



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 **9 July, 2015** commencing at **9:00 a.m.** and the Agenda is attached.

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

Local Government Act 2009

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

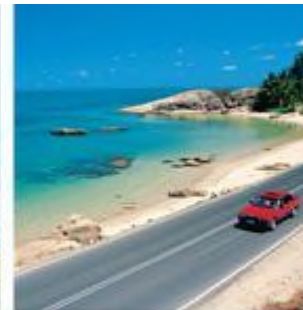
(2) The written notice must state:

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

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

S J WATERS
CHIEF EXECUTIVE OFFICER





Agenda of the Ordinary Meeting to be held at
Proserpine Council Chambers, 83-85 Main Street, Proserpine
on **9 July, 2015** commencing at **9:00am**

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

9:00 am

- Formal Meeting Commences

10:30 am – 11:00 am

- Morning Tea

Whitsunday Regional Council
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Proserpine Council Chambers, 83-85 Main Street, Proserpine
 on 9 July, 2015 commencing at 9:00am

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14.1 CONFIDENTIAL MATTERS - OFFICE OF THE CEO

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14.4 CONFIDENTIAL MATTERS - ENGINEERING SERVICES

14.4.1 PROSERPINE SEWER RELINE CONTRACT

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**

No Agenda items for this section

3.2 Mayoral Update

No Agenda items for this section

4. Confirmation of Minutes
4.1 CONFIRMATION OF MINUTES

RECOMMENDATION

That the Minutes of the Ordinary Meeting held on 24 June, 2015 be confirmed.

The following report has been submitted for inclusion in Council's Ordinary Meeting to be held on 9 July, 2015 by Council's Office of the Mayor & CEO Department.

BACKGROUND

Minutes were kept from the previous Ordinary Meeting of Council held on 24 June, 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 24 June, 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 24 June, 2015

Separate email

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 & CEO

10.1 AUSTRALIAN AIRPORTS ASSOCIATION INVITATION TO THE CHIEF EXECUTIVE OFFICER

RECOMMENDATION

That Council note Australian Airports Association invitation to the Chief Executive Officer to join a Regional Council panel presentation, at the Australian Airports Association National Conference in Hobart, held 12 to 16 October 2015.

The following report has been submitted for inclusion in Council's Ordinary Meeting to be held on 9 July, 2015 by Council's Office of the Mayor and CEO Department.

BACKGROUND

The Australian Airports Association (AAA) National Conference occurs each year in a different city in Australia. Last year the conference was held at the Gold Coast in November 2014 and was attended in two parts by Council's Chief Executive Officer and Airport Operations Manager. The officer's attended the Commercial and Technical stream of the conference respectively.

REPORT

This year the AAA National Conference 2015 is to be held in Hobart from Monday 12 – Friday 16 October 2015, with Council attendance already confirmed. During the AAA National Conference, the Regional Airport Workshop will be held on Wednesday 14 October and Council's Chief Executive Officer has been invited to join the Regional Council Forum panel as a part of the workshop.

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

- 1. Ensure a regulatory environment which is business friendly and considerate of business needs.***
-
-
-
- 5. Promote the Whitsunday Region as a desirable domestic and international tourist destination.***

7. *Promote the continued diversification of the tourism sector.*

BUDGET REFERENCE

N/A

CONSULTATION

Scott Waters - Chief Executive Officer

ATTACHMENTS

1. Correspondence from the Australian Airports dated 30 March 2015

10. Office of the Mayor & CEO
10.2 COUNCILLOR CONTACT WITH DEVELOPERS, CONSULTANTS,
LOBBYISTS AND SUBMITTERS POLICY

RECOMMENDATION

That Council adopts the Councillor Contact with Developers, Consultants, Lobbyists and Submitters Policy 079.01.

The following report has been submitted for inclusion in Council's Ordinary Meeting to be held on 9 July, 2015 by Council's Office of the Mayor and CEO Department.

BACKGROUND

Councillors of the Whitsundays Regional Council are required to have contact with members of the community about a variety of issues, however contact with developers, consultants, lobbyists and submitters should be regulated so as to ensure transparency and to satisfy the community that decisions are being made legally, ethically and impartially.

REPORT

It is important that Councillors make decisions, and are seen to make decisions, in an impartial manner. Unregulated contact between Councillors and proponents (or opponents) of potential or actual development applications could give rise to the implication that Councillors are not making decisions in an impartial manner.

The draft policy provides for Councillors to only meet with potential developers to promote the benefits of developing within the Council region. The draft policy sets out that once a development application has been lodged, Councillors may only meet with a developer, technical consultant, lobbyist or submitter with a Council officer present. The policy also requires Council to take notes in relation to any meeting and to ensure that those notes are kept in accordance with the *Public Records Act 2002* (i.e. registered in ECM).

This Policy is in line with the policies of other North Queensland Councils such as Mackay Regional Council, Townsville Regional Council and Cairns Regional Council.

STATUTORY MATTERS

Local Government Act 2009

Integrity Act 2009

Public Records Act 2002

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. Provide open, accountable and transparent leadership that ensures community confidence in Council and achieves positive outcomes for the Whitsunday Region.**
- 2. Develop a Governance Framework that provides accountable and transparent decision making and supports Council in meeting its legislative responsibilities.**

BUDGET REFERENCE

N/A

CONSULTATION

Kirsten Lesina – Governance & Legal Officer (Author)
Scott Waters – Chief Executive Officer

ATTACHMENTS

Appendix Item 1- Councillor contact with Developers, Consultants, Lobbyists and Submitters Policy

10. Office of the Mayor & CEO

10.3 WHITSUNDAY REGIONAL GALLERY COMMITTEE REPRESENTATION

RECOMMENDATION

That Council receive the correspondence from Whitsunday Regional Gallery and endorse Cr John Collins as Council representative on the Whitsunday Regional Gallery Committee.

The following report has been submitted for inclusion in Council's Ordinary Meeting to be held on 9 July, 2015 by Council's Office of the Mayor and CEO Department.

BACKGROUND

Whitsunday Regional Gallery (WRG) promotes the artistic talent of many budding and talented local artists who utilise many mediums. WRG promotes students, emerging artists and professional artists giving them an outlet to display their pieces and promote their artistry.

Trading since May, 2014 this business has expanded rapidly and is making application to become a community co-operative from July, which will enable this organisation to apply for funding and grant applications.

REPORT

WRG attended Council's Briefing Session on the 1 July, 2015 to present their business case and visions for a regional arts centre. The arts centre will continue to host an exhibition space for artists, with the addition of a workshop program featuring qualified local and surrounding artists.

To ensure the viability of this organisation is sustained, and to further strengthen affiliations with Council, a Councillor will be endorsed as Council representative on the WRG Committee.

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.***
3. ***Partner with government, business, industry and the community to promote the Whitsunday Region at both a national and international level.***
4. ***Advocate Council's interests and objectives to government, business, industry and the community.***

BUDGET REFERENCE

N/A

CONSULTATION

Scott Waters - Chief Executive Officer (Author)
Mayor Jennifer Whitney
Councillors
Ken McLoughlin - Chief Operating Officer

ATTACHMENTS

Appendix Item 1 - Correspondence from Whitsunday Regional Gallery

10. Office of the Mayor & CEO

10.4 GRAFFITTI/VANDALISM SIGNAGE - ENTRANCE TO BOWEN TOWNSHIP

RECOMMENDATION

That Council remove the existing sign regarding graffiti and wilful damage, at the southern entrance to the Bowen Township, and replace it with a more positive message.

The following report has been submitted for inclusion in Council's Ordinary Meeting to be held on 9 July, 2015 by Council's Office of the Mayor and CEO Department.

BACKGROUND

Correspondence has been received on 22 May 2015 from Bowen Tourism and Business in regards to a sign at the entrance to the town of Bowen.

REPORT

Bowen Tourism and Business have requested that the large sign positioned at the southern entry into the township of Bowen, that is regarding graffiti and vandalism, be taken down and replaced with a more positive message to welcome travellers into the town. Bowen Tourism and Business are suggesting "Thank you for keeping Bowen beautiful".

The item was briefed to Council on 1 July 2015.

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

2. *Enhance tourism and entry signage across the Whitsunday Region.*
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.*

BUDGET REFERENCE

Signage budget

CONSULTATION

Scott Waters - Chief Executive Officer (Author)

ATTACHMENTS

1. Correspondence from Bowen Tourism and Business dated 15 May 2015

11. Corporate Services

No agenda items for this section.

12. Planning and Community Services

12.1 DA09131 - REQUEST FOR EXTENSION OF RELEVANT PERIOD - DEVELOPMENT PERMIT FOR MATERIAL CHANGE OF USE - FOURTEEN MULTIPLE DWELLING UNITS AND SIX COMMERCIAL TENANCIES (CONSISTING OF OFFICES, TAKE AWAY FOOD STORES AND SHOPS) - 79 GOLF LINKS RD QUEENS BEACH

RECOMMENDATION

That Council refuse the request for an extension of the relevant period to the 21 October 2017 of the Development Permit for Material Change of Use - Fourteen (14) Multiple Dwelling Units and Six (6) Commercial Tenancies (Consisting of Offices, Take Away Food Stores and Shops), lodged by Whitsunday Surveys on behalf of T A Yuskan & D J Burrows on land described as Lot 14 RP735927, 79 Golf Links Road Queens Beach, on the following grounds:

- a) *the inconsistency of the approval, including its conditions, with the current laws and policies applying the development including the amount and type of infrastructure contributions, or charges payable;*
- b) *the community is unaware of the development due to the time which has elapsed since it was first approved by Council;*
- c) *the approval has had six (6) to commence and complete the development and no works have commenced to date.*

The following report has been submitted for inclusion in Council's Ordinary Meeting to be held on 9 July 2015 by Council's Planning and Community Department.

BACKGROUND

A development application for a Development Permit for Material Change of Use – Fourteen (14) Multiple Dwelling Units and Six Commercial Tenancies (Consisting of Offices, Take Away Food Stores and Shops), on land described as Lot 14 RP735927, 79 Golf Links Road, Queens Beach was approved by Council on 21 October 2009 by way of Negotiated Decision Notice, subject to conditions. An extension to the relevant period for two (2) years was issued on 21 March 2013, which extended the currency period of the Material Change of Use approval until 21 October 2015.

REPORT

On 12 June 2015 pursuant to section 383 of the *Sustainable Planning Act 2009*, Council received a request to extend the relevant period of the development permit for a Material Change of Use – Fourteen (14) Multiple Dwelling Units and Six Commercial Tenancies (Consisting of Offices, Take Away Food Stores and Shops) for two (2) years until 21 October 2017.

Applicant's representations

BACKGROUND

We act on behalf of Trevor Yuskan and Dianne Burrows in relation to the above development permit and apply herein to extend the relevant period for the Material Change of Use approval for 14 Multiple Dwelling Units and 6 Commercial Tenancies.

The development was previously approved by Council on 21 October 2009 (Negotiated Decision Notice Approval). The following subsequent approval has since been issued:

- Extension to the Relevant Period for 2 years on 21 March 2013.

In accordance with Section 383 of SPA, the applicant, who is also the owner, requests that Council extend the relevant period by a further two years, which will result in the approval lapsing 21 October 2017.

Deciding the Request

In deciding this request, the assessment manager must only have regard to section 388 of SPA. An assessment against section 388 is provided below;

(a) The consistency of the approval, including its conditions, with the current laws and

policies applying to the development, including, for example, the amount and type of infrastructure contributions, or charges payable under chapter 8, parts 2 and 3;

Response:

The development was approved under the 2006 Bowen Shire Planning Scheme, which is still the current scheme in place for regulating development on the subject site. Since the time of gaining approval in 2009, a number of new policies applying to the development have been adopted, including the Mackay, Isaac, Whitsunday Regional Plan (MIWRP), The State Planning Policy (SPP) and the Adopted Infrastructure Charges Resolution (No. 3 of 2011).

If an application for the same development was to be lodged today, neither the MIWRP nor the SPP would have any significant impact on the design of the development or likely conditions of approval. Nor would any new referral agencies be triggered.

The only notable change is the introduction of Council's Adopted Infrastructure Charges Resolution. The applicant has previously paid the applicable infrastructure charges for the development in full on 2 June 2010, refer to attached receipt. Therefore the site contains infrastructure charges credits equalling Council's current policy rate.

(b) The community's current awareness of the development approval; and

(c) Whether, if the request were refused-

(i) Further rights to make a submission may be available for a further development application;

(ii) The likely extent to which those rights may be exercised;

Response:

The development was approved under the 2006 Bowen Shire Planning Scheme. Under this scheme the site was zoned for "Business" development. The commercial component of the development was Self Assessable, whilst the residential component required Impact Assessment. It is difficult to determine the community's current awareness of the development, given the time since obtaining approval.

Under the Draft Whitsunday Regional Council Planning Scheme, the site is zoned "Local Centre". If the same application was to be lodged under this scheme, both components of the development would be Code assessable, therefore the community would have no knowledge of the development or any appeal rights.

Given the above, the approval of this request would not alter the community's current awareness of the development.

(d) *The views of any concurrence agency for the approval given under section 385.*

The former Department of Natural Resources and Mines were triggered as an Advice Agency due to the site potentially containing Acid Sulphate Soils. The department recommended that an acid sulphate soil investigation be carried out at future operational works stage. Council conditioned the development accordingly to reflect the department's advice.

The referral trigger for acid sulphate soils has since been removed by the State Government.

Therefore if the development was to be lodged again, the department would not have the opportunity for comment, but rather Council would be responsible for ensuring acid sulphate soils were managed appropriately. Therefore the view of the department for this approval would remain unchanged.

Additional Information

Given the economic climate of the Bowen for the past 6 years, the applicant has not proceeded with commencement of the development. The applicant remains optimistic that the local economy will improve significantly in the near future to allow commencement of construction, especially given the proposed Abbot Point expansion and associated major infrastructure projects.

It is also noted several Councillors have publicly expressed their wishes for these types of extension requests to be supported by Council. Reference is made to Dave Clark's and Andrew Wilcox's comments in the Bowen Independent on Wednesday 20 May, 2015.

Andrew Wilcox stated "I am on the record as being consistent to extend these extension requests whether they are in Proserpine, Cannonvale or Bowen. Times are tough, people are waiting on Abbot Point to go ahead and in the scheme of things; two years isn't a very long period of time".

Councillor Dave Clark stated, "Everyone else in the country is trying to kick-start the economy, to get construction going but the Whitsunday Regional Council for some reason wants to stifle development. We can't do that, we need development region wide. The Reserve Bank has dropped the interest rate to an all-time low for that reason – to kick-start the economy. You would have to be a nut job to undertake these developments in these times, particularly in recent years; we need to give people a go". A full copy of the article is attached to this request.

The development approval extension request Councillor Wilcox and Clark were referring to was also for a multiple dwelling unit proposal. The request was supported by Council.

In addition to above, this request is considered reasonable given the completed project will boost the economy of Bowen and surrounds through civil and construction jobs, and ongoing maintenance and servicing jobs when the use commences operation.

Council are requested to acknowledge the poor economic climate and be consistent with their decision making by supporting this request.

Officer's comment

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

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

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

Council officers have had regard to the relevant test under Section 388 of the *Sustainable Planning Act 2009* and consider that the applicant's request is in conflict with the relevant requirements.

A site inspection indicates no works have been completed on the site. The development was conditioned to obtain the following related approvals for Operational Works: earthworks, stormwater, access and parking, roadworks, water infrastructure, sewerage infrastructure and landscaping. A review of the property file indicates the applicant has not obtained the related approvals.

The *Sustainable Planning Act 2009* provisions of Section 388 require an officer to assess the developments consistency with the current conditions, laws and policies before an extension is granted. The development permit was approved under the *Bowen Shire Planning Scheme 2006* in 2009 and extended in 2013. It is considered as the *Bowen Shire Planning Scheme 2006* is still the relevant planning scheme for Bowen the approval is still consistent with this planning scheme. Since the time of gaining approval in 2009, a number of new policies applying to the development have been adopted, including the Mackay, Isaac, Whitsunday Regional Plan (MIWRP), The State Planning Policy (SPP) and the Adopted Infrastructure Charges Resolution (No. 2 of 2011). The development is considered generally consistent with the Mackay, Isaac, Whitsunday Regional Plan (MIW RP) and The State Planning Policy (SPP). The development, however, is not consistent with the Adopted Infrastructure Charges Resolution (No. 2 of 2011).

As a requirement of the *Sustainable Planning Act 2009* provisions of Section 388, the community's current awareness of the proposed development is required in order for an extension to be granted. It is acknowledged the current community may not be fully aware of the proposed development on the site as considerable time has passed since the proposal was approved. The development application is impact assessable under the *Bowen Shire Planning Scheme 2006* providing the opportunity for the public to make a submission. It is noted that one (1) submission was received against the development application during public notification. It is acknowledged that if the application were to be re-lodged under the Draft Whitsunday Regional Council Planning Scheme the level of assessment of the application would be code assessable removing the ability for a submission to be made against the development, therefore complying with this component of Section 388.

The development was conditioned for the following developer contributions

Contributions must be paid to Council prior to the issue of a Decision Notice for Building Works. The contributions must be paid in accordance with the Council Policy rates at the date of payment. The following table sets out the current rates:

CONTRIBUTION	NO EP'S	CURRENT RATE	CURRENT TOTAL
1. Water	23.7	\$583.00	\$13817.10
2. Sewerage	23.7	\$ 358.00	\$ 8484.60
TOTAL			\$ 22301.70

- ***These figures vary with time and the policy rates indicated above were current at the issue of the decision notice.***

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

<i>Applicable Infrastructure Network</i>	<i>Adopted Infrastructure Charge Category</i>	<i>Adopted Infrastructure Charge Rate</i>	<i>Number of Demand Units</i>	<i>Total Adopted Infrastructure Charge</i>
Water Supply Sewerage Stormwater Transport Recreation Facilities	1 or 2 bedroom dwelling	\$20,000	13	\$260,000.00

<i>Applicable Infrastructure Network</i>	<i>Adopted Infrastructure Charge Category</i>	<i>Adopted Infrastructure Charge Rate</i>	<i>Number of Demand Units</i>	<i>Total Adopted Infrastructure Charge</i>
Water Supply Sewerage Stormwater Transport Recreation Facilities	3 or more bedroom dwelling	\$28,000	1	\$28,000.00

<i>Applicable Infrastructure Network</i>	<i>Adopted Infrastructure Charge Category</i>	<i>Adopted Infrastructure Charge Rate</i>	<i>Number of Demand Units</i>	<i>Total Adopted Infrastructure Charge</i>
Water Supply Sewerage Stormwater Transport Recreation Facilities	Commercial (Retail)	\$180.00 per m2 of GFA	745m2	\$134,100.00

CREDITS – Adopted Infrastructure Charge

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

Water Supply	3 or more bedroom dwelling	\$28,000	1	\$28,000.00
Sewerage				
Stormwater				
Transport				
Recreation Facilities				

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

Demand	Minus Credits	Total Infrastructure Charge
\$422,100.00	\$28,000.00	\$394,100.00

A review of Councils records indicates the applicable developer contributions were received by Council on 12 November 2010 (receipt number C157563), therefore if the approval were to lapse and be re-lodged; Council could not impose the new charges as the charges have been paid in full under the old Policy and would require crediting.

One extension has been obtained totalling a two (2) year extension. The subsequent extension is requesting a further extension of two (2) years. Concerns with regards to the time passed since the Development Permit was granted are raised as six (6) years have elapsed since the development was first approved.

Draft Whitsunday Regional Council Planning Scheme

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

Strategic Framework:

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

Strategic Intent:

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

Proposed Zone:

Under the Draft Whitsunday Regional Council Planning Scheme the proposal is located in the local centre zone. The proposal is considered to be consistent with the local centre zone with the level of assessment listed as 'code assessable'. In compliance with the local centre zone code the development provides for a range of business activities that service the local level convenience needs of residents along with a limited range of multiple dwellings which are ancillary to and support the predominant business function of the zone.

Applicable Overlays:

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

Level of Assessment:

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

Applicable Codes:

Under the Draft Whitsunday Regional Council Planning Scheme the applicable codes for the proposal are; the multi-unit code, local centre zone code, infrastructure code, landscaping code, transport and parking code, acid sulfate soils overlay code and flood hazard overlay. The proposal is considered to be generally consistent with the applicable codes, however, if a new application were to be lodged under the Draft Whitsunday Regional Council Planning Scheme an approval would be subject to new conditions of approval.

Given Council officers are currently working towards the delivery of a new Whitsunday Regional Council Planning Scheme within the next twelve (12) months, the applicable codes and requirements are subject to change as outlined above. These changes may affect the current conditions or requirement for this development.

Based on the assessment provided above Council officers therefore recommend refusal of the request for an extension to the relevant period on the following grounds:

- a) the inconsistency of the approval, including its conditions, with the current laws and policies applying the development including the amount and type of infrastructure contributions, or charges payable; and
- b) the community's is unaware of the development due to the time which has elapsed since it was first approved by Council and current uncertainty of Draft Planning Scheme as not yet progressed to public notification stage.
- c) the approval has had six (6) years to commence and complete the development and no works have commenced to date.

CONCLUSION

The applicant has requested an extension of the relevant period until 4 March 2017 - a period of two (2) years. It is recommended that Council refuse the request for an extension of the relevant period on the grounds outlined above.

STATUTORY MATTERS

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

CORPORATE PLAN REFERENCE

Place

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

OPERATIONAL PLAN REFERENCE

Place

Strategies

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

BUDGET REFERENCE

N/A

CONSULTATION

Matthew Twomey – Town Planner (Author)

ATTACHMENTS

Appendix Item 1 – Locality Plan

Appendix Item 2 – Proposal Plan

12. Planning and Community Services
- 12.2 20140642 - DEVELOPMENT APPLICATION FOR MATERIAL CHANGE OF USE - HOME BASED BUSINESS (WEIGHTLIFTING FACILITY) - 28 RIFLE RANGE ROAD MOUNT MARLOW - R & L KNOX

RECOMMENDATION

That Council approve the application for Development Permit for Material Change of Use - Home Based Business (Weightlifting Facility), made by R S Knox, on Lot 8 SP208358 and located at 28 Rifle Range Road Mount Marlow, subject to the conditions outlined in Appendix A.

Appendix Item A – Conditions of Approval

1.0 ADMINISTRATION

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

Plan/Document Name	Prepared By	Plan Number	Dated
Site Plan	Brazier Motti	76225/001B Sheet 1 of 2	11 May 2015
Floor Plan	Brazier Motti	76225/001B Sheet 2 of 2	11 May 2015

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

- Building Works.

- 1.3 Where a discrepancy or conflict exists between the written conditions of this approval and the approved plans, the requirements of the written condition(s) will prevail.

- 1.4 All conditions of this approval must be complied with in full to Council's satisfaction prior to the commencement of the use.

- 1.5 The applicant shall demonstrate and provide evidence that compliance with all conditions of this development approval and any other subsequent development approvals as a result of this development approval have been complied with at the time of commencement of the use.

2.0 CLEARING, LANDSCAPING AND FENCING

- 2.1 The applicant is to maintain the existing landscaping within the property boundary around the training shed and along the southern and south-eastern boundaries of the subject premises.

3.0 ACCESS AND PARKING

- 3.1 A minimum of five (5) car parking spaces must be provided on site prior to commencement of the use.
- 3.2 Prior to commencement of any work on site an Operational Works development permit must be obtained in relation to Access.

- 3.3 Any application for Operational Works (Access and Parking) must be accompanied by detailed engineering drawings demonstrating compliance with Council's Development Manual (current at the time of development), Australian Standard AS2890, AS1428 and this Decision Notice.
- 3.4 The external access from the pavement of Rifle Range Road to the property boundary must be constructed to comply with the dimensions, gradients and specifications as indicated on Council's Standard Drawing R0035, prior to commencement of the use.
- 3.5 All internal accesses, driveways, parking bays and manoeuvring areas must comply with the criteria described in AS2890 and must be to a suitable gravel standard.

4.0 OPERATING PROCEDURES

- 4.1 The owner of the property is to be present during all training sessions.
- 4.2 Signage is limited to a single sign, not exceeding 0.75 m² in area, to be located on or within the boundaries of subject site and bearing the name of the occupier and of the occupation or profession.
- 4.3 The hours of operation are limited to 4.00 pm – 5.30 pm on Tuesday, 4.00 pm to 6.00 pm on Thursday, 8.00 am – 10.30 am and 3.30pm to 5.00pm on Friday and 7.00 am – 11.00 am on Saturday. There is to be no operation outside of these hours or on Public Holidays.
- 4.4 Noise emitted by the use of the premises must not exceed ten (10) decibels greater than the background noise levels at the site boundary.
- 4.5 All weightlifting activities are to be undertaken on the weightlifting areas as indicated on approved plan 76225/001B Sheet 2 of 2.
- 4.6 The applicant is to maintain at a minimum 500mm thick rubber flooring at weightlifting areas 1 – 4.
- 4.7 A maximum of five (5) people are to be on site during training sessions.
- 4.8 No competitions or special events are to be conducted on the site.

5.0 BUSHFIRE PROTECTION

- 5.1 The applicant is to provide and maintain at all times accessible on-site water storage of not less than 5,000 litre capacity in the form of a water tank with a standard rural fire brigade fitting (50mm cam lock).

6.0 MISCELLANEOUS

- 6.1 If any item of cultural heritage is identified during site works, all work must cease and the relevant State Agency must be notified. Work can resume only after State Agency clearance is obtained.
- 6.2 Any alteration necessary to electricity, telephone, water mains, sewerage mains, and/or public utility installations resulting from the development or in connection with the development, must be at full cost to the developer.
- 6.3 Any building materials, equipment and the like must be appropriately tied down, placed indoors and secured on site at the time of preparation for cyclone events. The on site supervisor is to ensure that all contractors/employees take the necessary steps to secure the construction site in the event of a cyclone.
- 6.4 All construction materials, waste, waste skips, machinery and contractors' vehicles must be located and stored or parked within the site. No storage of materials, parking of construction machinery or contractors' vehicles will be

permitted in Rifle Range Road or adjoining land unless written permission from the owner of that land and Council is provided.

- 6.5 It is the developer's responsibility for the full rectification of any damage caused to neighbouring public infrastructure (such as footpaths, driveways, fences, gardens, trees and the like) caused by contractors, including clean up of any litter or waste that is a result of the subject development.

7.0 ADVISORY NOTES

7.1 Hours of work

It is the developer's responsibility to ensure compliance with the Environmental Protection Act 1994, which prohibits any construction, building and earthworks activities likely to cause nuisance noise (including the entry and departure of heavy vehicles) between the hours of 6.30 pm and 6.30 am from Monday to Saturday and at all times on Sundays or Public Holidays.

7.2 Dust Control

It is the developer's responsibility to ensure compliance with the Environmental Nuisance of the Environmental Protection Act 1994 which prohibits unlawful environmental nuisance caused by dust, ash, fumes, light, odour or smoke beyond the boundaries of the property during all stages of the development including earthworks and construction.

7.3 Sedimentation Control

It is the developer's responsibility to ensure compliance with the Environmental Protection Act 1994 and Schedule 9 of the Environmental Protection Regulation 2008 to prevent soil erosion and contamination of the stormwater drainage system and waterways.

7.4 Noise During Construction and Noise in General

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

7.5 General Safety of Public During Construction

It is the project manager's responsibility to ensure compliance with the Work Health and Safety Act 2011. It states that the project manager is obliged to ensure construction work is planned and managed in a way that prevents or minimises risks to the health and safety of members of the public at or near the workplace during construction work.

It is the principal contractor's responsibility to ensure compliance with the Work Health and Safety Act 2011. It states that the principal contractor is obliged on a construction workplace to ensure that work activities at the workplace prevent or minimise risks to the health and safety of the public at or near the workplace during the work.

It is the responsibility of the person in control of the workplace to ensure compliance with the Work Health and Safety Act 2011. It states that the person in control of the workplace is obliged to ensure there is appropriate, safe access to and from the workplace for persons other than the person's workers.

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

The following report has been submitted for inclusion in Council's Ordinary Meeting to be held on 9 July 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	R & L Knox
Landowner	R & L Knox
Property Address:	28 Rifle Range Road, Mount Marlow
Real Property Description:	Lot 8 SP208358
Area of Site:	1.608 hectares
Planning Scheme Zone:	Rural Residential, <i>Whitsunday Shire Planning Scheme 2009</i>
Existing Use:	Dwelling House & Ancillary Shed
Proposed Use:	Home Based Business (Weightlifting Facility)
Existing Approvals:	Nil.
Approval Sought:	Development Permit for Material Change of Use - Home Based Business - Weightlifting Facility
Application Progress	
Application Lodged:	22/09/2014
Submission Period Commenced:	20/05/2015
Submission Period End:	12/06/2015
Last Receipt of Information from Applicant:	15/06/2015
Original Statutory Determination Date:	14/07/2015

PROPOSAL

Council is in receipt of a Material Change of Use (Impact Assessable) application for a Development Permit to establish a Home Based Business (Weightlifting Facility) at the premises located at 28 Rifle Range Road, Mount Marlow, also described as Lot 8 SP208358.

Pursuant to the *Whitsunday Shire Planning Scheme 2009*, the subject site is located within the Rural Residential Zone. An application for a Home Based Business is Impact Assessable development if the development does not comply with the acceptable solutions of the Home Based Business Code, as is the case for this development.

The proposed use seeks to operate a Weightlifting Facility within the Rural Residential Zone of the *Whitsunday Shire Planning Scheme 2009*. The subject use can be further described as a non-profit organisation weightlifting organisation operating out of an existing shed on the premises. The subject shed has already been fitted out and the use currently exists.

The site is located approximately 10 kilometres northeast of Proserpine and 11.5 kilometres southwest of Cannonvale via Shute Harbour Road. The shed has an area of 110 square metres and is an “American Style Barn Shed”. The shed is setback a minimum of 15 metres off the south-eastern side boundary and approximately 30 metres off the southern side boundary. Access to the shed is gained via rifle Range Road.

Members will access the site via an existing driveway with the majority of members arriving by car utilising the informal car parking area that is provided in close proximity to the shed. The facility is managed by the owner along with six (6) qualified coaches. Only one (1) coach and the owner will be present on site during each training session. It is proposed that a maximum of 4-5 people will visit the site at any one time. All weightlifting training will be undertaken with the shed.

The proposed hours of operation are as follows:

Days	Hours of Training
Tuesday	4pm to 5.30pm
Thursday	4pm to 6pm
Friday	8am to 10.30am and 3.30pm to 5pm
Saturday	7am to 11am.

Whitsunday Weightlifting currently has 30 members and this number is expected to remain unchanged. Further, no special events will be held at the facility. All competitions conducted by Whitsunday Weightlifting will be held off-site at another venue.

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

SUBJECT SITE AND ADJOINING LAND USES

The site is surrounded by the following uses:

- To the east – Rural Residential zoned land and Shute Harbour Road;
- To the west – Rural and Rural Residential zoned land and Rifle Range Road;
- To the north – Rifle Range Road and Rural zoned land; and
- To the south – Rural Residential and Rural zone land.

STATE PLANNING MATTERS

1. State Assessment and Referral Agency (SARA)

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

2. State Planning Policy – July, 2014

There are no State Interests applicable to the application.

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 are applicable to the proposal.

Strategic directions – Strong Communities

The proposal assists in strengthening the Whitsunday and Proserpine community by providing a community activity that has an expressed demand. Providing a diverse range of fitness activities within a community is essential in ensuring the liveability of the region is retained and improved. The proposal aims to achieve this outcome through providing an alternative fitness option within the community that is not otherwise offered in the region. The proposal seeks to operate as a small scale use with a rural residential area. The hours of operation of the proposal have been conditioned to ensure conflicts do not result with surrounding residential uses.

Strategic direction – Infrastructure and Servicing

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

LOCAL PLANNING MATTERS

1. Desired Environmental Outcomes

Natural Environment

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

“land use and 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 proposal is considered to be sensitive and responsive to the natural environment in which it is located. The shed and car parking is surrounded by dense vegetation which is not intended to be removed as a result of the proposal. The weightlifting facility is within an existing ‘American barn style shed’ which has previously been constructed with all activities to occur within the shed.

Living and Working Environment

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

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

The proposal is considered to be of an appropriate size and scale to be compatible with the surrounding land uses. A maximum of 4-5 people will visit the site at any one time maintaining the low scale nature of the use. The potential for land use conflicts has been mitigated through the conditioning of the operating hours of the weightlifting facility along with additional landscaping to buffer the shed from the nearest adjoining property. The applicant has also indicated that rubber flooring has been installed to mitigate the noise created from weights dropping on the floor. All of the abovementioned actions are taken to appropriately mitigate any potential for land use conflicts to arise.

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

The proposed Weightlifting Facility has been established within an existing premises that has access to water supply, wastewater, electrical supply, communications and transport infrastructure. The proposal does not put additional demand on the regions infrastructure.

Community and Cultural Development

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

The proposal aims to provide a use that has an expressed interest within the community through a small scale operation. Weightlifting is a fitness alternative to the number of Gyms that operate in the region. The proposal has identified this demand and is providing the opportunity through a small scale use for the community to partake in the activity.

2. Overall Outcomes of Zone Code

The lot is zoned Rural Residential under the *Whitsunday Shire Planning Scheme 2009*.

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

- (a) the Rural Residential Zone identifies the rural residential nodes for the shire which can support low-density rural residential development and ensure that such development is not regarded as ad-hoc or dispersed rural residential development;
- (b) significant environmental, landscape and cultural values and features such as vegetated hillslopes are maintained and protected against adverse impacts;

- (c) the continuation of productive rural activity undertaken on adjacent rural zoned land is not compromised;
- (d) residential uses consist of low key development with residential densities no greater than one dwelling unit per hectare;
- (e) amenity of residential development not adversely affected by proximity to infrastructure such as air, road, rail and sea transport facilities;
- (f) residential uses have adequate road access to community infrastructure and services located within urban parts of the Shire;
- (g) residential neighbourhoods have a high level of internal permeability for vehicles, cyclists and pedestrians, and are well connected to local open space networks; and
- (h) uses are provided with a standard of road, potable water supply and effluent disposal facilities which maintain a semi-rural character and minimises adverse environmental impacts.

The proposal is considered to be consistent with the overall outcomes of the Zone Code. The subject use does not propose ad-hoc or dispersed rural residential development and is proposing a low-density use consistent with the Rural Residential Zone. The proposal is located on a 1.608 hectare allotment with suitable room to accommodate for the proposed use in a low key manner. The subject site is located within a rural residential node which has direct access to Rifle Range Road off Proserpine Shute Harbour Road offering ease of access and not requiring vehicle movements along smaller order roads. The proposed Weightlifting Facility has been established within an existing premises that has access to water supply, wastewater, electrical supply, communications and transport infrastructure. The proposal does not put additional demand on the regions infrastructure.

3. Overall Outcome of Overlay Code

Natural Hazards Overlay Code - Bushfire

The subject site has been identified as containing land of a medium bushfire risk. The shed the use is proposed to be operated in has previously been constructed and certified by a private building certifier. As the proposal has a gross floor area greater than 50 metres square a condition of approval has been included requiring the proposal to have accessible on-site water storage of not less than 5,000 litre capacity in the form of a water tank with a standard rural fire brigade fitting (50mm cam lock).

Economic Resources Overlay – Good Quality Agricultural Land

The subject site has been identified as containing Good Quality Agricultural Land. As the shed the use proposes to operate within is existing the proposal is considered not to reduce the utility and productive capacity of the Good Quality Agricultural Land on the site.

Conservation Areas Overlay - Essential Habitat (100 Metre Buffer Zone)

The subject site has been identified as being located within the 100 metre buffer zone for essential habitat. The proposal is to be located within an existing shed with no physical changes to result from the application. As such, it is considered the proposal appropriately addresses the overlay code.

4. Specific Outcomes of Zone and other Codes

Rural Residential Zone Code

The Rural Residential Zone includes those areas that are intended to retain Rural Residential style living on large acreage allotments with a limited range of services, infrastructure and access. These areas are characterised as having a rural or semi-rural character and amenity on land considered unsuitable for agricultural production, but which can provide residential diversity and housing choice.

The proposal is considered to be consistent with the Rural Residential Zone Code. The predominant use of the property is for rural residential purposes. A dwelling house is located approximately 33 metres from Rifle Range Road and gains access directly to Rifle Range Road. The existing shed is also accessed via Rifle Range Road with an informal parking area located in front of the shed. The shed is connected to rainwater tanks and electricity. The existing dwelling and associated outbuildings are compatible with the rural residential character of the immediate. The proposed development does not result in any adverse effects in regards to existing infrastructure and community facilities.

Home Based Business Code

The proposal is considered to be generally consistent with the Home Based Business Code. The predominant land use of the site is rural residential and the outward appearance of the existing dwelling house is maintained. The proposed weightlifting facility will be conducted internally within an existing shed on the property. There will be no external storage outside of the shed. The car parking area utilised by the use is in front of the weightlifting shed, substantially screened from Rifle Range Road. The weightlifting facility does not propose to display any signage to advertise the use. There will be no commercial vehicles parked on the premises as a result of the use and there will be no increase in waste generated. In order to ensure the noise levels generated by the use are not greater than which is normally associated with a detached house a condition of approval has been included restricting the hours of operation ensuring the use is not conducted in the early hours of the morning or late in the evening. These hours slightly exceed the home based business code, however, due to the nature of the use, the total number of hours the use is operating each week and the noise mitigation measures undertaken by the applicant Council officers determine this to be a minor noncompliance. The applicant in the response to the further information request has indicated rubber flooring has been installed within the shed and additional landscaping has been planted surrounding the shed. Only one (1) coach and owner of the property will be present on site during training sessions. A condition of approval has been included limiting the number of people visiting the site per training session to five (5).

General Development Code

The proposal is considered to be consistent with the General Development Code. An existing driveway off Rifle Range Road services the shed the proposal is to be located within. The site is considered large enough to accommodate the required car parking spaces. The proposed use will accommodate a maximum of five (5) visitor car parking spaces. All visitor cars will be parked in front of the shed where a large area is available for required vehicle turnaround and parking. The existing access from Rifle Range Road is not of adequate standard for the number of vehicle movements. A condition of approval has been included to upgrade the external access to R0035. A condition of approval has also been included to ensure all car parking spaces provided comply with AS2890. The shed is connected to potable water supply (rainwater tanks) and electricity. No further service connections are required.

5. Adopted Infrastructure Charges Resolution

Infrastructure Charges do not apply this development.

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 supports the strategic outcome of the planning scheme to enhance the life-enriching (educational, health, cultural

and recreational) capacities of the community for present and future generations by establishing a use within the community which is otherwise not provided.

Strategic Intent:

The proposal is considered to be consistent with the strategic intent of the Draft Whitsunday Regional Council Planning Scheme through supporting a prosperous, liveable and sustainable region where people live, work, play and invest. The proposal is located within an established rural residential node offering a low order use consistent with the surrounding area. The proposal is not considered to cause conflict with the regions other strategic intents.

Proposed Zone:

Under the Draft Whitsunday Regional Council Planning Scheme the proposal is located in the rural residential zone. The defined use under the draft scheme is home based business. A home based business within the rural residential zone is a consistent use within the zone. The proposal is considered to generally comply with the rural residential zone and is not considered to disturb the rural residential character and amenity of the surrounding locality.

Applicable Overlays:

Under the Draft Whitsunday Regional Council Planning Scheme the proposal is impacted on by the following overlays: bushfire hazard overlay and environmental significance overlay. The proposal is located within an existing shed on the premises and compliance with the applicable overlay codes is considered to be achieved.

Level of Assessment:

Under the Draft Whitsunday Regional Council Planning Scheme the level of assessment for a home based business in the rural residential zone is code assessable. The level of assessment under the *Whitsunday Shire Planning Scheme 2009* is code assessable. The proposal, however, is impact assessable under both planning schemes as the proposal does not comply with a performance outcome of the home based business code for each scheme.

Applicable Codes:

Under the Draft Whitsunday Regional Council Planning Scheme the proposal is to be assessed under the following codes: home based business code, rural residential zone code and infrastructure code. It is considered the proposal is generally consistent with the applicable codes and can be conditioned accordingly to achieve compliance.

PUBLIC NOTIFICATION, SUBMISSIONS AND REPRESENTATIONS

The development application was placed on public notification between 20 May 2015 and 12 June 2015 in accordance with the relevant provisions of the *Sustainable Planning Act 2009*. The Notice of Compliance was received on 15 June 2015. Two (2) submissions were received during this period of Public Notification.

Submission have been received and summarised in the below table:

Issue	Comment/Condition Number
1. Incorrectly defined as a Home Based Business	It is acknowledged the proposed development is not located within the dwelling house, however, the proposed use is subservient to the primary use of the site as a dwelling house and is considered will

	<p>not cause nuisance or annoyance. It is considered the proposed home based business will not adversely impact on the residential amenity, character and nature of the area. Moreover the use is not such that can be classified a commercial use. All coaches are volunteers and the club is a not for profit organisation.</p> <p>An application for an “undefined use” for weightlifting shed would have also been impact assessable, hence requiring the same assessment, but without particular use code assessment.</p> <p>It is also acknowledged the proposal does not comply with all code assessable outcomes of the home based business code, hence the level of assessment of the proposal is impact assessable. While this use is, in some aspects, is not consistent with the use code it is considered the proposed development is appropriately located to provide a convenient small scale facility without impacting on the character and amenity of the surrounding rural residential area. It is considered the subject site is large enough to allow for a facility outside the dwelling footprint, including appropriate buffers and services. Further it is considered through appropriate conditioning the use can mitigate all further concerns raised.</p>
2. Number of employees	<p>All coaches for the proposal are volunteers with the proposed use only having one (1) employee, the owner of the property. A condition of approval has been included limited the number of people on site at one time to five (5) people. A condition of approval has also been included requiring the owner of the property to be present during all training sessions.</p>
3. Hours of operation	<p>The applicant has proposed hours of operation that slightly exceed the home based business code, however, due to the nature of the use, the total number of hours the use is operating each week and the noise mitigation measures undertaken by the applicant Council officers determine this to be a minor noncompliance. A condition of approval has been included ensuring the use only operates within the approved hours. It should be noted these hours of operation are not within the early morning or late evening.</p>

4. Number of vehicle movements and risk to children	It is proposed that a maximum of five (5) people will visit the site at any one time during the approved hours of operation. Given the limited times of training hours Council officers consider traffic generated by this development to be minor and within the bounds of rural residential traffic movements. The proposal does not increase the risk to children in the area.
5. No toilet facilities provided	A condition of approval has been included requiring the proposal to acquire Building Approval prior to the commencement of the use. Within acquiring this approval the applicant will be required to address toilet facilities.
6. No water source to assist in firefighting	As the proposal has a gross floor area greater than 50 metres square a condition of approval has been included requiring the proposal to have accessible on-site water storage of not less than 5,000 litre capacity in the form of a water tank with a standard rural fire brigade fitting (50mm cam lock).
7. Placement of the Public Notification sign	The sign had been positioned in accordance with the <i>Sustainable Planning Regulation 2009</i> during the period of Public Notification.
8. Noise	A condition of approval has been included requiring the noise emitted by the use of the premises to not exceed ten (10) decibels greater than the background noise levels at the site boundary. The applicant has indicated in the supporting material provided 50mm thick rubber flooring has been installed on all lifting areas. A condition of approval has been included requiring the owner to maintain the rubber flooring at all times and for all lifting to activities to be undertaken over the 50mm thick rubber flooring. To further mitigate any noise created by the use the applicant has planted landscaping surrounding the shed. A condition of approval has been included requiring the applicant to maintain this landscaping. The abovementioned works carried out by the applicant and conditions provided are considered to appropriately mitigate noise levels created by the use.

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

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

CONSULTATION

Matthew Twomey – Town Planner (Author)

ATTACHMENTS

Appendix Item 1 – Locality Plan
Appendix Item 2 – Proposal Plan
Appendix Item 3 - Submissions
Appendix Item A – Conditions of Approval

12. Planning and Community Services

12.3 APPLICATION TO CONDUCT PEDI-CAB SERVICE - AIRLIE BEACH

RECOMMENDATION

That Council approve an application to conduct Pedi-cab services at Port of Airlie and Broadwater Avenue subject to Whitsunday Regional Council Local Law No. 1 (Administration) conditions set out in Appendix Item 1.

That Council note the approval from the Department of Transport and Main Roads to use Pedi-cabs on Shute Harbour Road and Waterson Way.

**Appendix Item 1 – Proposed Conditions
Whitsunday Regional Council Local Law No.1 (Administration) 2014**

1. For the purpose of schedule 8 section 5 and 6 Whitsunday Regional Council Subordinate Local Law No. 1 (Administration) 2014

Conditions imposed will–

- (a) the approval holder must comply with the standard public liability insurance condition;
- (b) activities will be conducted to specified days and times, as specified in the application;
- (c) prohibit or limit activities under the approval during periods of poor visibility;
- (d) the activities will be conducted to the specific location or to a specified area, as specified in the application;
- (e) the holder of the approval will take specified measures to protect the safety of persons who may be involved in, or affected by, the activities authorised by the approval;
- (f) the holder of the approval will take specified measures to ensure that the activities authorised by the approval do not cause a nuisance;
- (g) if the approval relates to an activity on a road—require the approval holder to indemnify the State;
- (h) if the approval authorises the approval holder to use a specified part of a local government controlled area or road for carrying on a business –
 - (i) pay rental specified in the approval to the local government at specified intervals; and
 - (ii) maintain the area where the activity takes place in clean, tidy and orderly condition.

For all approvals, the conditions that will ordinarily be imposed on an approval are that the approval holder may–

- (a) permit access to local government staff or contractors at all times to inspect or service facilities;
- (b) carry out the activity in accordance with any standards of the local government applicable at the time of the approval;
- (c) conduct the activity only on the days and times, and at the specific locations or areas, specified in the approval;

- (d) display the approval in the ways stated in the approval and produce the approval for inspection on demand by an authorised person;
- (e) comply with a requirement to submit the business, vehicle or premises to be inspected by an authorised person;
- (f) maintain a defined access point for emergency vehicles at all times;
- (g) maintain a clear unobstructed pedestrian corridor of not less than 2 metres or, in the case of high usage footpaths, a distance greater than 2 metres stipulated in the approval;
- (h) comply with relevant workplace health and safety requirements;
- (i) be responsible for any costs or expenses incurred by local government for rectifying any damage caused by the activity;
- (j) not interfere with, paint, permanently mark, damage or remove any buildings, structures, fixtures, fittings or facilities provided by local government;
- (k) not erect any permanent or temporary buildings, signs or structures upon the approved activity area without the written consent of the local government;
- (l) ensure that litter is collected and lawfully disposed at a local government waste transfer station;
- (m) ensure that cleaning, maintaining or repairing any vehicle, except for emergency repairs, is prohibited;
- (n) ensure that its customers and all other persons undertaking the activity are accompanied and supervised by a person holding a recognised first aid certificate and all other certifications required by any State or Commonwealth authority;
- (o) accept full responsibility for the safe transportation of customers and all other persons undertaking the activity;
- (p) provide information, explanations, cautions and warnings to customers and all other persons undertaking the activity regarding the hazards likely to be encountered by them when the activity is undertaken;
- (q) ensure that any motor vehicle used in connection with the activity, complies with all safety requirements and regulations and are operated in accordance with requirements, guidelines or recommendations published from time to time by the manufacturer or any State or Commonwealth authority.

The following report has been submitted for inclusion in Council's Ordinary Meeting to be held on 9 July, 2015 by Council's Planning and Community Services Department.

BACKGROUND

At an Ordinary Council Meeting held on 29th April 2015 Council resolved the following:-

The Council refuse an application to conduct pedi-cab services from Port of Airlie to Coral Sea Resort along the Esplanade and Main Street, Airlie Beach as the activity will unduly interfere with the proper use of the road and cause a nuisance, inconvenience and annoyance to drivers and pedestrians.

The Applicants have re-submitted an amended application pertaining to the proposed route.

It is proposed the route will be from Port of Airlie to Coral Sea Resort via Main Street past Brumbies Bakery travel along Waterson Way around the starfish roundabout to Broadwater Avenue and return.

The application notes the pedi-cabs can carry three passengers and one driver and are both pedal and motor operated with a top speed of 40 klms per hour.

It is proposed the activity will operate from 7.00am to 5.00pm however the applicant has advised they may wish to extend the hours to 9.00am to 9.00pm daily with a focus on transporting tourists and passengers arriving on Cruise Ships.

REPORT

In accordance with the Whitsunday Regional Council Local Law No.1 (Administration) 2014 - Part 9 – The local government may, grant an approval for an application to undertake a prescribed activity only if it is satisfied that -

- the proposed operation and management of the prescribed activity would be consistent with any additional criteria prescribed for the activity under a subordinate local law

Furthermore as set out in the Whitsunday Regional Council Subordinate Local Law No.1 (Administration) 2014 – Schedule 8 – Commercial use of local government controlled areas and roads – Part 4 – Additional criteria for the granting of approvals -

- (1) The activities for which the approval is sought would not unduly interfere with the proper use of the road; and
- (2) The likelihood of the use causing nuisance, inconvenience and annoyance to the occupiers of the adjoining land, vehicular traffic or pedestrians.

Advice received from the Department of Transport and Main Roads includes the following:-

Transport and Main Roads (TMR) advises that the proposed pedi-cab, with inclusion of a 200 watt max. power electric motor, appears to comply with current legislation as an "exempt vehicle" for registration purposes.

TMR has no objection to this proposed activity / usage being undertaken on the local and state-controlled road networks unless it is already otherwise not permitted by legislation or local law.

TransLink advise that they do not have any jurisdiction regarding passenger transport operations for any vehicle that does not require registration.

These vehicles are not allowed to advertise in any way that suggests they are a taxi. This includes placing any signage on the vehicle that implies they are a taxi.

The proposed vehicle is constructed with a 500 watt electric motor. It will have to be modified to a maximum of 200 watts to ensure compliance with state legislation and checked accordingly. The Queensland Police may be able to assist in this matter.

Given the arterial function of Proserpine-Shute Harbour Road (Waterson Way), TMR considers that this proposed enterprise, would be safer and better serve tourists, by operating where vehicle speeds are significantly less and where tourists are more prevalent.

It is considered the proposed activity of conducting Pedi-cab services from Port of Airlie to Coral Sea Resort via Main Street past Brumbies Bakery travel along Waterson Way around the starfish roundabout to Broadwater Avenue and return would:-

- 1) Not unduly interfere with the proper use of the road; and
 - 2) Not cause nuisance, inconvenience or annoyance to the occupiers of the adjoining land, vehicular traffic or pedestrians; and
 - 3) Not affect the amenity of the surrounding area; and
 - 4) Not affect the local environment and any risk of pollution or other environmental damage; and
 - 5) Not affect other activities or other existing commercial businesses in close proximity.
- It is further considered the quality and condition of the equipment is appropriate to conduct the proposed activity.

STATUTORY MATTERS

Whitsunday Regional Council Local Law No.1 (Administration) 2014.

Whitsunday Regional Council Subordinate Local Law No.1 (Administration) 2014 (Schedule 8)

CORPORATE PLAN REFERENCE

Prosperity

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

OPERATIONAL PLAN REFERENCE

Prosperity

Strategies

1. ***Ensure a regulatory environment which is business friendly and considerate of business needs.***
7. ***Promote the continued diversification of the tourism sector.***

BUDGET REFERENCE

02030.0110.0130 – Parking & Other Ranger Services – User Fee & Charges – Other Revenues.

CONSULTATION

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

ATTACHMENTS

Appendix Item 1 – Proposed Conditions – Whitsunday Regional Council Local Law No. 1 (Administration) 2014

12. Planning and Community Services

12.4 DEVELOPMENT ASSESSMENT - MONTHLY PERFORMANCE REPORT - JUNE 2015

RECOMMENDATION

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

The following report has been submitted for inclusion in Council's Ordinary Meeting to be held on 9 July, 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 June, 2015.

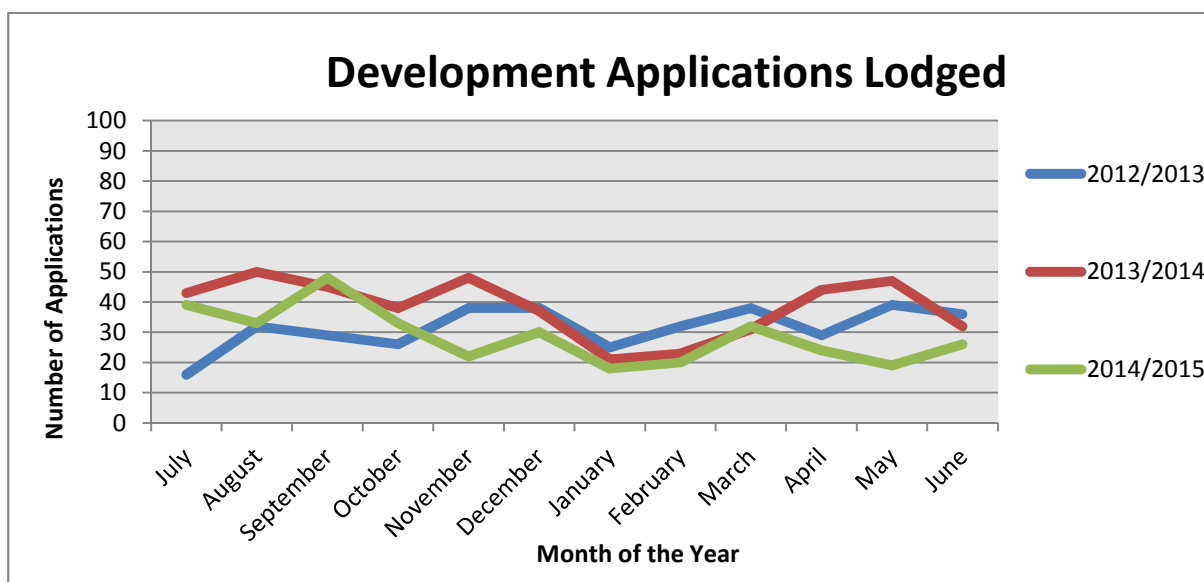
Development Applications Lodged

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	26
TOTAL	378	459	344

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.



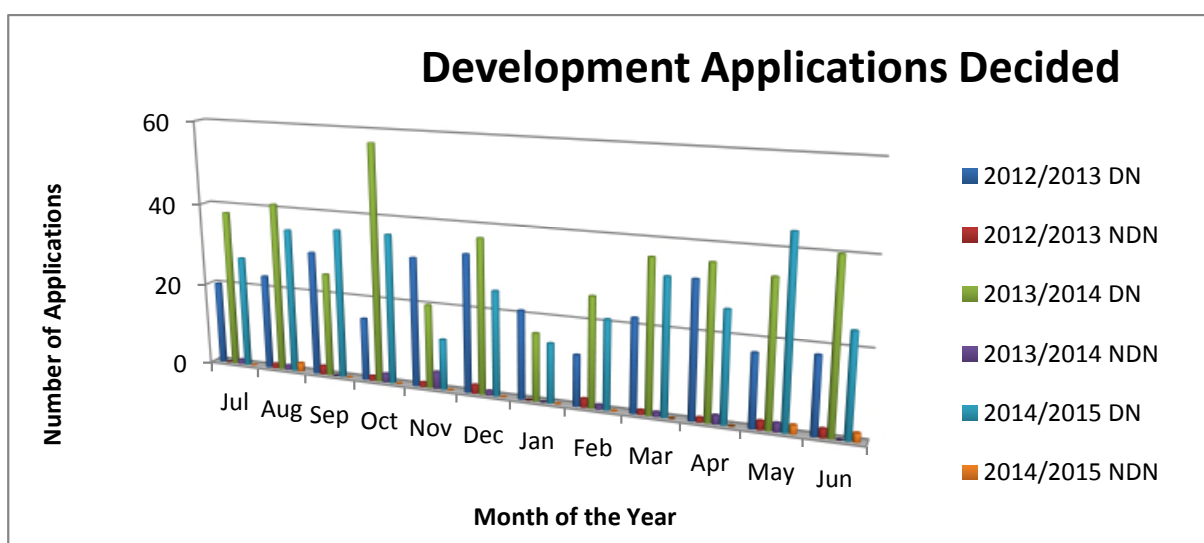
Development Applications Decided

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	24	2
Subtotal	274	15	406	15	332	6
TOTAL		289		421		338
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*).

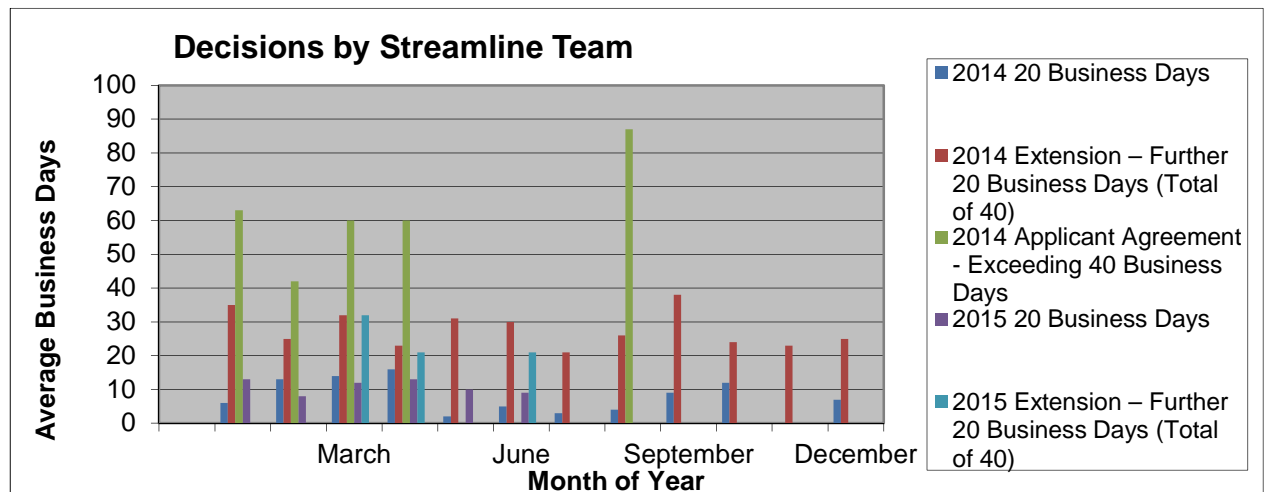
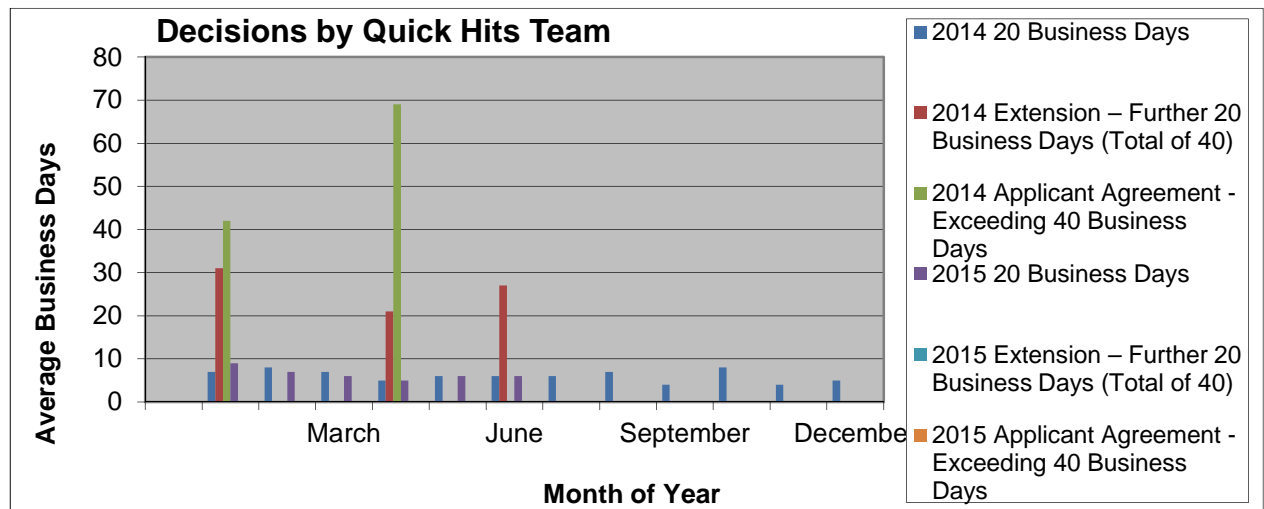
This period can be extended by the assessment manager subject to written notice being given to the applicant. This extension does not require the applicant's agreement to extend the decision making period provided it is not more than twenty (20) business days.

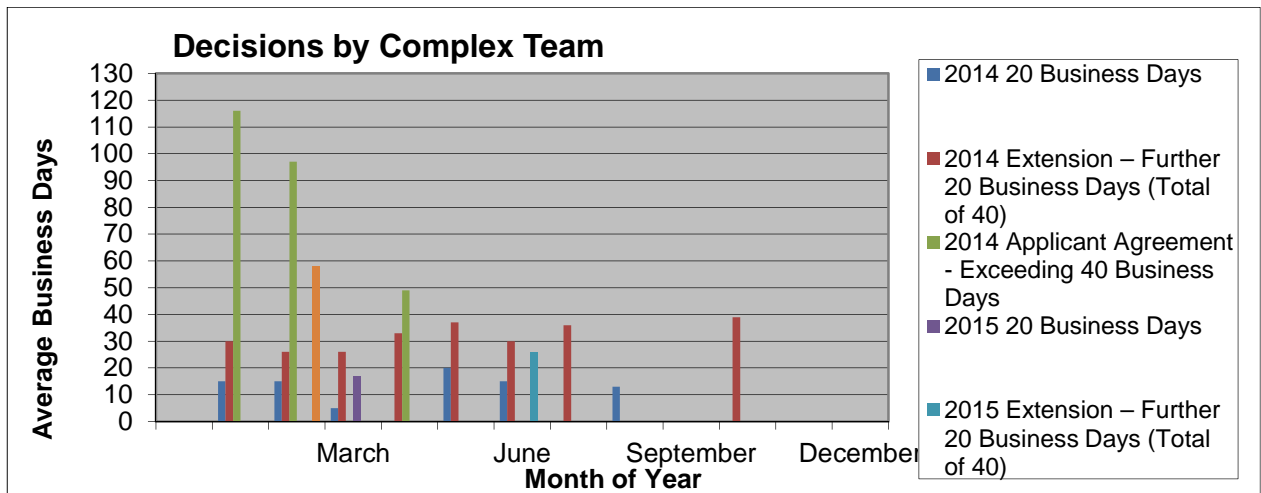
Should the assessment manager require further time to decide an application, written agreement must be provided by the applicant for any further extensions of the decision making period.

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	\$0.00	\$0.00	\$5,297.11	\$0.00	\$5,297.11
TOTAL	\$548,496.29	\$819,847.62	\$203,399.46	\$686,781.57	\$311,877.55	\$2,570,402.49

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	\$0	\$0	\$0	\$0	\$0	\$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	\$182,952.71	\$0	\$0	\$36,291	\$960,500	\$0	\$1,506,363
Jun	\$0	\$0	\$0	\$7,860.00	\$0	\$0	\$0
TOTAL	\$3,350,714	\$0	\$848,556	\$5,373,168	\$960,500	\$21,854	\$10,544,792

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	2	0	0	0	0	0	2
TOTAL	40	1	76	101	24	72	314

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	0	0	0	0	0	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	\$971,771.47	\$134,228.53
Expenditure	\$1,595,000	\$1,470,507.83	\$124,492.17

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 \$256,548 for the month of June, 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. Judgement Deferred. Appeal Re-opened due to Argyle Park Road Upgrade

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.
20140638	D3 of 2015	M L Baxter	Submitter Appeal Against Approval of Development Application for Material Change of Use for Dual Occupancy Further Appeal – Approval – Dwelling House	Lot 2 SP245743, 58 Horseshoe Bay Road, Queens Beach	Notice of Appeal received 03/06/2015. Tentative Mediation – Brisbane – 23 July, 2015
20130972	175 of 2015	Morris Corporation	Negotiated Decision Notice Approval – Development Permit for Material Change of Use – Additional 102 Accommodation Units	Lot 2 MPH30801, 8296 Collinsville Mt Douglas Road, Collinsville	Notice of Appeal received 15/06/2015. Awaiting Mediation Date.

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 BOWEN STATE HIGH SCHOOL DONATION REQUEST - NQ CHALLENGE GAMES

RECOMMENDATION

That Council approve a donation of \$500 to the Bowen State High School to support the attendance of a group of students with a disability at the North Queensland Challenge Games in Townsville from 29 – 31 July 2015.

The following report has been submitted for inclusion in Council's Ordinary Meeting to be held on 9 July 2015 by Council's Planning and Community Services Department.

BACKGROUND

The NQ Challenge Games is an annual sporting event for students with disabilities with some 800 participants from across North Queensland involved in 2014. The games are run over two days involving a wide range of sports and other fun activities and can lead to higher representative opportunities.

REPORT

The Bowen State High School is seeking financial assistance to help minimise the costs associated with taking the students to Townsville. The school will be sending some 20 students and approximately 5 teachers/supervisors to the event. Given the limited opportunities for students with disabilities in our region to interact with other children with similar conditions, this event can provide a range of benefits for the students.

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

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 Catherine Morris (HO SES), on behalf of Bowen State High School, dated 19 May 2015.

12. Planning and Community Services
12.6 REQUEST FOR FEE WAIVER - LATIN MADNESS INC

RECOMMENDATION

That Council waive the New Licence application fee of \$255.00 and the Annual Licence fee of \$192.00 for Use of Local Government Controlled Areas, Facilities and Roads for Latin madness Dance classes, limited to the Airlie Beach foreshore.

The following report has been submitted for inclusion in Council's Ordinary Meeting to be held on 9 July, 2015 by Council's Planning and Community Services Department.

BACKGROUND

Latin Madness is a Not for Profit Club that holds Latin Dance classes. The club is run by volunteers and held twice weekly Latin dance classes that are open to anyone.

REPORT

Whitsunday Regional Council is in receipt of a letter from Jane Streeter President of Latin Madness Inc. dated 10 May 2015 with a request to waive the new licence fee of \$255 and the annual fee of \$192 (attached).

Latin Madness would like to hold monthly outdoor dance nights in a public venue so that they can have maximum exposure along the foreshore in Airlie Beach, with the plan to do free 30 minute "Merengue" classes that anyone can join in, followed by social dancing.

CONCLUSION

As they are a not-for-profit club, the fees associated with the application is beyond the club's budget especially as the dance nights will be free. Latin Madness Inc. would greatly appreciate the fees for this council permit be waived to help support this positive program that will provide a service to the Whitsundays, increasing the joy that such an event can add to a visitor's holiday here.

STATUTORY MATTERS

Local Law No. 4 - Local Government Facilities and Areas Local Law 2014

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

WO 2967

CONSULTATION

Jacqueline Neave – Arts & Culture Officer (Author)
Dan Staley – Director of Planning and Community Services
Julie Wright – Manager of Health & Environment

ATTACHMENTS

Appendix Item 1 - Letter dated 10 May 2015 received from Jane Streeter, President - Latin Madness.

13. Engineering Services

13.1 INSTALLATION OF MANGO SCULPTURE BOWEN FRONT BEACH

RECOMMENDATION

That Council approves the installation of the Mango at the Bowen Sound Shell in the location as indicated on the drawing attached.

The following report has been submitted for inclusion in Council's Ordinary Meeting to be held on 9 July 2015 by Council's Engineering Services Department.

BACKGROUND

At the Council meeting dated 11 June 2014 Council resolved to approve the installation of a mango at Front Beach Bowen subject to the following conditions:-

“Council resolve to approve the installation of a mango sculpture at Front Beach Bowen subject to the following conditions:-

- a. All installation and maintenance costs will be paid by Tourism Bowen,*
- b. The mango sculpture and footings/braces will be installed in accordance with the plans and information submitted to Council on behalf of Tourism Bowen on 12 May 2014,*
- c. The mango sculpture and footings/braces will be maintained in a good state of repair at all times,*
- d. The mango sculpture will not impede any vehicular or pedestrian movement along Front Beach pathways,*
- e. All lighting used to illuminate the mango sculpture must be angled or shaded in such a manner that the light does not cause a nuisance,*
- f. The power source for electricity to install and light the mango sculpture must not be used unless authorised by the local government,*
- g. Tourism Bowen must indemnify the local government, to the satisfaction of the local government, against any liability which may arise as a result of approved activity,*
- h. The installation of the mango sculpture must comply with any relevant provisions of the Workplace Health and Safety Act 1995 and Building Act 1975,*
- i. Tourism Bowen must take out a public liability insurance policy to the value of twenty million dollars (\$20,000,000.00) with Whitsunday regional Council being endorsed as an interested party,*
- j. Interpretive signage regarding the mango must be exhibited in close proximity to the sculpture,*
- k. The mango is to be filled with a material/substance to ensure solidity and reduce the chance of the sculpture being damaged and subsequently breaking up into pieces,*
- l. That Council will determine the ultimate position and location of the sculpture installation adjacent to the Tourism Bowen information booth located at Front Beach Bowen,*

- m. *The mango sculpture must be installed and maintained in accordance with Whitsunday Regional Council Local Government Facilities and Areas Local Law 2011.*”

REPORT

Bowen Tourism started with the installation of the Mango in the location as outline in the building approval. To date the base and footing bolts has been installed. It has been brought to Councils attention that the location of the Mango might be problematic during large events and will obstruct access for delivery vehicle during these events.

An onsite meeting was conducted on the 2 July 2015 by Council officials to investigate the validity of the complaints regarding the position of the Mango. The current arrangement during large events is that the delivery vehicles use the entrance on the roadside of the sound shell to deliver sound equipment. These vehicles have got limited access to the sound shell from the northern side of the building as not enough space is available for vehicle turning movements.

From the onsite inspection it is suggested that the position where the Mango is due to be installed be moved approximately six meters to the west of the current position. This will allow for deliveries to the sound shell to take place. It is furthermore suggested that the current barrier kerb be removed and replaced by a mountable kerb to allow easier access for deliveries.

The Roads and Drainage section will relocate the existing base and footing bolts to the new location as soon as possible to allow for the installation of the Mango before the Super Boat Challenge on the 17 -19 July 2015.

STATUTORY MATTERS

Whitsunday Regional Council Local Government Facilities and Areas Local Law 2011 Section 20

CORPORATE PLAN REFERENCE

Prosperity

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

OPERATIONAL PLAN REFERENCE

Prosperity

Strategies

- 8. Promote living, investing and shopping locally.***
- 9. Encourage the retention of existing local industries and businesses and the development of emerging industries and businesses.***

BUDGET REFERENCE

Roads and Drainage operating budget

CONSULTATION

Hennie van der Schyff - Executive Manager of Roads and Drainage (Author)
Jamie Thorley – Executive Manager of Planning & Development
Julie Wright – Manager of Health and Environment
Ken McLoughlin – Chief Operating Officer
Mayor Jennifer Whitney

ATTACHMENTS

Appendix Item 1 – Site Plan