



Minutes of the Ordinary Meeting held on 25 February 2015



Council's Guiding Principles:

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



Whitsunday Regional Council
**Minutes of the Ordinary Meeting held at
Bowen Council Chambers, 67 Herbert Street, Bowen on
25 February 2015 commencing at 9:00am**

Councillors Present:

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

Council Officers Present:

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

Other Details:

The meeting commenced at 9.00am

The meeting adjourned for the Collinsville Pit Pony presentation 10.08am and reconvened at 10.16am

The meeting adjourned for morning tea and staff presentation at 10.41am

The meeting reconvened after morning tea at 11.07am

The meeting adjourned for lunch at 12.58pm

The meeting reconvened after lunch at 1.27pm

The meeting closed at 2.44pm

Whitsunday Regional Council
**Minutes of the Ordinary Meeting held at
Bowen Council Chambers, 67 Herbert Street, Bowen on
25 February 2015 commencing at 9:00am**

2.	CONDOLENCES.....	6
2.1	2015/02/25.01 CONDOLENCES	6
3.	MAYORAL UPDATE.....	6
4.	CONFIRMATION OF MINUTES.....	7
4.1	2015/02/25.02 CONFIRMATION OF MINUTES	7
7.	NOTICE OF MOTION.....	7
7.1	2015/02/25.03 NOTICE OF REPEAL - PROSERPINE CARAVAN PARK	7
9.	QUESTIONS FROM PUBLIC GALLERY.....	9
10.	OFFICE OF THE MAYOR AND CEO.....	15
10.1	2015/02/25.04 DECEMBER BUDGET REVIEW	15
10.2	2015/02/25.05 MONTHLY FINANCE REPORT - JANUARY 2015	15
10.3	2015/02/25.06 DELEGATIONS - LAND REGULATION 2009	15
10.4	2015/02/25.07 DELEGATIONS - RESIDENTIAL TENANCIES AND ROOMING ACCOMMODATION REGULATION 2009	17
10.5	2015/02/25.08 DIVISIONAL BOUNDARIES AND ELECTORAL NUMBERS	25
10.6	2015/02/25.09 CONDUCT OF LOCAL ELECTIONS FOR 2016	25
10.7	2015/02/25.10 WATER AND WASTE - WATER AND SEWER ADVISORY COMMITTEE	26
10.8	2015/02/25.11 AVIATION LAW ASSOCIATION FOR AUSTRALIA AND NEW ZEALAND NATIONAL CONFERENCE	26
10.9	2015/02/25.12 ADVISORY - NORTH QUEENSLAND SPORTS FOUNDATION BOARD MEETING	27
10.10	2015/02/25.13 ADVISORY - AUSTRALIA DAY	27
12.	PLANNING AND COMMUNITY SERVICES.....	27
12.1	2015/02/25.14 20140651 - DEVELOPMENT PERMIT FOR MATERIAL CHANGE OF USE - COMMERCIAL COMPLEX AND THIRTY THREE (33) ACCOMMODATION UNITS - 277 SHUTE HARBOUR ROAD AIRLIE BEACH - ALGONA DEVELOPMENTS PTY LTD AS TTE	27
12.2	2015/02/25.15 20150060 - APPLICATION FOR CONVERSION TO FREEHOLD OF GRAZING HOMESTEAD PERPETUAL LEASE 5/2122 DESCRIBED AS LOT 31 ON SP108590	31

16.	PROCEDURAL MOTION	31
16.1	2015/02/25.16 PROCEDURAL MOTION - ADJOURNMENT	31
16.2	2015/02/25.17 PROCEDURAL MOTION - RECONVENE	31
12.3	2015/02/25.18 20140824 - DEVELOPMENT PERMIT FOR RECONFIGURATION OF A LOT - ONE (1) LOT INTO TWO (2) LOTS - 501 SUGARLOAF ROAD RIORDANVALE - MCSHARER	32
12.4	2015/02/25.19 20140365 - PRELIMINARY APPROVAL OVERRIDING THE PLANNING SCHEME FOR THIRTEEN (13) INDUSTRIAL ALLOTMENTS AT JURGENS PLACE BOWEN - JURGENS PRODUCE PTY LTD	35
16.	PROCEDURAL MOTION	64
16.1	2015/02/25.20 PROCEDURAL MOTION - ADJOURNMENT	64
16.2	2015/02/25.21 PROCEDURAL MOTION - RECONVENE	65
12.5	2015/02/25.22 20070899 - REQUEST FOR EXTENSION OF RELEVANT PERIOD - DEVELOPMENT PERMIT FOR MATERIAL CHANGE OF USE - AGED CARE ACCOMMODATION COMPRISING SEVENTY FOUR (74) RELOCATABLE HOMES, COMMUNITY CENTRE, ANCILLARY USES - 55 VALLEY DVE CANNONVALE - MJR+SONS PTY LTD	65
12.6	2015/02/25.23 20140638 - DEVELOPMENT PERMIT FOR MATERIAL CHANGE OF USE OF PREMISES FOR DUAL OCCUPANCY - 58 HORSESHOE BAY ROAD BOWEN - BOLE AND SWART	66
12.7	2015/02/25.24 APPLICATION FOR RENEWAL OF SPECIAL LEASE 5/48517 - LOT 253 ON SB699	70
12.8	2015/02/25.25 ADOPTION OF THE BOWEN SHIRE STORM TIDE STUDY (SEPTEMBER 2004) FOR THE PURPOSE OF PUBLIC KNOWLEDGE AND ADOPTION OF A FEE WAIVER FOR CERTAIN DEVELOPMENTS	70
12.9	2015/02/25.26 PORT OF AIRLIE - CONVERSION OF DEVELOPMENT LEASE TO FREEHOLD TENURE - LOT 200 SP232115 AND PART OF LOT 187 SP19978 FROM RECREATION RESERVE TO FREEHOLD TENURE - COCONUT GROVE AIRLIE BEACH	72
12.10	2015/02/25.27 REQUEST FOR RATES ASSISTANCE 2014/15 - PROSERPINE SENIOR LIVING INC	73
12.11	2015/02/25.28 COMMUNITY ASSISTANCE GRANT - ZONTA CLUB OF THE WHITSUNDAYS	73
12.12	2015/02/25.29 COMMUNITY ASSISTANCE GRANT - OPERATION PILGRIMAGE GROUP	74
12.13	2015/02/25.30 WHITSUNDAY LIBRARY SERVICES HOME DELIVERY - BOWEN HOUSEBOUND SERVICES	74
12.14	2015/02/25.31 REQUEST FOR FEE WAIVER - COLLINSVILLE YOUTH COALITION	74
12.15	2015/02/25.32 LIQUOR LICENCE APPLICATION - LUV A COFFEE, WHITSUNDAY PLAZA	75
12.16	2015/02/25.33 REQUEST FOR FEE WAIVER - WHITSUNDAY CRUISIN' CAR CLUB	75

12.17	2015/02/25.34	REQUEST FOR FEE WAIVER - RSPCA MILLION PAWS WALK 2015	75
12.18	2015/02/25.35	NORTH HEAD LIGHTHOUSE CONSERVATION MANAGEMENT PLAN DRAFT	76
13.		ENGINEERING SERVICES.....	76
13.1	2015/02/25.36	EXTENTION OF ROMA PEAK ROAD MAINTENANCE	76
13.2	2015/02/25.37	LOGANS ADVENTURE PLAYGROUND UPDATE	77
13.3	2015/02/25.38	DONATION FROM QUEENSLAND RAIL IN RELATION TO QR150 CELEBRATIONS	77
15.1	2015/02/25.39	WESTERN ROADS BUDGET	78
15.2	2015/02/25.40	BUDGET CONSIDERATION - WESTERN ROADS	78
15.3	2015/02/25.41	PROSERPINE JUNIOR SPORTING COMPLEX	78
16.		PROCEDURAL MOTION	79
16.1	2015/02/25.42	PROCEDURAL MOTION - ADJOURNMENT	79
16.2	2015/02/25.43	PROCEDURAL MOTION - RECONVENE	79
16.3	2015/02/25.44	PROCEDURAL MOTION - CLOSURE OF MEETING	79
16.4	2015/02/25.45	PROCEDURAL MOTION - REOPENING OF MEETING	80
14.1		CONFIDENTIAL MATTERS - OFFICE OF THE MAYOR AND CEO.....	80
14.1.1	2015/02/25.43	BUSINESS ACTIVITIES REPORT - JANUARY 2015	80
14.1.2	2015/02/25.44	RATES AND SUNDRY DEBTORS - JANUARY 2015	80
14.1.3	2015/02/25.45	DISPOSAL OF PONTOONS	81
14.1.4	2015/02/25.46	LAND SALES - 19 STATION STREET, COLLINSVILLE	81
14.1.5	2015/02/25.47	ADMINISTRATION BUILDING - PROSERPINE WATER TREATMENT PLANT	81
14.1.6	2015/02/25.48	ENTERPRISE BARGAINING AGREEMENT	82
14.2		CONFIDENTIAL MATTERS - CORPORATE SERVICES	82
14.2.1	2015/02/25.49	REFUND REFUSE CHARGES	82
14.2.2	2015/02/25.50	LEASE OF WHITSUNDAY AIRPORT CAFE	82
15.		GENERAL BUSINESS.....	83
15.4	2015/02/25.51	VERBAL ADVICE RECEIVED	83

Whitsunday Regional Council
Minutes of the Ordinary Meeting held at
Bowen Council Chambers, 67 Herbert Street, Bowen on
25 February 2015 commencing at 9:00am

2. Condolences

2.1 2015/02/25.01 CONDOLENCES

Moved by: A WILLCOX

Seconded by: J CLIFFORD

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

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

~~~~~

**3. Mayoral Update**

| <b>MAYOR'S ATTENDANCE - 11 FEBRUARY TO 24 FEBRUARY 2015</b> |                                                                                                                                                                                                            |
|-------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Wed<br>11/02/15                                             | Mayor Whitney, Cr Clifford, Cr Atkinson, Cr Clark and Cr Willcox attended the Council Meeting                                                                                                              |
|                                                             | Mayor Whitney, Cr Clifford, Cr Collins, Cr Clark and Cr Willcox attended a meeting regarding RV Location                                                                                                   |
|                                                             | Mayor Whitney attended the Cannonvale State School - Presentation of badges to students                                                                                                                    |
| Thurs<br>12/02/15                                           | Mayor Whitney attended the 3rd Annual Tri-regional Agricultural Exhibition Community Bank                                                                                                                  |
|                                                             | Mayor Whitney and the CEO had a meeting with a ratepayer                                                                                                                                                   |
|                                                             | Mayor Whitney, Cr Clark, Cr Clifford and Cr Willcox attended the anniversary of National Apology Day                                                                                                       |
| Sun<br>15/02/15                                             | Mayor Whitney and Cr Clifford attended the opening - Flying Fox - Logan's Playground                                                                                                                       |
| Mon<br>16/02/15                                             | Mayor Whitney attended the Food & Agricultural Tourism Field Day                                                                                                                                           |
|                                                             | Cr Clark attended the Bowen State High School Investiture on behalf of Mayor Whitney                                                                                                                       |
|                                                             | Mayor Whitney attended the Whitsunday Disaster Management Meeting Cr Willcox attended via telephone                                                                                                        |
| Tues<br>17/02/15                                            | Mayor Whitney, Cr Atkinson, Cr Clark, Cr Collins, Cr Willcox and the Acting CEO attended the Councillors Briefing Session including Workshop on various items with Burdekin Shire Mayor, Councillors & CEO |
| Wed<br>18/02/15                                             | Mayor Whitney, Cr Atkinson, Cr Clifford, Cr Clark and Cr Willcox attended the Planning & Community Briefing Session                                                                                        |
| Thurs<br>19/02/15                                           | Mayor Whitney, Cr Willcox and the CEO held an interview for the Chief Operating Officer position                                                                                                           |

|                  |                                                                                                                                       |
|------------------|---------------------------------------------------------------------------------------------------------------------------------------|
| Fri<br>20/02/15  | Mayor Whitney attended the Whitsunday Rivers Improvement Trust Meeting                                                                |
|                  | Mayor Whitney attended a meeting with representatives from Cannonvale Tennis Court                                                    |
|                  | Mayor Whitney attended a meeting with ratepayers                                                                                      |
|                  | Cr Clifford attended the Whitsunday Marketing & Development Ltd Networking Event at the Whitsunday Airport on behalf of Mayor Whitney |
|                  | Mayor Whitney, attended dinner with the China Australia Entrepreneurs Association                                                     |
| Sat<br>21/02/15  | Mayor Whitney, Cr Atkinson, Cr Clifford, Cr Willcox, Cr Collins and families attended the Chinese New Year Celebrations & dinner      |
| Mon<br>23/02/15  | Mayor Whitney attended the Workplace Health & Safety Steering Committee                                                               |
|                  | Mayor Whitney, Cr Atkinson, Cr Clifford and Cr Willcox attended the Traffic Advisory Committee Meeting                                |
|                  | Mayor Whitney and the CEO attended a meeting with Mr Wang                                                                             |
|                  | Mayor Whitney, Cr Willcox and the CEO held interview for Chief Operating Officer                                                      |
|                  | Mayor Whitney attended the Rotary Club of Airlie Beach Cheque Presentation                                                            |
| Tues<br>24/02/15 | All Councillors attended the Councillor Briefing Session                                                                              |
|                  | Mayor Whitney attended the Proserpine State School - Student Leader Inductions                                                        |
|                  | Mayor Whitney attended the Industry Reference Group                                                                                   |

#### **4. Confirmation of Minutes**

##### **4.1 2015/02/25.02 CONFIRMATION OF MINUTES**

**Moved by: A WILLCOX**

**Seconded by: J COLLINS**

**That the Minutes of the Ordinary Meeting held on 11 February, 2015 be confirmed.**

#### **MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

#### **7. Notice of Motion**

##### **7.1 2015/02/25.03 NOTICE OF REPEAL - PROSERPINE CARAVAN PARK**

**Moved by: J COLLINS**

**Seconded by: D CLARK**

**That minute number 2014/10/08.61 from the Council Meeting of 8<sup>th</sup> October, 2014 as follows:**

##### **14.1 Confidential Matters - Office of the CEO**

##### **14.1.3 2014/10/08.61 Proserpine Caravan Park**

**Moved by: J CLIFFORD**

**Seconded by: J WHITNEY**

That Council sell the Proserpine Caravan Park at or above the Reserve price set by the valuer and market the property through the Building a Better Whitsunday web site as well as seeking interest from real estate agents that specialise in selling caravan park businesses, subject to:

- Advising the current “lessee” of Council’s intention to sell the caravan park and re-lease the swimming pool and inviting them to make an offer on the caravan park;
- making arrangements with the current lessee for the continuation of services to the pool and park; and
- making arrangements for a smooth transition to a potential new owner for the caravan park.

Furthermore, that the negotiations and the decision comes back to Council and that any offer should include a concept plan for future development and growth of the facility.

**MEETING DETAILS:**

The motion was Carried 4/3

**CARRIED**

be repealed.

Furthermore, that the Caravan Park be retained and to carry on under current lease agreement.

**Procedural Motion**

Moved by: J CLIFFORD

Seconded by: J WHITNEY

That the motion be tabled pending receipt of the following; Council’s current debt position including emergent funding, revenue received over the past five years, expenses over the past five years, current maintenance costs, capital improvements required and completed to date over five years.

Furthermore, that a report be presented to Council at the earliest opportunity.

**MEETING DETAILS:**

The procedural motion was Carried 4/3

**CARRIED**

~~~~~


9. Questions from Public Gallery

PUBLIC QUESTION TIME

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

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

~~~~~  
**Name: Suzette Pelt  
President  
Save Our Foreshore Inc**

**Subject: Agenda Item 12.1 - 277 Shute Harbour Road Airlie Beach**

The executive committee of Save Our Foreshore Inc. (SOF) realises that this development application is being processed under code assessable criteria and therefore no community consultation is permitted, or required.

However, we would like to comment on the application which we note is recommended to proceed despite having made no provision for car parking.

This development abuts public land managed by WRC as trustees and although gazetted for use for public recreation and parkland is presently used as a temporary car park.

Because of the close proximity, it can reasonably be assumed clients arriving by vehicle to the proposed "Heart Reef Hostel" will make use of this council operated car park.

Mostly all councillors and staff would recall the community's strenuous objections to any plans for this public land that go beyond grassed public park and recreational land.

Ultimately, it is council's responsibility to protect this publicly owned area until such time as this future upgrading of the temporary car park into public park and recreational area takes place. SOF and the community are hopeful this occurs as soon as is practicable.

SOF requests, therefore, that council takes the necessary steps to include additional conditions or other appropriate means, as part of the proposal's development approval, in order to ensure the protection of this unique and irreplaceable public foreshore land.

This condition would state and ensure that, under no circumstances, will any part or portion of the adjacent public land be made available now, or in the future, for purchase, or long term lease, by the applicants or future owners of this proposed development, by right of use or any other reason.

***Council's Chief Executive Officer - Mr Scott Waters read Ms Pelts question in her absence***

**Name: Chris Monsour  
11 Grantham Street  
Bowen**

***Subject: Bowen Sporting Complex***

The Bowen Sporting Complex Coordinating Committee comprises delegates from each of the 7 sporting clubs located at the Complex on Woodlands Rd as well as a representative of the Whitsunday Regional Council, which at present is Cr Collins.

I am the currently the Chairman of the Committee and my questions today relate to three issues associated with the Sporting Complex.

### **Interest free loan proposal**

The Sporting Complex committee prepared a proposal for Council to consider providing an interest free loan for the purpose of constructing a shed at the Sporting Complex to provide shelter for the Caretaker's caravan & other assets and provide additional covered living space.

The proposal was submitted by email to Cr Collins on 7 November 2014. The email included a covering letter, a quote and associated drawings from a local builder and various financial documents including a repayment schedule. Our committee is yet to receive any official acknowledgement of receipt or response to the lodgement of the proposal.

Requests for an update on the proposal have been emailed on five occasions to Cr Collins since the proposal was submitted, including one as recent as last Thursday. None of these emails have received any response.

Q1. The Bowen Sporting Complex Committee respectfully requests that Council.

- (a) confirm that the application has been received and provide formal written acknowledgment to that effect so that this can be tabled at our next meeting
- (b) provide details on Council's consideration of the proposal up to this point
- (c) provide an indication of when a decision about the submission can be expected.

### **Repair of damage from Cyclone Ita in April 2014**

In the wake of Cyclone Ita in April of last year, the Sporting Complex Committee informed Council of damage to roadways, carparks and traffic signage at the Complex. An email with details and photos of the damage was sent to Cr Collins on 12 May. When no response was received, the original email was re-sent on 21 August of last year. Almost 11 months after

the event took, no action to address the damage has been undertaken. The state of roadway and parts of the carparks are nothing short of an embarrassment, particularly when players and supporters from out of town attend events at the Complex. The Committee also has concerns about safety, particularly for those utilising the Complex at night. Almost 600 people participated in the night soccer competition on a weekly basis from October to December last. Dozens of cars utilised the roadway and carpark at the eastern end of the Complex and I lost count of the number of times participants complained about the state of the common areas within the Sporting Complex.

Q2. Could Council, as a matter of urgency, identify what measures can be undertaken to repair the roadways, carparks and signage damaged in last year's cyclone and provide feedback to the Sporting Complex Committee so that the resident sporting clubs can be informed?

### **Proposed lease agreements between Council and Sporting organisations**

In August 2013, representatives of the Sporting Complex Committee met with the Mayor, Deputy Mayor and the Director of Planning and Communities. The main topic of discussion related to the Council's intention to establish lease agreement with sporting bodies utilising council facilities. It was stated at the time that the policy was in development.

Since that time, no further information about this matter has been forthcoming. An update on how this matter is proceeding has been on the agenda of every Bowen Sporting Complex Committee meeting since that time and Cr Collins. At the most recent meeting, the newly appointed Sport and Recreation Officer indicated that Council is pushing ahead with devising a policy that encompasses these lease agreements.

3. Could Council

(a) provide an update on status of the development of the policy

(b) specify the process/timeline from this point forward

(c) provide details of how sporting clubs will be involved/consulted in relation to developing the lease agreements

People involved in sporting clubs contribute their time and energy on a volunteer basis. Those involved in the Sporting Complex Committee over the years have demonstrated an added commitment to maintaining and improving a council facility for the benefit of the entire community. The committee has a long history of working cooperatively with the Council of the day to achieve this worthwhile aim.

I am very annoyed that I have had to take time off work in my business to come here today in an attempt to get a response to these issues, when they should have been dealt with through the normal channels of constructive communication and cooperation.

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

**Name:** Ross Newell  
Whitsunday Regional Residents Association  
Bowen

**Subject:** *Reports for Community*

In the Whitsunday Coast Guardian on 19 March, 2014, Mayor Whiney advised the public that the motion put at the recent WRC Meeting by Cr Willcox for the release of the Ernst and Young Forensic Audit would not be accepted due to a legal agreement with the said company.

In this same article, the information was given again by Mayor Whitney that the release of the Post Amalgamation financial report, the Transitional Committee report regarding amalgamation, and the Shape, Size and Sustainability by the Local Government Department would be uploaded to the Council's website.

Again in the Whitsunday Coast Guardian newspaper on 9 July, 2014 the Mayor again advised that Ernst and Young would not release the report, but that the Internal Auditor's report of the same Forensic Audit would be available to the public.

These mentioned reports and information did not appear in any northern newspaper.

I would therefore ask whether the information was available on the WRC website, and if not, would it be possible to place the reports there for the community benefit.

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

**Response to Questions from the Public Gallery**  
**Council Meeting of 11 February, 2015**

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

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

**Background**

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

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

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

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

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

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

**Question components in relation to above**

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

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

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

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

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

**Council's response:**

Council thanks Mr Marshall for his letter; the matter was dealt with as an Agenda item within the last Council Meeting with Council Officers delivering upon Council's Resolution.

*Response was conveyed by Chief Executive Officer - Mr Scott Waters*

~~~~~

Name: Ross Newell
Whitsunday Regional Residents Association
PO Box 799
BOWEN QLD 4805

Subject: Water Access Charges - Commercial Properties

Preamble:

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

General:

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

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

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

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

Matter of Consideration:

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

Council's response:

Dear Mr Newell,

Council thanks you for your correspondence received and read during public question time at Council's last Ordinary Meeting.

Council is continually working with rate payers across the region that have difficulty in meeting payments related to Council rates, fees and charges.

The specific examples of businesses contained within your letter are requested to discuss their current position with Council Officers and where possible work through current difficulties that they are experiencing.

In relation to access charges for water Council has adopted through its budget meeting on the 28th of July 2014 charges that are commensurate with rating categories across the region as per the requirements of the Local Government Act and Regulations, these charges are unable to be changed.

Mr Newell, there are elements of your letter that Council disagrees with particularly in relation to Sunwater charges and Council's cost of sourcing, treatment, delivery, transport, storage and provision of water services to the region. However, Council does note your request for payment relief and remains committed within the realms of policy and legislation to provide assistance when requested.

Response was conveyed by Chief Executive Officer - Mr Scott Waters

~~~~~

10. Office of the Mayor and CEO

10.1 2015/02/25.04 DECEMBER BUDGET REVIEW

Moved by: J CLIFFORD

Seconded by: J ATKINSON

That Council adopt the December Budget Review 2014-15 (Amended Budget).

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

~~~~~

10. Office of the Mayor and CEO

10.2 2015/02/25.05 MONTHLY FINANCE REPORT - JANUARY 2015

Moved by: A WILLCOX

Seconded by: J COLLINS

That the financial report for January 2015 be received and adopted.

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

~~~~~

10. Office of the Mayor and CEO

10.3 2015/02/25.06 DELEGATIONS - LAND REGULATION 2009

Moved by: J CLIFFORD

Seconded by: A WILLCOX

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

**INSTRUMENT OF DELEGATION**

**Whitsunday Regional Council**  
***Land Regulation 2009***

Under section 257 of the *Local Government Act 2009*, **Whitsunday Regional Council** resolves to delegate the exercise of the powers contained in Schedule 1 to the Chief Executive Officer.

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

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

## Schedule 1

### *Land Regulation 2009 ("LANR")*

#### Part 6 - General

| Entity power given to       | Section of LANR | Description                                                                                 |
|-----------------------------|-----------------|---------------------------------------------------------------------------------------------|
| Manager of a declared beach | 49F             | Power to form a reasonable belief that the closure of the declared beach area is necessary. |
| Manager of a declared beach | 49F(2)          | Power to authorise a person to access a closed beach area.                                  |

## Schedule 2

### Limitations to the Exercise of Power

1. Where Council in its budget or by resolution allocates an amount for the expenditure of Council funds in relation to a particular matter, in exercising delegated power in relation to that matter, the delegate will only commit Council to reasonably foreseeable expenditure up to the amount allocated.
2. The delegate will not exercise any delegated power in relation to a matter which, to the delegate's knowledge, adversely affects, or is likely to adversely affect, Council's relations with the public at large.
3. The delegate will not exercise any delegated power contrary to a resolution or other decision of Council (including a policy decision relating to the matter).
4. The delegate will not exercise any delegated power in a manner, or which has the foreseeable effect, of being contrary to an adopted Council policy or procedure.
5. The delegate will only exercise a delegated power under this resolution in a manner which complies with the requirements of Council's Planning Scheme, and any exercise of power which involves a departure from or variation of those requirements will only be undertaken by Council.
6. The delegate will not exercise any delegated power which cannot lawfully be the subject of delegation by Council.



## MEETING DETAILS:

The motion was Carried 7/0

CARRIED

~~~~~

10. Office of the Mayor and CEO

10.4 2015/02/25.07 DELEGATIONS - RESIDENTIAL TENANCIES AND ROOMING ACCOMMODATION REGULATION 2009

Moved by: J COLLINS

Seconded by: J ATKINSON

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

INSTRUMENT OF DELEGATION

Whitsunday Regional Council

Residential Tenancies and Rooming Accommodation Regulation 2009

Under section 257 of the *Local Government Act 2009*, Whitsunday Regional Council resolves to delegate the exercise of the powers contained in Schedule 1 to the Chief Executive Officer.

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

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

Schedule 1

Residential Tenancies and Rooming Accommodation Regulation 2009 *("RTRR")*

SCHEDULE 1 – GENERAL TENANCY AGREEMENTS

Part 2 - Standard Terms

Division 1 – Preliminary

Entity power given to	Section of RTRR	Description
Lessor	2(3)	Power to agree on other terms of a general tenancy agreement (<i>special terms</i>).

Division 2 – Period of tenancy

Entity power given to	Section of RTRR	Description
Lessor	5(1)	Power to prepare, in the approved form, and to sign and give to the tenant, one copy of a condition report for the premises.
Lessor	6(1)(b)(v)	Power to enter into a written agreement with the tenant to end a fixed term agreement.

Division 3 – Rent

Entity power given to	Section of RTRR	Description
Lessor	8(3)(b)(i)	Power to give the tenant a notice proposing a way to pay rent.
Lessor	8(3)(ii)	Power to agree a proposal to pay rent.
Lessor	8(5)	Power to give a notice to the tenant stating a different place for payment of rent.
Lessor	10(1)	Power to, if the lessor proposes to increase the rent, give notice of the proposal to the tenant.

Division 4 – Rental bond

Entity power given to	Section of RTRR	Description
Lessor	13(2)	Power to give the authority a notice about the bond.

Division 6 – Rights and obligations concerning the premises during tenancy

Subdivision 1 – Occupation and use of premises

Entity power given to	Section of RTRR	Description
Lessor	20	Power to enter premises during the tenancy only if the obligations under section 192 to 199 have been complied with.
Lessor	22(1)	Power to give the tenant a copy of any body corporate by-laws in accordance with that subsection.

Subdivision 3 – The dwelling

Entity power given to	Section of RTRR	Description
Lessor	27(2)	Power to agree in writing to the tenant to attach a fixture or make a structural change.
Lessor	29(1)(a)	Power to agree to change the locks with the tenant.
Lessor	31(1)(b)	Power to give a notice to the tenant of the lessor's nominate repairer for emergency repairs.

Division 7 – Restrictions on transfer or subletting by tenant

Entity power given to	Section of RTRR	Description
Lessor	34(1)	Power to agree in writing to the transfer or subletting of a tenant's interests under an agreement.

Division 8 – When agreement ends

Entity power given to	Section of RTRR	Description
Lessor	36(1)(a)	Power to agree to end an agreement with the tenant.
Lessor	36(1)(b)	Power to give a notice to leave the premises to the tenant.
Lessor	39(1)	Power to ask the tenant in writing to state the tenant's new residential address.
Lessor	40(2)(a)	Power to sign a condition report on behalf of the lessor.

Division 9 – Miscellaneous

Entity power given to	Section of RTRR	Description
Lessor	44(4)	Power to withdraw the lessor's consent to notices being given by facsimile or email to the lessor.
Lessor	44(6)	Power to give a notice to the other party of a new address for service, facsimile number or email address of the lessor.

SCHEDULE 2 – MOVEABLE DWELLING TENANCY AGREEMENT

Part 2 - Standard Terms

Division 1 – Preliminary

Entity power given to	Section of RTRR	Description
Lessor	2(3)	Power to agree with the tenant on other terms of a moveable dwelling tenancy agreement (<i>special terms</i>).

Division 2 – Period of tenancy

Entity power given to	Section of RTRR	Description
Lessor	5(1)	Power to prepare, sign and give to the tenant, a copy of a condition report for the premises.
Lessor	6(1)(b)(v)	Power to agree with the tenant to end a fixed term agreement.

Division 3 – Rent

Entity power given to	Section of RTRR	Description
Lessor	8(3)(b)(i)	Power to give a notice to the tenant proposing a way for payment of rent.
Lessor	8(3)(b)(ii)	Power to agree to a proposal to pay rent in writing.

Lessor	8(5)	Power to give a notice to the tenant stating a different place for payment of rent.
Lessor	10	Power to give a notice of proposal to increase rent to the tenant.

Division 4 – Rental bond

Entity power given to	Section of RTRR	Description
Lessor	13(2)	Power to give to the authority, a notice about a rental bond.
Lessor	14(1)(a)	Power to give a notice to the tenant to increase a rental bond.

Division 5 – Outgoings

Entity power given to	Section of RTRR	Description
Lessor	17(4)	Power to give the tenant a written statement showing: (a) each service for which an amount of rent is attributable; and (b) the amount attributed to the service.

Division 6 – Rights and obligations concerning the premises during tenancy

Subdivision 1 – Occupation and use of premises

Entity power given to	Section of RTRR	Description
Lessor	20(1)	The right to enter premises during a tenancy only if the obligations under sections 192 to 199 have been complied with.
Lessor	22(2)	Power to give a copy of park rules for a moveable dwelling park to the tenant.
Lessor	22(3)	Power to give the tenant a copy of a park rule change.

Subdivision 3 – The dwelling

Entity power given to	Section of RTRR	Description
Lessor	28(2)	Power to agree in writing to the tenant attaching a fixture or making a structural change.
Lessor	30(1)(a)	Power to agree with the tenant to change a lock.

Subdivision 4 – Damage and repairs

Entity power given to	Section of RTRR	Description
Lessor	32(1)(b)	Power to give a notice to the tenant of the lessor's nominated repairer for emergency repairs.

Division 7 – Restrictions on transfer or subletting by tenant

Entity power given to	Section of RTRR	Description
Lessor	35(1)(a)	Power to agree in writing to the transfer or subletting of a tenant's interests under an agreement.

Lessor	36(2)	Power to agree to the transfer or subletting of a tenant's interest under an agreement.
--------	-------	---

Division 8 – Relocation

Entity power given to	Section of RTRR	Description
Lessor	38(1)	Power to give a notice (<i>notice to relocate</i>) to the tenant requiring the tenant to relocate the moveable dwelling to another site in the moveable dwelling park.

Division 9 – When agreement ends

Entity power given to	Section of RTRR	Description
Lessor	42(1)(a)	Power to agree in writing with the tenant that an agreement ends.
Lessor	42(1)(b)	Power to give a notice to the lessee to leave the premises.
Lessor	45(1)	Power to ask the tenant in writing to state the tenant's new residential address.
Lessor	46(2)(a)	Power to sign a condition report for premises.

Division 10 – Miscellaneous

Entity power given to	Section of RTRR	Description
Lessor	50(4)	Power to withdraw the lessor's consent to notices being given to them via facsimile or email by giving notice to the other party.
Lessor	50(6)	Power to give a notice to the other party of the lessor's new address for service, facsimile number or email address.

SCHEDULE 3A – REPLACEMENT TERMS FOR COMMUNITY HOUSING PROVIDER TENANCY AGREEMENTS

Part 2 - Replacement terms

Division 3 – Rent

Entity power given to	Section of RTRR	Description
Lessor	7(3)	Power to form a reasonable belief that the housing service information given by the tenant is false or misleading in a material particular or the housing service information given by the tenant has changed.
Lessor	7(4)	Power to change the amount payable under the agreement.
Lessor	7(5)	Power to give the tenant a written notice stating the new amount and when it takes effect.
Lessor	8(4)	Power to give a notice to the tenant stating a different place for payment.
Lessor	9	In certain circumstances, power to require a tenant to pay rent in advance.

Division 4 – Rental bond

Entity power given to	Section of RTRR	Description
Lessor	10(1)	Power to give a tenant notice stating the rental bond amount under an agreement and whether the bond is to be paid by instalments.
Lessor	11(1)(a)	Power to give notice to the tenant to increase the bond.

Division 5 – Outgoings

Entity power given to	Section of RTRR	Description
Lessor	13(2)	Power to give the tenant written notice stating the matters set out in section 13(2)(a) to (c).
Lessor	14(6)	Power to give the tenant written notice stating that the tenant must pay for water consumption charges in relation to the premises.

Division 6 – Rights and obligations concerning the premises during tenancy

Subdivision 1 – Occupation and use of premises

Entity power given to	Section of RTRR	Description
Lessor	17	Power to enter the premises in certain circumstances.

Subdivision 3 – The dwelling

Entity power given to	Section of RTRR	Description
Lessor	25	Power to agree to a fixture's attachment or structural change.
Lessor	24(5)(a)	Power to take action for a breach of a term in this agreement.
Lessor	24(5)(b)	Power to waive the breach (that is, not take action for the breach) and treat the fixture or change as an improvement to the premises (that is, treat it as not belonging to the tenant and not having to pay the tenant for it).
Lessor	25(4)	Power to request the tenant to give the lessor a key for a lock.
Lessor	26(1)	Power to agree to change the locks.
Lessor	28(1)	Power to nominate a repair for emergency repairs.

Division 7 – Restrictions on transfer or subletting by tenant

Entity power given to	Section of RTRR	Description
Lessor	31	Power to agree in writing to the transfer of the tenant's interest or to the tenant subletting the premises under this agreement.

Division 8 – When agreement ends

Entity power given to	Section of RTRR	Description
Lessor	33(1)(a)	Power to agree in writing to end the agreement.
Lessor	33(1)(b)	Power to give a notice to the tenant to leave the premises.

Lessor	36(1)	Power to ask the tenant in writing to state the tenant's new residential address.
Lessor	37(2)(b)	Power to agree with the report or show parts of the report the lessor disagrees with by making a copy in an appropriate way.
Lessor	41(4)	Power to consent and withdraw a consent to notices being given by fax or email.
Lessor	41(6)	Power to give notice that the lessor withdraws its consent to the notices being given by fax or email.
Lessor	42(3)	Power to give written authority to sublease the premises or allow the premises to be used as a place of residence by anyone other than the tenant, the tenant's family or other persons approved by the lessor.
Lessor	42(7)	Power to issue a notice to leave or ending of housing assistance.
Lessor	43(2)	Power to give notice to the tenant stating the matters set out in section 43(2)(a) to (c).
Lessor	45(1)	Power to agree in writing, to the tenant installing or placing upon the premises, any type of swimming pool.

SCHEDULE 4 – ROOMING ACCOMMODATION AGREEMENTS

Part 2 - Standard Terms

Division 1 – Preliminary

Entity power given to	Section of RTRR	Description
Provider	2(4)	Power to agree with a resident on other terms of a rooming accommodation agreement (<i>special terms</i>).

Division 2 – Period of rooming accommodation agreement

Entity power given to	Section of RTRR	Description
Provider	4(2)	Power to prepare, sign and give a resident a copy of a condition report.

Division 3 – Rent

Entity power given to	Section of RTRR	Description
Provider	6(3)(b)(i) and (ii)	Power to agree with the resident, a way to pay rent.
Provider	6(5)	Power to give a notice to the resident stating a different place for payment of rent.
Provider	8(1)	Power to give notice to the resident of a proposal to increase rent.
Provider	9(2)	Power to agree with the resident, decrease in amount of rent payable.
Provider	10(2)	Power to agree with the resident to reduce rent for the period of an absence.

Division 4 – Rental bond

Entity power given to	Section of RTRR	Description
Provider	11(2)	Power to give a notice to an authority a notice about a rental bond.
Provider	21(2)	Power to, in writing, agree to the resident attaching a fixture or making a structural change.
Provider	22	Power to enter a resident's room only if the obligations under sections 257 to 262 have been complied with.

Division 7 – When agreement ends

Entity power given to	Section of RTRR	Description
Provider	23(1)(a)	Power to agree in writing with a resident that an agreement ends.
Provider	23(1)(b)	Power to give a notice to leave rental premises to the resident.

Division 9 – Miscellaneous

Entity power given to	Section of RTRR	Description
Provider	29(4)	Power to withdraw consent to the provider being given notices by facsimile or email.
Provider	29(6)	Power to change the provider's address for service, facsimile number or email by notice to the other party.

Schedule 2

Limitations to the Exercise of Power

1. Where Council in its budget or by resolution allocates an amount for the expenditure of Council funds in relation to a particular matter, in exercising delegated power in relation to that matter, the delegate will only commit Council to reasonably foreseeable expenditure up to the amount allocated.
2. The delegate will not exercise any delegated power in relation to a matter which, to the delegate's knowledge, adversely affects, or is likely to adversely affect, Council's relations with the public at large.
3. The delegate will not exercise any delegated power contrary to a resolution or other decision of Council (including a policy decision relating to the matter).
4. The delegate will not exercise any delegated power in a manner, or which has the foreseeable effect, of being contrary to an adopted Council policy or procedure.
5. The delegate will only exercise a delegated power under this resolution in a manner which complies with the requirements of Council's Planning Scheme, and any

exercise of power which involves a departure from or variation of those requirements will only be undertaken by Council.

6. The delegate will not exercise any delegated power which cannot lawfully be the subject of delegation by Council.

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

~~~~~

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

**10.5 2015/02/25.08 DIVISIONAL BOUNDARIES AND ELECTORAL NUMBERS**

**Moved by: J ATKINSON**

**Seconded by: J COLLINS**

**That Council authorises the Chief Executive Officer to forward the Council submission for the divisional boundary change option/s to the Electoral Commission of Queensland and Deputy Premier, Minister for Transport, Infrastructure, Local Government, Planning and Trade.**

**Furthermore, that Council acknowledges that this phase of the process is for Council input only and that public consultation is yet to occur.**

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

~~~~~

10. Office of the Mayor and CEO

10.6 2015/02/25.09 CONDUCT OF LOCAL ELECTIONS FOR 2016

Moved by: J CLIFFORD

Seconded by: A WILLCOX

That Council authorises the Chief Executive Officer to advise the Electoral Commission of Queensland, and the newly appointed Deputy Premier, Minister for Transport, Infrastructure, Local Government, Planning and Trade, that the 2016 Local Government Elections be conducted by a normal electoral process and that Council's preference is to remain with divided areas.

Furthermore that the Chief Executive Officer advises Council, that the Chief Executive Officer will not be undertaking the role of returning officer for the quadrennial election and will be advising the Director General of the Department of Local Government Community Recovery and Resilience that the role will be deferred to the Electoral Commission of Queensland for the appointment of a returning officer.

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

~~~~~

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

**10.7 2015/02/25.10 WATER AND WASTE - WATER AND SEWER  
ADVISORY COMMITTEE**

**Moved by: J ATKINSON**

**Seconded by: J COLLINS**

**That Council advertise for suitably qualified individuals to be a member of the Whitsunday Regional Water and Waste Water Capital Advisory Committee.**

**Procedural Motion**

**Moved by: P RAMAGE**

**Seconded by: A WILLCOX**

**That the item be tabled pending further discussion.**

**MEETING DETAILS:**

The procedural motion was Carried 4/3

**CARRIED**

~~~~~

10. Office of the Mayor and CEO

**10.8 2015/02/25.11 AVIATION LAW ASSOCIATION FOR AUSTRALIA AND
NEW ZEALAND NATIONAL CONFERENCE**

Moved by: J CLIFFORD

Seconded by: J COLLINS

That Council receives the advice from the Aviation Law Association of Australia and New Zealand that the Chief Executive Officer has been invited to deliver a joint presentation with Cairns International Airport and be a guest speaker at the association's national conference, which is being held in Cairns on 5 - 7 August 2015.

Furthermore, that Council expresses its congratulations to the Chief Executive Officer on presenting at the conference.

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

~~~~~

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

**10.9 2015/02/25.12 ADVISORY - NORTH QUEENSLAND SPORTS FOUNDATION BOARD MEETING**

**Moved by: D CLARK**

**Seconded by: P RAMAGE**

**That Council receive the report from Mr Alf Pearce and also the Minutes from the North Queensland Sports Foundation Board Meeting held on Friday 30 January 2015.**

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

~~~~~

10. Office of the Mayor and CEO

10.10 2015/02/25.13 ADVISORY - AUSTRALIA DAY

Moved by: A WILLCOX

Seconded by: J COLLINS

That Council receive the correspondence from Mr Gordon Wilson regarding recognition as Sports Administrator at the recent Australia Day Awards.

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

~~~~~

**12. Planning and Community Services**

**12.1 2015/02/25.14 20140651 - DEVELOPMENT PERMIT FOR MATERIAL CHANGE OF USE - COMMERCIAL COMPLEX AND THIRTY THREE (33) ACCOMMODATION UNITS - 277 SHUTE HARBOUR ROAD AIRLIE BEACH - ALGONA DEVELOPMENTS PTY LTD AS TTE**

**Moved by: J COLLINS**

**Seconded by: J ATKINSON**

**That in relation to the application for Development Permit for Material Change of Use – Commercial Premises and Thirty- Three (33) Accommodation Units, made by Planz Town Planning, on Lot 1 on A85911 and located at 277 Shute Harbour Road, Airlie Beach, Council resolves to approve the application subject to conditions outlined in Appendix A of this report.**

**Appendix A - Conditions of Approval**

**1.0 ADMINISTRATION**

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

| Plan/Document Name      | Prepared By            | Plan Number | Dated      |
|-------------------------|------------------------|-------------|------------|
| Ground Floor Plan       | Hunt Design Architects | P7.1        | 22/01/2015 |
| First Floor Plan        | Hunt Design Architects | P7.2        | 22/01/2015 |
| Second Floor Plan       | Hunt Design Architects | P7.3        | 22/01/2015 |
| Roof Floor Plan         | Hunt Design Architects | P7.4        | 22/01/2015 |
| Elevation 01 & 02       | Hunt Design Architects | P7.5        | 22/01/2015 |
| Elevation 03 & 04       | Hunt Design Architects | P7.6        | 22/01/2015 |
| Total Use Area Diagrams | Hunt Design Architects | P7.7        | 22/01/2015 |

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

- Operational Works;
  - Earthworks Works;
  - Stormwater;
  - Sewerage;
- Building Works.

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

- 1.3 Where a discrepancy or conflict exists between the written conditions of this approval and the approved plans, the requirements of the written condition(s) will prevail.
- 1.4 All conditions of this approval must be complied with in full to Council's satisfaction prior to the commencement of the use.
- 1.5 The applicant shall demonstrate and provide evidence that compliance with all conditions of this development approval and any other subsequent development approvals as a result of this development approval have been complied with at the time of commencement of the use.
- 1.6 A copy of this decision notice and stamped approved plans/drawings must be retained on site at all times. This decision notice must be read in conjunction with the stamped approved plans to ensure consistency in construction, establishment and maintenance of approved works.

## **2.0 ADVERTISING DEVICES**

- 2.1 No advertising device is to be erected on the premises without compliance against the *Whitsunday Shire Planning Scheme 2009* (Advertising Signage Code) or the necessary development permit for an advertising device.

## **3.0 AMENITY AND LANDSCAPING**

- 3.1 Buildings and structures must not be painted in highly reflective, bright or obtrusive colours.

- 3.2 All service equipment, mechanical ventilation and refrigeration units associated with the use of the premises must be installed and located to the satisfaction of Whitsunday Regional Council so as not to cause nuisance or disturbance to persons outside the curtilage of the premises.
- 3.3 All lighting devices must be positioned on the premises and shielded to the satisfaction of the Whitsunday Regional Council so as not to cause glare or other nuisance to surrounding residents and motorists.
- 3.4 No habitable or usable floor area is to be located outside the property boundary of the site. Any proposed structures or improvements proposed to be located outside the property boundary are subject to further approvals.
- 3.5 The application must submit to Council a landscaping plan providing full details of appropriate treatment to be provided between the northern property boundary and the adjoining public car park (Lot 331). The treatment will provide for pedestrian connectivity and appropriate landscaping which will achieve a softening from the car park to the development. The plan should also include any other landscaping outside the property boundary which will improve the pedestrian and public use areas.

#### **4.0 CAR PARKING AND ACCESS**

- 4.1 The following must be installed prior to the commencement of the use, the subject of this development approval at no cost to Council:
  - a) Signage to mark one (1) on street loading and unloading car parking space (adjacent to ramp as shown in drawing P7.1) to be dedicated and signed as Delivery Parking Bay.
- 4.2 Any stairs, ramps, associated handrails and tactile ground surface indicators must be located wholly within the private property of the development site.
- 4.3 The development results in increased demand on Council's existing public car parking with the township of Airlie Beach of which is not designed to accommodate the additional demand. To facilitate the additional demand, the applicant must construct thirty (30) public car parking spaces within the Airlie Beach precinct in accordance with Council's Development Manual and Australian Standards prior to the commencement of the use. The location for the proposed car parking is to be approved by Council and will also require the lodgement and approval of a Development Application for Operational Works.

#### **5.0 WASTE**

- 5.1 Waste and recycling storage facilities must be provide in accordance with the following provisions:
  - a) Adequate waste containers must be provided to contain the volume and type of waste and recyclable matter generated by the development;
  - b) Waste storage area for waste containers must be constructed of a solid concrete base or acceptable equivalent; and
  - c) Waste storage area must be designed and constructed so it can be easily cleaned whilst ensuring that no waste or recyclable matter is released to the stormwater system or any waterway.
- 5.2 Maintenance and cleaning of waste containers must be carried out by a cleaning contractor or in an area where contaminants cannot be released into stormwater drainage, a roadside gutter, water or onto unsealed ground.
- 5.3 Ensure that all reasonable and practicable measures are taken to ensure that waste storage area is kept to a standard of cleanliness where there is no accumulation of;
  - a) Waste, except in waste containers;

- b) Recycled matter, except in containers;
- c) Grease; or
- d) Other visible matter.

## **6.0 EARTHWORKS**

- 6.1 Prior to commencement of any work on site an Operational Works development permit must be obtained in relation to Earthworks. Any application for Operational Works (Earthworks) must be accompanied by engineering design drawings demonstrating compliance with the recommendations of the Geotechnical and Civil site report for the site. All filling is to be placed, trimmed and compacted as a minimum to standards identified in AS 3789. Compaction test results are to be submitted to Council for its records.

## **7.0 WATER INFRASTRUCTURE**

- 7.1 The development must be connected to Council's water supply network, using the existing water service connection, prior to commencement of the use.

## **8.0 SEWERAGE INFRASTRUCTURE**

- 8.1 The development must be connected to Council's sewerage network prior to commencement of the use.
- 8.2 Any relocation of existing sewerage infrastructure must be designed and constructed in accordance with Council's Development Manual (current at the time of the development) prior to commencement of the use.
- 8.3 A Development Permit for Operational Works (Sewer Infrastructure) must be obtained prior to commencement of work on site. Any application for Operational Works (Sewer Infrastructure) must be accompanied by engineering design drawings, and certifications of the design, demonstrating compliance with Council's Development Manual (current at the time of development) and this Decision Notice.
- 8.4 Prior to commencement of use on the site, the applicant must lodge with Council, a civil engineer's design and construction certification (by an experienced and qualified engineer). The certification must be addressed to Council and must certify that all Sewer Infrastructure works have been designed and constructed according to the conditions of this Decision Notice and Council's Development Manual.

## **9.0 STORMWATER**

- 9.1 A Development Permit for Operational Works (Roof water Drainage) must be obtained prior to commencement of work on site. Any application for Operational Works (Roof water Drainage) must be accompanied by engineering design drawings, including calculations and certifications of the design, demonstrating compliance with Queensland Urban Drainage Manual (current at the time of development), Council's Development Manual (current at the time of development) and this Decision Notice.

## **10.0 HYDRAULICS**

- 10.1 The development must be designed and constructed so as to result in:
- a) No increase in peak flow rates downstream from the site;
  - b) No increase in flood levels external to the site; and
  - c) No increase in duration of inundation external to the site that could cause loss or damage.
- 10.2 Overflow flow paths on the site must not be altered in a way that inhabits or alters the characteristics of existing overland flows on other properties or that creates an increase in flood damage on other properties.

**MEETING DETAILS:**

The motion was Carried 5/2

**CARRIED**

~~~~~

12. Planning and Community Services

12.2 2015/02/25.15 20150060 - APPLICATION FOR CONVERSION TO FREEHOLD OF GRAZING HOMESTEAD PERPETUAL LEASE 5/2122 DESCRIBED AS LOT 31 ON SP108590

Moved by: P RAMAGE

Seconded by: A WILLCOX

That the Department of Natural Resources and Mines be advised that Council has no objection to the Grazing Homestead Perpetual Lease 5/2122 described as Lot 31 on SP108590, being converted to freehold provided the use of the land is for grazing purposes.

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

~~~~~

**16. Procedural Motion**

**16.1 2015/02/25.16 PROCEDURAL MOTION - ADJOURNMENT**

**Moved by: A WILLCOX**

**Seconded by: J COLLINS**

**That Council adjourn the meeting at 10.08am for the purpose Collinsville Pit Pony presentation.**

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

~~~~~

16. Procedural Motion

16.2 2015/02/25.17 PROCEDURAL MOTION - RECONVENE

Moved by: J CLIFFORD

Seconded by: D CLARK

That Council reconvene the meeting having finished the presentation at 10.16am.

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

~~~~~  
**12. Planning and Community Services**

**12.3 2015/02/25.18 20140824 - DEVELOPMENT PERMIT FOR RECONFIGURATION OF A LOT - ONE (1) LOT INTO TWO (2) LOTS - 501 SUGARLOAF ROAD RIORDANVALE - MCSHARER**

**Moved by: J ATKINSON**

**Seconded by: J COLLINS**

**That in relation to the application for Development Permit for a Reconfiguration of a Lot - One (1) Lot into Two (2) Lots, made by J A McSharer & M M McSharer, on Lot 8 RP 747088 and located at 501 Sugarloaf Road Riordanvale, Council resolves to approve the application subject to the conditions outlined in Appendix A.**

**Appendix Item A – Conditions of Approval**

**1.0 ADMINISTRATION**

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

| Plan/Document Name       | Prepared By                          | Plan Number      | Dated      |
|--------------------------|--------------------------------------|------------------|------------|
| Proposal Plan            | Whitsunday Surveys                   | 30990P01 Issue B | 21/11/2014 |
| Effluent Disposal Report | Cardno Construction Sciences Pty Ltd | 5676/P/1698      | 10/12/2014 |

1.2 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.

1.3 All conditions of this approval must be complied with in full to Council's satisfaction prior to the release of the survey plan.

1.4 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 sealing the survey plan.

**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.

**3.0 WATER INFRASTRUCTURE**

3.1 Design and construct a potable water supply to supply to proposed Lot 9 in accordance with Council's Planning Scheme or Planning Policy applicable at the time. Such work must be in accordance with an approved detailed design at future building application stage.



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

4.1 The applicant is to design and construct an on-site sewerage treatment system to the proposed Lot 9 in accordance with the Wastewater Management Report by Cardno *Pty Ltd* dated 10 December 2014 at future building application stage.

#### **5.0 ACCESS AND PARKING**

5.1 The applicant must provide and maintain the existing external access from the pavement of Sugarloaf Road to the property boundary of proposed Lot 9 and lot 10 so as to comply as a minimum with the levels, dimensions, gradients and specifications of a single access as indicated on Council's Standard Drawing R0035 prior to signing of the Plan of Survey.

5.2 The applicant must design and construct the internal access from the property boundary of proposed Lot 10 to a gravel standard prior to signing of the Survey Plans.

#### **6.0 INFRASTRUCTURE CHARGES**

6.1 The development results in increased demand on Council's existing road network which is not designed to accommodate the expected loads. To facilitate the upgrade of Sugarloaf Road the applicant must make a monetary payment prior to the commencement of the use or sealing the plan of survey at the rate applicable at the date of payment. The current rate per additional allotment is of \$9,800.00.

6.2 The development results in increased demand on Council's existing park and community facilities which is not designed to accommodate the expected loads. To facilitate the upgrade of Council's park and community facilities, the applicant must make a monetary payment prior to the commencement of the use or sealing the plan of survey at the rate applicable at the time of payment. The current rate per additional allotment is \$1,400.00.

#### **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 sealing the plan of survey.

#### **8.0 MAINTENANCE VALUATION**

8.1 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 \$34.00 per lot.

#### **9.0 MISCELLANEOUS**

9.1 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.

- 9.2 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.
- 9.3 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.
- 9.4 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 Sugarloaf Road or adjoining land unless written permission from the owner of that land and Council is provided.
- 9.5 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.

## **10.0 ADVISORY NOTES**

### **10.1 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.

### **10.2 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.

### **10.3 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.

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

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

### **10.5 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.

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

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

~~~~~

12. Planning and Community Services

12.4 2015/02/25.19 20140365 - PRELIMINARY APPROVAL OVERRIDING THE PLANNING SCHEME FOR THIRTEEN (13) INDUSTRIAL ALLOTMENTS AT JURGENS PLACE BOWEN - JURGENS PRODUCE PTY LTD

Moved by: J ATKINSON

Seconded by: J CLIFFORD

That in relation to the application for Preliminary Approval Overriding the Planning Scheme and Bowen TLPI for Thirteen (13) Industrial Allotments, made by Jurgens Produce Pty Ltd, on L: 1 SP: 232114 T: A EMT D/SP232113& COV E/SP232113, L: 2 SP: 232114 T: & EMT D/SP232113 & COV F/SP232113, L: 3 SP: 232114 T: & EMT D/SP232113 & COV G/SP232113, L: 4 SP: 232114 T: & EMT D/SP232113 & COV H/SP232113, L: 5 SP: 232114 T: & EMT D/SP232113 & COV I/SP232113, L: 6 SP: 232114 T: & EMT D/SP232113 & COV J/SP232113, L: 7 SP: 232114 T: & EMT D/SP232113 & COV K/SP232113, L: 8 SP: 232114 T: & EMT C/RP885979 & COV L/SP232113, L: 9 SP: 232114 T: & EMT C/RP885979 & COV M/SP232113, L: 10 SP: 232114 T: & EMT C/RP885979 & COV N/SP232113, L: 11 SP: 232114 T: & EMT C/RP885979 & COV O/SP232113, L: 12 SP: 232114 T: & EMT C/RP885979 & COV P/SP232113, L: 13 SP: 232114 T: & EMT C/RP885979 & COV Q/SP232113 and located at Jurgens Place BOWEN, Council resolves to Approve the application subject to conditions.

Appendix A – Conditions of Approval

1.0 ADMINISTRATION

1.1 This is a preliminary approval to vary the effect of the Bowen Shire Planning Scheme 2006 under Section 242 of the Sustainable Planning Act 2009, for thirteen (13) industrial allotments (as defined).

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

Plan/Document Name	Prepared By	Plan Number	Dated
Delta Low Impact Industry Zone	RPS Australia East	120394-1 PD-01 Rev A	02.06.2014
Delta Low Impact Industry Zone Code	RPS Australia East	Version to be confirmed	Date to be confirmed

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

2.0 CONCURRENCE AGENCY CONDITIONS

- 2.1 The applicant is to comply with the Department of State Development, Infrastructure and Planning's conditions as outlined in the Department's correspondence dated 5 August 2014.
- 2.2 Development must be undertaken in accordance with the existing landscaping covenants.

3.0 OTHER DEVELOPMENT PERMITS

- 3.1 Other development permits which may be required to allow the development to be undertaken are listed below and these conditions do not affect the need to obtain such permits, namely:
 - (a) Development Permit(s) for Material Change of Use;
 - (b) Development Permit(s) for Building Works;
 - (c) Development Permit(s) for Operational Works; and
 - (d) Plumbing and Drainage Works Approval.
- 3.2 The developer must also obtain all other permits, approvals and authorities required by other legislation.

4.0 ROAD AND DRAINAGE

- 4.1 Access to Lot 30 on RP885979 must be retained within the development, access to Lot 30 must be separate from any landscaping buffer.
- 4.2 Easement C on SP232114 must not be used to provide vehicle or pedestrian access to Lots 8-13 on SP232114 unless the access is an emergency access.
- 4.3 All open drains must be designed and constructed to be free flowing and easy to maintain. The drainage and maintenance requirements of the drains must not be adversely impacted on by landscaping requirements and must not impact on the requirement for adequate landscaping buffers.

5.0 LANDSCAPING

- 5.1 The applicant must develop and maintain the following vegetation buffers to reduce spray drift, dust and noise from the adjoining small crop farms and to reduce the impacts to, and of, the low impact industrial uses:
 - A 10 metre vegetated buffer along the western boundary;
 - A 3 metre vegetated buffer along the eastern boundary;
 - A 5 metre vegetated buffer along the southern boundary of Lots 8-13 measured from the edge of Easement C on SP232114; and

- A 2 metre vegetated buffer along the northern boundary of Lots 1-7 measured from the edge of Easement D, maintaining an overall buffer distance of at least 10 metres between the boundary and the future low impact industry uses.

The buffer must be completed prior to the commencement of any use on the site and maintained to Council's satisfaction.

6.0 STORMWATER

- 6.1 All building works must be undertaken to ensure that there is no increase in flood levels and/or flood frequency at any location where existing landowners and/or users are adversely affected by waterway flooding for all events up to including the Q100 flood levels.

7.0 WATER INFRASTRUCTURE

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

8.0 SEWERAGE INFRASTRUCTURE

- 8.1 A development permit for Operational Works (Sewer Infrastructure) must be obtained prior to the commencement of works on the site.

Any application for Operational Works (Sewer Infrastructure) must be accompanied by engineering design drawings, and certifications of the design, demonstrating compliance with Council's Development Manual (current at the time of development) and this Decision Notice.

- 8.2 The applicant is to provide, at the time of application for a Building Permit on each Lot, a detailed effluent disposal report for the Lot demonstrating that an on-site sewerage treatment system sufficient to service the use on the Lot can be established in accordance with the Plumbing and Drainage Code of Australia 2011 and the Queensland Plumbing and Wastewater Code.
- 8.3 Lots 1 through 13 on SP232114 must each have an available sewerage network connection to Bowen Developmental Road prior to the issue of a building permit on any lot.
- 8.4 Lots 1 through 13 on SP232114 must be connected to Council's sewerage network within six (6) months of the infrastructure becoming available, if a use has commenced on the Lot.
- 8.5 Sewerage infrastructure must be constructed to comply with S6 "Sewer Reticulation" of Council's Development Manual, Council's Standard Drawings and Water Services Association of Australia Sewerage Code of Australia. Where a discrepancy or conflict exists between Council's Development Manual and the Sewerage Code, the requirements of Council's Development Manual will prevail.
- 8.6 Easements must be provided in favour of Whitsunday Regional Council for all sewerage lines constructed in accordance with Condition 6.3 of this approval and easement documentation must be provided free of cost to Council.
- 8.7 Existing property drainage and on-site treatment systems must be disconnected and sealed within three (3) months of connection to Council's sewer reticulation network.

9.0 RELEVANT PERIOD

- 9.1 The preliminary approval will lapse five (5) years from the date of this decision notice where any lot, Lot 1 – Lot 13 on SP232114, has not commenced a use in accordance with the preliminary approval.

10.0 ASSESSMENT TABLES

10.1 This preliminary approval to vary the effect of the local planning instrument varies the level of assessment of development in the Bowen Shire Planning Scheme 2006. The Table of Assessment Table is as follows:

1.1 Table of Assessment

Table 1.3.1 Material Change of Use

Column 1 Defined Use	Column 2 Assessment Category	Column 3 Assessment Criteria
(1) Exempt Development:		
Park	Exempt All circumstances	
Road	Exempt All circumstances	
(2) Self Assessable and Assessable Development within the Zone:		
(a) If for any of the following defined purposes:		
Light industry	Self Assessable All circumstances except if Code Assessable Code Assessable If nominated as self assessable, but unable to comply with the Acceptable Outcomes of the Delta Low Impact Zone Code.	Delta Low Impact Zone Code
General Industry	Code Assessable All circumstances	Delta Low Impact Zone Code
Landscape Supplies	Self Assessable All circumstances except if Code Assessable Code Assessable If nominated as self assessable but unable to comply with the Acceptable Outcomes of the Delta Low Impact Zone Code.	Delta Low Impact Zone Code
Sales or Hire Premises	Self Assessable All circumstances except if Code Assessable	Delta Low Impact Zone Code

Column 1 Defined Use	Column 2 Assessment Category	Column 3 Assessment Criteria
	<p>Code Assessable</p> <p>If nominated as self assessable but unable to comply with the Acceptable Outcomes of the Delta Low Impact Zone Code.</p>	
Storage Premises	<p>Self Assessable</p> <p>All circumstances except if Code Assessable</p> <p>Code Assessable</p> <p>If nominated as self assessable but unable to comply with the Acceptable Outcomes of the Delta Low Impact Zone Code.</p>	Delta Low Impact Zone Code
Vehicle Depot	<p>Self Assessable</p> <p>All circumstances except if Code Assessable</p> <p>Code Assessable</p> <p>If nominated as self assessable but unable to comply with the Acceptable Outcomes of the Delta Low Impact Zone Code.</p>	Delta Low Impact Zone Code
Machinery repair station	<p>Self Assessable</p> <p>All circumstances except if Code Assessable</p> <p>Code Assessable</p> <p>If nominated as self assessable but unable to comply with the Acceptable Outcomes of the Delta Low Impact Zone Code.</p>	Delta Low Impact Zone Code
Car Wash	<p>Self Assessable</p> <p>All circumstances except if Code Assessable</p> <p>Code Assessable</p> <p>If nominated as self assessable but unable to comply with the Acceptable</p>	Delta Low Impact Zone Code

Column 1 Defined Use	Column 2 Assessment Category	Column 3 Assessment Criteria
	Outcomes of the Delta Low Impact Zone Code.	
Caretaker's residence	Code Assessable	Delta Low Impact Zone Code Caretakers Residence Code
Take Away Food Store	Code Assessable All circumstances except if Impact Assessable Impact Assessable If GFA exceeds 100m ²	Delta Low Impact Zone Code
Showroom	Self Assessable All circumstances except if Code Assessable Code Assessable If nominated as self assessable but unable to comply with the Acceptable Outcomes of the Delta Low Impact Zone Code.	Delta Low Impact Zone Code
Garden Centre	Self Assessable All circumstances except if Code Assessable Code Assessable If nominated as self assessable but unable to comply with the Acceptable Outcomes of the Delta Low Impact Zone Code.	Delta Low Impact Zone Code
Rural Service Industry	Self Assessable All circumstances except if Code Assessable Code Assessable If nominated as self assessable but unable to comply with the Acceptable Outcomes of the Delta Low Impact Zone Code.	Delta Low Impact Zone Code
Produce Store	Self Assessable All circumstances except if	Delta Low Impact Zone Code

Column 1 Defined Use	Column 2 Assessment Category	Column 3 Assessment Criteria
	Code Assessable Code Assessable If nominated as self assessable but unable to comply with the Acceptable Outcomes of the Delta Low Impact Zone Code.	
Indoor Sports Facility	Self Assessable All circumstances except if Code Assessable Code Assessable If nominated as self assessable but unable to comply with the Acceptable Outcomes of the Delta Low Impact Zone Code	Delta Low Impact Zone Code
(b) If for: (i) a defined use listed in (a) above, but not meeting the specified circumstance listed in Column 2 in (a) above for the nominated level of assessment, or (ii) a use not listed in (a) above or not defined in this planning scheme:		
All	Impact Assessable All Circumstances	

11.0 DELTA LOW IMPACT INDUSTRY DEVELOPMENT CODE

11.1 Material Change of Use Development must be undertaken in accordance with Delta Low Impact Industry Development Zone Code in the way the Code varies the effect of the Bowen Shire Planning Scheme 2006. All other provisions of the aforementioned Scheme continue to apply; however in the event of any inconsistencies, the Code will prevail.

11.2 The Code provides additional and/or alternative development assessment criteria to the relevant codes/development criteria, contained in the Bowen Shire Planning Scheme 2006.

11.3 The Delta Low Impact Industry Zone Code and Acceptable Outcomes for self-assessable development or Performance Outcomes for code assessable development are as follows:

Delta Low Impact Industry Zone Code

1.2 Application

This code applies to development:

- (a) The area contained within the Delta Low Impact Industry Zone as defined within the Delta Low Impact Industry Zone Map; and

- (b) Identified as requiring assessment against the Delta Low Impact Industry Zone code by the tables of assessment.

1.3 Purpose and overall outcomes

- (1) The purpose of the Delta Low Impact Industry Zone code is to provide for low impact industry uses. It may include some uses not identified as light industry that do not compromise the existing or potential of future operations of light industry on land identified within the Delta low impact industry zone.
- (2) The intention of the Delta Low Impact Industry Zone Code is to provide for low intensity industrial activity and other uses that do not conflict with such industrial uses, being of a nature and scale that is compatible with the intended development in the surrounding area.
- (3) The purpose of the Low impact industry zone code will be achieved through the following overall outcomes:
- a. Uses in the zone are predominantly for low intensity, low impact industrial activity. These uses may include uses described within the Bowen Shire Planning Scheme 2006 as:
 - i. Light industry;
 - ii. General industry;
 - iii. Landscape supplies;
 - iv. Sales or hire premises;
 - v. Storage premises;
 - vi. Vehicle depot; ,
 - vii. Machinery repair station; and
 - viii. Car Wash
 - b. Development of ancillary accommodation and business activities may be established only where directly supporting the ongoing industry activities of the zone. These uses are limited to those described within the Bowen Shire Planning Scheme 2006 as:
 - i. caretaker's residence; and
 - ii. take away food stores.
 - c. Development of rural, commercial or other purposes which are not ancillary to, but are compatible with industrial activities, may be established in the zone. These uses include but are not limited to:
 - i. Showroom;
 - ii. Garden centre;
 - iii. Rural service industry;
 - iv. Produce Store; and
 - v. Indoor sports facility.

- d. Development has a predominantly low-rise built form that is sympathetic to the intended scale and character of the streetscape and surrounding area;
- e. Industrial activities positively contribute to the impact of the locality by providing a high quality built form and landscaping in keeping with the expectations of a modern, safe and attractive industrial environment.
- f. Development ensures that uses and works for industrial purposes are located designed and managed to maintain public health and safety, avoid significant adverse effects on the natural environment, and minimise impacts on surrounding sensitive uses.
- g. Development mitigates adverse impacts on areas of environmental significance, including creeks, gullies, waterways, wetlands, coastal areas, habitats and vegetation through location, design, operation and management.
- h. Development is provided with the full range of services to support the industry and employment needs, including connection to reticulated water, sewerage, stormwater drainage, sealed roads, electricity and telecommunication infrastructure. Where development does not have direct access to Council's reticulated sewerage, until such time this service is provided, development is provided with an onsite effluent disposal system, suitable to the use and number of persons on site.
- i. Development is located and designed to maximise the efficient and safe operation of infrastructure.
- j. Development does not adversely impact on the continued operation, viability and maintenance of existing infrastructure compromise the future provision of planned infrastructure.
- k. The safety and efficiency of linear infrastructure (i.e. roads, rail, pipelines, telecommunications and transmission infrastructure) is protected, and the amenity and safety of development is not adversely affected by proximity to such infrastructure.

1.4 Assessment Criteria

Table 1.4.1 Criteria for self-assessable and assessable development

Performance Outcomes		Acceptable Outcomes	
Built Form, Streetscape and protection of amenity			
PO1	Buildings and Structures associated with the use:	AO1.1	The site cover of all buildings and structures on the site will not exceed 75%.
	a) Are of a scale and design which is appropriate to an industrial setting whilst contributing positively to the visual character and streetscape of the area; and	AO1.2	Buildings do not exceed a height of 10m at the highest point when measured from ground level.
	b) Are designed to avoid or mitigate potential for adverse amenity impacts on the	AO1.3	Buildings and structures are setback a minimum of: a) 6m to Jurgens Place;

Performance Outcomes		Acceptable Outcomes	
	adjoining or nearby sensitive land uses.		b) 750mm from all side boundaries, unless where maintenance free, in which no side boundary setbacks apply
		AO1.4	Where the site has a common boundary with sensitive land use: <ul style="list-style-type: none"> a) No openings occur in walls facing a common boundary on Lots 1, 12 & 13; b) Noise emitting services, such as air conditions equipment, pumps and ventilation fans, are located as far away as practicable from existing residential uses.
		AO1.5	The main entry to any building is easily identifiable and directly accessible from Jurgens Place.
		AO1.6	Boundaries on Lots 1, 12 & 13 that adjoin a sensitive land use must provide a minimum 2m high solid screen fence for the full length of the common boundary.
PO2	Buildings and structures are attractive when viewed from all road frontages.	AO2.1	Where a building or structure is on a site that adjoins the Bruce Highway: <ul style="list-style-type: none"> a) The design incorporates variations in parapet design, roofing heights and treatments; b) Plantings are provided within the relevant Covenant area to provide a suitable landscaping buffer; and c) Appropriate boundary fencing is provided to the site.
Services and Utilities			
PO3	The site is provided with: <ul style="list-style-type: none"> a) A safe and reliable water supply; b) A waste disposal system and stormwater drainage which maintains acceptable public health and environmental 	AO3.1	The site is connected to the reticulated water supply, stormwater drainage, telecommunications and electricity infrastructure networks.
		AO3.2	The site is connected to the reticulated sewerage supply; or The site provides for a suitable

Performance Outcomes		Acceptable Outcomes	
	standards; c) Electricity infrastructure; d) Appropriate frontage works; and e) Refuse storage areas that are suitably screened from the public areas.		onsite effluent disposal system which meets the requirement of the <i>Plumbing and Wastewater Code 2013</i> and Council's Development Manual, in accordance with the proposed use and load of the use on the site.
		AO3.3	A crossover to each site is constructed in accordance with Council's Development Manual.
		AO3.4	The site layout and design provides for the onsite loading and unloading of goods and the storage of refuse to the front of the site (Jurgens Place).
		AO3.5	Refuse storage areas are suitably screened from the street, all adjoining sites and public areas.
Environmental Performance			
PO4	The use ensures that any emissions of odour, dust, air pollutants, noise, light or vibration do not cause nuisance to, or have an unreasonable adverse impact on, adjoining or nearby premises. Development involving industry activities will need to comply with relevant environmental legislation including <i>Environmental Protection Act 1994</i> and subordinate legislations.	AO4.1	The use achieves the environmental values for the acoustic environment and acoustic quality objectives for sensitive receiving environments, as set out in the Environmental Protection (Noise) Policy).
		AO4.2	The use achieves the environmental values and air quality objectives set out in the <i>Environmental Protection (Air) Policy</i> .
		AO4.3	The use does not produce any offensive odour emissions beyond the site boundaries.
		AO4.4	The use ensures that any external lighting is provided in accordance with AS4282 (Control of the obtrusive effects of outdoor lighting).
		AO4.5	Vibrations resulting from the industrial use do not exceed the maximum acceptable levels identified in AS2670.2 (Evaluation of human exposure to whole of body vibration – Continuous and shock induced vibration in buildings (1-80Hz))

Performance Outcomes		Acceptable Outcomes	
P05	<p>The use provides for the collection, treatment and disposal of all liquid waste such that:</p> <ul style="list-style-type: none"> a) There is no off-site release of contaminants; b) All wastes are collected and disposed of in accordance with the relevant license and approval conditions and/or relevant government or industry standards; and c) There are no adverse impacts on the quality of surface water or groundwater resources. 	AO5.1	Sealed impervious surfaces, draining to receptors and/or storage containers are provided in areas where potential spills of contaminants can occur.
		AO5.2	Waste water associated with the industrial use is disposed of to council's sewerage system or an on-site industrial waste treatment system in accordance with Council's Development Manual.
		AO5.3	Liquid wastes that cannot be disposed of to council's sewerage system or the onsite industrial waste treatment system are disposed of off-site to an approved waste disposal facility.
		AO5.4	No discharge of waste occurs to the local waterways (including dry waterways) or natural wetlands.
		AO5.5	Oil arrestor or other pre-treatment infrastructure is provided to remove contaminants from industrial waste water where discharge to the sewer or environment in accordance with Council's Development Manual.
		AO5.6	Areas where hazardous materials or potentially contaminating substances are stored or used are roofed.
		AO5.7	Provision is made for spills to be bunded and retained on site for removal and disposal by an approved means.
		AO5.8	Stormwater is diverted away from contaminated areas.
Flood Mitigation			

Performance Outcomes		Acceptable Outcomes	
PO6	Development is located and designed to ensure the safety of all persons and buildings from flood hazards.	PO6.1	<p>Development:</p> <ul style="list-style-type: none"> a) Ensures that the finished floor level is located above the defined flood level (DFL) for the site; or b) Is not less than the floor level of existing finished floor levels where involving an extension for no greater than 75m² to an existing building.
PO7	Development avoids the release of hazardous materials into flood waters.	PO7.1	<p>Development ensures:</p> <ul style="list-style-type: none"> a) Buildings and structures used for the manufactures or storage of hazardous materials are designed to prevent the intrusion of waters from a DFE; and b) Exposure to hazardous materials and emergency planning and contingency measures are appropriately managed.
Vehicle Parking and Movement			

Performance Outcomes		Acceptable Outcomes	
PO8	<p>Development is provided with on-site parking and movement system designed and constructed to:</p> <p>a) Integrate with the site layout including:</p> <ul style="list-style-type: none"> i. direct access to a road providing a level of service required to accommodate traffic generated by the use; and ii. appropriately designed footpath crossovers; and iii. provision for safe pedestrian movement between the public footpath and facility entry points; and <p>b) Accommodate all modes of transport generated by the use; and</p> <p>c) Facilitate non-discriminatory accessibility; and</p> <p>d) Provide for safe and efficient loading and unloading of goods; and</p> <p>e) Allow for vehicular queuing necessary for the use; and</p> <p>f) Provide for passenger set down/pick up necessary for the use.</p>	AO8.1	<p>a) Parking is provided on-site:</p> <ul style="list-style-type: none"> i. at the rate nominated in Division 1 of Schedule 2 of the Bowen Shire Planning Scheme 2006; and ii. laid out, constructed and maintained in accordance with Division 2 of Schedule 2 of the Bowen Shire Planning Scheme 2006; and <p>b) Loading/unloading facilities are laid out, constructed and maintained in accordance with Division 2 of Schedule 2 of the Bowen Shire Planning Scheme 2006;</p> <p>c) Vehicle queuing and set-down/pick-up areas are laid out, constructed and maintained in accordance with the standards nominated in Division 2 of Schedule 2 of the Bowen Shire Planning Scheme 2006; and</p> <p>d) Vehicular access is designed and constructed in accordance with the standards nominated in Division 3 of Schedule 4 of the Bowen Shire Planning Scheme 2006.</p>
Landscaping			
PO9	<p>Landscaping is designed, established and maintained in a manner to:</p> <p>a) be an appropriate scale relative to both the width of the street reserve and to the size and nature of the development; and</p> <p>b) effectively screen storage and service areas from view outside the site.</p>	PO9.1	Landscaping is along the full length of the road frontage, for a minimum width of two (2) metres.
		PO9.2	Open air car parking areas are planted with shade trees every six (6) bays.

12.0 **MISCELLANEOUS**

- 12.1 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.

- 12.2 Provision and maintenance of refuse collection areas to the requirements of the Council.
- 12.3 Waste disposal bins stored outdoors must be screened from all public areas.
- 12.4 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.
- 12.5 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 or flood 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 or flood.

13.0 ADVISORY NOTES

- 13.1 The approved development is also required to comply with Council's Local Laws from time to time and other controls.

13.2 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.

13.3 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.

13.4 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.

13.5 Noise During Construction and Noise in General

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

13.6 General Safety of Public during Construction

It is the project manager's responsibility to ensure compliance with the Workplace Health and Safety Act 1995. 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.

- 13.7 It is the principal contractor's responsibility to ensure compliance with the Workplace Health and Safety Act 1995. 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.

- 13.8 It is the responsibility of the person in control of the workplace to ensure compliance with the Workplace Health and Safety Act 1995. 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.
- 13.9 Enquiries relating to the aforementioned conditions should be directed to the Planning and Development who will direct the enquiry to the relevant officer.
- 14.0 ENVIRONMENTAL HEALTH**
- 14.1 Regulated waste must be removed from the premises by a waste transporter holding a licence and relevant waste transport dockets to transport regulated waste.
- 14.2 Solid waste to an industrial waste bin must be chemically stable, non-putrescible and inert.
- 14.3 Containers or vessels used for the storage of glues, paints and solvents and/or other potential contaminants must be emptied prior to disposal in an industrial bin.
- 14.4 Solid waste materials, such as absorbent rags, paper and sawdust, which have been in contact with chemicals, must be bagged and disposed of to an industrial waste bin. Readily combustible materials must not be used to clean up volatile solvents or combustible liquids.
- 14.5 No release of contaminants, including but not limited to odour, dust, smoke, fumes, particulates and aerosols shall cause or be likely to cause an environmental nuisance beyond the boundary of the premises.

Amendment

Moved by: A WILLCOX

Seconded by: D CLARK

That in relation to the application for Preliminary Approval Overriding the Planning Scheme and Bowen TLPI for Thirteen (13) Industrial Allotments, made by Jurgens Produce Pty Ltd, on L: 1 SP: 232114 T: A EMT D/SP232113 & COV E/SP232113, L: 2 SP: 232114 T: & EMT D/SP232113 & COV F/SP232113, L: 3 SP: 232114 T: & EMT D/SP232113 & COV G/SP232113, L: 4 SP: 232114 T: & EMT D/SP232113 & COV H/SP232113, L: 5 SP: 232114 T: & EMT D/SP232113 & COV I/SP232113, L: 6 SP: 232114 T: & EMT D/SP232113 & COV J/SP232113, L: 7 SP: 232114 T: & EMT D/SP232113 & COV K/SP232113, L: 8 SP: 232114 T: & EMT C/RP885979 & COV L/SP232113, L: 9 SP: 232114 T: & EMT C/RP885979 & COV M/SP232113, L: 10 SP: 232114 T: & EMT C/RP885979 & COV N/SP232113, L: 11 SP: 232114 T: & EMT C/RP885979 & COV O/SP232113, L: 12 SP: 232114 T: & EMT C/RP885979 & COV P/SP232113, L: 13 SP: 232114 T: & EMT C/RP885979 & COV Q/SP232113 and located at Jurgens Place BOWEN, Council resolves to Approve the application subject to conditions.

Furthermore, that conditions 8.1, 8.3, 8.4 8.5, 8.6 and 8.7 relating to sewerage infrastructure be deleted.

Appendix A – Conditions of Approval

1.0 ADMINISTRATION

- 1.1 This is a preliminary approval to vary the effect of the Bowen Shire Planning Scheme 2006 under Section 242 of the Sustainable Planning Act 2009, for thirteen (13) industrial allotments (as defined).
- 1.2 The approved development must be completed and maintained generally in accordance with the following approved drawings and documents:

Plan/Document Name	Prepared By	Plan Number	Dated
Delta Low Impact Industry Zone	RPS Australia East	120394-1 PD-01 Rev A	02.06.2014
Delta Low Impact Industry Zone Code	RPS Australia East	Version to be confirmed	Date to be confirmed

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

2.0 CONCURRENCE AGENCY CONDITIONS

- 2.1 The applicant is to comply with the Department of State Development, Infrastructure and Planning's conditions as outlined in the Department's correspondence dated 5 August 2014.
- 2.2 Development must be undertaken in accordance with the existing landscaping covenants.

3.0 OTHER DEVELOPMENT PERMITS

- 3.1 Other development permits which may be required to allow the development to be undertaken are listed below and these conditions do not affect the need to obtain such permits, namely:
- (a) Development Permit(s) for Material Change of Use;
 - (b) Development Permit(s) for Building Works;
 - (c) Development Permit(s) for Operational Works; and
 - (d) Plumbing and Drainage Works Approval.
- 3.2 The developer must also obtain all other permits, approvals and authorities required by other legislation.

4.0 ROAD AND DRAINAGE

- 4.1 Access to Lot 30 on RP885979 must be retained within the development, access to Lot 30 must be separate from any landscaping buffer.
- 4.2 Easement C on SP232114 must not be used to provide vehicle or pedestrian access to Lots 8-13 on SP232114 unless the access is an emergency access.
- 4.3 All open drains must be designed and constructed to be free flowing and easy to maintain. The drainage and maintenance requirements of the drains must not be

adversely impacted on by landscaping requirements and must not impact on the requirement for adequate landscaping buffers.

5.0 LANDSCAPING

5.1 The applicant must develop and maintain the following vegetation buffers to reduce spray drift, dust and noise from the adjoining small crop farms and to reduce the impacts to, and of, the low impact industrial uses:

- A 10 metre vegetated buffer along the western boundary;
- A 3 metre vegetated buffer along the eastern boundary;
- A 5 metre vegetated buffer along the southern boundary of Lots 8-13 measured from the edge of Easement C on SP232114; and
- A 2 metre vegetated buffer along the northern boundary of Lots 1-7 measured from the edge of Easement D, maintaining an overall buffer distance of at least 10 metres between the boundary and the future low impact industry uses.

The buffer must be completed prior to the commencement of any use on the site and maintained to Council's satisfaction.

6.0 STORMWATER

6.1 All building works must be undertaken to ensure that there is no increase in flood levels and/or flood frequency at any location where existing landowners and/or users are adversely affected by waterway flooding for all events up to including the Q100 flood levels.

7.0 WATER INFRASTRUCTURE

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

8.0 SEWERAGE INFRASTRUCTURE

8.1 The applicant is to provide, at the time of application for a Building Permit on each Lot, a detailed effluent disposal report for the Lot demonstrating that an on-site sewerage treatment system sufficient to service the use on the Lot can be established in accordance with the Plumbing and Drainage Code of Australia 2011 and the Queensland Plumbing and Wastewater Code.

9.0 RELEVANT PERIOD

9.1 The preliminary approval will lapse five (5) years from the date of this decision notice where any lot, Lot 1 – Lot 13 on SP232114, has not commenced a use in accordance with the preliminary approval.

10.0 ASSESSMENT TABLES

10.1 This preliminary approval to vary the effect of the local planning instrument varies the level of assessment of development in the Bowen Shire Planning Scheme 2006. The Table of Assessment Table is as follows:

1.4 Table of Assessment

Table 2.3.1 Material Change of Use

Column 1 Defined Use	Column 2 Assessment Category	Column 3 Assessment Criteria
(3) Exempt Development:		

Column 1 Defined Use	Column 2 Assessment Category	Column 3 Assessment Criteria
Park	Exempt All circumstances	
Road	Exempt All circumstances	
(4) Self Assessable and Assessable Development within the Zone:		
(a) If for any of the following defined purposes:		
Light industry	Self Assessable All circumstances except if Code Assessable Code Assessable If nominated as self assessable, but unable to comply with the Acceptable Outcomes of the Delta Low Impact Zone Code.	Delta Low Impact Zone Code
General Industry	Code Assessable All circumstances	Delta Low Impact Zone Code
Landscape Supplies	Self Assessable All circumstances except if Code Assessable Code Assessable If nominated as self assessable but unable to comply with the Acceptable Outcomes of the Delta Low Impact Zone Code.	Delta Low Impact Zone Code
Sales or Hire Premises	Self Assessable All circumstances except if Code Assessable Code Assessable If nominated as self assessable but unable to comply with the Acceptable Outcomes of the Delta Low Impact Zone Code.	Delta Low Impact Zone Code
Storage Premises	Self Assessable All circumstances except if	Delta Low Impact Zone Code

Column 1 Defined Use	Column 2 Assessment Category	Column 3 Assessment Criteria
	Code Assessable Code Assessable If nominated as self assessable but unable to comply with the Acceptable Outcomes of the Delta Low Impact Zone Code.	
Vehicle Depot	Self Assessable All circumstances except if Code Assessable Code Assessable If nominated as self assessable but unable to comply with the Acceptable Outcomes of the Delta Low Impact Zone Code.	Delta Low Impact Zone Code
Machinery repair station	Self Assessable All circumstances except if Code Assessable Code Assessable If nominated as self assessable but unable to comply with the Acceptable Outcomes of the Delta Low Impact Zone Code.	Delta Low Impact Zone Code
Car Wash	Self Assessable All circumstances except if Code Assessable Code Assessable If nominated as self assessable but unable to comply with the Acceptable Outcomes of the Delta Low Impact Zone Code.	Delta Low Impact Zone Code
Caretaker's residence	Code Assessable	Delta Low Impact Zone Code Caretakers Residence Code
Take Away Food Store	Code Assessable All circumstances except if	Delta Low Impact Zone Code

Column 1 Defined Use	Column 2 Assessment Category	Column 3 Assessment Criteria
	Impact Assessable Impact Assessable If GFA exceeds 100m ²	
Showroom	Self Assessable All circumstances except if Code Assessable Code Assessable If nominated as self assessable but unable to comply with the Acceptable Outcomes of the Delta Low Impact Zone Code.	Delta Low Impact Zone Code
Garden Centre	Self Assessable All circumstances except if Code Assessable Code Assessable If nominated as self assessable but unable to comply with the Acceptable Outcomes of the Delta Low Impact Zone Code.	Delta Low Impact Zone Code
Rural Service Industry	Self Assessable All circumstances except if Code Assessable Code Assessable If nominated as self assessable but unable to comply with the Acceptable Outcomes of the Delta Low Impact Zone Code.	Delta Low Impact Zone Code
Produce Store	Self Assessable All circumstances except if Code Assessable Code Assessable If nominated as self assessable but unable to comply with the Acceptable Outcomes of the Delta Low Impact Zone Code.	Delta Low Impact Zone Code

Column 1 Defined Use	Column 2 Assessment Category	Column 3 Assessment Criteria
Indoor Sports Facility	Self Assessable All circumstances except if Code Assessable Code Assessable If nominated as self assessable but unable to comply with the Acceptable Outcomes of the Delta Low Impact Zone Code	Delta Low Impact Zone Code
(c) If for: <ul style="list-style-type: none"> (i) a defined use listed in (a) above, but not meeting the specified circumstance listed in Column 2 in (a) above for the nominated level of assessment, or (ii) a use not listed in (a) above or not defined in this planning scheme: 		
All	Impact Assessable All Circumstances	

11.0 DELTA LOW IMPACT INDUSTRY DEVELOPMENT CODE

- 11.1 Material Change of Use Development must be undertaken in accordance with Delta Low Impact Industry Development Zone Code in the way the Code varies the effect of the Bowen Shire Planning Scheme 2006. All other provisions of the aforementioned Scheme continue to apply; however in the event of any inconsistencies, the Code will prevail.
- 11.2 The Code provides additional and/or alternative development assessment criteria to the relevant codes/development criteria, contained in the Bowen Shire Planning Scheme 2006.
- 11.3 The Delta Low Impact Industry Zone Code and Acceptable Outcomes for self-assessable development or Performance Outcomes for code assessable development are as follows:

Delta Low Impact Industry Zone Code

1.5 Application

This code applies to development:

- (c) The area contained within the Delta Low Impact Industry Zone as defined within the Delta Low Impact Industry Zone Map; and
- (d) Identified as requiring assessment against the Delta Low Impact Industry Zone code by the tables of assessment.

1.6 Purpose and overall outcomes

- (4) The purpose of the Delta Low Impact Industry Zone code is to provide for low impact industry uses. It may include some uses not identified as light industry that do not compromise the existing or potential of future operations of light industry on land identified within the Delta low impact industry zone.

- (5) The intention of the Delta Low Impact Industry Zone Code is to provide for low intensity industrial activity and other uses that do not conflict with such industrial uses, being of a nature and scale that is compatible with the intended development in the surrounding area.
- (6) The purpose of the Low impact industry zone code will be achieved through the following overall outcomes:
- a. Uses in the zone are predominantly for low intensity, low impact industrial activity. These uses may include uses described within the Bowen Shire Planning Scheme 2006 as:
 - i. Light industry;
 - ii. General industry;
 - iii. Landscape supplies;
 - iv. Sales or hire premises;
 - v. Storage premises;
 - vi. Vehicle depot; ,
 - vii. Machinery repair station; and
 - viii. Car Wash
 - b. Development of ancillary accommodation and business activities may be established only where directly supporting the ongoing industry activities of the zone. These uses are limited to those described within the Bowen Shire Planning Scheme 2006 as:
 - i. caretaker's residence; and
 - ii. take away food stores.
 - c. Development of rural, commercial or other purposes which are not ancillary to, but are compatible with industrial activities, may be established in the zone. These uses include but are not limited to:
 - i. Showroom;
 - ii. Garden centre;
 - iii. Rural service industry;
 - iv. Produce Store; and
 - v. Indoor sports facility.
 - d. Development has a predominantly low-rise built form that is sympathetic to the intended scale and character of the streetscape and surrounding area;
 - e. Industrial activities positively contribute to the impact of the locality by providing a high quality built form and landscaping in keeping with the expectations of a modern, safe and attractive industrial environment.
 - f. Development ensures that uses and works for industrial purposes are located designed and managed to maintain public health and safety, avoid significant adverse effects on the natural environment, and minimise impacts on surrounding sensitive uses.
 - g. Development mitigates adverse impacts on areas of environmental significance, including creeks, gullies, waterways, wetlands, coastal areas, habitats and vegetation through location, design, operation and management.

- h. Development is provided with the full range of services to support the industry and employment needs, including connection to reticulated water, sewerage, stormwater drainage, sealed roads, electricity and telecommunication infrastructure. Where development does not have direct access to Council's reticulated sewerage, until such time this service is provided, development is provided with an onsite effluent disposal system, suitable to the use and number of persons on site.
- i. Development is located and designed to maximise the efficient and safe operation of infrastructure.
- j. Development does not adversely impact on the continued operation, viability and maintenance of existing infrastructure compromise the future provision of planned infrastructure.
- k. The safety and efficiency of linear infrastructure (i.e. roads, rail, pipelines, telecommunications and transmission infrastructure) is protected, and the amenity and safety of development is not adversely affected by proximity to such infrastructure.

1.5 Assessment Criteria

Table 1.4.1 Criteria for self-assessable and assessable development

Performance Outcomes		Acceptable Outcomes	
Built Form, Streetscape and protection of amenity			
PO1	Buildings and Structures associated with the use: c) Are of a scale and design which is appropriate to an industrial setting whilst contributing positively to the visual character and streetscape of the area; and d) Are designed to avoid or mitigate potential for adverse amenity impacts on the adjoining or nearby sensitive land uses.	AO1.1	The site cover of all buildings and structures on the site will not exceed 75%.
		AO1.2	Buildings do not exceed a height of 10m at the highest point when measured from ground level.
		AO1.3	Buildings and structures are setback a minimum of: c) 6m to Jurgens Place; d) 750mm from all side boundaries, unless where maintenance free, in which no side boundary setbacks apply
		AO1.4	Where the site has a common boundary with sensitive land use: c) No openings occur in walls facing a common boundary on Lots 1, 12 & 13; d) Noise emitting services, such as air conditions equipment, pumps and ventilation fans, are located as far away as practicable from existing residential uses.

Performance Outcomes		Acceptable Outcomes	
		AO1.5	The main entry to any building is easily identifiable and directly accessible from Jurgens Place.
		AO1.6	Boundaries on Lots 1, 12 & 13 that adjoin a sensitive land use must provide a minimum 2m high solid screen fence for the full length of the common boundary.
PO2	Buildings and structures are attractive when viewed from all road frontages.	AO2.1	Where a building or structure is on a site that adjoins the Bruce Highway: <ul style="list-style-type: none"> d) The design incorporates variations in parapet design, roofing heights and treatments; e) Plantings are provided within the relevant Covenant area to provide a suitable landscaping buffer; and f) Appropriate boundary fencing is provided to the site.
Services and Utilities			
PO3	The site is provided with: <ul style="list-style-type: none"> f) A safe and reliable water supply; g) A waste disposal system and stormwater drainage which maintains acceptable public health and environmental standards; h) Electricity infrastructure; i) Appropriate frontage works; and j) Refuse storage areas that are suitably screened from the public areas. 	AO3.1	The site is connected to the reticulated water supply, stormwater drainage, telecommunications and electricity infrastructure networks.
		AO3.2	The site is connected to the reticulated sewerage supply; or The site provides for a suitable onsite effluent disposal system which meets the requirement of the <i>Plumbing and Wastewater Code 2013</i> and Council's Development Manual, in accordance with the proposed use and load of the use on the site.
		AO3.3	A crossover to each site is constructed in accordance with Council's Development Manual.
		AO3.4	The site layout and design provides for the onsite loading and unloading of goods and the storage of refuse to the front of the site (Jurgens Place).
		AO3.5	Refuse storage areas are suitably

Performance Outcomes		Acceptable Outcomes	
			screened from the street, all adjoining sites and public areas.
Environmental Performance			
PO4	<p>The use ensures that any emissions of odour, dust, air pollutants, noise, light or vibration do not cause nuisance to, or have an unreasonable adverse impact on, adjoining or nearby premises.</p> <p>Development involving industry activities will need to comply with relevant environmental legislation including <i>Environmental Protection Act 1994</i> and subordinate legislations.</p>	AO4.1	The use achieves the environmental values for the acoustic environment and acoustic quality objectives for sensitive receiving environments, as set out in the <i>Environmental Protection (Noise) Policy</i> .
		AO4.2	The use achieves the environmental values and air quality objectives set out in the <i>Environmental Protection (Air) Policy</i> .
		AO4.3	The use does not produce any offensive odour emissions beyond the site boundaries.
		AO4.4	The use ensures that any external lighting is provided in accordance with AS4282 (Control of the obtrusive effects of outdoor lighting).
		AO4.5	Vibrations resulting from the industrial use do not exceed the maximum acceptable levels identified in AS2670.2 (Evaluation of human exposure to whole of body vibration – Continuous and shock induced vibration in buildings (1-80Hz))
P05	<p>The use provides for the collection, treatment and disposal of all liquid waste such that:</p> <ul style="list-style-type: none"> d) There is no off-site release of contaminants; e) All wastes are collected and disposed of in accordance with the relevant license and approval conditions and/or relevant government or industry standards; and f) There are no adverse impacts on the quality of surface water or groundwater resources. 	AO5.1	Sealed impervious surfaces, draining to receptors and/or storage containers are provided in areas where potential spills of contaminants can occur.
		AO5.2	Waste water associated with the industrial use is disposed of to council's sewerage system or an on-site industrial waste treatment system in accordance with Council's Development Manual.
		AO5.3	Liquid wastes that cannot be disposed of to council's sewerage system or the onsite industrial waste treatment system are disposed of off-site to an approved waste

Performance Outcomes		Acceptable Outcomes	
			disposal facility.
		AO5.4	No discharge of waste occurs to the local waterways (including dry waterways) or natural wetlands.
		AO5.5	Oil arrestor or other pre-treatment infrastructure is provided to remove contaminants from industrial waste water where discharge to the sewer or environment in accordance with Council's Development Manual.
		AO5.6	Areas where hazardous materials or potentially contaminating substances are stored or used are roofed.
		AO5.7	Provision is made for spills to be bunded and retained on site for removal and disposal by an approved means.
		AO5.8	Stormwater is diverted away from contaminated areas.
Flood Mitigation			
PO6	Development is located and designed to ensure the safety of all persons and buildings from flood hazards.	PO6.1	Development: <ul style="list-style-type: none"> c) Ensures that the finished floor level is located above the defined flood level (DFL) for the site; or d) Is not less than the floor level of existing finished floor levels where involving an extension for no greater than 75m² to an existing building.
PO7	Development avoids the release of hazardous materials into flood waters.	PO7.1	Development ensures: <ul style="list-style-type: none"> c) Buildings and structures used for the manufactures or storage of hazardous materials are designed to prevent the intrusion of waters from a DFE; and d) Exposure to hazardous materials and emergency planning and contingency measures are appropriately managed.

Performance Outcomes		Acceptable Outcomes	
Vehicle Parking and Movement			
PO8	<p>Development is provided with on-site parking and movement system designed and constructed to:</p> <p>b) Integrate with the site layout including:</p> <p>iv. direct access to a road providing a level of service required to accommodate traffic generated by the use; and</p> <p>v. appropriately designed footpath crossovers; and</p> <p>vi. provision for safe pedestrian movement between the public footpath and facility entry points; and</p> <p>g) Accommodate all modes of transport generated by the use; and</p> <p>h) Facilitate non-discriminatory accessibility; and</p> <p>i) Provide for safe and efficient loading and unloading of goods; and</p> <p>j) Allow for vehicular queuing necessary for the use; and</p> <p>k) Provide for passenger set down/pick up necessary for the use.</p>	AO8.1	<p>e) Parking is provided on-site:</p> <p>iii. at the rate nominated in Division 1 of Schedule 2 of the Bowen Shire Planning Scheme 2006; and</p> <p>iv. laid out, constructed and maintained in accordance with Division 2 of Schedule 2 of the Bowen Shire Planning Scheme 2006; and</p> <p>f) Loading/unloading facilities are laid out, constructed and maintained in accordance with Division 2 of Schedule 2 of the Bowen Shire Planning Scheme 2006;</p> <p>g) Vehicle queuing and set-down/pick-up areas are laid out, constructed and maintained in accordance with the standards nominated in Division 2 of Schedule 2 of the Bowen Shire Planning Scheme 2006; and</p> <p>h) Vehicular access is designed and constructed in accordance with the standards nominated in Division 3 of Schedule 4 of the Bowen Shire Planning Scheme 2006.</p>
Landscaping			
PO9	<p>Landscaping is designed, established and maintained in a manner to:</p> <p>a) be an appropriate scale relative to both the width of the street reserve and to the size and nature of the development; and</p> <p>b) effectively screen storage and service areas from view outside the site.</p>	PO9.1	Landscaping is along the full length of the road frontage, for a minimum width of two (2) metres.
		PO9.2	Open air car parking areas are planted with shade trees every six (6) bays.

12.0 MISCELLANEOUS

- 12.1 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.
- 12.2 Provision and maintenance of refuse collection areas to the requirements of the Council.
- 12.3 Waste disposal bins stored outdoors must be screened from all public areas.
- 12.4 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.
- 12.5 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 or flood 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 or flood.

13.0 ADVISORY NOTES

- 13.1 The approved development is also required to comply with Council's Local Laws from time to time and other controls.

13.2 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.

13.3 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.

13.4 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.

13.5 Noise During Construction and Noise in General

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

13.6 General Safety of Public during Construction

It is the project manager's responsibility to ensure compliance with the Workplace Health and Safety Act 1995. 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.

- 13.7 It is the principal contractor's responsibility to ensure compliance with the Workplace Health and Safety Act 1995. 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.

- 13.8 It is the responsibility of the person in control of the workplace to ensure compliance with the Workplace Health and Safety Act 1995. 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.
- 13.9 Enquiries relating to the aforementioned conditions should be directed to the Planning and Development who will direct the enquiry to the relevant officer.

14.0 ENVIRONMENTAL HEALTH

- 14.1 Regulated waste must be removed from the premises by a waste transporter holding a licence and relevant waste transport dockets to transport regulated waste.
- 14.2 Solid waste to an industrial waste bin must be chemically stable, non-putrescible and inert.
- 14.3 Containers or vessels used for the storage of glues, paints and solvents and/or other potential contaminants must be emptied prior to disposal in an industrial bin.
- 14.4 Solid waste materials, such as absorbent rags, paper and sawdust, which have been in contact with chemicals, must be bagged and disposed of to an industrial waste bin. Readily combustible materials must not be used to clean up volatile solvents or combustible liquids.
- 14.5 No release of contaminants, including but not limited to odour, dust, smoke, fumes, particulates and aerosols shall cause or be likely to cause an environmental nuisance beyond the boundary of the premises.

MEETING DETAILS:

The amendment was voted on and Defeated 3/4

The motion was Carried 5/2

CARRIED

~~~~~

**16. Procedural Motion**

**16.1 2015/02/25.20 PROCEDURAL MOTION - ADJOURNMENT**

**Moved by: J CLIFFORD**

**Seconded by: D CLARK**

**That Council adjourn the meeting at 10.41am for the purpose of staff certificate presentation and morning tea.**

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

~~~~~


16. Procedural Motion

16.2 2015/02/25.21 PROCEDURAL MOTION - RECONVENE

Moved by: J CLIFFORD

Seconded by: J COLLINS

That Council reconvene the meeting having finished morning tea and certificate presentation at 11.07am

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

~~~~~

**12. Planning and Community Services**

**12.5 2015/02/25.22 20070899 - REQUEST FOR EXTENSION OF RELEVANT PERIOD - DEVELOPMENT PERMIT FOR MATERIAL CHANGE OF USE - AGED CARE ACCOMMODATION COMPRISING SEVENTY FOUR (74) RELOCATABLE HOMES, COMMUNITY CENTRE, ANCILLARY USES - 55 VALLEY DVE CANNONVALE - MJR+SONS PTY LTD**

**Moved by: D CLARK**

**Seconded by: J COLLINS**

**That in relation to the request for an extension of relevant period of the Development Permit for Material Change of Use - Aged Care Accommodation Comprising Seventy Four (74) Relocatable Homes, Community Centre and Ancillary Uses lodged by RPS on behalf of MJR & Sons Pty Ltd on land described as Lot 14 RP733748, 55 Valley Drive Cannonvale, that Council approve the request for an extension of the relevant period to the 6 February 2017 to coincide with the Operational Works lapse date.**

**MEETING DETAILS:**

*Mayor Whitney declared a material personal interest (as per section 173 of the Local Government Act 2009) on the matter of her son residing in the street and left the meeting room at 11.08am, taking no part in the debate or decision of the meeting.*

*Deputy Mayor Willcox chaired the meeting in Mayor Whitney's absence.*

The motion was Carried 5/1

**CARRIED**

~~~~~

Mayor Whitney returned to the meeting at 11.14am

~~~~~

**12. Planning and Community Services**

**12.6 2015/02/25.23 20140638 - DEVELOPMENT PERMIT FOR MATERIAL CHANGE OF USE OF PREMISES FOR DUAL OCCUPANCY - 58 HORSESHOE BAY ROAD BOWEN - BOLE AND SWART**

**Moved by: D CLARK**

**Seconded by: A WILLCOX**

**That in relation to the application for Development Permit for Material Change of Use of Premises for Dual Occupancy, made by WSG Whitsunday Surveys Pty Ltd, on Lot 2 SP245743 and located at 58 Horseshoe Bay Road, Bowen, Council resolves to refuse the application on the grounds that it is zoned open space and it has always been Council's intention to have it zoned for future park land.**

**MEETING DETAILS:**

The motion was voted on and Defeated 4/3

**DEFEATED**

**Cr Clark called for a Division**

**For:** Cr Clark, Cr Ramage and Cr Willcox

**Against:** Mayor Whitney, Cr Atkinson, Cr Clifford and Cr Collins

**Moved by: J CLIFFORD**

**Seconded by: J WHITNEY**

**That in relation to the application for Development Permit for Material Change of Use of Premises for Dual Occupancy, made by WSG Whitsunday Surveys Pty Ltd, on Lot 2 SP245743 and located at 58 Horseshoe Bay Road, Bowen, Council resolves to approve the application subject to the following conditions outlined in the Appendix - Conditions of Approval.**

**Appendix A – Conditions of Approval**

**1.0 ADMINISTRATION**

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

| Plan/Document Name     | Prepared By      | Plan Number    | Dated      |
|------------------------|------------------|----------------|------------|
| Site Plan              | Lowcock Builders | Drawing No 001 | 19/09/2014 |
| Ground Floor Plan      | Lowcock Builders | Drawing No 002 | 19/09/2014 |
| First Floor Plan       | Lowcock Builders | Drawing No 003 | 19/09/2014 |
| North/South Elevations | Lowcock Builders | Drawing No 004 | 19/09/2014 |
| East/West Elevations   | Lowcock Builders | Drawing No 005 | 19/09/2014 |

1.2 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.

- 1.3 All conditions of this approval must be complied with in full to Council's satisfaction prior to the commencement of the use.
- 1.4 The applicant shall demonstrate and provide evidence that compliance with all conditions of this development approval and any other subsequent development approvals as a result of this development approval have been complied with at the time of commencement of the use.

## **2.0 BUILDING**

- 2.1 Ventilation and mechanical plant must be located and design so that prevailing breezes do not direct undesirable noise and odours towards nearby residential accommodation.
- 2.2 All air-conditioning units are not to be visible from the street or adjoining properties and are to be aesthetically screened.
- 2.3 Building and landscaping materials are not to be highly reflective, or likely to create glare, or slippery or otherwise hazardous conditions.
- 2.4 Buildings are to be finished with external building materials and colours to reduce scale and bulk.
- 2.5 The applicant, for the southern part of the building, must provide window treatments or appropriate screening of the windows overlooking adjoining residential properties.

## **3.0 WATER INFRASTRUCTURE**

- 3.1 The development must be connected to Council's water network prior to commencement of the use.
- 3.2 Each dwelling within the development must be provided with a sub-meter in accordance with Council's policy for sub-metering prior to occupation of the dwellings.
- 3.3 All water infrastructure must be designed and constructed in accordance with Council's Development Manual (current at the time of development), prior to commencement of the use.

## **4.0 SEWERAGE INFRASTRUCTURE**

- 4.1 The development must be connected to Council's sewerage network prior to commencement of the use.
- 4.2 Each dwelling within the development must be connected to Council's sewerage network prior to commencement of the use.
- 4.3 All sewerage infrastructure must be designed and constructed in accordance with Council's Development Manual (current at the time of development), prior to commencement of the use.

## **5.0 ENVIRONMENTAL MANAGEMENT**

- 5.1 Prior to commencement of any work on the site, the applicant must submit to Council for approval, an Erosion Prevention and Sediment Control Plan for the site.
- 5.2 The plan must be prepared in accordance with Council's Development Manual (or equivalent replacement document current at the time of the development), the Soil Erosion and Sediment Control Engineering Guidelines for Queensland Construction Sites, June 1996 by The Institution of Engineers, Australia and the EPA Best Practice Urban Stormwater Management – Erosion and Sediment Control Guideline.
- 5.3 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 stabilised (e.g. turfed, concreted).
- 5.4 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.
- 5.5 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.

## **6.0 ACCESS AND PARKING**

- 6.1 A minimum of 2 car parking spaces of which 1 must be covered per dwelling must be provided on site prior to commencement of the use.
- 6.2 The external accesses from the property boundary to 4.0m outside the boundary in Prentice Street must be constructed to comply with the dimensions, gradients and specifications as indicated on Council's Standard Drawing R0050, prior to commencement of the use.

## **7.0 STORMWATER**

- 7.1 The applicant must design and construct Roof and Allotment drainage system for the development so as to comply with Level III of Table 7.13.3 of the Queensland Urban Drainage Manual current at the time of development as a minimum.
- 7.2 Prior to any work commencing on site engineering design drawings for Roof and Allotment Drainage demonstrating compliance with Council's Planning Scheme and Councils Development Manual (current at the time of development), and this Decision Notice must be submitted to Council for review and approval.
- 7.3 All stormwater drainage works must be designed and constructed in accordance with the Queensland Urban Drainage Manual current at the time of development and Council's Development Manual (current at the time of development).
- 7.4 All habitable Floor Levels must be constructed to a level not less than 300mm above the Q100 flood level for the developed site.
- 7.5 The stormwater design is to provide for the developed flows from the site to be piped to a Legal Point of discharge.
- 7.6 All site works must be undertaken to ensure that there is no increase in flood levels and/or flood frequency at any locations where existing landowners and/or users are adversely affected by waterway flooding for all events up to and including Q100.
- 7.7 Prior to commencement of use on the site the owner must lodge with Council, a civil engineer's design and construction certification (by an experienced and qualified engineer). The certification must be addressed to Council and must certify that the Roof and Allotment drainage works have been constructed in accordance with the requirements of Queensland Urban Drainage Manual current at the time of development, Councils Development Manual (current at the time of development) and this Decision Notice and will not cause adverse effects to adjoining or downstream properties or infrastructure.

## **8.0 ELECTRICITY AND TELLECOMMUNICATIONS**

- 8.1 Provide electricity and telecommunications connection to the proposed development to the requirements of the relevant authority. The applicant must submit to Council, either:
  - (a) a certificate of supply demonstrating that existing low-voltage electricity supply is available to the new dwelling; 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 new dwelling, 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 new dwelling 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 new dwelling

## **9.0 MISCELLANEOUS**

- 9.1 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.
- 9.2 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.

- 9.3 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 Horseshoe Bay Road or adjoining land unless written permission from the owner of that land and Council is provided.
- 9.4 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.
- 9.5 The approval of dual occupancy does not provide justification or support for a future development application for reconfiguration of a lot. Any future application for reconfiguration of a lot will require justification in accordance with the Planning Scheme applicable at the time.

## **10.0 ADVISORY NOTES**

### **10.1 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.

### **10.2 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.

### **10.3 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.

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

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

### **10.5 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.

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

## **MEETING DETAILS:**

The motion was Carried 4/3

**CARRIED**

~~~~~

12. Planning and Community Services

**12.7 2015/02/25.24 APPLICATION FOR RENEWAL OF SPECIAL LEASE
5/48517 - LOT 253 ON SB699**

Moved by: J ATKINSON

Seconded by: J COLLINS

That the Department of Natural Resources and Mines be advised that Council has no objection to the renewal of Special Lease 5/48517 over Lot 253 on SB699 over Local Government Reserve R194 for Business purposes (Water Supply).

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

~~~~~

**12. Planning and Community Services**

**12.8 2015/02/25.25 ADOPTION OF THE BOWEN SHIRE STORM TIDE  
STUDY (SEPTEMBER 2004) FOR THE PURPOSE OF  
PUBLIC KNOWLEDGE AND ADOPTION OF A FEE  
WAIVER FOR CERTAIN DEVELOPMENTS**

**Moved by: J CLIFFORD**

**Seconded by: J ATKINSON**

**That Council:**

- 1. Adopt mapping developed from the Bowen Shire Storm Tide Study - Final Report (September 2004) for the purpose of public knowledge;**
- 2. Make a copy of the Bowen Shire Storm Tide Study - Final (September 2004) mapping available on Council's website for public information;**
- 3. It is recommended that Council waive the development application lodgement fee for the following type of development applications made assessable by the BPS:**
  - a) Development Application for a Material Change of Use (MCU), Carrying out Operational Work or Carrying out Building Work where it can be demonstrated that:**
    - i) The subject site is identified within the Storm Surge Hazard Special Management Area on Overlay Map 05, but not within an area identified on the developed mapping from the Storm Tide Study in Attachment A.**
  - b) Development Application for a Material Change of Use (MCU), Carrying out Operational Work or Carrying out Building Work where it can be demonstrated that:**
    - i) The subject site is identified within the Don River Flood Plain Special Management Area on Overlay Map 04; and**
    - ii) The proposed development is:**
      - (a) Wholly contained within an existing building; or**
      - (b) Involves building work of less than or equal to 50m<sup>2</sup>; or**

- (c) Involves a change in level of less than or equal to 0.5m of any part of the site; or
    - (d) Involves less than or equal to 50m<sup>3</sup> of material being imported to or removed from the site.
  - c) Development Application for a Material Change of Use (MCU), Carrying out Operational Work or Carrying out Building Work where it can be demonstrated that:
    - i) The subject site is identified within the Storm Surge Hazard Special Management Area on Overlay Map 05; and
    - ii) The proposed development is:
      - (a) Wholly contained within an existing building; or
      - (b) Involves building work of less than or equal to 50m<sup>2</sup>; or
      - (c) Involves a change in level of less than or equal to 0.5m of any part of the site; or
      - (d) Involves less than or equal to 50m<sup>3</sup> of material being imported to or removed from the site;
- 4. That Council note the process for Development Applications that meet the specified requirements should be lodged to Council in the standard manner; however, provide a cover letter stating that a waiver of the application fee is sought in accordance with this resolution.

Council then will undertake a review of the Development Application and either:

- i) Confirm the relevant fee waiver requirements have been met, compliance with the planning scheme has been achieved and issue a Decision Notice; or
  - ii) Confirm that the relevant fee waiver requirements have not been met and that a full assessment is required. In this instance Applicants will be provided with a Not Properly Made Letter, requesting the relevant application be made; and
- 5. That Council delegates to the Manager - Development Assessment to waive application fee in accordance with this resolution.

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

~~~~~

12. Planning and Community Services

12.9 2015/02/25.26 PORT OF AIRLIE - CONVERSION OF DEVELOPMENT LEASE TO FREEHOLD TENURE - LOT 200 SP232115 AND PART OF LOT 187 SP19978 FROM RECREATION RESERVE TO FREEHOLD TENURE - COCONUT GROVE AIRLIE BEACH

Moved by: J WHITNEY

Seconded by: J CLIFFORD

That Council:

- Provide a letter of support to the proponent for the conversion of Lot 200 on SP232115 to freehold tenure in lieu of road reserve;
- Negotiate with the Department of Natural Resources and Mines for the waiver of the purchase price and Stamp Duty associated with the conversions;
- Support the area seaward of Lot 200 containing the pedestrian pathway and boardwalk being transferred to Meriden Airlie Beach Pty Ltd and Meridien AB Pty Ltd (Both Receivers and Managers Appointed) (Both in Liquidation) Trading as Windward Airlie Beach Partnership (Meriden) to freehold title subject to easements being provided over the areas in favour of Whitsunday Regional Council for access and services;
- Support the transfer of the balance of Canal Street and the pedestrian pathway contained between Lot 108 and 109 to Whitsunday Regional Council in freehold title; and
- Make application to the Department of Natural Resources and Mines for the conversion of areas A, B and C in Lot 187 on SP219978 from Recreation Reserve to Freehold title and transfer to Whitsunday Regional Council.

MEETING DETAILS:

Cr Atkinson declared a conflict of interest (as per section 173 of the Local Government Act 2009) on the matter of being on the Body Corporate at Port of Airlie and left the meeting room at 11.54am, taking no part in the debate or decision of the meeting.

The motion was Carried 5/1

CARRIED

~~~~~

***Cr Atkinson returned to the meeting at 11.59am***

~~~~~


12. Planning and Community Services

12.10 2015/02/25.27 REQUEST FOR RATES ASSISTANCE 2014/15 - PROSERPINE SENIOR LIVING INC

Moved by: P RAMAGE

Seconded by: J COLLINS

That Council approve a donation equivalent 100% of general rate and 75% of the service charges levied for the 2014/2015 financial year, and 75% of water consumption for the property on rate assessment 1103913 owned by the Proserpine Senior Living Inc.

That Council include this assessment for ongoing benefit in accordance with Council's current policy and therefore do not need to reapply each year unless the use of the property changes its present use.

Furthermore, that the applicant is advised that the policy is subject to change.

MEETING DETAILS:

Cr Clifford declared a conflict of interest (as per section 173 of the Local Government Act 2009) on the matter of being a secretary of a company that provides a similar service and left the meeting room at 11.59am, taking no part in the debate or decision of the meeting.

The motion was Carried 6/0

CARRIED

~~~~~

***Cr Clifford returned to the meeting at 12.04pm***

~~~~~

12. Planning and Community Services

12.11 2015/02/25.28 COMMUNITY ASSISTANCE GRANT - ZONTA CLUB OF THE WHITSUNDAYS

Moved by: J CLIFFORD

Seconded by: D CLARK

That Council, in respect to an out of round application for funding received under Council's Community Assistance Grants (CAG) Program, Council disseminates a total amount of \$3500.00 as a Major Events Grant to the Zonta Club of the Whitsundays.

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

~~~~~

**12. Planning and Community Services**

**12.12 2015/02/25.29 COMMUNITY ASSISTANCE GRANT - OPERATION PILGRIMAGE GROUP**

**Moved by: J CLIFFORD**

**Seconded by: A WILLCOX**

**That Council, in respect to an out of round application for funding received under Council's Community Assistance Grants (CAG) Program, Council disseminates a total amount of \$5000.00 as a Projects Grant to the Operation Pilgrimage Group.**

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

~~~~~

12. Planning and Community Services

12.13 2015/02/25.30 WHITSUNDAY LIBRARY SERVICES HOME DELIVERY - BOWEN HOUSEBOUND SERVICES

Moved by: D CLARK

Seconded by: J CLIFFORD

That Council approve the implementation of a housebound library delivery service in Bowen.

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

~~~~~

**12. Planning and Community Services**

**12.14 2015/02/25.31 REQUEST FOR FEE WAIVER - COLLINSVILLE YOUTH COALITION**

**Moved by: P RAMAGE**

**Seconded by: J CLIFFORD**

**That Council waive the associated hire fees for the use of the Collinsville Football Club for the Collinsville CYC Youth Coalition ladies night being held on Saturday 9 May 2015.**

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

~~~~~

12. Planning and Community Services

12.15 2015/02/25.32 LIQUOR LICENCE APPLICATION - LUV A COFFEE, WHITSUNDAY PLAZA

Moved by: J ATKINSON

Seconded by: J CLIFFORD

That Council submits correspondence to the Office of Liquor and Gaming Regulation, supporting the liquor licence application (commercial subsidiary on premises licence), lodged by Port Douglas Investments Pty Ltd, trading as Luv A Coffee, Whitsunday Plaza.

MEETING DETAILS:

The motion was Carried 5/2

CARRIED

~~~~~

**12. Planning and Community Services**

**12.16 2015/02/25.33 REQUEST FOR FEE WAIVER - WHITSUNDAY CRUISIN' CAR CLUB**

**Moved by: P RAMAGE**

**Seconded by: A WILLCOX**

**That Council waive the Minor Events - Class 3 Application fee of \$375.00 associated with the use of Airlie Beach Foreshore for the 2015 Whitsunday Cruisin' Car Club Display to be held on the Saturday 7 March 2015.**

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

~~~~~

12. Planning and Community Services

12.17 2015/02/25.34 REQUEST FOR FEE WAIVER - RSPCA MILLION PAWS WALK 2015

Moved by: J CLIFFORD

Seconded by: D CLARK

That Council waive the Events - Class 3 Application fee of \$375.00 associated with the use of Cannonvale Beach & Foreshore for the 2015 RSPCA Million Paws Walk to be held on the Sunday 17 May 2015.

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

~~~~~

**12. Planning and Community Services**

**12.18 2015/02/25.35 NORTH HEAD LIGHTHOUSE CONSERVATION  
MANAGEMENT PLAN DRAFT**

**Moved by: J CLIFFORD**

**Seconded by: D CLARK**

**That Council receive the Conservation Management Plan Draft on the North Head Lighthouse dated January 2015 from Converge Heritage and Community.**

**Amendment**

**Moved by: A WILLCOX**

**Seconded by: J COLLINS**

**That Council receive the Conservation Management Plan Draft on the North Head Lighthouse dated January 2015 from Converge Heritage and Community.**

**Furthermore that the copy be provided to the Lighthouse committee for comment**

**MEETING DETAILS:**

The amendment was voted on and Carried 7/0

The amendment became the motion

The motion was carried 7/0

**CARRIED**

~~~~~

13. Engineering Services

13.1 2015/02/25.36 EXTENTION OF ROMA PEAK ROAD MAINTENANCE

Moved by: J ATKINSON

Seconded by: J CLIFFORD

That Council do not extend the maintenance area of Roma Peak Road and that the property owner of Lot 694H1248 be allowed to construct a creek crossing on Roma Peak Road at owners cost.

MEETING DETAILS:

The motion was Carried 5/2

CARRIED

~~~~~

**13. Engineering Services**

**13.2 2015/02/25.37 LOGANS ADVENTURE PLAYGROUND UPDATE**

**Moved by: D CLARK**

**Seconded by: J CLIFFORD**

**That Council resolves to receive the minutes from the Logan's Adventure Playground Project Committee meeting held on the 3<sup>rd</sup> February 2015 and 12<sup>th</sup> February 2015.**

**Furthermore, that copies of the financials be provided to Council and that Cr Jan Clifford be appointed as Council's representative on the Logan's Adventure Play Ground committee**

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

~~~~~

13. Engineering Services

13.3 2015/02/25.38 DONATION FROM QUEENSLAND RAIL IN RELATION TO QR150 CELEBRATIONS

Moved by: J CLIFFORD

Seconded by: J ATKINSON

It is recommended that Council:

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

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

~~~~~

**15. General Business**

**15.1 2015/02/25.39 WESTERN ROADS BUDGET**

**Moved by: P RAMAGE**

**Seconded by: A WILLCOX**

**That the Chief Executive Officer be authorised to add an additional \$420,000.00 to the maintenance of unsealed roads in the western region.**

**Procedural Motion**

**Moved by: J WHITNEY**

**Seconded by: J CLIFFORD**

**That the item be tabled for third quarter budget review and the matters be discussed at the first Ordinary Meeting in March.**

**Furthermore, that the Executive Manager Roads and Drainage provide a report regarding further maintenance for the area.**

**MEETING DETAILS:**

The procedural motion was Defeated 3/4

The motion was Carried 4/3

**CARRIED**

~~~~~

15. General Business

15.2 2015/02/25.40 BUDGET CONSIDERATION - WESTERN ROADS

Moved by: P RAMAGE

Seconded by: J WHITNEY

That the Chief Executive Officer allocate \$1.72 million to western roads for 2015/16 budget considerations.

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

~~~~~

**15. General Business**

**15.3 2015/02/25.41 PROSERPINE JUNIOR SPORTING COMPLEX**

**Moved by: J COLLINS**

**Seconded by: J CLIFFORD**

**That Council offer the light poles to the Proserpine Junior Sporting Complex immediately.**

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

~~~~~

16. Procedural Motion

16.1 2015/02/25.42 PROCEDURAL MOTION - ADJOURNMENT

Moved by: J CLIFFORD

Seconded by: A WILLCOX

That Council adjourn the meeting at 12.58pm for the purpose of lunch.

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

~~~~~

**16. Procedural Motion**

**16.2 2015/02/25.43 PROCEDURAL MOTION - RECONVENE**

**Moved by: J CLIFFORD**

**Seconded by: A WILLCOX**

**That Council reconvene the meeting from lunch at 1.27pm**

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

~~~~~

16. Procedural Motion

16.3 2015/02/25.44 PROCEDURAL MOTION - CLOSURE OF MEETING

Moved by: J CLIFFORD

Seconded by: A WILLCOX

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

- Item 14.1.1 - the local government's budget
- Item 14.1.2 - the local government's budget
- Item 14.1.3 - contracts proposed to be made by it
- Item 14.1.4 - contracts proposed to be made by it
- Item 14.1.5 - contracts proposed to be made by it

- Item 14.1.6 - industrial matters affecting employees
- Item 14.2.1 - rating concessions
- Item 14.2.2 - contracts proposed to be made by it
- Item 15.4 – other business for which public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

~~~~~

**16. Procedural Motion**

**16.4 2015/02/25.45 PROCEDURAL MOTION - REOPENING OF MEETING**

**Moved by: J CLIFFORD**

**Seconded by: A WILLCOX**

**That the meeting be resumed and opened to the general public at 2.35pm.**

**MEETING DETAILS:**

The motion was Carried 6/0

**CARRIED**

~~~~~

14.1 Confidential Matters - Office of the Mayor and CEO

14.1.1 2015/02/25.43 BUSINESS ACTIVITIES REPORT - JANUARY 2015

Moved by: J CLIFFORD

Seconded by: J COLLINS

That the Business Activities report be noted

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

~~~~~

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

**14.1.2 2015/02/25.44 RATES AND SUNDRY DEBTORS - JANUARY 2015**

**Moved by: A WILLCOX**

**Seconded by: J CLIFFORD**

**That Council receive the report showing the actions taken to collect outstanding debtors and rates.**



**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

~~~~~

14.1 Confidential Matters - Office of the Mayor and CEO

14.1.3 2015/02/25.45 DISPOSAL OF PONTOONS

Moved by: P RAMAGE

Seconded by: A WILLCOX

That Council accept the offer of \$5,500 + GST made by Whitsunday Coast Barramundi in relation to the 30 Ausfloat poly pontoons and associated rubber connectors and other associated materials held in storage at the Kelsey Creek landfill.

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

~~~~~

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

**14.1.4 2015/02/25.46 LAND SALES - 19 STATION STREET, COLLINSVILLE**

**Moved by: J COLLINS**

**Seconded by: P RAMAGE**

**That Council accept the offer of \$30,000 for Council owned land at 19 Station Street, Collinsville, described as Lot 26 MPH8.**

**MEETING DETAILS:**

The motion was Carried 5/2

**CARRIED**

~~~~~

14.1 Confidential Matters - Office of the Mayor and CEO

14.1.5 2015/02/25.47 ADMINISTRATION BUILDING - PROSERPINE WATER TREATMENT PLANT

Moved by: J WHITNEY

Seconded by: J ATKINSON

That Council award the Tender to Atco for the revised price of \$404,676 ex. GST and that Council undertake the connection of services to the building with the cost overrun being paid from savings to be identified in the Water and Sewerage Budget and that the car park works required for the building be deferred to the 2015/16 Budget.

MEETING DETAILS:

The motion was Carried 4/3

CARRIED

~~~~~

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

**14.1.6 2015/02/25.48 ENTERPRISE BARGAINING AGREEMENT**

**Moved by: J CLIFFORD**

**Seconded by: J COLLINS**

**That Council tender the services of a consultant to assist with the negotiations of the Enterprise Bargaining Agreement and that the notice of intent is not issued until after the consultant is appointed.**

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

~~~~~

14.2 Confidential Matters - Corporate Services

14.2.1 2015/02/25.49 REFUND REFUSE CHARGES

Moved by: J CLIFFORD

Seconded by: J COLLINS

That Council refunds \$16,814.84 to the Whitsunday Reflections Body Corporate being the refuse charges collected by Council from Whitsunday Reflections during a two year period where the Body Corporate had a commercial agreement with JJ Richards to collect the refuse and therefore Council did not incur costs for the collection of refuse at Whitsunday Reflections.

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

~~~~~

**14.2. Confidential Matters - Corporate Services**

**14.2.2 2015/02/25.50 LEASE OF WHITSUNDAY AIRPORT CAFE**

**Moved by: J CLIFFORD**

**Seconded by: J WHITNEY**

**That the item be tabled pending further discussion.**

**MEETING DETAILS:**

*Cr Collins declared a conflict of interest (as per section 173 of the Local Government Act 2009) on the matter of his business being a supplier to the café and left the meeting room at 2.41pm, taking no part in the debate or decision of the meeting.*

The motion was Carried 5/1

CARRIED

~~~~~

Cr Collins returned to the meeting room at 2.42pm

~~~~~

15. General Business

15.4 2015/02/25.51 VERBAL ADVICE RECEIVED

Moved by: J CLIFFORD

Seconded by: J ATKINSON

That Council receive the verbal advice from the Chief Executive Officer with regard to recent correspondence to and from Bowen Power Quip.

Furthermore, that the matter has been finalised.

**MEETING DETAILS:**

*Mayor Whitney declared a conflict of interest (as per section 173 of the Local Government Act 2009) on the matter of her being a part owner of a business that provided a tender and left the meeting room at 2.42pm, taking no part in the debate or decision of the meeting.*

The motion was Carried 6/0

CARRIED

~~~~~

Mayor Whitney returned to the meeting room at 2.44pm

~~~~~

*The meeting closed at 2.44pm*

Confirmed as a true and correct recording this 11 March, 2015

---

CR JENNIFER WHITNEY  
MAYOR