13

Moved By: CR J CLIFFORD

Seconded By: CR M WRIGHT

That Council receive the Corporate Services Monthly Report for July 2023.

#### MEETING DETAILS

The motion was Carried 7 / 0.

CARRIED

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13.3.1 - 20220452 - Development Application for Preliminary Approval for Material Change of Use of Premises – Short Term Accommodation (18 Villas) and Food and Drink Outlet (Including Viewing Area), Stone Island, Stone Island Holdings Pty Ltd

PURPOSE

To present the assessment of the development application.

OFFICER'S RECOMMENDATION

That Council approve the application for Development Application for Preliminary Approval for Material Change of Use for Short-Term Accommodation (18 Villas) and Food and Drink Outlet (Including Viewing Area), made by Stone Island Holdings Pty Ltd, on L: 246 SP: 329902 T: TL216310 and located at Stone Island Bowen, subject to the conditions outlined in Attachment 1.

RESOLUTION OM2023/08/23.14

Moved By: CR M WRIGHT

Seconded By: CR G SIMPSON

That Council approve the application for Development Application for Preliminary Approval for Material Change of Use for Short-Term Accommodation (18 Villas) and Food and Drink Outlet (Including Viewing Area), made by Stone Island Holdings Pty Ltd, on L: 246 SP: 329902 T: TL216310 and located at Stone Island Bowen, subject to the conditions outlined in Attachment 1.

MEETING DETAILS

The motion was Carried 7 / 0.

CARRIED

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**13.3.2 - 20220693 - Development Application for Development Permit for Reconfiguration of Lot - Two (2) Lots into Five (5) Lots - 2RP723096 & 13RP706198 - Dray C/- Wynne Planning and Development Pty Ltd**

**PURPOSE**

To present the assessment of the development application.

**OFFICER'S RECOMMENDATION**

That Council refuse the Development Application for Development Permit for Reconfiguration of a Lot - Two (2) Lots into Five (5) Lots, made by M D Dray & G C Dray & I E Dray, on Crystal Brook Road, Crystal Brook and located at L: 2 RP: 723096 and L: 13 RP: 706198, for the following reasons:

- a) The proposal is not consistent with the State Planning Policy in respect of fragmentation of Agricultural Land Classification (ALC) Class A and Class B land.
- b) The proposal is not consistent with the Mackay, Isaac and Whitsunday Regional Plan in respect of rural residential development in an area which is not identified as a rural living area, compromising the intent of the regional plan to protect productive agricultural land.
- c) There has been no demonstration that an overriding need exists for the proposed development.
- d) The proposal conflicts with the Whitsunday Regional Council Planning Scheme 2017 and cannot be conditioned to comply. Specifically:
  - I. The Rural zone is the correct zone for this site, being the default zone for the majority of the planning scheme area which is not included in an urban zone.
  - II. The predicted demand and supply of rural residential land within the planning scheme area was modelled by the WRC Urban Growth Study and adequate land is zoned to accommodate predicted demand.
  - III. The proposal is not consistent with the Rural Zone Code and Reconfiguring a Lot Code, which specifies a minimum lot size of 100 hectares.
  - IV. The proposal is not consistent with the Agricultural Land Overlay Code, which does not support fragmentation of land.
  - V. The application material has not demonstrated compliance with the Flood Hazard Overlay Code.
  - VI. The application material has not demonstrated compliance with the Infrastructure Code, whereby it is not known if the proposed residential allotments can be supplied with an on-site effluent treatment and disposal system that complies with the requirements of the *Plumbing and Drainage Act 2002*.
  - VII. The application conflicts with the Infrastructure Overlay Code (Waste management facility buffer) by intensifying accommodation activities within the Waste management facility buffer and no assessment of the acoustic quality design objectives specified in Environmental Protection (Noise) Policy 2008 has been provided that demonstrates the residential allotments can be located there without experiencing detrimental noise impacts.
- e) The proposal will detrimentally impact the operation and functionality of the adjoining agricultural land by creating contested land between future residential uses and existing cane farm operations.

## RESOLUTION OM2023/08/23.15

Moved By: CR C BAUMAN

Seconded By: CR G SIMPSON

That Council approve the Development Application for Development Permit for Reconfiguration of Lot – Two (2) Lots into Five (5) Lots, made by M D Dray & G C Dray & I E Dray C/- Wynne Planning & Development on L: 2 RP: 723096 and L: 13 RP: 706198 and located at Crystal Brook Road, Crystal Brook, 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      |
|-----------------------------------|------------------------------|-------------|------------|
| Subdivision Plan                  | Wynne Planning & Development | 015-04      | 23/05/2022 |
| Engineering Infrastructure Report | Mosaic                       | 22-0012.R01 | 25/11/2022 |

- 1.2 The applicant is to comply with the Department of State Development, Manufacturing, Infrastructure and Planning's conditions as outlined in the Department's correspondence dated 13 February 2023.

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

- Operational Works:
  - Access and Parking;
  - Erosion Prevention and Sediment Control.
- Plumbing and Drainage Works; and
- Building Works;

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

Note: Should as a result of the Hydraulic Modelling provided in condition 6.2 Earthworks and Stormwater works are required to mitigate the impact to the premises Operational Works applications

- 1.4 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.
- 1.5 All conditions of this approval must be complied with in full to Council's satisfaction prior to the signing of the Survey Plan.
- 1.6 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 the signing of the Survey Plan.
- 1.7 The applicant shall, at no cost to Council, transfer in fee simple to Council Proposed Lot 12 as referenced on the approved plans of subdivision. The land must be dedicated to Council at the time of registering the plan of subdivision with the Department of Resources. This condition is imposed under section 145 of the *Planning Act 2016*.

### 2.0 **CLEARING, LANDSCAPING AND FENCING**

- 2.1 Any vegetation removed must be disposed of to the requirements of the Council. Transplanting, chipping or removal from site are the preferred solutions.
- 2.2 All vegetative waste cleared as part of the development of the site is to be either:  
a) stored neatly on site and shredded within sixty (60) days of clearing; or  
b) removed off the site to an approved disposal location.
- 2.3 Any pruning works must be in accordance with AS 4373-1996 – Pruning of Amenity Tree.

- 2.4 No invasive plants (Biosecurity Act, 2014) or declared local pests (Local Law no.3) shall be planted on the site or allowed to invade the site and the site must be managed and maintained to exclude weeds.
- 2.5 To reduce the spread of weeds, all earthmoving equipment shall be free of soil and seed before being taken to the work site and again on completion of the project.
- 2.6 With the first Operational Works Application, the applicant is to provide to Council for approval, a Landscaping Separation Buffer Plan in accordance Council's Planning Scheme Policy SC6.4.4 for Proposed Lot 11.
- 2.7 Prior to sealing of the Survey Plan, Landscaping is to be installed as per the approved Landscaping Separation Buffer Plan and all vegetation species must be in accordance with Council's approved species list included in Planning Scheme Policy SC6.4.5.2.

### **3.0 WATER INFRASTRUCTURE**

- 3.1 The design and construction of a potable water supply for Proposed Lots 9, 10, 11 & 12 in accordance with Council's Planning Scheme or Planning Policy applicable at the time. Such work must be in accordance with an approved detail design at future building application stage.

### **4.0 ON-SITE EFFLUENT DISPOSAL**

- 4.1 The applicant is to provide with the first Operational Works application, a detailed effluent disposal report identifying and demonstrating that an on-site sewerage treatment system/s can be established and with suitable methods of effluent disposal within the proposed Lots 9, 10, 11 & 12 and can be established in accordance with the Plumbing Code of Australia 2011 and the Queensland Plumbing and Wastewater code.

### **5.0 ACCESS AND PARKING**

- 5.1 A Development Permit for Operational Works (External Access) must be obtained prior to commencement of work on site. Any application for Operational Works (External Access) must be accompanied by engineering design drawings, including calculations and certifications of the design, demonstrating compliance with Council's Development Manual (current at the time of development) and this Decision Notice.
- 5.2 The applicant must design and construct the external access for Proposed Lots 9, 12 and 13 to a sealed standard so as to comply as a minimum with the levels, dimensions and specifications as shown on Council's current Standard Drawing RS-056 and Whitsunday Regional Council's Development manual standard DG 1.17 and DG 1.30 Access to Allotments, prior to the signing of the Plan of Survey.

### **6.0 STORMWATER AND FLOODING**

- 6.1 Each residential allotment must be designed to be self-draining and flood free above the Q100 Flood Contour, if flood free is not achievable the land affected is to be covered by an easement.
- 6.2 The applicant is to provide Hydraulic Modelling and a supporting report to accurately demonstrate that the proposed parcels for residential use are flood free. As a minimum the report should contain:  
Model -
  - A two-dimensional hydraulic model in sufficient detail to demonstrate effects of addition/ removal of infrastructure within the floodplain to understand the impacts.
  - Base case model in sufficient detail to understand pre-development conditions.
  - If critical temporal patterns change between Base Case and Design Case, both cases need to be assessed against the critical temporal patterns.
  - Hydraulic boundary conditions for the hydraulic model (inflows) for a specific design event must be based on a single, model-wide applied temporal pattern. It may be required to undertake multiple hydraulic model simulations for a specific critical duration at all locations under consideration if:
    - a suitable common temporal pattern cannot be determined;
    - the critical temporal pattern changes between Base Case and Design Case.

- For each relevant AEP event, peak water levels of all critical durations (in either Base Case or Design Case) must be enveloped into a single composite peak water level (peak of peaks) for that specific AEP event. Then, Afflux for each AEP event is determined by the difference in composite peak water levels between the Design Case and the Base Case.

Report –

- Any assumptions underlying a modelling parameter shall be clearly stated and explained, especially the assigned roughness coefficients and if applicable, eddy viscosity.
  - Mapping (at an appropriate scale) of flood extents, levels, velocities and flow distributions for all requested design events. This includes indicating where relevant: –
    - flow rates upstream and downstream of constrictions
    - maximum flood depth and afflux values at representative locations
    - flow velocity and depths at locations near to infrastructure
    - flood mapping scenario differences (levels, velocities), and
    - volume passing within any drainage infrastructure.
  - Flood peak duration (Time of closure).
- 6.3 Easements must be provided over all land assessed to be below the Q100 level of immunity. Documentation is to be submitted to Council prior to signing of the Survey Plan.
- 6.4 Easements required for drainage purposes through allotments must be in accordance with details described in the Queensland Urban Drainage Manual current at the time of development.
- 6.5 Each allotment to be created must be provided with a lawful point of discharge prior to signing of the Survey Plan.

## **7.0 ELECTRICITY AND TELECOMMUNICATIONS**

- 7.1 Provide electricity and telecommunications connection to the proposed development to the requirements of the relevant authority. The application must submit to Council, either:
- (a) a certificate of supply demonstrating that existing low-voltage electricity supply is available to the newly created lots; or
  - (b) a certificate of supply that the applicant has entered into an agreement with the authorized electricity supplier, Ergon, to provide electricity services to the newly created lots, payment has been received and the connection will be completed at a date in the future.

If low-voltage electricity supply is unavailable to the newly created lots then the applicant must provide a certificate of supply of the proposed electricity connection date to all future property owners prior to entering into a contract of sale for the newly created lots prior to signing of the Survey Plan.

## **8.0 ENVIRONMENTAL MANAGEMENT PLAN (EMP)**

- 8.1 A Development Permit for Operational Works (Erosion Prevention and Sediment Control) must be obtained prior to commencement of work on site. Erosion prevention and sediment control measures must be established so as to comply with the requirements of the Whitsunday Regional Council Development Manual and the Best Practice Erosion & Sediment Control – November 2008 (IECA White Book) and the requirements of the Environmental Protection Act. The strategy of the plan must be implemented and maintained for the duration of the operational and building works, and until exposed soil areas are permanently stabilized (e.g., turfed, concreted).
- 8.2 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.
- 8.3 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.

- 8.4 The applicant must ensure that when undertaking any on-site or external works, including any filling and extraction, appropriate dust control measures are implemented in accordance with the Environmental Protection Act 1994 and complies with the relevant air quality objectives defined in the Environmental Protection (Air) Policy 2008.

#### **9.0 MAINTENANCE VALUATION**

- 9.1 The applicant must pay to Council a maintenance valuation fee per lot at the time of sealing of the survey plan at the rate applicable at the time of payment. The current rate is \$40.50 per lot.

#### **10.0 MISCELLANEOUS**

- 10.1 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.

The Applicant is reminded of their obligations under the Aboriginal Cultural Heritage Act, 2003 and the Torres Strait Islander Cultural Heritage Act 2003. Further information and databases are available from the Department of Aboriginal and Torres Strait Islander Partnerships at: [www.datsip.qld.gov.au](http://www.datsip.qld.gov.au)

- 10.2 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.
- 10.3 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.
- 10.4 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 Kelsey Creek Road or adjoining land unless written permission from the owner of that land and Council is provided.
- 10.5 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.

#### **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 Regional Strategy and Planning Directorate who will direct the enquiry to the relevant officer.

Reason for Decision:

In terms of section 254H(2) of the *Local Government Regulation, 2012*, and section 63(2)(f)(ii) of the *Planning Act, 2016*, Council's reasons for not adopting the recommendations or advice are as follows:

1. A need exists to provide a facility for the Proserpine Pony Club and an area for overflow parking for the Proserpine Junior Sporting Complex.

**MEETING DETAILS**

The motion was Carried 6 / 1.

**CARRIED**

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13.3.3 - 20230168 - Development Application for Development Permit for Reconfiguration of a Lot - Two (2) Lot into Eleven (11) Lots & Access Easements - 3 & 44 Holloway Drive Sugarloaf - S Colley & B Harding

PURPOSE

To present the assessment of the development application.

OFFICER'S RECOMMENDATION

That Council refuse the Development Application for Development Permit for Reconfiguration of a Lot - Two (2) Lot into Eleven (11) Lots & Access Easements, made by S Colley & B Harding, on L: 7 SP: 305204 and L: 2 SP: 282836 and located at 3 & 44 Holloway Drive Sugarloaf, for the following reasons:

1. The proposal conflicts with the Whitsunday Regional Council Planning Scheme 2017 (V3.9), specifically:
 - a) AO8.2 and PO8 within Table 9.4.7.3.2 Benchmarks for assessable development of the Transport and Parking Code, as the development does not provide road reserve to facilitate the orderly provision of the transport network.
 - b) The proposal does not comply with Overall Outcome 2 (a)(iii), (b) and (c), whereby the development is unable to provide a level of access to an acceptable standard that will operate in a manner that meets community expectations or provide access that meets the needs of the development.
2. The proposal does not provide a logical or hierarchical transport linkage with existing street systems.
3. The proposal does not provide appropriate access for service vehicles.
4. The number of allotments existing and proposed would see the function of the existing access easement become that of a roadway evidenced by the Rural Road Hierarchy for the traffic volumes being at a Rural Access class under Table D1.3 of the Whitsunday Regional Council Development Manual (V3.9).

RESOLUTION OM2023/08/23.16

Moved By: CR G SIMPSON

Seconded By: CR J CLIFFORD

That Council refuse the Development Application for Development Permit for Reconfiguration of a Lot - Two (2) Lot into Eleven (11) Lots & Access Easements, made by S Colley & B Harding, on L: 7 SP: 305204 and L: 2 SP: 282836 and located at 3 & 44 Holloway Drive Sugarloaf, for the following reasons:

- 1. The proposal conflicts with the Whitsunday Regional Council Planning Scheme 2017 (V3.9), specifically:**
 - a) AO8.2 and PO8 within Table 9.4.7.3.2 Benchmarks for assessable development of the Transport and Parking Code, as the development does not provide road reserve to facilitate the orderly provision of the transport network.**
 - b) The proposal does not comply with Overall Outcome 2 (a)(iii), (b) and (c), whereby the development is unable to provide a level of access to an acceptable standard that will operate in a manner that meets community expectations or provide access that meets the needs of the development.**

2. The proposal does not provide a logical or hierarchical transport linkage with existing street systems.
3. The proposal does not provide appropriate access for service vehicles.
4. The number of allotments existing and proposed would see the function of the existing access easement become that of a roadway evidenced by the Rural Road Hierarchy for the traffic volumes being at a Rural Access class under Table D1.3 of the Whitsunday Regional Council Development Manual (V3.9).

MEETING DETAILS

The motion was Carried 7 / 0.

CARRIED

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### 13.3.4 - Development Services Monthly Report - July 2023

#### PURPOSE

This report presents information relating to the operations of the Development Services Directorate for the month of July 2023.

#### OFFICER'S RECOMMENDATION

That Council receives the Development Services Monthly Report for July 2023.

#### RESOLUTION OM2023/08/23.17

Moved By: CR M WRIGHT

Seconded By: CR J CLIFFORD

That Council receives the Development Services Monthly Report for July 2023.

#### MEETING DETAILS

The motion was Carried 7 / 0.

CARRIED

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PROCEDURAL MOTION - ADJOURNMENT OM2023/08/23.18

Moved By: CR J HALL (MAYOR)

Seconded By: CR J CLIFFORD

That the meeting be adjourned for the purpose of morning tea at 10.26am.

MEETING DETAILS:

The procedural motion was Carried 7 / 0

CARRIED

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*Cr Brunker left the meeting at 10.26am.*

#### PROCEDURAL MOTION - RECONVENE OM2023/08/23.19

Moved by: CR J HALL (MAYOR)

Seconded by: CR J CLIFFORD

That the meeting be reconvened from morning tea at 10.49am.

#### MEETING DETAILS:

*Mayor Hall acknowledged the apology from Cr Brunker for the remainder of the meeting.*

The procedural motion was Carried 6 / 0

CARRIED

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13.4.1 - Dingo Beach State Land Reserve Road Opening

PURPOSE

The purpose of this report is to provide Council with information regarding the Chief Executive Officer accepting an Offer from the State Government to create a road reserve opening in the State-owned Land Reserve between Dingo Beach and Hydeaway Bay for the purpose of constructing a walking track.

OFFICER'S RECOMMENDATION

That Council:

- a) Note the Chief Executive Officer's acceptance of the Road Reserve Offer and surrender of the current Permit to Occupy held by Council over Lot 1 on AP13184; and
- b) Authorise the Chief Executive Officer to sign the relevant State Government forms in order to allow for a dedicated walking track within Lot 1 on AP13184.

RESOLUTION OM2023/08/23.20

Moved By: CR G SIMPSON

Seconded By: CR J CLIFFORD

That Council:

1. Note the Chief Executive Officer's acceptance of the Road Reserve Offer and surrender of the current Permit to Occupy held by Council over Lot 1 on AP13184; and
2. Authorise the Chief Executive Officer to sign the relevant State Government forms in order to allow for a dedicated walking track within Lot 1 on AP13184.

MEETING DETAILS

The motion was Carried 6 / 0.

CARRIED

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### **13.4.2 - Financial Support for a Junior Elite Athlete - 23 August 2023**

#### **PURPOSE**

For Council to consider the applications for Financial Support for Junior Elite Athletes.

#### **OFFICER'S RECOMMENDATION**

That Council approve financial support for the following applicants:

1. Isabelle Williams - Northern Region School Sport Representation Cross Country Under 10 yrs - \$250
2. Hugo Williams – Northern Regional School Sport Representation Cross Country Under 13 yrs - \$250
3. Charlie Williams – Northern Regional School Sport Representation Cross Country Under 12 yrs - \$250
4. Kai Moran – Representing Queensland Interstate Dirtbike Riding 65cc 9-13 years & 85cc 9-13 years - \$1,000.

#### **RESOLUTION OM2023/08/23.21**

Moved By: CR M WRIGHT

Seconded By: CR J CLIFFORD

That Council approve financial support for the following applicants:

1. Isabelle Williams - Northern Region School Sport Representation Cross Country Under 10 yrs - \$250
2. Hugo Williams – Northern Regional School Sport Representation Cross Country Under 13 yrs - \$250
3. Charlie Williams – Northern Regional School Sport Representation Cross Country Under 12 yrs - \$250
4. Kai Moran – Representing Queensland Interstate Dirtbike Riding 65cc 9-13 years & 85cc 9-13 years - \$1,000.

#### **MEETING DETAILS**

The motion was Carried 6 / 0.

**CARRIED**

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13.4.3 - Sport & Recreation Club Grants - July 2023

PURPOSE

For Council to consider the payment of the Sport & Recreation Club Grants for July 2023 in accordance with Council's Sport & Recreation Grant Guidelines.

OFFICER'S RECOMMENDATION

That Council approve the payment of a Sport & Recreation Club Grant to the following recipients:

1. Proserpine Whitsunday Junior Rugby League – Band 1 - \$5,500
2. Bowen Cricket Inc. - Band 2 - \$3,000
3. Whitsunday Athletics Club Inc. – Band 3 - \$1,500
4. Bowen Woodworkers and Woodturners Association – Band 4 - \$1,000
5. Proserpine Hack and Pony Club Inc. – Band 4 - \$1,000
6. Airlie Beach Bridge Club – Band 4 - \$1,000

RESOLUTION OM2023/08/23.22

Moved By: CR M WRIGHT

Seconded By: CR J CLIFFORD

That Council approve the payment of a Sport & Recreation Club Grant to the following recipients:

1. Proserpine Whitsunday Junior Rugby League – Band 1 - \$5,500
2. Bowen Cricket Inc. - Band 2 - \$3,000
3. Whitsunday Athletics Club Inc. – Band 3 - \$1,500
4. Bowen Woodworkers and Woodturners Association – Band 4 - \$1,000
5. Proserpine Hack and Pony Club Inc. – Band 4 - \$1,000
6. Airlie Beach Bridge Club – Band 4 - \$1,000

MEETING DETAILS

The motion was Carried 6 / 0.

CARRIED

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## **14 MATTERS OF IMPORTANCE**

*Cr Collins requested that a report be brought to Council outlining the need for amending the subordinate local law to declare candle bush as a pest weed.*

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15 LATE REPORT ITEMS

There were no late items for this meeting.

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The Meeting closed at 10.59am.

Confirmed as a true and correct recording this 27 September 2023.

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**Cr Julie Hall  
MAYOR**



# Council Standing Orders (Meetings) 2023

## Scope

These Standing Orders apply to all Ordinary and Standing Committee meetings of Council. These standing orders do not apply to meetings of the audit committee.

Any provision of these Standing Orders may be suspended by resolution of any Ordinary or Standing Committee meeting of Council. A separate resolution is required for any such suspension and must specify the application and duration of each suspension.

Where at a Council meeting a matter arises which is not provided for in these Standing Orders, such matters shall be determined by resolution of Council upon a motion which may be put without notice but otherwise in conforming with these Standing Orders.

## Purpose

The purpose of these standing orders is to set out the procedures that govern the conduct of business and proceedings at Council and standing committee meetings.

These standing orders supplement the statutory requirements by providing standing processes to be observed at such meetings. In accordance with this policy, these standing orders may be suspended at any time by resolution.

## Policy Statement

Policy Statement Chapter 8 Part 2 of the Local Government Regulation 2012 provides core requirements for the conduct of meetings of the local government and the committees of the local government.

Council considers that to the extent this policy engages and limits, or potentially limits, any human rights, that limitation is reasonable in that it is proportionate and justified.

## Procedures for Meetings

### 1. Time of Meetings

- 1.1 The local government may, by resolution, fix dates and times for its ordinary meetings.

*Note: The local government must meet at least once in each month and a post-election meeting must be held within 14 days after the conclusion of the quadrennial elections.*

- 1.2 If there is no resolution fixing the date and time for its ordinary meeting, the Chief Executive Officer must fix the date and time for the meeting in consultation with the Mayor.

### 2. Special Meetings

- 2.1 The Chief Executive Officer must call a special meeting of the local government if—  
(a) the special meeting is required by a resolution of the local government; or  
(b) a written request for the special meeting is lodged with the Chief Executive Officer under section 2.2.
- 2.2 A written request for a special meeting of the local government must:  
(a) be signed by the Mayor or three (3) or more Councillors; and  
(b) specify the business to be conducted at the special meeting; and  
(c) propose a day and time for the holding of the special meeting.
- 2.3 The Chief Executive Officer calls a special meeting by giving written notice of the day and time of the meeting, and the business to be conducted at the meeting, to each Councillor, at least two (2) days before the day of the meeting unless it is impracticable to give the notice. The only business that may be conducted at a special meeting is the business stated in the notice of meeting.

### 3. Conduct of Meetings – Presiding Officer

- 3.1 The mayor will preside at a meeting of local government.
- 3.2 If the mayor is absent or unavailable to preside, the deputy mayor will preside.
- 3.3 If both the mayor and the deputy mayor, or the mayor's delegate, are absent or unavailable to preside a councillor chosen by the councillors present at the meeting will preside at the meeting.
- 3.4 The local government will choose the chairperson for a committee meeting. This chairperson will normally preside over meetings of the committee.
- 3.5 If the chairperson of a committee is absent or unavailable to preside, a councillor chosen by the councillors present will preside over the committee meeting.
- 3.6 Before proceeding with the business of the local government meeting, the person presiding at the meeting will undertake the acknowledgement and/or greetings deemed appropriate by the local government.

## 4. Agendas for ordinary meeting

- 4.1 The agenda may contain:
- (a) notice of meeting.
  - (b) minutes of the previous meetings.
  - (c) business arising out of previous meetings.
  - (d) business which the mayor wishes to have considered at that meeting without notice.
  - (e) matters of which notice has been given.
  - (f) committees' reports referred to the meeting by the Chief Executive Officer.
  - (g) officers' reports referred to the meeting by the Chief Executive Officer.
  - (h) deputations and delegations from the community that are approved to attend.
  - (i) public questions.
  - (j) matters of importance.
  - (k) any other business the council determines by resolution be included in the agenda.
- 4.2 The agenda must include:
- (a) items required under the standing orders to be included on the agenda.
  - (b) items that are, by resolution of the local government to be included on the agenda and
  - (c) items whose inclusion on the agenda is requested by a Councillor as notified motions.
- 4.3 A Councillor who wants an item of business included on the agenda for a particular meeting must give written notice of the nature of the business to the Chief Executive Officer at least seven days before the date nominated for the meeting.
- 4.4 The Chief Executive Officer may include in the agenda any matter the Chief Executive Officer considers should be brought before the meeting.
- 4.5 Business not on the agenda, or not fairly arising from the agenda, will not be considered at any council meeting unless permission for that purpose is given by the local government at the meeting. Business must be in accordance with the adopted terms of reference for each committee.
- 4.6 Matters on the agenda that will require the meeting to be in a closed session consistent with the provisions under section 254J LGR, will be clearly identified on the agenda including the reasons why the session will be closed.

## 5. Notice of meeting and agenda circulation

- 5.1 Notice of each meeting or adjourned meetings of the local government must be given to each Councillor at least 2 days before the meeting unless it is impractical to give the notice.
- 5.2 The notice must state –
- (a) the day and time of the meeting and
  - (b) for a special meeting – the business to be conducted at the meeting.
- 5.3 The Chief Executive Officer shall prepare an agenda for each local government meeting.
- (a) Agendas will be made publicly available in accordance with the requirements of the Local Government Regulation 2012.

## 6. Order of business

- 6.1 The order of business will be determined by resolution of the local government from time to time. The order of business may be altered for a particular meeting where the councillors at that meeting pass a procedural motion to that effect. A motion to alter the order of business may be moved without notice.
- 6.2 Unless otherwise altered, the order of business will be as follows:
- (a) Attendances.
  - (b) apologies and granting of leaves of absence.
  - (c) confirmation of minutes.
  - (d) business arising out of previous meetings.
  - (e) officers' reports.

**Note:** *The minutes of a preceding meeting, whether an ordinary or a special meeting, not previously confirmed will be taken into consideration, at every ordinary meeting of the local government, in order that the minutes may be confirmed. No discussion will be permitted about these minutes except with respect to their accuracy as a record of the proceedings. Amendments to the minutes may be made prior to confirming the minutes. This must be done by moving a motion to amend the minutes that must be voted on and carried. Once the resolution is passed the minutes can be amended. All councillors present at the meeting can vote to confirm the minutes including those who were absent at the previous meeting and those who had a conflict of interest at the previous meeting. Once the minutes are confirmed by resolution of the meeting they cannot be changed.*

## 7. Quorum

- 7.1 A quorum at a local government meeting is a majority of its councillors. If the number of councillors is even, then one half of the number is a quorum.
- 7.2 If a quorum is not present within 15 minutes after the time set for the meeting to begin, it may be adjourned to a later hour or a later day within 14 days after the day of the adjournment. The meeting may be adjourned by a majority of councillors present, or if only one councillor is present, then that councillor, or if no councillors are present then the chief executive officer.

## 8. Petitions

- 8.1 Any petition presented to a meeting of the local government should:
- (a) be in legible writing or typewritten and contain a minimum of ten (10) signatures.
  - (b) include the name and contact details of the principal petitioner (i.e., the key contact).
  - (c) include the postcode of all petitioners; and
  - (d) have the details of the specific request/matter appear on each page of the petition.
- 8.2 Where a councillor presents a petition to a meeting of the local government, no debate in relation to it will be allowed, and the only motion which may be moved is:
- (a) that the petition be received
  - (b) received and referred to the Chief Executive Officer for consideration and a report to the council, or
  - (c) received and referred to the Chief Executive Officer to determine appropriate action, or
  - (d) not be received because it is deemed invalid.
- 8.3 The local government will respond to the principal petitioner in relation to all petitions deemed valid.

## 9. Deputations

- 9.1 A deputation wishing to attend and address a meeting of the council shall apply in writing to the CEO not less than seven (7) business days before the meeting.
- 9.2 The CEO, on receiving an application for a deputation, shall notify the chairperson who will determine whether the deputation may be heard. The CEO will inform the deputation of the determination in writing. Where it has been determined the deputation will be heard, a convenient time will be arranged for that purpose, and an appropriate time period allowed.
- 9.3 For deputations comprising three or more persons, only three persons shall be at liberty to address the council meeting unless the councillors at the meeting determine otherwise by resolution. A deputation shall be given adequate opportunity to explain the purpose of the deputation.
- 9.4 If a member of the deputation other than the appointed speakers interjects or attempts to address the council meeting, the chairperson may terminate the deputation.
- 9.5 The chairperson may terminate an address by a person in a deputation at any time where:
- (a) the chairperson is satisfied that the purpose of the deputation has been sufficiently explained to the councillors at the meeting.
  - (b) the time period allowed for a deputation has expired; or
  - (c) the person uses insulting or offensive language or is derogatory towards councillors or others.
- 9.6 The CEO is responsible for the deputation including that the appointed speaker/s are notified in writing of developments or future actions as appropriate.

## 10. Public Participation at Meetings

- 10.1 A member of the public may take part in the proceeding of a meeting only when invited to do so by the chairperson.
- 10.2 In each local government meeting, time may be required to permit members of the public to address the local government on matters of public interest related to local government. An appropriate period shall not exceed 15 minutes and no more than three (3) speakers shall be permitted to speak at one meeting. The right of any individual to address the local government during this period shall be at the absolute discretion of the local government.
- 10.3 If any address or comment is irrelevant, offensive, or unduly long, the chairperson may require the person to cease making the submission or comment.
- 10.4 For any matter arising from such an address, the local government may take the following actions:
  - (a) refer the matter to a committee.
  - (b) deal with the matter immediately
  - (c) place the matter on notice for discussion at a future meeting.
  - (d) note the matter and take no further action.
- 10.5 Any person addressing the local government shall stand, and act and speak with decorum and frame any remarks in respectful and courteous language.
- 10.6 Any person who is considered by the local government or the chairperson to be inappropriately presenting may be directed by the chairperson to immediately withdraw from the meeting. Failure to comply with such a request may be considered an act of disorder.

## 11. Prescribed Conflict of Interest

- 11.1 Councillors are ultimately responsible for informing of any prescribed conflict of interest on matters to be discussed at a council or committee meeting (other than ordinary business matters as prescribed under 150EF of the LGA). When dealing with a prescribed conflict of interest, councillors must abide by the following procedures:
  - (a) A councillor who has notified the chief executive officer in writing, including all the particulars, of a prescribed conflict of interest in a matter to be discussed in a council meeting must also give notice during the meeting.
  - (b) A councillor who first becomes aware of a prescribed conflict of interest in a matter during a council meeting must immediately inform the meeting of the conflict of interest and the particulars.
- 11.2 When notifying the meeting of a prescribed conflict of interest, the following particulars must be provided:
  - (a) for a gift, loan, or contract—the value of the gift, loan, or contract
  - (b) for an application for which a submission has been made—the matters the subject of the application and submission:
  - (c) the name of the entity, other than the councillor, that has an interest in the matter.
  - (d) the nature of the councillor's relationship to the other entity
  - (e) details of the councillor's, and any other entity's, interest in the matter.
- 11.3 The councillor must then leave the place of the meeting, including any area set aside for the public, and stay away while the matter is being discussed and voted on, unless the subject



councillor has written notice of approval from the Minister to participate in deciding the matter in a meeting including participating in the discussion and the vote.

**Note:** Ministerial approval may be obtained when a quorum is lost due to the number of councillors with a conflict of interest in the matter, and the matter cannot be delegated. The councillor with the conflict of interest must apply to the Minister for approval to participate. The Minister may give the approval subject to the conditions stated in the notice of approval.

- 11.4 Once the councillor has either left the area where the meeting is being conducted or remains in the meeting under ministerial approval, the council can continue discussing and deciding on the matter at hand. However, if the prescribed conflict of interest was reported to the meeting by a councillor other than the subject councillor, then the councillor must disclose their belief or suspicion to the chairperson and the processes, duty to report another councillor's conflict of interest under section 150EW of the LGA, will apply. If the councillor with the suspected COI considers there is no conflict of interest, then the eligible councillors must make a decision whether or not the subject councillor has a prescribed conflict of interest under 150EX (2) of the LGA.

## 12. Declarable Conflict of Interest

- 12.1 Councillors are ultimately responsible for informing of any declarable conflict of interest on matters to be discussed at council or committee meetings that might lead to a decision that is contrary to the public interest (other than the interests that are not declarable conflicts of interest prescribed under section 150EO of the LGA and ordinary business matters prescribed under 150EF of the LGA).
- 12.2 A councillor may raise their personal interests in a matter at the meeting to canvas the view of the other councillors prior to deciding to declare a conflict of interest. If the other councillors suspect the personal interest might be a conflict of interest, the councillor or councillors may disclose their belief or suspicion to the chairperson and the processes, duty to report another councillor's conflict of interest under section 150EW of the LGA, will apply. The eligible councillors must then make a decision under 150EX (2) of the LGA.
- 12.3 When dealing with a declarable conflict of interest, councillors must abide by the following procedures:
- (a) A councillor who has notified the chief executive officer of a declarable conflict of interest in a matter to be discussed at a council meeting must also give notice during the meeting.
  - (b) A councillor who first becomes aware of a declarable conflict of interest in a matter during a council meeting must stop participating in the decision on the matter and must inform the meeting of the conflict of interest including the particulars.
- 12.4 When notifying the meeting of a declarable conflict of interest, councillors should provide sufficient detail to allow the other councillors to make an informed decision about how best to manage the declarable conflict of interest in the public interest. The following details must be provided:

# Council Standing Orders (Meetings) 2023

- 12.4.1 the nature of the declarable conflict of interest.
- 12.4.2 if it arises because of the councillor's relationship with a related party:
  - (a) the name of the related party to the councillor; and
  - (b) the nature of the relationship of the related party to the councillor; and
  - (c) the nature of the related party's interest in the matter.
- 12.4.3 if it arises because of a gift or loan from another person to the councillor or a related party:
  - (a) the name of the other person; and
  - (b) the nature of the relationship of the other person to the councillor or related party; and
  - (c) the nature of the other person's interest in the matter; and
  - (d) the value of the gift or loan and the date the gift or loan was made.
- 12.5 After a councillor has declared a conflict of interest, the councillor should consider leaving the meeting while the matter is discussed unless they have ministerial approval to participate, or they have reasons why their participation would improve making the decision in the public interest.
- 12.6 If the councillor chooses not to leave the meeting, the councillor may advise the other councillors of their reasons for seeking permission to participate in making the decision as prescribed in section 150ES of the LGA. In deciding on a councillor's declarable conflict of interest in a matter, only councillors who do not themselves have a prescribed or declarable conflict of interest in the matter are eligible to participate in the decision making. The decision may be made even if the number of eligible councillors is less than a majority or do not form a quorum for the meeting or is a single eligible councillor consistent with section 150ET of the LGA. If there is a single eligible councillor deciding, then a seconder for the resolution is not required.

**Note:** The ability to make a resolution without a seconder applies when making a resolution under 150ES of the LGA.
- 12.7 The other eligible councillors or councillor at the meeting must then decide, by resolution, whether the councillor can participate in the decision making in relation to the matter, including voting on the matter, or whether they should not participate in the decision and leave the place of the meeting while the matter is decided by the eligible councillors. The eligible councillors may impose conditions on the councillor under a decision to either participate or leave the meeting e.g., may stay for the debate but must leave for the vote. The councillor must comply with any decision or condition imposed by the eligible councillors.
- 12.8 The councillor who is the subject of the decision may remain in the meeting while the debate is occurring and can participate by answering questions from the chairperson to assist the eligible councillors in making their decision. The subject councillor must not vote or otherwise participate in making the decision but may remain in the meeting while the vote on the matter takes place and the decision is declared by the chairperson, on whether the councillor may remain in the meeting and participate in deciding the matter in which the councillor has a declarable conflict of interest.



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- 12.9 When deciding whether a councillor may participate in the decision making on a matter in which they have a declarable conflict of interest, the eligible councillors should consider the particular circumstances of the matter including, but not limited to:
- (a) how does the inclusion of the councillor in the deliberation affect public trust.
  - (b) how close or remote is the councillor's relationship to the related party.
  - (c) if the declarable conflict of interest relates to a gift or other benefit, how long ago was the gift or benefit received.
  - (d) will the benefit or detriment the subject councillor or their related party stands to receive from the decision have major or minor impact on them.
  - (e) how the benefit or detriment the subject councillor stands to receive compares to others in the community.
  - (f) how this compares with similar matters that council has decided and have other councillors with the same or similar interests decided to leave the meeting.
  - (g) whether the subject councillor has unique skills, knowledge or expertise that might help make the best decision in the public interest.
- 12.10 If the eligible councillors cannot decide about the declarable conflict of interest of a councillor, they are taken to have decided that the councillor must leave and stay away from the meeting while the eligible councillors discuss and vote on the matter as prescribed in 150ET (3) of the LGA.
- 12.11 A decision about a councillor who has a declarable conflict of interest in a matter will apply to participating in the decision and all subsequent decisions about the same matter as prescribed in 150ET (4) of the LGA, unless there is a change to the councillor's personal interests and/or the nature of the matter being discussed. If the eligible councillors decide the councillor can act in the public interest on the matter, then the councillor may participate in the meeting and be involved in processes occurring outside of a council meeting about the same matter e.g., briefing sessions or workshops.
- 12.12 In making the decision, it is irrelevant how the subject councillor intended to vote on the issue or any other issue (if known or suspected).
- 12.13 A councillor does not contravene the above procedures if the councillor participates in a decision under written approval from the Minister as prescribed in 150EV of the LGA.

## 13. Reporting Conflict of Interest

- 13.1 If a councillor at a meeting reasonably believes or suspects that another councillor has a personal interest in a matter that may be a prescribed or a declarable conflict of interest, and that councillor is participating in a decision on that matter, the informing councillor who believes that a conflict of interest exists must immediately inform the chairperson of the meeting of their belief or suspicion and the facts and circumstances that led to their belief or suspicion.
- 13.2 The chairperson then should ask the relevant councillor with the suspected personal interest whether they have any prescribed or declarable conflict of interest in the matter. If the relevant councillor agrees they have a conflict of interest, the councillor must follow the relevant meeting procedures above for prescribed and declarable conflicts of interest.

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- 13.3 If the councillor believes they do not have a conflict of interest, they must inform the meeting of that belief and their reasons for that belief.
- 13.4 The eligible councillors must then decide whether the relevant councillor has a prescribed conflict of interest, a declarable conflict of interest or that the councillor does not have any conflict of interest in the matter. If the meeting decides the councillor has a conflict of interest, the councillor must follow the relevant meeting procedures above. If a councillor with a declarable conflict of interest wants to participate in the decision despite the declarable conflict of interest, then the eligible councillors must make a decision about the councillor's participation.
- 13.5 If the eligible councillors at the meeting cannot make a decision about, whether a councillor has a declarable conflict of interest under 150ER of the LGA, or whether the councillor may or may not participate in the decision despite the subject councillor's declarable conflict of interest under 150ES of the LGA, then they are taken to have determined that the councillor must leave the meeting and stay away while the matter is being decided under 150ET(3) of the LGA. A decision under these provisions about a councillor participating in the meeting applies to the matter and subsequent decisions, about the same matter unless there is a change to the councillor's personal interests and/or the nature of the matter being discussed. If the eligible councillors decide that the subject councillor can act in the public interest on the matter, then the councillor may participate in the meeting and be involved in processes occurring outside of a council meeting about the same matter e.g. workshops.
- 13.6 When a councillor informs a meeting that they or another councillor have a prescribed or declarable conflict of interest in a matter, the minutes of the meeting must record all the relevant details of how the conflict of interest was dealt with, being (section 150FA of the LGA):
  - 13.6.1 The name of any councillor and any other councillor who may have a prescribed or declarable conflict of interest.
  - 13.6.2 The particulars of the prescribed or declarable conflict of interest provided by the councillor.
  - 13.6.3 The actions taken by a councillor after informing the meeting that they have, or they reasonably suspect another councillor has a prescribed or declarable conflict of interest.
  - 13.6.4 Any decision then made by the eligible councillors.
  - 13.6.5 Whether the councillor with a prescribed or declarable conflict of interest participated in or was present for the decision under ministerial approval
  - 13.6.6 The council's decision on what actions the councillor with a declarable conflict of interest must take and the reasons for the decision.
  - 13.6.7 The name of each eligible councillor who voted on the matter and how each voted.
- 13.7 If the councillor has a declarable conflict of interest the following additional information must be recorded in the minutes of the meeting when the meeting is informed of a councillor's personal interest by someone other than the councillor:
  - 13.7.1 The name of each councillor who voted in relation to whether the councillor has a declarable conflict of interest, and how each of the councillors voted.
- 13.8 Where a decision has been made under section 150ES of the LGA – the minutes must include:
  - 13.8.1 The decision and reasons for the decision, and
  - 13.8.2 The name of each eligible councillor who voted, and how each eligible councillor voted.

## 14. Loss of Quorum

- 14.1 In the event where one or more councillors leave a meeting due to a prescribed or declarable conflict of interest in a matter that results in a loss of a quorum for deciding the matter, the council must resolve to:
  - 14.1.1 delegate the consideration and decision on the matter, as described in 257 of the LGA unless the matter cannot be delegated under this section.
  - 14.1.2 decide by resolution to defer the matter to a later meeting.
  - 14.1.3 decide by resolution not to decide the matter and take no further action in relation to the matter.
- 14.2 All councillors including the conflicted councillors, may participate in deciding to delegate or defer a matter.
- 14.3 The council must not delegate a decision to an entity if the entity, or a majority being at least half of its members, has a prescribed or declarable conflict of interest in the matter.
- 14.4 If the matter cannot be delegated under an Act, the councillors with a conflict of interest should seek ministerial approval to be able to consider and vote on the matter, subject to any conditions the Minister may impose.
- 14.5 The council may by resolution delegate a power under section 257 of the LGA to:
  - 14.5.1 The mayor or chief executive officer, or
  - 14.5.2 A standing committee, or joint committee of council, or
  - 14.5.3 The chairperson of a standing committee or joint standing committee of council – does not apply to Brisbane City Council, or
  - 14.5.4 Another local government for a joint government activity.
- 14.6 The council may only delegate a power to make a decision about a councillors conduct under section 150AG of the LGA pursuant to section 257(2) of the LGA, to:
  - 14.6.1 The mayor or
  - 14.6.2 A standing committee.

## Motions

### 15. Motions to be moved

- 15.1 A councillor is required to 'move' a motion and then another councillor is required to 'second' the motion.
- 15.2 When a motion has been moved and seconded, it will become subject to the control of the council and cannot be withdrawn without the consent of the council meeting.
- 15.3 Other councillors can propose amendments to the motion, which must be voted on before voting on the final motion:
  - 15.3.1 A motion brought before a meeting of the local government in accordance with the LGA or these standing orders will be received and put to the meeting by the chairperson.
  - 15.3.2 The chairperson may require a motion or amendment to a motion to be stated in full or be in writing before permitting it to be received.
  - 15.3.3 The chairperson may refuse to accept a motion if it is not within the meeting's jurisdiction and rule a motion out of order if necessary. Any motion that is vague, proposes an unlawful action, is outside the scope of the meeting, is defamatory, vexatious or is unnecessary, may be ruled out of order.

- 15.4 The chairperson may call the notices of motion in the order in which they appear on the agenda. Where no objection is raised to a motion being taken as a formal motion, and the motion is then seconded, the chairperson may put the motion to the vote without discussion and the vote can occur.
- 15.5 No more than one motion or one proposed amendment to a motion may be put before a meeting of a local government at any one time.

## 16. Absence of mover of motion

- 16.1 Where a councillor who has given notice of a motion is absent from the meeting of the local government at which the motion is to be considered, the motion may be:
- 16.1.1 moved by another councillor at the meeting; or
  - 16.1.2 deferred to the next meeting.

## 17. Motion to be seconded

- 17.1 A motion or an amendment to a motion shall not be debated at a meeting of the local government unless or until the motion or the amendment is seconded.
- 17.2 Procedural motions are an exception to this rule and do not need to be seconded.

## 18. Amendment of motion

- 18.1 An amendment to a motion should maintain or further clarify the intent of the original motion and does not contradict the motion.
- 18.2 Where an amendment to a motion is before a meeting of the local government, no other amendment to the motion will be considered until after the first amendment has been voted on.
- 18.3 Where a motion is amended, the original motion cannot be re-introduced as a subsequent amendment to the first amended motion.

## 19. Speaking to motions and amendments

- 19.1 The mover of a motion or amendment will read it and state that it is so moved but will not speak to it until it is seconded.
- 19.2 The chairperson will manage the debate by allowing the councillor who proposed the motion the option of speaking first on the motion. The chairperson will then call on any other councillors who wish to speak against the motion and then alternatively for and against the motion as available, until all councillors who wish to speak have had the opportunity.
- 19.3 A councillor may make a request to the chairperson for further information before or after the motion or amendment is seconded.

- 19.4 The mover of a motion or amendment has the right to reply. Each councillor will speak no more than once to the same motion or same amendment except as a right of reply. Once the right of reply has been delivered the debate ends.
- 19.5 Each speaker will be restricted to not more than five (5) minutes unless the chairperson rules otherwise.
- 19.6 Where two or more councillors indicate they may wish to speak at the same time, the chairperson will determine who is entitled to priority.
- 19.7 In accordance with section 254H of the LGR, if a decision made at the council meeting is inconsistent with a recommendation or advice given to the council by an advisor, the minutes of the meeting must include a statement of the reasons for not adopting the recommendation or advice.

*Note: If a report contains distinct recommendations, the decision of the council may be taken separately on each recommendation. If a decision by the meeting is contra to a recommendation in a report the minutes must give the reasons for the decision.*

## 20. Method of taking vote

- 20.1 The chairperson will call for all councillors in favour of the motion to indicate their support. The chairperson will then call for all councillors against the motion to indicate their objection.
- 20.2 A councillor may call for a 'division' to ensure their objection to the motion is recorded in the minutes. If a division is taken, the minutes of the meeting will record the names of councillors voting in the affirmative and of those voting in the negative. The chairperson will declare the result of a vote or a division as soon as it has been determined.
- 20.3 Councillors have the right to request that their names and how they voted be recorded in the minutes if they request it when voting other than by division.
- 20.4 Except upon a motion to repeal or amend it, the resolution will not be discussed after the vote has been declared.

## 21. Withdrawing a motion

- 21.1 A motion or amendment may be withdrawn by the mover with the consent of the council, which will be without debate, and a councillor will not speak to the motion or amendment after the mover has been granted permission by the council meeting for its withdrawal.

## 22. Repealing or amending resolutions

- 22.1 A resolution of the local government may not be amended or repealed unless notice of motion is given in accordance with the requirements of the legislation.
- 22.2 Councillors present at the meeting at which a motion to repeal or amend a resolution is put may defer consideration of that motion. The deferral may not be longer than three (3) months.

## 23. Procedural motions

- 23.1 A councillor at a meeting of the local government may, during the debate of a matter at the meeting, move the following motions, as a procedural motion without the need for a seconder:
  - 21.1.1 that the question/motion be now put before the meeting.
  - 23.1.1 that the motion or amendment now before the meeting be adjourned.
  - 23.1.2 that the meeting proceeds to the next item of business.
  - 23.1.3 that the question lies on the table.
  - 23.1.4 a point of order.
  - 23.1.5 a motion of dissent against the chairperson's decision.
  - 23.1.6 that this report/document be tabled.
  - 23.1.7 to suspend the rule requiring that (insert requirement).
  - 23.1.8 that the meeting stands adjourned.
- 23.2 A procedural motion that 'the question be put' may be moved and, where the procedural motion is carried, the chairperson will immediately 'put the question to the motion' or amendment to that motion under consideration. Where the procedural motion is lost, debate on the motion or amendment to that motion will resume.
- 23.3 A procedural motion that the motion or amendment now before the meeting be adjourned, may specify a time or date to which the debate will be adjourned. Where no date or time is specified:
  - 21.3.1 a further motion may be moved to specify a time or date; or
  - 21.3.2 the matter about which the debate is to be adjourned, will be included in the business papers for the next meeting.
- 23.4 Where a procedural motion that the meeting proceed to the next item is carried, debate on the matter that is the subject of the motion will cease and may be considered again by the local government on the giving of notice in accordance with the standing orders.
- 23.5 A procedural motion that the question lie on the table will only be moved where the chairperson or a councillor requires additional information on the matter before the meeting (or the result of some other action of the council or person is required) before the matter may be concluded at the meeting. Where such a procedural motion is passed, the council will proceed with the next matter on the business paper. A motion that the matter be taken from the table, may be moved at the meeting at which the procedural motion was carried or at any later meeting.



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23.6 Any councillor may ask the chairperson to decide on a point of order where it is believed that another councillor:

- 23.6.1 has failed to comply with proper procedures.
- 23.6.2 is in contravention of the legislation; or
- 23.6.3 is beyond the jurisdiction power of the council meeting.

**Note:** *Points of order cannot be used as a means of contradicting a statement made by the councillor speaking. Where a point of order is moved, consideration of the matter to which the motion was moved will be suspended. The chairperson will determine whether the point of order is upheld.*

23.7 Upon the question of 'point of order' suddenly arising during the process of a debate, a councillor may raise a point of order, and then the councillor against whom the 'point of order' is raised, will immediately cease speaking. Notwithstanding anything contained in these standing orders to the contrary, all questions or 'points of order' at any time arising will, until decided, suspend the consideration and decision of every other question.

23.8 A councillor may move a motion of dissent in relation to a ruling of the chairperson on a point of order. Where such motion is moved, further consideration of any matter will be suspended until after a ruling is made. For example:

23.9 Where a motion of dissent is carried, the matter to which the ruling of the chairperson was made will proceed as though that ruling had not been made. Where the opposite ruling is made, that the matter was discharged as out of order, it will be restored to the business paper and be dealt with in the normal course of business.

23.10 The motion that a report/document be tabled may be used by a councillor to introduce a report or other document to the meeting only if the report or other document is not otherwise protected under confidentiality or information privacy laws. On tabling the document, it ceases to be a confidential document and is available for public scrutiny.

23.11 A procedural motion 'to suspend the rule requiring that.', may be made by any councillor in order to permit some action that otherwise would be prevented by a procedural rule. A motion to suspend a rule will specify the duration of the suspension.

23.12 A procedural motion that the meeting stands adjourned, may be moved by a councillor at the conclusion of debate on any matter on the business paper or at the conclusion of a councillor's time for speaking to the matter, and will be put without debate. Such a procedural motion will specify a time for the resumption of the meeting and on resumption of the meeting, the council meeting will continue with the business before the meeting at the point where it was discontinued on the adjournment.

## 24. Questions

- 24.1 At a local government meeting, a councillor may ask a question for reply by another councillor or an officer regarding any matter under consideration at the meeting.
- 24.2 Questions will be asked categorically and without argument and no discussion will be permitted at the council meeting in relation to a reply or a refusal to reply to the question.
- 24.3 A councillor or officer to whom a question is asked without notice may request that the question be taken on notice for the next meeting.
- 24.4 A councillor who asks a question at a meeting, whether or not upon notice, will be deemed not to have spoken to the debate of the motion to which the question relates.
- 24.5 The chairperson may disallow a question which is considered inconsistent with an acceptable request or good order, provided that a councillor may move a motion that the chairperson's ruling be disagreed with, and if carried the chairperson will allow the question.

## Meeting Conduct

### 25. Process for dealing with Unsuitable Meeting Conduct

The conduct of a councillor is unsuitable meeting conduct if the conduct happens during a council meeting and contravenes a behavioural standard of the code of conduct for councillors. When dealing with an instance of unsuitable conduct by a councillor in a meeting, the following process must be followed:

- 25.1 The chairperson must reasonably believe that unsuitable meeting conduct has been displayed by a councillor at a meeting.
- 25.2 If the chairperson decides the unsuitable meeting conduct has occurred, the chairperson may consider the severity of the conduct and whether the councillor has been issued with any previous warnings for unsuitable meeting conduct. If the chairperson decides the conduct is of a serious nature or another warning is unwarranted, proceed to step 23.7.
- 25.3 If the chairperson decides unsuitable meeting conduct has occurred but is of a less serious nature, the chairperson may request the councillor take remedial actions such as:
  - 23.3.1 ceasing the unsuitable meeting conduct and refraining from exhibiting the conduct.
  - 23.3.2 apologising for their conduct; and/or
  - 23.3.3 withdrawing their comments.
- 25.4 If the councillor complies with the chairperson's request for remedial action, no further action is required.
- 25.5 If the councillor fails to comply with the chairperson's request for remedial action, the chairperson may warn the councillor that failing to comply with the request could result in an order for unsuitable meeting conduct being issued.



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- 25.6 If the councillor complies with the chairperson's warning and request for remedial action, no further action is required.
- 25.7 If the councillor still continues to fail to comply with the chairperson's request for remedial action or the chairperson decided a warning was not appropriate under 23.2 the chairperson may make one or more of the orders below:
- 23.7.1 an order reprimanding the councillor for the conduct; and/or
  - 23.7.2 an order requiring the councillor to leave the meeting, including any area set aside for the public and stay out for the duration of the meeting.
- 25.8 If the councillor fails to comply with an order to leave and stay away from the meeting, the chairperson can issue an order that the councillor be removed from the meeting.
- 25.9 Following the completion of the meeting, the chairperson must ensure:
- 25.9.1 details of any order issued is recorded in the minutes of the meeting.
  - 25.9.2 if it is the third or more order made within a 12-month period against a councillor, or the councillor has refused to comply with an order issued to leave the meeting, these matters are dealt with at the next meeting of the council and treated as inappropriate conduct.
  - 25.9.3 the council's chief executive officer (CEO) is advised to ensure details of any order made is updated in the council's councillor conduct register.
  - 25.9.4 If the conduct of a councillor at the meeting becomes inappropriate conduct; in accordance with section 150J of the LGA, it is not required to be notified to the independent assessor and may be dealt with under section 150AG of the LGA at the next council meeting.
- 25.10 Any councillor aggrieved with an order issued by the chairperson can move a motion of dissent for parts 23.2, 23.3, 23.7 and 23.8 above.

**Note:** Chairpersons of a meeting are carrying out a statutory responsibility under the LGA to manage and lead the meeting. As such, where a chairperson behaves inappropriately in a meeting this involves a serious breach of the trust placed in them as the chairperson of the meeting and may be dealt with as misconduct. The breach can be referred to the Office of the Independent Assessor (OIA) to be dealt with. However, breaches of trust don't arise because councillors disagree with the chairperson's decision or ruling during the meeting.

## 26. General conduct during meetings

- 26.1 After a meeting of the council has been formally constituted and the business commenced, a councillor will not enter or leave from the meeting without first notifying the chairperson.
- 26.2 Councillors will speak to each other or about each other during the local government meeting by their respective titles ('mayor' or 'councillor'), and when speaking of or addressing officers will call them by their appropriate title and will confine their remarks to the matter under consideration.
- 26.3 No councillor who is speaking will be interrupted except upon a point of order being raised either by the chairperson or by another councillor.
- 26.4 When the chairperson speaks during the process of a debate, the councillor speaking or offering to speak will immediately cease speaking, and each councillor present will observe strict silence so that the chairperson may be heard without interruption.

## 27. Meeting process for dealing with suspected inappropriate conduct which has been referred to a local government by the Independent Assessor (IA)

Pursuant to Chapter 5A, Division 5 of the LGA (Referral of conduct to a local government) a referral from the Independent Assessor (IA) of inappropriate conduct or an instance of suspected inappropriate conduct may arise from circumstances under paragraph 25.9 dot point two of this document.

- 27.1 The investigation must be conducted in a way that is consistent with the local government's investigation policy including:
  - 27.1.1 consistent with any recommendations from the IA, or
  - 27.1.2 In another way decided by resolution of the council.
- 27.2 After the completion of the investigation, the council must decide in a council meeting, whether the councillor has engaged in inappropriate conduct. Unless in accordance with section 150AG of the LGA, it has delegated responsibility for this decision to the mayor under section 257(2)(a) or to a standing committee section 257(2)(b) of the LGA.
- 27.3 When dealing with an instance of suspected inappropriate conduct which has been referred to a local government by the IA:
  - 27.3.1 Consistent with the local government principle of transparent and accountable decision making in the public interest, a local government must deal with suspected inappropriate conduct in an open meeting of the council. However, where the matter may directly affect the health and safety of the complainant due to the nature of the complaint, the council may resolve to go into closed session under section 254J(f) of the LGR to discuss the allegation.
  - 27.3.2 The subject councillor has a declarable conflict of interest in the matter but is permitted to remain in the meeting during the debate about whether the councillor engaged in the inappropriate conduct and answer questions from the chairperson to assist the other councillors in making a decision. This permission to remain in the meeting for

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the debate is conditional on the subject councillor leaving the place where the meeting is being held, including any area set aside for the public, during the vote on whether they have committed inappropriate conduct and what, if any, penalty to impose if the councillor is found to have committed inappropriate conduct.

- 27.3.3 If the complainant is a councillor, that councillor also has a declarable conflict of interest in the matter and must follow the declarable conflict of interest meeting procedures in section 10. If the complainant councillor wishes to remain in the meeting during the debate and vote on the matter, the other councillors must decide how to deal with the conflict of interest under section 10. The complainant councillor can be ordered to leave the meeting place or conditions may be applied to allow that councillor to participate in either the debate, the vote, or the decision on any disciplinary action to be applied.
- 27.3.4 The council must debate the issue and decide whether the subject councillor engaged in inappropriate conduct. If the council has lost quorum due to the number of conflicted councillors or another reason, the matter must be delegated consistent with section 257 of the LGA or deferred to another date when a quorum will be present.
- 27.3.5 The council must debate the issue and decide whether the subject councillor engaged in inappropriate conduct. If the council has lost quorum due to the number of conflicted councillors or another reason, the local government must do one of the following:
- 27.3.5.1 delegate deciding the matter under section 257 of the LGA to the mayor or a standing committee, to the mayor, or a standing committee, whichever is the most appropriate in the circumstances or
  - 27.3.5.2 decide, by resolution, to defer the matter to a later meeting when a quorum will be present, or
  - 27.3.5.3 decide, by resolution, not to decide the matter and take no further action in relation to the matter.
- 27.3.6 If a decision is reached that the subject councillor has engaged in inappropriate conduct, then the councillors must decide what penalty or penalties from the orders detailed below, if any, to impose on the councillor. In deciding what penalty to impose, the council may consider any previous inappropriate conduct of the councillor and any allegation made in the investigation that was admitted, or not challenged, and that the council is reasonably satisfied is true.
- 27.3 The council may order that no action be taken against the councillor or make one or more of the following:
- 27.4.1 an order that the councillor make a public admission that the councillor has engaged in inappropriate conduct.
  - 27.4.2 an order reprimanding the councillor for the conduct.
  - 27.4.3 an order that the councillor attend training or counselling to address the councillor's conduct, including at the councillor's expense.
  - 27.4.4 an order that the councillor be excluded from a stated council meeting.
  - 27.4.5 an order that the councillor is removed, or must resign, from a position representing the local government, other than the office of councillor, (e.g., that the councillor is ordered to resign from an appointment representing the local government on a state board or committee).
  - 27.4.6 an order that if the councillor engages in the same type of conduct again, it will be treated as misconduct:

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- 27.4.7 an order that the councillor reimburse the council for all or some of the costs arising from the councillor's inappropriate conduct.
- 27.5 In relation to a person who is no longer a councillor, a local government may not make an order that the former councillor attend training/counselling, be suspended from a meeting, be removed, or resign from a position or that the same conduct will be treated as misconduct in future.
- 27.6 The subject councillor, and where relevant, the complainant councillor, must be invited back into the place where the meeting is being held once a decision has been made, and the chairperson must advise them of the details of the decision.
- 27.7 The chairperson must ensure the meeting minutes reflect the resolution made.

## 28. Disorder

- 28.1 The chairperson may adjourn the meeting of the local government, where disorder arises at a meeting other than by a councillor.
- 28.2 On resumption of the meeting, the chairperson will move a motion, to be put without debate, to determine whether the meeting will proceed. Where the motion is lost, the chairperson shall declare the meeting closed, and any outstanding matters referred to a future meeting.

## Attendance and non-attendance

### 29. Attendance of public and the media at meeting

- 29.1 An area shall be made available at the place where any meeting of the local government is to take place for members of the public and representatives of the media to attend the meeting and as many members of the public as reasonably can be accommodated in that area will be permitted to attend the meeting.
- 29.2 When the local government is sitting in closed session, the public and representatives of the media will be excluded from the meeting.

### 30. Closed session

- 30.1 A local government council meeting, standing committee meeting and advisory committee meeting may resolve that a meeting be closed to the public if its councillors and members consider it necessary to discuss any of the following matters pursuant to section 254J (3) of the LGR:
- 30.1.1 appointment, dismissal, or discipline of the CEO.
  - 30.1.2 industrial matters affecting employees.
  - 30.1.3 the council's budget which does not include the monthly financial statements.
  - 30.1.4 rating concessions.
  - 30.1.5 legal advice obtained by the council, including legal proceedings that may be taken by or against the council.

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- 30.1.6 matters that may directly affect the health and safety of an individual or a group of individuals.
  - 30.1.7 negotiations relating to a commercial matter involving the council for which a public discussion could prejudice the interests of the council.
  - 30.1.8 negotiations relating to the taking of land by the council under the *Acquisition of Land Act 1967*.
  - 30.1.9 a matter that the council is required to keep confidential under a law of, or a formal agreement with, the Commonwealth or State.
- 30.2 A council meeting cannot resolve that a meeting be closed where the meeting is informed of a councillor's personal interest in the matter by another person and the eligible councillors at the meeting must decide whether the councillor has a declarable conflict of interest in the matter.
- 30.3 Further, the meeting must not be closed if a quorum is lost due to the number of conflicted councillors who leave the meeting, and the council must.
- 28.3.1 delegate the matter.
  - 28.3.2 decide by resolution to defer to a later meeting.
  - 28.3.3 decide by resolution to take no further action on the matter.
- Note:** *None of the above will be voted on during a closed session. If a closed session includes attendance by teleconference, the councillor/s attending by teleconference must maintain confidentiality by ensuring no other person can hear their conversation while in the closed meeting.*
- 30.4 To take a matter into a closed session the council must abide by the following process:
- 30.4.1 pass a resolution to close the meeting.
  - 30.4.2 the resolution must state the matter to be discussed, an overview of what is to be discussed and why the meeting should be closed while the matter is considered.
  - 30.4.3 if the matter is known in advance, the agenda should clearly identify that the matter will be considered in closed session, and an explanation of why it is deemed necessary to take the issue into closed session must be stated.
  - 30.4.4 no resolution can be made while in a closed meeting (other than a procedural resolution).

## 31. Teleconferencing of meetings

- 31.1 If a councillor wishes to be absent from a council meeting place during a meeting, the councillor must apply to the local government to participate by teleconference, at least three (3) business days prior to the meeting or as soon as practicable once the councillor becomes aware of their intended absence. The local government may allow a councillor to participate in a council by teleconference of the LGR.

**Note:** *There is no legislative requirement for a resolution by council to allow a councillor to participate by audio link or audio-visual link. This means the council may delegate the matter. For example, council may delegate to the chairperson of the council or a committee meeting the ability to decide whether a councillor can attend a meeting by audio link or audio-visual link.*

- 31.2 The councillor taking part by teleconference is taken to be present at the meeting if the councillor was simultaneously in audio contact with each other person at the meeting. The attendance of the councillor must be recorded in the minutes as present at the meeting.

**Note:** *Teleconferencing includes the use of a telephone, video conferencing equipment or other means of instant communication that allows a person to take part in a discussion as it happens.*

## 32 Recording of Meetings

- 32.1 The Chief Executive Officer must ensure minutes of each meeting of the local government are taken under the supervision of the person presiding at the meeting.

### 32.2 Recording of Meetings

- 32.2.1 Whitsunday Regional Council will record, in both audio and video, its ordinary and special meetings for the periods that they are open to the public. The recordings will be made available to the public live during the meeting and online at the earliest opportunity after the meeting has concluded. The recordings will also be used to assist in the accurate preparation of the official minutes.

- 32.2.2 All participants at the meetings are reminded that parliamentary privileges do not apply to local government. Individuals must take responsibility for their own words and actions. Council may, at the discretion of the CEO, remove any part of a recording for publication only where there is real concern that not to do so would expose Council to a risk of an action for publishing defamatory material or releasing personal information contrary to legislation.

- 32.2.3 Right to Information (RTI) procedures should not be used to release copies of recordings of meetings as these will be freely available on Council's website. RTI or Information Privacy procedures may be used to seek material withheld from public release in accordance with paragraph 32.2.2.

- 32.2.3 All participants will be made aware by way of signage that the meeting will be recorded and that anyone attending a public meeting of council will consent to their image, voice and comments being recorded and published.

- 32.2.4 No other audio or video recording of a meeting of the local government may be made without the express and prior permission of the Chairperson of the meeting. Any person publishing part or all of a recording of a meeting assumes full responsibility for the release of the



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information, including the risks associated with the publication of potentially defamatory material or personal information.

32.2.5 If a person fails to comply with section 32.2.4 the person may be directed by the Chairperson of the meeting to immediately withdraw from the meeting.

32.2.6 A person who fails to comply with a direction given under section 32.2.5 at a meeting may be removed from the meeting.

32.2.7 Recordings will be retained for a period no shorter than the statutory minimum for the retention of official records.

| COUNCIL POLICY                |  |                    |                         |
|-------------------------------|--|--------------------|-------------------------|
| Date Adopted by Council       |  | Council Resolution |                         |
| Effective Date                |  | Next Review Date   |                         |
| Responsible Officer(s)        |  | Revokes            | Council Standing Orders |
| Public Consultation: Yes / No |  |                    |                         |