



Minutes of the Ordinary Meeting held on 13 May 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
Proserpine Council Chambers, 83-85 Main Street, Proserpine on
13 May 2015 commencing at **9:00am**

Councillors Present:

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

Council Officers Present:

S Waters (Chief Executive Officer); K McLoughlin (Chief Operating Officer); M McGoldrick (Chief Financial Officer); G Jarvis (Director Corporate Services); D Staley (Director Planning and Community); H Van Der Schyff (Executive Manager Roads and Drainage); A McGregor (Executive Manager Water and Sewerage); L Maher (Acting Communications Manager); B Davis (Administration Officer)

Other Details:

The meeting commenced at 9.00am

The meeting adjourned for morning tea at 10.19am

The meeting reconvened after morning tea at 10.55am

The meeting closed at 12.32pm

Whitsunday Regional Council
 Minutes of the Ordinary Meeting to be held at
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2. Condolences

2.1 2015/05/13.01 CONDOLENCES

Moved by: D CLARK

Seconded by: J CLIFFORD

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

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|-------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Wednesday<br>29/04/2015 | <ul style="list-style-type: none"><li>All Councillors &amp; Executive Council Staff attended the Council Meeting in Bowen</li></ul>                                                                                                                                                                                |
| Thursday<br>30/04/2015  | <ul style="list-style-type: none"><li>Mayor attended a Workplace Health &amp; Safety Steering Committee Meeting</li></ul>                                                                                                                                                                                          |
| Friday<br>01/05/2015    | <ul style="list-style-type: none"><li>Mayor attended the Official Opening for the Community Bank AG Trade Life Agricultural Exhibition in Mackay</li></ul>                                                                                                                                                         |
| Monday<br>04/05/2015    | <ul style="list-style-type: none"><li>Mayor attended the presentation of the NQSportstar award for 'Athlete with Disability' to Kyra Domrow at Bowen State High School.</li><li>Mayor was a guest speaker at the St. Catherine's Catholic School Year 6 class regarding the 3 levels of Local Government</li></ul> |
| Tuesday<br>05/05/2015   | <ul style="list-style-type: none"><li>Mayor &amp; Councillors attended the Councillor Briefing Session &amp; Budget Meeting in Proserpine</li><li>Mayor attended a teleconference with representatives from the Department of State Development Infrastructure &amp; Planning</li></ul>                            |
| Wednesday<br>06/05/2015 | <ul style="list-style-type: none"><li>Mayor, Cr Atkinson, Cr Clifford Cr Collins, Cr Clark &amp; Cr Willcox attended the Corporate &amp; Engineering Briefing Session in Bowen</li><li>Mayor &amp; Cr Clifford attended the Whitsunday Crisis &amp; Counselling Candle Lighting Ceremony</li></ul>                 |
| Thursday<br>07/05/2015  | <ul style="list-style-type: none"><li>Mayor attended a Community Advisory Committee Meeting</li></ul>                                                                                                                                                                                                              |

- Friday 08/05/2015 • Mayor attended a teleconference with representatives from Cleangen Power regarding Large Scale Solar Farm Development
- Monday 11/05/2015 • Mayor & Cr Clifford attended the LGAQ Training – Understanding Local Government & Councillor Roles & Responsibilities
- Tuesday 12/05/2015 • Mayor & Cr Clifford attended the LGAQ Training – Understanding Local Government & Councillor Roles & Responsibilities

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4. Confirmation of Minutes

4.1 2015/05/13.02 CONFIRMATION OF MINUTES

Moved by: J CLIFFORD

Seconded by: J COLLINS

That the Minutes of the Ordinary Meeting held on 29 April 2015 be confirmed, subject to the following change:

Item 16.3 – Procedural Motion – Closure of meeting:

- **Inclusion of closure of meeting reasons for each confidential report as detailed under item 16.4**

Item 16.4 – Procedural Motion – Closure of meeting

- **Change title to ‘reconvene of meeting’**
- **Removal of closure of meeting reasons for each confidential report**

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

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**7. Notice of Motion**

**7.1 2015/05/13.03 NOTICE OF MOTION**

**Moved by: J CLIFFORD**

**Seconded by:**

**That the Whitsunday Regional Council waive the Building Application fee of \$500 levied against Bowen Tourism & Business which is applicable to the installation of the "Little Mango" at the Bowen Front Beach.**

**MEETING DETAILS:**

Cr Clifford withdrew her notice of motion

The motion was Carried 7/0

**CARRIED**

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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

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**Response to Questions from the Public Gallery**  
**of the Council Meeting of 29 April, 2015**

**Name:** **Mr Ross Plowman and Mr Anthony Moscato**  
**c/- Whitsunday Ratepayers Association Inc.**

**Subject:** **Airlie Beach Main Street Concern**

The Whitsunday Region relies, essentially, on agriculture, mining and tourism for its sustenance.

At present, given the continuing uncertainties in the resources sector, tourism appears to be the activity that presents the greatest opportunities for sustainable regional growth and well being.

After the downturn caused by the GFC and the high Australian dollar the indicators are now that Whitsunday tourism is, at last, in the process of regaining its health.

Whitsunday mainland tourism is centred on Airlie Beach and, without doubt, is reliant on the continued success of Airlie Beach for its survival. Over the past few years considerable sums, from various sources, have been spent to upgrade the Airlie Beach main street precinct. This has led to a significant improvement in the ambiance and appeal of the town.

But it is a beginning only. There is now a great opportunity to further leverage these gains and move forward. Airlie Beach has the opportunity to become the most accessible and attractive destination on the Australian coastline.

As a shared traffic/pedestrian zone, providing an aesthetic dining, drinking, shopping and strolling area for tourists and locals alike, it has the potential to set the standards.

The Whitsunday Ratepayers Association, however, is concerned that recent decision making regarding the Airlie precinct is hampering its potential. The association, for example, believes that the decision to allow large, noisy and intrusive buses to continue to use the main street is a bad decision. A decision made, unfortunately, against the wishes of the majority of the community.

In broaching these concerns, the Whitsunday Ratepayers Association has absolutely no commercial or self-interested agenda. Nor have we any abiding quarrel with Council. The association's only interest is in seeing Airlie Beach and its surroundings becoming as attractive, as welcoming and as successful as it can possibly be.

If council and community can work together to address these issues and others and find viable solutions, it will be of great benefit to all of us, to our visitors, our locals, our local businesses and our local government.

***Response provided by Scott Waters – Chief Executive Officer***

I would like to invite you and representatives of the Whitsunday Ratepayers to address Council with regards to traffic conditions in Airlie Beach Main Street.

30 minutes will be allocated to discuss this topic and the next available Briefing Sessions are;

- Wednesday the 3<sup>rd</sup> June in the Proserpine Boardroom
- Wednesday the 17<sup>th</sup> June in the Bowen Boardroom

Can you please confirm if either of these dates suit you? Additionally, if you have any time preference on these days, please let me know.

I look forward to your response.

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10. Office of the Mayor and CEO

10.1 2015/05/13.04 ADVISORY - BOWEN GUMLU GROWERS ASSOCIATION INC.

Moved by: D CLARK

Seconded by: J CLIFFORD

That Council receive the minutes from the Bowen Gumlu Growers Association Inc. meeting held on 08 April 2015.

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

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**10.2 2015/05/13.05 ADVISORY - BOWEN BURDEKIN LOCAL MARINE AUTHORITY COMMITTEE MEETING**

**Moved by: A WILLCOX**

**Seconded by: J ATKINSON**

**That Council received the minutes of the Bowen Burdekin Local Marine Advisory Committee meeting held on the 18<sup>th</sup> February 2015 together with the agenda for the meeting scheduled for 6<sup>th</sup> May 2015.**

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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10.5 2015/05/13.08 REIMBURSEMENT OF EXPENSES AND PROVISIONS OF FACILITIES FOR COUNCILLORS POLICY

Moved by: J CLIFFORD

Seconded by: A WILLCOX

That the item 'reimbursement of expenses and provisions of facilities for Councillors policy' be tabled pending a further briefing session and receipt of additional information.

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

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**10.6      2015/05/13.09    EMERGENCY MANAGEMENT - 2015/16 BUDGET**

**Moved by:                    J CLIFFORD**

**Seconded by:                A WILLCOX**

**That Council receives the Emergency Management 2015/16 budget report for information.**

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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10.7 2015/05/13.10 REGISTER OF FEES AND CHARGES

Moved by: J CLIFFORD

Seconded by: J ATKINSON

In accordance with Section 97 and 98 of the Local Government Act 2009, Council adopts the 2015/16 Register of Cost Recovery Fees and under Section 262 (3) (c) Schedule of Commercial and Other Charges by Council for the 2015/16 year.

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

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11. Corporate Services  
11.1 2015/05/13.11 ASSET MANAGEMENT STRATEGY

Moved by: A WILLCOX  
Seconded by: J ATKINSON

That Council resolves to approve the Strategic Asset Management Strategy.

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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12. Planning and Community Services
12.1 2015/05/13.12 ADVISORY - WHITSUNDAY HOUSING COMPANY LTD

Moved by: J ATKINSON
Seconded by: J COLLINS

That Council receive correspondence from the Whitsunday Housing Company Ltd dated 19 March 2015 that conveys a 'thank you' to the Council for their ongoing support.

MEETING DETAILS:

Cr Clifford noted her position as Director for the Whitsunday Housing Company Ltd. however, due to the nature of the report not presenting a conflict of interest she was not required to leave the meeting room.

The motion was Carried 7/0

CARRIED

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- 12.2 2015/05/13.13 ADVISORY - BOWEN NORTH HEAD LIGHTHOUSE

Moved by: J CLIFFORD  
Seconded by: D CLARK

That Council receive the update on the progress of the Bowen North Head Lighthouse.

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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12.3 2015/05/13.14 DA8360 - REQUEST FOR EXTENSION OF RELEVANT PERIOD - DEVELOPMENT PERMIT FOR MATERIAL CHANGE OF USE - FIVE (5) MULTIPLE DWELLING UNITS - 47 LIVINGSTONE STREET BOWEN - BENNHAVEN PTY LTD

Moved by: D CLARK

Seconded by: A WILLCOX

That Council in relation to the request for an extension of relevant period of the Development Permit for Material Change of Use - Five (5) Multiple Dwelling Units lodged by RPS on behalf of Bennhaven Pty Ltd on land described as Lot 1 RP710318, 47 Livingstone Street Bowen, approve the request for an extension of the relevant period to the 04 March 2017.

MEETING DETAILS:

Under section 273 of the Local Government Regulations 2012, Council has resolved not to accept the officer's recommendation as the applicant has advised that the time is right to move forward with the development and a further two years approval will allow the development to go ahead.

The motion was Carried 5/2

CARRIED

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12.4        2015/05/13.15    20080766 - REQUEST FOR EXTENSION OF RELEVANT PERIOD - DEVELOPMENT PERMIT FOR OPERATIONAL WORKS FOR ACCESS AND PARKING, STORMWATER, WATER AND SEWERAGE INFRASTRUCTURE - LOT 86 SP166673 VALLEY DRIVE CANNONVALE - JE O'NEILL

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 Operational Works for Access and Parking, Stormwater, Water Infrastructure and Sewerage Infrastructure, lodged by WSG Whitsunday Surveys Pty Ltd on behalf of J E O'Neill on land described as Lot 86 SP 166673, Valley Drive Cannonvale, approve the request for an extension of the relevant period till the 16 September 2016 (a period of eighteen months) to coincide with Stages 1, 2, 3 & 4 of the Development Permit for a Material Change of Use for Sixty (60) Multiple Dwelling Units.

**MEETING DETAILS:**

*Cr Whitney declared a conflict of interest (as per section 173 of the Local Government Act 2009) on the matter of a relative being a resident of this street and left the meeting room at 9.30am, taking no part in the debate or decision of the meeting.*

The motion was Carried 6/0

**CARRIED**

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12.5 2015/05/13.16 20130972 - REQUEST FOR NEGOTIATED DECISION NOTICE - DEVELOPMENT PERMIT FOR MATERIAL CHANGE OF USE - EXPANSION OF EXISTING ACCOMMODATION BUILDING BY AN ADDITIONAL 102 ACCOMMODATION UNITS - 8296 COLLINSVILLE MT DOUGLAS ROAD COLLINSVILLE - MORRIS CORPORATION

Moved by: J CLIFFORD

Seconded by: J COLLINS

That in relation to the request for a Negotiated Decision Notice of the Development Permit for Material Change of Use for an expansion of an existing accommodation building by an additional 102 Accommodation Units, made by Flanagan Consulting Group, on Lot 2 on MPH30801 and located at 8296 Collinsville Mount Douglas Road, Collinsville, that Council resolves to:

1) Support the request to amend Condition 1.0 to read as follows:

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
Stage 3 Development Site Layout	Flanagan Consulting Group	3087-SK17	25 October 2013
4 Room Standard Module Floor Plan	Hutchinson Builders	AR 1000, Issue A	Undated
4 Room Standard Plans	Hutchinson Builders	AR 1.001, Issue C	31 July 2012
PWD Accommodation Plans	Hutchinson Builders	AR 1.001, Issue C	31 July 2012
Building J (Wet Mess) – Floor Plan – Overall	Hutchinson Builders	AR0101. Issue 2	15 July 2013
Building J (Wet Mess) – Floor Plan – Part 1	Hutchinson Builders	AR0102. Issue 2	15 July 2013
Building J (Wet Mess) – Floor Plan – Part 2	Hutchinson Builders	AR0103. Issue 2	15 July 2013
Building J (Wet Mess) – Module 1 – Floor & RCP Plan	Hutchinson Builders	AR0151, Issue 1	27 June 2013
Building J (Wet Mess) – Module 2 – Floor & RCP Plan	Hutchinson Builders	AR0152, Issue 1	27 June 2013
Building J (Wet Mess) – Module 3 – Floor & RCP Plan	Hutchinson Builders	AR0153, Issue 1	27 June 2013

Building J (Wet Mess) – Module 4 – Floor & RCP Plan	Hutchinson Builders	AR0154, Issue 1	27 June 2013
Building J (Wet Mess) – Module 5 – Floor & RCP Plan	Hutchinson Builders	AR0155, Issue 1	27 June 2013
Building J (Wet Mess) – Module 6 – Floor & RCP Plan	Hutchinson Builders	AR0156, Issue 1	27 June 2013
Building J (Wet Mess) – Elevations – Sheet 1	Hutchinson Builders	AR0401, Issue 2	15 July 2013
Building J (Wet Mess) – Elevations – Sheet 2	Hutchinson Builders	AR0402, Issue 2	15 July 2013
Laundry Module Plans	Hutchinson Builders	D1001, Issue C	31 July 2013
Laundry Module Elevations	Hutchinson Builders	D 1003, Issue E	27 August 2012
Linen Module Plans	Hutchinson Builders	AR1001, Issue B	1 August 2012
Linen Module Elevations	Hutchinson Builders	AR1003, Issue D	27 August 2012
Stage 3 Development Water Reticulation Layout	Flanagan Consulting Group	3087-SK18	25 October 2013
Stage 3 Development Sewer Reticulation Layout	Flanagan Consulting Group	3087-SK19	25 October 2013
Stage 3 Development Storm water	Flanagan Consulting Group	3087-SK20	28 October 2013
Stage 3 Pre-Development Inundation	Flanagan Consulting Group	3087-SK21	25 October 2013
Stage 3 Post-Development Inundation	Flanagan Consulting Group	3087-SK22	25 October 2013
Stage 3 Development Catchment Layout & Flow path Details	Flanagan Consulting Group	3087-SK23	28 October 2013
Appendix C Traffic Movements & Car Park Utilization	Flanagan Consulting Group		
Appendix D Intersection Analysis Modelling	Flanagan Consulting Group		

Appendix M Hydrological Calculations (Site Catchment)	Hutchinson Builders		
Appendix O Hydrological Calculations (Collinsville Township Catchment)	Hutchinson Builders		
Appendix Q Traffic Impact Assessment	Hutchinson Builders		

2) **Agree to the removal of Conditions 8.5, 9.0 and 10.0**

3) **Partially Support the request to amend Condition 14.1 to read as follows:**

14.1 The development results in increased demand on Council’s existing parks and community facilities, road network, water supply and storm water which are not designed to accommodate the expected loads. The applicant must make a monetary payment prior to the commencement of use at the rate applicable at the time of payment. In accordance with the current *Adopted Infrastructure Charges Resolution (No.3 of 2013)* the rate per dwelling is \$8,000 calculating a total current rate of \$816,000.00.

MEETING DETAILS:

The motion was Carried 4/3

CARRIED

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**12.6        2015/05/13.17    20150044 - DEVELOPMENT PERMIT FOR MATERIAL CHANGE OF USE OF PREMISES - INDOOR SPORTS FACILITY (24/7 GYMNASIUM) - 126 SOLDIERS ROAD BOWEN - BRENDAN RUFF**

**Moved by:                D CLARK**

**Seconded by:           P RAMAGE**

**That in relation to the application for Development Permit for Material Change of Use - Indoor Sports Facility (24/7) Gymnasium), made by B Ruff, on Lot 161 RP891514 and located at 126 Soldiers Road Bowen, Council resolves to:**

- A. approve the application subject to the conditions outlined in Appendix A; and**
- B. apply a 50% discount in accordance with the Economic Development Incentives Policy to the Development Permit.**

**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          | RPS         | PD-01       | 28/01/2015 |
| Proposed Carparks  | RPS         | PD-06       | 19/02/2015 |
| Floor Plan         | N/A         | N/A         | N/A        |

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

## **2.0 SIGNAGE**

- 2.1 The applicant is to install a sign at the rear of the property signaling 'no parking' outside of the line marked car parking spaces.

## **3.0 ACCESS AND PARKING**

- 3.1 A minimum of fifteen (15) sealed line marked car parking space and one (1) bike space are to be provided and maintained within the boundaries of the property prior to commencement of the use as shown on car parking plan Dwg no 126069-1. All parking spaces must be designed and constructed so as to comply with the criteria described in AS2890 and AS1428.

## **4.0 ENVIRONMENTAL HEALTH**

- 4.1 The operator must not operate the gym or indoor sports venue in a way that makes audible noise:
  - Between 10:00pm and 7:00am if the use makes an audible noise detected at the property boundary; or
  - Between 7:00am and 10:00pm if the use makes a noise of more than 5dB (A) above the background level, measured at the property boundary.
- 4.2 In the event Council receives a noise related complaint it deems non vexatious and justified, the operator is required to organise noise monitoring by a suitably qualified consultant/engineer. The noise consultant must liaise with and involve the complainant in the noise monitoring. The monitoring must demonstrate compliance with condition (enter condition number for condition above) and must also take into consideration:
  - The level and frequency or occurrence of impulsive or tonal noise;
  - Atmospheric conditions including wind speed and direction;
  - Effects due to extraneous factors such as traffic noise; and
  - Location, date and time of recording.
- 4.3 The noise report and results of noise monitoring are to be submitted to Council within fourteen (14) days of the operator receiving the noise report.

- 4.4 Any lighting device is to be so positioned and shielded so as not to cause any glare or lighting nuisance outside the site boundary. Outdoor lighting must be in compliance with the current edition of Australian Standard 4282 – Control of the obtrusive effects of outdoor lighting.

## **5.0 OPERATING PROCEDURES**

- 5.1 Membership numbers for the Gymnasium are to be capped at 150 members.
- 5.2 The operator is to ensure all classes are to be run entirely indoors.
- 5.3 The operator is to ensure no music is to be played between the hours of 7.30pm and 6.00am.
- 5.4 The number of staff members onsite at the one time is to be limited to three (3) for the Gymnasium.
- 5.5 Signage on the site is limited to one (1) wall sign, one (1) sticker on the glass pane and one (1) free standing pylon sign positioned at the front of the building.
- 5.6 Class sizes are to be limited to eight (8) people for the Gymnasium.
- 5.7 Classes are only to be run between the hours of 6.15am - 7.00am and 5.30pm – 7.00pm Monday to Friday and 7.30am – 9.00am Saturday. There are to be no classes run on Sunday or Public Holidays.
- 5.8 The Gymnasium is to provide and maintain a duress button inside the Gymnasium.

## **6.0 LANDSCAPING**

- 6.1 The applicant is to maintain the existing landscaping within the property boundaries of the subject premises

## **7.0 MISCELLANEOUS**

- 7.1 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.
- 7.2 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.
- 7.3 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.
- 7.4 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 Soldiers Road or adjoining land unless written permission from the owner of that land and Council is provided.
- 7.5 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.

## **8.0 ADVISORY NOTES**

### **8.1 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.

### **8.2 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.

### **8.3 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.

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

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

### **8.5 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.

### **8.6 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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12.7 2015/05/13.18 20150335 - COMMENTS ON APPLICATION FOR MATERIAL CHANGE OF USE OF PREMISES FOR PORT FACILITIES (TERMINAL 0 PROJECT - PHASE 1) IN THE ABBOT POINT STATE DEVELOPMENT AREA

Moved by: J CLIFFORD

Seconded by: D CLARK

That Council in relation to the opportunity for Council to make comment on the application for the Material Change of Use of Premises for Port Facilities (Terminal 0 Project – Phase 1) in the Abbot Point State Development Area, prepared by the proponent Adani Australia Company Pty Ltd as Trustee of Adani Australia Holding Trust, on Lot 3 SP 227557, Lot 4 SP 227557, Lot 33 SP 253263, Lot 48 SP243724, Lot 31 SP 243724, Lot 2 HR 1732, Lot 53 SP 243724, Lot 54 SP 243724, Lot 56 SP 243724, Lot 58 SP 243726, Lot E SP 243724, Lot J SP 243724 and Lot N SP 243724 located at Abbot Point Road, Abbot Point, resolves to endorse the Officers Comments including the following recommended conditions to be provided to the Office of the Coordinator – General, the Department of State Development, Infrastructure and Planning.

- The capacity of Terminal 0 Project – Phase 1 is not to exceed a throughput of 40 Mtpa (Million tonnes per annum) of coal and any further expansion is subject to approval of the current assessment manager;
- The approval should consider the impact of any workers accommodation located in the existing urban areas of the Bowen township;
- The approval should consider entering into agreements with Council to facilitate a water supply network from Council’s current infrastructure networks;
- The proponent should be advised that Council, in conjunction with North Queensland Bulk Port Corporation, have been undertaking projects to manage the impacts of pests (feral pigs) on the Caley Valley Wetland and within the Abbot Point Port SDA; Council would appreciate the coordination of these projects with the proposal for the Terminal 0 Project – Phase 1.

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

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12.8      2015/05/13.19    20150380 - APPLICATION FOR CONVERSION TO FREEHOLD OF GRAZING HOMESTEAD PERPETUAL LEASE 5/2127 DESCRIBED AS LOT 10 ON HR2014 - PARISH OF CRYSTALBROOK

Moved by:            P RAMAGE

Seconded by:        J COLLINS

That Council advise the Department of Natural Resources and Mines that Council has no objection to Grazing Homestead Perpetual Lease 5/2108 being converted to freehold provided the use of the land is for grazing purposes.

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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12.9 2015/05/13.20 TEMPORARY CLOSURE TO SECTION OF AIRLIE CREEK CAR PARK

Moved by: J COLLINS

Seconded by: D CLARK

That Council approve a permit for the use of a section of Airlie Creek Carpark including 10 parking bays from early May 2015 to February/March 2016 for a site lay down area while the construction of the new development at 277 Shute Harbour Road is in progress, subject to:

- 1) conditions set out in Appendix Item 3, with an amendment to item 1 (i);
- 2) payment of a fee of \$50.00 per day per parking bay.
- 3) lodgement of a bond to the value of \$20,000.00 for defect liability on Council owned or controlled infrastructure.

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.
- (i) payment of the defect liability bond to the value of \$20,000.00.

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;
 - (i) any infrastructure or road surface damaged during the approval period to be reinstated at the completion of the approval period.
- (j) ensure that vegetation, soil, sand, rocks, native animals or natural things are not interfered with, damaged or removed;
 - (i) any vegetation removed or damaged during the approval period to be replanted at the completion of the approval period;
- (k) not interfere with, paint, permanently mark, damage or remove any buildings, structures, fixtures, fittings or facilities provided by local government;
- (l) not erect any permanent or temporary buildings, signs or structures upon the approved activity area without the written consent of the local government;

- (m) ensure that litter is collected and lawfully disposed at a local government waste transfer station;
- (n) ensure that cleaning, maintaining or repairing any vehicle, except for emergency repairs, is prohibited;
- (o) advise the means by which impacts on the environment must be minimised;
- (p) advise the means by which impacts on the amenity of neighbouring areas must be minimised;
- (q) ensure that all 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;
- (r) only permit experienced and competent agents or supervisors to oversee the operation of the activity;
- (s) 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;
- (t) 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;
- (u) identify the points at which an operator is to access the site for the purpose of undertaking the commercial recreation activity;
- (v) state the number of customers to be taken to the site at any one time;

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

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**12.10      2015/05/13.21      REQUEST FOR SPONSORSHIP - WHITSUNDAY RAIDERS RUGBY UNION CLUB**

**Moved by:                      P RAMAGE**

**Seconded by:                 D CLARK**

**That Council approve sponsorship of \$250 to the Whitsunday Raiders Rugby Union Club Inc. to support their hosting of the North Queensland Rugby Championships from 15 to 17 May 2015.**

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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12.11 2015/05/13.22 REQUEST FOR SPONSORSHIP - PAUL BOWMAN CHALLENGE

Moved by: P RAMAGE

Seconded by: J CLIFFORD

That Council provide sponsorship in the sum of \$700 to the Paul Bowman Challenge Committee, a sub-committee of the Proserpine Whitsunday Junior Rugby League Club Inc., to support their hosting of the Paul Bowman Challenge Junior Rugby League Carnival on 19/20 September 2015.

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

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**12.12      2015/05/13.23      REQUEST FOR FEE WAIVER - QUEENSLAND RUGBY FOOTBALL LEAGUE**

**Moved by:                      D CLARK**

**Seconded by:                 J COLLINS**

**That Council waive the Major Events – Class 1 Application fee of \$874.00 to assist the Queensland Rugby Football League Ltd – Northern Division to hold the State of Origin Fan Day on Tuesday 30 June 2015.**

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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12.13 2015/05/13.24 REQUEST FOR FEE WAIVER - ALPHA EPSILON BRANCH INC.

Moved by: J CLIFFORD

Seconded by: J COLLINS

That Council waive the Minor Events – Class 3 Application fee of \$375.00 to assist the Alpha Epsilon Branch Inc. to hold the “Ethan’s Battle” Fundraiser event on Sunday 14 June 2015.

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

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**12.14      2015/05/13.25      REQUEST FOR RATES ASSISTANCE 2014/15 - BOWEN BAPTIST CHURCH**

**Moved by:                      A WILLCOX**

**Seconded by:                 J COLLINS**

**That Council:**

- a)    approve a donation equivalent of 100% of the general rate and 75% of the service charges levied for the 2014/15 financial year, and 75% water consumption for the property on rate assessment 1200870 owned by the Bowen Baptist Church; and**
- b)    approve a refund of a portion of the amount already paid in full for    period 01/01/2015 – 30/06/2015.**

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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12.15 2015/05/13.26 WHITSUNDAY SCHOOLIES ADVISORY COMMITTEE

Moved by: J CLIFFORD

Seconded by: J ATKINSON

That Council receive the minutes of the Whitsunday Schoolies Advisory Committee Executive Meeting Minutes – 23 April 2015.

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

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**13.            Engineering Services**

**13.1          2015/05/13.27      EXPRESSION OF INTEREST FROM POTENTIAL USERS FOR COUNCILS RECYCLE WATER**

**Moved by:                      J CLIFFORD**

**Seconded by:                 P RAMAGE**

**That Council advertise for Expressions of Interest from potential users for Councils recycle water in the vicinity of Proserpine.**

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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13.2 2015/05/13.28 BOWEN ENTRANCE GREENING PLAN

Moved by: J CLIFFORD

Seconded by: D CLARK

That Council resolves to endorse the proposed Bowen Entrance Greening Plan for community consultation.

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

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**13.3      2015/05/13.29    ROAD HIERARCHY PLAN**

**Moved by:                J ATKINSON**

**Seconded by:          J CLIFFORD**

**That Council receive the Road Hierarchy Plan and its associated maps for implementation into the Planning Scheme.**

**AMENDMENT**

**Moved by:                A WILLCOX**

**Seconded by:          J COLLINS**

**That the Item 'Road Hierarchy Plan' be tabled pending a further briefing session with the consultant that provided the report.**

**MEETING DETAILS:**

The amendment was voted on

The amendment was carried 7/0

The amendment became the motion

The motion was Carried 7/0

**CARRIED**

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13.4 2015/05/13.30 ARGYLE PARK ROAD PROJECT

Moved by: J CLIFFORD

Seconded by: D CLARK

That Council commence construction of scenario 2 to upgrade the Argyle Park Road crossing with further investigation required for future upgrades within the scenario.

AMENDMENT

Moved by: A WILLCOX

Seconded by:

That Council commence construction of scenario 2 to upgrade the Argyle Park Road crossing with further investigation required for future upgrades within the scenario.

Furthermore that the advice received from AECOM determines that Scenario 2 provides full immunity for a Local 100 year ARI flow and the base case model Q100 outflow of the Don River.

MEETING DETAILS:

The amendment lapsed due to lack of seconder

The motion was Carried 7/0

CARRIED

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**15. General Business**

**15.1 2015/05/13.31 PROPOSED MOTORBIKE TRACK BOWEN**

**Moved by: A WILLCOX**

**Seconded by: J CLIFFORD**

**That the Chief Executive Officer provides an update on the proposed motorbike track for Bowen at the next Council Meeting.**

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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15.2 2015/05/13.32 UPGRADE OF THE CENOTAPH

Moved by: J COLLINS

Seconded by: J CLIFFORD

That the Chief Executive Officer with the Proserpine Branch of the RSL look at upgrading the existing cenotaph.

Furthermore, that work be done with the relevant State and Federal Governments and organisations to arrange funding, if available, for this project.

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

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**16.            Procedural Motion**

**16.1        2015/05/13.33    PROCEDURAL MOTION – ADJOURNMENT**

**Moved by:                    A WILLCOX**

**Seconded by:                J CLIFFORD**

**That the meeting be adjourned for the purpose of a presentation of the Q150 benches, a presentation of the sportstar award and morning tea at 10.19am.**

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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16.2 2015/05/13.34 PROCEDURAL MOTION - CLOSURE OF MEETING

Moved by: J CLIFFORD

Seconded by: J ATKINSON

That Council in accordance with Section 275 of the Local Government Regulations 2012, Council close the meeting to the public at 10.55am for the purpose of discussing employee or industrial matters, budget, rating concessions, contractual matters, legal proceedings, planning matters or other business likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.

Item 14.1.1 Juru People Part B Determination Orders

- **Section 275 LGR (f) starting or defending legal proceedings involving it**

Item 14.1.2 Expression of Interest – Whitsunday Coast Airport International Hub

- **Section 275 LGR (e) contracts proposed by it**

Item 14.2.1 Whitsunday Coast Airport Café Tender

- **Section 275 LGR (e) contracts proposed by it**

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

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**16.3 2015/05/13.35 PROCEDURAL MOTION – REOPENING OF MEETING**

**Moved by: J ATKINSON**

**Seconded by: J CLIFFORD**

**That the meeting be reopened to the general public at 12.30pm**

**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 2015/05/13.36 JURU PEOPLE PART B DETERMINATION ORDERS

Moved by: J ATKINSON

Seconded by: A WILLCOX

That Council having considered the draft s87A agreement and determination orders tabled at Council's Ordinary Meeting on 13 May 2015:

- **approves and is prepared to consent to the draft determination orders for QUD554/2010 (Juru People – Part B); and**
- **authorises the Chief Executive Officer to endorse on its behalf any changes made to the draft determination to reflect the pending decision of the High Court of Australia on 13 May 2015 and otherwise which do not adversely affect local government interests prior to execution; and**
- **authorises Gilkerson Legal to execute an agreement under section 87A of the Native Title Act 1993 confirming Council's consent to the draft determination orders.**

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

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**14.1.2 2015/05/13.37 EXPRESSION OF INTEREST - WHITSUNDAY COAST AIRPORT INTERNATIONAL EXPORT HUB & OTHER AVIATION ASSETS**

**Moved by: J CLIFFORD**

**Seconded by: J ATKINSON**

**That Council:**

- a) **immediately engage with the State Government and seek the State's support for the growth and development of the Whitsunday Coast Airport; and**
- b) **following that engagement, that the Chief Executive Officer be authorised to begin an Expression of Interest Process on a Joint Venture/Public Private Partnership basis for the development and growth of the Whitsunday Coast Airport International Export Hub and Council's other aviation assets with Council retaining the majority ownership of all assets; and**
- c) **undertake an extensive community consultation before a decision is made.**

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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14.2 Confidential Matters - Corporate Services

14.2.1 2015/05/13.38 WHITSUNDAY COAST AIRPORT CAFE TENDER

Moved by: J CLIFFORD

Seconded by: A WILLCOX

That Council approves that all Tenderers for the Whitsunday Airport Café (500.2014.0056.1) be invited to change their tender in response to the following changes to the Specification:

- 1. That the lease area outlined on the Airport Tenancy Plan be reduced to Area A only – that being the current area made available for the café.**
- 2. That the retail sale of convenience items be removed from the Permitted Use on the Lease Contract**
- 3. That the term of the lease be three (3) years with no Option Term; and**
- 4. Other interested parties that have expressed interest be invited to tender.**

MEETING DETAILS:

Cr Collins declared a conflict of interest (as per section 173 of the Local Government Act 2009) on the matter of having a business relationship with this business and left the meeting room at 12.31pm, taking no part in the debate or decision of the meeting.

The motion was Carried 6/0

CARRIED

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***The meeting closed at 12.32pm***

Confirmed as a true and correct recording this 27 May 2015

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**CR JENNIFER WHITNEY  
MAYOR**

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