



Notice of Meeting

Notice is hereby given that the **Ordinary Meeting** of the **Whitsunday Regional Council** will be held at the **Bowen Council Chambers, 67 Herbert Street, Bowen** on **25 March, 2015** commencing at **9:00 a.m.** and the Agenda is attached.

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

Local Government Act 2009

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

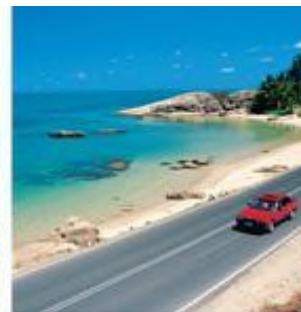
(2) The written notice must state:

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

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

S J WATERS
CHIEF EXECUTIVE OFFICER





**Agenda of the Ordinary Meeting to be held at
Bowen Council Chambers, 67 Herbert Street, Bowen
on 25 March, 2015 commencing at 9:00am**

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

9:00 am

- Formal Meeting Commences

10:15 am - 10:30 am

- Staff Presentation
- Citizenship Ceremony

10:30 am - 11:00 am

- Morning Tea

1:00 pm

- Lunch

Whitsunday Regional Council
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Bowen Council Chambers, 67 Herbert Street, Bowen
 on 25 March, 2015 commencing at 9:00am

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14.4 CONFIDENTIAL MATTERS - ENGINEERING SERVICES

14.4.1 BOWEN LOCAL CATCHMENT FLOOD STUDY

1. Apologies

No Agenda items for this section

2. Condolences
2.1 CONDOLENCES

RECOMMENDATION

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

The following report has been submitted for inclusion in Council's Ordinary Meeting to be held on 25 March, 2015 by Council's Office of the Mayor and CEO Department.

BACKGROUND

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

REPORT

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

STATUTORY MATTERS

N/A

CORPORATE PLAN REFERENCE

N/A

OPERATIONAL PLAN REFERENCE

N/A

BUDGET REFERENCE

N/A

CONSULTATION

N/A

ATTACHMENTS

N/A

3.1 **Mayoral Minute**

No Agenda items for this section

3.2 Mayoral Update

No Agenda items for this section

4. Confirmation of Minutes
4.1 CONFIRMATION OF MINUTES

RECOMMENDATION

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

The following report has been submitted for inclusion in Council's Ordinary Meeting to be held on 25 March, 2015 by Council's Office of the Mayor and CEO Department.

BACKGROUND

Minutes were kept from the previous Ordinary Meeting of Council held on 11 March, 2015. These minutes once drafted were submitted to the Chief Executive Officer for review before the unconfirmed version of the minutes were attached onto the internet for public viewing.

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

REPORT

The Minutes of the Council's Ordinary Meeting held on 11 March, 2015 are attached to this agenda report for review by Councillors.

STATUTORY MATTERS

Local Government Regulation 2012 section 272

CORPORATE PLAN REFERENCE

N/A

OPERATIONAL PLAN REFERENCE

N/A

BUDGET REFERENCE

N/A

CONSULTATION

Scott Waters - Chief Executive Officer

ATTACHMENTS

1. Copy of the minutes from Ordinary Meeting held on 11 March, 2015

Separate attachment

5. Delegations

No agenda items for this section.

6. Petitions

No agenda items for this section.

7. Notice of Motion

No agenda items for this section.

8. Questions on Notice

No agenda items for this section.

9. Questions from Public Gallery

PUBLIC QUESTION TIME

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

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

10. Office of the CEO

10.1 MONTHLY FINANCIAL REPORT MARCH 2015

RECOMMENDATION

That the report for the month of February 2015 be received and adopted.

The following report has been submitted for inclusion in Council's Ordinary Meeting to be held on 25 March 2015 by Council's Office of the Mayor and CEO Department.

BACKGROUND

This report seeks to inform Council on the performance and position of Council for the year to date to 28 February 2015. The report includes ratios, breakdowns of significant amounts on the Statement of Comprehensive Income and the Balance Sheet.

REPORT

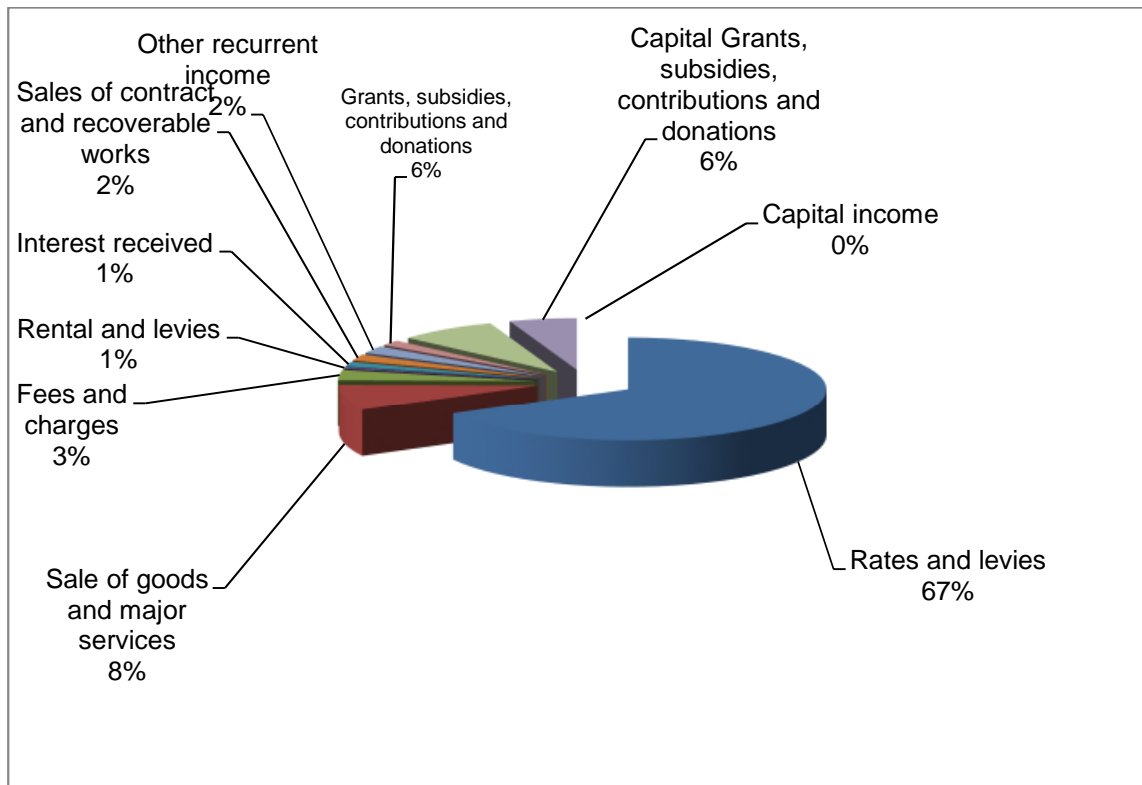
This report aims to provide a plain English summary of the financial position of Council.

STATEMENT OF COMPREHENSIVE INCOME

The purpose of this statement is to disclose the revenue and expenses for Council and the resulting surplus or deficit from operating activities.

Recurrent Revenue

Revenue sources as a percentage



Recurrent Revenue

A total of \$71,350,942 has been raised in revenue during the period 1 July to 28 February 2015 against a total revenue revised budget for 2014/15 of \$112,312,604. This represents 64% of the total yearly budgeted revenue expected to be received in the financial year and on a pro-rata basis should be at 67% which is on target to meet budget.

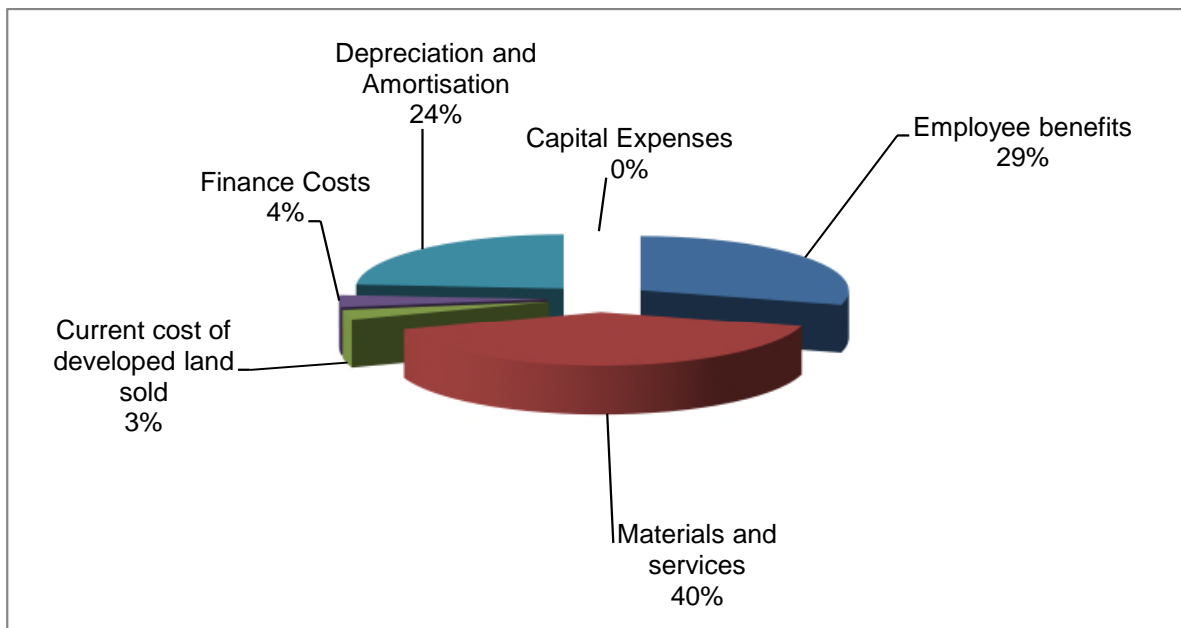
The above revenue is derived from three categories of activity:-

1. Revenue from operations \$67,416,068 (Revised Budget \$105,182,254)
2. Capital Grants, subsidies and contributions \$3,934,874 (Revised Budget \$7,022,350)
3. Other capital income \$0 (Revised Budget \$108,000)

Overall, there is a surplus from Council's operating activities for the period ending 28 February 2015 of \$14,791,649 which is in line with the revised budgeted operating surplus of \$14,124,166 to 30 June 2015.

Recurrent Expenses

Expenses sources as a percentage



Recurrent Expenses

To date Council has expended a total of \$56,559,294 which includes depreciation of \$13,460,207 against a total expenditure revised budget for 2014/15 of \$98,188,438 including depreciation of \$20,726,200. This represents 58% of budgeted expenditure and on a pro-rata basis should be at 67% which is below the expected level for this period.

The above expenses is derived from four categories of activity

1. Expense for Employee benefits \$16,581,414 (Revised Budget \$27,459,204)
2. Expense for Materials & Services \$22,812,848 (Revised Budget \$42,951,591)
3. Depreciation Expenses \$13,460,207 (Revised Budget \$20,726,200)

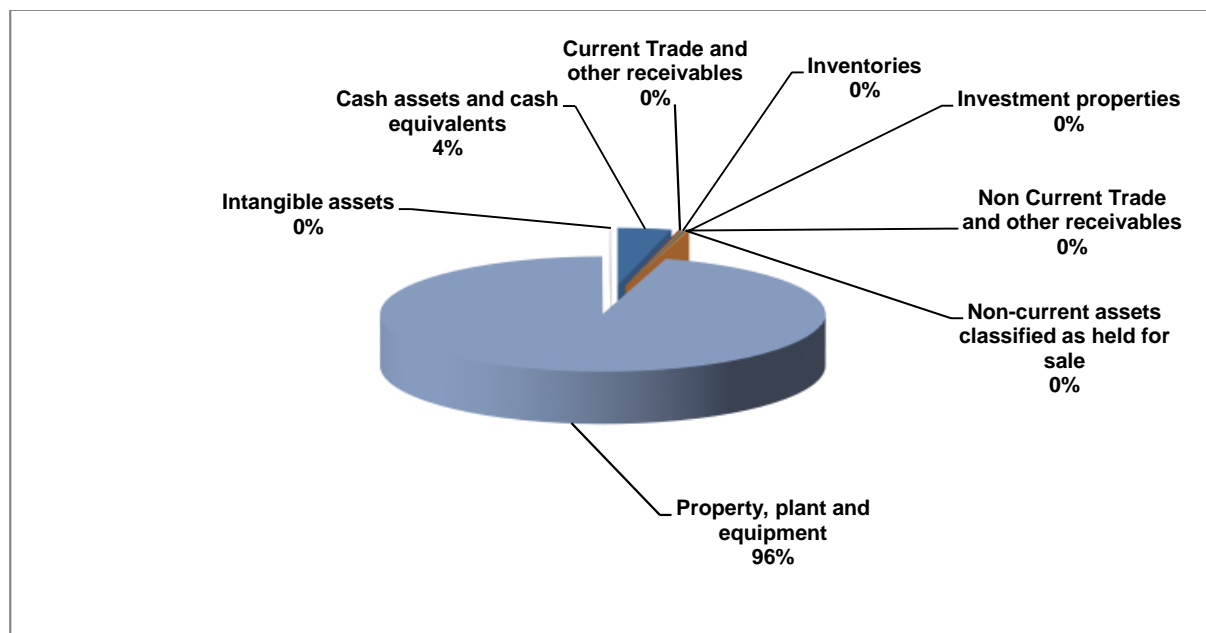
4. Expenses for Finance Costs \$2,035,910 (Revised Budget \$3,911,593)

Loan repayments come out every quarter with the second payment being paid in December 2014.

STATEMENT OF FINANCIAL POSITION

The purpose of this statement is to disclose information about Councils assets and liabilities. The result of these two components determines the net worth of Council.

Total Assets



Total Assets

The value of total assets held as at 28 February 2015 is \$1,116,723,800. After deducting total liabilities of \$79,461,388 the total is \$1,037,262,412. This represents the financial interest the community has in the Council and is therefore named Community Equity. The figures represented in the balance sheet include audited closing balances as at 30 June 2014.

Within the Statement of Financial Position the assets of council are divided into current and non-current. The non-current portion includes all the infrastructure and plant and equipment owned by council.

The above assets are broken up into the following six categories:-

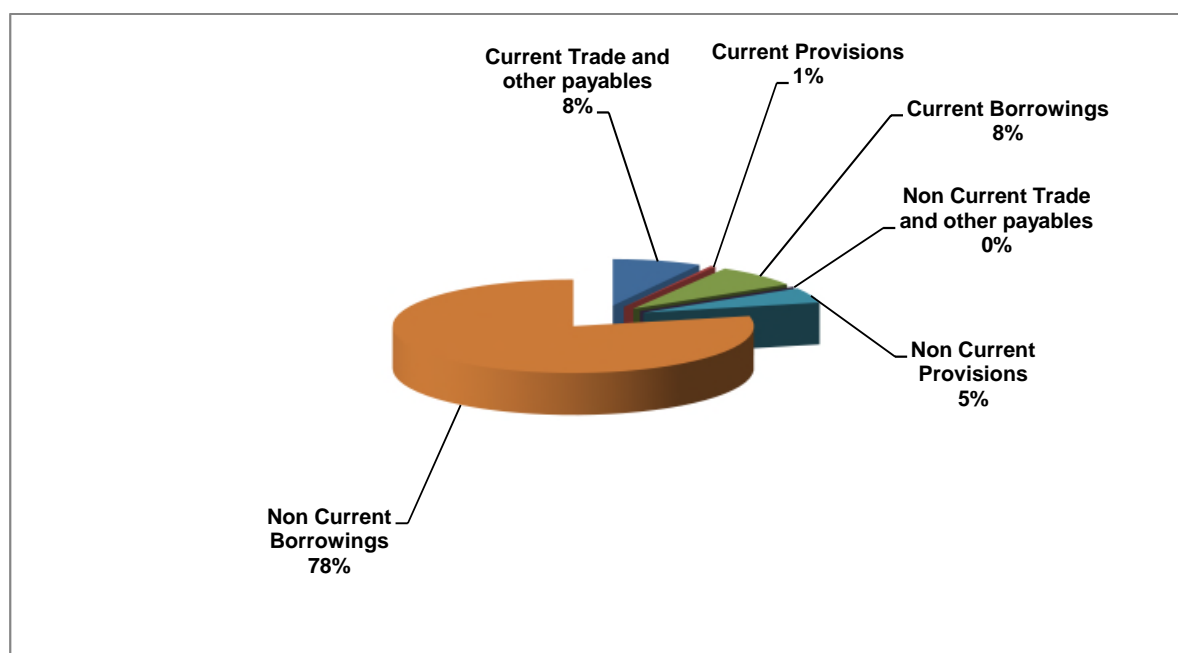
1. Cash & Cash equivalents \$43,681,537
2. Trade & Other receivables \$1,861,838
3. Inventory Assets \$1,953,976
4. Non-current Assets \$1,210,784
5. Investment Properties \$2,450,000
6. Property, Plant & Equipment Assets \$1,065,565,665

Trade and Other receivables includes pro-rata of rates levies as per summary below:

Note 15 (a) summary

Rates revenue and utility Charges	21,325,760
Rates accruals	(23,526,720)
Other Debtors	3,701,126
Impairment	(306,524)
Prepayments	617,491
Loan and advances to community (current)	12,215
Loan and advances to community (non current)	39,069

Total Liabilities



Total Liabilities

The Total Liabilities as at 28 February 2015 of \$79,461,388 includes Accrued Employee Benefits (annual leave, long service leave and sick leave benefits up to February 2015) and Payables.

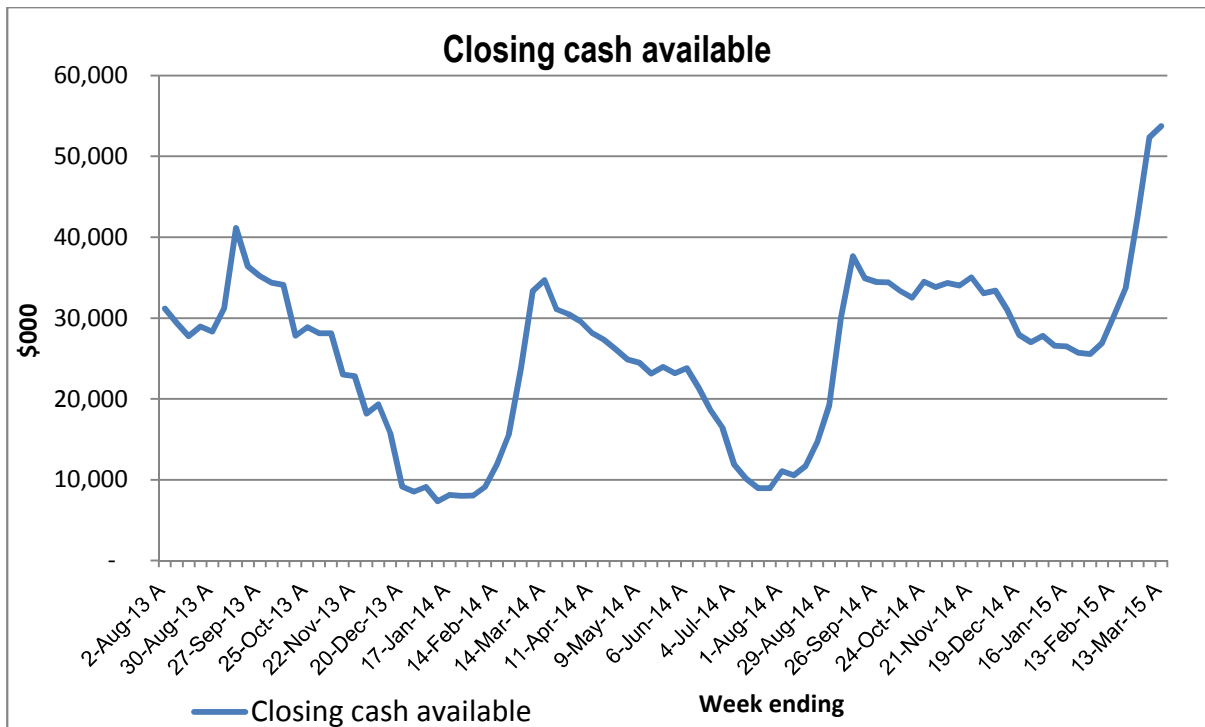
The above liabilities are broken up into the following three categories:-

1. Trade & Other Payables including Annual Leave \$6,352,798
2. Provisions including Long Service Leave \$4,561,142
3. Loan Borrowings \$68,547,448

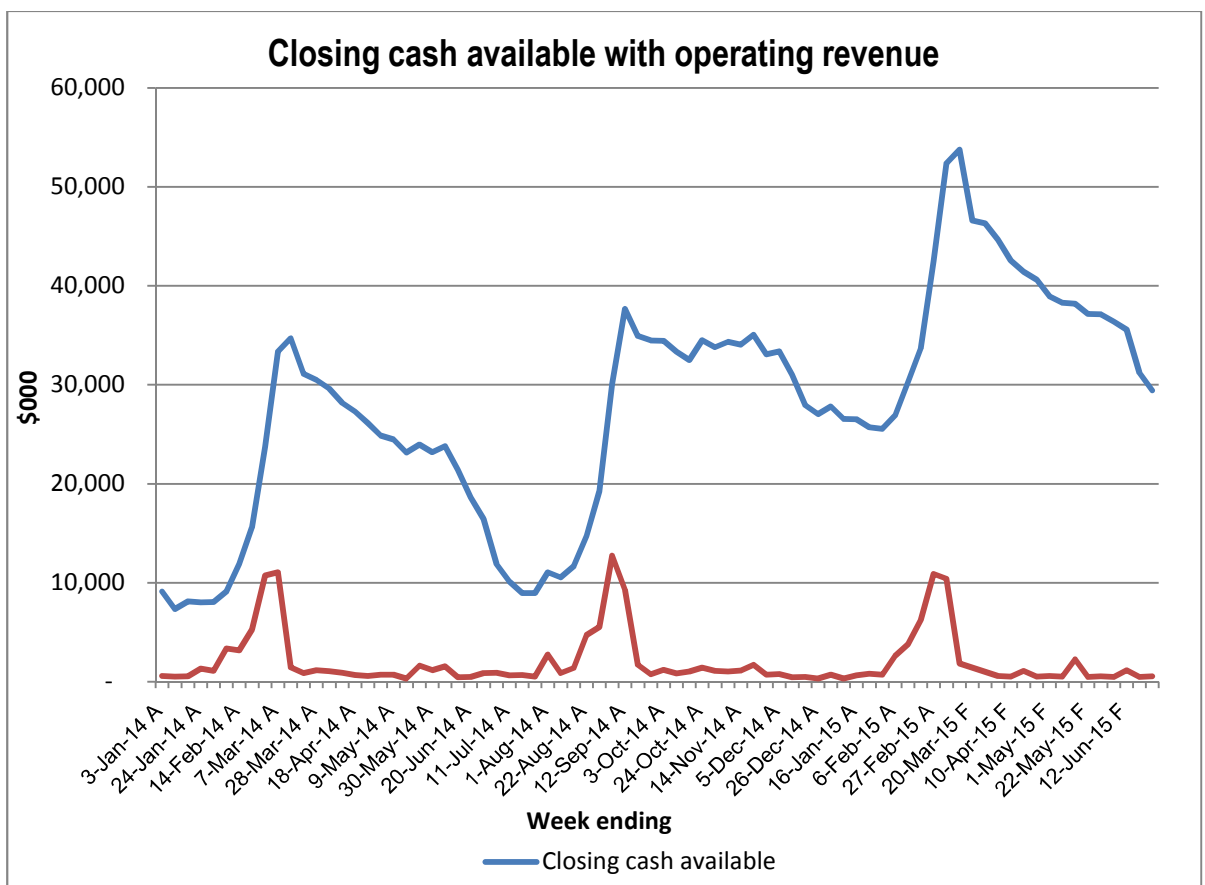
The loan borrowings of \$68,547,448 divided by 18,273 rateable assessments equates to \$3,751 per assessment.

Investments

Cash flow modelling actuals and projection of cash and investments.



Cash flow modelling measuring revenue and cash on hand up to 12 June 2015. Does not included a drawn down of the QTC (\$15,000,000) working capital facility.



Aged Debtors Balance as at 28 February 2015

Current	395,516	17.95%
< 30 Days	40,402	1.83%
< 60 Days	100,012	4.54%
< 90 Days	330,705	15.01%
> 90 Days	1,336,382	60.66%
Balance	<u>2,203,017</u>	

Rates Debtors Balances as at 28 February 2015

Brought Forward Arrears	5,334,259
Levies	76,146,148
State Government Rebates	384,480
Council Pensioner Rebate	(511,072)
Discount	(1,507,264)
Write off	(678,792)
Receipts	(60,454,493)

Arrears Closing Balance 17,944,306

Prepayments (423,496)

Outstanding Rates as a % of levies & brought forward arrears

Arrears	2,573,881	3%
Current	15,793,922	19%
Prepayments	<u>(423,496)</u>	-1%
Total Arrears	<u><u>17,944,306</u></u>	

STATUTORY MATTERS

Section 104 Local Government Act 2009

CORPORATE PLAN REFERENCE

Governance and Leadership

Objective: Our organisation is innovative, efficient and financially sustainable.

OPERATIONAL PLAN REFERENCE

Governance and Leadership

Strategies

- 1. Ensure Council's financial position is effectively managed and sustainable.***

3. *Develop and implement business improvement systems and long term asset management plans that support innovation and sustainability of service delivery.*
6. *Maximise commercial benefits to Council's business units and assets.*

BUDGET REFERENCE

N/A

CONSULTATION

Julie Moller - Senior Management Accountant (Author)

Matthew McGoldrick - Chief Financial Officer

Graham Jarvis - Director Corporate Services

Mel Humphries - Finance Team Leader

Paula Taylor - Senior Payroll Officer

Amanda Ayers - Rates Team Leader

ATTACHMENTS

Appendix Item 1 - Monthly Finance Report February 2015

Appendix Item 2 - Program Performance Report – February 2015

- 10. Office of the CEO**
10.2 LG COUNCIL COST INDEX CIRCULAR - 2015
-

RECOMMENDATION

That Council receive the LG Council Cost Index 2015 Circular.

The following report has been submitted for inclusion in Council's Ordinary Meeting to be held on 25 March 2015 by Council's Office of the Mayor and CEO Department.

BACKGROUND

This report seeks to inform Council of the circular from the LGAQ for Council Cost Index 2015.

REPORT

This report is for information only and can assist Council in setting the 2015-16 Budget.

STATUTORY MATTERS

N/A

CORPORATE PLAN REFERENCE

N/A

OPERATIONAL PLAN REFERENCE

N/A

BUDGET REFERENCE

2015-2016 Budget

CONSULTATION

Matthew McGoldrick – Chief Financial Officer (Author)
LGAQ

ATTACHMENTS

Appendix Item 1 – LG Cost Index 2015

10. Office of the CEO

10.3 COLLINSVILLE LIONS CLUB - FRUIT ORCHARDS IN COLLINSVILLE

RECOMMENDATION

That Council resolve to

- i) Receive the information regarding the fruit orchard in Garrick Street / Walker Street Collinsville;**
 - ii) Grant permission to Collinsville Lions Club to erect a new sign at Garrick Street / Walker Street Collinsville on condition that the old signs be removed; and**
 - iii) Instruct the CEO to write to the Collinsville Lions Club requesting further information regarding a proposed second fruit orchard in Darby Munro Park, Collinsville.**
-

The following report has been submitted for inclusion in Council's Ordinary Meeting to be held on 25 March 2015 by Council's Office of the Mayor and CEO Department.

BACKGROUND

Council received two letters from Collinsville Lions Club (attachment 1) in July 2012 requesting i) that a proposed fruit orchard be established on the Council reserve on Garrick Street / Walker Street Collinsville (to be modelled on an existing fruit orchard at Burdekin Bridge, Home Hill); and ii) that a Lions Club sign situated in Sonoma Park be relocated to "the Walker Street Park" owing to the sign's proximity to roadwork ongoing in Sonoma Street at that time.

Council records do not indicate whether replies were sent giving formal Council consent, but the fruit orchard has been established and the sign was relocated to the fruit orchard and remains there.

Council has also received a letter from the Lions Club dated 23 January 2015 requesting that a second fruit orchard be established by them at Darby Munro Park, Collinsville. Copies of these letters are shown as attachment 1.

This report provides information on progress since 2012 and recommends a possible way forward for the second orchard.

REPORT

The establishment of the Garrick Street / Walker Street fruit orchard was delayed initially because before 2012 no town water was piped to the Council reserve where the orchard was proposed. Since then a water supply has been installed and fruit trees have been planted and mulched by Lions Club volunteers, in an area measuring approximately 20m by 20m, although no update was provided to Council officers prior to these developments taking place unfortunately. The Lions Club letter of January 2015 notes that "*...the project was never formalised as a neighbourhood shared project. Could we request that this be rectified as soon as possible so that nothing can jeopardise the completed park*". Officers therefore propose that Council take this opportunity to acknowledge the work carried out by Collinsville Lions Club in establishing the fruit orchard.

A rotunda had been erected some years previously and the fruit orchard is also the location for the Collinsville town map sign erected by the Collinsville Business Women's Association following Council approval in 2014.

Collinsville Lions Club is also requesting permission to be granted for a new Lions Club sign, displaying community information and place name. This sign measures 1600mm wide by 990mm high. No Planning approval is required under the Bowen Shire Planning Scheme 2006, but owing to the proliferation of signs at the fruit orchard, officers recommend that permission to erect the proposed new sign be granted on condition that the old Lions sign be removed.

Officers' investigations into the fruit orchards have highlighted that there is also an advertising sign promoting workers' accommodation situated in the road reserve, which contravenes Whitsunday Regional Council Local Law No.1 (Administration) 2014. A compliance notice has been issued to the owners of the sign to ensure that it is removed. An old Bowen Shire sign promoting a Carpet Snake Creek Landcare project will also be removed on the grounds that it is dilapidated and outdated.

Maintenance and watering of the orchard trees is carried out by Lions Club volunteers, with basic maintenance of the surrounding reserve continuing to be provided regularly by Council Parks & Gardens staff as a Category 3 park under Council's agreed Parks & Reserves Maintenance Plan. It is not envisaged that the existing or proposed orchards will create any significant impact on Parks & Gardens maintenance regimes.

It is important that roles and responsibilities for Council and Lions club are defined prior to the establishment of the fruit orchards. Internal Council consultation has highlighted concerns such as:

- Injuries from thorns for those picking fruit or carrying out maintenance;
- Community expectations regarding quality of fruit;
- Potential for some citrus trees to develop disease and infections if not cared for. If the fruit or trees develop disease there could be a community expectation that Council tend to the trees; and
- Legacy concerns in the event of the Lions Club ceasing to operate in the future.

A management plan should therefore be drawn up addressing these matters. It may be prudent to delay a second fruit orchard until the success of the first orchard has been properly evaluated over a two year period. Officers therefore propose that the CEO write to the Collinsville Lions Club, thanking them for their proposal and requesting that these concerns be addressed before making further progress.

STATUTORY MATTERS

N/A

CORPORATE PLAN REFERENCE

People

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

OPERATIONAL PLAN REFERENCE

People

Strategies

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

BUDGET REFERENCE

Budget Cost Code: 1259.1022 Collinsville Parks Town General Maintenance

CONSULTATION

Karl Murdoch – Area Manager – Collinsville Area of Operations (Author)
Scott Waters – Chief Executive Officer
Scott Hardy – Manager of Parks and Gardens
Julie Wright – Manager Compliance
Kellianne Wynne – Manager of Development Assessment

ATTACHMENTS

Appendix Item 1 – Correspondence from Collinsville Lions Club
Appendix Item 2 - Photographs of Fruit Orchard at Garrick Street / Walker Street

10. Office of the CEO

10.4 REQUEST FOR STREET NAME IN HONOUR OF PTE TREVOR RALPH BLACK

RECOMMENDATION

That Council receive the correspondence from Mrs Beverley Douthett regarding the naming of a road in Bowen in honour of her brother Pte Trevor Ralph Black.

The following report has been submitted for inclusion in Council's Ordinary Meeting to be held on 25 March, 2015 by Council's Office of the Mayor and CEO Department.

BACKGROUND

Council has received correspondence from Mrs Beverley Douthett dated 5th March 2015 in regard to consideration of naming a road after her brother Private Trevor Ralph Black.

REPORT

Previously Bowen Council had a proposal to name a street in the town of Bowen in honour of Mrs Douthett's brother 1734408 Private Trevor Ralph Black. Trevor was drafted into the army in in 1968 for deployment to Vietnam that same year. Unfortunately, he was killed in action on the 8th April 1969 in Long Kahnn province.

Mrs Douthett asks again that the present Council give consideration to honour his sacrifice for his country by naming a street after him. Trevor was a very well-known and respected member of the Bowen community; he was a School Captain, played football in the Bowen Senior team and was a member of the local Municipal Band. He was a highly esteemed member of the Anglican community, a member of the Youth Theatre group, a scout and a CMF participant for many years.

STATUTORY MATTERS

N/A

CORPORATE PLAN REFERENCE

Place

Objective: Our built environment is well planned, effectively managed and protects our region's heritage and character.

OPERATIONAL PLAN REFERENCE

Place

Strategies

2. Develop and implement strategies to preserve the unique character of our communities and heritage places.

BUDGET REFERENCE

N/A

CONSULTATION

Lisa Gouldstone (Author)
Mayor Jennifer Whitney

ATTACHMENTS

Appendix Item 1 - Consideration to name a road after Pte Trevor Ralph Black

10. Office of the CEO

10.5 BOWEN FAMILY FISHING CLASSIC AND WET WEEKEND 19-20
SEPTEMBER 2015

RECOMMENDATION

That Council provide support for the 2015 Bowen Family Fishing Classic and Wet Weekend to be held on the 19 & 20 September 2015.

The following report has been submitted for inclusion in Council's Ordinary Meeting to be held on 25 March, 2015 by Council's Office of the Mayor and CEO Department.

BACKGROUND

Correspondence has been received from the Bowen Family Fishing Classic and Wet Weekend Crew requesting support from Whitsunday Regional Council for their event 19 to 20 September 2015. Council provides support to the Bowen Family Fishing Classic and Wet Weekend every year in various forms subject to budget constraints.

REPORT

Bowen Family Fishing Classic and Wet Weekend Competition Crew seek sponsorship or donation from Council for their annual event which is to be held on the 20 and 21 September 2015 at the Bowen Front Beach Foreshore area.

A copy of the resolution from the Council meeting held on Wednesday 9th April 2014 is attached.

STATUTORY MATTERS

N/A

CORPORATE PLAN REFERENCE

People

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

OPERATIONAL PLAN REFERENCE

People

Strategies

- 1. Effectively maintain public spaces and ensure they are accessible to people of all ages and abilities.***
-
- 3. Develop a balanced system of funding local sport and recreation facilities.***
-
- 5. Encourage cooperation between community and sporting groups and maximise benefits to sporting and recreation facilities across the Whitsunday Region.***

6. *Support community groups in facilitating a variety of cultural, community, sporting and recreation activities, events and programs.*
7. *Promote volunteerism and encourage the participation of volunteers in community activities.*

BUDGET REFERENCE

N/A

CONSULTATION

Lisa Gouldstone - Mayoral Support Officer (Author)
Mayor Jennifer Whitney

ATTACHMENTS

Appendix Item 1 - Bowen Family Fishing Classic and Wet Weekend 19-20 September 2015

Appendix Item 2 - Council Resolution to request Bowen Family Fishing Classic and Wet Weekend 20 & 21 September 2014.

10. Office of the CEO
- 10.6 ADVISORY - NOTIFICATION OF LOCALITY BOUNDARY CHANGE - CANNONVALE / CANNON VALLEY
-

RECOMMENDATION

That Council receive the correspondence from the Department of Natural Resources and Mines in regards to the locality boundary change between Cannonvale and Cannon Valley, which has become effective from 5 January 2015.

The following report has been submitted for inclusion in Council's Ordinary Meeting to be held on 25 March, 2015 by Council's Office of the Mayor and CEO Department.

BACKGROUND

The Department of Natural Resources and Mines sought Council's view on the draft proposed locality boundary change between Cannonvale and Cannon Valley via correspondence on the 15 July 2014.

Council's Development Assessment section had no planning issues or objection to the proposed locality realignment.

A report to the Ordinary Meeting of Council on the 12 August 2014 resolved:

12. Planning and Community Services
- 12.17 2014/08/12.26 Proposed Locality Boundary Change between Cannonvale and Cannon Valley

Moved by: J ATKINSON

Seconded by: J CLIFFORD

That Council advise the Department of Natural Resources and Mines that it has no objection to the proposed locality boundary realignments for the localities of Cannonvale and Cannon Valley.

MEETING DETAILS:

The motion was Carried 7/0

REPORT

Correspondence has been received from the Department of Natural Resources and Mines dated the 5 March 2015 advising that the a decision has been made to alter the boundary between the localities of Cannonvale and Cannon Valley, effective from the 5th of January 2015. The Department of Natural Resources and Mines advised that all key agencies have been advised, along with all of the residents in the affected area.

STATUTORY MATTERS

Place Names Act 1997

CORPORATE PLAN REFERENCE

Governance and Leadership

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

OPERATIONAL PLAN REFERENCE

Governance and Leadership

Strategies

- 1. Build and maintain strong, collaborative and cooperative relationships across all levels of government, business, industry and the community.***
- 2. Identify opportunities for alignment between Council's interests and objectives with those of Federal and State Governments.***

BUDGET REFERENCE

N/A

CONSULTATION

Scott Waters - Chief Executive Officer (Author)

ATTACHMENTS

Appendix Item 1 - Correspondence from the Department of Natural Resources and Mines dated the 5 March 2015.

10. Office of the CEO
10.7 ADVISORY - SAFE NIGHT PRECINCT
-

RECOMMENDATION

That Council continues to receive updates on the Safe Night Precinct, and notes the State Government appointments from Council on the local committee being the Manager of Health & Environment, the Chief Executive Officer and Mayor on behalf of Whitsunday Regional Council.

Furthermore, that Council authorises the Chief Executive Officer to negotiate a cost neutral agreement with the Department of Corrective Services to implement a supervised community service program within the Airlie Beach Main Street Precinct, specifically with regard to the Safe Night Out Strategy.

The following report has been submitted for inclusion in Council's Ordinary Meeting to be held on 25 March, 2015 by Council's Office of the Mayor and CEO Department.

BACKGROUND

The Safe Night Out Strategy (SNOS) is a Queensland Government initiative to restore responsible behaviour, respect, stamp out alcohol, drug-related violence and ensure Queensland's nightlife is safe for all.

The following was resolved at Council's Ordinary meeting dated 12 August, 2014;

12.18 2014/08/12.27 SAFE NIGHT OUT STRATEGY

Moved by: J CLIFFORD
Seconded by: J COLLINS

That Council notes the meeting held to discuss Whitsunday Regional Council and various other State Government Agencies involvement with the Safe Night Out.

MEETING DETAILS:

The motion was Carried 7/0

Part of the SNOS comprehensive plan is to reduce violence and to provide safer and more supportive environments. This includes better local management of key entertainment precincts to protect and support vibrant nightlife. Consequently Safe Night Precincts (SNP) will be managed by local boards with a range of stakeholders including liquor licenced premises, local business owners and chambers of commerce. Each board will work closely with government agencies, local councils, Queensland Police Service, the Office of Liquor and Gaming Regulation and the Department of Transport and Main Roads.

REPORT

Fourteen SNPs are being proposed state-wide and Airlie Beach CBD has been selected as a key entertainment district. Moving forward with this community service project, in November, 2014 the Safe Night Out Airlie Beach CBD Precinct Inc became an incorporated entity to deliver the state government initiatives. The initial meeting for the incorporated body was conducted on the 6th January, 2015.

A Public Safety Consultative Committee (PSCC) will also be invited to attend scheduled board meetings. Their role is to support and provide professional advice to the SNP incorporated association to ensure they make informed decisions on the district. Council is an active participant on the PSCC being represented by Julie Wright - Manager of Health & Environment, Scott Waters - Chief Executive Officer and Cr Jennifer Whitney - Mayor.

The Queensland Government has approved funding for each local board and additionally they will be able to raise private funds and apply for grants for precinct management initiatives from local, state and federal governments. Grants from funds could be approved for initiatives such as networked ID scanners, improved lighting or signage, CCTV cameras or other worthwhile measures.

Quarterly funding rounds occur, with the Queensland Government pledging \$65,000 in subsidy. Local meetings will be called one month prior to funding round closures to determine collective member initiatives to include in the funding submission.

It should be noted that this initiative has resulted in a number of changes for licensees, in particular, those who are approved to trade past 12 midnight on a permanent basis. Because of these trading conditions, these particular premises will be required to operate an approved ID scanner which cross checks a person's identification against a database containing individuals who are subject to a Queensland Police Service ban or a court ban.

Council was approached by the Department of Corrective Services (DCS) in mid-January, 2015 to provide non-violent offender supervision when completing community service as part of the program. Therefore, it is recommended that Council work with the DCS to implement a supervised community service program within the Airlie Beach Main Street precinct, specifically with regard to the SNOS.

STATUTORY MATTERS

Safe Night Out Legislation Amendment Bill 2014

CORPORATE PLAN REFERENCE

Governance and Leadership

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

OPERATIONAL PLAN REFERENCE

Governance and Leadership

Strategies

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

4. *Advocate Council's interests and objectives to government, business, industry and the community.*

BUDGET REFERENCE

N/A

CONSULTATION

Scott Waters - Chief Executive Officer (Author)
Mayor Jennifer Whitney
Julie Wright - Manager of Health & Environment

ATTACHMENTS

Appendix Item 1 - Safe Night Out Airlie Beach CBD Precinct Minutes
Appendix Item 2 - Safe Night Out Airlie Beach CBD Precinct Map

10. Office of the CEO
- 10.8 ADVISORY - SUPPORT FROM JASON COSTIGAN MP - REACTIVATION OF THE COLLINSVILLE POWER STATION
-

RECOMMENDATION

That Council receives the correspondence from Jason Costigan MP in regard to Changes to the use of land in the Galilee Basin State Development Area for a Multi-fuel Power Station and Ancillary Infrastructure - Moray Power Station.

The following report has been submitted for inclusion in Council's Ordinary Meeting to be held on 25 March, 2015 by Council's Office of the Mayor and CEO Department.

BACKGROUND

Council sent out letters to the newly elected Queensland State Ministers seeking support in relation to the reactivation of the Collinsville Power Station.

REPORT

Correspondence has been received from Jason Costigan MP with full support of the reactivation of the Collinsville Power Station. Furthermore, it is his intention to lobby the new Minister for State Development, the Hon. Dr Anthony Lynham MP in relation to this matter.

STATUTORY MATTERS

N/A

CORPORATE PLAN REFERENCE

Place

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

OPERATIONAL PLAN REFERENCE

Prosperity

Strategies

- 1. Develop and implement an Economic Development Strategy and Regional Investment Prospectus.*
- 3. Partner with government, industry, business and community to create economic opportunities through encouraging and attracting investment to the Whitsunday Region.*
- 5. Advocate for the establishment of a base load power station at Collinsville and alternative energy sources.*

BUDGET REFERENCE

N/A

CONSULTATION

Lisa Gouldstone - Mayoral Support Officer (Author)

Mayor Jennifer Whitney

ATTACHMENTS

Appendix Item 1 - Support from Jason Costigan MP in the reactivation of the Collinsville Power Station

11. Corporate Services

No agenda items for this section.

12. Planning and Community Services

12.1 20150089 - APPLICATION FOR CONVERSION TO FREEHOLD OF TERM LEASE 0/232926 DESCRIBED AS LOT 4192 ON PH1188

RECOMMENDATION

That Department of Natural Resources and Mines be advised that Council has no objection to Term Lease 0/232926 being converted to freehold provided the use of the land is for grazing purposes.

The following report has been submitted for inclusion in Council's Ordinary Meeting to be held on 25 March 2015 by Council's Planning and Community Department.

BACKGROUND

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

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

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

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

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

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

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

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

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

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

REPORT

The Department of Natural Resources and Mines has sought Council's views on an application for the Conversion to Freehold of Term Lease 0/232926, being Lot 4192 on PH1188.

Lot 4192 on PH1188 is zoned Rural under the *Bowen Shire Planning Scheme 2006* and is approximately 5100.0000 hectares. The property is identified on the Natural Features and Resources Overlay – Special Management Areas - Bushfire Hazard.

In order to provide a response to the Department in relation to the "views and rights of interested parties", council officers have undertaken a review as to whether or not the proposed conversion of Term Lease 0/232926 to freehold will adversely impact on Council interests.

The conversion of Term Lease 0/232926 to freehold does not adversely impact on existing or future Council owned or controlled infrastructure, being:

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

It is noted that the proposed area subject to Term Lease 0/232926 does not contain any Council owned or controlled infrastructure and there are no plans to locate Council owned or controlled infrastructure within the area subject to Term Lease 0/232926.

The conversion of Term Lease 0/232926 to freehold does not adversely impact on valuable features, as stated in the planning scheme, such as:

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

The proposed conversion of Term Lease 0/232926 to freehold does not adversely impact on land use intent of the area, being rural nor the ability for the site to continue the current farming practices which is a consistent and suitable use given the overlays over the site.

Planning Assessment, Rates, Engineering and the NRM Unit have reviewed and do not object to the proposed Conversion to Freehold of Term Lease 0/232926.

STATUTORY MATTERS

Land Act 1994

CORPORATE PLAN REFERENCE

Place

Objective: Our region is accessible and connected.

Place

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

OPERATIONAL PLAN REFERENCE

Place

Strategies

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

BUDGET REFERENCE

N/A

CONSULTATION

Emma Lekic – Technical Officer Planning Assessment (Author)

Patty Jago – (Rates)

Monica Stoinescu – NRM Unit

Hennie Van Der Schyff – Executive Manager Roads and Drainage

Kellianne Wynne – Manager Development Assessment

ATTACHMENTS

Appendix Item 1 – Locality Plan

Appendix Item 2 – Smart Map

12. Planning and Community Services

12.2 20150121 - APPLICATION FOR CONVERSION TO FREEHOLD OF TERM LEASE 0/235409 DESCRIBED AS LOT 2 ON SB25 - PARISH OF DIRRILL

RECOMMENDATION

That Department of Natural Resources and Mines be advised that Council has no objection to Term Lease 0/235409 being converted to freehold subject to the following conditions:

- The use of the land is for pastoral purposes; and
- No obstruction shall be placed over any area designated for the Stock Route Network. The entirety of any area designated for Stock Route network shall be kept clear in order to allow unimpeded movement of stock.

The following report has been submitted for inclusion in Council's Ordinary Meeting to be held on 25 March 2015 by Council's Planning and Community Department.

BACKGROUND

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

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

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

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

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

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

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

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

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

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

REPORT

The Department of Natural Resources and Mines has sought Council's views on an application for the Conversion to Freehold of Term Lease 0/235409 being Lot 2 on SB25, Parish of Dirrill.

Lot 2 on SB25 is zoned Rural under the *Bowen Shire Planning Scheme 2006* and is approximately 2412.8120 hectares. The property is identified on the Natural Features and Resources Overlay – Special Management Areas - Bushfire Hazard.

In order to provide a response to the Department in relation to the "views and rights of interested parties", council officers have undertaken a review as whether or not the proposed conversion of Term Lease 0/235409 to freehold will adversely impact on Council interests.

The conversion of Term Lease 0/235409 to freehold does not adversely impact on existing or future Council owned or controlled infrastructure, being:

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

It is noted that the proposed area subject to Term Lease 0/235409 does not contain any Council owned or controlled infrastructure and there are no plans to locate Council owned or controlled infrastructure within the area subject to Term Lease 0/235409.

The conversion of Term Lease 0/235409 to freehold does not adversely impact on valuable features, as stated in the planning scheme, such as:

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

The proposed conversion of Term Lease 0/235409 to freehold does not adversely impact on land use intent of the area, being rural nor the ability for the site to continue the current farming practices which is a consistent and suitable use given the overlays over the site.

Planning Assessment, Rates and the NRM Unit have reviewed and do not object to the proposed Conversion to Freehold of Term Lease 0/235409.

STATUTORY MATTERS

Land Act 1994

CORPORATE PLAN REFERENCE

Place

Objective: Our region is accessible and connected.

Place

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

OPERATIONAL PLAN REFERENCE

Place

Strategies

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

BUDGET REFERENCE

N/A

CONSULTATION

Emma Lekic – Technical Officer Planning Assessment (Author)

Amanda Ayers – Rates

Monica Stoinescu – NRM Unit

Kellianne Wynne – manager Development Assessment

ATTACHMENTS

Appendix Item 1 – Locality Plan

Appendix Item 2 – Smart Map

12. Planning and Community Services

12.3 20150117 - APPLICATION FOR CONVERSION TO FREEHOLD OF TERM LEASE 0/236085 DESCRIBED AS LOT 35 ON HR389

RECOMMENDATION

That Department of Natural Resources and Mines be advised that Council has no objection to Term Lease 0/236085 being converted to freehold subject to the following conditions:

- The use of the land is for grazing purposes; and
- No obstruction shall be placed over any area designated for the Stock Route Network. The entirety of any area designated for Stock Route network shall be kept clear in order to allow unimpeded movement of stock.

The following report has been submitted for inclusion in Council's Ordinary Meeting to be held on 25 March 2015 by Council's Planning and Community Department.

BACKGROUND

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

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

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

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

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

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

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

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

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

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

REPORT

The Department of Natural Resources and Mines has sought Council's views on an application for the Conversion to Freehold of Term Lease 0/236085, being Lot 35 on HR389. Lot 35 on HR389 is zoned Rural under the *Bowen Shire Planning Scheme 2006* and is approximately 166.0000 hectares. The property is identified on the Natural Features and Resources Overlay – Special Management Areas - Bushfire Hazard.

In order to provide a response to the Department in relation to the “views and rights of interested parties”, council officers have undertaken a review as whether or not the proposed conversion of Term Lease 0/236085 to freehold will adversely impact on Council interests. The conversion of Term Lease 0/236085 to freehold does not adversely impact on existing or future Council owned or controlled infrastructure, being:

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

It is noted that the proposed area subject to Term Lease 0/236085 does not contain any Council owned or controlled infrastructure and there are no plans to locate Council owned or controlled infrastructure within the area subject to Term Lease 0/236085.

The conversion of Term Lease 0/236085 to freehold does not adversely impact on valuable features, as stated in the planning scheme, such as:

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

The proposed conversion of Term Lease 0/236085 to freehold does not adversely impact on land use intent of the area, being rural nor the ability for the site to continue the current farming practices which is a consistent and suitable use given the overlays over the site. Planning Assessment, Rates, Engineering and the NRM Unit have reviewed and do not object to the proposed Conversion to Freehold of Term Lease 0/236085.

STATUTORY MATTERS

Land Act 1994

CORPORATE PLAN REFERENCE

Place

Objective: Our region is accessible and connected.

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

OPERATIONAL PLAN REFERENCE

Place

Strategies

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

BUDGET REFERENCE

N/A

CONSULTATION

Emma Lekic – Technical Officer Planning Assessment (Author)

Amanda Ayres – Rates

Monica Stoinescu – NRM Unit

Kellianne Wynne – Manager Development Assessment

ATTACHMENTS

Appendix Item 1 – Locality Plan

Appendix Item 2 – Smart Map

12. Planning and Community Services

12.4 20150118 - APPLICATION FOR CONVERSION TO FREEHOLD OF TERM LEASE 0/208333 DESCRIBED AS LOT 21 ON HR1034

RECOMMENDATION

That Department of Natural Resources and Mines be advised that Council has no objection to Term Lease 0/208333 being converted to freehold subject to the following conditions:

- The use of the land is for grazing purposes; and
- No obstruction shall be placed over any area designated for the Stock Route Network. The entirety of any area designated for Stock Route network shall be kept clear in order to allow unimpeded movement of stock.

The following report has been submitted for inclusion in Council's Ordinary Meeting to be held on 25 March 2015 by Council's Planning and Community Department.

BACKGROUND

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

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

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

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

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

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

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

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

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

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

REPORT

The Department of Natural Resources and Mines has sought Council's views on an application for the Conversion to Freehold of Term Lease 0/208333 being Lot 21 on HR1304.

Lot 21 on HR1034 is zoned Rural under the *Bowen Shire Planning Scheme 2006* and is approximately 6.6520 hectares. The property is identified on the Natural Features and Resources Overlay – Special Management Areas - Bushfire Hazard.

In order to provide a response to the Department in relation to the "views and rights of interested parties", council officers have undertaken a review as whether or not the proposed conversion of Term Lease 0/208333 to freehold will adversely impact on Council interests. The conversion of Term Lease 0/208333 to freehold does not adversely impact on existing or future Council owned or controlled infrastructure, being:

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

It is noted that the proposed area subject to Term Lease 0/208333 does not contain any Council owned or controlled infrastructure and there are no plans to locate Council owned or controlled infrastructure within the area subject to Term Lease 0/208333.

The conversion of Term Lease 0/208333 to freehold does not adversely impact on valuable features, as stated in the planning scheme, such as:

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

The proposed conversion of Term Lease 0/208333 to freehold does not adversely impact on land use intent of the area, being rural nor the ability for the site to continue the current farming practices which is a consistent and suitable use given the overlays over the site. Planning Assessment, Rates and the NRM Unit have reviewed and do not object to the proposed Conversion to Freehold of Term Lease 0/208333.

STATUTORY MATTERS

Land Act 1994

CORPORATE PLAN REFERENCE

Place

Objective: Our region is accessible and connected.

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

OPERATIONAL PLAN REFERENCE

Place

Strategies

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

BUDGET REFERENCE

N/A

CONSULTATION

Emma Lekic – Technical Officer Planning Assessment (Author)

Amanda Ayres – Rates

Monica Stoinescu – NRM Unit

Kellianne Wynne – Manager Development Assessment

ATTACHMENTS

Appendix Item 1 – Locality Plan

Appendix Item 2 – Smart Map

12. Planning and Community Services

12.5 20070159 + 20110060 - REQUEST FOR EXTENSION OF RELEVANT PERIOD - DEVELOPMENT PERMIT FOR MATERIAL CHANGE OF USE AND RECONFIGURATION OF A LOT - ONE (1) LOT INTO (13) THIRTEEN LOTS - LOW DENSITY RESIDENTIAL LOTS AND OPERATIONAL WORKS - MURPHY

RECOMMENDATION

That in relation to the request for an extension of relevant period of the Development Permit for Material Change of Use and Reconfiguration of a Lot - One (1) Lot into Thirteen (13) Low Density Residential Lots – Staged Development – Stage 6A for 7 Lots – Stage 6B for 5 Lots and Stage 6C for a Balance Lot & A Development Permit for Operational Works for Earthworks, Roadworks and Stormwater lodged by RPS Australia East Pty Ltd on behalf of C Murphy and J Murphy on land described as Lot 203 SP 208370, Mila Drive Woodwark, that Council approve the request for an extension of the relevant period for both development permits for a further two (2) years as follows.

- Development Permit for Material Change of Use and Reconfiguration of a Lot - One (1) Lot into Thirteen (13) Low Density Residential Lots – Staged Development – Stage 6A for 7 Lots – Stage 6B for 5 Lots and Stage 6C for a Balance Lot, an extension till the 28 April 2017; and
- A Development Permit for Operational Works for Earthworks, Roadworks and Stormwater, an extension till the 11 March 2017.

The following report has been submitted for inclusion in Council's Ordinary Meeting to be held on 25 March 2015 by Council's Planning and Community Department.

BACKGROUND

A development application for a Development Permit for a Material Change of Use and Reconfiguration of a Lot land described as Lot 203 SP 208370, Mila Drive Woodwark was approved by Council on 28 April 2009 subject to conditions. Subsequently a Development Permit for Operational Works for Earthworks, Roadworks and Stormwater was approved on 11 March 2011.

In addition, Council has since issued the following subsequent approvals which will lapse as follows:

- Development Permit for Material Change of Use and Reconfiguration of a Lot - One (1) Lot into Thirteen (13) Low Density Residential Lots – Staged Development – Stage 6A for 7 Lots – Stage 6B for 5 Lots and Stage 6C for a Balance Lot, an extension till the 28 April 2015; and
- A development permit for Operational Works for Earthworks, Roadworks and Stormwater, an extension till the 11 March 2015.

REPORT

Council received a request to extend the relevant period to the both the development permits for an additional two (2) years. If this extension request is approved, the development permits will lapse on the following dates:

- Development Permit for Material Change of Use and Reconfiguration of a Lot - One (1) Lot into Thirteen (13) Low Density Residential Lots – Staged Development – Stage 6A for 7 Lots – Stage 6B for 5 Lots and Stage 6C for a Balance Lot, an extension till the 28 April 2017; and
- A development permit for Operational Works for Earthworks, Roadworks and Stormwater, an extension till the 11 March 2017.

The applicant's grounds for the request for an extension to the relevant period are outlined below:

"In addition to the statutory requirements that are provided in Appendix X. the following additional supporting information is also provided to assist Council in the decision making processes.

- *New owners have recently acquired the site after a lengthy selling/acquisition process. The current owners entered into negotiations with the previous owners in January 2014, and settled on the property purchase on the 30 April 2014. Since that date the current owners have been working on obtaining relevant development documents, including construction quotes in order to commence the development.*
- *The new owners are also in the process of negotiating the purchase of the land to the south of Paluma Road (Stages 3B-5) (D378 of 2004). It is the intention to undertake the entire fifty lot development as a whole, inclusive of Stages 3B, 5 and 5 with Stage 3B commencing first and Stage 6 being last. This is a major contributing factor in why a two (2) year extension is required.*
- *The new owners have also been undertaking a detailed review of the road construction requirements at present, it is not financially viable to construct the road. These reviews have taken a considerable amount of time and have not resulted in any real reduction in construction costs. Hence, the only way to make a Stage 6 profitable is to delay its construction until the property market improves and the lots can be sold for a higher price than achievable at present.*
- *The new owners are also looking at the possibility of changing the subdivision to a community title arrangement in order to have the road construction requirement reduced. This option is however, in its early stages of conception and requires more time for a detailed cost breakdown to be formalised.*
- *The new owners have appointed Berry Excavations, a local civil and construction firm, to complete the civil works necessary to construct the road on Stage 6, and are currently negotiating a new detailed scope of works for Stages 3B, 4 and 5.*
- *There is no real benefit to Council in letting the application lapse."*

Officer's comment

In considering a request for an extension to the relevant period, the assessment manager must have regard for Section 388 of the Sustainable Planning Act 2009 as follows:

- a) *the consistency of the approval, including its conditions, with the current laws and policies applying the development, for example, the amount and type of infrastructure contributions, or charges payable;*

- b) *the community's current awareness of the development approval; and*
- c) *whether, if the request were refused –*
 - (i) *further rights to make a submission may be available for a further development application; and*
 - (ii) *the likely extent to which those rights may be exercised; and*
- d) *the views of any concurrence agency for the approval given under Section 385 of the Sustainable Planning Act 2009.*

In meeting the requirements under *SPA 2009*, the following comments can be given.

The development applications have been lodged and assessed under either the *2000 Whitsunday Shire Planning Scheme* or the *Whitsunday Shire Planning Scheme 2009* against the overlays and codes. The level of assessment was taken to be Code assessable.

The development permits granted in April 2009 and March 2011 has been reviewed against the *Whitsunday Shire Planning Scheme 2009* and as a result there has been no significant change that may alter the conditions of the original approval for these development permits.

The applicant has undertaken assessment of the proposal against the changes that have occurred to the state planning legislation since the original development permits were issued. The proposal is generally deemed to be compliant with the state planning assessment provisions.

The level of assessment for the reconfiguration proposal in its current format is impact assessable under the *Whitsunday Shire Planning Scheme 2009*. However if a new application was lodged in the future under the current draft planning scheme this would result in the application being code assessable if lots were 4,000 square metres or greater. The zone under the draft planning scheme remains as what it is currently, rural residential. The applicable overlays and codes under the new draft scheme are in line with the approved reports and conditions that have been originally imposed on the decision notices for both the development permits.

For clarification, the proposal does not approve dwelling houses to be built on the proposed allotments. Any future dwelling proposed to be constructed on the proposed lots may trigger a development permit for a material change of use for a dwelling house, due to the >15% slope over the site (under either the *Whitsunday Shire Planning Scheme 2009* or the draft planning scheme). This may require the submission of a site specific geotechnical report for a lot.

Due to the nature of the proposal and associated amount of advertising that has occurred for the site (including the marketing of allotments in previous stages) and local advertising via billboard signs on Shute Harbour Road, it is reasonable to assume that these measures have contributed to raising general community awareness of the proposal.

The Concurrence Agency for when the application was originally decided was the Department of Environment and Heritage Protection. Since this time the Department of State Development, Infrastructure and Planning has formed and the application has been referred to the agency for their response. This is attached in Appendix 3.

Council records indicate that the development was conditioned for the following developer contributions.

- Roadworks (Shire) - \$18,260.08
- Community Facilities - \$7,365.60
- Maintenance Valuation - \$325.00

Total developer contributions - \$25,950.68

Council has not yet received payment of these developer contributions.

A review of the applicable charges in accordance with the current Infrastructure Charges Resolution No. 3 (Whitsunday) and the following rates would now be applicable if a new development application were lodged:

DEMAND - Adopted Infrastructure Charge

<i>Applicable Infrastructure Network</i>	<i>Adopted Infrastructure Charge Category</i>	<i>Adopted Infrastructure Charge Rate</i>	<i>Stage</i>	<i>Number of Demand Units</i>	<i>Total Adopted Infrastructure Charge</i>
Transport Recreation Facilities	RoL			13	\$11,200
				TOTAL	\$145,600

CREDITS - Adopted Infrastructure Charge

<i>Applicable Infrastructure Network</i>	<i>Adopted Infrastructure Category</i>	<i>Adopted Infrastructure Charge Rate</i>	<i>Stage</i>	<i>Number of Demand Units</i>	<i>Total Credits</i>
Transport Recreation Facilities	RoL			1	\$11,200
				TOTAL	\$11,200

Charge is Payable to:

Prior to the sealing of the survey plan for each stage

Demand	Minus Credits	Total Infrastructure Charge
\$145,600	\$11,200	\$134,400

Draft Whitsunday Regional Council Planning Scheme

A review of the proposal against the Draft Whitsunday Regional Council Planning Scheme of which is currently undertaking State Interest Review has been undertaken:

Strategic framework:

The strategic framework sets the policy direction for the planning scheme and forms the basis for ensuring appropriate development occurs in the planning scheme area for the life of the planning scheme. The development meets and supports the five overarching strategic outcomes for the region.

Strategic Intent:

The development supports a proposal for increased rural residential lots and future rural residential growth occurring in the major centre of Cannonvale. The site is subject to primary road access via Paluma Road which is 10 km north of business and commercial precinct of Cannonvale. The development allows for an expansion to accommodate future allotments as part of a staged subdivision approval. The adjoining land has been subject to successful staging approvals for reconfiguration which has produced lot sizes ranging from 4,000 square metres to two (2) hectares approximately. The proposed reconfiguration is an appropriate form of infill development in terms of size and scale for the vicinity. The blocks retain a high standard of amenity for the area and are sensitive to the prevailing environmental qualities of the site and the visual landscape setting.

Proposed Zone:

The site is within the Rural Residential Zone. This proposal supports orderly development and is compatible with the existing rural residential lots adjoining the site and likely future character of the surrounding area.

Applicable Overlays:

- Agricultural Land
- Bushfire Hazard (high and very high potential hazard)
- Environmental Significance (wildlife habitat)
- Landslide (> 24 %)
- Waterways & Wetlands

The development permits are generally consistent with the draft Overlays through the reports and conditions that have been imposed. Slight variations include the overlay for Agricultural Land which establishes land must not be suitable for agricultural purposes. Due to the steep topography of the site and surrounding rural residential land uses, the land serves no suitability for any agricultural land uses.

Level of Assessment:

The level of assessment for a subdivision with the applicable overlay codes is Code assessable. The rural residential minimum lot size is prescribed as 4,000 square metres with a 50 metres minimum width (road frontage) and a 50 metres minimum depth. The proposal currently details that Lot 32 is below this size requirements and as such would need to be increased to meet these provisions.

If future development (ie. construction of dwelling houses) was to occur on the proposed lots then a development permit for a material change of use may be applicable depending on the proposed site plans submitted and location of the structure on the land. Additional professional reports such as a geotechnical report may be required to support the proposal.

Applicable Codes:

- Rural Residential Zone Code
- Reconfiguring a Lot Code
- Excavation and filling Code
- Infrastructure Code
- Landscaping Code
- Transport and Parking Code

The development permits are generally consistent with the draft Codes through the approved reports and conditions that have been imposed.

CONCLUSION

The applicant has requested an extension of the relevant period for a further two (2) years to the relevant period as follows:

- Development Permit for Material Change of Use and Reconfiguration of a Lot - One (1) Lot into Thirteen (13) Low Density Residential Lots – Staged Development – Stage 6A for 7 Lots – Stage 6B for 5 Lots and Stage 6C for a Balance Lot, an extension till the 28 April 2017; and
- A development permit for Operational Works for Earthworks, Roadworks and Stormwater, an extension till the 11 March 2017.

The Woodwark Bay Development at the end of Paluma Road has been progressing through the stages over a number of years. The new owners have demonstrated a commitment to deliver the balance of the development being Stages 3-5 and Stage 6 by obtaining all the relevant approvals and engineering a Civil Contractor to commence the works. It is on this basis that Council Officers recommend approval for the request for an extension of the relevant period on the grounds outlined above.

STATUTORY MATTERS

Sections 387, 388, 389 and 390 of the *Sustainable Planning Act 2009*.

CORPORATE PLAN REFERENCE

Place

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

OPERATIONAL PLAN REFERENCE

Place

Strategies:

1. *Develop and maintain effective roads and drainage infrastructure networks and facilities.*
2. *Develop and maintain effective water and waste water infrastructure, networks and facilities.*

BUDGET REFERENCE

Budget Cost Code: Not Applicable

CONSULTATION

Anthea Shivas – Development Assessment Officer (Author)

ATTACHMENTS

Appendix Item 1 – Locality Plan

Appendix Item 2 – Proposal Plan

Appendix Item 3 – State Agency Referral Agency (SARA) Response

12. Planning and Community Services

12.6 20150114 - APPLICATION FOR CONVERSION TO FREEHOLD OF GRAZING HOMESTEAD PERPETUAL LEASE 12/550 DESCRIBED AS LOT 2 ON SM77 - PARISH OF YACKAMUNDA

RECOMMENDATION

That Department of Natural Resources and Mines be advised that Council has no objection to Grazing Homestead Perpetual Lease 12/2550 being converted to freehold provided the use of the land is for grazing purposes.

The following report has been submitted for inclusion in Council's Ordinary Meeting to be held on 25 March 2015 by Council's Planning and Community Department.

BACKGROUND

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

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

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

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

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

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

Land evaluation information, upon which the most appropriate use decision will be based, will be accessed from a range of sources, including planning strategies and policies, views of

interested parties, departmental databases, government laws and policies, previous planning studies, and from a physical inspection of the subject land.

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

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

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

REPORT

The Department of Natural Resources and Mines has sought Council's views on an application for the Conversion to Freehold of Grazing Homestead Perpetual Lease 12/2550, described as Lot 2 on SM77.

Lot 2 on SM77 is zoned Rural under the *Bowen Shire Planning Scheme 2006* and is approximately 17900.0000 hectares. The property is identified on the Natural Features and Resources Overlay – Special Management Areas - Bushfire Hazard.

In order to provide a response to the Department in relation to the “views and rights of interested parties”, council officers have undertaken a review as whether or not the proposed conversion of GHPL 12/2550 to freehold will adversely impact on Council interests.

The conversion of GHPL 12/2550 to freehold does not adversely impact on existing or future Council owned or controlled infrastructure, being:

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

It is noted that the proposed area subject to GHPL 12/2550 does not contain any Council owned or controlled infrastructure and there are no plans to locate Council owned or controlled infrastructure within the area subject to GHPL 12/2550.

The conversion of GHPL 12/2550 to freehold does not adversely impact on valuable features, as stated in the planning scheme, such as:

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

The proposed conversion of GHPL 12/2550 to freehold does not adversely impact on land use intent of the area, being rural nor the ability for the site to continue the current farming practices which is a consistent and suitable use given the overlays over the site.

Planning Assessment, Engineering and the NRM Unit have reviewed and do not object to the proposed Conversion to Freehold of GHPL 12/2550.

STATUTORY MATTERS

Land Act 1994

CORPORATE PLAN REFERENCE

Place

Objective: Our region is accessible and connected.

Place

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

OPERATIONAL PLAN REFERENCE

Place

Strategies

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

BUDGET REFERENCE

N/A

CONSULTATION

Emma Letic – technical Officer Planning Assessment (Author)

Monica Stoinescu – NRM Unit

Hennie van der Schyff – Executive Manager Roads and Drainage

Kellianne Wynne – Manager Development Assessment

ATTACHMENTS

Appendix Item 1 – Locality Plan

Appendix Item 2 – Smart Map

12. Planning and Community Services

12.7 20130994 - REQUEST FOR REFUND OF APPLICATION FEE - DEVELOPMENT APPROVAL FOR DEVELOPMENT PERMIT FOR MATERIAL CHANGE OF USE FOR EXTRACTIVE INDUSTRY (ENVIRONMENTALLY RELEVANT ACTIVITY) - PAT MCDONNELL EARTHMOVING

RECOMMENDATION

Refuse the request for a refund of the development application fees on the following grounds:

- The application is subject to the Whitsunday Regional Council's Register of Fees and Charges for the year 1st July 2013 to 30th June 2014 for Material Change of Use applications for Special Uses (Sand Extraction Permit);
- Council has conducted an assessment of the application and a decision has been provided; and
- Council Officers have consistently required development application fees for all Material Change of Use – Extractive Industry (Sand Extraction) activities in the Don River.

The following report has been submitted for inclusion in Council's Ordinary Meeting to be held on 25 March 2015 by Council's Planning and Development Services Department.

BACKGROUND

On 24 July 2014, Council approved the development application for Development Permit for Material Change of Use for Extractive Industry (Environmentally Relevant Activity at Dalmore Lane Bowen and 183 Inverroona Road Bowen subject to conditions. As part of making the properly made application to Council in accordance with section 260(1)(d)(i) of the *Sustainable Planning Act 2009* the applicant was required to pay the application fee of \$3,573.00. The applicant made the payment of the application fee on 20 December 2013 according to Council's records.

REPORT

On 12 March 2015 the applicant has requested a full refund of the development application fees totalling.

Applicant's representations

We would like to request a refund of the application fees of \$3,308.00 which was paid on 19/12/2014 to Council for MCU and ERA – Mouth of the Don River, Bowen.

The cost of permits, fees, surveys etc. has been very expensive, not to mention having to construct a road to gain access to the river. All up it has cost just on \$45,000.

When the river runs we are unable to take sand out until the water has gone. We will most likely not be able to take the full quota of sand we are allowed.

Our Business (along with most Businesses) is doing it tough at the moment and any help we could get with refund of fees would be appreciated.

Officer's comment

- The application is subject to the Whitsunday Regional Council's Register of Fees and Charges for the year 1st July 2013 to 30th June 2014 for Material Change of Use applications for Special Uses (Sand Extraction Permit);
- Council has conducted an assessment of the application and a decision has been provided; and
- Council has consistently required development application fees for all Material Change of Use – Extractive Industry (Sand Extraction) activities in the Don River.

CONCLUSION

Council Officer's recommend no refund of the application fees be provided due to the service being provided by Council.

STATUTORY MATTERS

Local Government Act 2009
Sustainable Planning Act 2009

CORPORATE PLAN REFERENCE

Place

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

OPERATIONAL PLAN REFERENCE

Place

Strategies

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

BUDGET REFERENCE

Budget Cost Code – Applicable Reserve funds

CONSULTATION

Matthew Twomey – Town Planner (Author)

ATTACHMENTS

Appendix Item 1 – Letter dated 15 March 2015 from Pat McDonnell Earthmoving

12. Planning and Community Services

12.8 20150090 - APPLICATION FOR RENEWAL OF TERM LEASE 0/235306 BEING LOT 4 ON DK148 OVER CAMPING AND WATER RESERVE R14

RECOMMENDATION

That Department of Natural Resources and Mines be advised that Council has no objection to the renewal of Term Lease 0/235306 provided the use of the land is for grazing.

The following report has been submitted for inclusion in Council's Ordinary Meeting to be held on 25 March 2015 by Council's Planning and Community Department.

BACKGROUND

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

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

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

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

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

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

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

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

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

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

REPORT

The Department of Natural Resources and Mines has sought Council's views on an application for the Renewal of Term Lease 0/235306 being Lot 4 on DK148 over Camping & Water Reserve R14 Drake.

Lot 4 on DK148 is zoned Rural under the *Bowen Shire Planning Scheme 2006* and is approximately 58.7000 hectares. The property is identified on the Natural Features and Resources Overlay – Special Management Areas - Bushfire Hazard.

In order to provide a response to the Department in relation to the "views and rights of interested parties", council officers have undertaken a review as whether or not the Renewal of Term Lease 0/235306 will adversely impact on Council interests.

The Renewal of Term Lease 0/235306 does not adversely impact on existing or future Council owned or controlled infrastructure, being:

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

It is noted that the proposed area subject to Term Lease 0/235306 does not contain any Council owned or controlled infrastructure and there are no plans to locate Council owned or controlled infrastructure within the area subject to the Term Lease 0/235306.

The Renewal of Term Lease 0/235306 does not adversely impact on valuable features, as stated in the planning scheme, such as:

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

The Renewal of Term Lease 0/235306 does not adversely impact on land use intent of the area, being rural nor the ability for the site to continue the current farming practices which is a consistent and suitable use given the overlays over the site.

Planning Assessment, Rates, Engineering and NRM Unit have reviewed and do not object to the proposed Renewal of Term Lease 0/235306.

STATUTORY MATTERS

Land Act 1994

CORPORATE PLAN REFERENCE

Place

Objective: Our natural environment is valued and sustainable.

Place

Objective: Our region is accessible and connected.

Place

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

OPERATIONAL PLAN REFERENCE

Place

Strategies

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

BUDGET REFERENCE

N/A

CONSULTATION

Emma Letic – Technical Officer Planning

Patty Jago – Rates

Monica Stoinescu – NRM Unit

Hennie Van Der Schyff – Executive Manager Roads and Drainage

Kellianne Wynne – Manager Development Assessment

ATTACHMENTS

Appendix Item 1 – Locality Plan

Appendix Item 2 – Smart Map

12. Planning and Community Services

12.9 DA08479 - REQUEST FOR EXTENSION OF RELEVANT PERIOD - DEVELOPMENT PERMIT FOR RECONFIGURATION OF A LOT - TWO (2) LOTS INTO FOUR (4) LOTS - 6 + 8 TOLLINGTON ROAD QUEENS BEACH AND 87 SOLDIERS ROAD BOWEN - MF + TR GAUDRY

RECOMMENDATION

That in relation to the request for an extension of relevant period of the Development Permit for Reconfiguration of a Lot - Two (2) Lots into Four (4) Lots lodged by WSG Whitsunday Surveys on behalf of M F Gaudry & T R Gaudry on land described as Lot 27 RP705714, Lot 28 RP705714, Lot 4 RP734372, 6 Tollington Road Queens Beach, 8 Tollington Road Queens Beach, 87 Soldiers Road Bowen, that Council approve the request for an extension of the relevant period to the 17 February 2016.

The following report has been submitted for inclusion in Council's Ordinary Meeting to be held on 25 March 2015 by Council's Planning and Community Department.

BACKGROUND

A development application for a Development Permit for Reconfiguration of a Lot - Two (2) Lots into Four (4) Lots on land described as Lot 27 RP705714, Lot 28 RP705714, Lot 4 RP734372, 6 Tollington Road Queens Beach, 8 Tollington Road Queens Beach, 87 Soldiers Road Bowen was approved by Council on the 17 February 2009, subject to conditions. An extension to the relevant period for two (2) years was issued on 17 December 2012, which extended the currency period of the Reconfiguration approval until 17 February 2015.

REPORT

On 11 February 2015 pursuant to section 383 of the *Sustainable Planning Act 2009*, Council received a request to extend the relevant period of the development permit for a Reconfiguration of a Lot - Two (2) Lots into Four (4) Lots for one (1) year until 17 February 2016.

Applicant's representations

The above development permit was issued by Council on 17 February 2009. A request to Extend the Relevant Period was approved on 17 December 2012, which extended the currency period of the ROL approval until 17 February 2015.

In accordance with section 383 of the SPA the applicant requests that Council grant an additional extension to the relevant period by one (1) year, which will extend the approval until 17 February 2016.

The extension is required due to the very poor current economic climate of Bowen and the on-going down turn in the mining industry which has resulted in a depressed market for quite some time.

Despite the poor economic climate, the applicant intends to complete the development by the end of 2015, hence the reason a 12 month extension only is requested.

The applicant has demonstrated their commitment to completing the development within the requested twelve timeframe by investing a substantial amount of money progressing the subdivision in the past few months. Such costs include payment Council application fees and

town planning, surveying and engineering consultant fees to prepare and lodge the necessary operational works application for water, sewer, access, drainage and erosion and sediment control. These costs alone are in excess of \$15,000. It is anticipated that construction will commence in mid-March, once the operational works approval is received.

In addition to the above, the applicant has also received telecommunications sign off from Telstra and is in the final stages of engaging Ergon Energy to undertake the electricity connection works.

The development will create much needed employment opportunities for the struggling Bowen community both during the initial subdivision construction stage and future building works stage.

Council is therefore requested to approve the currency period extension.

Officer's comment

In considering a request for an extension to the relevant period, the assessment management must have regard to Section 388 of the *Sustainable Planning Act 2009* as follows:

- a) the consistency of the approval, including its conditions, with the current laws and policies applying to the development, for example the amount and type of infrastructure contributions, or charges payable;
- b) the communities current awareness of the development approval; and
- c) whether if the request were refused –
 - i. further rights to make a submission may be available for a further development application; and
 - ii. the likely extent to which those rights may be exercised; and
- d) the views of any concurrence agency for the approval given under Section 385 of the *Sustainable Planning Act 2009*.

Council officers have had regard to the relevant test under Section 388 of the *Sustainable Planning Act* and consider that the applicant's request is not in conflict with the relevant requirements.

A review of the property file indicates the applicant has acquired the relevant related Operational Works approvals issued on 25 February 2015 under Council reference number 20150068. Acquiring the Development Permit for Operational Works now enables the applicant to commence the civil construction works of which have been indicated will begin in mid-March. The applicant indicated in their representations that they have received telecommunications sign off from Telstra and is in the final stages of engaging Ergon Energy to under the electricity connection works. The applicant intends to complete the development by the end of 2015 within the 12 months the extension requests.

As a requirement of the *Sustainable Planning Act 2009* provisions of Section 388, the community's current awareness of the proposed development is required in order for an extension to be granted. It is acknowledged the current community may not be fully aware of the proposed development on the site as considerable time has passed since the proposal was approved. A review of the *2006 Bowen Shire Planning Scheme* revealed the original development application was not required to be publicly notified as the original application was code assessable. It is also acknowledged that if the application were to be re-lodged under the *Bowen Shire Planning Scheme 2006* or the Draft Whitsunday Regional Council Planning Scheme the level of assessment of the application would be code assessable removing the ability for a submission to be made against the development, therefore complying with this component of Section 388.

The *Sustainable Planning Act 2009* provisions of Section 388 require an officer to assess the developments consistency with the current conditions, laws and policies before an extension is granted. The development was conditioned for the following developer contributions:

DEVELOPER CONTRIBUTIONS

Contributions must be paid to Council prior to approval of the final Plan of Survey. The following table sets out the contributions required to be paid:

CONTRIBUTION	NO EP'S	CURRENT RATE*	CURRENT TOTAL*
1. Water Supply	6.6	\$583.00*	\$3847.80*
2. Sewerage	6.6	\$358.00*	\$2362.80*
3. Parkland	2.0	\$165.00*	\$330.00*
4. Maintenance Valuation	4.0	\$25.00*	\$100.00*
5. TOTAL			\$6640.60

* These figures vary with time and the policy rates current at the date of payment.

The site is located in the Priority Infrastructure Area. If the application were re-lodged, the applicable charges in accordance with the current Infrastructure Charges Resolution No.2 (Bowen) rates would be:

<i>Applicable Infrastructure Network</i>	<i>Adopted Infrastructure Charge Category</i>	<i>Adopted Infrastructure Charge Rate</i>	<i>Number of Demand Units</i>	<i>Total Adopted Infrastructure Charge</i>
Water Supply Sewerage Stormwater Transport Recreation Facilities	3 or more bedroom dwelling (ROL)	\$28,000	4	\$112,000.00

CREDITS – Adopted Infrastructure Charge

<i>Applicable Infrastructure Network</i>	<i>Adopted Infrastructure Charge Category</i>	<i>Adopted Infrastructure Charge Rate</i>	<i>Number of Credits</i>	<i>Total Adopted Infrastructure Charge</i>
Water Supply Sewerage Stormwater Transport Recreation Facilities	3 or more bedroom dwelling	\$28,000	2	\$56,000.00

Payable: Prior to the sealing of the survey plan or commencement of the use, whichever is the sooner.

Demand	Minus Credits	Total Infrastructure Charge
\$112,000.00	\$56,000.00	\$56,000.00

A review of Councils records indicates the developer contributions were paid on 22 June 2011 (receipt number 45827), therefore if the approval were to lapse and be re-lodged, Council could not impose the new charges as the charges have been paid in full under the old Policy and would require crediting.

Draft Whitsunday Regional Council Planning Scheme

A review of the proposal against the Draft Whitsunday Regional Council Planning Scheme of which is currently undertaking State Interest Review has been undertaken:

Strategic Framework:

The proposal is considered to be consistent with the Strategic Intent of the Draft Whitsunday Regional Council Planning Scheme. The proposal upholds the life-enriching capacities of the community and maintains the coordinated, efficient and orderly provision of infrastructure. The proposal is not considered to detract from the Strategic Outcome of ensuring safety of the community, property and infrastructure. The proposal has been appropriately conditioned to address the storm surge hazard.

Strategic Intent:

The proposal is considered to be consistent with the strategic intent of the Draft Whitsunday Regional Council Planning Scheme. The proposal supports the strategic intent to ensure in 2036 and beyond; the Whitsundays is a prosperous, liveable and sustainable region where people live, work, play and invest. The proposal is located within the established urban area of Bowen focused on the consolidation of appropriately zoned land. The proposal has been assessed and conditioned to mitigate the storm surge hazard of Queens Beach.

Proposed Zone:

Under the Draft Whitsunday Regional Council Planning Scheme the proposal is located in the low-medium density residential zone. The proposal is considered to be consistent with the low-medium density residential zone with the level of assessment listed as 'code assessable'. In compliance with the low-medium residential zone code the residential development encourages and facilitates urban consolidation with the scale, density and layout of the development promoting an efficient land use pattern which is well connected to the urban fabric of Bowen.

Applicable Overlays:

Under the Draft Whitsunday Regional Council Planning Scheme the proposal is impacted on by acid sulfate soils, coastal protection, and flood hazard overlays. Under the current Bowen Shire Planning Scheme 2006 the only applicable overlay to the proposal is storm surge hazard.

Level of Assessment:

Under the Draft Whitsunday Regional Council Planning Scheme the level of assessment for the proposal is code assessable. Under the current Bowen Shire Planning Scheme 2006 the level of assessment for the proposed use in the Residential 2 Zone is code assessable.

Applicable Codes:

Under the Draft Whitsunday Regional Council Planning Scheme the applicable codes for the proposal are; the low-medium density residential zone code, reconfiguring a lot code, excavation and filling code, infrastructure code, landscaping code, transport and parking code, acid sulfate soils overlay code, coastal protection overlay code and flood hazard

overlay code. The proposal is considered to be generally consistent with the applicable codes.

CONCLUSION

The applicant has requested an extension of the relevant period until 17 February 2016 - a period of one (1) year. It is recommended that Council agree to this extension given the applicant has paid the relevant Developer Contributions in full, obtained the Development Permit for Operational Works and is set to commence construction works related to this approval. Furthermore, the proposal remains consistent with the *Bowen Shire Planning Scheme 2006*, associated policies and conditions.

STATUTORY MATTERS

Sections 387, 388, 389 and 390 of the *Sustainable Planning Act 2009*.

CORPORATE PLAN REFERENCE

Place

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

OPERATIONAL PLAN REFERENCE

Place

Strategies

- 1. Develop and maintain effective roads and drainage infrastructure, networks and facilities.*
- 2. Develop and maintain effective water and waste water infrastructure, networks and facilities.*
- 3. Develop integrated asset management plans to effectively manage and maintain road, water and waste water infrastructure and ensure assets meet the demands of a growing population.*
- 4. Deliver effective customer focussed water services that protect the public health.*
- 5. Develop a planned approach to securing the Whitsunday Region's water supply.*
- 6. Partner with Federal and State Governments to enhance the Whitsunday Region's capacity for ongoing development and infrastructure maintenance.*
- 7. Engage with Federal and State Governments regarding regional and national water security issues.*

BUDGET REFERENCE

N/A

CONSULTATION

Matthew Twomey – Town Planner (Author)

ATTACHMENTS

Appendix Item 1 – Locality Plan

Appendix Item 2 – Proposal Plan

12. Planning and Community Services

12.10 20140425 - DEVELOPMENT APPLICATION FOR DEVELOPMENT PERMIT FOR MATERIAL CHANGE OF USE OF PREMISES FOR INDOOR RECREATION (GYM) - 4/21 CARLO DRIVE CANNONVALE - CROSSFIT 4802

RECOMMENDATION

That Council approve the application subject to the conditions in Appendix A in relation to the Development Application for Development Permit for Material Change of Use of Premises - Indoor Recreation (Gym), made by Crossfit 4802, on Lot 4 SP176331 and located at 4/21 Carlo Drive, Cannonvale.

The following report has been submitted for inclusion in Council's Ordinary Meeting to be held on 25 March 2015 by Council's Planning and Community Department.

Council has received this Development Application under the *Sustainable Planning Act 2009* as detailed below.

SUMMARY OF APPLICATION

Applicant	Crossfit 4802
Landowner	Glensan Property Pty Ltd
Property Address:	4/21 Carlo Drive, Cannonvale
Real Property Description:	Lot 4 SP176331
Area of Site:	286 metres square
Planning Scheme Zone:	Industrial, <i>Whitsunday Shire Planning Scheme 2009</i>
Existing Use:	Indoor Recreation (Gym)
Proposed Use:	Indoor Recreation (Gym)
Existing Approvals:	Industrial Use
Approval Sought:	Development Application for Development Permit for Material Change of Use - Indoor Recreation (Gym)
Application Progress:	
Application Lodged:	27/06/2014
Submission Period Commenced:	06/02/2015
Submission Period End:	06/03/2015
Last Receipt of Information from Applicant:	06/03/2015
Original Statutory Determination Date:	07/04/2015

PROPOSAL

Council is in receipt of a Material Change of Use (Impact Assessable) application for a Development Permit to establish an Indoor Recreation (Gym) at premises located at 4/21 Carlo Drive, Cannonvale known as Whitsunday Industrial Commercial Complex, also described as Lot 4 SP176331.

Pursuant to the *Whitsunday Shire Planning Scheme 2009*, the subject site is located within the Industrial Zone triggering Impact Assessment. The proposed development has been assessed against the relevant Probable Solutions listed within the Industrial Zone Code and all applicable Codes of the *Whitsunday Shire Planning Scheme 2009*.

The proposed use seeks to operate a Gym within the Industrial Zone of the *Whitsunday Shire Planning Scheme 2009*. The subject use can be further described as a CrossFit Gym which differs from a conventional Gym as people train with an instructor at all times completing specialised workout routines. The subject site has already been fitted out with the relevant gym equipment and the use currently exists.

The site is situated within the suburb of Cannonvale on Carlo Drive. Carlo Drive is an industrial node within Cannonvale with sites generally containing industrial uses or light industrial/office type uses. The site is a part of a greater industrial development, containing nine (9) tenancies.

The operating hours for the existing use are 5.00am to 10.30am and 5.30pm to 7.30pm. These opening times are broken down into classes where the number of persons attending at any given time is monitored through an online booking system. Classes are held outside of the opening times of surrounding tenancies in order to minimise potential conflicts. Classes of approximately fifteen (15) people are run between 5.00am to 7.00am and 5.30pm to 7.30pm. Between 7.30am to 10.30am the gym is only available via special appointment for personal training with a maximum of five (5) people. The other tenancies in the complex work on usual business hours between 8.00am and 5.00pm.

The Community Management Statement (CMS) indicates three (3) car parking spaces are dedicated to each tenancy within the complex. A further sixteen (16) car parking spaces are available within the common property and are not for the exclusive use of any one tenancy. The site contains an area of 286 metres square requiring 14 car parking spaces in accordance with the General Development Code of the *Whitsunday Shire Planning Scheme 2009*.

Based on the information submitted and the detailed assessment given within this report there are sufficient grounds to conclude the proposal meets the applicable codes. Therefore, it is recommended that the proposed development be approved, subject to the imposition of reasonable and relevant conditions.

SUBJECT SITE AND ADJOINING LAND USES

The subject site is improved by an existing series of industrial and commercial tenancies, known as Whitsunday Industrial Commercial Complex.

The site is surrounded by the following uses:

- To the east – Carlo Drive and Industrial zone land;
- To the west – Rural and Open Space zoned land;
- To the north – Industrial zoned land; and

- To the south – Industrial zoned land.

STATE PLANNING MATTERS

1. State Assessment and Referral Agency (SARA)

The application was not required to be referred in accordance with Schedule 7 of the *Sustainable Planning Regulation 2009*.

2. State Planning Policy – July, 2014

The State Planning Policy includes interim development assessment requirements to ensure the state interests are appropriately considered by local government when assessing development applications where the local government Planning Schemes has not yet appropriately integrated the state interests in the State Planning Policy.

Following a review of the application and the supporting material it has been assessed that no State Planning Policies are applicable to the proposal.

3. Mackay Isaac and Whitsunday Regional Plan - February, 2012

The Mackay Isaac Whitsunday Regional Plan was established to provide the vision and direction for the region to 2031. The plan provides certainty about where the region is heading in the future and provides the framework to respond the challenges and opportunities which may arise.

Regional Framework:

The regional framework establishes how the regional plan seeks to achieve the vision and includes the following components:

- The strategic directions further express the regional vision while describing the current situation and the desired outcomes for the region.
- The regional settlement pattern narrative describes how the region will grow and develop. It tells the history of the region, and expresses the features of the settlement pattern that will contribute to the regional vision.
- The subregional narratives apply the features of the settlement pattern and the desired regional outcomes to each local government area that makes up the region, the narratives describe each subregions historical context and role in advancing toward the region vision.

Desired Regional Outcomes:

The strategic directions identified through desired regional outcomes identify the important aspects involved in planning for the region's long-term development. These strategies will be achieved through management of the regions natural resources and environmental assets, and mechanisms that support a strong economy.

Following an assessment of the proposal and the supporting material provided the following desired regional outcomes are applicable to the proposal.

Strategic directions – Strong Communities

The proposal assists in strengthening the Cannonvale and Airlie Beach community by providing a community service that has an expressed demand. Providing a diverse range of fitness activities within a community is essential in ensuring the liveability of the region is retained and improved. The proposal aims to achieve this outcome through providing an alternative fitness option within the community that is not otherwise offered in the region. The proposal is to be located in an area that is accessible to public transport, residential areas and employment and activity centres. The hours of operation of the proposal being outside normal business hours enables the use to be accessible to all members of the community.

Strategic direction – Managing Growth

The proposal is considered to respond to the growth in the residential population of the regions coastal communities by way of providing a service that has an expressed demand within the community. The proposal maintains Cannonvale's designation to supply services and facilities to surrounding coastal and rural communities that meets the everyday needs of local and regional residents.

Strategic direction – Infrastructure and Servicing

The proposal does not undermine the strategic direction of the region to deliver infrastructure that supports the preferred settlement pattern of the regional plan. The proposal is located within an existing premises that has access to water supply, wastewater, electrical supply, communications and transport infrastructure.

Regional Narratives – Whitsunday Regional Council:

The proposal is considered to be consistent with the Regional Narratives for Airlie Beach and Cannonvale. The Airlie Beach and Cannonvale localities have a permanent population of approximately 8500 based on the 2011 census data providing a solid population base for the proposal. The proposal is located within Cannonvale which is identified as supplying a range of community facilities and services used by the local community including recreation and sporting facilities.

LOCAL PLANNING MATTERS

1. Desired Environmental Outcomes

Living and Working Environment

Functional, efficient, attractive and safe local community areas that:

“promote compatibility of land uses and provide for the effective management of land use conflicts;”

The proposal is considered to be appropriately located as the subject site is located within an industrially zoned area well removed from any residential uses. The use proposes operating hours outside of normal operating times which in the Industrial Estate in Carlo Drive is considered acceptable as the surrounding tenancies only operate during normal operating hours and there are no adjoining residential uses. It is considered the impacts from the noise generated from the use are minimal as there are no sensitive receptors located close to the subject site. Further information supplied by the applicant has demonstrated the proposal can supply the required car parking spaces in accordance with the General Development Code and Community Management Statement to meet the expected class sizes. The Crossfit Gym is currently operating on the subject site and since its establishment no complaints in relation to noise or car parking have been received by Council.

“are located and structured to maximise the efficiency of infrastructure provision;”

The proposed CrossFit Gym has been established within an existing tenancy of Whitsunday Industrial Commercial Complex. The proposal has connections to all required infrastructure with no further works required. By establishing the use in an existing, previously vacant, tenancy ensures the efficient use of the regions infrastructure.

Economic Sustainability

“location of business opportunities in a manner that minimises land use conflicts with other adjoining or concurrent uses”

The location of the use within an industrial zoned area is considered to minimise land use conflicts. The use is considered to have minimal impacts on adjoining and concurrent uses within the Whitsunday Industrial Commercial Complex and wider industrial area of Carlo Drive. Within the proposal it has been demonstrated that potential impacts from noise and car parking have appropriately been addressed through operating hours occurring outside of standard operating hours of other tenancies and adequate car parking being provided that is compliant with the General Development Code and Community Management Statement.

Community and Cultural Development

“the diverse and changing needs of the whole community (including residents and visitors) are catered for;”

The proposal aims to provide a use that has an expressed interest within the community. CrossFit is an emerging fitness alternative that is developing a rapidly increasing supporter base. The proposal has identified this demand within the community and is providing the opportunity for residents and visitors alike within the community to partake in the activity.

2. Overall Outcomes of Zone Code

The subject site is zoned Industrial under the *Whitsunday Shire Planning Scheme 2009*.

The overall outcomes are the purpose of the Industrial Zone Code. The overall outcomes sought for the Industrial Zone Code are the following:

- a) Industrial zones in Proserpine and Cannonvale accommodate a wide range of industrial activities which support the local economy, the needs of the general community and capitalise on the available resources and markets;
- b) The Jubilee Pocket industrial area predominantly accommodates marine industries;
- c) Industrial zones offer a high quality business environment and a safe and convenient working environment;
- d) Non-industrial uses do not prejudice the availability of land for industrial uses or the ability of industrial uses to operate safely and efficiently within the zone;
- e) Industrial uses fronting major roads do not detract from the attractiveness of the Shire’s urban areas;
- f) The amenity of nearby residential or other sensitive uses is protected;
- g) Significant environmental, cultural and landscape values and features are maintained and protected against adverse impacts; and

- h) The safety and efficiency of air, road and rail transport facilities and other infrastructure is protected, and the amenity and safety of development is not adversely affected by proximity to such infrastructure.

The proposal is considered to be consistent with the overall outcomes of the Zone Code. Although the use is described as a Commercial Use within the defined uses of the *Whitsunday Regional Shire Planning Scheme 2009* it is considered the use is appropriately located in an area well removed from residential and other sensitive uses. The proposal is not considered to prejudice the availability of land for industrial uses as the proposal is only taking up one tenancy within a larger commercial and industrial complex where a number of tenancies currently lie vacant. The proposal is also not considered to impact negatively on the ability of industrial uses to operate safely and efficiently within the zone as the proposed use primarily operates outside of normal business hours and has demonstrated adequate car parking. The use currently exists on the site operating without conflict to the other tenancies within the commercial and industrial complex. The proposal is considered to maintain the safety and efficiency of air, road and rail transport facilities and other infrastructure, and the amenity and safety of development is considered not to be adversely affected by proximity to such infrastructure.

3. Overall Outcome of Overlay Code

Good Quality Agricultural Land

The proposal has been identified as containing land mapped for Good Quality Agricultural Land. It is considered the overlay requirements have been adequately addressed as the subject site and greater industrial area of Carlo Drive were created via a previous approval which addressed the overlay.

4. Specific Outcomes of Zone and other Codes

Industrial Zone Code

The Industrial Zone is intended to facilitate development of industrial nature that is incompatible with other urban uses, particularly residential uses, due to their potential impact on amenity as a result of externalities including noise, dust, light and odour. It is intended that the Industrial Zone provide for the development and continued operation of industrial developments in a sustainable manner that enables the containment of detrimental environmental effects. The zone is also intended to allow for the controlled establishment of general and heavy industries in locations where they will be effectively segregated from incompatible land uses. Such industries will establish on larger sites and the zone will be located away from residential or future residential areas where possible.

The proposal is considered to be consistent with Industrial Zone Code. The proposal is located within an existing building of the Whitsunday Industrial Commercial Complex. No further building works or related works are required in order to commence the use. The building the tenancy is located within has been previously approved and as such it is considered the building is of an appropriate bulk and scale having regard to the character and amenity of the locality. The premises are connected to reticulated water supply, sewerage, electricity and telephone services. It is considered the premises is well signed and can be readily accessible by emergency services. The proposal is identified as being located on land mapped for Good Quality Agricultural Land. It is considered these requirements have been adequately addressed as the subject site and greater industrial area of Carlo Drive were created via a previous approval. No extractive industries are proposed or will be impacted upon by the use.

Commercial Uses Code

The proposal is considered to be consistent with the Commercial Uses Code. Although the use is not located within the Commercial Zone the site is considered to be accessible to the

population of the catchment area of the southern Whitsundays in which the proposal intends to serve. The use is located within an existing industrial/commercial complex which is considered to contain ample parking and associated facilities to accommodate the use. The size and nature of the use are of a similar scale to other commercial uses in the local area with the use being confined to the size of the existing tenancy. The use is clearly signed with building entrances visible from the street and car parking spaces are located near the site entrance. Garbage bin areas storage areas and general storage and maintenance areas already exist at the premises. Driveway crossovers are existing and have been constructed in accordance with Council's Development Manual.

General Development Code

The proposal is considered to be consistent with the General Development Code. The site and buildings are existing and have been approved via previous approvals.

In accordance with the car parking requirements of the General Development Code the proposal is required to provide fourteen (14) car parking spaces. Further information supplied by the applicant indicates there are three (3) car parking spaces available to the site immediately through exclusive use areas in the Community Management Statement. There are a further sixteen (16) car parking spaces provided in the common property that are for the use of all the tenancies. The CrossFit Gym is open for classes between 5.00am – 8.30am and from 5.30pm – 7.30pm, which is outside of normal operating hours of the other tenancies. Classes are capped to no more than twenty (20) people to ensure all members can utilise equipment. It is considered this measure ensures adequate car parking is available for the expected class numbers. During normal business hours the CrossFit Gym is only available by booking only to ensure no conflicts with the car parking of the other tenancies.

5. Adopted Infrastructure Charges Resolution

The following is a breakdown on the Infrastructure Charges for the development:

DEMAND - Adopted Infrastructure Charge

<i>Applicable Infrastructure Network</i>	<i>Adopted Infrastructure Charge Category</i>	<i>Adopted Infrastructure Charge Rate</i>	<i>Stage</i>	<i>Number of Demand Units</i>	<i>Total Adopted Infrastructure Charge</i>
Water Supply Sewerage Stormwater Transport Recreation Facilities	Indoor sport and recreational facility	\$200 per m2 of GFA, court areas at \$20 per m2 of GFA (whole floor area defined as 'court area')		1	\$5,720.00
				TOTAL	\$5,720.00

CREDITS - Adopted Infrastructure Charge

<i>Applicable Infrastructure Network</i>	<i>Adopted Infrastructure Charge Category</i>	<i>Adopted Infrastructure Charge Rate</i>	<i>Stage</i>	<i>Number of Demand Units</i>	<i>Total Credits</i>

Water Supply Sewerage Stormwater Transport Recreation Facilities	Industry	\$50 per m2 of GFA		1	\$14,300.00
				TOTAL	\$14,300.00

When the charge is Payable:
No charge payable

Demand	Minus Credits	Total Infrastructure Credit
\$5,720.00	\$14,300.00	\$8,580.00

6. Draft Whitsunday Regional Council Planning Scheme – November, 2014

A review of the proposal against the Draft Whitsunday Regional Council Planning Scheme of which is currently undertaking State Interest Review has been undertaken

Strategic Framework:

The proposal is considered to be consistent with the strategic outcomes of the Draft Whitsunday Regional Council Planning Scheme. The proposal supports the strategic outcome of the planning scheme to enhance the life-enriching (educational, health, cultural and recreational) capacities of the community for present and future generations by establishing a use within the community which is otherwise not provided. The proposal supports the regions wealth creating and employment generating capacities while not detracting from the intent to support the environment and plan for hazards.

Strategic Intent:

The proposal is considered to be consistent with the strategic intent of the Draft Whitsunday Regional Council Planning Scheme through supporting a prosperous, liveable and sustainable region where people live, work, play and invest. The proposal is located within an established urban area of Cannonvale in an area most suitable for the proposed use. The proposal is not considered to cause conflict with the regions other strategic intents.

Proposed Zone:

Under the Draft Whitsunday Regional Council Planning Scheme the proposal is located in the low-impact industry zone. The defined use under the draft scheme is indoor sport and recreation. Although the use is not defined within the low-impact industry zone development of limited Community and Recreation activities, compatible with this zone may also be established, including indoor sport and recreation. The proposal is considered to be compatible with the low-impact industry zone and is not considered to compromise or cause conflict with the primary use of other premises for industry purposes.

Applicable Overlays:

Under the Draft Whitsunday Regional Council Planning Scheme the proposal is impacted on by the following overlays: Acid Sulfate Soils and Infrastructure. The proposal is located within an existing building as such compliance with the applicable overlays is considered to be achieved.

Level of Assessment:

Under the Draft Whitsunday Regional Council Planning Scheme the level of assessment for indoor sport and recreation in the low-impact industry zone is code assessable. The level of assessment differs from the *Whitsunday Shire Planning Scheme 2009* which lists indoor recreation in the Industry zone as impact assessable.

Applicable Codes:

Under the Draft Whitsunday Regional Council Planning Scheme the proposal is to be assessed under the following codes: Business activities code, low-impact industry code, infrastructure code, landscaping code and transport and parking code. It is considered the proposal is generally consistent with the following codes.

PUBLIC NOTIFICATION, SUBMISSIONS AND REPRESENTATIONS

The development application was placed on public notification between 6 February 2015 and 6 March 2015 in accordance with the relevant provisions of the *Sustainable Planning Act 2009*. The Notice of Compliance was received on 6 March 2015. No submissions were received during this period of Public Notification.

CONCLUSION/SUMMARY

The application has been assessed against the relevant provisions of the *Sustainable Planning Act 2009* and the *Whitsunday Shire Planning Scheme 2009*. The proposal is considered to be consistent with the Planning Scheme. The application is recommended for approval in accordance with the drawings and documents submitted, subject to reasonable and relevant conditions.

STATUTORY MATTERS

Sections 387, 388, 389 and 390 of the *Sustainable Planning Act 2009*.

CORPORATE PLAN REFERENCE

Place

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

OPERATIONAL PLAN REFERENCE

Place

Strategies

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

BUDGET REFERENCE

N/A

CONSULTATION

Anthea Shivas - Development Assessment Officer (Author)

ATTACHMENTS

Appendix Item 1 - Locality Plan

Appendix Item 2 - Proposal Plan

Appendix A - Conditions of Approval

12. Planning and Community Services

12.11 SUBMISSION - DRAFT REGULATION IMPACT STATEMENT - BANNING THE DISPOSAL OF CAPITAL DREDGE SPOIL MATERIAL IN THE GREAT BARRIER REEF MARINE PARK

RECOMMENDATION

That Council endorse the submission in Attachment 1 regarding the development of the *Draft Regulation Impact Statement - Banning the disposal of capital dredge spoil material in the Great Barrier Reef Marine Park.*

The following report has been submitted for inclusion in Council's Ordinary Meeting to be held on 25 March 2015 by Council's Planning and Community Services Department.

BACKGROUND

In 1981, the Great Barrier Reef was recognised for its Outstanding Universal Value and inscribed on the World Heritage List for all four of the national criteria specified in the World Heritage Convention. The most recent assessment of the biodiversity and ecosystem health show that the northern third of the Great Barrier Reef Region has good water quality and its ecosystem is in good condition. In contrast, key habitats, species and ecosystem processes in central and southern inshore areas have continued to deteriorate from the cumulative effects of impacts, including climate change, urban development, agricultural activities and port developments. This finding has further been reflected in other key Great Barrier Reef policies and documents developed since the 2012 United Nations Educational, Scientific and Cultural Organisation's (UNESCO) 'reactive' monitoring mission. Such documents include:

- The Strategic Assessment Report of the Great Barrier Reef World Heritage Area and adjacent coastal zone; and
- The Program Report of the Great Barrier Reef World Heritage Area and adjacent coastal zone.

As a result of these reports, the Federal and State Governments have developed the Reef 2050 Long-Term Sustainability Plan. This Plan aims to provide an overarching framework for protecting and managing the Great Barrier Reef from 2015 to 2050 and to mitigate the impacts that are affecting the Great Barrier Region. Within this plan, port activities have been identified as a major threat to the overall health of the Great Barrier Reef and are reflected in one of the two water quality objectives:

The quality of water in or entering the Reef from industrial, port (including dredging), urban waste and stormwater sources has no detrimental impact on the health and resilience of the Great Barrier Reef.

To assist in meeting this objective, as well as other objectives outlined in a number of other legislative documents, the Great Barrier Reef Marine Park Authority (GBRMPA) has developed a Draft Regulation Impact Statement – Banning the disposal of capital dredge spoil material in the Great Barrier Reef Marine Park.

Under the current legislative environment, disposal of capital dredge spoil for each known port development may occur in one (or in a combination) of the following four sites:

- Land disposal;

- Ocean disposal – within the Great Barrier Reef Marine Park;
- Ocean disposal – within the exclusion areas inshore of the Marine Park; and
- Ocean disposal – seaward of the Marine Park.

If this proposal is successful, potential dumping sites will be reduced to the following three locations:

- Land disposal;
- Ocean disposal outside the Marine Park – within the exclusion areas inshore of the Marine Park; and
- Ocean disposal outside the Marine Park – seaward of the Marine Park.

The desired outcomes of this proposal include:

- To improve water quality in the Marine Park;
- To increase protection and conservation of the plants and animals of the Marine Park, including protected species; and therefore,
- To improve the Great Barrier Reef's overall World Heritage values.

It is anticipated that the proposed regulation should provide that:

- There shall be no further disposal of capital dredge material in the Great Barrier Reef Marine Park from the date the regulation comes into effect;
- GBRMPA must not grant a permission for conduct that includes dumping of all and any capital dredge spoil material in the Great Barrier Reef Marine Park;
- The ban apply to existing permissions for conduct that includes uncontained disposal of capital dredge spoil material in the Great Barrier Reef Marine Park where they have not yet expired;
- The definition of capital dredge spoil material should not include amounts from very small scale dredging programs (less than 15,000 cubic metres, for example those associated with an approach to a small boat ramp, reuse of sand for beach nourishment; and
- The definition of dumping should not include the burying of a cable, pipeline or tunnel for the purposes of critical infrastructure for island, for example, those for water, telecommunications or electricity.

It is noted in the proposal that the disposal of maintenance dredge spoil material is not considered and will be addressed by the Queensland Government's Ports Strategy.

REPORT

The primary issue related to this proposal is that it will negatively impact the businesses that manage large ports (e.g. Queensland Ports Corporations) through an increase in financial costs per cubic metre of capital dredge spoil material. Increased costs would comprise of:

- Those expenses associated with the hire/lease/purchase of capital equipment and other costs incurred in the collection/preparation/processing of capital dredge spoil to ready it for transport (which may be more significant when the alternate disposal site is land-based); and
- The variable transport-related costs that depend on the distance the dredge material will travel to get to the alternate disposal site. This cost increases slightly as the

distance increases (for example, the cost attributable to a distance of 20km and 40km from the dredge site to disposal site is \$4.50 and \$4.88 per cubic metre respectively).

Furthermore, this proposal does not include State waters adjacent to the Great Barrier Reef Marine Park, where capital dredging projects will occur. The primary implication relating from this proposal is that capital dredge material will not be able to be disposed of within the Great Barrier Reef Marine Park Area and an alternative site will need to be considered.

This proposal is unlikely to affect Whitsunday Regional Council operations.

STATUTORY MATTERS

N/A

CORPORATE PLAN REFERENCE

Place

Objective: Our natural environment is valued and sustainable.

OPERATIONAL PLAN REFERENCE

Place

Strategies

- 1. Develop and implement policies and strategies that protect and enhance the Whitsunday Region's natural environment.*
- 2. Develop water and waste services and systems that ensure the integrity of the Whitsunday Region's natural environment.*
- 3. Support and facilitate a variety of community awareness initiatives and programs that promote the Whitsunday Region's natural environment.*
- 4. Partner with landholders to mitigate the effects of pests on the Whitsunday Region's natural environment.*
- 5. Promote the conservation of environmental assets including the Great Barrier Reef, beaches and wetlands.*

BUDGET REFERENCE

N/A

CONSULTATION

Dan Staley – Director of Planning and Community Services (Author)
Jamie Thorley – Executive Manager of Planning & Development
Julie Wright – Manager of Health & Environment
Josh Dyke - Team Leader Natural Resource Management

ATTACHMENTS

Appendix Item 1 - Draft letter to GBRMPA -Draft Regulation Impact Statement - Banning the disposal of capital dredge spoil material in the Great Barrier Reef Marine Park

12. Planning and Community Services
12.12 REQUEST FOR RATES ASSISTANCE 2014/15 - WHITSUNDAY SAILING CLUB

RECOMMENDATION

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 SP: 232115, rate assessment: 1301295 – 6 The Beacons Road, Airlie Beach owned by the Whitsunday Sailing Club.

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

BACKGROUND

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

In Council's policy, 100% of the general rate and 75% of the service charges will be granted as a concession on the rates, with the organisations required to lodge a request for a donation in each financial year.

REPORT

Whitsunday Sailing Club – A letter dated 13 February 2015 has been received from Mr Jim Hayes President of the above not for profit organisation seeking a donation on the general rates and charges for the 2014/2015 financial year for freehold land Lot 104 being 6 The Beacons Road at the Port of Airlie, which came into the WSC possession in March 2014.

Summary: This property is zoned for a future maritime training college which will allow the club to expand the Whitsunday Maritime Training Centre, which presently operates under cramped conditions at the WSC clubhouse. The club is also aware that the rates relief would not apply until the planned use for the land is in operation, the club at present does not have the funds available to proceed with this construction; so any relief Council can provide will assist in achieving this objective.

The Policy Objectives do state that in assessing requests for assistance that not-for-profit organisations offer benefits to the residents of the Whitsunday Regional Council area, as this request for assistance is for land it currently is of no benefit to the community.

Point 7.5 of the policy also states clubs with a liquor licence and/or gaming machines are not eligible for the concession due to their ability to raise funds, but clubs with a Community Club liquor licence may obtain a donation or concession of 50% of the general rate and 37.5% of the service charges, when the premises does not have gaming machines.

Council's financial assistance of an approval of a rate concession at this time would be very much appreciated by the Whitsunday Sailing Club's committee.

STATUTORY MATTERS

Local Government Act 2009 and the Local Government Regulations 2012
Council Policy – Donations and Concessions for Not for Profit Organisations

CORPORATE PLAN REFERENCE

People

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

OPERATIONAL PLAN REFERENCE

People

Strategies

- 3. Develop a balanced system of funding local sport and recreation facilities.***
- 5. Encourage cooperation between community and sporting groups and maximise benefits to sporting and recreation facilities across the Whitsunday Region.***
- 6. Support community groups in facilitating a variety of cultural, community, sporting and recreation activities, events and programs.***
- 8. Advocate to State and Federal Governments for enhanced human services and social infrastructure across the Whitsunday Region.***

BUDGET REFERENCE

WO: 2967.0086

CONSULTATION

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

ATTACHMENTS

Appendix Item 1 – Letter from Mr Jim Hayes President of the Whitsunday Sailing Club dated 13 February 2015.

12. Planning and Community Services

12.13 REQUEST FOR FEE WAIVER - LIONS CLUB OF WHITSUNDAY INC.

RECOMMENDATION

That Council waive the Minor Events - Class 3 Application fee of \$375.00 associated with the use of the Airlie Beach Foreshore for the 2015 Classic Car Show to be held on Sunday 21 June 2015.

The following report has been submitted for inclusion in Council's Ordinary Meeting to be held on 25 March 2015 by Council's Planning and Community Services Department.

BACKGROUND

Lions Club of Whitsunday Inc. is a non-profit organisation that does not charge an admission fee and has no retail sales, so have very little funds available to pay the fees associated with holding the event. The display is being held for the community to view some of the best Classic Cars from North QLD along with the Whitsundays all supporting this display, which in turn will benefit the area.

REPORT

Council is in receipt of a letter dated 9 March 2015 from Helen Toy (Secretary) requesting consideration for the waiver of the associated fee of \$375.00 to hold the Classic Car Show on Sunday 21 June 2015 on the Airlie Beach Foreshore (attached).

STATUTORY MATTERS

Local Government Facilities and Areas Local Law 2011

CORPORATE PLAN REFERENCE

People

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

OPERATIONAL PLAN REFERENCE

People

Strategies

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

BUDGET REFERENCE

WO: 2967.0083

CONSULTATION

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

ATTACHMENTS

Appendix Item 1 – Letter dated 9 March received from Helen Toy – Secretary of Lions Club of Whitsunday Inc.

12. Planning and Community Services

12.14 REQUEST FOR FEE WAIVER - BUCK OFF MELANOMA COMMUNITY

RECOMMENDATION

That Council waive the Events - Class 3 Application fee of \$375.00 associated with the use of the Hansen Park Foreshore for the 2015 Buck Off Melanoma for a Cancer Cure Walk to be held on the Sunday 29 March 2015.

The following report has been submitted for inclusion in Council's Ordinary Meeting to be held on 25 March 2015 by Council's Planning and Community Services Department.

BACKGROUND

MELANOMA is the most "LETHAL" form of skin cancer with high mortality rates and there is no known cure, but early detection and treatment has a survival rate of nearly 100%. Australia has the highest incidence of Melanoma in the world and tragically 10 – 12% of people diagnosed will die, yet Melanoma is Australia's least screened cancer.

REPORT

Council is in receipt of an Events Application, and a letter from Jan Brown requesting consideration for the exemption of the associated fee of \$375.00 to hold the 2015 Buck Off Melanoma Walk for a Cancer Cure on the Sunday 29 March 2015, see attached.

STATUTORY MATTERS

Local Government Facilities and Areas Local Law 2011

CORPORATE PLAN REFERENCE

People

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

OPERATIONAL PLAN REFERENCE

People

Strategies

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

BUDGET REFERENCE

WO: 2967.0083

CONSULTATION

Jacqueline Neave – Arts & Culture Officer (Author)

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

ATTACHMENTS

Appendix Item 1 – Letter dated 9 March 2015 received from Jan Brown – Buck Off Melanoma Community.

12. Planning and Community Services

12.15 FERAL PIG CONTROL PROJECT AT WETLANDS OF NATIONAL SIGNIFICANCE

RECOMMENDATION

That Council notes the results of feral pig control at Wetlands of National Significance during 2014, funded under Round 2 of Everyone's Environment Grants

The following report has been submitted for inclusion in Council's Ordinary Meeting to be held on 25 March, 2015 by Council's Planning and Community Services Department.

BACKGROUND

In May 2013 WRC applied, as sponsor organisation, for funding from Round 2 of Everyone's Environment Grants, administered by Department of Environment and Heritage Protection (DEHP). As WRC was not eligible to directly apply for funding, it formed a partnership with Burdekin Bowen Integrated Floodplain Management Inc (BBIFMAC), and Whitsunday Catchment Landcare (WCL). Attachment 2 provides the original submitted application.

In October 2013, DEHP confirmed the application was successful, with approximately \$92,000 being awarded to the project.

A report was present to Council on 30 October 2013, detailing the scope of the project and funding details. This report presents the results of operations undertaken during 2014.

REPORT

The project primarily targets feral pigs at three Wetlands of National Significance (WONS): Abbot Point Caley Valley, Proserpine Goorganga, and Birralee Pelican Creek. The project also funds the installation of wildlife monitoring cameras, and some on-ground weed control at the Abbot Point Caley Valley wetlands.

A total of \$91,209.60 was awarded for the project. Funding details are listed below.

Project Expenditure	Total Budget (ex GST)
Salaries - <detail>	\$0.00
Contractor - helicopter hire for aerial shooting	\$64,600.00
Contractor - helicopter hire for weed spraying (hymenachne) at Proserpine -Goorganga Plain	\$4,600.00
Contractor - on ground weed spraying at Abbot Point Caley Valley for spraying of WONS	\$2,100.00
Contractor - mechanical removal of weeds at Abbot Point Caley Valley	\$5,000.00
Wildlife monitoring cameras - six cameras, two at each location and 6 mounting brackets	\$2,019.60
Project administration - auditing costs only	\$1,800.00
Advertising and Publicity	\$550.00
Materials - ammunition for aerial pig shooting (to cover aerial shooting for 36 mornings)	\$5,040.00

Materials - herbicide	\$5,500.00
Total	\$91,209.60

Table 1: Expenditure details

In addition, WRC received extra funding from North Queensland Dry Tropics (NQDT), to extend the aerial shoot areas surrounding Abbot Point, from Don River to Wunjunga Beach. A total of \$26,840 was granted by NQDT towards aerial shooting of these areas, over 3 years.

1. Completed aerial shoot summary

Four aerial shoots have been completed to date, as detailed in Table 2 below.

Date	Location	Total pigs captured	Funding body
18/09/2014	Abbot Point	61	DEHP
05/11/2014	Goorganga	106	DEHP
30/11/2014	Birrilee	59	DEHP
03/12/2014	Abbot Point	35	DEHP
04/12/2014	Cape Upstart	27	NQDT
Total		288	

Table 2: Summary of serial shooting results (2014)

A full report detailing these activities is attached in **Appendix 1**.

2. Additional activities

2.1 Wildlife monitoring cameras

Three wildlife monitoring cameras were installed At Abbot Point on 2 October 2014. A further camera was donated by WRC and was installed on 19 November at Dingo Beach, where turtles have started to nest. Feral animal predation was recorded in December 2014 (fox) at Dingo Beach, and 1080 baiting was subsequently placed at the location.

Two cameras were installed at Goorganga wetlands on 12 November 2014, in close proximity to water bodies.

2.2 Weed control - Abbot Point

Two days of weed control work were undertaken on 4 and 5 August 2014. The primary weed targeted was rubbervine, with some prickly acacia. Approximately 5 hectares were targeted, which is a considerable undertaking for 2 days.

3. Future work

WRC will continue to work with local landowners and relevant agencies in order to coordinate further aerial shoots during 2015. It is expected two aerial shoots will take place at each wetland. The timing for aerial shoots will depend on local landowner information, WRC staff and helicopter pilot recommendations, and suitable weather conditions.

STATUTORY MATTERS

Nature Conservation Act 1992

Commonwealth Environment Protection and Biodiversity Conservation Act 1999

Land Protection (Pest and Stock Route Management) Act 2002

CORPORATE PLAN REFERENCE

Place

Objective: Our natural environment is valued and sustainable.

OPERATIONAL PLAN REFERENCE

Place

Strategies

- 1. Develop and implement policies and strategies that protect and enhance the Whitsunday Region's natural environment.***
- 5. Promote the conservation of environmental assets including the Great Barrier Reef, beaches and wetlands.***

BUDGET REFERENCE

N/A

CONSULTATION

Monica Stoinescu - Environment Officer (Author)
Bren Fuller - Land Protection Officer
Julie Wright - Compliance Manager
Dan Staley - Director of Planning and Community Services

ATTACHMENTS

Appendix 1 - Report "*Controlling feral pigs using helicopters to improve the health of Birralea, Goorganga and Kaili Valley wetlands*" (Bren Fuller)

12. Planning and Community Services

12.16 COMMUNITY ASSISTANCE GRANT - BOWEN DELTA RURAL FIRE BRIGADE

RECOMMENDATION

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 \$2460.00 as a Projects Grant to the Bowen Delta Rural Fire Brigade.

The following report has been submitted for inclusion in Council's Ordinary Meeting to be held on 25 March, 2015 by Council's Planning and Community Services Department.

BACKGROUND

Bowen Delta Rural Fire Brigade have been given a parcel of land in the Merinda area and Brent Edgerton - Chairman Third Officer wrote to Council 17 November 2014 to seek assistance in the installation of a new domestic water supply for their newly erected Rural Fire Shed. (Attached)

The initial recommendation was to request an offer of this service free of charge with the costs to be reimbursed to Water and Sewerage as a donation from Council's grants and donations fund, but was it was then decided to put the request through as a project grant.

REPORT

The Bowen Delta Rural Fire Brigade request the Whitsunday Regional Council provide a project grant for a standard domestic water connection to their new facility at Merinda.

The standard fee for such a connection (20mm – Water service connection – Complete new service from main to boundary (Main Far Side) is \$2,460.00. (See attached)

COMMENTS

Bowen Delta Rural is a volunteer service that provides vital fire-fighting resources to the rural properties surrounding Bowen, Abbot Point, Collinsville, Longford Creek and Guthalungra, and also regularly assists Bowen/Collinsville Urban Fire Brigade when required, and relies on levies and local fund raising to maintain their assets.

The non-for-profit organisation has submitted an application out-of-round, however, due to the nature of the project and given the benefits to the broader community, it has been assessed as appropriate to consider out-of-round.

STATUTORY MATTERS

N/A

CORPORATE PLAN REFERENCE

People

Objective: Our region is active, healthy, safe and resilient.

OPERATIONAL PLAN REFERENCE

People

Strategies

- 1. Maintain and develop Council's emergency and disaster management planning, prevention, response and recovery capabilities.***
- 2. Continue to partner with emergency service providers, government agencies and recovery authorities to ensure effective resource planning and provision.***

BUDGET REFERENCE

N/A

CONSULTATION

Jacqueline Neave - Art & Culture Officer (Author)

Dan Staley - Director of Planning and Community Services

ATTACHMENTS

Appendix Item 1 - Letter dated 17 November 2014 from Brent Edgerton Chairman Third Officer - Bowen Delta Rural Fire Brigade.

12. Planning and Community Services

12.17 BOWEN SPORTING COMPLEX COORDINATING ASSOC INC.

RECOMMENDATION

That Council resolves to support the Bowen Sporting Complex Coordinating Association Inc. in finding a long term solution to the mowing requirements of the complex.

The following report has been submitted for inclusion in Council's Ordinary Meeting to be held on 25 March 2015 by Council's Planning and Community Services Department.

BACKGROUND

A John Deere front deck mower was donated to the Whitsunday Regional Council by Xstrata for the exclusive use at the Bowen Sporting Complex IN 2007. There has been an MOU between the WRC and the Bowen Sporting Complex Committee in regard to the maintenance of the mower. The mower has had several significant breakdowns over the last 12 months while the current use of services through the Corrective Services Work Camp has shifted the responsibilities of the mowing requirements at the complex away from an outsourced third party.

REPORT

The Bowen Sporting Complex Coordinating Association Inc. has submitted a request for urgent repairs to the John Deere front deck mower. The Council workshop is aware of the problem and was waiting on the parts in order to complete the repair work. It should be noted that Council also had several of the Parks and Gardens department mowers require repairs at the same time. As part of the request, the Bowen Sporting Complex Coordinating Association Inc. advised that consideration be given to replacing the John Deere mower as it has come to the end of its productive life and should be replaced. The preferred replacement option being a light tractor with a PTO driven roller mower. An approximate cost of \$45K was submitted.

STATUTORY MATTERS

N/A

CORPORATE PLAN REFERENCE

People

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

OPERATIONAL PLAN REFERENCE

People

Strategies

4. *Promote healthy and balanced lifestyles and encourage physical activity.*

BUDGET REFERENCE

GL 3870.405.622 – Donations

CONSULTATION

Rod Cousins - Regional Sports & Recreation Officer (Author)

Dan Staley – Director of Planning and Community Services

Graham Jarvis – Director of Corporate Services

ATTACHMENTS

Appendix Item 1 - Email request from the BSCC re John Deere Mower 5 February 2015

Appendix Item 2 - Email correspondence re BSCC Mower February 2015 and May 2014.

Appendix Item 3 - Email correspondence re BSCC Mower March/April 2014.

Appendix Item 4 - Internal email correspondence re BSCC Mower September 2010.

Appendix Item 5 - WRC Approval for BSCC Mower Purchase February 2008.

Appendix Item 6 - Xstrata Funding Approval re BSCC Mower December 2007.

12. Planning and Community Services

12.18 REGULATED PARKING HERMITAGE DRIVE AIRLIE BEACH

RECOMMENDATION

That Council adopt the regulation *'No parking unless Parking permits issued by local government'*

The following report has been submitted for inclusion in Council's Ordinary Meeting to be held on 25 March 2015 by Council's Planning and Community Services Department.

BACKGROUND

At an ordinary Meeting Held 08 October 2014 Council resolved to adopt parking fees in the regulated off-street parking area located at Port of Airlie.

Due to the commencement of paid parking within the Port of Airlie carpark on the 5th December 2014 an average of 30 to 40 vehicles are now parking along both sides of Hermitage Drive Airlie Beach.

REPORT

A request has been submitted to Council suggesting the implementation of 1 hour regulated parking along Hermitage Drive Airlie Beach.

To conduct one hour regulated parking enforcement effectively and efficiently along Hermitage Drive Airlie Beach Local Laws Officer would be required to dedicate 80% of their day to the area due to the time taken to record the valve stem check.

Therefore it is considered community, health and safety may be effected as dogs wandering at large with a chance of an attack in a public place, overgrown properties, illegal dumping and various other offending activities will not be prioritised resulting in unfavourable community expectations of Council's Local Law Officers.

However with the implementation of the Permit system will allow the ability to inspect and issue an infringement if required with no follow up inspection to be carried out resulting in the ability to conduct various other tasks to ensure community, health and safety.

Should a further inspection be carried out later in the day a quick drive through will establish if other vehicles have illegally parked resulting in the issue of more infringements within a short timeframe in comparison to enforcement of 1 hour regulated parking.

STATUTORY MATTERS

Transport Operations (Road Use Management) Act 1995
Transport Operations (Road Use Management – Road Rules) Regulation 1999
Whitsunday Regional Council Local Law No. 5 (Parking) 2014
Whitsunday Regional Council Subordinate Local Law No. 5 (Parking) 2014

CORPORATE PLAN REFERENCE

Governance and Leadership

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

OPERATIONAL PLAN REFERENCE

Governance and Leadership

Strategies

- 4. Provide for the safety, security, health and well-being of Council employees and contractors.***

BUDGET REFERENCE

04030.0626 – Parking & Other Ranger Services – Regulated Parking Expenses.

CONSULTATION

Julie Wright – Manager Health and Environment (Author)

Dan Staley – Director of Planning and Community Services

ATTACHMENTS

Appendix Item 1 – Photographs of Parking on Hermitage Drive Airlie Beach

12. Planning and Community Services

12.19 BOWEN WORK CAMP COMMUNITY ADVISORY COMMITTEE

RECOMMENDATION

That Council receives the Minutes of the Bowen Work Camp Community Advisory Committee for the month of March 2015;

The following report has been submitted for inclusion in Council's Ordinary Meeting to be held on 25 March 2015 by Council's Planning and Community Services Department.

BACKGROUND

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

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

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

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

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

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

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

REPORT

The Minutes from the Community Advisory Committee Meeting are attached.

STATUTORY MATTERS

There are no statutory obligations associated with the recommendation.

CORPORATE PLAN REFERENCE

Community Services

Objective

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

OPERATIONAL PLAN REFERENCE

Community Services

Strategies

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

BUDGET REFERENCE

N/A

CONSULTATION

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

Scott Hardy – Manager Parks and Gardens

Dan Staley – Director of Planning and Community Services

ATTACHMENTS

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

12. Planning and Community Services

12.20 ADVISORY - PROSERPINE ENTERTAINMENT CENTRE WHITSUNDAY LETTER TO COUNCIL

RECOMMENDATION

That Council note the issue arising from a general discussion during the monthly meeting held by the Proserpine Entertainment Centre Advisory Committee dated 25 February 2015

The following report has been submitted for inclusion in Council's Ordinary Meeting to be held on 25 March 2015 by Council's Planning and Community Services Department.

BACKGROUND

The Proserpine Entertainment Centre Advisory Committee held a meeting on Wednesday 25 February 2015. Present at the meeting were Elizabeth Long (President), Bob Jamieson, Colleen Johnson, Sandy Nicholls and Sue McAllister (Members); and Chris Patrick (Manager).

REPORT

At the meeting the PECW Advisory Committee concluded that a letter should be presented to Council in regards to the fact that no financial reports on the Centre have been made available to the committee for over 18 months. The committee are requesting that the provision of financial reports be resumed so that they can make informed decisions on the equipment and maintenance of the Proserpine Entertainment Centre.

The committee have requested that it would be very much appreciated if a report could be provided by their next meeting on 22 April 2015, and that they would be very pleased if one of Council's Officers could attend the meetings.

STATUTORY MATTERS

N/A

CORPORATE PLAN REFERENCE

People

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

OPERATIONAL PLAN REFERENCE

People

Strategies

- 2. Effectively maintain and develop community hubs, libraries and facilities across the Whitsunday Region.*

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

BUDGET REFERENCE

WO 1445.1005

CONSULTATION

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

ATTACHMENTS

Appendix Item 1 – Letter received from Elizabeth Long (Chairperson) of Proserpine Entertainment Centre Whitsunday Advisory Committee dated 5 March 2015.

12. Planning and Community Services

12.21 ADVISORY - PROSERPINE ENTERTAINMENT CENTRE WHITSUNDAY MEETING MINUTES

RECOMMENDATION

That Council receive the Minutes from the Proserpine Entertainment Centre Advisory Committee Meeting dated 25 February 2015.

The following report has been submitted for inclusion in Council's Ordinary Meeting to be held on 25 March 2015 by Council's Planning and Community Services Department.

BACKGROUND

The Proserpine Entertainment Advisory Committee held a meeting on Wednesday 25 February 2015, present at the meeting were Elizabeth Long (President), Bob Jamieson, Colleen Johnson, Sandy Nicholls and Sue McAllister (Members); and Chris Patrick (Manager).

REPORT

The PECW Advisory Committee met on 25 February 2015. The minutes from the committee meeting are attached to this report. The minutes provide an update on the progress of business matters of the Proserpine Entertainment Centre.

STATUTORY MATTERS

N/A

CORPORATE PLAN REFERENCE

People

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

OPERATIONAL PLAN REFERENCE

People

Strategies

2. *Effectively maintain and develop community hubs, libraries and facilities across the Whitsunday Region.*
5. *Encourage cooperation between community and sporting groups and maximise benefits to sporting and recreation facilities across the Whitsunday Region.*
6. *Support community groups in facilitating a variety of cultural, community, sporting and recreation activities, events and programs.*

BUDGET REFERENCE

WO1445.1005

CONSULTATION

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

ATTACHMENTS

Appendix Item 1 – Proserpine Entertainment Centre Advisory Committee Minutes of meeting dated 25 February 2015

13. Engineering Services

13.1 REMEDIAL DRAINAGE WORKS - 58 LIVINGSTONE STREET, BOWEN

RECOMMENDATION

That Council consider purchasing 58 Livingstone Street, Bowen and that the purchase of this property be considered as part of the budget deliberations for the 2015/16 budget.

The following report has been submitted for inclusion in Council's Ordinary Meeting to be held on 25 March, 2015 by Council's Engineering Services Department.

BACKGROUND

At the Council meeting dated 22 October 2014 Council the Engineering Services Department submitted a report to Council regarding the drainage issues being experienced at 58 Livingstone Street, Bowen. At this meeting Council resolved as follow:

That Council investigate the acquisition of the property.

The Engineering Services department has since engaged AAPI Certified Practising Valuer to value the property at 58 Livingstone Street, Bowen.

REPORT

At the time of requesting the valuation to be carried out the following brief was provided to the valuer:

The owner of the property in question has indicated a number of years before and recently that the bottom floor of his house floods in heavy rain events.

There are a number of conditions that apply here:

- 1 The existence of a building permit for underneath the house can't be confirmed.
- 2 The owner has raised the "DT's" in an attempt to stop sewerage flowing into his house.
- 3 Across the road was a high house that flooded underneath and acted as a detention basin.
- 4 Livingstone Street was initially under the control of the Department of Transport and Mains Roads, with a small culvert underneath. Water sometimes overtopped the road centre line.
- 5 Council has upgraded the pipes/ culverts across the road in conjunction with the new roadwork's, 1 in 10 year ARI design applied.
- 6 There is currently a report/design available to add additional pipes / culverts downstream (via Johnston Street and Arthur Street) as augmentation to the existing drainage, this is a very expensive and futuristic proposal.
- 7 Water back feeds from Johnston Street into the property.

The above information was provided to assist the valuer in valuating the property. The recommended value from this report for the property at 58 Livingstone Street is \$375,000. In determining the value of the property it has been benchmarked against similar properties in the area.

The market for residential property in Bowen is currently slow and values have declined over the past 3 years due to investor uncertainty over future expansions to the coal port and large quantity of vacant homes listed for sale or for rent in the town. Mortgagee sales of homes are becoming common which is placing further downward pressure on property values in the town. Demand for homes is strongest for property priced below \$350,000. There are limited comparable sales within the locality and therefore we have relied on sales evidence that does not fit within normal guidelines. Some of the sales evidence may be over 6 months old, within neighbouring suburbs, may have a different number of bedrooms, or may fall outside of the preferred 15% price range. In this instance we are unaware of sales evidence that fits within normal guidelines and confirm the sales evidence used within this report is the best available with regard to comparability and is considered to be reflective of current market conditions.

The estimated cost to upgrade the stormwater drainage system in the area around 58 Livingstone Street is around \$1.5 million. This works would include increasing the capacity of the open channel drain from in front of the property at 58 Livingstone Street to the outlet at Doughty Creek (1.25km).

It is recommended that Council consider purchasing 58 Livingstone Street and that the purchase of this property be considered as part of the budget deliberations for the 2015/16 budget.

STATUTORY MATTERS

N/A

CORPORATE PLAN REFERENCE

Place

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

OPERATIONAL PLAN REFERENCE

Place

Strategies

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

BUDGET REFERENCE

To form part of the 2015/2016 budget deliberations

CONSULTATION

Hennie van der Schyff - Executive Manager of Roads and Drainage (Author)

Ray Tree - Project and Design Manager

Mark Killian - Civil Design Engineer

ATTACHMENTS

Appendix Item 1 - Valuation Report

13. Engineering Services
13.2 LOGANS ADVENTURE PLAYGROUND UPDATE

RECOMMENDATION

That Council resolves to accept the minutes from the Logan's Adventure Playground Project Committee meeting held on the 11th of March 2015.

The following report has been submitted for inclusion in Council's Ordinary Meeting to be held on 25 March, 2015 by Council's Engineering Services Department.

BACKGROUND

In December 2011, a Parents Action Group based in Cannonvale approached Council interested in developing an adventure playground in Cannonvale. A Committee was established to develop the project which included the Parent Action Group members and Council officers.

In February 2013 the Council engaged John Harper Landscaping Designs to assist the project committee to design the playground. The Council endorsed the proposed design plans for Logan's Adventure Playground on the 26th of June 2013.

A project committee meeting was held on the 11th of March 2015.

REPORT

The Logan's Adventure Playground working group met on the 11th of March 2015. The minutes from the working group meeting are attached to this report. The minutes provide an update on the progress of the Logan's adventure playground project.

STATUTORY MATTERS

There are no statutory obligations associated with the recommendation.

CORPORATE PLAN REFERENCE

- 4.1. *Promote/support the development of arts and cultural projects, activities and festivities.***
- 4.2. *Support and assist community groups to provide necessary services for their clients.***
- 4.3. *Encourage and support youth development programs.***
- 4.6. *Continued support and improvements of Sport and Recreation facilities and address opportunities for the provision of such facilities, and the promotion of active and healthy lifestyles.***

OPERATIONAL PLAN REFERENCE

The Logan's Adventure playground committee meeting is not listed in the Whitsunday Regional Council's Operational Plan.

BUDGET REFERENCE

N/A

CONSULTATION

Scott Hardy - Manager of Parks and Gardens (Author)
Hennie van der Schyff - Executive Manager Roads and Drainage

ATTACHMENTS

Appendix Item 1 - Minutes of the Logan's adventure playground project meetings - 11th March 2015.

13. Engineering Services

13.3 PARKING ARRANGEMENTS - BOWEN LIBRARY

RECOMMENDATION

That Council take note of the current parking arrangements outside the Bowen Library.

The following report has been submitted for inclusion in Council's Ordinary Meeting to be held on 25 March, 2015 by Council's Engineering Services Department.

BACKGROUND

At the Council's ordinary meeting on the 11 February 2015 Council's Engineering Services Department presented a report to revise the parking arrangement outside the Bowen Library and North Australian Hotel. At this meeting Council resolved:

That Council resolves to remove 2 parking spaces in Herbert Street to allow the bus stop to be moved forward, allowing free access to the North Australian Hotel Motel.

At the Council's ordinary meeting on the 11 March 2015 the CEO was requested to provide a report on the parking arrangements in front of the Bowen Library.

REPORT

Currently there are one (1) disable car park in front of the Bowen Library, one (1) disable car park outside the old Bowen Evans Shop and five (5) ordinary car parks outside the Bowen Council office. All of these car parking spaces are within less than 50 meters from the entrance of the Bowen Library. It is considered that more than ample parking is available for visitors attending the Library or Council offices. Additional parking is also available in Powell and Williams Streets, Bowen in the event of all the parking spaces being occupied in front of the Council Office.

With the removal of the two parking spaced in Herbert Street outside of the Bowen Library, improved access to the North Australian Hotel has been created. The removal of the two parking spaces in front of the Library now allows for busses to stop in a safe and unobstructed manner outside the Library.

The removal of the traffic island outside the library has been considered but it was viewed that the island has been constructed to provide protection to pedestrians crossing the road and from a road safety point of view it should remain. Should the island be removed and one (1) additional car park be created it will decrease the safety of pedestrians and obstruct the sight distance not only for pedestrians but also for vehicle travelling on the road.

STATUTORY MATTERS

N/A

CORPORATE PLAN REFERENCE

Place

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

OPERATIONAL PLAN REFERENCE

Place

Strategies

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

BUDGET REFERENCE

N/A

CONSULTATION

Hennie van der Schyff - Executive Manager of Roads and Drainage (Author)
Ray Tree - Project and Design Manager

ATTACHMENTS

N/A