



Minutes of the Ordinary Meeting held on 08 April 2015



Council's Guiding Principles:

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



Whitsunday Regional Council
**Minutes of the Ordinary Meeting held at
The Palm House, 25-29 Shute Harbour Road, Cannonvale on
08 April 2015 commencing at 9:00am**

Councillors Present:

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

Council Officers Present:

S Waters (Chief Executive Officer); M McGoldrick (Chief Financial Officer); K McLoughlin (Chief Operating Officer); G Jarvis (Director Corporate Services); J Thorley (Executive Manager Planning and Development); H Van Der Schyff (Executive Manager Roads & Drainage); A McGregor (Executive Manager Water & Sewerage); K Adams (Communications Manager); B Davis (Administration Officer); E Youd (Councillor Support Officer)

Other Details:

The meeting commenced at 9.00am

The meeting adjourned for morning tea and citizenship at 10.40am

The meeting reconvened after morning tea at 11.03am

The meeting closed at 11.05am

Whitsunday Regional Council
 Minutes of the Ordinary Meeting to be held at
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2.	CONDOLENCES.....	6
2.1	2015/04/08.01 Condolences	6
3.2	MAYORAL UPDATE	6
4.	CONFIRMATION OF MINUTES	7
4.1	2015/04/08.02 Confirmation of Minutes	7
9.	QUESTIONS FROM PUBLIC GALLERY	8
10.	OFFICE OF THE MAYOR AND CEO	9
10.1	2015/04/08.03 Whitsunday Isaac Mackay Water Alliance (WIM)	9
10.2	2015/04/08.04 Partnership Request - Bowen Gumlu Growers Association Inc	9
10.3	2015/04/08.05 Identification of Significant Business Activities	10
11.	CORPORATE SERVICES.....	10
11.1	2015/04/08.06 Review of Policy - Financial Authorisations Policy	10
12.	PLANNING AND COMMUNITY SERVICES.....	10
12.1	2015/04/08.07 20150129 - Application for conversion to Freehold of Term Lease 0/218436 described as Lot 1 on SB24 and Lot 3 on SB30	10
12.2	2015/04/08.08 20150030 - Development Application for Development Period for Reconfiguration of a Lot - One (1) Lot into Two (2) Lots - 1 Braithwaite Court - K Miles and M McNaughton C/- WSG Whitsunday Surveys	11
12.3	2015/04/08.09 20140145 - Development Application for Development Permit for Material Change of Use (Dual Occupancy) and Reconfiguration of a Lot - One (1) Lot into Two (2) Lots - 6 Beth Court Cannonvale - Nicholas Benton C/- Vision Surveys	13
12.4	2015/04/08.10 20080026 - Request for Extension of Relevant Period - Development Application for Reconfiguration of a Lot - Part A and Part B and Clearing of Native Vegetation - Armarda Cres Jubilee Pocket - Price Waterhouse Cooper C/- Vision Surveys Qld Pty Ltd	20

12.5	2015/04/08.11	20150094 - Development Permit for Material Change of Use for Showroom and Retail Shop - 42 George Street Bowen Lot 118 B662 - Bickgo Investments Pty Ltd P/L Trading As Gordon Bickhoff Family Trust	20
12.6	2015/04/08.12	Request for Financial Support for the Collinsville Bacon Busters Competition 2015	21
12.7	2015/04/08.13	Request for Financial Support for Bowen State School - 150th Anniversary Celebrations 2015	21
12.8	2015/04/08.14	20140869 - Request for refund of Development Application fees - Development Permit for Operational Works (Drainage Works) 333 Crystalbrook Road Proserpine - Proserpine Junior Sporting Complex Association	22
12.9	2015/04/08.15	Applications to operate Aqua Parks in the Airlie Beach area	22
13.	ENGINEERING SERVICES		22
13.1	2015/04/08.16	Engineering Services Water and Sewerage Department Monthly Operational Performance Report January and February: Water	22
13.2	2015/04/08.17	Engineering Services Water and Sewerage Department Monthly Operational Performance Report January and February: Sewerage	23
15.	GENERAL BUSINESS		23
15.1	2015/04/08.18	Front Beach Land - Santa Barbara Parade, Bowen	23
16.	PROCEDURAL MOTION		24
16.1	2015/04/08.19	Procedural Motion - Closure of Meeting	24
16.2	2015/04/08.20	Procedural Motion – Reopening of Meeting	24
16.3	2015/04/08.21	Procedural Motion – Adjournment	25
16.4	2015/04/08.22	Procedural Motion - Reconvene	25

14.1 CONFIDENTIAL MATTERS – OFFICE OF THE MAYOR AND CEO	25
14.1.1 2015/04/08.23 Moore Stephens Review - Airlie Beach Main Street	25
14.2 CONFIDENTIAL MATTERS - CORPORATE SERVICES.....	26
14.2.1 2015/04/08.24 Arrangement for Payment of Rates for Assessments 1102027, 1201416, 1206903, 1201762, 1201789, 1101856, 1101857, 1101858, 1101859, 1101860, 1101861, 1101862 & 1101863	26
14.4 CONFIDENTIAL MATTERS – ENGINEERING SERVICES.....	26
14.4.1 2015/04/08.25 Road Hierarchy Plan	26

2. Condolences

2.1 2015/04/08.01 CONDOLENCES

Moved by: J CLIFFORD

Seconded by: D CLARK

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

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

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### 3.2 Mayoral Update

Wednesday  
25/03/2015

- All Councillors & Executive Council Staff attended the Council Meeting in Bowen
- Mayor attended a meeting with a Whitsunday ANZAC representative
- Mayor, Cr Clifford & Cr Atkinson attended dinner with AMP representatives

Thursday  
26/03/2015

- Mayor attended a Reef Catchments Board meeting
- Cr Clifford attended an Airlie Beach Chamber of Commerce meeting

Friday  
27/03/2015

- Mayor attended a meeting with an Ergon Representative
- Mayor, Cr Clifford & Cr Atkinson attended a VMR boat ramp meeting
- Mayor & Cr Clifford attended the launch of Dale Hell's book Volume No. 2

Saturday  
28/03/2015

- Mayor attended the Abbot Point Business Lunch with Minister Anthony Lynham

Monday  
30/03/2015

- Mayor & CEO attended a CTE meeting in Brisbane
- Cr Clifford, Cr Ramage & Cr Clark attended a CFMEU forum in Mackay

Tuesday  
31/03/2015

- Mayor & CEO attended a CTE meeting in Brisbane

Wednesday  
01/04/2015

- Mayor, Cr Clifford, Cr Atkinson, Cr Willcox, Cr Ramage & Cr Clark attended the Corporate & Engineering Services Briefing Session in Bowen

Thursday  
02/04/2015

- Mayor attended dinner with Mr Wang

Tuesday  
07/04/2015

- Mayor attended a Safe Night Airlie Beach CBD Inc. meeting
- Mayor and CEO attended a meeting with the Department of Environment & Heritage Protection

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4. Confirmation of Minutes

4.1 2015/04/08.02 CONFIRMATION OF MINUTES

Moved by: J CLIFFORD

Seconded by: J COLLINS

That the Minutes of the Ordinary Meeting held on 25 March 2015 be confirmed, subject to the following changes:

Page 16 Item 12.7 under meeting details change 'the amendment was carried 4/3' to 'the motion was carried 4/3'; and
Item 12.7 under the meeting details change 'the motion was carried 4/3' to 'the motion was carried 5/2'

Page 24 Item 13.1 change 'defeated 4/3' to 'defeated 3/4'
Item 13.1 change 'Cr Willcox called for a division' to Cr Clark called for a division

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

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## 9. Questions from Public Gallery

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### 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

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Name: Anthony Moscato c/- Whitsunday Ratepayers Association Inc.
Subject: Council Corporate Plan Strategies

Dear Mr Waters,

Re: Question From Public Gallery / Council Meeting Wednesday 8th April 2015.

Regarding Council Corporate Plan strategies can Council inform Whitsunday Ratepayers how it will share equitably the Shire resources and rates revenue to manage efficiently the growth and development occurring in the Whitsunday Region?

What are the respective contributions to the Shire revenue for each of the six Shire's Divisions from the following sectors:

- General Rates Levies.
- Water charges.
- Sewerage charges.
- Head-works Contributions.
- Other Developers contributions (off street parking contributions, etc...)
- Town planning fees, Building Department fees, ancillary community services revenue...

- Sale of Council Assets, Contracts, Recoverable works.

Yours Faithfully,

Anthony Moscato

Secretary Whitsunday Ratepayers Association Inc.

Response: Mr Moscato was thanked for his question and advised that he will receive a response at the next Council meeting.

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

**10.1 2015/04/08.03 WHITSUNDAY ISAAC MACKAY WATER ALLIANCE (WIM)**

**Moved by: J CLIFFORD**

**Seconded by: J ATKINSON**

**That Council adopt the Whitsunday Isaac Mackay Water Alliance (WIM) Terms of Reference and endorse the submission of the Final report of the WIM working group as part of the Queensland Water Regional Alliances Program (Q-WRAP) to the Queensland Water Directorate.**

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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10.2 2015/04/08.04 PARTNERSHIP REQUEST - BOWEN GUMLU GROWERS ASSOCIATION INC

Moved by: D CLARK

Seconded by: J CLIFFORD

That Council approve to be a Silver Partner of Bowen Gumlu Growers Association Inc and the partnership pledge of \$2,000 (excluding GST) be expensed to Council's Economic Development general ledger number.

MEETING DETAILS:

Cr Willcox declared a conflict of interest (as per section 173 of the Local Government Act 2009) on the matter of a relative being on the association and left the meeting room at 9.19am, taking no part in the debate or decision of the meeting.

Cr Willcox returned to the meeting at 9.20am

The motion was Carried 6/0

CARRIED

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**10.3      2015/04/08.05      IDENTIFICATION OF SIGNIFICANT BUSINESS ACTIVITIES**

**Moved by:                    J CLIFFORD**

**Seconded by:                J ATKINSON**

**That Council note the changes to the Local Government Regulation 2012 and that Council's Water and Waste Water Services is still a significant business activity as the annual expenditure exceeds the new legislated threshold.**

**MEETING DETAILS:**

The motion was Carried 5/2

**CARRIED**

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11. Corporate Services

11.1 2015/04/08.06 REVIEW OF POLICY - FINANCIAL AUTHORISATIONS POLICY

Moved by: A WILLCOX

Seconded by: J ATKINSON

That Council adopt the reviewed Financial Authorisations Policy.

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

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**12.            Planning and Community Services**

**12.1          2015/04/08.07          20150129 - APPLICATION FOR CONVERSION TO FREEHOLD OF TERM LEASE 0/218436 DESCRIBED AS LOT 1 ON SB24 AND LOT 3 ON SB30**

**Moved by:                    P RAMAGE**

**Seconded by:                J CLIFFORD**

**That Council advise the Department of Natural Resources and Mines that Council has no objection to Term Lease 0/218436 being converted to freehold subject to the following conditions:**

- The use of the land is for pastoral purposes; and

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

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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12.2 2015/04/08.08 20150030 - DEVELOPMENT APPLICATION FOR DEVELOPMENT PERIOD FOR RECONFIGURATION OF A LOT - ONE (1) LOT INTO TWO (2) LOTS - 1 BRAITHWAITE COURT - K MILES AND M MCNAUGHTON C/- WSG WHITSUNDAY SURVEYS

Moved by: J CLIFFORD

Seconded by: J ATKINSON

That Council in relation to the application for Development Permit for Reconfiguration of a Lot - One (1) Lot into Two (2) Lots, made by M K McNaughton & K Miles c/- WSG Whitsunday Surveys, on Lot 1 RP737340 and located at 1 Braithwaite Court Woodwark, approve the application subject to the conditions in Appendix A.

Appendix A – Conditions of Approval

1.0 ADMINISTRATION

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

Plan/Document Name	Prepared By	Plan Number	Dated
Proposal Plan	WSG	31033P01 Issue D	January 2015

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

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

1.4 The applicant shall demonstrate and provide evidence that compliance with all conditions of this development approval and any other subsequent development approvals as a result of this development approval have been complied with at the time of sealing the survey plan.

2.0 MAINTAINENCE VALUATION

2.1 The applicant must pay to Council a maintenance valuation fee per lot at the time of sealing of the survey plan at the rate applicable at the time of payment. The current rate is \$34.00 per lot.

3.0 ACCESS AND PARKING

- 3.1 The applicant must provide and maintain the external access from the pavement of Braithwaite Court to the property boundary of proposed Lots 11 & 12 to a sealed standard so as to comply as a minimum with the levels, dimensions and specifications as shown on Councils Standard Drawing R0035 prior to the signing of the Plan of Survey.
- 3.2 The applicant must provide and maintain the internal access from the property boundary through that section of the proposed Access Easement (EMT for Access) as indicated on the Proposal Plan 31033P01 Issue D to the western boundary of Proposed Lot 12 to a sealed standard prior to signing of the Survey Plans
- 3.3 The documentation for the proposed Access Easement must include statements with regard to ownership and responsibility for future construction and ongoing maintenance requirements of the sealed access within the Easement.
- 3.4 All Easement documentation must be provided free of cost to Council.

4.0 MISCELLANEOUS

- 4.1 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.
- 4.2 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.
- 4.3 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 onsite supervisor is to ensure that all contractors/employees take the necessary steps to secure the construction site in the event of a cyclone.
- 4.4 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 Braithwaite Court or adjoining land unless written permission from the owner of that land and Council is provided.
- 4.5 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.

5.0 ADVISORY NOTES

5.1 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.

5.2 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.

5.3 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.

5.4 Noise During Construction and Noise in General

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

5.5 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.

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

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

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**12.3      2015/04/08.09      20140145 - DEVELOPMENT APPLICATION FOR DEVELOPMENT PERMIT FOR MATERIAL CHANGE OF USE (DUAL OCCUPANCY) AND RECONFIGURATION OF A LOT - ONE (1) LOT INTO TWO (2) LOTS - 6 BETH COURT CANNONVALE - NICHOLAS BENTON C/- VISION SURVEYS**

**Moved by:                    D CLARK**

**Seconded by:                J ATKINSON**

**That Council in relation to the application for Development Permit For a Material Change Of Use Of Premises For Dual Occupancy & Reconfiguration Of A Lot - One (1) Lot into Two (2) Lots, made by N G Benton, on Lot 2 SP184783 and located at 6 Beth Court Cannonvale, approve the application subject to the conditions in Appendix A.**

## Appendix A – Conditions of Approval

### 1.0 ADMINISTRATION

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

| Plan/Document Name                                 | Prepared By                 | Plan Number            | Dated      |
|----------------------------------------------------|-----------------------------|------------------------|------------|
| Site Plan                                          | Steve Adler Building Design | 1217 A02               | 23/05/2013 |
| Ground Floor Plan – Unit 1                         | Steve Adler Building Design | 1217 A03               | 23/05/2013 |
| First Floor Plan – Unit 1                          | Steve Adler Building Design | 1217 A04               | 23/05/2013 |
| Elevations – Unit 1                                | Steve Adler Building Design | 1217 A05               | 23/05/2013 |
| Sections – Unit 1                                  | Steve Adler Building Design | 1217 A06               | 23/05/2013 |
| Ground & First Floor Plan Unit 2                   | Steve Adler Building Design | 1217 A07               | 23/05/2013 |
| Elevations – Unit 2                                | Steve Adler Building Design | 1217 A08               | 23/05/2013 |
| Sections – Unit 2                                  | Steve Adler Building Design | 1217 A09               | 23/05/2013 |
| Engineering Plans                                  | NJA Consulting Pty Ltd      | 12100-034-01           | 27/01/2015 |
| Plan of As Constructed Survey – Sewer Reticulation | Pioneer Surveys             | 3574-AC-SEWER-01 Rev E | 25/03/2008 |
| Plan of Proposed Lots 20 – 21                      | Vision Surveys              | 13384-PP1 Sheet 1      | 05/12/2013 |
| Site Analysis Plan                                 | Vision Surveys              | 13384-PP1 Sheet 2      | 05/12/2013 |
| Slope Analysis Plan                                | Vision Surveys              | 13384-PP1 Sheet 3      | 05/12/2013 |
| Landslide Risk Assessment                          | Cardno Bowler               | E140013                | 10/02/2014 |

- 1.2 Where a discrepancy or conflict exists between the written conditions of this approval and the approved plans, the requirements of the written condition(s) will prevail.
- 1.3 All conditions of this approval must be complied with in full to Council's satisfaction prior to the release of the survey plan or the commencement of the use, whichever is the sooner.
- 1.4 The applicant shall demonstrate and provide evidence that compliance with all conditions of this development approval and any other subsequent development approvals as a result of this development approval have been complied with at the time of sealing the survey plan or commencement of the use, whichever is the sooner.

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

- Operational Works:
  - Earthworks;
  - Access and Parking
  - Erosion and Sediment Control;
  - Stormwater drainage; and
  - Water Infrastructure;
  - Sewerage Infrastructure.
- Plumbing and Drainage Works;
- Building Works;

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

1.6 The Dual Occupancy development must be completed prior to the sealing of the plan of survey.

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

2.1 Any vegetation removed must be disposed of to the requirements of the Council. Transplanting, chipping or removal from site is the preferred solutions.

2.2 All vegetative waste cleared as part of the development of the site is to be either:

- a) stored neatly on site and shredded within sixty (60) days of clearing; or
- b) removed off the site to an approved disposal location.

2.3 Erect solid fencing, a minimum of 1.8 metres high, along the side and rear boundaries of the site. The fencing placed on the side boundaries of the site is to be stepped down from the end of the building line to the front boundary to a height of 1.5 metres.

2.4 Landscaping must be provided as indicated on the approved plan 1214 A02. The landscaping must comprise a mixture of shrubs, bushes and ground covers which achieve a 50% coverage within two years of planting.

2.5 Dense landscaping is to be provided from the Beth Court boundary to Unit 2 exclusive of any access easements or driveways in order to provide a visual buffer from the street front.

## **3.0 BUILDING**

3.1 Mailboxes for each unit must be provided on site, prior to the commencement of the use. Location of mailboxes should be in a clear position facing the street; and clear of obstacles (i.e. trees and shrubs). Mailboxes should demonstrate consistency with the standard required by Australia Post.

3.2 Ventilation and mechanical plant must be located and designed so that prevailing breezes do not direct undesirable noise and odours towards nearby residential accommodation.

3.3 All air-conditioning units are not to be visible from the street or adjoining properties and are to be aesthetically screened.

3.4 Building and landscaping materials are not to be highly reflective, or likely to create glare, or slippery or otherwise hazardous conditions.

3.5 Buildings are to be finished with external building materials and colours to reduce scale and bulk.

## **4.0 GEOTECHNICAL**

4.1 All site works must be designed by an experienced and qualified Geotechnical Engineer and undertaken in accordance with the recommendations of the Geotechnical Investigation and Slope Assessment report dated 10<sup>th</sup> February 2014 prepared by Cardno Bowler Pty Ltd.

- 4.2 All cut/fill batter slopes are to be protected and retained in a visually acceptable manner prior to commencement of the use. Any retaining structures must be designed in accordance with the recommendations of the Geotechnical Investigation and Slope Assessment dated 10<sup>th</sup> February 2014 prepared by Cardno Bowler Pty Ltd and supervised and certified during construction.
- 4.3 Upon completion of any Building Works and prior to Final Inspection Certificate, the owner must lodge with Council, a geotechnical engineer's certification (by an experienced and qualified geotechnical engineer). The certification must be addressed to Council and must certify that the works have been constructed according to the geotechnical engineer's recommendations by Cardno Bowler Pty Ltd Geotechnical Investigation and Slope Assessment report dated 10<sup>th</sup> February 2014 and are stable and will remain so over the long term.
- 4.4 Any application for (Earthworks) must be accompanied by engineering design drawings demonstrating compliance with the recommendations of the Geotechnical Investigations and Slope Stability report dated 10<sup>th</sup> February 2014 prepared by Cardno Bowler Pty Ltd.
- 4.5 All work on site must be supervised by the Developer's Engineer who must ensure that all work is completed in accordance with the proposal and any Development Permit conditions. A certification to confirm compliance must be provided prior to the commencement of the use.

## **5.0 EARTHWORKS**

- 5.1 All site works must be designed by an experienced and qualified Geotechnical Engineer and undertaken in accordance with the recommendations of the Geotechnical Investigation and Slope Stability Assessment Report by Cardno Bowler Pty Ltd dated 10 February 2014.
- 5.2 All cut/fill batter slopes are to be protected and retained in a visually acceptable manner prior to commencement of the use. Any retaining structures must be designed in accordance with the recommendations of the Geotechnical Investigation and Slope Stability Assessment Report by Cardno Bowler dated 10 February 2014 and are stable and will remain so over the long term.
- 5.3 Prior to commencement of any work on site an Operational Works development permit must be obtained in relation to Earthworks
- 5.4 Any application for Operational Works (Earthworks) must be accompanied by engineering design drawings demonstrating compliance with the recommendations of the Geotechnical Investigation and Slope Stability Report dated 10<sup>th</sup> February 2014 prepared by Cardno Bowler Pty Ltd.
- 5.5 Prior to commencement of use of the site or signing of Plan of Survey, whichever is sooner, the owner must lodge with Council, a geotechnical engineer's certification (by an experienced and qualified geotechnical engineer). The certification must be addressed to Council and must certify that the works have been constructed according to the geotechnical engineer's recommendations of the Geotechnical Investigation and Slope Stability report dated 10<sup>th</sup> February 2014 prepared by Cardno Bowler Pty Ltd. and are stable and will remain so over the long term.

## **6.0 WATER INFRASTRUCTURE**

- 6.1 The development must be connected to Council's water network prior to commencement of the use.
- 6.2 A Development Permit for Operational Works (Water Infrastructure) must be obtained prior to commencement of work on site.
- 6.3 Any application for Operational Works (Water Infrastructure) must be accompanied by engineering design drawings, and certifications of the design, demonstrating compliance with Council's Development Manual (current at the time of development) and this Decision Notice.
- 6.4 All water Infrastructure must be designed and constructed in accordance with Council's Development Manual (current at the time of development), prior to commencement of the use or sealing of the survey plan whichever occurs first.

## **7.0 SEWERAGE INFRASTRUCTURE**

- 7.1 The development must be connected to Council's sewerage network prior to commencement of the use or signing of the survey plan whichever is sooner.



- 7.2 The development must be constructed clear of all existing gravity sewer mains and associated infrastructure on the property and any adjoining properties as per the requirements of the Queensland Development Code MP 1.4. It is the responsibility of the building certifier to ensure that the requirements of the above code are complied with.
- 7.3 A Development Permit for Operational Works (Sewer Infrastructure) must be obtained prior to commencement of work on site.
- 7.4 Any application for Operational Works (Sewer Infrastructure) must be accompanied by engineering design drawings, and certifications of the design, demonstrating compliance with Council's Development Manual (current at the time of development) and this Decision Notice.
- 7.5 Sewerage infrastructure must be constructed to comply with S6 "Sewer Reticulation" of Council's Development Manual, Council's Standard Drawings and Water Services Association of Australia Sewerage Code of Australia. Where a discrepancy or conflict exists between Council's Development Manual and the Sewerage Code, the requirements of Council's Development Manual will prevail.

## **8.0 ACCESS AND PARKING**

- 8.1 The external access from the pavement of Beth Court to the property boundary of proposed Lots 21 & 22 must be constructed to comply with the dimensions, gradients and specifications as indicated on Council's Standard Drawing R0050 prior to commencement of the use.
- 8.2 A minimum of one (1) covered car parking spaces and one (1) uncovered car parking spaces must be provided for each proposed dwelling prior to commencement of the use.
- 8.3 A Development Permit for Operational Works (Access) must be obtained prior to commencement of work on site.
- 8.4 Any application for Operational Works (Access) must be accompanied by engineering design drawings, and certifications of the design, demonstrating compliance with Council's Development Manual (current at the time of development) and this Decision Notice.

## **9.0 STORMWATER AND FLOODING**

- 9.1 The applicant must design and construct Roof and Allotment drainage system for the development on proposed Lots 21 & 22 so as to comply with Level III of Table 7.13.3 of the Queensland Urban Drainage Manual current at the time of development as a minimum.
- 9.2 The developed flows from the land must be drained to a lawful point of discharge prior to signing of the Survey Plans or commencement of the use.
- 9.3 Prior to commencement of any work on site an Operational Works development permit must be obtained in relation to Roof and Allotment Drainage.
- 9.4 Any application for Operational Works (Stormwater) must be accompanied by certifications of the design, demonstrating compliance with Queensland Urban Drainage Manual current at the time of development, Council's Development Manual (current at the time of development) and this Decision Notice.
- 9.5 All stormwater drainage works must be designed and constructed in accordance with the Queensland Urban Drainage Manual (current at the time of development) and Council's Whitsunday Shire Council Development Manual (current at the time of development) prior to signing of the survey plans.
- 9.6 Prior to commencement of use on the site or signing of Plan of Survey, whichever is sooner, the owner must lodge with Council, a civil engineer's design and construction certification (by an experienced and qualified engineer). The certification must be addressed to Council and must certify that the Roof and Allotment drainage works have been constructed in accordance with the requirements of Queensland Urban Drainage Manual current at the time of development, Council's Development Manual (current at the time of development) and this Decision Notice and will not cause adverse effects to adjoining or downstream properties or infrastructure.

## **10.0 ELECTRICITY AND TELECOMMUNICATIONS**

- 10.1 Provide electricity and telecommunications connection to the proposed development to the requirements of the relevant authority. The application must submit to Council, either:

- (a) a certificate of supply demonstrating that existing low-voltage electricity supply is available to the newly created development; or
- (b) a certificate of supply that the applicant has entered into an agreement with the authorized electricity supplier, Ergon, to provide electricity services to the newly created lots, payment has been received and the connection will be completed at a date in the future.

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

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

- 11.1 A Development Permit for Operational Works (Erosion Prevention and Sediment Control) must be obtained prior to commencement of work on site.
- 11.2 Prior to commencement of any work on the site, the applicant must submit to Council for approval, a site based Erosion Prevention and Sediment Control Plan for the site
- 11.3 The plan must be prepared in accordance with Council's Development Manual (current at the time of the development), the Soil Erosion and Sediment Control Engineering Guidelines for Queensland Construction Sites, June 1996 by The Institution of Engineers, Australia and the EPA Best Practice Urban Stormwater Management – Erosion and Sediment Control Guideline.
- 11.4 The strategy of the plan must be implemented and maintained for the duration of the operational and building works, and until exposed soil areas are permanently stabilised (e.g. turfed, concreted).
- 11.5 Discharges of water pollutants, wastewater or stormwater from the site must not cause measurable levels of water pollutants in the receiving waters to fall outside the acceptable ranges specified in the 'Australian Water Quality Guidelines for Fresh and Marine Waters', ANZECC 2000.
- 11.6 No visible emissions of dust must occur beyond the boundaries of the site during earthworks and construction activities on the site. If, at any time during the earthworks and construction activities the dust emissions exceed the levels specified above, all dust generating activities must cease until the corrective actions have been implemented to reduce dust emissions to acceptable levels or wind conditions are such that acceptable levels are achieved.

#### **12.0 MAINTENANCE VALUATION**

- 12.1 The applicant must pay to Council a maintenance valuation fee per lot at the time of sealing of the survey plan at the rate applicable at the time of payment. The current rate is \$34.00 per lot.

#### **13.0 MISCELLANEOUS**

- 13.1 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.
- 13.2 Any building materials, equipment and the like must be appropriately tied down, placed indoors and secured on site at the time of preparation for cyclone events. The onsite supervisor is to ensure that all contractors/employees take the necessary steps to secure the construction site in the event of a cyclone.
- 13.3 All construction materials, waste, waste skips, machinery and contractors' vehicles must be located and stored or parked within the site. No storage of materials, parking of construction machinery or contractors' vehicles will be permitted in Beth Court or adjoining land unless written permission from the owner of that land and Council is provided.
- 13.4 It is the developer's responsibility for the full rectification of any damage caused to neighbouring public infrastructure (such as footpaths, driveways, fences, gardens, trees and the like) caused by contractors, including clean-up of any litter or waste that is a result of the subject development.

- 13.5 Waste disposal bins stored outdoors must be screened from all public roads by solid fencing of a colour and material which will match the buildings on the site.
- 13.6 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.

#### **14.0 ADVISORY NOTES**

##### **14.1 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.

##### **14.2 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.

##### **14.3 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.

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

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

##### **14.5 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.

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

#### **MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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12.4 2015/04/08.10 20080026 - REQUEST FOR EXTENSION OF RELEVANT PERIOD - DEVELOPMENT APPLICATION FOR RECONFIGURATION OF A LOT - PART A AND PART B AND CLEARING OF NATIVE VEGETATION - ARMARDA CRES JUBILEE POCKET - PRICE WATERHOUSE COOPER C/- VISION SURVEYS QLD PTY LTD

Moved by: D CLARK
Seconded by: J COLLINS

That Council in relation to the request for an extension of relevant period of the Development Permit for Reconfiguration of a Lot - Part A - One (1) Lot into Two (2) Management Lots and Part B - One (1) Management Lot into Twenty Four (24) Residential Lots and One (1) Balance Lot and Clearing of Native Vegetation lodged by Vision Surveys Qld on behalf of Price Waterhouse Cooper on land described as Lot 80 SP189752, Armada Crescent Jubilee Pocket, approve the request for an extension of the relevant period to the 22 January 2017.

MEETING DETAILS:

The motion was Carried 5/2

CARRIED

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12.5      2015/04/08.11      20150094 - DEVELOPMENT PERMIT FOR MATERIAL CHANGE OF USE FOR SHOWROOM AND RETAIL SHOP - 42 GEORGE STREET BOWEN LOT 118 B662 - BICKGO INVESTMENTS PTY LTD P/L TRADING AS GORDON BICKHOFF FAMILY TRUST

Moved by:            D CLARK  
Seconded by:        A WILLCOX

That Council issue a New Adopted Infrastructure Charges Notice applying a 50% discount in accordance with the Economic Development Incentives Policy to the development permit for a material change of use for showroom and retail shop located at 42 George Street, Bowen.

**MEETING DETAILS:**

The motion was Carried 5/2

**CARRIED**

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12.6 2015/04/08.12 REQUEST FOR FINANCIAL SUPPORT FOR THE
COLLINSVILLE BACON BUSTERS COMPETITION
2015

Moved by: J CLIFFORD

Seconded by: P RAMAGE

That Council approve financial support of in the form of \$500.00 for the Collinsville Bacon Busters & Bull Ride Competition to be held from Friday 14 – Sunday 16 August 2015.

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

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12.7      2015/04/08.13      REQUEST FOR FINANCIAL SUPPORT FOR BOWEN  
STATE SCHOOL - 150TH ANNIVERSARY  
CELEBRATIONS 2015

Moved by:              J CLIFFORD

Seconded by:         J WHITNEY

That Council provide \$2500.00 of financial support towards the school's significant 150 years of operation event on Saturday 6 June 2015, and associated projects

*The motion was defeated 2/5*

Moved by:              A WILLCOX

Seconded by:         D CLARK

That Council provide \$10,000.00 of financial support towards the school's significant 150 years of operation event on Saturday 06 June 2015, and associated projects

*The motion was defeated 3/4*

Moved by:              J COLLINS

Seconded by:         J CLIFFORD

That Council provide \$5000.00 of financial support towards the school's significant 150 years of operation event on Saturday 6 June 2015, and associated projects

**MEETING DETAILS:**

The motion was Carried 6/1

**CARRIED**

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12.8 2015/04/08.14 20140869 - REQUEST FOR REFUND OF DEVELOPMENT APPLICATION FEES - DEVELOPMENT PERMIT FOR OPERATIONAL WORKS (DRAINAGE WORKS) 333 CRYSTALBROOK ROAD PROSERPINE - PROSERPINE JUNIOR SPORTING COMPLEX ASSOCIATION

Moved by: J COLLINS
Seconded by: A WILLCOX

That Council authorise the Chief Executive Officer in accordance with Council Policy – Waiving, Reducing or Refunding Council Development Fees, agree to refund the development application fees in the sum of \$936.00 to the Proserpine Junior Sporting Complex Association.

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

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12.9      2015/04/08.15      APPLICATIONS TO OPERATE AQUA PARKS IN THE AIRLIE BEACH AREA

Moved by:            J CLIFFORD  
Seconded by:        J ATKINSON

Council approve a six month trial for the operation of Aqua Parks in the Airlie Beach area to the two applicants to operate an Aqua Park in each of the applicant's nominated area.

The trial will run until 31 October 2015 with an opportunity to extend for an additional six months.

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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13. Engineering Services

13.1 2015/04/08.16 ENGINEERING SERVICES WATER AND SEWERAGE DEPARTMENT MONTHLY OPERATIONAL PERFORMANCE REPORT JANUARY AND FEBRUARY: WATER

Moved by: J CLIFFORD
Seconded by: J COLLINS

That Council receives the Engineering Services Water and Sewerage Department Monthly Operational Performance Report January and February: Water.

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

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**13.2      2015/04/08.17      ENGINEERING SERVICES WATER AND SEWERAGE  
DEPARTMENT      MONTHLY      OPERATIONAL  
PERFORMANCE      REPORT      JANUARY      AND  
FEBRUARY: SEWERAGE**

**Moved by:              J CLIFFORD**

**Seconded by:         A WILLCOX**

**That Council receives the Engineering Services Water and Sewerage Department Monthly Operational Performance Report January and February: Sewerage.**

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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**15. General Business
15.1 2015/04/08.18 FRONT BEACH LAND - SANTA BARBARA PARADE,
BOWEN**

Moved by: D CLARK

Seconded by: J CLIFFORD

That a report be provided to Council with regard to the Front Beach land on Santa Barbara Parade, Bowen specifically the decontamination site.

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

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**16. Procedural Motion**

**16.1 2015/04/08.19 PROCEDURAL MOTION - CLOSURE OF MEETING**

**Moved by: J CLIFFORD**

**Seconded by: J COLLINS**

**That Council in accordance with Section 275 of the Local Government Regulations 2012, Council close the meeting to the public at 9.53am for the purpose of discussing employee or industrial matters, budget, rating concessions, contractual matters, legal proceedings, planning matters or other business likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.**

14.1.1 Moore Stephens Review – Airlie Beach Main Street

Section 275:

- (f) starting or defending legal proceedings involving it; and
- (h) other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage

14.2.1 Arrangement for payment of rates for assessments 1102027, 1201416, 1206903, 1201762, 1201789, 1101856, 1101857, 1101858, 1101859, 1101860, 1101861, 1101862 & 1101863

Section 275:

- (f) starting or defending legal proceedings involving it

14.3.1 Road Hierarchy Plan

Section 275:

- (a) other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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16.2 2015/04/08.20 PROCEDURAL MOTION – REOPENING OF MEETING

Moved by: J CLIFFORD

Seconded by: D CLARK

That the meeting be reopened to the general public.

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

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**16.3      2015/04/08.21      PROCEDURAL MOTION – ADJOURNMENT**

**Moved by:                    J CLIFFORD**

**Seconded by:                D CLARK**

**That the meeting be adjourned for the purposes of the Citizenship Ceremony and Morning Tea.**

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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16.4 2015/04/08.22 PROCEDURAL MOTION - RECONVENE

Moved by: J CLIFFORD

Seconded by: J COLLINS

That Council reconvene the meeting having finished all formalities at 11.03am.

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

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

**14.1.1      2015/04/08.23      MOORE STEPHENS REVIEW - AIRLIE BEACH MAIN STREET**

**Moved by:                    J CLIFFORD**

**Seconded by:                J ATKINSON**

**That Council accept the recommendations arising from the Moore Stephens review to finalise the matter.**

**MEETING DETAILS:**

The motion was Carried 4/3

**CARRIED**

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14.2 Confidential Matters - Corporate Services

14.2.1 2015/04/08.24 ARRANGEMENT FOR PAYMENT OF RATES FOR ASSESSMENTS 1102027, 1201416, 1206903, 1201762, 1201789, 1101856, 1101857, 1101858, 1101859, 1101860, 1101861, 1101862 & 1101863

Moved by: J CLIFFORD

Seconded by: D CLARK

That Council approve repayment plan as submitted by the ratepayer for the following assessment numbers 1102027, 1201416, 1206903, 1201762, 1201789, 1101856, 1101857, 1101858, 1101859, 1101860, 1101861, 1101862 & 1101863.

Approval is subject to the following conditions:

- a) All payments being received as due; and**
- b) Arrangement to continue to be paid at instalments of \$20,000.00 per month, after the December 2015 payment, until all debts are cleared in full.**

Furthermore, that Council approve, should any arrangement breakdown that this approval will immediately be withdrawn and legal action will commence to recover any outstanding debt.

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

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**14.4 Confidential Matters – Engineering Services**

**14.4.1 2015/04/08.25 ROAD HIERARCHY PLAN**

**Moved by: J CLIFFORD**

**Seconded by: J COLLINS**

**That the Road Hierarchy Plan report be tabled pending the next available briefing session**

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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The meeting closed at 11.03am

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Confirmed as a true and correct recording this 22 April, 2015

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**CR JENNIFER WHITNEY  
MAYOR**

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