



Notice of Meeting

Notice is hereby given that the **Ordinary Meeting** of the **Whitsunday Regional Council** will be held at the **Proserpine Council Chambers, 83-85 Main Street, Proserpine** on **10 June, 2015** commencing at **10:00 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
Proserpine Council Chambers, 83-85 Main Street, Proserpine
on **10 June, 2015** commencing at **10:00am**

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

10:00 am

- Formal Meeting Commences

10:15 am – 11:00 am

- Citizenship Ceremonies and Morning Tea

1:00 pm

- Lunch

Whitsunday Regional Council
 Agenda of the Ordinary Meeting to be held at
Proserpine Council Chambers, 83-85 Main Street, Proserpine
 on 10 June, 2015 commencing at 10:00am

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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.

3.1 Mayoral Minute

3.2 Mayoral Update

4. Confirmation of Minutes
4.1 CONFIRMATION OF MINUTES

RECOMMENDATION

That the Minutes of the Ordinary Meeting held on 27 May, 2015 be confirmed.

The following report has been submitted for inclusion in Council's Ordinary Meeting to be held on 10 June 2015 by Council's Office of the Mayor and CEO Department.

BACKGROUND

Minutes were kept from the previous Ordinary Meeting of Council held on 27 May 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 27 May, 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 27 May, 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 Mayor and CEO

10.1 BUILDING OUR REGIONS: REGIONAL INFRASTRUCTURE FUND

RECOMMENDATION

That Council receive the correspondence from the Department of State Development in relation to the State Government's new \$200 million Building our Regions: Regional Infrastructure Fund which will open for applications later this year.

The following report has been submitted for inclusion in Council's Ordinary Meeting to be held on 10 June, 2015 by Council's Office of the Mayor and CEO Department.

BACKGROUND

Council has received correspondence from the Department of State Development announcing the delivery of the State Government's new \$200 million Building our Regions: Regional Infrastructure Fund which will open for applications later this year.

REPORT

The new \$200 million Building our Regions Regional Infrastructure Fund (Building our Regions) will commence in 2016-17 as a targeted infrastructure program for local government projects. The primary purpose of the Building our Regions program is to provide funding for critical infrastructure in regional areas of the state, while also supporting jobs, fostering economic development and improving the liveability of regional communities.

The Department of State Development website advises that the Whitsunday Regional Council is eligible under the Royalties for Resources Producing Communities Fund.

STATUTORY MATTERS

N/A

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

- 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)

ATTACHMENTS

1. Correspondence from the Department of State Development dated 27 May 2015
2. Information from the State Development web site:

<http://www.statedevelopment.qld.gov.au/regional-development/building-our-regions.html>

10. Office of the Mayor and CEO

10.2 WHISPER BAY BREAKWATER AND BOAT RAMP

RECOMMENDATION

That Council call for Tenders for the Construction of the Whisper Bay Boat Ramp upgrade and breakwater in three parts as follows:

- Haulage of Rock;
- Placement of Rock (Breakwater Construction); and
- Boat Ramp Works.

That Council establish a project control committee to oversee the project.

The following report has been submitted for inclusion in Council's Ordinary Meeting to be held on 10 June 2015 by Council's Office of the Mayor and CEO Department.

BACKGROUND

Council staff and contractors have since late last year been working with Cardno Ullman to revise the plans for the Whisper Bay Breakwater and Boat Ramp upgrade. Revised plans (Final) and costs were issued in early May 2015. The final costs have not varied much since the initial cost estimate of \$3million was provided to Council in January 2015.

REPORT

In the last few months while the Project Plans were being finalised a Benthic Survey was carried out to determine the Environmental Impact of the Breakwater and Causeway and the application for Tidal Works Approval was lodged with the State Agencies Referral Agency (SARA). The Tidal Works application is currently being assessed and this application should be approved in the next two weeks. This approval is subject to Council paying from the funding already paid by the Department of Transport an assessed "environmental offset".

The project timeline is reasonably tight and will be affected by tides and weather. The tides and weather are better in August, September and October and as such as much time as possible should be allowed for construction during this period. Given the project timeline (attached) it is essential that Council Tender the works for the Haulage, Placement and Boat Ramp works as soon as possible.

This project will obviously not proceed this year if the funding pledged by the State is not forthcoming in the 2015/16 State Budget. The Tenders and contractual documentation will indicate this and no contracts will be entered into unless approved by Council and State funding for the project has been approved and is forthcoming.

Project Control Committee (recommended/proposed)

Whisper Bay project control committee, membership:

Mayor Whitney (chair), Cr Jan Clifford, Cr John Atkinson, Scott Waters, Matthew McGoldrick (Project officer), Peter Jeffries (Project Co-ordinator), Andrew McGregor (RPEQ – Engineer), Jamie Thorley, Tony Gatton, Kate Adams (as required), Liz Youd (Secretarial and Mayor/Councillor Liaison)

1st Meeting – Mid June

Agenda

Project report review – Cardno Report
Project Design Review – Cardno Report
Site Visit – 3 boat ramps to inspect pontoons
Project time line (independent of Budget)
Current activities – Progress report

This committee would oversee the project from now until complete.

The recommended/proposed Tender review Panel would be made up of: Graeme McIlwain (Cardno), Peter Jeffries (WRC), Andrew McGregor RPEQ (WRC) and Matthew McGoldrick (WRC).

The Three Tenders will be assessed in accordance with the following criteria:

Haulage

Price, availability, local supplier, previous experience, demonstrated capability.

Placement (Construction of the Breakwater)

Price, availability, local supplier, previous experience, demonstrated capability including significant similar experience, insurance coverage, previous supervisory experience of similar projects.

Boat Ramp Works

Price, availability, local supplier, previous experience, demonstrated capability.

STATUTORY MATTERS

Local Government Regulation 2012 Sections 224,266,228.

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.***
- 5. Implement procurement initiatives to support and promote the local business sector.***

BUDGET REFERENCE

Budget inclusion in Capital for the 2015/6 Budget assuming the State Government allocates funding of \$3million.

CONSULTATION

Matthew McGoldrick – Chief Financial Officer (Author)
Peter Shuttlewood – Executive Manager of Procurement & Assets
Graham Jarvis – Director of Corporate Services
Scott Waters – Chief Executive Officer

ATTACHMENTS

Appendix Item 1 - Final Construction Plans Whisper Bay Breakwater, Causeway and Boat Ramp

Appendix Item 2 - Site Plan for the Area of Proposed Works

Appendix Item 3 - Tender & Contractual documentation - Haulage of Rock

Attachments will be provided at the Council Meeting

Appendix Item 4 - Tender & Contractual Documentation - Rock Placement and associated works

Attachments will be provided at the Council Meeting

Appendix Item 5 - Tender and Contractual Documentation - Boat Ramp works

Attachments will be provided at the Council Meeting

10. Office of the Mayor and CEO
10.3 AIRLIE BEACH RACE WEEK 2015
-

RECOMMENDATION

That Council provide \$5000.00 (exclusive of GST) of funds to be released from the Economic Development budget by way of sponsorship towards the Airlie Beach Race Week, to be held from the 7 to 14 August 2015.

Furthermore, that Council works with the Airlie Beach Race Week Committee to provide in kind support, as well as provide waiver of fees and charges, to a maximum amount of \$5000.00, forming a Bronze Partnership, with the provision of a joint media event to announce the sponsorship with the region's Mayor Cr Jennifer Whitney.

The following report has been submitted for inclusion in Council's Ordinary Meeting to be held on 10 June, 2015 by Council's Office of the Mayor and CEO Department.

BACKGROUND

The Airlie Beach Race Week is in its 26th year of running the seven day event that attracts entrants from all over Australia and overseas.

Council has received correspondence from Whitsunday Sailing Club on the 25 May 2015 requesting for \$25,000 sponsorship for the 2015 Airlie Beach Race Week event.

REPORT

Whitsunday Sailing Club (WSC) has advised Council that during the week of 7 to 14 August 2015 they will be holding the 2015 Airlie Beach Race Week celebrating its 26th.

The Club is also developing a \$30,000 cooperative advertising campaign including Regional TV, Radio, Press and Magazines. This will promote the land based program of events that will take place at WSC and eight other venues in Airlie Beach during the seven days of this year's Race Week calendar.

The event will also be broadcasted internationally by a highly regarded television production company.

It is anticipated that the 1350 competitors and their approx. 300 family and followers, along with at least 2000 spectators are expected to spend as much as \$12 million on accommodation, meals, tours and other purchases in the Whitsunday Region during the seven days of the regatta.

STATUTORY MATTERS

N/A

CORPORATE PLAN REFERENCE

Prosperity

Objective: Our tourism and small business sectors are strong, sustainable and actively promoted.

OPERATIONAL PLAN REFERENCE

Prosperity

Strategies

- 3. *Partner with tourism, business and economic development organisations to promote the local tourism and small business sectors.***
- 5. *Promote the Whitsunday Region as a desirable domestic and international tourist destination.***
- 7. *Promote the continued diversification of the tourism sector.***

BUDGET REFERENCE

Economic Development

CONSULTATION

Scott Waters - Chief Executive Officer (Author)

ATTACHMENTS

1. Email from Whitsunday Sailing Club dated 25 May 2015
2. Partnership proposal from the Whitsunday Sailing Club for 2015

10. Office of the Mayor and CEO

10.4 AUSTRALIAN LOCAL GOVERNMENT WOMEN'S ASSOCIATION (QLD BRANCH) CONFERENCE - 22 TO 24 JULY 2015

RECOMMENDATION

That Council approve Cr Clifford to be a delegate from Whitsunday Regional Council to attend the Australian Local Government Women's Association (Qld Branch) Conference to be held in Gayndah from 22 to 24 July 2015.

The following report has been submitted for inclusion in Council's Ordinary Meeting to be held on 10 June 2015 by Council's Office of the Mayor and CEO Department.

BACKGROUND

The Australian Local Government Women's Association (Qld Branch) is holding their Annual Conference and will be hosted by North Burnett Regional Council and held in Gayndah from 22 to 24 July 2015.

REPORT

The theme for this year's Conference is 'Country, Culture & Class' and will commence on Wednesday 22 July with the 'Mayor's Welcome Reception' to be held at the Gayndah Art Gallery.

The first day of the Conference will commence with a bus tour which will include visits to Glenellen Orchard and Packing Shed, the Blueberry Farm in Mundubbera and a sunset afternoon tea at McConnell's Lookout in Gayndah.

The second day of the Conference commences at the Gayndah Town Hall with a Networking Breakfast and continues throughout the day with a number of keynote speakers including an international guest, Qld Treasury Corporation and a presentation from Brisbane City Council who will host the 2016 Australian Local Government Women's Association (Qld Branch) Conference.

The Australian Local Government Women's Association (Qld Branch) Conferences are highly organised events showcasing experienced and professional speakers and provide an excellent opportunity to broaden and strengthen networks.

Approval is sought for the nomination of one delegate to attend the 2015 ALGWA Conference as Council's representatives.

STATUTORY MATTERS

N/A

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

A budget allocation is made annually to enable Council representatives to Conferences.

CONSULTATION

Scott Waters - Chief Executive Officer
Mayor Jenny Whitney

ATTACHMENTS

Appendix Item 1 - Conference Brochure
Appendix Item 2 - Conference Program

10. Office of the Mayor and CEO
10.5 REQUEST FOR ASSISTANCE - SHOW WHITSUNDAY 2015
-

RECOMMENDATION

That Council provide in-kind support as requested by Show Whitsunday to a maximum of \$5000.00 for the after show clean-up, at the annual Show Whitsunday 2015 event held at the Proserpine Showgrounds on Sunday, 21 June, 2015.

The following report has been submitted for inclusion in Council's Ordinary Meeting to be held on 10 June, 2015 by Council's Office of the Mayor and CEO Department.

BACKGROUND

In previous years Council has assisted Whitsunday Show with the after clean up at the Proserpine Showgrounds.

REPORT

Correspondence has been received from the Proserpine A P & I Association Inc. requesting in-kind assistance from Council for the after show clean up at the Proserpine showgrounds on Sunday, 21 June 2015.

In past years Council has assisted by providing 2 trucks and 2 backhoes with Council employees donating their time to operate the equipment for this community event.

The Proserpine A P & I Association Inc. is seeking the same in-kind support as last year.

STATUTORY MATTERS

N/A

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

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.***

BUDGET REFERENCE

Donations

CONSULTATION

Scott Waters - Chief Executive Officer (Author)

ATTACHMENTS

Appendix Item 1 - Correspondence from the Proserpine AP & I Association Inc

11. Corporate Services

No agenda items for this section.

12. Planning and Community Services

12.1 20140882 - DEVELOPMENT APPLICATION FOR DEVELOPMENT PERMIT FOR MATERIAL CHANGE OF USE - MAJOR UTILITY - BOWEN DEVELOPMENTAL ROAD SPRINGLANDS - SOLAR CHOICE

RECOMMENDATION

That Council approve the application for a Development Permit for a Material Change of Use - Major Utility, made by RPS Australia East Pty Ltd on behalf of Solar Choice Pty Ltd, on Lot 2 RP742329 and located at Bowen Developmental Road, Springlands, subject to conditions outlined in Appendix A of this report.

The following report has been submitted for inclusion in Council's Ordinary Meeting to be held on 10 June 2015 by Council's Planning and Community Department.

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

SUMMARY OF APPLICATION

Applicant	Solar Choice Pty Ltd C/- RPS Australia East Pty Ltd
Landowner	C E Watts & D R Watts
Property Address:	Bowen Developmental Road, Springlands
Real Property Description:	Lot 2 on RP742329
Area of Site:	8267.229 hectares
Planning Scheme Zone:	Rural Zone, <i>Bowen Shire Planning Scheme 2006</i>
Existing Use:	Dwelling House, ancillary farm sheds and dam
Proposed Use:	Major Utility (Solar Choice)
Existing Approvals:	Nil
Approval Sought:	Development Permit for a Material Change of Use – Major Utility (Solar Choice)
Application Progress	
Application Lodged:	22/12/2014
Submission Period Commenced:	10/04/2015
Submission Period End:	30/04/2015

Last Receipt of Information from Applicant:	14/05/2015
Original Statutory Determination Date:	29/05/2015
First Extension of Decision Making Period:	25/06/2015

PROPOSAL

Council is in receipt of a Material Change of Use (Impact Assessment) application for a Development Permit for a Material Change of Use – Major Utility (Solar Choice), made by Solar Choice Pty Ltd, for premises located at Bowen Developmental Road, Springlands, also described as Lot 2 on RP742329.

Pursuant to the *Bowen Shire Planning Scheme 2006*, the subject site is located within the Rural Zone triggering Impact Assessment. The proposed development has been assessed against the relevant probable solutions listed within the Rural Zone Code and all applicable Codes of the *Bowen Shire Planning Scheme 2006*.

The proposed development seeks to operate a large scale solar power PV facility that will, at ultimate capacity, generate up to 2.1 Giga Watts of clean energy that will grid – connected through the immediately adjacent Strathmore substation (managed by Powerlink) for transmission to the National Electricity Market (NEM). The proposed development will be built in manageable stages over time towards the maximum capacity.

The subject site was chosen for the proposed facility as it adjoins the existing Strathmore Substation maintained by Powerlink. The Strathmore substation is a regionally significant substation as it is nodal juncture of several existing and proposed High Voltage Transmissions lines which provide electricity to the entire North Queensland region including the Bowen and Galilee Basins. The establishment of a renewable power generation facility adjacent to this significant grid will enable vast areas of the region to have connection to a renewable power source, thus reducing the need to rely on current coal fired power generated sources which contribute to greenhouse gas emissions and the resulting impact on climate control. It is noted that the subject site also have optimal broad acre surrounds that are predominantly cleared, receives maximum sunshine hours and very little rainfall. In addition, there are numerous existing dams located throughout the subject site that can be used as a water source for such purposes as firefighting.

The majority of the western half of the subject site is flat and easily accessible, while also having numerous potential access points from Peter Delamothe Road. The western half of the subject site is also screened from view of the Bowen Development Road due to existing topography while there is the potential for existing vegetation to be used to screen the proposed development from Peter Delamothe Road.

It is noted that the majority of the subject site will remain unchanged as no significant building works and building upgrades are required to facilitate the proposed development. The applicant has submitted that the proposed new Solar PV will consist of parallel rows of fixed panel structures (arranged in modular blocks) designed to response to site boundaries and constraints, traversing the subject site. It is anticipated that the number of construction workers on site will vary over the construction period, although will be in the order of twenty (20) to 100 at any one time. The applicant is not proposing to accommodate workers on site during construction.

A number of battery storage buildings will be required to be located throughout the site. The battery storage buildings will be approximately 700 metres square and approximately one (1) storey in height. A site office will be approximately 250 metres square and will be required to

accommodate a small team of permanent maintenance and/ or security staff of up to eight (8) on-site at any one time. The site office will be conveniently located near the main entrance off Peter Delamothe Road and adjacent to the Strathmore substation.

A total of eight (8) on-site car-parking spaces will be adequately provided to meet Council's minimum requirements. The subject site will gain main access via Peter Delamothe Road, adjacent to the Strathmore substation. It is noted, that the no access will be gained from Bowen Development Road. A network of internal vehicle access tracks will be constructed across the western half of the site to enable appropriate access. Where crossings of creeks or drainage lines are required for the access tracks, appropriate crossings will be constructed to ensure drainage flows are maintained.

The application was referred to State Development, Infrastructure and Planning as a Concurrence Agency, Ergon Energy and Powerlink as an Advice Agency. Responses, advising no objection, subject to the imposition of Conditions of Approval are included as Attachment 3 in this report.

The proposal is considered to generally comply with the applicable codes, and ensures an appropriate outcome can be achieved for the subject site. Where, required, conditions have been included in the officer's recommendation to ensure compliance with the relevant probable solutions.

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 located at Bowen Developmental Road, Springlands, also described as Lot 2 on RP742329. The subject site is located within the Rural Zone of the *Bowen Shire Planning Scheme 2006*.

The subject site is improved with a dwelling house, ancillary farm sheds and a dam all of which are located in the southern – eastern corner, adjacent to the Bowen Development Road. Other small scale rural infrastructure typical of a large rural holding such as access tracks, dams and fencing is also located throughout the subject site. In addition, a large number of electricity transmission lines traverse large areas of the subject site, although in general, it is used for grazing activities with the remainder being vacant rural land.

The topography of the subject site varies considerably with the eastern half being in general, hilly, while the western half is mostly flat. The subject site has a road frontage along Peter Delamothe Road (Strathmore Road) of approximately 8.4 kilometres and Bowen Development Road of approximately nine (9) kilometres, and is approximately six (6) kilometres north - west of the township of Collinsville. The subject site has an area of 8267.229 hectares.

The site is surrounded by the following uses:

- To the east – Rural Zone (Reserve for State Forest Lot 71 on FTY1209)
- To the west – Rural Zone (Rural property grazing)
- To the north – Rural Zone (Rural property grazing)
- To the south – Rural Zone (Collinsville open cut coal mine)

In addition to the above, there are number of other land uses which are located adjacent to the southern boundary of the subject site, these are as follows;

- Powerlink substation located on Lot 1 on RP742328;
- A reserve for a quarry located on Lot 92 on DK182; and
- A reserve for camping and water purposes located on Lot 61 on DK155

STATE PLANNING MATTERS

This section provides an overview of the legislative context of the application under the provisions of the *Sustainable Planning Act 2009*.

The proposed development is not prohibited. This has been established by considering all relevant instruments which can provide prohibitions under the *Sustainable Planning Act 2009* including:

- Schedule 1 of the *Sustainable Planning Act 2009*;
- State Planning Regulatory Provisions (Section 21);
- *Integrated Planning Act 2007* Local Government Planning Scheme, being the *Bowen Shire Planning Scheme 2006*.

1. Assessable Development

The development proposed by this application includes development that is made assessable, in accordance with the *Sustainable Planning Act 2009*. It is noted, that the proposed development by this application does not include any other assessable development pursuant to Schedule 3 of the *Sustainable Planning Regulations 2009*. The subject application is subject to Impact Assessment.

2. State Assessment and Referral Agency (SARA)

The application was referred to State Development, Infrastructure and Planning as a Concurrence Agency. A response dated 9 January 2015, advised no objection, subject to the imposition of Conditions of Approval as included as Attachment 3 in this report.

The application was referred to Ergon Energy and Powerlink as an Advice Agency. A response dated 20 January 2015 and 16 January 2015, advised no objection, subject to the imposition of Conditions of Approval as included as Attachment 3 in this report.

The application was referred to the following Agencies:

	Concurrence Agency	Trigger	How to lodge:
	Department of State Development, Infrastructure and Planning State Assessment and Referral Agency – Mackay Isaac Whitsunday Regional	<i>Sustainable Planning Regulation 2009</i> Schedule 7 Table 3 Item 1 Making a material change of use of premises if any part of the land—	MyDAS electronic lodgement: www.dsdip.qld.gov.au/MyDAS Standard post lodgement: DSDIP SARA – Mackay Isaac Whitsunday Regional Office

	Office	<p>(a) is within 25m of a State-controlled road; or</p> <p>(b) is future State-controlled road; or</p> <p>(b) abuts a road that intersects with a State-controlled road within 100m of the land</p>	<p>PO Box 710 MACKAY QLD 4740</p> <p>Email lodgement: MIWSARA@dsdip.qld.gov.au</p>
	<p>Department of State Development, Infrastructure and Planning</p> <p>State Assessment and Referral Agency – Mackay Isaac Whitsunday Regional Office</p>	<p><i>Sustainable Planning Regulation 2009</i> Schedule 7 Table 3 Item 15A</p> <p>15A A material change of use of premises if any part of the land is—</p> <p>(a) within 25m of a railway or future railway land; or</p> <p>(b) future railway land</p>	<p>MyDAS electronic lodgement: www.dsdip.qld.gov.au/MyDAS</p> <p>Standard post lodgement: DSDIP SARA – Mackay Isaac Whitsunday Regional Office PO Box 710 MACKAY QLD 4740</p> <p>Email lodgement: MIWSARA@dsdip.qld.gov.au</p>
	Advice Agency	Trigger	How to lodge:
	Ergon Energy	<p><i>Sustainable Planning Regulation 2009</i> Schedule 7 Table 3 Item 7</p> <p><i>A Material change of use not associated with reconfiguring a lot if –</i></p> <p><i>a) any part of the premises is subject to an easement in favour of a distribution entity or transmission entity under the Electricity Act 1994 and the easement is for a transmission grid or supply network under that Act; and</i></p> <p><i>b) any structure or work that is the natural and ordinary consequence of the use is, or will be, located completely or partly in the easement.</i></p>	<p><u>Principal Town Planner</u> <u>Ergon Energy</u> <u>PO Box 15107</u> <u>CITY EAST BRISBANE</u> <u>QLD 4001</u></p>

	Powerlink	<p><i>Sustainable Planning Regulation 2009</i></p> <p><i>Schedule 7</i></p> <p><i>Table 3</i></p> <p><i>Item 8</i></p> <p><i>A material change of use not associated with reconfiguring a lot if any part of the premises is situated within 100m of a substation site.</i></p>	<p><u>Principal Town Planner</u></p> <p><u>Powerlink</u></p> <p><u>PO Box 1193</u></p> <p><u>VIRGINIA QLD 4014</u></p>
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3. Statutory Planning Assessment

The applicability of the current State Planning Regulatory Provisions to the proposed development is addressed in the table below. This table confirms there are no regulatory provisions applicable to the proposed development.

Coastal Protection State Planning Regulatory Provision	The proposed development is not located within the coastal management district; therefore these regulatory provisions do not apply.
Yeerongpilly Transit Orientate Development State Planning Regulatory Provisions	The proposed development is not located within the area to which these regulatory provisions apply.
State Planning Regulatory Provision (adopted charges)	The proposed development is relevant to the calculation of any applicable infrastructure charges for the proposal, in conjunction with the Whitsunday Regional Council's Adopted Infrastructure Charges Resolution. The subject site lies within the Rural Zone and is outside the Priority Infrastructure Area under Council's Adopted Infrastructure Charges Resolution. Under the SPRP and Council's Resolution, the proposal is defined as Low Impact Rural which attracts a 'nil' charge.
Off-road motorcycling facility on State-owned land at Wyaralong	The proposed development is not located within the area to where these regulatory provisions apply.
State Planning Regulatory Provision (Adult Stores)	These state planning regulatory provisions do not apply to development within the <i>Whitsunday Shire Planning Scheme 2009</i> area.
South East Queensland Koala Conservation State Planning Regulatory	The subject site is not located in South East Queensland and therefore these regulatory

Provisions	provisions are not applicable to this application.
South East Queensland Regional Plan 2009-2031 State Planning Regulatory Provisions	The subject site is not located in South East Queensland and therefore these regulatory provisions are not applicable to this application.

3.1 Mackay Isaac and Whitsunday Regional Plan - February, 2012

The subject site is within the area of the Mackay, Isaac Whitsunday Regional Plan. The assessment of the proposed development against the Regional Plan is relevant to aspects which are not appropriately included within the current Planning Scheme pursuant to Section 314(2) of the *Sustainable Planning Act 2009*. The Planning Scheme predates the Regional Plan and so does not yet appropriately reflects the Regional Plan for the purposes of section 314(2). The provisions in the Regional Plan which relevant to this application are;

- The Regional Framework, and supporting strategic directions and regional narratives; and;
- Desired Environmental Outcomes and associated policies.

The proposed development is a significant infrastructure project which represents a substantial investment in the future of the region. The below table outlines various methods the proposed development will contribute to achieving of several components from the Regional Plan.

Regional Vision;	<p>The vision described from the Regional Plan refers to responsible management of the region's abundant resources to benefit residents and future generations, and to achieving its potential with a range of industries, employment and learning opportunities. The proposed development will make a significant contribution to the elements of the Regional vision.</p> <p>The proposal seeks to benefit the existing community through ongoing employment and support for the regional industry and economy, but also future generations. The proposed development is sensitive to surrounding land uses of the area and offers the opportunity for increasing the diversity of industrial activities in the region.</p> <p>The proposed development is of a scale appropriate to the area and promotes economic growth in the region via local employment opportunities available during the operation of the use.</p>
Strategic Directions;	<p>The proposal supports the strategic directions of the regional plan by;</p> <ul style="list-style-type: none"> • Providing infrastructure services; • Establishes living arrangements that supports diversity, and industry

	<p>choice;</p> <ul style="list-style-type: none"> • Promotes further growth in employment, and the provision of services; • Establishes a strong economic development for which economic benefits can be filled within the entire region.
Regional Narratives;	<p>The proposed development is sensitive to surrounding land uses of the area and offers the opportunity for increasing the diversity of industrial and rural activities in the region. The proposal assists in providing appropriate infill which is consistent with adjoining uses and the surrounding area and promotes economic growth in the region via local employment opportunities available during the operation of the use. The proposal seeks to secure a viable future for the subject site, by establishing a development that provides a long term use. This will ensure it can continue to play a key role in supporting the local economy.</p>

3.2 State Planning Policies

The single State Planning Policy (SPP) came into effect on 3 December 2013, which consolidates the former multiple SPP's into one document. Part E of the SPP contains Interim Development Assessment Provisions, where are applicable to the assessment of development applications where the state interests have not already been appropriately reflected within the relevant Planning Scheme. No relevant State Interests are applicable to the proposed development, as indicated by the State Government interactive SPP Mapping.

LOCAL PLANNING MATTERS

1. Desired Environmental Outcomes

An assessment of the proposed development against the higher order provisions of the *Bowen Shire Planning Scheme 2006* has been undertaken. The Desired Environmental Outcomes (DEOs) applicable for the Bowen Shire are:

- (a) *Development does not adversely affect the values of the Shire's natural environment including coastal areas, wetlands, beaches, headlands, waterways, Protected Areas, undeveloped hillslopes, and areas of significant native vegetation, from any adverse effects accruing from clearing, soil degradation and pollution due to erosion and contamination, acidification, salinity, waste disposal and any modification to natural processes.*
- (b) *Development does not adversely affect the quality and quantum of water available for a range of consumptive uses throughout the Shire.*
- (c) *Risks to safety, property and the environment are not increased by the interaction of development and natural or other hazards, including flooding, bushfire, disturbance of acid sulphate soils, storm surge, cyclonic weather events and landslide.*

- (d) *Development protects the economic values of natural resources including good quality agricultural land, extractive and mineral resources, vegetation and water.*
- (e) *Development provides a benefit to and satisfies an economic demand of residents of the area in which it is located.*
- (f) *Opportunities for maintaining and improving employment resulting from advancements in information technology and emerging business/industry trends are maximised.*
- (g) *The Shire's tourism industry is strengthened and expanded based on the sustainable use of natural, cultural and man-made assets and the orderly provision of services and facilities.*
- (h) *Bowen continues to function as the main business centre and administrative hub for the Shire.*
- (i) *Growth and community development within the Shire focussed on the existing Bowen and Collinsville urban areas to facilitate the efficient use, timely and orderly expansion and continued operation of infrastructure.*
- (j) *Development facilitates diverse housing choice, including affordable housing that is responsive to the changing demographic structure of the Shire's population and promotes equity in access to goods and services.*
- (k) *Development promotes the efficient use and provides for the orderly expansion of the Shire's movement system, including motorised and non-motorised modes.*
- (l) *Development occurs in the area:*
 - (i) *which is suitable and compatible with the nature of the development; and*
 - (ii) *in which services and facilities required in respect of the development are existing, planned or provided by the development.*
- (m) *Development does not adversely affect:*
 - (i) *the community's health and safety;*
 - (ii) *the amenity enjoyed by people in different areas of the Shire; and*
 - (iii) *the safe and efficient operation of the transport, energy and other infrastructure supporting the Shire and surrounding region.*
- (n) *Development reflects the community's reasonable expectations and harmonises with the natural environment and does not prejudice the Shire's existing scenic amenity, particularly along the coastal plain.*
- (o) *The community values of places and landscapes reflecting the community's history and identity are not detrimentally affected by development.*

The proposed development is considered to comply with the Desired Environmental Outcomes (DEOs) for the following reasons:

- The proposed development will not impact on the surrounding landscape character of the area;
- The proposed Major Utility land use will not significantly alter the existing streetscape and will create development that is in keeping with the surrounding built environment;

- The proposed development application is not seeking to remove significant vegetation;
- The character of the area includes a range of heavy and light industrial uses. There are a number of emerging industrial developments within the immediate surrounding area.

The proposal does not compromise the rural amenity and the character of the area. The creation of the development will integrate with the existing Major Utility land use within the immediate surrounding area. The proposed development seeks to maintain the retention of significant views and natural features. The proposal will be conditioned to ensure the impact of the development on the local environment is minimised and mitigated where possible.

The proposed development has been designed to ensure there is no detrimental impact on the existing rural amenity. It is noted that the majority of the subject site will remain unchanged as no significant building works and building upgrades are required to facilitate the proposed development. The built form design has ensured an outcome that is aesthetically pleasing and includes effective landscape treatments. The proposed development is appropriately setback from adjoining neighbours. Any potential impacts on landscape values of the surrounding area have been assessed as part of the development, resulting in a conclusion that the proposed development poses very low potential for adverse visual impacts, due in particular to the low levels of exposure associated with the subject site due to its position within the surrounding topography and existing road network.

As such, the proposal is complimentary to the existing character and sensitive to the surrounding environment. The proposed development seeks to utilise the potential offered by the region's solar energy resources, in order to establish a renewable energy facility that will not only benefit the existing community through on going employment, but also support for the regional energy industry and economy.

Therefore, the proposal is considered to comply with the objectives of the Desired Environmental Outcomes (DEOs) for *Bowen Shire Planning Scheme 2006*.

2. Overall Outcomes of Zone Code

Pursuant to the *Bowen Shire Planning Scheme 2006*, the proposed land use is defined as Major Utility:

Major Utility

"Premises for the purpose of any installation or undertaking for:

- (a) the generation of electricity and associated transmission grid;*
- (b) the storage and/or treatment of water, sewerage or garbage;*
- (c) the provision of Shire-wide, or regional community services such as major multipurpose venues;*
- (d) public transport facilities by ways of depots, workshops or offices;*
- (e) a gaol, reformatory or similar penal establishment;*
- (f) any State or Federal government infrastructure/ utility purpose not defined as a Special use;*
- (g) a depot operated by or for the Council, other public authority or statutory corporation;*
- (h) air craft landing facilities (including a heliport) and associated navigational aids;*

- (i) *telecommunications facilities which are not determined to be low impact facilities, and which are of a scale or nature likely to have a significant adverse impact on the natural or built environment, including (but not limited to) any of the following:*
- i. *towers or other structures more than 15 metres in height;*
 - ii. *any aboveground facility on or adjoining a site of cultural heritage significance;*
 - iii. *aerial cabling in or immediately adjoining urban areas.*

The term does not include Local utility as separately defined.”

Rural Zone

The subject site is located within the Rural Zone triggering Impact Assessment.

The overall outcomes sought for the Rural Zone Code are the following;

- *Land used for rural activities such as grazing, agriculture and horticulture is protected from development, which in Council's opinion would significantly infringe on the landscape setting and rural amenity of the Shire;*
- *Land with productive capacity is preserved for a range of existing and emerging agricultural activities significant to the economy of the Shire and is protected from development that lead to its alienation and fragmentation;*
- *Agriculture, including both extensive and intensive activities is protected from incompatible uses and land use conflicts resulting from the location of non-rural activities on rural land;*
- *Uses and works are located and designed to maximise the efficient use and extension and safe operation of infrastructure;*
- *Residential purposes are ancillary to the primary rural purposes in the rural area; and*
- *Mineral and extractive resources and associated transport routes are protected from incompatible development.*

Council officers have undertaken a thorough assessment of the proposed development and are satisfied that the nature and scale of the development will not have a detrimental impact on the existing amenity and character of the area.

The majority of the subject site will remain unchanged as no significant building works and building upgrades are required to facilitate the proposed development and therefore ensures no impact on the existing landscape treatments and is consistent with the area's natural values. As no clearing of existing vegetation is proposed, the proposal has no impact on exiting topographical features of the site and manages to maintain and preserve the existing landscape character.

As such, Council officers raise no concerns with the establishment of the proposed land use and as such, recommend the proposal for approval.

3. Overall Outcome of Special Management Area Outcomes

O13 of the Special Management Areas Code – Good Quality Agricultural Land (GQAL)

The western half of the subject site is mapped as containing Good Quality Agricultural Land (GQAL). However, the proposed development will not compromise the outcomes sought by the *Bowen Shire Planning Scheme 2006* in relation to the GQAL as;

- The Good Quality Agricultural Land (GQAL) could be used for future rural/ agricultural purposes as the proposed development is not irreversible;
- The proposed development will not fragment Good Quality Agricultural Land (GQAL);

- Historically the subject site has been used for grazing purposes only, thus has not demonstrated it is suitable or other agricultural pursuits;
- The proposed development will not reduce the productive capacity of the land or alienate its use for rural purposes as the site can be rehabilitated and reused for rural activities after the cessation of the use;
- The proposed development will not result in land use conflicts with adjacent existing rural uses as all adjacent lands are used for either cattle grazing (it is not considered that the proposed development would result in land use conflicts with a cattle grazing operation) or is vacant rural land;
- Power station, assisting in achieving the governments targets for renewable energy generation, additional energy supply source for large portions of the region and beyond etc.) that the proposal will generate, it is considered that there is an overriding need in terms of public benefit for the proposal; and
- The proposed location has features that make it highly desirable for the proposed development in that it is perfectly located adjacent to Powerlink's Strathmore substation which is key node for Queensland's electricity grid and the confluence of several transmission lines.

From the abovementioned, the proposed development is considered to comply with Good Quality Agricultural Land (GQAL) specific outcomes.

Special Management Areas Code – Bushfire Hazard

In accordance with the requirements of the *Bowen Shire Planning Scheme 2006*, the Special Management Area – Bushfire Hazard is triggered for the proposed development. The subject application has been assessed against the applicable self – assessable solutions of the abovementioned Code.

The applicant will undertake appropriate bushfire management measures through the following measures;

- Appropriate cleared buffer zones;
- Water storage for firefighting purposes; and
- Access tracks between development areas and areas of bushfire threat.

It is noted, that the applicant intends to prepare a Fire Management Plan for the proposed development to ensure appropriate mitigation and management actions. A condition of approval in relation to providing a Bushfire Management Plan has been included as part of this report.

The proposed development is considered to comply with Special Management Area – Bushfire Hazard specific outcomes.

4. Specific Outcomes of Zone and other Codes

General Development Code

The proposal is considered to be consistent with the Rural Zone Code, Schedule 2 – Parking and Access and Schedule 4 – Infrastructure.

Council's Engineering Assessment officers are responsible for assessing the proposed development against the relevant engineering codes and the proposed development is considered to comply with all of the Probable Solutions.

The applicant has provided information within the documentation provided with the application in regard to access and parking requirements for both construction and post construction. The applicant has proposed a total of eight (8) car parking spaces on the

subject site and is intended to instruct all employees engaged on the solar site to use the parking provided. The applicant has indicated that onsite parking and manoeuvring for construction workers vehicles and deliveries to the site during the construction phase will be provided within the work site compound.

As such, the proposed development is considered to comply with the Rural Zone Code, Schedule 2 – Parking and Access and Schedule 4 – Infrastructure of the *Bowen Shire Planning Scheme 2006*.

5. Adopted Infrastructure Charges Resolution

The subject site lies within the Rural Zone and is outside the Priority Infrastructure Area under Council’s Adopted Infrastructure Charges Resolution. Under the SPRP and Council’s Resolution, the proposal is defined as Low Impact Rural which attracts a ‘nil’ charge.

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

Pursuant to the Draft Whitsunday Shire Planning Scheme 2014, the subject site is located within the Rural Zone. The proposed development proposes a Major Utility adjacent to existing industrial uses that supplement the primary industrial and rural uses in the locality. While the majority of the Strategic Intent outlined in the Draft Whitsunday Shire Planning Scheme 2014 is not applicable to the proposal and where applicable the proposal meets the Strategic Intent.

At this point in time, it is considered too premature to place any significant weight on the draft provision within the new Planning Scheme. Therefore, it is considered that minimal weight should be given to the Draft Whitsunday Shire Planning Scheme 2014 when determining this application.

PUBLIC NOTIFICATION, SUBMISSIONS AND REPRESENTATIONS

The development application was placed on public notification between 8 April 2014 and 29 April 2014 in accordance with the relevant provisions of the *Sustainable Planning Act 2009*. The Notice of Compliance was received on 4 May 2015. In response to advertising, one (1) submission was received, the main points of objection are listed, followed by the officer’s comment, in the below table;

Issue	Comment/Condition Number
<p>1. Blast and Vibration - The proposal is located in close proximity to the boundary of the existing lawful northern boundary of the Glencore Mine. The supporting material lodged with the application does not provide specific detail or setbacks from this boundary. The current Environmental Authority conditions attached to the mining operation require a blast exclusion zone of 600 metres around the blasting area. It is therefore recommended the proponent provide a setback of not less than 1,000 metres from the boundary of Lot 2 on RP742329. Additionally structures on the site should be designed to a high standard capable of withstanding blast vibrations over the life of the adjoining mine.</p>	<p>The suggested setback of 1,000 metres from the boundary to establish the use is considered unreasonable. The on-site requirement under the Mining Environmental Authority is 600 metres around the blasting site. Given it is unlikely the blasting will occur on the boundary of the site, it is anticipated the 600 metres would be required from their own boundaries. The 2006 Bowen Shire Planning Scheme only provides for setbacks to sensitive receptors of up to 40 metres, a mining operation is not considered to be a sensitive receptor.</p> <p>The issue of vibration is for consideration by the operator at the time of installation. Given the current Building Code requirements, consideration will be given at the time of construction. There is currently no provision</p>

	within the 2006 Bowen Shire Planning Scheme for structures to withstand vibration.
2. Dust – The mine operates under an Environmental Authority conditions including dust control and monitoring. While the mine operates in compliance with their conditions, dust may still be generated from the site. Recommended Council impose a requirement for significant and dense landscaping within the 1,000 metre building exclusion zone.	The issue of dust from adjoining properties is a matter for the operator to consider which may include suitable siting of the solar panels and regular cleaning regime. Conditions relating to landscaping have been imposed in accordance with the requirements of the 2006 Bowen Shire Planning Scheme.
3. Water Quality – The proposed development will result in water flowing from the development site into Strathmore Creek. The mine currently conducts water quality monitoring in this creek in accordance with its Environmental Authority conditions. It is recommended further water quality assessment is undertaken by this development.	The development has been conditioned to ensure appropriate water quality measures and monitoring is undertaken.
4. Existing Access Arrangements – Current arrangements exist with the current owners to access the site to undertake water quality monitoring. Further discussion needs to occur to ensure this access is maintained.	This is a matter between both parties and not a Council issue.
5. Issue of a Preliminary Approval – The common material lodged with the application lacks detail and therefore Council should issue a Preliminary Approval and include conditions to protect the adjoining lawful use.	Council officers have assessed the application based on the information provided including further information and are satisfied sufficient information has been provided for Council to make a decision and include reasonable and relevant conditions.

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.***

CONCLUSION / SUMMARY

Council is in receipt of a Material Change of Use (Impact Assessment) application for a Development Permit for a Material Change of Use – Major Utility (Solar Choice), made by Solar Choice Pty Ltd, for premises located at Bowen Developmental Road, Springlands, also described as Lot 2 on RP742329.

Pursuant to the *Bowen Shire Planning Scheme 2006*, the subject site is located within the Rural Zone triggering Impact Assessment. The proposed development has been assessed against the relevant probable solutions listed within the Rural Zone Code and all applicable Codes of the *Bowen Shire Planning Scheme 2006*.

An assessment of the application has determined the proposed development complies with the applicable codes, and ensures an appropriate outcome can be achieved for the subject site. Where, required, conditions have been included in the officer's recommendation to ensure compliance with the relevant probable solutions.

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.

CONSULTATION

Bianca Clarke - Senior Development Assessment Officer (Author)

ATTACHMENTS

Appendix Item 1 - Locality Plan

Appendix Item 2 - Proposal Plan

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

Appendix Item 4 - Submissions

Appendix Item A - Conditions of Approval

12. Planning and Community Services

12.2 20140651 - REQUEST FOR NEGOTIATED DECISION NOTICE - DEVELOPMENT APPLICATION FOR DEVELOPMENT PERMIT FOR MATERIAL CHANGE OF USE - COMMERCIAL COMPLEX AND THIRTY-THREE (33) ACCOMMODATION UNITS - 277 SHUTE HARBOUR ROAD AIRLIE BEACH - ALGONA DEVELOPMENTS

RECOMMENDATION

That Council approve the request for an Negotiated Decision Notice of the Development Permit for Material Change of Use - Commercial Complex and Thirty-Three (33) Accommodation Units lodged by Planz Town Planning on behalf of Algona Developments Pty Ltd As TTE on land described as Lot 1 A85911abd located at 277 Shute Harbour Road, Airlie Beach and amend Condition 4.3 to:

- 4.3 *The development results in increased demand on Council's existing public car parking with the township of Airlie Beach which is not designed to accommodate the additional demand. To accommodate the additional demand, the applicant must pay a monetary contribution towards the provision of additional public car parking in Airlie Beach by Council. Such contribution is to be paid prior to the commencement of the approved use, and amounts to a total of \$60,000, based on the provision of twelve (12) car parking spaces at a cost of \$5,000 per space.*

The following report has been submitted for inclusion in Council's Ordinary Meeting to be held on 10 June 2015 by Council's Planning and Community Department.

BACKGROUND

On 25 February 2015, Council at its meeting approved a development application for a Development Permit for a Commercial Complex and Thirty-Three (33) Accommodation Units at premises located at 277 Shute Harbour Road, Airlie Beach, also described as Lot 1 A85911, subject to conditions.

On 10 April 2015, Council received a request for a Negotiated Decision Notice in an attempt to amend Condition 4.3.

ORIGINAL PROPOSAL

The development approval permitted the establishment of a Queensland style three (3) storey mixed use development with commercial premises on the ground floor and thirty – three (33) accommodation units located on the first and second floor.

The proposed development comprises of the following:

Ground Floor

- Café/ Restaurant/ Bar – 165 square metres
- General retail – 237 square metres
- Accommodation Reception including lift access
- Refuse, ablutions, plant and stair access
- A covered walkway to the street frontage and a wraparound balcony to the rear of the building

First Floor

- Twenty (20) x one (1) Bedroom Units
- Access via lift and stairs

Second Floor

- Thirteen (13) x one (1) Bedroom Units
- Bar / Lounge and associated kitchen and back of house amenities
- Communal Kitchen and lounge area and a communal deck
- Access via lift and stairs

The applicant has requested a Negotiated Decision Notice pursuant to section 361 of the *Sustainable Planning Act 2009*, which relates to one (1) of the original condition of approval. In summary, the requested change is sought to amend Condition 4.3.

REPORT

The applicant has requested the following amendments to the conditions of approval.

Condition 4.3

The applicant requests that **Condition 4.3** be amended.
Condition 4.3 currently reads as follows:

4.3 The development results in increased demand on Council's existing public car parking with the township of Airlie Beach of which is not designed to accommodate the additional demand. To facilitate the additional demand, the applicant must construct thirty (30) public car parking spaces within the Airlie Beach precinct in accordance with Council's Development Manual and Australian Standards prior to the commencement of the use. The location for the proposed car parking is to be approved by Council and will also require the lodgement and approval of a Development Application for Operational Works.

Applicants Comments:

The grounds for each of the two (2) proposed amendments to Conditions 4.3 are individually set out as follows;

Reduction in the number of car parking spaces to be provided

Condition 4.3, as it stands, is unlawful in requiring the provision of thirty (30) public car parking spaces, Section 345 of the Sustainable Planning Act 2009, in essence that a conditions must not be an unreasonable imposition on a development, and must be reasonably required in relation to the development. The requirement of Condition 4.3, as it stands, for the provision of thirty (30) public car parking spaces is an unreasonable imposition on the proposed development, and is not reasonably required in relation to the development. Hence, this aspect of the conditions offends Section 345 and renders it unlawful.

The reasons supporting this conclusion are summarised below;

- *The condition lacks any transparency and certainty;*
The figure of thirty (30) car parking spaces is completely arbitrary and unsupported by any transparent or defensible determination of the actual car parking demand that could be expected to arise from the approved development. Given the absence of transparency, the requirement for the construction of thirty (30) car parking spaces cannot be said to be reasonably required, nor a reasonable imposition on the

development. Furthermore, the condition lacks certainty as to where and how the required car parking spaces are to be constructed and whether the ultimate location of the resultant car parking would even relate, or be of any benefit at all, to the approved development. Again, this absence of any certainty surrounding key aspects of the car parking requirement renders this conditions unlawful.

- The number of car parking spaces required under the condition is excessive, having regard to the nature of the approved development and the car parking demand it would reasonably be expected to generate;

There are three (3) sound reasons why the required level of car parking provision required by the condition is excessive and therefore unreasonable;

- Firstly, the approved development does not just replace existing retail activities on the site, but actually reduces the amount of retail floor spaces and therefore the car parking demand generated by this component. The applicant has stated that the existing ground floor retail floor area amount to 620 square metres. By comparison, the approved plans show that the proposed retail floor area will amount to 413 square metres, a reduction of around 200 square metres or over 30%. This fact, together with the fact that no onsite car parking currently exists to service the existing retail floor space, confirms that any requirement to provide additional car parking to service the retail component is, by definition, excessive and therefore unreasonable.
- Secondly, it is a well settled fact that backpacker accommodation establishments generate very low demand for car parking, based on the fact that this category of tourist is known to strongly favour the use of active, public and organised transportation over private vehicle use. Again, the required level of car parking provision dictate by the relevant condition is excessive and out of proportion to the actual demand that will be generated by the approved development. This conclusion is expanded upon later in these representations.
- Thirdly, in imposing the relevant car parking requirement, Council has erred in not applying its own longstanding policy in relation
- to the relaxation of car parking requirement in particular circumstances.

Accordingly, there is no basis upon which to require the provision of additional car parking to serve this component. Therefore, the requirement for the provision of thirty (30) car parking spaces must be taken to relate exclusively to the backpacker accommodation component of the proposed development. In this context, the figure of thirty (30) car parking spaces is manifestly excessive having regard to the actual demand for car parking that would be generated by this aspect of the approved development.

To demonstrate, the applicant commission Q-Traffic, specialist traffic engineering consultants, to conduct a proper assessment of the actual car parking demand that would be expected to arise from the backpacker accommodation component of the approved development. The vast difference between the car parking requirements imposed by the relevant condition being thirty (30) car parking spaces, on the one hand, and the resultant evaluation of actual demand by Q- Traffic being three (3) spaces, on the other, very starkly demonstrate the unreasonableness of the condition, as well as its arbitrary nature.

As demonstrated, a number of the abovementioned criteria clearly apply in this case, and the approved development should correspondingly have benefitted from a significant parking relaxation. Notably, the compact and walkable nature of Airlie Beach, and the excellent

standard of active transport infrastructure serving it, ensures that all of this car parking is highly accessible to the subject site.

The site is within a highly pedestrianised environment and the generation of additional vehicular traffic in this precinct, through the over provision of car parking, is to be discouraged. Similarly, such over provision would undermine the more sustainable and desirable utilisation of the available public and active transport options.

The size and configuration of the subject site, and the nature and history of the development of the site are clearly not conducive to the provision of on-site car parking. Accordingly, the site and the approved development clearly qualify for a parking relaxation in terms of the criteria set by Council has thus erred in not framing the condition and its excessive parking requirement. This exercise has clearly demonstrated that the level of car parking provision imposed on the subject development is entirely inconsistent with that which has been imposed on all of the surveyed establishments.

In summary, this research established that the actual provision by existing, comparable establishments averages one (1) space per twenty – one (21) guests. In comparison, the condition imposed on the approved development requires the subject development to provide car parking at the rate of roughly one (1) space per two (2) guests, approximately ten (10) to twenty (20) times higher.

The first of these amendments will eliminate an unwarranted, unreasonable and unlawful requirement for the provision of thirty (30) car parking spaces. This requirement has been demonstrated to be not reasonably required, and an unreasonable imposition on the development.

Officers Comments:

The representations reflect a modification to Condition 4.3, in relation to car parking. It is noted, that there is two (2) amendments which are proposed to the provisions of Condition 4.3. The first amended proposes a reduction in the number of public car parking spaces to be provided by the subject development, from thirty (30) car parking spaces to twelve (12) car parking spaces. The second proposed amendment provides for the twelve (12) car parking spaces to be provided by way of payment of the monetary amount per car parking space.

Council Officers have reviewed the request and propose to amend the relevant condition to provide for the payment on a monetary contribution based on twelve (12) car parking spaces (30% cross utilisation) at \$5,000 per car parking space contributing a total of \$60,000. The figure of \$5,000 is based on the actual construction cost per public car park from relevant developments within the immediate surrounding area.

The basis of this recommendation is as follows.

The proposed development demonstrates good practice traffic and parking principles by encouraging a low car development, manages demand for traffic and parking to ensure it does not compromise pedestrian movements and local amenity, consolidates and shares parking between developments, encourages short term parking on-street to improve activity and vitality, and considered introducing car-share schemes. The development creates an increase node share for walking, cycling and public transport by providing high levels of accessibility and public amenity within the surrounding areas for cyclists and pedestrians, with priority for pedestrians. Council officers are of the opinion that a reduced rate of car parking spaces is considered acceptable based on the above-mentioned principle.

Council Officers also reviewed the adopted Airlie Beach Car Parking Strategy's Final Report completed by TTM Consulting Pty Ltd Traffic, Parking & Acoustics dated 21 June 2004. The

report indicated that 'surveys from, and experience in other Centres indicates that up to 25% less parking needs to be provision in a retail/ commercial centres if all parking is provided in such a way as to be freely available to the public at all times and all parking can be shared between developments'. It is noted, that a mix of land uses within an activity centre tend to have varying peak times and demand and allow parking spaces to serve a range of surrounding businesses. Typically, Council have previously granted a dispensation in other Airlie Beach developments by 30% cross utilisation when the development proposes a mixed commercial and residential land uses, thus further reducing the demand for car parking.

A review of the Queensland Government, 2010 - The Transit Oriented Development Guide outlines that 'TOD' precinct types offer high-frequency transit services and good pedestrian connections and have the lowest maximum parking rates. The principle is to '*locate, design, provide and manage car parking in TOD Precincts to support walking, cycling and public transport accessibility.*' The Airlie Beach Precinct is likened to a TOD Precinct due to the availability of public transport and the transit nature of visitors to the Region travelling by bus, train or air. The proposed development is located in a predominately commercial area featuring a range of mixed development. The scale and intensity of development in the surrounding area varies with a distinct intensification of development along both the northern and southern side of Shute Harbour Road known as the 'main street' in Airlie Beach. In the immediate vicinity of the subject site, development is generally of a low to medium rise profile and features mainly commercial development, within extremely close proximity to local services and attractions adopting a 'TOD' principle.

The total number of car parking spaces required for the development is sixty (60) spaces. Applying the 30% cross utilisation reduces the demand to forty-two (42) spaces, less the credits for the existing commercial uses by thirty (30) spaces leaving a shortfall of twelve (12) spaces.

The proposed development will accommodate thirty – three (33) double rooms (up to sixty – six [66] guests), this level of parking provisions is also consistent with the average car parking rate for the existing backpackers facilities surveyed in the area (refer to Q Traffic Report dated 10 April 2015 Reference: 091-BVT03) being one (1) car parking spaces per twenty – one (21) guests.

As previously discussed in the original Council Meeting report, the *Draft Whitsunday Shire Planning Scheme 2014* includes a Transport and Parking Code which aims to ensure that transport infrastructure including pathways, public transport infrastructure, roads, parking and service areas, are provided in a manner which meets the needs of the development, whilst promoting active and public transport use and preserving the character and amenity of the Whitsunday region. The proposed development is made up of a Commercial Complex and thirty – three (33) one (1) bedroom units which will likely consist of tourists and visitors most of which will made use of the public transport facilities surrounding the development.

This demographic of residents will likely have visitors outside the restricted parking hours of which it is likely majority of the visitors to the subject site will access the site via the surrounding public transport. Based on the above, the proposed change is considered to be consistent with the original approval and as such, it is considered appropriate to amend Condition 4.3 to reflect the applicant's representation.

Therefore, Condition 4.3 is recommended to be amended to read:

- 4.3 The development results in increased demand on Council's existing public car parking with the township of Airlie Beach which is not designed to accommodate the additional demand. To accommodate the additional demand, the applicant must pay a monetary contribution towards the provision of additional public car parking in Airlie Beach by

Council. Such contribution is to be paid prior to the commencement of the approved use, and amounts to a total of \$60,000, based on the provision of twelve (12) car parking spaces at a cost of \$5,000 per space.

CONCLUSION

On 25 February 2015, Council at its meeting approved a development application for a Development Permit for a Commercial Complex and Thirty-Three (33) Accommodation Units at premises located at 277 Shute Harbour Road, Airlie Beach, also described as Lot 1 A85911, subject to conditions.

The applicant has requested a negotiated decision notice pursuant to section 361 of the *Sustainable Planning Act 2009* that relates to one (1) condition of approval.

The proposed changes has been considered by Council and based on the information submitted and detailed assessment given within this report, it is recommended the condition be changed to reflect twelve (12) spaces at \$5,000 per car parking space.

STATUTORY MATTERS

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

BUDGET REFERENCE

Budget Cost Code: Not Applicable

CONSULTATION

Bianca Clarke (Senior Town Planner) 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

12.3 20140807 - DEVELOPMENT PERMIT FOR RECONFIGURATION OF A LOT - ONE (1) LOT INTO FOUR (4) LOTS - LOT 4 RP 738270 - 733 DINGO BEACH ROAD GREGORY RIVER - DENNING & CAMPBELL

RECOMMENDATION

That Council approve the application for Development Permit for Reconfiguration of a Lot - One (1) Lot into Four (4) Lots, made by A N Denning & K L Campbell, on Lot 4 RP 738270 and located at 733 Dingo Beach Road Gregory River, in accordance with the conditions outlined in Appendix A.

The following report has been submitted for inclusion in Council's Ordinary Meeting to be held on 10 June 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	A N Denning & K L Campbell
Landowner	A N Denning & K L Campbell
Property Address:	733 Dingo Beach Road, Gregory River
Real Property Description:	Lot 4 RP 738270
Area of Site:	22.77 hectares
Planning Scheme Zone:	Rural Zone under the <i>Whitsunday Shire Planning Scheme 2009</i>
Existing Use:	Dwelling House on proposed Lot 44
Proposed Use:	Reconfiguration of a Rural Lot – One (1) Lot into Four (4) Lots
Existing Approvals:	N/A
Approval Sought:	Development Permit for Reconfiguration of a Lot - One (1) Lot into Four (4) Lots
Application Progress	
Application Lodged:	19/11/2014
Submission Period Commenced:	01/05/2015
Submission Period End:	22/05/2015
Last Receipt of Information from Applicant:	25/05/2015
Original Statutory Determination Date:	19/06/2015

PROPOSAL

A development application was lodged to Council for a Development Permit for a Reconfiguration of a Lot – One (1) Lot into Four (4) lots on rural land on Lot 4RP 738270 located at 733 Dingo Beach Road, Gregory River. This application is impact assessable under the Whitsunday Shire Planning Scheme 2009 and triggers a period of public notification. The reconfiguration will result in infill development for a four (4) lot rural subdivision.

The site currently is not serviced by reticulated water supply or sewerage. Proposed Lot 44 is serviced by overhead power services, potable water supply and an on-site effluent disposal system. These services can be provided to the proposed Lots 41-43. The site is predominately mowed grass lawns, grazing land for cattle and remnant vegetation exists along the frontage of the subject lot bordering Dingo Beach Road.

The subject site is located within an existing rural residential node and the lot sizes have been designed to maintain an intent for rural residential style living. The lot sizes are listed below.

- Proposed Lot 41 at a size of 2.3 hectares with a 10 metres frontage of Dingo Beach Road;
- Proposed Lot 42 at a size of 2.05 hectares with a 121 metres frontage of Dingo Beach Road;
- Proposed Lot 43 at a size of 2.04 hectares with a 121 metre frontage of Dingo Beach Road; and
- Proposed Lot 44 at a size of 16.37 hectares with a 182 metres frontage of Dingo Beach Road. This lot accommodates the existing dwelling and ancillary structures on the property.

Access already exists to proposed Lot 44. Access to proposed Lots 41-43 can be achieved via Dingo Beach Road. Engineering assessment has determined there is sufficient site distant between the site distances for driveways connecting to the road from the proposed lots.

There are no easements or covenants that burden the subject site. There is no essential irrigation infrastructure situated on the site for agricultural activities.

SUBJECT SITE AND ADJOINING LAND USES

The site is surrounded by the following uses:

- To the east – Rural residential allotments and Dryander National Park
- To the west – Rural cattle grazing lands and Gregory River
- To the north – Rural allotments, grazing lands and Dingo Beach
- To the south – Rural Residential cluster of allotments

STATE PLANNING MATTERS

1. State Assessment and Referral Agency (SARA)

The application was referred to SARA as per Schedule 7, Table 2 Item 4 of the Sustainable Planning Regulation 2009 for Native Vegetation Clearing.

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

The Mackay, Isaac and 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 to 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 listed below are applicable to the proposal.

Strategic Direction - Regional Landscapes

The value of rural land is significant both economically and in the management of rural production activities carried out on the land. The subject site however is not able to be used for any type of economically viable or intense rural activity due to size of the parent parcel of land and constraints in terms of surrounding sensitive land uses (ie. neighbouring rural residential allotments). The capacity of the block for rural purposes is both limited and restricted.

The proposal does not create a loss of any employment opportunities in the region in respect to agricultural purposes. No substantial agricultural infrastructure is impacted on or affected by the subdivision.

LOCAL PLANNING MATTERS

1. Desired Environmental Outcomes

Living and Working Environment

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

- *Maintain a settlement pattern for the shire that is contained within or which consolidates existing urban areas and does not promote increased dispersed settlement outside such areas;*
- *Maintain rural residential development within identified rural residential nodes as contained within the Rural Residential Zone at a fixed density in order to obviate the likelihood of further ad-hoc dispersed rural residential development; and*

- *Exhibit a character, identity and sense of place reflective of their location.*

Lots situated to the south of the parent lot are clustered in a node of rural residential development and are of approximate size between two (2) hectares to eight (8) hectares. These lots are bordered by exceptionally larger single parcels of rural zoned land. The density of the proposal is consistent with the densities sought for rural residential type development.

By further subdividing the subject site the proposal can be considered an extension of the existing rural residential node. Surrounding impacts of the subdivision on adjoining premises are restricted due to geographical constraints and current surrounding land uses. It is considered that no detrimental impacts on amenity or services niche to the area are impacted on by the proposed subdivision.

With consideration of the GQAL zoning, it is acknowledged that not all land within the Rural zone is viable for high intensity rural production purposes. It is recognised that small scale agricultural activities can still be conducted without arising issues with regard to any potential for adverse effects on the environment.

There will be minimal interference with existing rural activities in regards to the proposal. Adequate separation buffer distances from adjacent established rural production activities can be achieved in relation to the proposed Lots.

Site access is maintained and the adjoining commuter road accessing the lots is constructed to a sealed standard. The standard of this road limits pressures on this infrastructure from increased ingress and egress vehicle movements from the four proposed lots.

Natural Environment

The Shire's unique natural open space, climatic, rural and scenic attributes are maintained and protected as follows:

- *Land use and the built environment are sensitive and responsive to the environment, and are located, designed and operated having due regard to any potential for adverse effects on the environment;*

The proposed reconfiguration is considered to have minimal adverse impacts on any environmental or ecological features of concern. The reconfiguration is considered to assimilate into the surroundings. No existing ecological corridors or waterways are negatively impacted on.

Economic Sustainability

A productive local and regional economy that is growing and diversifying in a manner consistent with the Shire's character and amenity and the sustainable use of the Shire's resources and infrastructure, including:

- *Protection of identified good quality agricultural land from incompatible development whether or not such land is being utilised for agricultural production;*

The proposed reconfiguration fragments good quality agricultural land on the subject site. However, this land is considered unusable for intense agricultural purposes due to topographical constraints of the site. Adjacent rural activities undertaken to the west of the site include cattle grazing. A lack of rainfall and poor soil quality limit any intense form of rural activity such as sugar cane production to be undertaken. Small scale agricultural activities, inclusive of small scale hobby farms, could be undertaken on the parent lot would not be considered to have any impact on surrounding amenity due to associated limited noise, dust and odour pollution.

Urban Design and Character

A high quality built environment characterised by development which:

- *Is consistent with the local character and complements the Shire's diverse range of tropical coastal, mountain and rural settings;*
- *Responds to and protects other landscape elements, views and vistas; and*
- *Is of a bulk, scale and density consistent with the character and context of the area, and of associated development;*

The subject site is not situated in a position that isolates any future uses on the land from local services and facilities in the region. The proposal is not considered ad-hoc in nature. A four lot subdivision is not considered to be out of character for the area. The adjacent lot directly to the north of the site is considered to be of a similar lot configuration and layout to the intended proposal.

2. Overall Outcomes of Zone Code

The outcomes for the Rural Zone are as follows:

- (a) natural primary resources and the primary productive capacity of the zone are protected;
- (b) good quality agricultural land (GQAL) is protected from incompatible development whether or not the land is being utilised for agricultural production at the time of consideration;
- (c) rural character is maintained;
- (d) significant ecological, landscape and cultural values and features are maintained and protected from adverse impacts;
- (e) development makes adequate provision for maintaining and protecting surface and ground water quality and downstream aquatic environments from sediments, nutrients and other pollutants;
- (f) tourism uses are rural or nature based, are of a small scale and low impact and do not incorporate a permanent residential component;
- (g) residential uses are limited to a single dwelling house per lot or additional housing that is ancillary to primary production activities that are carried out on the same lot;
- (h) other business, industrial and community or recreation uses are located in the Rural Zone only if they cannot be practicably located in urban areas due to their nature, scale, effects, or necessary relationship to other activities or particular features, resources or infrastructure;
- (i) major transport and other infrastructure are protected from encroachment by incompatible uses and options for the highway by-pass of Proserpine are preserved;
- (j) development encourages the continued operation of existing agri-business and continued development of new agri-business opportunities; and
- (k) 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 does not create a distinctive loss of character for the area nor affect the amenity of Dingo Beach Road. Essentially the reconfiguration provides for infill development

and can be described as an extension of the rural residential node that this proposal is situated in. The geographical constraints of the land situated between a hilly inland region of a coastal area limits rainfall depressions over the site therefore shaping the rural environment in terms of rainfall patterns and thus soil productivity. This offers specific opportunities for specific agricultural activities to be undertaken on the land.

3. Overall Outcomes of the Overlay Codes

Conservation Areas Overlay (Essential Habitat)

The front portion of the site overlaps with an area for essential habitat. The proposed clearing that is to be undertaken for driveway accesses to the proposed lots is justified by the response from SARA. Removal of similar amount of remanent vegetation has occurred on other properties accessing Dingo Beach Road to facilitate driveway accesses. The proposed clearing is only for the purpose of essential infrastructure only and does not support proposed clearing for any other matters. Remnant vegetation exists in a fragmented pattern on the subject site. Future building envelopes can be appropriately positioned with a minimum setback of 50 metres from this vegetation.

Economic Resources (GQAL - Good Quality Agricultural Land)

The entire site is mapped as containing GQAL. The site is considered not suitable for intense rural activities due to the following reasons listed below

- Topographical constraints;
- Creation of smaller lots limits the outcomes for intense and large scale agricultural activities;
- The site is heavily constrained by the north, south, east and west by land uses. It is considered that the proposed lots are suitably located to ensure that no conflicts will arise between incompatible land uses. Proposed Lot 41 is situated 120 metres from rural land to the west and proposed lots 42 and 43 are situated 250 metres from rural lands to the west. Proposed Lot 44 is of size of 16.37 hectares and has an established dwelling house, the size and shape of the property offers opportunities to buffer any conflicting land uses affecting adjoining properties; and
- The proposal to create this a rural residential style allotment does not encroach upon any surrounding land uses.

Natural Hazards Overlay (Medium Bushfire Hazard)

The site is situated within the medium bushfire hazard mapping with portions of proposed Lot 44 containing areas of low bushfire hazard. Due to the nature of the site there are limited risks from potential bushfire hazard. Adequate setback distances to any proposed dwelling can be effectively accommodated to mitigate risks from bushfires.

4. Whitsunday Rural Lands Strategy

On June 2014, Council issued a public release memorandum on the Rural Lands Study that had been undertaken by Edge Land Planning. The memo summaries that the study has identified that rural residential development is having an impact on agricultural production due to the following reasons below.

“Land use conflict between operation agricultural production and rural residential/residential property in relation to noise and odour; and

Subdivision of rural properties, which overtime fragments ownership and the overall agricultural viability of land. The study identifies in particular the approval of reconfiguration of a lot (ROL) applications below the 100 ha minimum lot size.”

As a result the study recommends the following:

“Due to its impact on important agricultural industries, particularly where good quality agricultural land, no further approval of subdivision where is to below the minimum lot size for the Rural Zone, or where for a material change of use in conflict with the intent of the Rural Zone.”

The subject site is originally below the minimum lot size of 100 square metres. The subject site is regarded as exhibiting features that restrict high intensity agricultural activities being undertaken and confine potential land uses on site to small scale farming/hobby activities.

The proposal can be regarded as infill development within an existing rural residential node and is not considered as pertaining to urban sprawl. The proposed lots 41-43 are compatible in terms of size, shape to the surrounding rural residential lots. The lots are located in excess of 120 metres from adjacent rural land and can be considered consistent with meeting the requirements and outcomes for the Rural Lands Strategy. Council has approved similar applications (Council ref 20140060 and 20140001) in the last twelve months, by these proposals meeting grounds for approval in relation to GQAL not being compromised on the site. It can be regarded that the proposed subdivision over this property does not fit into the realm of rural properties to be restricted from subdivision potential.

5. Adopted Infrastructure Charges Resolution

The subject site is located outside of the PIA (Priority Infrastructure Area). If the development was to be approved conditions relating to a contribution payment for parks and recreation facilities and roadworks would be applicable. This would be at a total cost of \$33,600 for the development of three (3) proposed lots, taking into account the existing credit for one (1) lot.

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

Strategic Framework:

The proposal is considered to be consistent with the strategic outcomes of the Draft Whitsunday Regional Council Planning Scheme. The proposal creates opportunities to encourage growth within the region while at the same time remaining sensitive to the environment in which it is situated along with ensuring hazards resilience is maintained.

Strategic Intent:

The proposal is inconsistent with the underlying strategic intent of the Rural Zone. The rural zone is designed to allow and maximise potential for rural activities to operate efficiently. The proposal however is established in a rural residential area and the lots are of a size and scale consistent with the surrounding area, to the north, east, south and west.

Proposed Zone:

The proposed zone is Rural under the draft Whitsunday shire planning scheme. The zoning of the surrounding area is not subject to changed zoned under the planning scheme

Applicable Overlays:

Under the draft Whitsunday regional council planning scheme the applicable overlays are as follows:

- Agricultural Overlay (Good Quality Agricultural Land)
- Medium Bushfire Hazard
- Environmental Significance (regulated vegetation and regulated vegetation intersecting a watercourse)
- Flood Overlay (rear of proposed Lot 44)
- Waterways & Wetlands

The proposed reconfiguration of one lot into four lots can generally address the compliance with the acceptable solutions of these Codes.

Level of Assessment

The level of assessment is Impact assessable under the draft planning scheme. The minimum lot size is still prescribed as 100 hectares. The proposal is assessable against the entire planning scheme and triggers public notification.

Applicable Codes:

The Codes most applicable to assessment include the following; however the application does allow assessment against the entire planning scheme.

- Rural Zone Code
- Reconfiguration of a lot Code
- Excavation and filling code
- Infrastructure Code
- Landscaping Code
- Transport and Parking Code

Under the draft planning scheme essentially the proposal is assessable against the entire planning scheme. The proposal does not achieve compliance with the prescribed lot size detailed within the tables of assessment for Reconfiguring a Lot Code.

PUBLIC NOTIFICATION, SUBMISSIONS AND REPRESENTATIONS

The development application was placed on public notification between the 1 May 2015 and 22 May 2015 in accordance with the relevant provisions of the *Sustainable Planning Act 2009*. The Notice of Compliance was received on 25 May 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 application is recommended for approval in accordance with the drawings and documents despite the conflict with the Planning Scheme based upon the following grounds:

- The proposal will not promote a dispersed development settlement and is providing infill development maintaining the existing settlement pattern within the existing rural residential node;
- The proposed density is consistent with the densities sought for rural residential type development; and
- The proposed subdivision will not compromise the rural productivity of the subject site or create land use conflicts with adjacent agricultural rural activities to the west. This is due to adequate setback distances that can be achieved between the two conflicting land uses.

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.***

CONSULTATION

Anthea Shivas – Town Planner (Author)
Engineering Services
Catchment Services

ATTACHMENTS

Appendix Item 1 – Locality Plan
Appendix Item 2 – Proposal Plan
Appendix Item 3 – State Agency Referral Agency (SARA) Response
Appendix Item A – Conditions of Approval

12. Planning and Community Services

12.4 DEVELOPMENT ASSESSMENT - MONTHLY PERFORMANCE REPORT - MAY 2015

RECOMMENDATION

That the monthly performance report for the Development Assessment Team for May 2015 be noted.

The following report has been submitted for inclusion in Council's Ordinary Meeting to be held on 10 June, 2015 by Council's Planning and Community Department.

BACKGROUND

The Whitsunday Regional Council Development Assessment Team operates under the Planning and Community Department. The core business is to assess development applications and undertake compliance against the legislative framework of the *Sustainable Planning Act 2009* and the Whitsunday Shire and Bowen Shire Planning Schemes. The team seeks to manage the positive and negative impacts between economic, environmental, social and political spheres.

Development applications are to be lodged and decided for development made assessable development under the *Sustainable Planning Act 2009*. A development is made assessable by the:

- *Sustainable Planning Act 2009, Schedule 3; or*
- *2006 Bowen Shire Planning Scheme; or*
- *2009 Whitsunday Shire Planning Scheme.*

REPORT

This report has been prepared to provide an update a monthly performance review for the Development Assessment Team for the month of May, 2015.

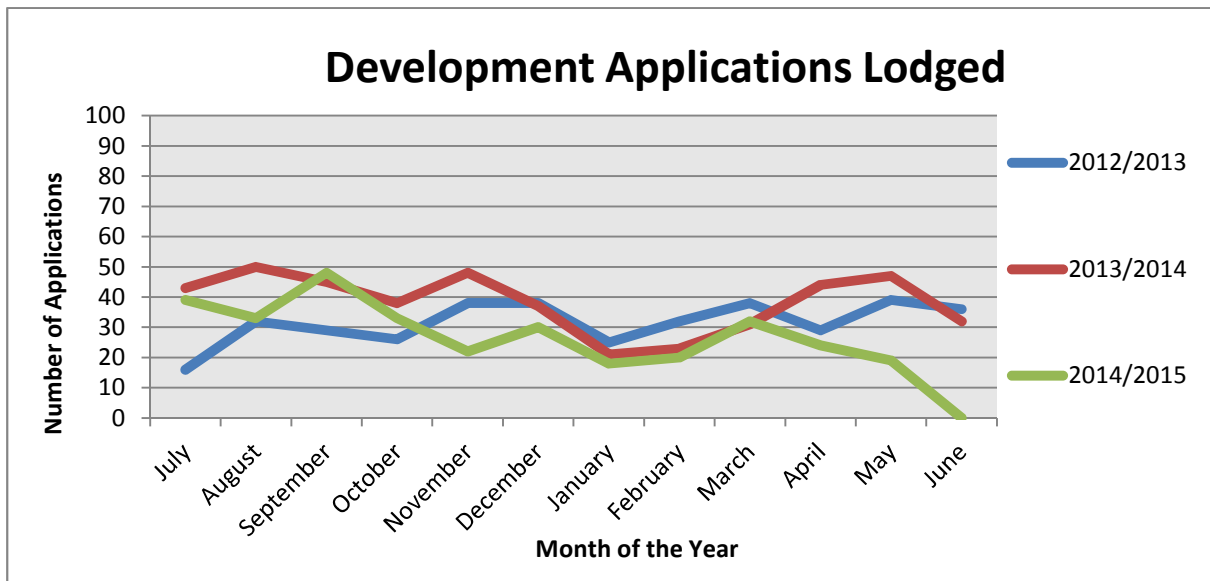
Development Applications Lodged

Development applications lodged with Council for Development Permits for Material Change of Use, Reconfiguration of a Lot and Operational Works as well as requests for Negotiated Decision Notices, change of conditions and extensions to the relevant period.

MONTH	2012/2013	2013/2014	2014/2015
July	16	43	39
August	32	50	33
September	29	45	48
October	26	38	33
November	38	48	22
December	38	37	30
January	25	21	18
February	32	23	20
March	38	31	32
April	29	44	24
May	39	47	19
June	36	32	
TOTAL	378	459	318

This table and Graph 1 below depict the total number of applications lodged for each month and illustrate a comparison from the previous year.

Attachment 1 is the full report providing details of the applications lodged for the current month.



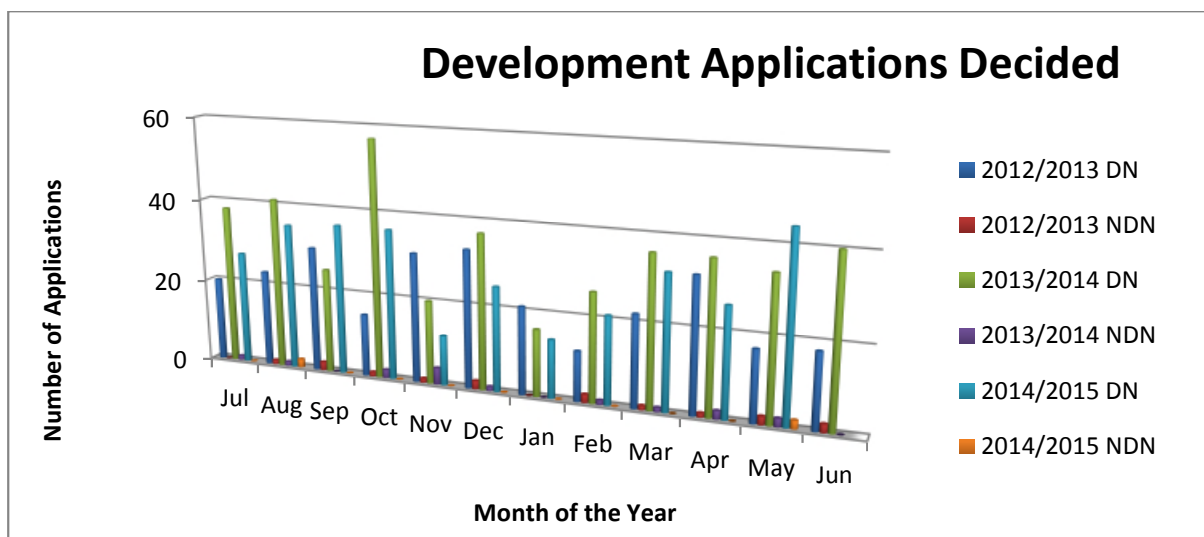
Development Applications Decided

Development applications decided by Council for Development Permits for Material Change of Use, Reconfiguration of a Lot and Operational Works as well as requests for Negotiated Decision Notices, change of conditions and extensions to the relevant period.

MONTH	2012/2013		2014/2014		2014/2015	
	DN	NDN	DN	NDN	DN	NDN
Jul	20	0	38	1	27	0
Aug	23	1	41	1	35	2
Sep	30	2	25	0	36	0
Oct	15	1	57	2	36	0
Nov	31	1	20	4	12	0
Dec	33	2	37	1	25	0
Jan	21	0	16	0	14	0
Feb	12	2	26	1	21	0
Mar	22	1	36	1	32	0
Apr	32	1	36	2	26	0
May	17	2	34	2	44	2
Jun	18	2	40	0		
Subtotal	274	15	406	15	308	4
TOTAL		289		421		312
DN = Decision Notice NDN = Negotiated Decision Notice						

This table and graph 2 below depicts the total number of applications decided for each month and illustrates a comparison from the previous year.

Attachment 2 is the full report providing details of the applications decided for the current month.



Statutory Timeframes – Decision Making Period

The *Sustainable Planning Act 2009*, Section 318 states the assessment manager must decide the application within twenty (20) business days after the day the decision stage starts (*decision making period*).

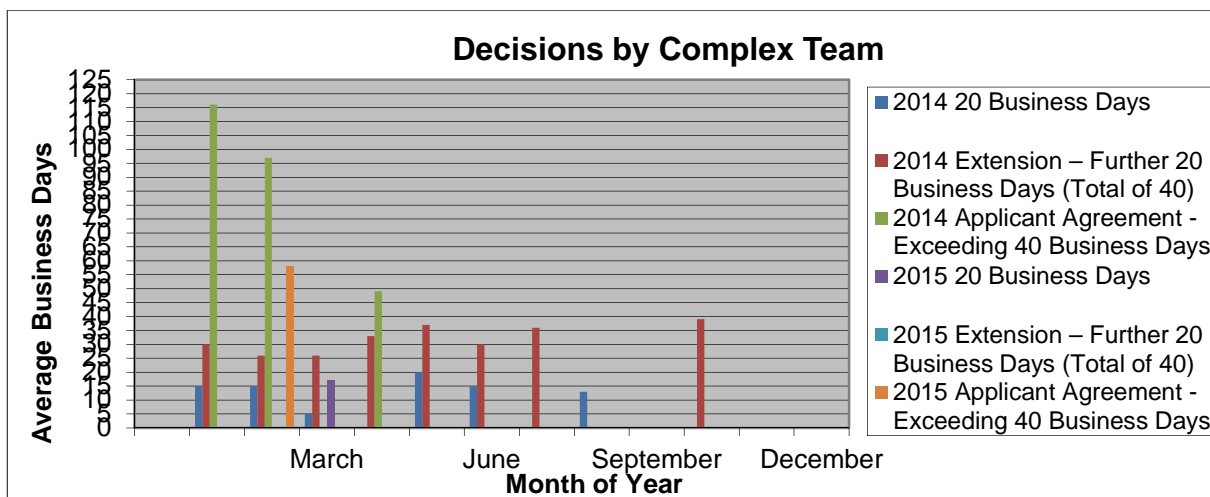
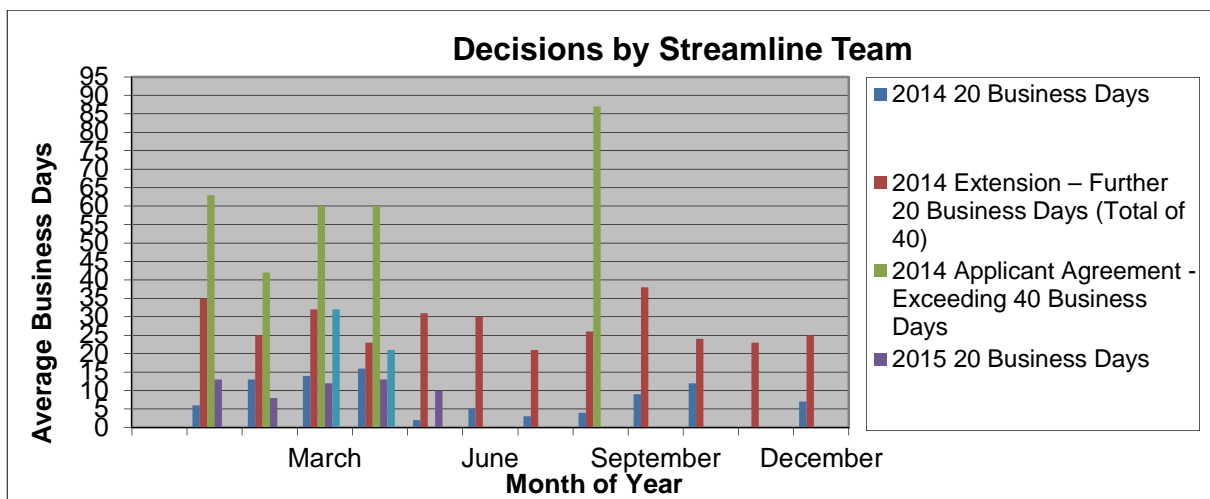
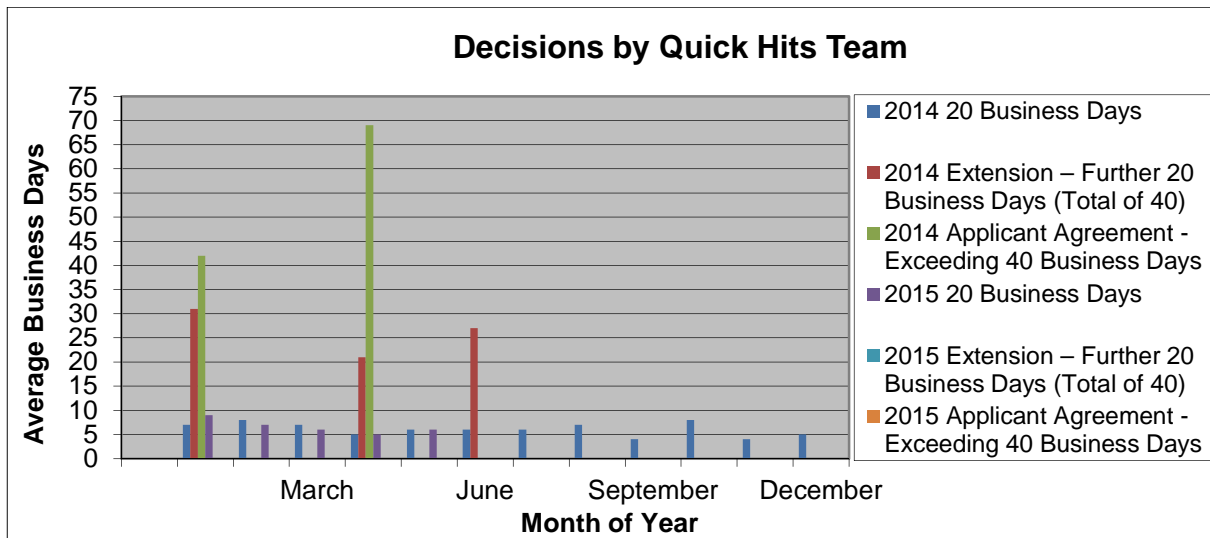
This period can be extended by the assessment manager subject to written notice being given to the applicant. This extension does not require the applicant's agreement to extend the decision making period provided it is not more than twenty (20) business days.

Should the assessment manager require further time to decide an application, written agreement must be provided by the applicant for any further extensions of the decision making period.

The Development Assessment Team contains three groups being:

- Quick Hits – small domestic applications which are considered low risk;
- Streamline – medium application which contain higher level of assessment and carry a medium risk; and
- Complex – applications of a complex nature which are of higher level and can be outside the scope of the current Planning Scheme.

Graph 3 below provides the average timeframe in days for Decisions within the Decision Making Period by the relevant teams for the month:



Adopted Infrastructure Charge Notices

Whitsunday Regional Council currently operates under two (2) Adopted Infrastructure Charges Resolutions being:

- Adopted Infrastructure Charges Resolution No.2 of 2013 (Bowen Shire Planning Scheme); and

- Adopted Infrastructure Charges Resolution No. 3 of 2013 (Whitsunday Shire Planning Scheme).

These adopted charges are consistent with the State Planning Regulatory Provision 2012 of which was amended on 2 August, 2013.

The adopted infrastructure charge is the amount payable as a result of demand for the provision and supply of trunk infrastructure. The powers for Local Government to impose charges for trunk infrastructure are administered under Chapter 9, Part 1, Division 5A of the *Sustainable Planning Act 2009*.

Developments approved by Council are issued with an Adopted Infrastructure Charges Notice (located within the Priority Infrastructure Area). Those developments located outside this area have conditions of approval imposed for items of trunk infrastructure for which their development places a demand.

The following table illustrates the payments received for 2013/2014 financial year:

MONTH	Water	Sewer	Storm	Roads	Parks	Total
Jul	\$0.00	\$0.00	\$0.00	\$11,121.83	\$9,300.00	\$20,421.83
Aug	\$5,771.70	\$2,362.80	\$0.00	\$10,964.37	\$5,758.80	\$24,857.67
Sep	\$2,506.90	\$1,181.40	\$0.00	\$9,119.95	\$1,326.48	\$14,134.73
Oct	\$0.00	\$0.00	\$0.00	\$5,217.36	\$2,325.00	\$7,542.36
Nov	\$145,162.00	\$218,260.00	\$0.00	\$151,695.53	\$7,000.00	\$536,117.53
Dec	\$4,808.10	\$8,463.00	\$0.00	\$4,036.76	\$325.00	\$17,632.86
Jan	\$96,162.00	\$0.00	\$0.00	\$23,319.67	\$12,276.00	\$131,757.67
Feb	\$43,850.84	\$419,710.94	\$39,031.53	\$101,851.64	\$30,078.61	\$634,523.56
Mar	\$369,549.60	\$336,309.00	\$13,440.00	\$120,989.34	\$39,820.80	\$963,394.74
Apr	\$7,020.39	\$7,020.39	\$2,005.83	\$7,900.09	\$5,652.90	\$29,599.60
May	\$75,498.00	\$2,400.00	\$2,400.00	\$40,509.54	\$5,725.00	\$126,532.54
Jun	\$224,092.13	\$106,548.63	\$46,879.03	\$82,682.99	\$23,148.76	\$483,351.54
TOTAL	\$974,421.66	\$1,102,256.16	\$103,756.39	\$569,409.07	\$142,737.35	\$2,989,866.63

The following table illustrates the payments received for 2014/2015 financial year:

MONTH	Water	Sewer	Storm	Roads	Parks	Total
Jul	\$48,147.00	\$108,066.00	\$0.00	\$18,822.00	\$54,963.00	\$229,998.00
Aug	\$4,049.00	\$2,870.00	\$5,600.00	\$19,603.58	\$1,102.00	\$33,224.58
Sep	\$5,771.70	\$3,544.20	\$0.00	\$411.19	\$495.00	\$10,222.09
Oct	\$16,800.00	\$11,200.00	\$11,200.00	\$34,478.72	\$6,525.00	\$80,203.72
Nov	\$196,335.65	\$334,347.65	\$4,011.65	\$79,293.74	\$33,143.71	\$647,132.40
Dec	\$0.00	\$0.00	\$0.00	\$14,572.85	\$18,927.60	\$33,500.45
Jan	\$128,856.70	\$168,298.00	\$95,200.00	\$204,206.42	\$122,231.20	\$718,792.32
Feb	\$4,790.43	\$8,157.96	\$0.00	\$23,390.88	\$15,791.40	\$52,130.67
Mar	\$83,082.51	\$83,082.51	\$83,082.51	\$156,996.73	\$24,429.91	\$430,674.17
Apr	\$3,953.30	\$3,953.30	\$3,953.30	\$26,693.44	\$16,779.73	\$55,333.07
May	\$56,710.00	\$96,328.00	\$352.00	\$103,014.91	\$17,489.00	\$273,893.91
Jun						\$0.00
TOTAL	\$548,496.29	\$819,847.62	\$203,399.46	\$681,484.46	\$311,877.55	\$2,565,105.38

Contributed Assets

Local Government is responsible for the provision of key infrastructure for their communities. The key infrastructure items for Whitsunday include water, sewerage, stormwater, roads and parks. The assessment of a development application includes an assessment of these key infrastructure items. In most cases, the development is conditioned to construct new infrastructure items for example, construction of a new road, extension to water and sewerage services, provision of a new park etc.

The development application is conditioned for an application for Operational Works to be submitted including all design drawings. The design of the key infrastructure must be in accordance with Council's Development Manual. This manual provides the standards and requirements for all infrastructure items.

Upon completion of the development, the applicant requests the constructed works to be inspected, accepted and the development taken 'on maintenance'. This process involves:

- inspection of the assets;
- review of 'As Constructed' plans;
- Statement of Compliance;
- submission of a defect liability bond;
- schedule of costs; and
- bill of quantities.

Upon satisfactory receipt of the above and acceptance of the works undertaken, the assets will be transferred to Council and the developer will now be responsible for the maintenance of these assets during the defect liability period (normally 12 months). The relevant asset owners within the organisation are informed and provided with the above information at this time.

The following table provides the value of contributed assets for the 2013/2014 financial year to date.

MONTH	Bowen and Surrounds	Collinsville and Surrounds	Proserpine and Surrounds	Cannonvale and Surrounds	Airlie Beach	Jubilee Pocket and Surrounds	Total
Jul	\$1,660,106	\$0	\$0	\$0	\$0	\$0	\$1,660,106
Aug	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Sep	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Oct	\$1,990,690	\$0	\$0	\$0	\$0	\$0	\$1,990,690
Nov	\$0	\$0	\$0	\$0	\$0	\$25,854	\$25,854
Dec	\$0	\$0	\$0	\$612,038	\$0	\$0	\$612,038
Jan	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Feb	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Mar	\$0	\$0	\$0	\$2,210,154	\$0	\$0	\$2,210,154
Apr	\$0	\$0	\$0	\$2,180,187	\$0	\$0	\$2,180,187
May	\$0	\$0	\$0	\$641,858	\$0	\$0	\$641,858
Jun	\$0	\$0	\$0	\$0	\$0	\$0	\$0
TOTAL	\$3,650,796	\$0	\$0	\$5,644,237	\$0	\$25,854	\$9,320,887

The following table provides the value of contributed assets for the 2014/2015 financial year to date.

MONTH	Bowen and Surrounds	Collinsville and Surrounds	Proserpine and Surrounds	Cannonvale and Surrounds	Airlie Beach	Jubilee Pocket and Surrounds	Total
Jul	\$0	\$1,438,724	\$0	\$0	\$0	\$0	\$1,438,724
Aug	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Sep	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Oct	\$1,594,177	\$0	\$0	\$0	\$0	\$0	\$1,594,177
Nov	\$0	\$0	\$0	\$952,001	\$0	\$0	\$952,001
Dec	\$68,259	\$0	\$0	\$5,500	\$0	\$0	\$73,759
Jan	\$0	\$0	\$163,304	\$0	\$0	\$0	\$163,304
Feb	\$0	\$0	\$827,046	\$0	\$0	\$0	\$827,046
Mar	\$157,109	\$0	\$148,245	\$0	\$0	\$0	\$305,354
Apr	\$0	\$0	\$0	\$0	\$0	\$0	\$0
May	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Jun							\$0
TOTAL	\$1,819,545	\$1,438,724	\$1,138,595	\$957,501	\$0	\$0	\$5,354,365

At the completion of the 'on maintenance' period, the developer requests the development be taken 'off maintenance'. This process involves:

- inspection of the assets;
- rectification of any defects;
- acceptance 'off maintenance'; and
- return of defect liability bond.

The taking of the development 'off maintenance' hands over the assets to Council for whom are now responsible for the future maintenance and upgrades of this infrastructure. The responsibility of these new assets is the relevant asset owners within Council. The relevant asset owners are advised at this time that the developer is no longer responsible for these assets.

The following table provides the value of contributed assets for the 2013/2014 financial year.

MONTH	Bowen and Surrounds	Collinsville and Surrounds	Proserpine and Surrounds	Cannonvale and Surrounds	Airlie Beach	Jubilee Pocket and Surrounds	Total
Jul	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Aug	\$0	\$0	\$0	\$566,630	\$0	\$0	\$566,630
Sep	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Oct	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Nov	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Dec	\$0	\$0	\$0	\$1,100,007	\$0	\$0	\$1,100,007
Jan	\$694,189	\$0	\$0	\$0	\$0	\$0	\$694,189
Feb	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Mar	\$20,000	\$0	\$0	\$0	\$0	\$0	\$20,000
Apr	\$0	\$0	\$0	\$0	\$0	\$0	\$0
May	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Jun	\$0	\$0	\$0	\$0	\$0	\$0	\$0
TOTAL	\$714,189	\$0	\$0	\$1,666,637	\$0	\$0	\$2,380,826

The following table provides the value of contributed assets for the 2014/2015 financial year to date.

MONTH	Bowen and Surrounds	Collinsville and Surrounds	Proserpine and Surrounds	Cannonvale and Surrounds	Airlie Beach	Jubilee Pocket and Surrounds	Total
Jul	\$2,701,917	\$0	\$0	\$0	\$0	\$0	\$2,701,917
Aug	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Sep	\$0	\$0	\$848,556	\$0	\$0	\$0	\$848,556
Oct	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Nov	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Dec	\$0	\$0	\$0	\$612,037	\$0	\$0	\$612,037
Jan	\$465,844	\$0	\$0	\$0	\$0	\$21,854	\$487,698
Feb	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Mar	\$0	\$0	\$0	\$1,311,776	\$0	\$0	\$1,311,776
Apr	\$0	\$0	\$0	\$3,078,585	\$0	\$0	\$3,078,585
May	\$182952.71	\$0	\$0	\$362910	\$960,500	\$0	\$1,506,363
Jun							\$0
TOTAL	\$3,350,714	\$0	\$848,556	\$5,365,308	\$960,500	\$21,854	\$10,546,932

Survey Plan Release

The completion of a development, particularly a reconfiguration of a lot (subdivision) requires a developer to submit an application for compliance assessment of subdivision plans in accordance with Schedule 19 of the *Sustainable Planning Regulation 2009*. This process requires the developer to submit the survey plan and a compliance assessment report which demonstrates:

- compliance with condition of approval;
- compliance with conditions of related approvals – Operational Works;
- no outstanding rates or charges;
- survey plan is consistent with approved plan of development; and
- compliance with other State Departments (i.e. Department of Transport and Main Roads).

Should compliance with the above be achieved including acceptance 'on maintenance', the survey plan can be endorsed and returned for registration in the Titles Office to create new allotments in the Region.

The following table illustrates the number of new allotments and units which have been released from Council during the 2013/2014 financial year.

Allotments

MONTH	Bowen and Surrounds	Collinsville and Surrounds	Proserpine and Surrounds	Cannonvale and Surrounds	Airlie Beach	Jubilee Pocket and Surrounds	Total
Jul	0	0	1	0	0	0	1
Aug	0	0	3	0	0	0	3
Sep	1	0	0	0	0	1	2
Oct	13	1	0	0	0	0	14
Nov	0	0	2	0	0	0	2
Dec	1	0	0	0	1	0	2
Jan	2	0	1	1	0	0	4
Feb	0	0	0	22	0	1	23
Mar	2	0	0	0	0	0	2
Apr	1	0	0	27	0	0	28
May	1	0	3	1	0	0	5
Jun	0	0	1	4	0	0	5
TOTAL	21	1	11	55	1	2	91

Multiple Dwelling Units

MONTH	Bowen and Surrounds	Collinsville and Surrounds	Proserpine and Surrounds	Cannonvale and Surrounds	Airlie Beach	Jubilee Pocket and Surrounds	Total
Jul	0	0	0	0	0	0	0
Aug	1	0	0	0	0	0	1
Sep	0	0	0	1	0	0	1
Oct	0	0	0	0	61	0	61
Nov	0	0	0	0	0	0	0
Dec	0	0	0	0	0	0	0
Jan	0	0	0	2	0	0	2
Feb	0	0	0	0	0	0	0
Mar	0	0	0	0	0	0	0
Apr	22	0	0	4	0	0	26
May	0	0	0	0	0	0	0
Jun	0	0	0	0	1	0	0
TOTAL	23	0	0	7	62	0	92

The following table illustrates the number of new allotments and units which have been released from Council during the 2014/2015 financial year.

Allotments

MONTH	Bowen and Surrounds	Collinsville and Surrounds	Proserpine and Surrounds	Cannonvale and Surrounds	Airlie Beach	Jubilee Pocket and Surrounds	Total
Jul	0	0	0	26	0	26	52
Aug	0	0	2	1	0	16	19
Sep	0	0	1	0	1	0	2
Oct	5	0	0	2	0	0	7
Nov	0	0	0	1	0	0	1
Dec	9	0	3	44	23	0	79
Jan	1	0	6	0	0	0	7
Feb	0	1	1	22	0	29	53
Mar	20	0	0	0	0	0	20
Apr	3	0	63	1	0	1	68
May	0	0	0	4	0	0	4
Jun							0
TOTAL	38	1	76	101	24	72	312

Multiple Dwelling Units

MONTH	Bowen and Surrounds	Collinsville and Surrounds	Proserpine and Surrounds	Cannonvale and Surrounds	Airlie Beach	Jubilee Pocket and Surrounds	Total
Jul	0	6	0	11	0	0	17
Aug	0	0	0	0	0	0	0
Sep	0	0	2	0	0	0	2
Oct	0	0	0	0	0	0	0
Nov	0	0	0	0	0	0	0
Dec	0	0	4	0	0	0	4
Jan	0	0	0	0	0	0	0
Feb	0	0	0	0	0	0	0
Mar	0	0	0	0	0	0	0
Apr	8	0	0	0	0	0	8
May	0	0	0	0	0	0	0
Jun							0
TOTAL	8	6	6	11	0	0	31

Operational – Revenue and Expenditure

The *Local Government Act 2009*, Section 97 states that a Local Government can fix cost recovery fees for a number of activities, including processing an application for a development permit. It further states that a cost recovery must not exceed the cost of the Local Government to undertake the activity.

The following table illustrates the current financial position:

2014/2015 Budget	Allocation	Current Position	Available
Revenue	\$1,106,000	\$910,081	\$195,919
Expenditure	\$1,595,000	\$1,432,248	\$162,752

PLANNING AND ENVIRONMENT APPEALS

The list below is the current Planning and Environment Appeals against Council's Decisions for development applications. The current expenditure for Appeals to date is \$250,721 for the month of May, 2015.

WRC File	Appeal Number	Applicant	Proposal	Property Description	Status
DA09180	D239 of 2013	Reibel Farms Pty Ltd	Refusal of Development Application for Material Change of Use – Preliminary Approval Overriding the Planning Scheme	Lot 1 RP712891 Lot 2 RP725646 Lot 2 RP726165 Argyle Park Road, Jillets Road, Bowen	Trial held in Townsville 17-20 December. Awaiting Judgement
20140268	337 of 2014	Bryan James and Melda James	Refusal of Development Permit for Material Change of Use – Storage Premises(Diesel Storage)	Lot 21 SP208372, 38 Bowen Developmental Road, Bowen	Notice of Appeal received 15 December, 2014, Draft Conditions provided, Awaiting response from Respondent
20140001	60 of 2015	Deloma Pty Ltd	Refusal of Appellant's request to amend Conditions of approval – Development Permit for Reconfiguration of a Lot – One Lot into Five Lots	Lot 5 RP738979, Conway Road	Notice of Appeal received 23 March, 2015. Tentative Mediation 19 May – Brisbane Further information to be provided by Appellant. Adjourned to August, 2015

STATUTORY MATTERS

*Sustainable Planning Act 2009
2006 Bowen Shire Planning Scheme
2009 Whitsunday Shire Planning Scheme*

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.***

BUDGET REFERENCE

Budget Cost Code

02010 – Development Assessment Revenue

04010 – Development Assessment Expenditure

04010-0403 – Solicitors Fees

01470-0140-0823 – Water Contributions

01480-0140-0823 – Sewerage Contributions

01340-0140-0823 – Stormwater Contributions

01330-0140-0823 – Roadworks Contributions

01230-0140-0823 – Parkland Contributions

01300-0140-0823 – Community Facilities Contributions (former WSC charges)

CONSULTATION

Kellianne Wynne – Manager – Development Assessment (Author)

ATTACHMENTS

Appendix Item 1 – Development Applications Lodged

Appendix Item 2 – Development Applications Decided

12. **PLANNING AND COMMUNITY SERVICES**
- 12.5 **PORT OF AIRLIE - NINETY-NINE (99) YEAR DEVELOPMENT LEASE - MERIDIEN AB PTY LTD AND MERIDIEN AIRLIE BEACH PTY LTD AND WHITSUNDAY REGIONAL COUNCIL TO INCLUDE ADDITIONAL REGULATORY CAR PARKING WITHIN AN EXISTING COMMUNITY CAR PARK - LOT 114 ON SP260211**

RECOMMENDATION

That Council authorises the Chief Executive Officer to sign the Ninety- Nine (99) year Development Lease between Meridien AB Pty Ltd and Meridien Airlie Beach Pty Ltd and Whitsunday Regional Council relating to car parking for community purposes located at Lot 114 on SP260211.

The following report has been submitted for inclusion in Council's Ordinary Meeting to be held on 10 June, 2015 by Council's Planning and Community Services Department.

BACKGROUND

Windward AB Pty Ltd entered into a Development Lease for the subject site on 1 November, 2005 for a period of ten years to allow the Port of Airlie Development to be completed in accordance with the Co-ordinator General's Evaluation Report dated December, 2003.

Windward AB Pty Ltd and Meridien Airlie Beach Pty Ltd entered into an Infrastructure Agreement with Council on 15 March, 2006 to ensure compliance with the Co-ordinator General's conditions.

REPORT

The proponents (Receivers) of the Port of Airlie have obtained and complied with majority of the relevant requirements within the Infrastructure Agreement and the Development Lease. The Infrastructure Agreement includes Clause 15.2 which states:

'The Company may retain freehold title to the land containing public car park and in that event must lease the area of land comprising the car park to the Council for a term of ninety-nine (99) year commencing from the date on which the Council notifies the Company in writing that it accepts the works comprising the car park, to be used for the purpose of public car parking. The terms of the lease shall be in accordance with the draft lease contained in Schedule 5. Alternatively the Company may transfer the land to the Council at no cost to the Council.'

Council officers have inspected the car park and all works and documentation associated with the construction of the 171 car parking spaces as required by Clause 15.6 are acceptable and the car park is awaiting Council acceptance to 'on maintenance'.

Meridien AB Pty Ltd and Meridien Airlie Beach Pty Ltd lodged with Whitsunday Regional Council a Ninety- Nine (99) year Development Lease relating to regulatory car parking being included within an existing commercial car park located at Lot 114 on SP26021. The terms and conditions are comparable with the Draft Ninety- Nine (99) year Lease included in the Infrastructure Agreement (IA) with the only exclusions in relation to amendments/ changes to legislation and more intelligibility in the anticipated occurrence that Port of Airlie will develop additional car parking located at Lot 114 on SP26021.

A thorough review of the submitted Ninety- Nine (99) year Development Lease has been undertaken to ascertain all requirements within the Infrastructure Agreement and the Port of Airlie Development Code have been met. Therefore, Council Officers support in full the agreement of the Ninety- Nine (99) year Development Lease between Meridien AB Pty Ltd and Meridien Airlie Beach Pty Ltd and Whitsunday Regional Council.

STATUTORY MATTERS

Sustainable Planning Act 2009

Land Act 1994

CORPORATE PLAN REFERENCE

Place

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

Prosperity

Objective: Our infrastructure enables economic development and facilitates investment opportunities.

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.***

Prosperity

Strategies

- 1. Develop and implement an Economic Development Strategy and Regional Investment Prospectus.***

2. *Develop the Whitsunday Coast Airport as a significant transport and exports hub and regional economic driver.*
3. *Partner with government, industry, business and community to create economic opportunities through encouraging and attracting investment to the Whitsunday Region.*
4. *Advocate for the construction of the Urannah Dam and improvements to the Burdekin Falls Dam.*
5. *Advocate for the establishment of a base load power station at Collinsville and alternative energy sources.*

BUDGET REFERENCE

N/A

CONSULTATION

Bianca Clarke - Senior Town Planner (Author)

ATTACHMENTS

Appendix Item 1 - Locality Plan

12. Planning and Community Services

12.6 PORT OF AIRLIE - CONVERSION OF DEVELOPMENT LEASE TO FREEHOLD TENURE - LOT 200 SP232115

RECOMMENDATION

That Council after considering the advice provided by the Department of Natural Resources and Mines in relation to Lot 200 on SP232115;

- Provide support for the conversion of the area of Lot 200 on SP232115 which relates to the reclamation and infrastructure associated area to freehold tenure or incorporate as part of Marina Lease in lieu of road reserve, subject to easements in favour of Whitsunday Regional Council for public access and services; and
 - Provide support for the balance area of Lot 200 on SP232115 being the portion of lease which adjoins Lot 105 on SP232115 and Lot 106 on SP172255 to road reserve (Canal Street).
-

The following report has been submitted for inclusion in Council's Ordinary Meeting to be held on 10 June, 2015 by Council's Planning and Community Services Department.

BACKGROUND

Windward AB Pty Ltd entered into a Development Lease for the subject site on 1 November, 2005 for a period of ten years to allow the Port of Airlie Development to be completed in accordance with the Co-ordinator General's Evaluation Report dated December, 2003.

Windward AB Pty Ltd and Meridien Airlie Beach Pty Ltd entered into an Infrastructure Agreement with Council on 15 March, 2006 to ensure compliance with the Co-ordinator General's conditions.

The proponents (Receivers) of the Port of Airlie have obtained and complied with majority of the relevant requirements within the Infrastructure Agreement and the Development Lease. The remaining Lot 200 on SP232115 (locality plan provided in Attachment 1 to this report) is the only lot which requires conversion from Development Lease.

Clause 4.2 of the Infrastructure Agreement states the roads (including boardwalk) are to be dedicated to the State as 'road'. The dedication of this road will result in Council being responsible for the maintenance and upgrades in the future, including any public liability issues associated with this land.

The boardwalk currently contains a number of private infrastructure items of which cannot be contained within easements if the tenure as proposed is 'road'. Furthermore, this creates issues at time of maintenance and future works in order to rectify the 'private infrastructure' owned by Port of Airlie.

A review of options was undertaken to ascertain the most appropriate course of action to deal with the maintenance and services located within the boardwalk. Council recommended to the Department that the area of Canal Street and the Boardwalk should be converted from Development Lease to Freehold Tenure. This conversion would allow for the seaward pedestrian pathway and boardwalk to be transferred to Port of Airlie and the inclusion of easements over Lot 200 for the purpose of access and services in favour of Whitsunday Regional Council. The placement of easements over the boardwalk would

secure public access and other services such as stormwater discharge along the pathway and boardwalk and ensure the link to the other areas of in Canal Street and back into Port Drive remain in place.

The community benefit as part of this conversion would be to remove the financial burden on Council for the future maintenance and upkeep of the boardwalk and seaward pathway. The area below the boardwalk currently contains additional volumetric lots to allow the maintenance of the pylons and sheet piling of which is the ownership of Port of Airlie. The logical solution to this issue was to ensure this area remains in the same ownership being Port of Airlie to remove future maintenance issues.

The creation of the remainder of Canal Street being the pathway between Lot 108 and 109 into freehold title and then transferred to Council would also allow for flexibility for the future developments should the pedestrian pathway require relocation or to be expanded to maintain the pedestrian link from the Transit Terminal through to Airlie Esplanade. Attachment 2 provides a mark-up of the respective areas. The areas marked in 'yellow' were intended to be transferred to Port of Airlie and the areas marked in 'blue' were to be transferred to Council.

On the basis of the above, Council at its meeting of 11 February, 2015 resolved that Council:

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

A letter of support was forwarded to the Department of Natural Resources and Mines in relation to the conversion of Lot 200 on SP219978 from road reserve to freehold tenure.

REPORT

The conversion of this land to freehold tenure will attract a purchase price and stamp duty under the *Land Act 1994* whereas the conversion to road does not attract these additional costs. On the basis of the financial costs associated with this change in tenure, Council provided a letter of support for the proponent to encourage the Department to waive or reduce the costs associated with the change in tenure. The change in tenure arrangements is being driven by Council and therefore was considered inappropriate that the proponent incur the additional charges particularly given the community benefit associated with this change.

The Department has responded to the request to freehold Lot 200 and is now seeking Council's views on the conversion of the area shaded 'blue' being Canal Street and the area

shaded 'yellow' being the reclamation and infrastructure (boardwalk) areas to be converted to freehold or combined with the existing Marina Lease.

Council Officers have reviewed the request by the Department and have no issues with the conversion of the area shaded 'yellow' to be converted to freehold as per Council's original decision.

In relation to the area shaded as 'blue' being Canal Street, Council Officers originally recommended this area be converted to freehold to allow more flexibility in the future. The conversion of this area to road has no real impacts on Council's operations in the short term and therefore Council Officers recommend it agree to this request to reduce the conversion costs on the proponent and to ensure the priority area, being the boardwalk becomes freehold and not dedicated to Council for control and maintenance.

As previously stated, the priority area for Council to be converted to freehold and not road reserve is the boardwalk area (shaded yellow) as this area will impact on community financially for on-going maintenance and upkeep of this area.

STATUTORY MATTERS

*Sustainable Planning Act 2009
Land Act 1994*

CORPORATE PLAN REFERENCE

Place

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

Prosperity

Objective: Our infrastructure enables economic development and facilitates investment opportunities.

OPERATIONAL PLAN REFERENCE

Place

Strategies

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

Prosperity

Strategies

- 1. Develop and implement an Economic Development Strategy and Regional Investment Prospectus.***

BUDGET REFERENCE

N/A

CONSULTATION

Kellianne Wynne – Manager of Development Assessment (Author)

ATTACHMENTS

Appendix Item 1 – Locality Plan
Appendix Item 2 – Proposal Plan

12. Planning and Community Services

12.7 INTEREST FREE LOANS

RECOMMENDATION

That Council receive the advice from the Director of Planning and Community not to proceed with an amended Grants Policy, as this would be in breach of the Local Government Regulation 2012.

The following report has been submitted for inclusion in Council's Ordinary Meeting to be held on 10 June 2015 by Council's Planning and Community Services Department.

BACKGROUND

At Council's Ordinary Meeting held on 27 May 2015, Council carried the following resolution:

15. General Business
15.1 2015/05/27.41 interest free loans

Moved by: J COLLINS
Seconded by: J CLIFFORD

That Council look to amending its Grant policy to allow for one off infrastructure interest free loans to the regions sporting bodies. These loans are to be at Council's discretion.

Furthermore, this policy is to be discussed at a Briefing Session and to be put forward at the next Council Meeting to be discussed and for possible amendment.

MEETING DETAILS:

The motion was Carried 7/0

An interest-free loan is taken to be a grant under the *Local Government Act 2012*. "Grant" is an undefined term under the *Local Government Act 2012*. However, an interest-free loan is taken to be a grant within the Auditor-General's "*Report to Parliament No. 7 for 2008: Administration of Grants and Funding to Community Organisations by Local Government in Queensland a Performance Management Systems Audit*".

Under s194 of the *Local Government Regulation 2012*:

A local government may give a grant to a community organisation only—

- (a) if the local government is satisfied—*
 - (i) the grant will be used for a purpose that is in the public interest; and*
 - (ii) the community organisation meets the criteria stated in the local government's community grants policy; and*
- (b) in a way that is consistent with the local government's community grants policy.*

Under s195 of the Local Government Regulation 2012, “a local government must prepare and adopt a policy about local government grants to community organisations (a community grants policy), which includes the criteria for a community organisation to be eligible for a grant from the local government.”

At Council's Ordinary Meeting held on 23 June 2010, Council carried a resolution (2010/06/23.13) to adopt a Community Assistance Grants Policy (Appendix A). The current Community Assistance Grants Policy does not make provision for interest-free loans.

The local government must allow the public to inspect and purchase copies of the community grants policy at the local government's public office; and on the local government's website.

Under the *Local Government Regulation 2012*, “a community organisation means—

- (a) an entity that carries on activities for a public purpose; or
- (b) another entity whose primary object is not directed at making a profit.

“Public interest” and “public purpose” are undefined terms under the *Local Government Act 2012*.

The annual report for a financial year must contain a summary of—

- the local government's expenditure for the financial year on grants to community organisations; and
- expenditure from each councillor's discretionary fund, including—
- the name of each community organisation to which an amount was allocated from the fund; and
- the amount and purpose of the allocation.

Under s165(4) of the *Local Government Regulation 2012*, a local government must discharge its responsibilities in a way that is consistent with its 5-year corporate plan. This includes the giving of grants.

Whitsunday Regional Council, as its predecessors, have approved and issued interest-free loans to community organisations. Currently, Council has loans to community organisations in excess of \$49,000.

At Council's Ordinary Meeting held on 29 April 2015, Council carried the following resolution:

12. Planning and Community Services

12.13 2015/04/29.34 SPORT AND RECREATION GRANTS POLICY CONSULTATION

Moved by: J CLIFFORD

Seconded by: J ATKINSON

That Council release the draft Sport & Recreation Grants Policy to all sports and recreation clubs/associations in the Region for the purpose of consultation and feedback as part of the policy formulation process.

MEETING DETAILS:

The motion was Carried 7/0

Key stakeholders are still considering the implications of a revised grants structure. It is anticipated that submissions from key stakeholders will be finalised prior to the 30 June 2015.

REPORT

The current Community Assistance Grants Policy does not make provision for interest-free loans. If Council seeks to issue an interest-free loan it would need to amend the existing Community Assistance Grants Policy or prepare a new Community Grants Policy. The amended or new policy would have to include provisions for interest-free loans.

In accordance with Council's Corporate Plan 2014-2019, Council is committed to:

... an inviting and welcoming community with an enviable lifestyle. Our region is active, healthy and inclusive, and our residents enjoy access to a range of social, cultural and recreation activities. We are a fair, equitable and affordable community and we respect our region's diversity.

Strategies for achieving this include the development of systems and promotion of funding for local sport and recreation facilities as well as supporting community groups in facilitating a variety of cultural, community, sporting and recreation activities, events and programs.

Currently, Council offers community organisations support by way monetary grants for specific goods or services, discount leases of facilities, concessions on rates and charges, and in-kind support.

Better practice in the administration of an interest-free loan program includes:

- a maximum loan fund (e.g. \$250,000) consisting of the total amount loaned to community organisations at any particular time;
- a maximum loan (e.g. \$50,000) to community organisations;
- a maximum lending period of 5 years;
- loan applicants have demonstrated a reasonable attempt at securing alternative funding;
- loan applicants have a lease agreement with Council;
- loan applicants have successfully passed a financial due diligence and probity audit by Council, or representatives of Council;
- loan applicants must be an association under the *Associations Incorporation Act 1981* or equivalent;
- loan recipients are ineligible for further grants from Council over the period of the loan;

In order to mitigate and manage risks to Whitsunday Regional Council, key implications to Council include:

- the cost of administering an interest-free loan, particularly the need to have an appropriately qualified and experienced financial auditor;
- the lack of most community organisations to securitise the loan against an asset, as most organisations are on Council owned or controlled land;
- the equity of loans to community organisations over time as opposed to a "first in, best dressed" approach;
- the long term sustainability of community organisations if dependent on loans;

- limitations on lending to individuals under s111 of the *Local Government Act 2009*, if an organisation is not incorporated under the *Associations Incorporation Act 1981* or equivalent;
- the transfer of high risk financial liability to subsequent Councils;
- the equity of Council loans used in conjunction with Council grants could be perceived as Council paying off a loan for a community organisation;
- the loss of revenue to Council from interest generated from the funds if the funds were in an interest generating account such as a term deposit.

It is noted that, if compared to a grant, loans will ultimately cost the members of a recipient club due to the requirement to repay the loan as the loan repayments will be ineligible for most, in not all, current grant programs administered to support community organisations.

Community organisations, particularly organisations which collocate with other community organisations, have the ability to leverage funding through inter-club collaboration on grant applications.

Additionally, many community organisations within the Whitsundays are unable to access grants from other organisations due to eligibility issues associated with not having a lease or other tenure arrangements over club facilities.

STATUTORY MATTERS

Local Government Act 2012

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.***
8. ***Advocate to State and Federal Governments for enhanced human services and social infrastructure across the Whitsunday Region.***

BUDGET REFERENCE

N/A

CONSULTATION

Dan Staley – Director of Planning and Community Services (Author)
Rod Cousins - Regional Sports & Recreation Officer
Kirsten Lesina – Governance & Legal Officer

ATTACHMENTS

Appendix Item 1 - Community Assistance Grants Policy

12. Planning and Community Services
12.8 RADF FUNDING ROUND 1 - MAY 2015

RECOMMENDATION

That Council approve the grants as recommended by the Regional Arts Development Fund Local Committee as follows:

1. Pit Pony Experience Group Inc. - \$5000
 2. Bowen Historical Society - \$3700
 3. Suzi Hancock-Janicki-Smart Arts Whitsunday - \$5000
 4. Lyn Burke & Lloyd Fox - \$4325
 5. Whitsunday Arts & Cultural Centre - \$5000
 6. Whitsunday Regional Gallery Co-operative - \$4195
 7. Pam Finlay - \$2000
-

The following report has been submitted for inclusion in Council's Ordinary Meeting to be held on 10 June, 2015 by Council's Office of the Mayor and CEO Department.

BACKGROUND

The RADF Local Committee advised that at its recent meeting the committee assessed the applications for funding received and have recommended the applications below subject to conditions being endorsed by Council for approval.

Council's responsibilities for RADF operations are: promotion, endorsement and administration. Before RADF payments can be distributed Council is required to "Endorse RADF committee decisions at a council meeting". The purpose of this report is to seek the endorsement of Council of the attached minutes.

REPORT

Pit Pony Experience Group \$5000

Cultural Tourism

The grant will be used towards the costs of the purchase, printing & launch of "Helen & the Pit Ponies" children's book.

Bowen Historical Society \$3700

Cultural Tourism

The grant will be used towards the costs of digitizing the local newspaper Bowen Independent from 2006-2014, the paper has already been digitized from 1865-2005, so this will bring it up to date for easier access for research etc for staff and the community.

Suzi Hancock-Janicki Smart Arts Whitsunday \$5000

Building Community Cultural Capacity

The grant will be used towards the costs of a first Whitsunday Regional exhibition attracting massive entries/tourism, open to all artists and enticing families to the Whitsundays for the long weekend in October.

Lyn Burke & Lloyd Fox **\$4325**

Cultural Tourism

The grant will be used towards the costs of marketing, exhibiting & presenting 'Proserpine Answered the Call', which recognises those WWI volunteers from the Proserpine district & will showcase student & professional artworks of the ANZACS from the Whitsunday community.

Whitsunday Arts & Cultural Centre **\$5000**

Building Community Cultural Capacity

The grant will be used towards the costs of 5 workshops to be held ranging from junior to advanced run by the Melbourne Ballet Company's elite professional dancers that would not normally access a regional community.

Whitsunday Regional Gallery Co-operative **\$4195**

Building Community Cultural Capacity

The grant will be used towards the costs of youth workshops with the aim to establish workshops of varying media and complexity to be run in the June/July school holidays.

Pam Finlay **\$2000**

Developing Regional Skills

The grant will be used towards the costs of attending the Mosaic Association Australian New Zealand national Conference from 21-23 August 2015 at the City Tattersalls Club in Sydney.

STATUTORY MATTERS

RADF is a partnership program between Arts Queensland and local government. Participating local Councils bid for funding allocation for their region from Arts Queensland. Local Arts and Cultural workers then make application to the local Council. Their applications are assessed by a publicly elected committee against criteria based on program guidelines and priorities identified in each Council's Arts and Cultural Development policy.

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.**
- 7. Promote volunteerism and encourage the participation of volunteers in community activities.**

BUDGET REFERENCE

Budget Cost Code - 03890.0405.0624

CONSULTATION

Jacqueline Neave – Arts & Culture Officer (Author)

Dan Staley – Director of Planning and Community Services

Cr Jan Clifford

Whitsunday Regional Council RADF Committee Members

ATTACHMENTS

Appendix Item 1 - Regional Arts Development Fund (RADF) meeting minutes dated 27 May 2015 for round 1.

12. Planning and Community Services
- 12.9 REQUEST FOR FINANCIAL ASSISTANCE - MACKAY STATE HIGH SCHOOL RUGBY LEAGUE ACADEMY UK TOUR

RECOMMENDATION

That Council decline the request for financial assistance to school students travelling to the United Kingdom as part of the Mackay State High School Rugby League Academy on the grounds that the tour is a school program and the host school is not within the Whitsunday Region.

Furthermore, that the participants be encouraged to apply for funding assistance under Council's Elite Sports Person Policy.

The following report has been submitted for inclusion in Council's Ordinary Meeting to be held on 10 June 2015 by Council's Planning and Community Services Department.

BACKGROUND

Council received a letter dated 11 May 2015 from Mr David Di Prima requesting financial assistance for three Proserpine boys Matthew Di Prima, Kai O'Donnell and Jackson Brookes to attend a tour of the UK with the Mackay State High School Rugby League Academy. The tour will take place in September 2015.

REPORT

The Mackay State High School Rugby League Academy has been in existence for some 10 years. As part of the academy program, an overseas tour to play against teams from other countries and exposure to other life experiences is offered. The tour is similar to other school tours associated with other subjects, such as languages and music, which are generally self-funded through the school or individuals. The academy is not a representative program, it is a school program and the host school is not within the Whitsunday Region. Financial support should not be provided in this instance.

STATUTORY MATTERS

Local Government Act 2009

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

BUDGET REFERENCE

GL 03870.0405.0622 - Donations & Concessions

CONSULTATION

Rod Cousins - Regional Sports & Recreation Officer (Author)
Dan Staley - Director of Planning and Community Services
Allison Magee - Administration Officer

ATTACHMENTS

Appendix Item 1 - Letter from Mr David Di Prima requesting financial assistance for Proserpine boys to tour the UK with the Mackay SHS Rugby League Academy.

12. Planning and Community Services

12.10 WHITSUNDAY REGIONAL LIBRARIES – WRITERS’ WORKSHOPS

RECOMMENDATION

That Council note the positive feedback of the writers’ workshops held by Whitsunday Regional Libraries from 15th – 16th May 2015.

The following report has been submitted for inclusion in Council's Ordinary Meeting to be held on 10 June 2015 by Council's Planning and Community Services Department.

BACKGROUND

Whitsunday Regional Libraries undertook to host writers’ workshops as a response from two surveys conducted. Melaina Feranda was selected based on her background as a successful author and experience conducting writers’ workshops.

REPORT

Workshops were conducted at Proserpine, Bowen and Cannonvale Libraries on Friday 15th and Saturday 16th May 2015.

The Proserpine and Bowen held “Unleash Your Creativity” workshops, which gained significant participation of 50 people between the two branches. This workshop was aimed at beginner and experienced writers. It is possible to state that participants left the workshop inspired, skilled and eager for more.

Cannonvale Library conducted their “Making it good enough to Publish” workshop on Saturday 16th 2015 and attracted 33 people. This workshop concentrated on the art of editing work to be good enough to submit to a perspective publishing house.

The overall feedback from the participants at all venues appears to be good and many people are already asking about the next writers’ workshop.

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.***
2. ***Effectively maintain and develop community hubs, libraries and 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

N/A

CONSULTATION

Sharon Tollard – Manager of Libraries (Author)
Dan Staley – Director of Planning and Community Services

ATTACHMENTS

Appendix Item 1 - Letter of appreciation from Denise Vanderlugt dated 18-5-15

12. Planning and Community Services

12.11 WHITSUNDAY SCHOOLIES SAFER SCHOOLIES INITIATIVE 2015 ANNUAL PLAN

RECOMMENDATION

That Council endorse the Whitsunday Schoolies Safer Schoolies Initiative 2015 Annual Plan.

The following report has been submitted for inclusion in Council's Ordinary Meeting to be held on 10th June 2015 by Council's Planning and Community Services Department.

BACKGROUND

The Department of Communities, Child Safety and Disability Services administers various funding programs across a range of service areas including Youth Affairs.

The Queensland Government's State Wide Safer Schoolies Initiative is a whole of Government response which delivers support services to key tourism destinations that attract Year 12 school leavers holidaying together in November each year.

The Initiative is based on the following principles:

- Increasing young people's awareness of their rights and responsibilities.
- Encouraging better co-ordination through partnerships.
- Increased safety, both for young people and regions hosting Schoolies.

Whitsunday Regional Council is the lead agency pertaining to the event and is responsible for the management of the Schoolies safety response, including the co-ordination and overseeing the planning, implementation and evaluation of the safety response, management of staff/contractors, maintaining the website and other communication strategies and to ensure the response complies with the relevant Council policies, procedures and legislation.

Various other stakeholders involved with the Schoolies Community Safety Response include Queensland Police Service, Queensland Health, Red Frogs and the Department of Communities.

REPORT

The Whitsunday Schoolies Safety and Activity Program is to be held at Schoolies Central – Airlie Creek Off Street Regulated Carpark – Shute Harbour Road, Airlie Beach from Saturday 21st November 2015 to Wednesday 25th November 2015 with an estimated number of 2,000 schoolies expected to attend.

Council is required to submit various plans and reports to the Department of Communities, Child Safety and Disability Services by nominated dates including the submission of a Schoolies Safer Schoolies Initiative Annual Plan to the Department by 30th June each year including details pertaining to the following:-

- Organisational Contact Details
- Response details: - Response name; Response location; Response dates; Estimated number of Schoolies attending & Response contact details.
- Overview: - A general overview of the Response - including objectives and key deliverables.
- Governance Structure: - An overview of the committees established for the Response - including membership and frequency and/or planned dates of meetings.
- Stakeholders:- An overview of key stakeholders, for example State and Local Government partners and Non-Government Organisations, and their role in Response planning and/or delivery.
- Diversionary Activities: - An overview of the diversionary and entertainment activities being planned - including details of the establishment of a Schoolies only safety precinct.
- Registration Details: - An overview of the registration process, including how schoolies will be identified (lanyard/wristband) - including, if applicable, details on pre-registration process.
- Support Services: - An overview of planned support services - including, for example, Chill Out Zone, First Aid/medical treatment facilities, welfare support, and volunteer programs.
- Safety: - An overview of planned safety measures – including for example risk management, security, work place health & safety, accreditation for workers, emergency planning, critical incident planning and reporting.
- Communication and Media: - an overview of planned communication activities - including, for example, any promotional materials, website, publications, education sessions, community engagement, and business engagement activities.
- Media: - An overview of planned media activities – including media strategy, social media activities and media spokespeople.
- Sponsors: - An overview of sponsorship opportunities and any confirmed sponsors.
- Budget: - A budget overview – including forecasted income and expenses.
- Milestones: - An overview of key planning milestones and dates.
- Evaluation & Safety: - An overview of how the funded service will be evaluated.

An overview of the Whitsunday Schoolies Safer Schoolies Initiative 2015 Annual Plan. includes the following objectives and key deliverables:-

- Promote a culture of drug and alcohol free activities while following a harm minimisation philosophy.
- Ensure safety remains the highest priority for young people attending Schoolies
- Ensure the local community enjoys the economic benefits of Schoolies and safeguard against any negative impact from Schoolies on the community.
- Ensure a positive outcome for Whitsunday Regional Council.
- Ensure a positive outcome for the Department of Communities, Child Safety and Disability Services within the state wide Safer Schoolies Initiative to enhance the

safety and responsible behaviour of school leavers, whilst minimising disruption to the local communities where each Schoolies Event is conducted.

STATUTORY MATTERS

Local Government Act 2009

Whitsunday Regional Council Local Law No.4 (Local Government Controlled Areas, Facilities and Roads) 2014

Whitsunday Regional Council Subordinate Local Law No.4 (Local Government Controlled Areas, Facilities and Roads) 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.***

BUDGET REFERENCE

03595.0460 – Schoolies Community Programs & Events

CONSULTATION

Julie Wright – Manager of Health & Environment (Author)
Dan Staley – Director of Planning and Community Services

ATTACHMENTS

Appendix Item 1 – Whitsunday Schoolies Safer Schoolies Initiative 2015 Annual Plan

12. Planning and Community Services
12.12 ADVISORY - EMBRACING 2018 REGIONAL STEERING COMMITTEE
MINUTES 17 APRIL 2015

RECOMMENDATION

That Council receive the Minutes from the Mackay, Issac, Whitsunday Commonwealth Games Steering Committee meeting on 17 April 2015.

The following report has been submitted for inclusion in Council's Ordinary Meeting to be held on 10 June 2015 by Council's Planning and Community Services Department.

BACKGROUND

The MIW Commonwealth Games Steering Committee held a meeting on 17 April 2015 in Mackay. The Committee is part of a network of regional bodies established by the Queensland government. The primary role of the committees is to promote a whole of State approach to the 2018 Commonwealth Games, specifically to identify how the respective regional areas may be able to take advantage of business opportunities relating to the Commonwealth Games and the associated activities.

REPORT

The MIW Commonwealth Games Steering Committee held a meeting on 17 April 2015 in Mackay. The minutes of the meeting are attached to this report.

STATUTORY MATTERS

N/A

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

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

ATTACHMENTS

Appendix 1 - Minutes of the MIW Commonwealth Games Steering Committee meeting held on 17 April 2015.

13. Engineering Services

13.1 NEW SHELTER AT HANSEN PARK IN BOWEN

RECOMMENDATION

That Council request the Bowen Lions Club submit the appropriate applications to build a new shelter shed at Hansen Park in Bowen.

The following report has been submitted for inclusion in Council's Ordinary Meeting to be held on 10 June 2015 by Council's Engineering Services Department.

BACKGROUND

The Bowen Lions Club coordinate Sunday community markets at Hansen Park in Bowen. The community markets at Hansen Park are popular with local residents and tourists. In 2014, the Bowen Lions club built a rotunda at Hansen Park to accommodate bands and to act as the centre piece for the community markets. The popularity of the markets has meant that there is an additional demand for more shelter and infrastructure at Hansen Park. The Bowen Lions Club has approached Whitsunday Regional Council seeking endorsement to construct a new shelter near the Rotunda. The purpose of the new shelter shed is to create a dedicated space for cooking BBQs and food preparation.

REPORT

Hansen Park provides a picturesque location for Sunday markets in Bowen. The park provides good facilities and open space for a thriving community market. In recent years the community market at Hansen Park has grown in popularity. The Bowen Lions Club have written to the Whitsunday Regional Council seeking in principle support for the construction of a new shelter near the recently constructed rotunda. The new shelter will be used as a focal point for community BBQs and food preparation on market day. The proposed location of new shelter can be found in the attached map.

If Council endorses the construction of the new community shelter at Hansen Park, the Bowen Lions Club will submit a building application to Council for approval. The Bowen Lions Club intend on paying for the construction of the new shelter.

STATUTORY MATTERS

The Council owns the land which Hansen Park is located upon.

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

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

ATTACHMENTS

Appendix Item 1 – Map of Hansen Park showing location of proposed shelter