



# Minutes of the Ordinary Meeting held on 27 May, 2015



## ***Our Vision Statement***

Whitsunday Regional Council aims to be open, accountable, united and progress focussed, support prosperous diverse industries, managing environmental sustainability and community wellbeing, valuing our community, our visitors and our cultural diversity, by promoting our region as “the destination to live, work and play”.

## ***Our Mission Statement***

To be a focussed, responsive and transparent Council, working in a professional, approachable and harmonious manner engaging with the community and staff to deliver sustainable and positive financial, social and environmental outcomes.



Whitsunday Regional Council  
**Minutes of the Ordinary Meeting** held at  
**Collinsville Community Centre, Conway Street Collinsville**  
On **27 May, 2015** commencing at **11:30am**

**Councillors Present:**

J Whitney; J Atkinson; D Clark; J Clifford; J Collins; P Ramage 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); J Moeller (Senior Management Accountant); K Lesina (Governance and Legal Officer); L Maher (Acting Communications Manager); E Youd (Councillor Support Officer); M Douglas (Administration Officer)

**Other Details:**

The meeting commenced at 11.30am

The meeting adjourned for presentations and lunch at 1.02pm

The meeting reconvened after lunch at 1.50pm

The meeting closed at 2.05pm

Whitsunday Regional Council  
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## 2. Condolences

### 2.1 2015/05/27.01 CONDOLENCES

Moved by: J CLIFFORD

Seconded by: A WILLCOX

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

#### MEETING DETAILS:

The motion was Carried 7/0

**CARRIED**

### 3.2 Mayoral Update

MAYOR'S ATTENDANCE - 13 MAY TO 26 MAY 2015	
Wed 13/05/15	Mayor Whitney and Councillors attended the Council Meeting in Proserpine
	Mayor Whitney and Councillors attended the Councillor Briefing Session
	Mayor Whitney and the CEO attended a meeting with Chinese Representatives
	Mayor Whitney and the CEO attended a dinner with Chinese Representatives
Thurs 14/05/15	Mayor Whitney attended a meeting with a ratepayer
	Mayor Whitney attended the Zonta Event - Modern issues affecting modern Business
Fri 15/05/15	Mayor Whitney and the CEO attended a meeting with representatives from Adani
	Mayor Whitney and Cr Clifford attended Whitsunday Community Services - 'World's Biggest Morning Tea'
	Mayor Whitney attended a meeting with representative from CQ Rescue
	Cr Willcox attended the official launch - Ocean Dynamics on behalf of Mayor Whitney
	Mayor Whitney attended the Corporate dinner for the Cowboys Leagues Club
Sat 16/05/15	Mayor Whitney attended the North Queensland Toyota Cowboys Anniversary Dinner
	Mayor Whitney attended a morning tea with Prime Minister Tony Abbot in Mackay
	Mayor Whitney attended the Whitsunday Marketing Development Ltd - Economic Development Strategic Meeting
	Cr Willcox attended the Whitsunday Disaster Management Meeting with an apology from Mayor Whitney
Tues 19/05/15	Mayor Whitney, Cr Clifford, Cr Atkinson, Cr Clark, Cr Collins and Cr Willcox attended the Councillor Budget Meeting
	Mayor Whitney attended the Whitsunday Automobile Restoration Club
Wed 20/05/15	Mayor Whitney and Councillors attended the Planning & Community Briefing Session
Thurs 21/05/15	Mayor Whitney attended the Whitsunday Regional Roads Meeting
	Mayor Whitney and the CEO attended the Whitsunday Regional Organisational of Councils Meeting
	Mayor Whitney and the CEO attended a meeting with representative from Department

	Natural Resources & Mining
	Mayor Whitney and the CEO attended a meeting with the Department of Communities - Youth Program Meeting
	Mayor Whitney attended a meeting with representatives from Dept of State Development, Infrastructure & Planning
Fri 22/05/15	Mayor Whitney, Cr Atkinson, Cr Clifford, Cr Collins and Cr Willcox attended the Annual Joint Meeting - WRC, Wilmar & Canegrowers Proserpine
	Mayor Whitney attended a meeting with representatives from Regional Development Australia
Sat 23/05/15	Mayor Whitney attended the Opening Airlie Ride & Slide
	Mayor Whitney, Cr Atkinson and Cr Clifford attended the Big 4 Airlie Cove Official Opening of Water Park
Mon 25/05/15	Mayor Whitney attended a meeting with representative form Whitsunday Gallery
	Mayor Whitney attended a meeting with a ratepayer
	Mayor Whitney attended a meeting with representatives from Archery Club
	Mayor Whitney attended a meeting with Qld Police, Main Roads Dept & Cannonvale State School
	Mayor Whitney, Cr Atkinson and Cr Clifford attended the Traffic Advisory Committee Meeting
	Mayor Whitney and the CEO attended a dinner with Chinese Organisation
Tues 26/05/15	Mayor Whitney, Cr Atkinson, Cr Clifford, Cr Collins, Cr Ramage and Cr Willcox attended the Regional Roads Tour to Collinsville

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**4. Confirmation of Minutes**

**4.1 2015/05/27.02 CONFIRMATION OF MINUTES**

**Moved by: J ATKINSON**

**Seconded by: A WILLCOX**

**That the Minutes of the Ordinary Meeting held on 13 May, 2015 be confirmed.**

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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**6. Petitions**

**6.1 2015/05/27.03 PETITION - BLACKCURRANT ISLAND BOATING FACILITY PROPOSAL**

**Moved by: P RAMAGE**

**Seconded by: A WILLCOX**



That Council receive the petition, submitted by Warren Hardy, regarding the Boating Facility Capital Project Proposal for Blackcurrant Island.

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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**7. Notice of Motion**

**7.1 2015/05/27.04 NOTICE OF MOTION - CONTRACT TO SUPPLY FIVE FRONT DECK MOWERS**

**Moved by: D CLARK**

**Seconded by: P RAMAGE**

That the following motion passed by Council at its meeting of 26 November, 2014;

**14.2 Confidential Matters - Corporate Services**  
**2014/11/26.74 CONTRACT TO SUPPLY FIVE (5) FRONT DECK MOWERS**

**Moved by: D CLARK**

**Seconded by: P RAMAGE**

That Council award the supply contract of five front deck mowers to Bowen Power Quip and Cycles for the Toro mowers.

*As per section 273 of the Local Government Regulation 2012 the reason for going against a Council Officer's recommendation was that it was cheaper than the item recommended and was still kept within the region.*

**MEETING DETAILS:**

*Mayor Whitney declared a material personal interest (as per section 172 of the Local Government Act 2009) and left the meeting room at 1.00pm, taking no part in the debate or decision of the meeting. Deputy Mayor Willcox chaired the meeting in the Mayor's absence.*

The motion was Carried 3/3 and called on the casting vote of the Deputy Mayor

**CARRIED**

**be amended to read as follows;**

**That Council award the supply contract of five mid mount mowers to Bowen Power Quip and Cycles for the Toro Mowers.**

**MEETING DETAILS:**

*Mayor Whitney declared a material personal interest (as per section 172 of the Local Government Act 2009) and left the meeting room at 11.36am, taking no part in the debate or decision of the meeting. Deputy Mayor Willcox chaired the meeting in the Mayor's absence.*

The motion was Carried 4/2

CARRIED

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*Mayor Whitney returned to the meeting at 11.49am*  
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**7. Notice of Motion**

**7.2 2015/05/27.05 NOTICE OF MOTION - TEMPORARY CLOSURE TO SECTION OF AIRLIE CREEK CAR PARK**

**Moved by: J ATKINSON**

**Seconded by: D CLARK**

**That the following motion passed by Council at its meeting of 13 May, 2015;**

**12 Planning & Community Services**

**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**

**be amended to read as follows;**

**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.**
- 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 5/2

Cr Clifford was recorded against the motion

**CARRIED**

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**7. Notice of Motion**

**7.3 2015/05/27.06 NOTICE OF MOTION - TOURISM BOWEN - APPLICATION TO INSTALL A MANGO SCULPTURE - FRONT BEACH**

**Moved by: J CLIFFORD**

**Seconded by: A WILLCOX**

**That the following motion passed by Council at its meeting of 11 June, 2014;**

**12. Planning and Community Services**

**12.15 2014/06/11.34 TOURISM BOWEN - APPLICATION TO INSTALL A MANGO SCULPTURE - FRONT BEACH**

Moved by: J CLIFFORD

Seconded by: J COLLINS

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

- a. All installation and maintenance costs will be paid by Tourism Bowen,
- b. The mango sculpture and footings/braces will be installed in accordance with the plans and information submitted to Council on behalf of Tourism Bowen on 12May 2014,
- c. The mango sculpture and footings/braces will be maintained in a good state of repair at all times,
- d. The mango sculpture will not impede any vehicular or pedestrian movement along Front Beach pathways,
- e. All lighting used to illuminate the mango sculpture must be angled or shaded in such a manner that the light does not cause a nuisance,
- f. The power source for electricity to install and light the mango sculpture must not be used unless authorised by the local government,
- g. Tourism Bowen must indemnify the local government, to the satisfaction of the local government, against any liability which may arise as a result of approved activity,
- h. The installation of the mango sculpture must comply with any relevant provisions of the Workplace Health and Safety Act 1995 and Building Act 1975,
- i. Tourism Bowen must take out a public liability insurance policy to the value of twenty million dollars (\$20,000,000.00) with Whitsunday regional Council being endorsed as an interested party,
- j. Interpretive signage regarding the mango must be exhibited in close proximity to the sculpture,
- k. The mango is to be filled with a material/substance to ensure solidity and reduce the chance of the sculpture being damaged and subsequently breaking up into pieces,
- l. That Council will determine the ultimate position and location of the sculpture installation adjacent to the Tourism Bowen information booth located at Front Beach Bowen,
- m. The mango sculpture must be installed and maintained in accordance with Whitsunday Regional Council Local Government Facilities and Areas Local Law 2011.

**Amendment**

Moved by: A WILLCOX

Seconded by: D CLARK

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

- a. All installation and maintenance costs will be paid by Tourism Bowen with in kind labour supplied by WRC,

- b. WRC will work with Tourism Bowen (supply in kind labour and supervision to require it is installed to WRC requirements) - The mango sculpture and footings/braces will be installed in accordance with the plans and information submitted to Council on behalf of Tourism Bowen on 12 May 2014,
- c. The mango sculpture and footings/braces will be installed in accordance with the plans and information submitted by Tourism Bowen
- d. The mango sculpture will not impede any vehicular or pedestrian movement along Front Beach pathways,
- e. All lighting used to illuminate the mango sculpture must be angled or shaded in such a manner that the light does not cause a nuisance,
- f. The power source for electricity to install and light the mango sculpture must not be used unless authorised by the local government,
- g. Tourism Bowen must indemnify the local government, to the satisfaction of the local government, against any liability which may arise as a result of approved activity,
- h. The installation of the mango sculpture must comply with any relevant provisions of the Workplace Health and Safety Act 1995 and Building Act 1975,
- i. WRC will note that the little mango on the WRC public liability licence - Tourism Bowen must take out a public liability insurance policy to the value of twenty million dollars (\$20,000,000.00) with Whitsunday Regional Council being endorsed as an interested party,
- j. Interpretive signage regarding the mango must be exhibited in close proximity to the sculpture,
- k. The mango is to be filled with a material/substance to ensure solidity and reduce the chance of the sculpture being damaged and subsequently breaking up into pieces,
- l. That Council will determine the ultimate position and location of the sculpture installation adjacent to the Tourism Bowen information booth located at Front Beach Bowen,
- m. That Council in conjunction with Tourism Bowen, will determine the ultimate position and location of the sculpture installation adjacent to the Tourism Bowen Information booth located at Front Beach Bowen.
- n. The mango sculpture must be installed and maintained in accordance with Whitsunday Regional Council Local Government Facilities and Areas Local Law 2011.

**MEETING DETAILS:**

The Amendment was voted on 3/4

The Amendment was Defeated

The motion was Carried 6/1

**CARRIED**

**be amended to read as follows;**

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



- a. All installation and maintenance costs will be paid by Tourism Bowen, with the exception of the \$500.00 building application fee.
- b. The mango sculpture and footings/braces will be installed in accordance with the plans and information submitted to Council on behalf of Tourism Bowen on 12May 2014,
- c. The mango sculpture and footings/braces will be maintained in a good state of repair at all times,
- d. The mango sculpture will not impede any vehicular or pedestrian movement along Front Beach pathways,
- e. All lighting used to illuminate the mango sculpture must be angled or shaded in such a manner that the light does not cause a nuisance,
- f. The power source for electricity to install and light the mango sculpture must not be used unless authorised by the local government,
- g. Tourism Bowen must indemnify the local government, to the satisfaction of the local government, against any liability which may arise as a result of approved activity,
- h. The installation of the mango sculpture must comply with any relevant provisions of the Workplace Health and Safety Act 1995 and Building Act 1975,
- i. Tourism Bowen must take out a public liability insurance policy to the value of twenty million dollars (\$20,000,000.00) with Whitsunday regional Council being endorsed as an interested party,
- j. Interpretive signage regarding the mango must be exhibited in close proximity to the sculpture,
- k. The mango is to be filled with a material/substance to ensure solidity and reduce the chance of the sculpture being damaged and subsequently breaking up into pieces,
- l. That Council will determine the ultimate position and location of the sculpture installation adjacent to the Tourism Bowen information booth located at Front Beach Bowen,
- m. The mango sculpture must be installed and maintained in accordance with Whitsunday Regional Council Local Government Facilities and Areas Local Law 2011.

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

## 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

10. Office of the Mayor & CEO  
10.1 2015/05/27.07 MARCH 2015 BUDGET REVIEW

Moved by: J CLIFFORD  
Seconded by: J ATKINSON

That Council adopt the revised March 2015 Budget Review.

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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10. Office of the Mayor & CEO  
10.2 2015/05/27.08 MONTHLY FINANCIAL REPORT - APRIL 2015

Moved by: J ATKINSON  
Seconded by: A WILLCOX

That Council receive and adopt the Monthly Financial Report for April 2015.

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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10. Office of the Mayor & CEO  
10.3 2015/05/27.09 CHANGE OF COUNCIL MEETING DATE - JULY 2015

Moved by: J CLIFFORD  
Seconded by: A WILLCOX

That Council change the date of the Ordinary Council Meeting from the 8<sup>th</sup> July 2015 to Thursday 9<sup>th</sup> July 2015 due to conflicting dates with the Asia Pacific Summit and Mayor's Forum.

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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10. Office of the Mayor & CEO

10.4 2015/05/27.10 BOWEN BURDEKIN LOCAL MARINE ADVISORY  
COMMITTEE REPRESENTATION

Moved by: J ATKINSON

Seconded by: J COLLINS

That Council receive advice from Cr Atkinson that he is stepping down as Council's representative on the Bowen Burdekin Local Marine Advisory Committee and Cr Dave Clark be appointed as Council's representative on this Committee.

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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10. Office of the Mayor & CEO

10.5 2015/05/27.11 WHITSUNDAY REEF FESTIVAL - 31 JULY TO 9  
AUGUST, 2015

Moved by: J CLIFFORD

Seconded by: A WILLCOX

That Council authorise \$5000.00 (exclusive of GST) of funds to be released from the Economic Development budget by way of sponsorship towards the Whitsunday Reef Festival, to be held from the 31 July to 9 August 2015. Furthermore that Council works with the Reef Festival Committee to provide in kind support as well as provide waiver of fees and charges to a maximum amount of \$5000.00, and that Council install the reef festival banners as part of its in-kind contribution towards the Reef Festival.

As a condition of the funding Council also requests that advice is provided in relation to the sponsorship benefits of the total of \$10,000.00 contribution as well as the provision of a joint media event to announce the sponsorship with the region's Mayor Cr Jennifer Whitney.

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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10. Office of the Mayor & CEO

10.6 2015/05/27.12 DIVISIONAL BOUNDARIES AND ELECTORAL  
NUMBERS SUBMISSION TO THE ELECTORAL  
COMMISSION OF QUEENSLAND

Moved by: J WHITNEY

Seconded by: J CLIFFORD

That the Whitsunday Regional Council recommend to the Local Government Change Commission that new divisional boundaries are instated within the Local Government area as per the new maps attached to the report to this meeting entitled Submission to the Local Government Change Commission on Electoral Divisions in Whitsunday Regional Council.

Furthermore, that a copy of the report be provided to the Local Government Change Commission.

#### AMENDMENT

Moved by: A WILLCOX

Seconded by:

That the Whitsunday Regional Council recommend to the Local Government Change Commission that new divisional boundaries be endorsed without altering division 6 within the Local Government area as per the new maps attached to the report to this meeting entitled Submission to the Local Government Change Commission on Electoral Divisions in Whitsunday Regional Council.

Furthermore, that a copy of the report be provided to the Local Government Change Commission.

#### MEETING DETAILS:

Cr Willcox withdrew his Amendment

Mayor Whitney called for a vote

For: Mayor Whitney, Cr Atkinson, Cr Clifford and Cr Collins

Against: Cr Willcox, Cr Clark and Cr Ramage

The motion was Carried 4/3

CARRIED

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## 12. Planning and Community Services

12.1 2015/05/27.13 20150360 - DEVELOPMENT APPLICATION FOR DEVELOPMENT PERMIT FOR MATERIAL CHANGE OF USE - EIGHT (8) MULTIPLE DWELLING UNITS - 30 GARDENIA STREET PROSERPINE - JEFFRIES FAMILY TRUST

Moved by: J CLIFFORD

Seconded by: J ATKINSON

That in relation to the application for Development Permit for Material Change of Use - Eight (8) Multiple Dwelling Units, made by Jeffries Family Trust, on Lot 115 SP204647, Lot 116 SP204647 and located at 30 Gardenia Street Proserpine, 32 Gardenia Street Proserpine, Council resolves to approve the application subject to conditions outlined in Appendix A of this report.

### 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	Homes R Us	01A	23/04/2015
Floor Plan – Dwelling – Opt 1	Homes R Us	02	10/02/2015
Elevations – Dwelling – Opt 1	Homes R Us	03	10/02/2015
Floor Plan – Dwelling – Opt 2	Homes R Us	04	10/02/2015
Elevations – Dwelling – Opt 2	Homes R Us	05	10/02/2015
Floor Plan – Duplex	Homes R Us	06A	23/04/2015
Elevations – Duplex	Homes R Us	07A	23/04/2015
Landscaping	Homes R Us	08A	23/04/2015
Turning Paths	Homes R Us	09A	23/04/2015
Turning Paths	Homes R Us	10A	23/04/2015
Engineering Report for Turing Paths	Reese Milburn	-	27/04/2015
Engineering Cover Statement	Reese Milburn	-	20/03/2015
Proposed Site Layout Access, Drainage and Services	Reese Milburn	1501 C01 P1	19/03/2015
Contour and Detail Survey of Lots	WSG	31034-DS-	11/02/2015

		01C	
Noise Assessment Report	Noise Measurement Services	-	11/02/2015

- 1.2. The applicant is to comply with the Department of Transport and Main Roads conditions as outlined in the Department's correspondence dated 5 May 2015.
- 1.3. The following further development permits are required prior to commencement of work on site or commencement of the use:
- Operational Works:
    - Access and Parking;
    - Stormwater drainage;
    - Water Infrastructure;
    - Sewerage Infrastructure; and
    - Erosion and Sediment Control;
  - Plumbing and drainage works; and
  - Building Works
- All Operational Works, Plumbing and Drainage Works Development Permits must be obtained prior to the issue of a Building Works Development Permit.
- 1.4. 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.
- 1.5. 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.
- 1.6. 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.
- 1.7. The development is to be staged as follows or as otherwise agreed by Council:
- Stage 1 – Dwelling 1 & 2;
  - Stage 2 – Dwelling 3, Units 1 & 2; and
  - Stage 3 – Dwelling 4, Units 3 & 4.

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

- 2.1 The landscaping must be established in accordance with the approved plans (Landscaping -Homes R Us - 08A - 23/04/2015) and staging and maintained thereafter to the requirements of council.
- 2.2 All fencing must be established in accordance with the approved plans (Landscaping - Homes R Us - 08A - 23/04/2015) prior to the commencement of the use for Stage 1.
- 2.3 Any vegetation removed must be disposed of to the requirements of the Council. Transplanting, chipping or removal from site are the preferred solutions.
- 2.4 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.

## **3.0 BUILDING**

- 3.1 Mailboxes for each unit must be provided on site (as per approved staging), 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 SIGNAGE**

- 4.1 A sign displaying the writing 'shared zone' it to be installed at the entrance of the internal driveway prior to the commencement of the use for Stage 1.

#### **5.0 LIGHTING**

- 5.1 The development must meet the lighting design requirements contained in:
  - Electricity Act 1994 (Queensland);
  - Electricity Regulation 1994 (Queensland);
  - Workplace Health and Safety Act 1995 (Queensland);
  - Environmental Protection Regulation 1998;
  - Council's Local Laws, policies and relevant Planning Scheme requirements;
  - Building Code of Australia;
  - Australian Standards AS1158 – The lighting of urban roads and other public thoroughfares; and
  - Australian Standards AS4282 – Control of obtrusive effects of outdoor lighting.
- 5.2 The level of illumination, at a distance of 1.5 metres outside any boundary of the site, resulting from direct, reflected, or other incidental light emanating from the site shall not exceed eight lux measured at any level upwards from ground level.
- 5.3 Lighting along, all internal access driveways and parking areas, is to be directed downwards so as to minimise any adverse effects of glare or direct light nuisance on all surrounding allotments, including allotments within, but must achieve a minimum level of illumination consistent with the safety of pedestrians and vehicles.

#### **6.0 EARTHWORKS**

- 6.1 All site works must be designed by an experienced and qualified Geotechnical Engineer or Civil Engineer and undertaken in accordance with the recommendations of the Geotechnical Report of Site Earthworks and Building Foundations for the site.

#### **7.0 WATER INFRASTRUCTURE (STAGES 1, 2 AND 3)**

- 7.1 The development must be connected to Council's water network prior to commencement of the use for Stage 1, Stage 2 and Stage 3.
- 7.2 Prior to commencement of any work on site of Stage 1, Stage 2 and Stage 3 an Operational Works development permit must be obtained in relation to Water Infrastructure.
- 7.3 Any application for Operational Works (Water Infrastructure) of Stage 1, Stage 2 and Stage 3 must be accompanied by engineering design drawings, clearly showing, including dimensions, the location of all water supply services



- 7.4 Each dwelling within the development must be provided with a sub-meter in accordance with Council's policy for sub-metering prior to occupation of the dwellings.
- 7.5 All water infrastructure must be designed and constructed in accordance with Council's Development Manual (or equivalent replacement document current at the time of development) prior to commencement of the use.
- 7.6 All existing water service connections must be disconnected and sealed to the satisfaction of Council's Water & Sewer Services at the time of removal (of the existing structure) prior to commencement of the use or other such arrangement acceptable to Council.
- 7.7 Prior to commencement of use on the site of Stage 1, Stage 2 and Stage 3, 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 all Water Infrastructure works have been designed and constructed according to the conditions of this Decision Notice and Council's Development Manual.

#### **8.0 SEWERAGE INFRASTRUCTURE (STAGES 1, 2 AND 3)**

- 8.1 The development must be connected to Council's sewerage network prior to commencement of the use for Stage 1, Stage 2 and Stage 3.
- 8.2 Prior to commencement of any work on site for Stage 1, Stage 2 and Stage 3 an Operational Works development permit must be obtained in relation to Sewerage Infrastructure.
- 8.3 Any application for Operational Works (Sewerage Infrastructure) for Stage 1, Stage 2 and Stage 3 must be accompanied by engineering drawings clearly showing the detail design, including dimensions, the location of all sewer jumps ups.
- 8.4 The development must be constructed clear of all existing gravity and/or rising sewer mains on the property and any adjoining properties.
- 8.5 Any relocation of existing sewerage infrastructure must be designed and constructed in accordance with Council's Development Manual (current at the time of the development) prior to commencement of the use.
- 8.6 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.
- 8.7 Prior to commencement of use on the site for Stage 1, Stage 2 and Stage 3 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 all Sewer Infrastructure works have been designed and constructed according to the conditions of this Decision Notice and Council's Development Manual.

#### **9.0 ACCESS AND PARKING (STAGE 1, 2 AND 3)**

- 9.1 A minimum of 5 car parking spaces must be provided on site prior to commencement of the use for Stage 1.
- 9.2 A minimum of 4 car parking spaces must be provided on site prior to commencement of the use for Stage 2.
- 9.3 A minimum of 4 car parking spaces must be provided on site prior to commencement of the use for Stage 3.

- 9.4 Prior to commencement of any work on site for Stage 1, Stage 2 and Stage 3 an Operational Works development permit must be obtained in relation to Access and Parking.
- 9.5 Any application for Operational Works (Access and Parking) for Stage 1, Stage 2 and Stage 3 must be accompanied by detailed engineering drawings demonstrating compliance with Council's Development Manual (current at the time of development), Australian Standard AS2890, AS1428 and this Decision Notice.
- 9.6 The external access from the pavement of Gardenia Street to the property boundary must be constructed to comply with the dimensions, gradients and specifications as indicated on Council's Standard Drawing R0051, prior to commencement of the use for Stage 1.
- 9.7 The external access must include provision for all drainage from within the property and along the driveway surface to be collected at or inside the property boundary and discharged by way of a pipe or other approved means to Council's drainage system.
- 9.8 All accesses, driveways, circulation roads, aisles, parking bays and manoeuvring areas must be designed and constructed so as to comply with the criteria described in AS2890 and AS1428.
- 9.9 All internal accesses, driveways, circulation roads, aisles, parking bays and manoeuvring areas are to be provided generally as indicated on proposed site layout access, Drainage and services Plan 1501 – CO1 – P1 and must be designed to comply with the Carriageway Widths and Traffic Generation criteria as detailed on Table D1.1 Street and Road Hierarchy of Councils Development Manual and constructed so as to comply with the criteria described in Councils Development Manual, AS2890 and AS1428.
- 9.10 Prior to commencement of use on the site for Stage 1, Stage 2 and Stage 3 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 External Access, Internal Access, onsite parking and manoeuvring areas have been designed and constructed according to the conditions of this Decision Notice and achieves compliance with Whitsunday Planning Scheme, Councils Development Manual, AS2890 and AS 1428.

#### **10.0 STORMWATER (STAGES 1, 2 AND 3)**

- 10.1 The applicant must design and construct Roof and Allotment drainage system for the development 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. No uncontrolled discharge will be permitted within the developed site.
- 10.2 Prior to commencement of any work on site for Stage 1, Stage 2 and Stage 3 an Operational Works development permit must be obtained in relation to Stormwater Drainage
- 10.3 Any application for Operational Works (Stormwater) for Stage 1, Stage 2 and Stage 3 must be accompanied by engineering design drawings, including calculations and 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.
- 10.4 Prior to commencement of use on the site for Stage 1, Stage 2 and Stage 3 the applicant must demonstrate that the developed flows from the land drain to a lawful point of discharge. Natural and Developed Flows from adjoining properties are to be managed through the site and discharged to a lawful point of discharge.

10.5 Prior to commencement of use on the site for Stage 1, Stage 2 and Stage 3 the applicant 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, Councils 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.

### **11.0 ELECTRICITY AND TELECOMMUNICATIONS**

11.1 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 new dwellings; 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 dwellings, 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 lots 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 new dwellings.

### **12.0 ENVIRONMENTAL MANAGEMENT (STAGES 1, 2 AND 3)**

12.1 A Development Permit for Operational Works (Erosion Prevention and Sediment Control) must be obtained prior to commencement of work on site of Stage 1, Stage 2 and Stage 3.

12.2 Prior to commencement of any work on the site, the applicant must submit to Council for approval, an Erosion Prevention and Sediment Control Plan for the site for Stage 1, Stage 2 and Stage 3.

12.3 The plan must be prepared in accordance with Council's Whitsunday Shire Council Development Manual (or equivalent replacement document 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.

12.4 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).

12.5 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.

12.6 The applicant must ensure that when undertaking any on-site or external works, including any filling and extraction, appropriate dust control measures are implemented in accordance with the Environmental Protection Act 1994 and complies with the relevant air quality objectives defined in the Environmental Protection (Air) Policy 2008.

### **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 Provision and maintenance of a refuse collection area to the requirements of the Council.
- 13.3 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.
- 13.4 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.
- 13.5 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.
- 13.6 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 Gardenia Street or adjoining land unless written permission from the owner of that land and Council is provided.
- 13.7 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.

#### **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. Planning and Community Services**

- 12.2 2015/05/27.14 20150424 - DEVELOPMENT APPLICATION FOR DEVELOPMENT PERMIT FOR OPERATIONAL WORKS FOR ONE ADVERTISING DEVICE (ILLUMINATED) - 257 SHUTE HARBOUR ROAD AIRLIE BEACH - NIGHT OWL CONVENIENCE**

**Moved by: J CLIFFORD**

**Seconded by: J ATKINSON**

**That in relation to the application for Development Permit for Operational Works for One (1) Advertising Device (Illuminated), made by Night Owl Convenience, on Lot 1 SP104896, CTS: 50199848 and located at 257 Shute Harbour Road, Airlie Beach, Council resolves to approve the application subject to the conditions outlines in Appendix A.**

**Appendix Item A - Conditions of Approval**

**1.0 ADMINISTRATION**

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

| Plan/Document Name      | Prepared By           | Plan Number  | Dated      |
|-------------------------|-----------------------|--------------|------------|
| Advertising Device Plan | Night Owl Convenience | 2015-424-001 | 04/05/2015 |
| Advertising Device Plan | Night Owl Convenience | 2015-424-002 | 04/05/2015 |
| Advertising Device Plan | Night Owl Convenience | 2015-424-003 | 04/05/2015 |

- 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 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 LIGHTING**

- 1.1 The level of illumination, at a distance of 1.5 metres outside any boundary of the site, resulting from direct, reflected, or other incidental light emanating from the site shall not exceed eight lux measured at any level upwards from ground level.
- 2.2 All illuminated advertising devices are only to be turned on during the operational hours of the premises for which the signs are advertising.

## **3.0 MISCELLANEOUS**

- 3.1 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.
- 3.2 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.
- 3.3 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.
- 3.4 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 the Bruce highway or adjoining land unless written permission from the owner of that land and Council is provided.
- 3.5 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.

## **4.0 ADVISORY NOTES**

### **4.1 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.

### **4.2 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.

#### 4.3 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.

#### 4.4 Noise During Construction and Noise in General

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

#### 4.5 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.

#### 4.6 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. Planning and Community Services**

**12.3 2015/05/27.15 20150397 - APPLICATION FOR PERMANENT ROAD CLOSURE ADJOINING ABEL POINT MARINA - ADJOINING LOT 102 ON SP225395**

**Moved by: J CLIFFORD**

**Seconded by: J ATKINSON**

**Council resolves to advise the Department of Natural Resources and Mines that:**

- 1. Council has no objection to the proposed permanent road closure as detailed on Drawing No. 13541/B/CEN; and**
- 2. The area shown in black on Drawing 13/541B/CEN should remain as Road Reserve to protect the public access to the Bicentennial Walkway.**

### **MEETING DETAILS:**

The motion was Carried 7/0

CARRIED

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12. Planning and Community Services

12.4 2015/05/27.16 20150448 - APPLICATION FOR CONVERSION TO FREEHOLD OF TERM LEASE 0/216900 DESCRIBED AS LOT 321 ON HR1953

Moved by: J COLLINS

Seconded by: J ATKINSON

That Council advise the Department of Natural Resources and Mines that Council has no objection to Term Lease 0/216900 being converted to freehold subject to the existing allotment being provided with a legal access from the property boundary to Woodhouse Road.

**MEETING DETAILS:**

The motion was Carried 7/0

CARRIED

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12. Planning and Community Services

12.5 2015/05/27.17 20150033 - PRELIMINARY APPROVAL VARYING THE EFFECT OF THE PLANNING SCHEME FOR MATERIAL CHANGE OF USE, RECONFIGURATION OF A LOT AND OPERATIONAL WORKS DEVELOPMENT APPLICATIONS IN ACCORDANCE WITH THE INDUSTRIAL ZONE CODE AT SHUTE HARBOUR ROAD JUBILEE POCKET

Moved by: J CLIFFORD

Seconded by: J ATKINSON

That in relation to the application for Preliminary Approval (s242) varying the effect of the Planning Scheme for Material Change of Use, Reconfiguration of a Lot and Operational Works development applications in accordance with the Industrial Zone Code, made by Whitsunday Regional Council, on Lot 2 RP743420 and located at Shute Harbour Road, Jubilee Pocket, Council resolves to approve the application subject to conditions outlined in Appendix A of this report.

**Appendix Item A – Conditions of Approval**

**1.0 ADMINISTRATION**

1.1 This is a preliminary approval to vary the effect of the Whitsunday Shire Planning Scheme 2009 under Section 242 of the *Sustainable Planning Act 2009*, for Material Change of Use, Reconfiguration of Lot & Operational Works development applications (as defined).

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



Plan/Document Name	Prepared By	Plan Number	Dated
Industrial Preliminary Approval S242 Lot 2 on RP743420	Whitsunday Surveys	31020P01 A	04 Jan 2015

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

## 2.0 OTHER DEVELOPMENT PERMITS

- 2.1 Other development permits which may be required to allow the development to be undertaken are listed below and these conditions do not affect the need to obtain such permits, namely:
- (a) Development Permit(s) for Material Change of Use;
  - (b) Development Permit(s) for Reconfiguration of a Lot;
  - (c) Development Permit(s) for Operational Works;
  - (d) Development Permit(s) for Building Works; and
  - (e) Plumbing and Drainage Works.

- 2.2 The developer must also obtain all other permits, approvals and authorities required by other legislation.

## 3.0 RELEVANT PERIOD

- 3.1 The preliminary approval will lapse five (5) years from the date of this decision notice where Lot 2 on RP743420, has not commenced a use in accordance with the preliminary approval.

## 4.0 ASSESSMENT TABLES

- 4.1 This preliminary approval to vary the effect of the local planning instrument varies the level of assessment of development in the Whitsunday *Shire Planning Scheme 2009*. The specific industrial land uses are to be in accordance with the Industrial Zone Code applicable at the time of lodgement of future development applications.

### 4.1.1 **Table of Assessment – categories and criteria for making a Material Change of Use**

1(a) Defined Use or Use Class	2 Assessment Category	3 Relevant Assessment Criteria Applicable Code if Development is Self Assessable or Requires Code Assessment

1(a) Defined Use or Use Class	2 Assessment Category	3 Relevant Assessment Criteria Applicable Code if Development is Self Assessable or Requires Code Assessment
Bulk landscape supplies	Code Assessable	Industrial Zone Code Industrial Use Code Advertising Signage Code General Development Code
Community Facility	Self Assessable	Reconfiguring a Lot Code General Development Code
Special Purpose	Code assessable	Industrial Zone Code Industrial Use Code Advertising Signage Code General Development Code
Low Impact Industry	Self Assessable where development complies with the acceptable solutions of the relevant Codes,	Industrial Zone Code Industrial Use Code General Development Code
	Otherwise code assessable.	Industrial Zone Code Industrial Use Code General Development Code
Medium Impact Industry use class	Self Assessable where development complies with the acceptable solutions of the relevant Codes,	Industrial Zone Code Industrial Use Code General Development Code
	Otherwise code assessable.	Industrial Zone Code Industrial Use Code Advertising Signage Code General Development Code
Local utility	Exempt	
Park	Exempt	
Rural Service Industry	Self Assessable where development complies with the probable solutions of the relevant Codes,	Industrial Zone Code Industrial Use Code General Development Code

1(a) Defined Use or Use Class	2 Assessment Category	3 Relevant Assessment Criteria Applicable Code if Development is Self Assessable or Requires Code Assessment
	Otherwise code assessable.	Industrial Zone Code Industrial Use Code General Development Code
Sales or Hire Premises	Self Assessable where development complies with the probable solutions of the relevant Codes,	Industrial Zone Code Industrial Use Code General Development Code
	Otherwise code assessable.	Industrial Zone Code Industrial Use Code General Development Code
Shop (where used solely to provide a takeaway food outlet to principally service the surrounding industrial area)	Code assessable where development complies with the applicable codes,	Industrial Zone Industrial Use Code Advertising Signage Code General Development Code
	Otherwise, impact assessable	
Special Purpose	Self assessable	General Development Code
Storage yard	Self Assessable where development complies with the acceptable solutions of the relevant Codes,	Industrial Zone Code Industrial Use Code General Development Code
	Otherwise code assessable.	Industrial Zone Code Industrial Use Code Advertising Signage Code General Development Code
Transport Terminal	Code assessable	Industrial Zone Code Industrial Use Code Advertising Signage Code General Development Code

1(a) Defined Use or Use Class	2 Assessment Category	3 Relevant Assessment Criteria Applicable Code if Development is Self Assessable or Requires Code Assessment
Vehicle Depot	Code assessable	Industrial Zone Code Industrial Use Code Advertising Signage Code General Development Code
<b>Other Uses Not Defined</b>		
All other uses (except use for a road)	Impact assessable	

#### 4.1.2 Industrial Uses Code

##### **Code Applicability**

The following code is applicable to assessable development for Industrial Uses Code identified in the tables of assessment.

##### **Overall Outcomes**

The overall outcomes sought for the Industrial Uses Code are as follows:

- (a) is appropriately located, considering the proposed use, the character of the area and the environmental values of the site and surrounding area;
- (b) is on land that is appropriate in size and suitability located for the proposed use;
- (c) is visually appealing and is appropriately designed to meet the functional requirements of the use;
- (d) protects the expected amenity of the locality;
- (e) does not adversely affect the noise and light environment of adjoining areas;
- (f) does not compromise the natural environment;
- (g) does not detrimentally impact upon the transport network;
- (h) provides a suitable level of infrastructure;
- (i) minimise the risk of hazards potentially associated with industries;
- (j) Development makes adequate provision for maintaining and protecting surface and ground water quality and downstream aquatic environments from sediments, nutrients and other pollutants;
- (k) industrial areas are consolidated and buffered to avoid conflicts with surrounding uses; and
- (l) Industries present an attractive or screened appearance to main transport routes and along frontages facing residential development.

**Table 1 – Development Requirement for the Industrial Uses Code**

<p><b>Specific Outcomes (S) for Code and Impact Assessable Development</b></p>	<p><b>Probable Solutions (P) for Code and Impact Assessable Development; and Acceptable Solutions (A) for Self Assessable Development</b></p>
<p>S1. The use is developed on a site included in an industrial area or, where in another area, in a suitable location considering topography, accessibility, provision of utility services, surrounding land uses, natural environment, the desired character of the area and potential social and community impacts.</p>	<p>P/A1.1 Premises are established on land included within the Industrial Zone.</p> <p>P1.2 Development is sited taking into consideration the topography, natural environment, accessibility, surrounding land uses, the desired character of the area and the amenity of the locality.</p>
<p>S2. The site is of a suitable size, shape and configuration for the intended use.</p>	<p>P/A2.1 The site has a minimum area of 2,500m<sup>2</sup>.</p> <p>P2.2 The site has a minimum road frontage of 35 metres.</p>
<p>S3. Industrial development is not located in areas with remnant vegetation, waterways or areas subject to natural hazards.</p>	<p>P3.1 No acceptable solution specified.</p>
<p>S4. Buildings are of a similar bulk and scale to other buildings and structures in the area and of an appearance that contributes positively to the character of the area.</p>	<p>P/A4.1 Buildings and structures are a maximum of two (2) storeys and 8 metres in height.</p> <p>P/A4.2 Site cover does not exceed 75% of the total site area.</p> <p>P4.3 Buildings have a gross floor area less than the area of the site.</p> <p>P/A4.4 The reception, display windows building entrance and foyers are located on the ground storey facing the street frontage.</p>
<p>S5. Buildings and other structures are setback from the road frontage to provide adequate space for landscaping and to contribute to the desired amenity and streetscape character of the area.</p>	<p>P5.1 Buildings are setback a minimum of 6 metres from the road frontage.</p> <p>P5.2 Where the site adjoins the Bruce Highway or Shute Harbour Road, buildings and structures are setback a minimum of 10 metres from the road frontage.</p>
<p>S6. Premises are located to minimise impact on adjoining non-industrial zones.</p>	<p>P/A6.1 Where the site has a common boundary with land included in the Industrial Zone, no minimum building setback is specified.</p>

Specific Outcomes (S) for Code and Impact Assessable Development	Probable Solutions (P) for Code and Impact Assessable Development; and Acceptable Solutions (A) for Self Assessable Development
	<p>OR</p> <p>Where the site has a common boundary with land in another zone (other than the Industrial Zone) all buildings and structures are setback at least 10 metres from the common site boundaries.</p> <p>P/A6.2 Where the site has a common boundary with land in another zone a 10 metre dense landscaped buffer is provided.</p> <p>P/A6.3 A 1.8 metres high solid fence is to be provided to all site boundaries that adjoin land which is included in a zone other than the Industrial Zone.</p>
<p>S7. Landscaping is used to – create an attractive industrial environment; retain or improve existing streetscapes; provide appropriate street planting taking into account the image and role of the street</p>	<p>P/A7.1 Landscaping of at least 10% of the site area is provided.</p> <p>P/A7.2 Landscaping with a minimum width of 3 metres is provided to the frontage of the site (adjoining the road) excluding driveways and pedestrian access.</p> <p>P/A7.3 Landscaping with a minimum depth of 3 metres is provided to the site boundary adjoining land included in another Zone (other than the Industrial Zone).</p>
<p>S8. The use and development protects remnant vegetation and native non-remnant vegetation.</p>	<p>P8.1 Native non-remnant vegetation outside of the building footprint is retained.</p>
<p>S9. Development provides the necessary infrastructure and service requirements to service the use.</p>	<p>In partial compliance with S9:</p> <p>P/A9.1 Driveway crossovers are constructed in accordance with Standard Drawings R-0051 or R-0052 of Council's Development Manual.</p> <p>P/A9.2 Driveway grades within the property shall be limited to 10% (1 in 10).</p> <p>P/A9.3 Not more than one (1) driveway crossover is provided per street frontage.</p>
<p>S10. The use must provide for the</p>	<p>P10.1 Wastewater is disposed of to</p>

Specific Outcomes (S) for Code and Impact Assessable Development	Probable Solutions (P) for Code and Impact Assessable Development; and Acceptable Solutions (A) for Self Assessable Development
<p>collection/treatment/ disposal of all solid and liquid wastes such that:</p> <p>(a) the off-site release of contaminants does not occur;</p> <p>(b) all wastes are collected and disposed of in accordance with relevant licence and approval conditions and/or relevant Government and industry standards; and</p> <p>(c) there are no significant adverse impacts on the quality of surface water or ground water resources.</p>	<p>Council's sewerage system.</p> <p>OR</p> <p>Where industrial on-site effluent treatment systems are provided, the associated off-site sludge disposal is disposed of to an approved waste disposal facility.</p> <p>P10.2 Liquid wastes that cannot be disposed of to the sewerage system (or on site effluent system) are disposed of off-site to an approved waste disposal facility.</p> <p>P10.3 There is no discharge of waste to local streams, natural waterways or dry watercourses.</p>
<p>S11. The emission of any odour, dust and air pollutants is minimised to ensure no nuisance is caused beyond the site boundaries.</p>	<p>P11.1 No acceptable solution specified.</p>
<p>S12. The noise generated by the activity does not cause nuisance to adjoining noise sensitive areas.</p>	<p>P12.1 No acceptable solution specified.</p>
<p>S13. Stormwater does not contaminate surface or ground water.</p>	<p>P13.1 No raw product or liquid is used or stored in an unroofed area</p>
<p>S14. All weather access is available to the site.</p>	<p>P/A14.1 Access to the site is via a constructed and sealed road</p>
<p>S15. Building design and layout allows for necessary service requirements.</p>	<p>P15.1 The design and layout provides for the on-site loading and unloading of goods.</p> <p>P/A15.2 The design provides for the storage of and access for the removal of refuse.</p> <p>P/A15.3 Loading and unloading areas are located to the rear of the site.</p> <p>P/A15.4 Refuse storage areas are screened and located to the rear of the site.</p>

#### 4.1.3 General Development Code

### **Code Applicability**

The following code is applicable to assessable development for General Development Code identified in the tables of assessment.

### **Overall Outcomes**

The overall outcomes for the General Development Code are as follows:

- (m) uses are provided with an appropriate level of water, waste water treatment and disposal, drainage, energy, communications and other services to service the use;
- (n) waste water treatment and disposal and drainage facilities do not adversely affect the quality of nearby watercourses, wetlands or marine environments;
- (o) access, streets, roads and pedestrian and cycle paths are provided to standards that ensure safe, convenient and efficient operation of movement networks;
- (p) infrastructure is provided in a manner which maximises resource efficiency and minimises whole of life cycle costs;
- (q) infrastructure is integrated with surrounding networks;
- (r) the integrity of existing infrastructure is maintained;
- (s) development is undertaken in accordance with best environmental management practice to support the achievement of ecological sustainability;
- (t) development does not detract from the character and amenity of the locality;
- (u) landscaping enhances the amenity of the area by providing attractive streetscapes that are functional and complement the scale and appearance of the development;
- (v) landscaping provides attractive buffers between differing land uses; and
- (w) opportunities for waterfront and creek based pedestrian and cycle networks are not restricted by development.

**Table 1 – Development Requirement for the General Development Code**

<b>Specific Outcomes (S) for Code and Impact Assessable Development</b>	<b>Probable Solutions (P) for Code and Impact Assessable Development; and Acceptable Solutions (A) for Self Assessable Development</b>
<b>Roadworks, Footpaths and Bikeways</b>	
S1. Access driveways are located and designed to minimise conflicts through efficient and safe operation.	P1.1 The provision of access driveways are located and designed in accordance with Australian Standard AS2890. P/A1.2 Driveways for corner blocks must be located on the lesser order road. P/A1.3 Driveways are located a minimum of 10 metres from any road intersection. P/A1.4 Driveways must be located a minimum of one (1) metre from existing utility covers, valves,



Specific Outcomes (S) for Code and Impact Assessable Development	Probable Solutions (P) for Code and Impact Assessable Development; and Acceptable Solutions (A) for Self Assessable Development
	<p>manholes, street lights, stormwater drainage etc. unless written approval has been received from the infrastructure owner.</p> <p>P/A1.5 Driveways are located to minimise earthworks to be no greater than 50m<sup>3</sup> of material.</p>
<p>S2. Development sites are provided with external roadworks along the full extent of the frontage appropriate to the function and amenity of the road and including:</p> <ul style="list-style-type: none"> <li>(d) paved roadway;</li> <li>(e) kerb and channel;</li> <li>(f) safe vehicular access;</li> <li>(g) safe footpaths and bikeways;</li> <li>(h) stormwater drainage; and</li> <li>(i) conduits to facilitate the provision of street lighting systems and traffic signals.</li> </ul>	<p>P2.1 External road works design and construction is undertaken in accordance with Planning Scheme Policy 7 – Council’s Development Manual Design Guidelines D1, D3, D4 &amp; D8 and Specification S1, S2, S3, S4, and S7.</p> <p>P2.2 A detailed pedestrian movement plan is provided that accords with the provisions of Queensland Streets – Design Guidelines for Subdivisional Streetworks.</p> <p>P2.3 A detailed bicycle network plan is provided that accords with the provisions of Austroads Guide to Engineering Practice Part 13 and Part 14 – Bicycles.</p>
<p>S3. The verges and footpaths provide safe access for pedestrians clear of obstructions;</p> <p>an access for vehicles onto properties;</p> <p>an area for public utility services; and</p> <p>provide for people with disabilities by allowing safe passage of wheel chairs and other mobility aids.</p>	<p>P3.1 Access for pedestrians and cyclists is provided to any building or to the bicycle parking area from the street.</p> <p>P3.2 Road design and construction is undertaken in accordance with Planning Scheme Policy 7 – Council’s Development Manual Design Guidelines D1, D3, D4 &amp; D8 and Specification S1, S2, S3, S4, and S7.</p>
<p>S4. Bikeways provide safe and attractive cycle routes for commuter and recreational purposes</p>	<p>P4.1 Bicycle parking, bikeway design and construction is undertaken in accordance with Austroads Guide to Engineering Practice Part 13 and Part 14 Bicycles.</p> <p>P4.1 Access pathways for cyclists are provided in accordance with the provisions of Australian Standard AS 2890; and</p>

Specific Outcomes (S) for Code and Impact Assessable Development	Probable Solutions (P) for Code and Impact Assessable Development; and Acceptable Solutions (A) for Self Assessable Development
	P4.2 Where access for cyclists is shared with access for pedestrians or vehicles, the shared use is identified by signage and linemarking in accordance with the provisions of AS 1742.
<p>S5. Measures intended to restrain traffic speeds and/or volumes:</p> <ul style="list-style-type: none"> <li>avoid stop-start conditions;</li> <li>provide for appropriate sight distances;</li> <li>avoid increased vehicle emissions;</li> <li>minimise unacceptable traffic noise to adjoining land uses;</li> <li>maintain convenience or safety levels for cyclists and public transport; and</li> <li>are integrated with landscaping and streetscape design.</li> </ul>	<p>P5.1 Network connections are provided in accordance with Planning Scheme Policy 7 – Council’s Development Manual Design Guidelines D1.</p> <p>P5.2 Road hierarchy and intersection spaces must be in accordance with Queensland Streets.</p>
<p>S6. In the Town of Whitsunday and the Town of Proserpine, the safety and efficiency of Shute Harbour Road are protected and local neighbourhoods are generally interconnected by other routes.</p>	<p>P6.1 Internal road works design and construction is undertaken in accordance with Planning Scheme Policy 7 – Council’s Development Manual Design Guidelines D1.</p>
<p><b><i>Parking and Circulation</i></b></p>	
<p>S7. The provision of access driveways located to minimise conflicts and designed to operate efficiently and safely taking into account:</p> <ul style="list-style-type: none"> <li>the size of the parking area;</li> <li>the amount and type of vehicle traffic;</li> <li>the type of use (e.g. long-term, short-term, regular, casual);</li> <li>frontage-road traffic conditions;</li> <li>the capacity of the adjoining street system.</li> </ul>	<p>P7.1 Access driveways are located and designed in accordance with Australian Standard AS2890.</p> <p>P7.2 Road hierarchy and intersection spaces must be in accordance with Queensland Streets.</p>
<p>S8. Vehicle parking spaces having adequate areas and dimensions to</p>	<p>P8.1 Parking spaces meeting the design requirements of Australian Standard</p>

Specific Outcomes (S) for Code and Impact Assessable Development	Probable Solutions (P) for Code and Impact Assessable Development; and Acceptable Solutions (A) for Self Assessable Development
meet user requirements, including disabled users.	AS2890.
S9. Sufficient parking spaces to accommodate the amount and type of vehicle traffic expected to be generated by the development are provided onsite wherever practicable.	<p>P/A9.1 On-site car parking spaces are provided at the rate specified for a particular use in Table 1 – Minimum on-site vehicle parking requirements, below.</p> <p>P9.3 At least 1 bus parking space (with a minimum width of 4 metres, a minimum height of 4 metres), is provided where development is for the purpose of:</p> <ul style="list-style-type: none"> <li>a major sporting or entertainment facility;</li> <li>a transport terminal;</li> <li>shopping centre.</li> </ul>
S10. Parking driveways, turning areas and vehicle standing areas are designed, constructed and maintained:	<p>P10.1 The provision of a parking area complies with the standards set out in Planning Scheme Policy 7 – Development Manual Design Guidelines D1; and the requirements of Australian Standard AS2890.</p> <p>P/A10.2 All spaces are constructed to ensure independent and unimpeded access by a vehicle (note: tandem car parking spaces are not provided as part of any development except a Dwelling house or where a tandem pair is allocated to the same dwelling or rooming unit, a development comprising of a Dual Occupancy, accommodation units, integrated resort or hotel).</p>
S11. Service vehicle facilities are constructed so as to protect the visual amenity of the surrounding area.	P/A11.1 All regular access service vehicle facilities in residential or commercial uses are to be located and/or constructed to be screened from view when viewed from the street or an adjoining residence or public place.
S12. Sufficient area and appropriate circulation arrangements are established to enable:	P12.1 Circulation and/or turning areas comply with the requirements of Australian Standard AS2890.

Specific Outcomes (S) for Code and Impact Assessable Development	Probable Solutions (P) for Code and Impact Assessable Development; and Acceptable Solutions (A) for Self Assessable Development
<p>all vehicles expected to use the site to drive both on and off the site a safe and efficient manner;</p> <p>adequate and safe access to all parking, loading/unloading and manoeuvring areas;</p> <p>where vehicle queuing is expected, provision for an adequate queuing area that enables vehicles to stand without obstructing the free flow of moving traffic or unduly conflicting with pedestrian movement.</p>	
<p><b>Landscaping and Vegetation</b></p>	
<p>S13. Vegetation species and planting locations are selected to provide shade in summer to external public spaces, car parking areas, external private spaces and dwelling units.</p>	<p>In partial compliance with S13:</p> <p>P13.1 Residential uses incorporate at least one tree per dwelling unit, capable at maturity of providing 10m<sup>2</sup> of shade at noon in accordance with the species list contained within Schedule 2 Table B.</p> <p>P/A13.2 Solar collectors for water heating systems, solar energy systems or the like are not shaded between 9 am and 3 pm.</p> <p>P13.3 External car parks incorporate at least one tree, capable at maturity of providing 10m<sup>2</sup> of shade at noon per four (4) unroofed or uncovered car spaces. Such trees are located to maximise the provision of shade to the applicable car spaces.</p>
<p>S14. Access to the site, car parks and buildings are clearly indicated by landscape treatments.</p>	<p>No probable solutions specified.</p>

<p>S15. The size, location or species of landscaping is appropriate to the locality and development type or use.</p>	<p>P/A15. Landscaping does not:</p> <ul style="list-style-type: none"> <li>(j) unreasonably restrict sightlines for vehicles, pedestrians or cyclists.</li> <li>(k) obscure warning signs, information signs or road signs</li> <li>(l) compromise building foundations, roads and paths; and</li> <li>(m) compromise services such as pipelines, underground cabling and overhead powerlines.</li> </ul>
<p>S16. Pedestrian and vehicular areas are appropriately delineated to ensure the safety of site users.</p>	<p>No probable solutions specified.</p>
<p>S17. Graffiti is discouraged</p>	<p>P/A17.1 Any solid fence or wall is protected from graffiti by landscaping, creepers, murals, or vandal resistant paint.</p>
<p>S18. The natural landform of the site is retained as far as possible.</p>	<p>No probable solutions specified.</p>
<p>S19. The capacity of natural or constructed overland flow paths or channels is not restricted by landscaping.</p>	<p>No probable solutions specified.</p>
<p>S20. The extent, type and design of paving maximises opportunities for on-site infiltration of stormwater.</p>	<p>No probable solutions specified.</p>
<p>S21. Landscaping facilitates the retention and enhancement of remnant vegetation and native non- remnant vegetation.</p>	<p>P21.1 Existing trees, other than unsuitable species are retained and incorporated into site landscaping. or</p> <p>P21.2 Existing vegetation removed for construction purposes is replaced and the land rehabilitated with suitable locally sourced indigenous plant species.</p> <p>P21.3 Native non- remnant vegetation is retained.</p>

<p>S22. Plant species used are those best suited to local conditions and which are unlikely to pose risk to public health or safety or to the natural environment.</p>	<p>P22.1 Only species listed in Schedule 2 Table A, to E are planted.</p> <p>P22.2 Species listed in Schedule 2 Table F are removed.</p> <p>P22.3 Degraded areas are rehabilitated, by weed removal and rehabilitation of appropriate endemic species.</p> <p>P22.4 Palms are planted in groups. Repetition of palms in that creates line of palms is discouraged.</p>
<p>S23. Works including landscaping are managed to prevent and contain the spread and movement of declared weeds and pest animals onto and from the development site.</p>	<p>P23.1 Declared weeds and pests on the land (if identified) must be treated and eradicated.</p> <p>P23.2 Where eradication of the existing declared weed infestations cannot be undertaken, a Pest Management Plan is prepared by a suitably qualified profession to manage the impact of any infestation.</p> <p>P23.3 A search has been undertaken for any weed species that may be economically and ecologically damaging,</p>
<p><b>Services</b></p>	

<p>S24. Water, waste water treatment and disposal, drainage, energy and communications services are provided in a manner which:</p> <p>ensures appropriate capacity to meet the current and future needs of the development site;</p> <p>is integrated with and efficiently extends existing networks;</p> <p>minimises risk to life and property;</p> <p>minimises risk of environmental harm to mainland environments, the Great Barrier Reef Marine Park and the Great Barrier Reef World Heritage Area;</p> <p>minimises whole of life cycle costs;</p> <p>can be easily and efficiently maintained; and</p> <p>minimises potable water demand and wastewater production.</p>	<p>P24.1 Each site or lot is connected to Council's reticulated water supply and sewerage system; or</p> <p>P24.2 Where the site is not within close proximity to a reticulated sewerage system, a system for onsite effluent disposal is provided in accordance with the provisions of the Queensland Plumbing and Wastewater Code and AS 1546 and Planning Scheme Policy 7 – Development Manual.</p> <p>P24.3 Where the site is not within close proximity to a reticulated water supply a system for on site water treatment is provided in accordance with Planning Scheme Policy 7 – Development Manual.</p> <p>P24.4 Reticulated water supply and sewerage systems are designed and constructed in accordance with Planning Scheme Policy 7 – Development Manual Design Guidelines D6 &amp; D7 and Specifications S5 &amp; S6.</p> <p>P24.5 Each site or lot is connected to an existing power supply and telecommunications network.</p> <p>P24.6 Other than in the Rural Zone, electrical and telecommunications reticulation infrastructure is provided underground.</p> <p>P24.7 Street lighting is provided in accordance with Planning Scheme Policy 7 – Development Manual Design Guidelines D8.</p> <p>P/A24.8 Buildings with habitable rooms are sited so that the finished floor level is a minimum of 500mm above the 1% AEP flood or storm tide level.</p>
<p><b>Parkland</b></p>	
<p>S25. Parks and other open space are designed to adequately accommodate their intended function, amenity and recreational setting</p>	<p>P25.1 Public open space are designed and constructed in accordance with Planning Scheme Policy 7 – Development Manual Design Guidelines D9 and Specification S8.</p>

S26. The location and extent of excavation or filling is consistent with the intended future use of the site.	P26.1 The extent of excavation and filling is in accordance with an existing development approval for a material change of use, reconfiguring a lot or building work (which has not lapsed).
<b>Construction Impacts</b>	
S27. Adverse impacts on surrounding areas as a result of air emissions, noise or lighting are minimised during construction activity.	<p>P27.1 No dust emissions extend beyond the boundary of the site.</p> <p>P27.2 No other air emissions, including odours, are detectable at the boundary of the site.</p> <p>P27.3 Noise generating equipment is enclosed, shielded or acoustically treated in a manner which ensures the equipment does not create environmental harm.</p> <p>P27.4 Outdoor lighting complies with AS4282-1997 Control of the Obtrusive Effects of Outdoor Lighting.</p>
S28. Adverse impacts on existing infrastructure is minimised	<p>P28.1 Existing utilities, road and drainage infrastructure:</p> <p>continue to function efficiently; and</p> <p>can be accessed by the relevant authority for maintenance purposes.</p>
S29. Traffic and parking generated during construction are managed to minimise impact on the amenity of the surrounding area.	No probable solution specified.
S30. Erosion and sediment control devices and techniques must prevent adverse impacts on the water quality of downstream stormwater drainage and natural systems.	P30.1 Erosion and sediment control is undertaken in accordance with Planning Scheme Policy 7 – Development Manual Design Guidelines D5.
S31. The integrity of assets to be delivered to Council is protected.	P31.1 Construction is undertaken in accordance with the standards set out in Planning Scheme Policy 7 – Development Manual Construction Procedures and Specification S1 to S8, inclusive.



<b>Visual Amenity &amp; Landslip Risk</b>	
<p>S32. Development must protect the visual diversity and scenic quality of: hillsides and escarpments; principal transport routes; and views from key view points.</p>	<p>P32.1 All buildings and structures must be unobtrusive when viewed from the ocean, other key view points and principal transport routes.</p> <p>P32.2 Where buildings and structures will be visible from the ocean, other key view points and principal transport routes, landscaping must be provided to ensure that the development will be visually screened within in five years from completion.</p> <p>P32.3 Revegetation works and where necessary retaining walls must be provided on land that has been previously cleared and therefore presents visual scarring of the landscape when viewed from the ocean, other key view points and principal transport routes.</p> <p>P/A32.4 For land that is located above the 50 metre AHD, not more than 2,000m<sup>2</sup> per allotment is cleared of native non-remnant vegetation or remnant vegetation.</p>
<p>S33. Development maintains the safety of people, property, and hazardous materials manufactured or stored in bulk, from the risk of landslide</p>	<p>P33.1 A site-specific geotechnical analysis, prepared by a registered professional engineer that is competent to assess geotechnical matters, must be included with the development proposal which demonstrates that the development site is not subject to landslide hazard, either internally or from sloping land above the site. or</p> <p>P33.2 The development proposal includes measures, identified and documented by a registered professional engineer that is competent to assess geotechnical matters, that ensure:</p> <ul style="list-style-type: none"> <li>(n) the long term stability of the development site; and</li> <li>(o) (b)the development site will not be adversely affected by landslide activity originating on sloping land above the development site.</li> </ul>

<p>S34. Community infrastructure is able to function effectively during and immediately after landslide events.</p>	<p>P34.1 The development includes measures, identified and documented by a registered professional engineer that is competent to assess geotechnical matters, that ensure access to the site will not be impeded by a landslide event.</p>
<p><b><i>Excavation and Filling</i></b></p>	
<p>S35. Excavation and filling:</p> <ul style="list-style-type: none"> <li>do not impact adversely on visual amenity or privacy;</li> <li>maintain natural landforms as far as possible;</li> <li>are stable in both the short and long term;</li> <li>do not result in any contamination of land or water</li> <li>do not pose a health or safety risk to users and neighbours of the site;</li> <li>do not cause other environmental harm.</li> </ul>	<p>P35.1 Filling and excavation complies with the specifications set out in Planning Scheme Policy 7 – Development Manual Design Guideline D2 and Specification S1.</p> <p>P/A35.2 Filling and excavation is no greater than 1.5 metres in height or depth.</p> <p>P/A35.3 Retaining walls and other structures used for the supporting of fill and excavated areas do not exceed 1.5 metres in height.</p> <p>P/A35.4 Soil to be used for filling is not stockpiled on the site for more than one (1) month.</p> <p>P/A35.5 Filling and excavation does not result in the ponding of water on a site or adjacent land.</p> <p>P/A35.6 No work is carried out within 50 metres of the defining bank of any waterway.</p> <p>P35.7 Filling and excavation (where greater than 50m<sup>3</sup>) does not occur within two (2) metres of the site boundary.</p> <p>P35.8 Filling and excavation does not result in an unacceptable increase in flow of water across a site on any other land or a road.</p> <p>P35.9 Filling and excavation does not result in an increase in the volume of water or concentration of water in a watercourse and overland flow paths.</p> <p>P/A35.10 Filling and excavation does not result in the spread of weed species that are economically and ecologically damaging,</p>

**Table 2 – Minimum on-site vehicle parking requirements**

<b>Rural Use Class</b>	<b>Minimum Requirements</b>
Rural Workers Dwelling	2 spaces
<b>Residential Use Class</b>	<b>Minimum Requirements</b>
Accommodation Units:	
(a) 1 bedroom unit	1.0 space per unit
(b) 2 bedroom unit	1.5 space per unit
(c) 3 or more bedroom unit	2.0 space per unit
(d) Visitor spaces	1 space per 7 units
Bed and Breakfast Accommodation`	As per dwelling house plus 1 space per guest room.
Caravan Park	1 space van/tent/cabin site (adjacent to site) plus 1 visitors space per 4 van/tent/cabin sites.
Dual occupancy	2 spaces per Dwelling unit, 1 of which must be covered (may be in tandem)  Where Dual Occupancies are provided in a cul-de-sac court bowl:  As per above plus 2 visitor car parking spaces.
Dwelling house	2 spaces, 1 of which is covered (spaces may be in tandem)
Guest accommodation	As per Dwelling house plus 1 space
Home Based Business	As per Dwelling house plus 1 space.
Integrated Resort	As per uses herein separately defined.
Multiple Dwelling Units on islands / Accommodation Units	Contribution towards mainland car parking or provision for occupant mainland car parking at a rate of 0.2 car parking spaces per Multiple Dwelling Units.
Multiple Dwelling Units in all other zones:	
1 bedroom unit	1.0 space per unit.
2 bedroom unit	1.5 spaces per unit.
3 or more bedroom unit	2.0 spaces per unit
Visitor spaces	1 space per 7 units
<b>Commercial Use Class</b>	<b>Minimum Requirements</b>

Child Care Centre	1 space per 4 children plus 1 space per employee.
Hotel	Sale/Consumption of Liquor - 1 space per 25m <sup>2</sup> TUA and drive through shop is provided with queuing lane on site for 12 vehicles; Accommodation as per Accommodation unit requirements herein separately defined; and Refreshment Premises – as per Refreshment Premises requirements herein separately defined.
Indoor Recreation	1 space per 20m <sup>2</sup> of TUA; 1 space per 4 seats, if an auditorium, theatre, or similar use that has designated seating. Where an indoor use that has adaptable spaces for temporary seating the TUA.
Landscape Supplies	1 space per 25m <sup>2</sup> of sales area plus – 1 space per 200m <sup>2</sup> TUA.
Market	1 space per 50m <sup>2</sup> of TUA plus 1 loading bay.
Medical Centre	4 spaces per consulting room.
Office	1 space per 30m <sup>2</sup> TUA
<b>Commercial Use Class</b>	<b>Minimum Requirements</b>
Refreshment Premises	1 space per 15m <sup>2</sup> TUA
Retail / Commercial Complex	As per the uses separately defined herein.
Sales or Hire Premises	1 space per 150m <sup>2</sup> site area
Shop	1 space per 25m <sup>2</sup> TUA
Showroom TUA < 1,000m <sup>2</sup> TUA > 1,000m <sup>2</sup>	1 space per 50m <sup>2</sup> TUA 1 space per 50m <sup>2</sup> TUA to 1,000m <sup>2</sup> plus 1 space per 100m <sup>2</sup> above 1,000m <sup>2</sup> .
Veterinary Clinic	1 space per 25m <sup>2</sup> TUA
<b>Industrial Use Class</b>	<b>Minimum Requirements</b>
Bulk Landscape Supplies	1 space per 400m <sup>2</sup> TUA (minimum of 6 spaces).
Bulk Store	2 spaces per 100m <sup>2</sup> TUA (minimum 2 spaces)
Low Impact Industry	1 space per 50m <sup>2</sup> Industry TUA up to 500 m <sup>2</sup> plus 1 space per 25 m <sup>2</sup> sales or office area TUA.

Marina Wet berth (marina berth) – no other shared parking available Wet berth (marina berth) – in conjunction with on-site residential or tourist accommodation development with shared car parking Mooring Dry berth (hardstand or rack) Employee	0.6 spaces per berth 0.4 spaces per berth 0.2 spaces per berth 0.2 spaces per berth 1.0 space per 2 employees
Marine Industry	1 space per employee plus 1 space for each activity on the premises with a minimum of 5 spaces per activity plus 1 space per 400m <sup>2</sup> TUA; plus provision of a loading and unloading area.
Medium Impact Industry	1 space per 50m <sup>2</sup> Industry TUA up to 500m <sup>2</sup> plus 1 space per 100m <sup>2</sup> Industry TUA over 500m <sup>2</sup> plus 1 space per 25m <sup>2</sup> sales or office area TUA .
Service Station	4 spaces per service bay plus parking requirements for ancillary uses as detailed herein, with a minimum of 8 spaces.
Storage Yard	1 space per 150m <sup>2</sup> site area.
Vehicle Repair Workshop	Queuing space for 2 vehicles for washing or vacuum bay plus 1 space per 15m <sup>2</sup> retail TUA.
Warehouse Where a self-storage facility	1 space/50m <sup>2</sup> TUA TUA < 1,000m <sup>2</sup> - 6 spaces TUA > 1,000m <sup>2</sup> but < 2,000m <sup>2</sup> - 7 spaces TUA > 2,000m <sup>2</sup> but < 4,000m <sup>2</sup> - 8 spaces TUA > 4,000m <sup>2</sup> - 1 space/500m <sup>2</sup> TUA
<b>Community Use Class</b>	<b>Minimum Requirements</b>
Community Facility	1 space per 15m <sup>2</sup> of TUA
Health Facility	1 space per 4 beds plus 1 space per employee plus parking for emergency vehicles.
Local Utility	1 space per employee plus parking for emergency vehicles.
Special Purpose	1 space per employee plus 1 visitor space per 4 employees.

Other Uses Not Listed Above	Minimum Requirements
Other uses	As determined by Council in accordance with Planning Scheme Policy 6 – Car parking Requirements

#### 4.1.4 Advertising Signage Code

##### **Code Applicability**

The following code is applicable to assessable development for Advertising Signage Code identified in the tables of assessment.

##### **Overall Outcomes**

The overall outcomes for the Advertising Signage Code is as follows:

- (x) advertising signs are constructed and maintained to essential standards of public safety in regards to structural design, support and fixing and by not causing significant obstruction of, or distraction to, vehicular or pedestrian traffic;
- (y) advertising signs complement or, at least, do not unreasonably detract from desirable characteristics of the natural and built environment in which the advertisements are exhibited;
- (z) advertising signs primarily provide adequate and effective identification of business premises, community uses and events;
- (aa) advertising signs do not dominate the surrounding landscape and built form and do not obscure significant views;
- (bb) advertising signs re appropriately located in order to minimise visual clutter and intrusion, co-location of signs is encouraged as far as practicable; and
- (cc) Advertising signs do not significantly impact upon the character of the ncpial tourist routes and rural and residential uses.

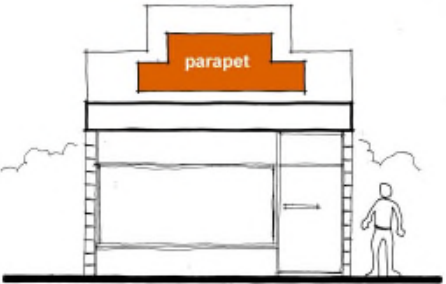

**Table 1 – Development Requirement for the Advertising Signage Code**

Specific Outcomes (S) for Code and Impact Assessable Development	Probable Solutions (P) for Code and Impact Assessable Development; and Acceptable Solutions (A) for Self Assessable Development
S1. Signs do not cause a traffic or safety hazard.	P1.1 Moving or variable message signs are not located: within 50 metres of land developed or intended for residential purposes; or adjacent to any road which has a traffic speed of more than 60km/hr; and  P/A1.2 Signs are securely constructed and mounted or fastened to prevent accidental damage or injury to property or pedestrians; and

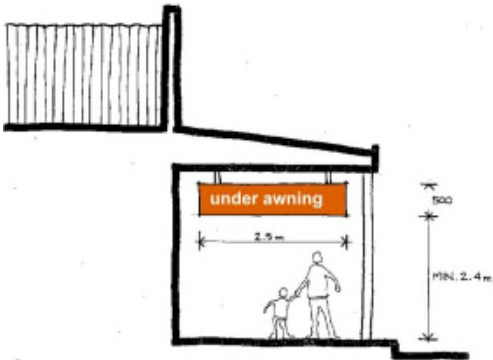
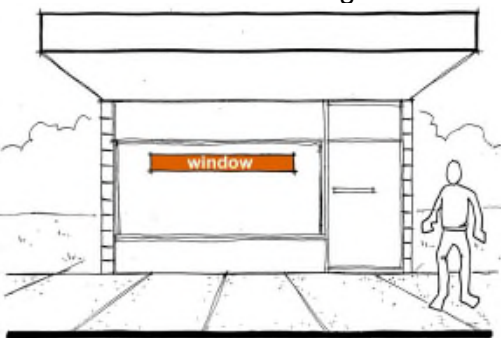
Specific Outcomes (S) for Code and Impact Assessable Development	Probable Solutions (P) for Code and Impact Assessable Development; and Acceptable Solutions (A) for Self Assessable Development
	<p>P/A1.3 Advertising signs are not located in a position:  so as to present a physical danger to pedestrians; or  that disrupts pedestrian movement along the footpath or from the road to the footpath; or  that distracts the attention of motorists or obscures the view of drivers and road users; and.</p> <p>P1.4 Advertising signage adjacent to a state controlled road complies with the Department of Main Roads “Guidelines to Management of Roadside Advertising”; and</p> <p>P/A1.5 Advertising signs must not:  give instructions to traffic; or  imitate a traffic control device.</p> <p>P/A1.6 Signs are to be constructed from non-reflective material that incorporate colours and finishes that complement and blend with the surrounding natural and built environment.</p>
<p>S2. Signs are designed and constructed to avoid clutter and to be compatible with, or enhance existing streetscapes and not adversely impact on visual amenity.</p>	<p>P2.1 Signs comply with the detailed design provisions set out in Table 1 – Advertising Signs, below.</p>
<p>S3. The number of large signs outside of commercial areas maintains a balance between the need to convey commercial information and the natural and rural environment of the shire.</p>	<p>P3.1 The overall number of roadside billboard signs is maintained as no more than the number that existed as at the date of gazettal of this planning scheme.</p>

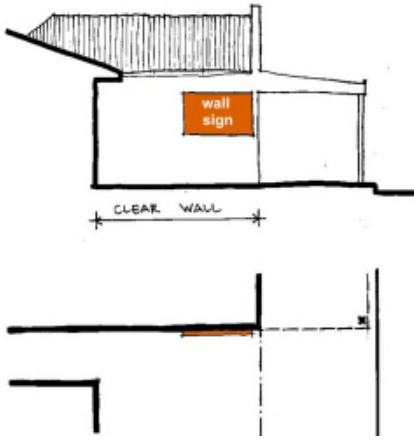
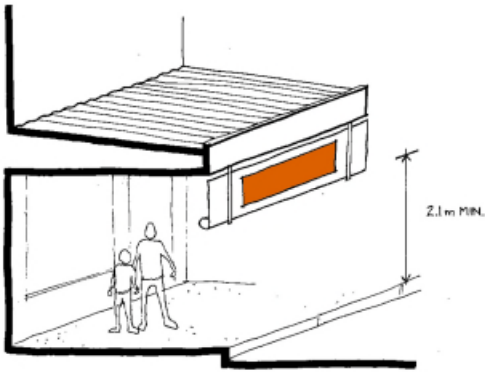
**Table 1 – Advertising Signs**

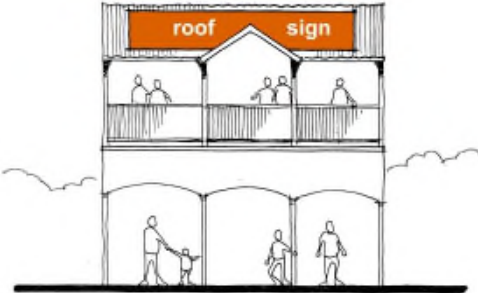
Type of Signage	Detailed Design Provisions
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Type of Signage	Detailed Design Provisions
<p><b>BUILDING SIGNS</b></p> <p><b>PERMANENT SIGNS WHICH ARE ATTACHED TO BUILDINGS AND FORM AN INTEGRAL PART OF THE STRUCTURE OF A BUILDING BE THEY PAINTED OR AFFIXED.</b></p>	
<p><b>Parapet Sign</b> – a sign painted or affixed flat to the parapet of a building above the awning</p> 	<p>The sign is advertising a business carried out within the building; and</p> <p>The sign is located on premises used for commercial or industry purposes; and</p> <p>The total area used for sign/s in the parapet area does not exceed 50% of the available parapet area; and</p> <p>The parapet area does not include any area of the transom sill or window; and</p> <p>The sign does not extend above the parapet height; and</p> <p>The sign does not contain any merchandising or moving, flashing, rotating or illuminated parts; and</p> <p>One sign per tenant of the premises.</p>
<p><b>Fascia Sign – Awning Balustrade</b> – a sign painted or affixed to the fascia of an awning or verandah balustrade.</p> 	<p>The sign is advertising a business carried out within the building; and</p> <p>The sign is located on premises used for commercial or industry purposes; and</p> <p>The sign is wholly contained within the outline of an awning or verandah balustrade; and</p> <p>The sign is placed on the street frontage; and</p> <p>The sign does not contain any merchandising or moving, flashing, rotating or illuminated parts; and</p> <p>One sign per tenant of the premises.</p>



Type of Signage	Detailed Design Provisions
<p><b>BUILDING SIGNS</b></p>	
<p><b>PERMANENT SIGNS WHICH ARE ATTACHED TO BUILDINGS AND FORM AN INTEGRAL PART OF THE STRUCTURE OF A BUILDING BE THEY PAINTED OR AFFIXED.</b></p>	
<p><b>Under Awning Sign</b> – a sign suspended under an awning, veranda or roof.</p> 	<p>The sign is advertising a business carried out within the building; and</p> <p>The sign is located on premises used for commercial or industry purposes; and</p> <p>The sign is at right angles to the building frontage; and</p> <p>The length of the sign does not exceed 75% of the width of the awning, roof or verandah to which it is affixed and has a maximum length of 2.5 metres and a maximum height of 0.5 metres; and</p> <p>There is a minimum clearance of 2.4 metres between the lowest part of the sign and the footpath; and</p> <p>The sign is located in a central position along the road frontage of the premises; and</p> <p>Where more than one sign, the signs are evenly spaced along the frontage of the premises; and</p> <p>The sign does not contain any merchandising or moving, flashing, rotating or illuminated parts; and</p> <p>One sign only per tenant of the premises.</p>
<p><b>Window Sign</b> – a sign painted or affixed flat to the window of a building.</p> 	<p>The sign is advertising a business carried out within the building; and</p> <p>The sign is located on premises used for commercial or industry purposes; and</p> <p>The sign does not contain any merchandising or moving, flashing, rotating or illuminated parts; and</p> <p>The area of the sign is wholly contained within the available window area.</p>

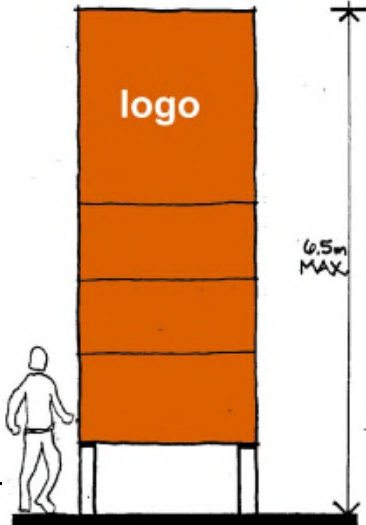
Type of Signage	Detailed Design Provisions
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<p><b>BUILDING SIGNS</b></p> <p><b>PERMANENT SIGNS WHICH ARE ATTACHED TO BUILDINGS AND FORM AN INTEGRAL PART OF THE STRUCTURE OF A BUILDING BE THEY PAINTED OR AFFIXED.</b></p>	
<p><b>Wall Sign</b> – a sign painted on or affixed flat to a wall.</p> 	<p>The sign is advertising a business carried out within the building; and</p> <p>The total area used for sign/s is no greater than 50% of the height of the wall; and</p> <p>The total area used for sign/s is no greater than 50% of the clear wall length; and</p> <p>The sign does not contain any merchandising or moving, flashing, rotating or illuminated parts; and</p> <p>One sign only per tenant of the premises.</p>
<p><b>Blind Sign</b> – a sign painted on or affixed to a solid or flexible material suspended from the edge of an awning, verandah, or wall, where such material is intended to provide sun shading.</p> 	<p>The sign is advertising a business carried out within the building; and</p> <p>(e) The sign is located on premises used for commercial or industry purposes; and</p> <p>(f) There is a minimum clearance of 2.4 metres between the lowest part of the sign and the footpath where the sign may conflict with pedestrian movement; and</p> <p>(g) The total area used for sign is wholly contained within the area of the blind or awning; and</p> <p>(h) The sign does not contain any merchandising or moving, flashing, rotating or illuminated parts; and</p> <p>(i) One sign only per tenant of the premises.</p>

Type of Signage	Detailed Design Provisions
<p><b>Roof Sign</b> – a sign painted on a roof.</p> 	<p>The area of the sign does not exceed 50% of the available roof area; and</p> <p>There are no more than two roof signs per building; and</p> <p>The sign does not contain any merchandising or moving, flashing, rotating or illuminated parts; and</p> <p>The sign states only the name of the premises.</p>

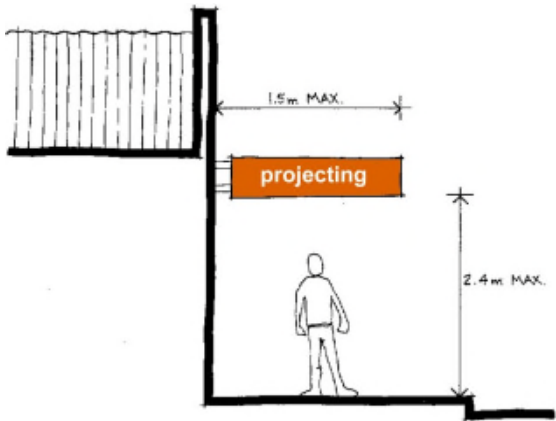
Type of Signage	(j) Detailed Design Provisions
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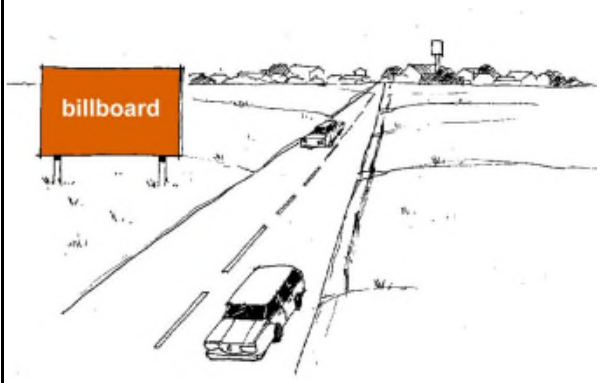
**STRUCTURE SIGNS**

**PERMANENT SIGNS WHICH ARE GENERALLY FREESTANDING OR REQUIRE SPECIFIC SUPPORTS TO SECURE THE SIGN.**

<p><b>Pylon Sign</b> – a freestanding sign which is positioned or mounted on one or more vertical supports.</p> 	<p>The sign is advertising a business carried out within the building; and</p> <p>The sign is located between the building and the road frontage; and</p> <p>The sign is fully contained within the land (and airspace) of the property; and</p> <p>The sign does not exceed 6.5 metres in height or exceed the height of the building, whichever is greater;</p> <p>One pylon sign per road frontage; and</p> <p>The sign is integrated with the appearance of the building and with the overall streetscape; and</p> <p>The sign does not contain any merchandising or moving, flashing, rotating or</p>
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Type of Signage	Detailed Design Provisions
	<p>illuminated parts; and</p> <p>The sign is located so as not to cause a traffic hazard for vehicles accessing the subject property or adjoining properties or for vehicles using the adjacent road network.</p>

<p><b>Projecting Sign</b> – a sign projecting from a building parapet, roof, wall or facade.</p> 	<p>The sign is advertising a business carried out within the building; and</p> <p>The sign is located on premises used for commercial or industry purposes; and</p> <p>The sign does not project above the roof line of the building; and</p> <p>The sign has a minimum clearance of 2.4 metres between the lowest part of the sign and the footpath; and</p> <p>The sign does not project more than 1.5 metres from the building or structure supporting the sign; and</p> <p>One sign only per road frontage; and</p> <p>The sign does not contain any merchandising or moving, flashing, rotating or illuminated parts; and</p> <p>The sign is integrated with the appearance of the building.</p>
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Type of Signage	Detailed Design Provisions										
<p><b>STRUCTURE SIGNS</b></p> <p><b>PERMANENT SIGNS WHICH ARE GENERALLY FREESTANDING OR REQUIRE SPECIFIC SUPPORTS TO SECURE THE SIGN.</b></p>											
<p><b>Billboard Sign</b> – a freestanding sign where the width is generally greater than the height and it is mounted on one or more vertical supports.</p> 	<p>Billboard signs are only permitted along the Bruce Highway; and</p> <p>The sign shape exceeds 2m<sup>2</sup> in area and does not exceed the following dimensions for all zones:</p> <table border="0" data-bbox="877 627 1406 1075"> <tr> <td>(a) Maximum area of billboard (m<sup>2</sup>)</td> <td style="text-align: right;">18</td> </tr> <tr> <td>(b) Maximum billboard dimensions</td> <td></td> </tr> <tr> <td>    (i) Width (metres)</td> <td style="text-align: right;">6</td> </tr> <tr> <td>    (ii) Height (metres)</td> <td style="text-align: right;">3</td> </tr> <tr> <td>(c) Maximum overall height above ground (metres)</td> <td style="text-align: right;">8</td> </tr> </table> <p>The sign structure is located:</p> <ul style="list-style-type: none"> <li>(i) A minimum of one (1) kilometres from another billboard sign exclusive of either side of the road; and</li> <li>(ii) 100 metres away from any other type of existing or approved sign facing the direction of travel; and</li> <li>(iii) 100 metres away from an existing or approved premises used for commercial or industrial purposes; and</li> <li>(iv) within private property outside the road reserve; and</li> <li>(v) within 6 metres of the frontage boundary and setback a minimum of 1 metre from all other boundaries; and</li> <li>(vi) not within 1 km of any intersection where the speed environment is equal to or greater than 100km/hr and not within 200 metres of any intersection where the speed environment is less than 100km/hr; and</li> </ul> <p>The sign does not have flashing or revolving parts nor is it illuminated by exposed baffled lamps or fluorescent tubes; and</p>	(a) Maximum area of billboard (m <sup>2</sup> )	18	(b) Maximum billboard dimensions		(i) Width (metres)	6	(ii) Height (metres)	3	(c) Maximum overall height above ground (metres)	8
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(c) Maximum overall height above ground (metres)	8										

Type of Signage	Detailed Design Provisions
	<p>The sign does not contain any merchandising or moving, flashing, rotating or illuminated parts; and</p> <p>Advertisements referring to the same subject matter by the same advertiser are separated by a minimum distance of 20km in the one direction of travel.</p>

#### 4.1.5 Assessment tables for the Natural Hazards Overlay

##### Development Assessment categories

The Natural Hazards Overlay identifies:

- Erosion Prone Areas;
- Landside Risk;
- Bushfire Hazard (NHOM1);
- Acid Sulfate Soils (NHOM2); and
- Flooding and Storm Surge (NHOM 3 - 4).

The development assessment categories are identified for development affected by the economic resources overlay in Column 2 of Table 1 and 2 below:

Table 1 - making a material change of use involving a use listed in Column 1; or

Table 2 - for all other development as listed in Column 1.

Assessment criteria

For development affected by the conservation areas overlay, the applicable codes are identified in Column 3 of Table 1 and 2

**Table 1 – Assessment categories and criteria for making a material change of use**

1(a) Defined Use or Use Class	2 Assessment Category	3 Relevant Assessment Criteria Applicable Code if Development is Self Assessable or Requires Code Assessment
Agriculture Animal Husbandry Guest Accommodation Home Activity Market Park Road (within a road reserve) Roadside Stall	Exempt	

1(a) Defined Use or Use Class	2 Assessment Category	3 Relevant Assessment Criteria Applicable Code if Development is Self Assessable or Requires Code Assessment
Forestry	Code assessable if the site is identified on land with a slope of 15% or greater.	Natural Hazards Overlay Code
	Exempt if the criteria for code assessable do not apply.	
Dwelling House	Code assessable if the site is identified:  (a) as assessable in the table of assessment for the relevant zone and on land identified as medium or high risk on the Bushfire Risk area on Overlay Map NHOM1; or  (b) on land identified as being within the mapped flood inundation area on Natural Hazard Management Areas Overlay Map NHOM 3; or  (c) on land with a slope of 15% or greater.	Natural Hazards Overlay Code
	Exempt if the criteria for code assessable do not apply.	
All other uses	Code assessable if the site is identified:  (d) on Erosion Prone Area Sheet 1 of 2 – Whitsunday Shire (O’Connell River to Cape Gloucester) SC3386; or  (e) on Erosion Prone Area Sheet 2 of 2 – Whitsunday Shire (Cumberland Islands) SC3387; or	Natural Hazards Overlay Code

1(a) Defined Use or Use Class	2 Assessment Category	3 Relevant Assessment Criteria Applicable Code if Development is Self Assessable or Requires Code Assessment
	<p>(f) as assessable in the table of assessment for the relevant zone and on land identified as medium or high risk on the Bushfire Risk area on Overlay Map NHOM1; or</p> <p>(g) on land identified as being within the mapped flood inundation area on Natural Hazard Management Areas Overlay Map NHOM 3-4; or</p> <p>(h) on land with a slope of 15% or greater; or</p> <p>(i) on land with a natural ground level less than 20m AHD and with reference to Overlay Map NHOM 2, and the development involves the disturbance of soil or sediment by: -</p> <p>(i) excavating or otherwise removing 100m<sup>3</sup> or more of material where land is below the five (5) metre contour; or</p> <p>(ii) filling of land involving 500m<sup>3</sup> or more of material at an average depth of 0.5 metre or more where land is below the five (5) metre contour; or</p> <p>(iii) excavating or otherwise removing 100m<sup>3</sup> or more of material at or below five (5) metres AHD where land is between the five (5) metre and 20 metre contour</p>	
	Exempt if the criteria for code assessable do not apply.	



**Table 2 – Assessment categories and criteria for all other development**

1(a) Type of Development	2 Assessment Category	3 Relevant Assessment Criteria Applicable Code if Development is Self Assessable or Requires Code Assessment
	Exempt if the criteria for code assessable do not apply	
Operational Work for placing a sign on premises not associated with a material change of use	Code assessable if the site is identified on land with a slope of 15% or greater.	Natural Hazards Overlay Code
<p>Reconfiguring a lot</p> <p>Operational Work associated with reconfiguring a lot or material change of use.</p> <p>Operational Work for filling or excavation (other than management practices of the conduct of an agricultural use) not associated with a material change of use or reconfiguring a lot.</p>	<p>Code assessable if the site is identified:</p> <ul style="list-style-type: none"> <li>(j) on Erosion Prone Area Sheet 1 of 2 – Whitsunday Shire (O’Connell River to Cape Gloucester) SC3386; or</li> <li>(k) on Erosion Prone Area Sheet 2 of 2 – Whitsunday Shire (Cumberland Islands) SC3387; or</li> <li>(l) as assessable in the table of assessment for the relevant zone and on land identified as medium or high risk on the Bushfire Risk area on Overlay Map NHOM1; or</li> <li>(m) on land identified as being within the mapped flood inundation area on Natural Hazard Management Areas Overlay Map NHOM 3-4; or</li> <li>(n) on land with a slope of 15% or greater; or</li> <li>(o) on land with a natural ground level less than 20m AHD, and with reference to Overlay Map NHOM 2, and the development involves the disturbance of soil or sediment by: - <ul style="list-style-type: none"> <li>(i) excavating or otherwise removing 100m<sup>3</sup> or more of material where land is below the five (5) metre contour; or</li> </ul> </li> </ul>	

	<p>(ii) filling of land involving 500m<sup>3</sup> or more of material at an average depth of 0.5 metre or more where land is below the five (5) metre contour; or</p> <p>(iii) excavating or otherwise removing 100m<sup>3</sup> or more of material at or below five (5) metres AHD where land is between the five (5) metre and 20 metre contour.</p>	
	Exempt if the criteria for code assessable do not apply	
Operational Work for placing a sign on premises not associated with a material change of use	Code assessable if the site is identified on land with a slope of 15% or greater.	Natural Hazards Overlay Code
	Exempt if the criteria for code assessable do not apply.	

#### 4.1.6 Natural Hazards Overlay Code

##### Applicability

The following code is applicable to assessable development as identified in the tables of assessment.

##### OVERALL OUTCOMES

The Overall Outcomes are the purpose of this Code. The outcomes are as follows:

- (dd) only development which is compatible with the nature of bushfire, flood, storm surge and landslide events, is ;located within the natural hazard management area;
- (ee) development is designed and located to minimises adverse impacts from bushfire, flood, storm surge and landslide;
- (ff) the safety of people and property is protected from unacceptable risk from bushfire, flood, storm surge and landslide;
- (gg) infrastructure necessary for the mitigation of bushfire, flood, storm surge and landslide is provided as a part of development;
- (hh) where practicable, community infrastructure is located and designed to function effectively during and immediately after bushfire, flood, storm surge and landslide events;
- (ii) erosion prone areas remain free of permanent buildings and structures;
- (jj) development for urban purposes does not have an adverse impact on natural coastal processes; and
- (kk) development ensures that leachate containing contaminants caused by disturbance of acid sulfate soils are appropriately managed to avoid risk to the environment or human health.

**Table 3 – Development Requirements for the Natural Features Overlay Code**

Specific Outcomes (S) for Code and Impact Assessable Development	Probable Solutions (P) for Code and Impact Assessable Development; and Acceptable Solutions (A) for Self Assessable Development <sup>1</sup>
<b>Bushfire Hazard</b>	
<p>S1. Development maintains the safety of people and property by:</p> <ul style="list-style-type: none"> <li>(a) avoiding the areas of high or medium bushfire hazard as indicated on the Bushfire Hazards Overlay Map HNOM1; or</li> <li>(b) mitigating the risk through: <ul style="list-style-type: none"> <li>(i) appropriate lot design and siting of buildings;</li> <li>(ii) providing firebreaks that provide adequate setback between buildings or structures and hazardous vegetation;</li> <li>(iii) providing adequate access for fire fighting and other emergency vehicles and safe evacuation;</li> <li>(iv) providing an adequate and accessible water supply for fire fighting purposes.</li> </ul> </li> </ul>	<p>P1.1 Development is located on land that has having a low bushfire hazard risk as indicated on the Bushfire Risk Areas Overlay Map.</p> <p>OR</p> <p>P1.2 Buildings and structures sited in medium and high bushfire hazard risk areas on the Bushfire Risk Areas Overlay Map are:</p> <ul style="list-style-type: none"> <li>(c) to achieve setbacks from hazardous vegetation of 1.5 times the predominant mature canopy tree height or ten (10) metres, whichever is the greater; or</li> <li>(d) to be ten (10) metres from any retained vegetation; and</li> <li>(e) with elements of the development that are least susceptible to fire located closest to hazardous vegetation.</li> </ul> <p>P1.3 Uses involving existing or new buildings with a gross floor area greater than 50m<sup>2</sup> are serviced by the following:</p> <ul style="list-style-type: none"> <li>(f) a reticulated water supply that has sufficient flow and pressure characteristics for fire fighting purposes at all times (minimum pressure flow of ten (10) litres per second at 200 kPa); or</li> <li>(g) accessible on-site water storage of not less than 5,000 litre capacity in the form of: <ul style="list-style-type: none"> <li>(i) dam or lake;</li> <li>(ii) water tank with a standard rural fire brigade fitting (50 mm cam lock); or</li> <li>(iii) swimming pool.</li> </ul> </li> </ul> <p>P1.4 Residential lots are designed so that their size and shape allow for efficient</p>

<sup>1</sup> Where self-assessable development does not meet the Acceptable Solution in the applicable codes, it requires code assessment.

Specific Outcomes (S) for Code and Impact Assessable Development	Probable Solutions (P) for Code and Impact Assessable Development; and Acceptable Solutions (A) for Self Assessable Development <sup>1</sup>
	<p>emergency access to buildings for fire fighting appliances and compliance with 1.2.</p> <p>P1.5 Roads are designed and constructed with a maximum grade of 12.5%.</p> <p>P1.6 Culs-de-sac are not created.</p> <p>P1.7 Firebreaks are provided by:</p> <ul style="list-style-type: none"> <li>(h) a perimeter road that separates lots from areas of bushfire hazard and that road has: <ul style="list-style-type: none"> <li>(i) a minimum cleared width of 20 metres;</li> <li>(ii) a maximum gradient of 12.5%; and</li> <li>(iii) a formed road width of four (4) metres; or</li> </ul> </li> <li>(i) fire maintenance trails which: <ul style="list-style-type: none"> <li>(i) have vehicular access at each end;</li> <li>(ii) allow for vehicle access at least every 200 metres;</li> <li>(iii) provide passing or turning areas for fire fighting appliances at least every 400 metres;</li> <li>(iv) have a minimum cleared width of ten (10) metres;</li> <li>(v) have a minimum formed width of four (4) metres;</li> <li>(vi) have a maximum gradient of 12.5%;</li> <li>(vii) are either located on public land, or within an access easement that is granted in favour of Council and Queensland Rural Fire Service;</li> <li>(viii) are constructed and maintained to prevent erosion and provide continuous access for fire fighting vehicles; and</li> </ul> </li> </ul> <p>P1.8 Cleared breaks of ten (10) metres minimum width or 1.5 times the canopy</p>

Specific Outcomes (S) for Code and Impact Assessable Development	Probable Solutions (P) for Code and Impact Assessable Development; and Acceptable Solutions (A) for Self Assessable Development <sup>1</sup>
	tree height (whichever is the greatest) are provided in retained bushland within the site to allow burning of sections and access for bushfire response.
S2. Non-residential buildings at which people are likely to congregate (such as schools, community halls, tourist facilities and the like) are constructed to provide protection in the event of a bushfire.	P2.1 Buildings, other than class 1, 2, 3 or 4 buildings, are constructed in accordance with the provisions of Australian Standard AS3959 - Construction of Buildings in Bushfire Prone Areas.
S3. Public safety and the environment are not adversely affected by the detrimental impacts of bushfire on hazardous materials manufactured or stored in bulk.	No probable solutions specified.
S4. Uses in the infrastructure use class are able to function effectively during and immediately after bushfire events.	<p>P4.1 The use does not involve an extension to any existing buildings of more than 20m<sup>2</sup> or the establishment of any new buildings on the site.</p> <p>P4.2 The use is designed to function effectively during and immediately after bushfire events.</p>
<p><b>Flooding and Storm Surge</b></p> <p>The Queensland Floods Commission of Inquiry (the Commission) is currently investigating the 2010/2011 flood disaster that caused widespread devastation across Queensland.</p> <p>The Commission is likely to review the existing town planning provisions related to flooding and flood risk mitigation. The final report of the Commission may recommend changes to the State Planning Policy which may have implications for the Whitsunday Shire Planning Scheme 2009.</p> <p>Consequently the provisions of the Whitsunday Shire Planning Scheme 2009 with respect to the management of flooding and flood risk mitigation may be subject to change at the direction of the Queensland Government or Whitsunday Regional Council in the near future. This should be taken into account by applicants and assessment managers when considering development in this area. Applicants are advised to make relevant enquiries regarding the status of the provisions relating to flooding.</p>	
S5. Development does not result in adverse impacts on people's safety or the capacity to use land within the floodplain or coastal area that is potentially subject to	<p>P5.1 Works do not involve:</p> <p>(j) any physical alteration to a waterway or floodway including vegetation clearing; or</p>

Specific Outcomes (S) for Code and Impact Assessable Development	Probable Solutions (P) for Code and Impact Assessable Development; and Acceptable Solutions (A) for Self Assessable Development <sup>1</sup>
storm tide.	<p>(p) net filling exceeding 500 cubic metres in a rural zone or 50 cubic metres in any other zone.</p> <p>OR</p> <p>P5.2 Development either:</p> <p>(k) avoids any reductions of on-site flood storage capacity and contains within the subject site any changes to depth/duration/velocity of flood waters of all floods up to and including the 1% Annual Exceedance Probability (AEP) event; or</p> <p>(l) does not change the flood characteristics at the 1% AEP event outside the subject site in ways that result in:</p> <ul style="list-style-type: none"> <li>(i) loss of flood storage;</li> <li>(ii) loss of/changes to flow paths;</li> <li>(iii) acceleration or retardation of flows; or</li> <li>(iv) any reduction in flood warning times elsewhere on the floodplain; or</li> <li>(v) does not create an environment that deflects or is likely to intensify either the velocity or height of flood or storm tide waters within the immediate area or in relation to adjacent structures.</li> </ul>
S6. Development minimises the potential damage from flooding or storm tides to property on the development site.	<p>P/A6.1 Dwellings are sited so that the finished floor level is a minimum of 500mm above the 1% AEP flood level.</p> <p>P6.2 No probable solution stated for storm tide impact.</p>
S7. Public safety and the environment are not adversely affected by the detrimental impacts of floodwater or storm tide waters on hazardous materials manufactured or stored in bulk.	<p>P7.1 The manufacture or storage in bulk of hazardous materials does not occur in the mapped inundation area for flood or storm tide event.</p> <p>OR</p> <p>P7.2 Structures used for the manufacture or</p>

Specific Outcomes (S) for Code and Impact Assessable Development	Probable Solutions (P) for Code and Impact Assessable Development; and Acceptable Solutions (A) for Self Assessable Development <sup>1</sup>	
	storage of hazardous materials in bulk are designed to prevent the intrusion of flood or storm tide waters.	
S8. Essential services infrastructure (e.g. on-site electricity, gas, water supply, sewerage and telecommunications) maintains its function during a 1% AEP flood or storm tide event.	<p>P8.1 Any components of the infrastructure that are likely to fail to function or may result in contamination when inundated by flood or storm tide water (e.g. electrical switchgear and motors, water supply pipeline air valves) are:</p> <p>(m) located above the 1% AEP flood or storm tide event; or</p> <p>(n) designed and constructed to exclude and withstand the force of flood or storm tide inundation.</p> <p>P8.2 Infrastructure is designed and constructed to resist hydrostatic and hydrodynamic forces as a result of inundation by the 1% AEP flood or storm tide event.</p>	
S9. Community infrastructure is able to function effectively during and immediately after flood events.	<p>P9.1 Community infrastructure is not located on land in a mapped flood or storm;</p> <p>OR</p> <p>P9.2 Community infrastructure is designed to prevent the intrusion of flood or storm tide waters based upon the Recommended Flood Level (RFL) specified for that community infrastructure in the following table:</p>	
	Emergency services	0.2% AEP
	Emergency shelters	0.5% AEP
	Police facilities	0.5% AEP
	Hospitals and associated facilities	0.2% AEP
	Stores of valuable records or items of historic or cultural significance (e.g. galleries and libraries)	0.5% AEP

Specific Outcomes (S) for Code and Impact Assessable Development	Probable Solutions (P) for Code and Impact Assessable Development; and Acceptable Solutions (A) for Self Assessable Development <sup>1</sup>	
	<ul style="list-style-type: none"> <li>▪ State-controlled roads</li> <li>▪ Works of an electricity entity not otherwise listed in this table</li> <li>▪ Railway lines, stations and associated facilities</li> <li>▪ Aeronautical facilities</li> <li>▪ Communication network facilities</li> </ul>	<p>No specific recommended flood level but development proponents should ensure that the infrastructure is optimally located and designed to achieve suitable levels of service, having regard to the processes and policies of the administering government agency.</p>
	Power stations	0.2% AEP
	Major switch yards	0.2% AEP
	Substations	0.5% AEP
	Sewage treatment plants	The Defined Flood Event (DFE) as nominated by the council.
	Water treatment plants	0.5% AEP
	<p>OR</p> <p>P9.3 The community infrastructure is located below the RFL but can function effectively during and immediately after the RFL flood event</p> <p>P9.4 Essential community infrastructure (emergency services and shelters, police facilities and hospitals, and associated facilities) has an emergency rescue area above the RFL.</p>	
<b>Erosion Prone</b>		
S10. The integrity and stability of	P10.1 Where reconfiguring a lot involves land	



Specific Outcomes (S) for Code and Impact Assessable Development	Probable Solutions (P) for Code and Impact Assessable Development; and Acceptable Solutions (A) for Self Assessable Development <sup>1</sup>
coastal areas and frontal dunes is protected.	within erosion prone limited identified on the erosion prone maps, works associated with reconfiguring a lot are set back outside the erosion prone limits identified.
S11. Erosion prone areas are to remain undeveloped apart from acceptable temporary or relocatable structures for safety and recreational purposes.	P11.1 Dwelling units are located outside of erosion prone area identified on the erosion prone maps.
<b>Landside</b>	
S12. Development maintains the safety of people, property, and hazardous materials manufactured or stored in bulk from the risk of landslide	<p>P12.1 A site-specific geotechnical analysis, prepared by a suitably qualified professional, must be included with the development proposal and demonstrate:</p> <ul style="list-style-type: none"> <li>(o) that the development site is not subject to landslide hazard and</li> <li>(p) that the proposed development will not negatively impact on the slope stability of any steep land adjoining the site.</li> </ul> <p>P12.2 The development does not:</p> <ul style="list-style-type: none"> <li>(q) involve any new building work other than an extension of less than 20m<sup>2</sup> gross floor area to an existing building; or</li> <li>(r) involve vegetation clearing; or</li> <li>(s) alter ground levels or stormwater conditions.</li> </ul> <p>OR</p> <p>P12.3 The development proposal includes an assessment and identified measures, prepared by a suitably qualified professional, to ensure that:</p> <ul style="list-style-type: none"> <li>(t) the long term stability of the development site; and</li> <li>(u) the development site will not be adversely affected by landslide activity originating on sloping land above the development site.</li> </ul>
S13. Community infrastructure is able	P13.1 The development proposal includes an

Specific Outcomes (S) for Code and Impact Assessable Development	Probable Solutions (P) for Code and Impact Assessable Development; and Acceptable Solutions (A) for Self Assessable Development <sup>1</sup>
to function effectively during and immediately after landslide events.	assessment and identified measures, prepared by a suitably qualified professional, to ensure that access to the site will not be impeded by a landslide event.
<b>Acid Sulfate Soils</b>	
S14. The extent to which acid sulfate soils may exist on a site that is to be disturbed is accurately determined prior to any disturbance.	<p>P14.1 A site-specific Acid Sulfate Soils analysis, prepared by a suitably qualified professional, must be included with the development proposal and:</p> <ul style="list-style-type: none"> <li>(v) assess the extent of Potential Acid Sulfate Soils (PASS) or Acid Sulfate Soils (ASS) over the lot; and</li> <li>(w) determine the likelihood of disturbance to PASS or ASS; and</li> <li>(x) outline the methods to ameliorate acidic runoff; and</li> <li>(y) outline the methods to manage the impact of any acidic runoff, so that it is no greater than that which can be expected as normal background runoff from the surrounding natural environment.</li> </ul>
S15. Works avoid disturbing acid sulfate soils or are managed to avoid or minimise the release of acid or metal contaminants.	<p>P15.1 The disturbance of acid sulfate soils is avoided by:</p> <ul style="list-style-type: none"> <li>(z) not excavating or otherwise removing soil or sediment identified as containing acid sulfate soils; and</li> <li>(aa) not permanently or temporarily extracting groundwater that results in the aeration of previously saturated acid sulfate soils; and</li> <li>(bb) not undertaking filling that results in: <ul style="list-style-type: none"> <li>(i) actual acid sulfate soils being moved below the watertable; and</li> <li>(ii) Potential saturated acid sulfate soils being aerated.</li> </ul> </li> </ul> <p>OR</p> <p>P15.2 The disturbance of acid sulfate soils avoids the release of acid and metal</p>

Specific Outcomes (S) for Code and Impact Assessable Development	Probable Solutions (P) for Code and Impact Assessable Development; and Acceptable Solutions (A) for Self Assessable Development <sup>1</sup>
	contaminants by: (cc) neutralising existing acidity and preventing the generation of acid and metal contaminants; and (dd) preventing the release of surface or groundwater flows containing acid and metal contaminants into the environment.

## **5.0 INFRASTRUCTURE CHARGES**

5.1 Charges relating to self- assessable and assessable development are in accordance with the relevant Adopted Infrastructure Charges Resolution or equivalent policy at the time of Building Works, Material Change of Use or Reconfiguration of a Lot.

## **6.0 MISCELLANEOUS**

6.1 If any item of cultural heritage is identified during site works, all work must cease and the relevant State Agency must be notified. Work can resume only after State Agency clearance is obtained. Provision and maintenance of refuse collection areas to the requirements of the Council.

6.2 Waste disposal bins stored outdoors must be screened from all public areas.

6.3 Any alteration necessary to electricity, telephone, water mains, sewerage mains and/or public utility installations resulting from the development or in connection with the development, must be at full cost to the developer.

6.4 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 or flood 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 or flood.

## **7.0 ADVISORY NOTES**

7.1 The approved development is also required to comply with Council's Local Laws from time to time and other controls.

### **7.2 Hours of work**

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

### **7.3 Dust Control**

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

### **7.4 Sedimentation Control**

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

**7.5 Noise During Construction and Noise in General**

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

**7.6 General Safety of Public During Construction**

It is the project manager's responsibility to ensure compliance with the Workplace Health and Safety Act 1995. 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.

**7.7** It is the principal contractor's responsibility to ensure compliance with the Workplace Health and Safety Act 1995. 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.

**7.8** It is the responsibility of the person in control of the workplace to ensure compliance with the Workplace Health and Safety Act 1995. It states that the person in control of the workplace is obliged to ensure there is appropriate, safe access to and from the workplace for persons other than the person's workers.

**7.9** Enquiries relating to the aforementioned conditions should be directed to the Planning and Development who will direct the enquiry to the relevant officer.

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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**12. Planning and Community Services**

**12.6 2015/05/27.18 20140836 - DEVELOPMENT APPLICATION FOR DEVELOPMENT PERMIT FOR RECONFIGURATION OF A LOT - TWO (2) LOTS INTO FIVE (5) LOTS - 375 & 376 DINGO BEACH ROAD CAPE GLOUCESTER - MW DEICKE**

**Moved by: J COLLINS**

**Seconded by: P RAMAGE**

**That in relation to the application for Development Permit for Reconfiguration of a Lot - Two (2) Rural Lots into Five (5) Lots, made by M W Deicke, on Lot 13 SP212244 and Lot 4 SP165653 and located at 375 Dingo Beach Road Cape Gloucester and 376 Dingo Beach Road Gregory River, Council resolves to approve the application subject to the conditions outlined 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      |
|------------------------------------------------------|-------------|----------------------------------------|------------|
| Plan of Proposed Lots 1 - 5                          | RPS         | 122885- 4 PD-02<br>Rev A Sheets 1 - 12 | 05/02/2015 |
| Proposed Lots Sight Lines and Proposed Access Points | RPS         | 122885-4-Sight01<br>Rev A              | 18/02/2015 |

- 1.2 The applicant is to comply with the Department of State Development, Infrastructure and Planning's conditions as outlined in the Department's correspondence dated 15 April 2015.
- 1.3 Where a discrepancy or conflict exists between the written conditions of this approval and the approved plans, the requirements of the written condition(s) will prevail.
- 1.4 All conditions of this approval must be complied with in full to Council's satisfaction prior to the release of the survey plan.
- 1.5 The applicant shall demonstrate and provide evidence that compliance with all conditions of this development approval and any other subsequent development approvals as a result of this development approval have been complied with at the time of sealing the survey plan.

## **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 are 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.

## **3.0 WATER INFRASTRUCTURE**

- 3.1 Design and construct a potable water supply to the proposed lots in accordance with Council's Planning Scheme or Planning Policy applicable at the time. Such work must be in accordance with an approved detail design at future building application stage.

## **4.0 ON SITE EFFLUENT DISPOSAL**

- 4.1 At future building application stage for proposed Lots 1, 2, 4 and 5 a detailed effluent disposal report demonstrating that an on-site domestic sewerage treatment system can be established within the proposed lot in accordance with the Plumbing Code of Australia 2011 and the Queensland Plumbing and Wastewater code is to be provided.

## **5.0 ACCESS AND PARKING**

- 5.1 A Development Permit for Operational Works (Access) must be obtained prior to commencement of any building works on the proposed lots 1, 4 and 5.
- 5.2 The location of all accesses must be constructed so as to comply with Council's Development Manual (current at the time of development), approved plan DWG No 122885-4 PD-02 Rev A, Council's standard drawing R-0035 and this decision notice.
- 5.3 Access to proposed Lot 2 is to be achieved via agreement to use the existing access easement over Lot 2 on SP106417 or through the construction of a new access point

to proposed Lot 2 in accordance with Council's Development Manual (current at the time of development), Council standard drawing R-0035 and this decision notice. Confirmation of the access arrangements to proposed Lot 2 are to be confirmed with Council prior to the sealing of the plan of survey.

## **6.0 STORMWATER AND FLOODING**

- 6.1 All future building works within proposed Lot 2 must occur outside of the land below the Q100 level of immunity.

## **7.0 INFRASTRUCTURE CHARGES**

- 7.1 The development results in increased demand on Council's existing road network which is not designed to accommodate the expected loads. To facilitate the upgrade of Dingo Beach Road the applicant must make a monetary payment prior to the commencement of the use or sealing the plan of survey at the rate applicable at the date of payment. The current rate per additional allotment is of \$9,800.00.
- 7.2 The development results in increased demand on Council's existing park and community facilities which is not designed to accommodate the expected loads. To facilitate the upgrade of Council's park and community facilities, the applicant must make a monetary payment prior to the commencement of the use or sealing the plan of survey at the rate applicable at the time of payment. The current rate per additional allotment is \$1,400.00.

## **8.0 ELECTRICITY AND TELECOMMUNICATIONS**

- 8.1 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 lots; 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 lots 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 lots prior to sealing the plan of survey.

## **9.0 MAINTENANCE VALUATION**

- 9.1 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.

## **10.0 MISCELLANEOUS**

- 10.1 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.
- 10.2 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.
- 10.3 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.

- 10.4 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 Dingo Beach Road or adjoining land unless written permission from the owner of that land and Council is provided.
- 10.5 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.

## **11.0 ADVISORY NOTES**

### **11.1 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.

### **11.2 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.

### **11.3 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.

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

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

### **11.5 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.

11.6 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. Planning and Community Services**

**12.7 2015/05/27.19 20150369 - DEVELOPMENT APPLICATION FOR DEVELOPMENT PERMIT FOR RECONFIGURATION OF A LOT - ONE (1) LOT TWO (2) LOTS - 101 RICHARDSON ROAD SUGARLOAF - RUTH & STEVEN STOLES**

**Moved by: J COLLINS**

**Seconded by: J ATKINSON**

**That in relation to the application for Development Permit for Reconfiguration of a Lot - One (1) Lot into Two (2) Lots, made by R L Stoles & S Stoles, on Lot 11 SP126386 and located at 101 Richardson Road Sugarloaf, Council resolves to approve the application subject to the conditions outlined in Appendix A.**

**Appendix Item A – Conditions of Approval**

**1.0 ADMINISTRATION**

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

Plan/Document Name	Prepared By	Plan Number	Dated
Proposal Plan	RPS	126269-1 PD-02 Rev B	25/03/2015

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 ACCESS AND PARKING**

2.1 The documentation for the proposed Access Easements must include statements with regard to ownership and responsibility for future construction and ongoing maintenance requirements within the Easements.

2.2 All Easement documentation must be provided free of cost to Council.

**3.0 BUSHFIRE PROTECTION**



- 3.1 The applicant is to provide a water tank with a standard rural fire brigade fitting (50 mm cam lock) for proposed Lot 2 prior to the sealing of the plan of survey.

#### **4.0 MAINTENANCE VALUATION**

- 4.1 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.

#### **5.0 MISCELLANEOUS**

- 5.1 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.
- 5.2 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.
- 5.3 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.
- 5.4 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 Richardson Road or adjoining land unless written permission from the owner of that land and Council is provided.
- 5.5 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.

#### **6.0 ADVISORY NOTES**

##### **6.1 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.

##### **6.2 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.

##### **6.3 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.

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

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

## 6.5 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.

- 6.6 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. Planning and Community Services**

- 12.8 2015/05/27.20 20150297 - DEVELOPMENT APPLICATION FOR DEVELOPMENT PERMIF FOR RECONFIGURATION OF A LOT - ONE (1) LOT INTO TWO (2) LOTS - 17 MOON CRESCENT SUGALOAF - RW THOMAS**

**Moved by: J ATKINSON**

**Seconded by: J COLLINS**

**That in relation to the application for Development Permit for Reconfiguration of a Lot - One (1) Lot into Two (2) Lots, made by K H Thomas & R W Thomas c/- WSG Whitsunday Surveys, on Lot 12 RP737361 and located at 17 Moon Crescent Sugarloaf, Council resolves to approve the application subject to the conditions in Appendix A.**

### **Appendix Item A – Conditions of Approval**

#### **1.0 ADMINISTRATION**

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

| Plan/Document Name               | Prepared By            | Plan Number    | Dated      |
|----------------------------------|------------------------|----------------|------------|
| Proposal Plan                    | WSG Whitsunday Surveys | 31076P01 Rev A | 12/03/2015 |
| On-site Effluent Disposal Report | Cardno                 | P-1889         | 25/03/2015 |

- 1.2 The applicant is to comply with the Ergon Energy's conditions as outlined in the Ergon's correspondence dated 1 April 2015.
- 1.3 Where a discrepancy or conflict exists between the written conditions of this approval and the approved plans, the requirements of the written condition(s) will prevail.
- 1.4 All conditions of this approval must be complied with in full to Council's satisfaction prior to the release of the survey plan.
- 1.5 The applicant shall demonstrate and provide evidence that compliance with all conditions of this development approval and any other subsequent development approvals as a result of this development approval have been complied with at the time of sealing the survey plan.

## **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 are 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.

## **3.0 WATER INFRASTRUCTURE**

- 3.1 Design and construct a potable water supply to supply to proposed Lot in accordance with Council's Planning Scheme or Planning Policy applicable at the time. Such work must be in accordance with an approved detailed design at future building application stage.

## **4.0 ON SITE EFFLUENT DISPOSAL**

- 4.1 The owner is to Design and Construct an on-site sewerage treatment system to the proposed Lot 122 (RP737361) in accordance with the Wastewater Management Report by Cardno Pty Ltd dated 25<sup>th</sup> March 2015 at future building application stage.

## **5.0 ACCESS AND PARKING**

- 5.1 A Development Permit for Operational Works (External Access) shall be obtained at future building application stage.
- 5.2 The owner must design and construct the external access from the pavement of Moon Crescent or Fern Road to the property boundary of Lot 122 so as to comply as a minimum with the levels, dimensions, gradients and specifications of a single sealed access as indicated on Council's Standard Drawing R0035 at future building application stage.
- 5.3 The owner must provide and maintain the existing external access from the pavement of Moon Crescent to the property boundary of Lot 121 so as to comply as a minimum with the levels, dimensions, gradients and specifications of a single sealed access as indicated on Council's Standard Drawing R0035 prior to signing of the Plan of Survey.

## **6.0 STORMWATER AND FLOODING**

- 6.1 Easements must be provided over all land assessed to be below the Q100 level of immunity.
- 6.2 All Easement documentation must be provided free of cost to Council.

## **7.0 INFRASTRUCTURE CHARGES**

- 7.1 The development results in increased demand on Council's existing road network which is not designed to accommodate the expected loads. To facilitate the upgrade of Moon Crescent and Fern Road the applicant must make a monetary payment prior

to the sealing the plan of survey at the rate applicable at the date of payment. The current rate per additional allotment is of \$9,800.00.

- 7.2 The development results in increased demand on Council's existing park and community facilities which is not designed to accommodate the expected loads. To facilitate the upgrade of Council's park and community facilities, the applicant must make a monetary payment prior to the sealing the plan of survey at the rate applicable at the time of payment. The current rate per additional allotment is \$1,400.00.

## **8.0 ELECTRICITY AND TELECOMMUNICATIONS**

- 8.1 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 lots; 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 lots 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 lots prior to sealing the plan of survey.

## **9.0 MAINTENANCE VALUATION**

- 9.1 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.

## **10.0 MISCELLANEOUS**

- 10.1 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.
- 10.2 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.
- 10.3 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.
- 10.4 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 Moon crescent or Fern Road or adjoining land unless written permission from the owner of that land and Council is provided.
- 10.5 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.

## **11.0 ADVISORY NOTES**

- 11.1 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.

#### 11.2 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.

#### 11.3 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.

#### 11.4 Noise During Construction and Noise in General

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

#### 11.5 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.

11.6 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. Planning and Community Services

12.9 2015/05/27.21 20140740 - DEVELOPMENT APPLICATION FOR DEVELOPMENT PERMIT FOR RECONFIGURATION OF A LOT - ONE (1) LOT INTO TWO (2) LOTS - 292 GREGORY CANNON VALLEY ROAD - LOT 8 RP732030 - DUVAL

Moved by: J ATKINSON

Seconded by: D CLARK

That in relation to the application for a Development Permit for Reconfiguration of a Lot - One (1) Lot into Two (2) Lots, made by A M Duval, on Lot 8 RP 732030 and located at 292 Gregory Cannon Valley Road, Gregory River, Council resolves to refuse the application on the subject grounds:

- Inconsistent with the intent and overall outcome of the Rural Zone and Economic Resources Overlay (Good Quality Agricultural Land) under the *Whitsunday Shire Planning Scheme 2009*;
- Inconsistent size of proposed lots due to being less than the prescribed 100 hectares or greater under the Rural Zone Code;
- The proposal creates fragmentation and is not located in an existing rural residential cluster;
- Lot configuration does not support the intent of the Rural Lands Strategy; and
- The entire proposed Lot 9 is subject to wetland areas under the Conservation Areas Overlay (Map CMO2).

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

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12. Planning and Community Services

12.10 2015/05/27.22 20090046 - REQUEST FOR EXTENSION OF RELEVANT PERIOD - DEVELOPMENT PERMIT FOR MATERIAL CHANGE OF USE - ECO - RETREAT - 46 PARKLAND DRIVE WOODWARK - ECHOZ NOMINEES PTY LTD AS TTE

Moved by: D CLARK

Seconded by: A WILLCOX

That in relation to the request for an extension of relevant period of the Development Permit for a Material Change of Use - Eco-Retreat Comprising of Nine (9) x 1 bedroom Accommodation Units, One (1) Refreshment Premise for Eco-Retreat Patrons, One (1) Caretakers Residence, One (1) Reception, One (1) Massage Clinic and Ancillary Features lodged by Phillip Hunter on behalf of Echoz Nominees Pty Ltd As TTE on land described as Lot 26 SP 201444, 46 Parkland Drive Woodwark, that Council approve the request for a further two years.

***Under section 273 of the Local Government Regulation the recommendation was not accepted by Council as the time is now right for the Development Application to go ahead.***

The motion was Defeated 3/4

**Moved by: J CLIFFORD**

**Seconded by: J COLLINS**

**That in relation to the request for an extension of relevant period of the Development Permit for a Material Change of Use - Eco-Retreat Comprising of Nine (9) x 1 bedroom Accommodation Units, One (1) Refreshment Premise for Eco-Retreat Patrons, One (1) Caretakers Residence, One (1) Reception, One (1) Massage Clinic and Ancillary Features lodged by Phillip Hunter on behalf of Echoz Nominees Pty Ltd As TTE on land described as Lot 26 SP 201444, 46 Parkland Drive Woodwark, that Council refuse the request for an extension of the relevant period to the 22 July 2017 or the 22 July 2019 on the following grounds:**

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

**MEETING DETAILS:**

The motion was Carried 4/3

**CARRIED**

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**12. Planning and Community Services**

**12.11 2015/05/27.23 PROPOSED CONVERSION TO FREEHOLD OF RESERVE FOR LOCAL GOVERNMENT PURPOSES (OPERATIONAL RESERVE - SUB PURPOSE REFUSE DISPOSAL) - LOT 22 ON SP106414 - BOWEN REFUSE FACILITY**

**Moved by: J CLIFFORD**

**Seconded by:**

**That the item Proposed Conversion to Freehold of Reserve for Local Government Purposes (Operational Reserve - Sub Purpose Refuse Disposal) - Lot 22 On SP106414 - Bowen Refuse Facility be tabled.**

**Moved by: A WILLCOX**

**Seconded by: J CLIFFORD**

That Council apply to the Department of Natural Resources and Mines for the Freeholding of Operational Reserve described as Lot 22 on SP106414 - Bowen Refuse Facility.

**MEETING DETAILS:**

Cr Clifford withdrew her motion

The motion was Carried 7/0

**CARRIED**

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**12. Planning and Community Services**

**12.12 2015/05/27.24 REQUEST FOR AMENDMENT TO ABEL POINT MARINA EXCLUSION ZONE**

**Moved by: J COLLINS**

**Seconded by: D CLARK**

That Council provide Peninsula Unit Trust with a letter of support for the alteration of the Exclusion Zone pursuant only to Council's further approval of a future Operational Works application for Prescribed Tidal Works which details abutment, pontoon, pile designs as well as providing detailed management plans that describes depth and dredging management if required.

**MEETING DETAILS:**

*Cr Clifford declared a conflict of interest (as per section 173 of the Local Government Act 2009) on the matter because a resident at Peninsula contributed to her election campaign and left the meeting room at 12.41pm, taking no part in the debate or decision of the meeting.*

The motion was Carried 6/0

**CARRIED**

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*Cr Clifford returned to the meeting at 12.42pm*

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**12. Planning and Community Services**

**12.13 2015/05/27.25 DEVELOPMENT ASSESSMENT - MONTHLY PERFORMANCE REPORT - APRIL 2015**

**Moved by: J CLIFFORD**

**Seconded by: A WILLCOX**

That the monthly performance report for the Development Assessment Team for the month of April, 2015 be noted.

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**



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12. Planning and Community Services

12.14 2015/05/27.26 REGIONAL ARTS DEVELOPMENT FUND (RADF) -  
FUNDING FOR 2015/16 BUDGET

Moved by: J CLIFFORD

Seconded by: J COLLINS

That Council consider the Regional Arts Development Fund as part of the 2015-2016 budget considerations.

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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12. Planning and Community Services

12.15 2015/05/27.27 FERAL PIG PROGRAM SUPPORT

Moved by: J ATKINSON

Seconded by: J COLLINS

That Council receive correspondence in support of works undertaken by Council, in conjunction with partner organisations, for the control of feral pigs within the Whitsundays.

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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12. Planning and Community Services

12.16 2015/05/27.28 COMMUNITY ASSISTANCE GRANT - WHITSUNDAY  
REGIONAL GALLERY COOPERATIVE

Moved by: J COLLINS

Seconded by: J CLIFFORD

That Council in respect to an out of round application for funding received under Council's Community Assistance Grants (CAG) Program, distributes a total amount of \$4982.00 as a Projects Grant to the Whitsunday Regional Gallery Cooperative.

**MEETING DETAILS:**

*Mayor Whitney declared a conflict of interest (as per section 173 of the Local Government Act 2009) on the matter that she had provided a letter as support for the group and left the meeting room at 12.44pm, taking no part in the debate or decision of the meeting.*

The motion was Carried 6/0

CARRIED

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*Mayor Whitney returned to the meeting at 12.46pm*  
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**12. Planning and Community Services**

**12.17 2015/05/27.29 TIDY TOWNS - KEEP QUEENSLAND BEAUTIFUL**

**Moved by: J CLIFFORD**

**Seconded by: A WILLCOX**

**That Council register for the Tidy Towns - Keep Queensland Beautiful awards program for 2015.**

**MEETING DETAILS:**

The motion was Carried 7/0

CARRIED

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**12. Planning and Community Services**

**12.18 2015/05/27.30 MEMBERSHIP FOR MACKAY-WHITSUNDAY  
HEALTHY RIVERS TO REEF PARTNERSHIP**

**Moved by: J ATKINSON**

**Seconded by: J CLIFFORD**

**That Council:**

- 1. Receives the Mackay-Whitsunday Healthy Rivers to Reef Partnership Value proposition, and**
- 2. Consider Government Tier membership as part of the 2015-2016 budget considerations.**

**MEETING DETAILS:**

The motion was Carried 7/0

CARRIED

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**12. Planning and Community Services**

**12.19 2015/05/27.31 BOWEN WORK CAMP COMMUNITY ADVISORY  
COMMITTEE - MAY 2015**

**Moved by: P RAMAGE**

**Seconded by: D CLARK**

**That Council receive the minutes of the Bowen work camp community advisory committee for the month of May 2015;**

**MEETING DETAILS:**

The motion was Carried 7/0

CARRIED

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12. Planning and Community Services

12.20 2015/05/27.32 ADVISORY - INCREASE IN THE VALUE OF A PENALTY UNIT

Moved by: J COLLINS

Seconded by: J CLIFFORD

That Council note the increase in the value of a Penalty Unit effective 1<sup>st</sup> July 2015 by the Queensland Government under the *Penalties and Sentences Regulation 2005*.

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

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12. Planning and Community Services

12.21 2015/05/27.33 ADVISORY - PROSERPINE ENTERTAINMENT CENTRE WHITSUNDAY - MEETING MINUTES 22 APRIL 2015

Moved by: J COLLINS

Seconded by: J CLIFFORD

That Council receive the Minutes from the Proserpine Entertainment Centre Advisory Committee Meeting dated Wednesday 22 April, 2015.

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

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12. Planning and Community Services

12.22 2015/05/27.34 PROPOSED MOTORBIKE TRACK BOWEN

Moved by: A WILLCOX

Seconded by: D CLARK

That Council note the update in relation to the proposed Bowen motorbike track.

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

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**13. Engineering Services**

**13.1 2015/05/27.35 ENGINEERING SERVICES WATER AND SEWERAGE  
DEPARTMENT MONTHLY OPERATIONAL  
PERFORMANCE REPORT APRIL 2015: SEWERAGE**

**Moved by: J CLIFFORD**

**Seconded by: J ATKINSON**

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

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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**13. Engineering Services**

**13.2 2015/05/27.36 ENGINEERING SERVICES WATER AND SEWERAGE  
DEPARTMENT MONTHLY OPERATIONAL  
PERFORMANCE REPORT APRIL 2015: WATER**

**Moved by: J COLLINS**

**Seconded by: J CLIFFORD**

**That Council receives the Engineering Services Water and Sewerage Department Monthly Operational Performance Report April 2015: Water**

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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**13. Engineering Services**

**13.3 2015/05/27.37 INSTALLATION OF A WOODEN BOLLARD FENCE -  
QUAY STREET ROAD RESERVE**

**Moved by: J CLIFFORD**

**Seconded by: J ATKINSON**

**That Council resolves to approve the installation of a 22 meter long wooden bollard fence in the Quay Street road reserve to protect the Council irrigation system.**

**Furthermore, that the near neighbours are consulted.**

**MEETING DETAILS:**

The motion was Carried 6/1

**CARRIED**



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**13. Engineering Services**

**13.4 2015/05/27.38 WHITSUNDAY COCONUT MANAGEMENT POLICY**

**Moved by: J CLIFFORD**

**Seconded by: A WILLCOX**

**That Council resolves to:**

- a) Endorse the draft Whitsunday Regional Council Coconut Management Policy for public consultation; and**
- b) Advertise the Draft Coconut Management Policy for at least 30 days; and**
- c) Instruct Council staff to report the public comments back to Council.**

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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**13. Engineering Services**

**13.5 2015/05/27.39 INSTALLATION OF BOWEN WORK CAMP PROJECT ACKNOWLEDGEMENT SIGNS**

**Moved by: J CLIFFORD**

**Seconded by: D CLARK**

**That Council approve the installation of Bowen work camp project signs at the following locations:**

- Flagstaff Hill Rotunda**
- Bowen Sporting Complex - soccer shed**
- Bowen Sporting Complex - entrance**
- Rose Bay walking track steps**
- Collinsville Carpet Snake Creek walking track**
- Queens Beach walking track**

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

**13. Engineering Services**

**13.6. 2015/05/27.40 LOGAN'S ADVENTURE PLAYGROUND UPDATE**

**Moved by: J CLIFFORD**

**Seconded by: J ATKINSON**

**That Council accept the Minutes from the Logan's Adventure Playground Project Committee meeting held on the 14<sup>th</sup> May 2015.**

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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**15. General Business**

**15.1 2015/05/27.41 INTEREST FREE LOANS**

**Moved by: J COLLINS**

**Seconded by: J CLIFFORD**

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

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

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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**15. General Business**

**15.2 2015/05/27.42 LEASING ARRANGEMENTS - GIRUDALA**

**Moved by: D CLARK**

**Seconded by: J CLIFFORD**

**That the Chief Executive Officer provide an update at the next Briefing Session regarding Girudala and their leasing arrangements with Council and a report be put forward at the next Council Meeting.**

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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**16. Procedural Motion**

**16.1 2015/05/27.43 PROCEDURAL MOTION - ADJOURNMENT**

**Moved by: J CLIFFORD**

**Seconded by: J ATKINSON**

**That the meeting be adjourned for the purpose of North Queensland Sportstar Award presentation, staff recognition certificates and lunch at 1.02pm.**

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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*Mayor Whitney visited the Collinsville State High School Library - Deputy Mayor Willcox chaired the meeting in her absence.*  
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**16. Procedural Motion**

**16.2 2015/05/27.44 PROCEDURAL MOTION - RECONVENE**

**Moved by: J CLIFFORD**

**Seconded by: J ATKINSON**

**That Council reconvene the meeting having finished all formalities at 1.50pm**

**MEETING DETAILS:**

The motion was Carried 6/0

**CARRIED**

**16. Procedural Motion**

**16.3 2015/05/27.45 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 1.51pm 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 Business Activities Report - April 2015**

(c) the local government's budget

**14.1.2 Land Sales - Second Tranche**

(e) contracts proposed to be made by it

**14.1.3 Native Title Claim - Birriah People**

(f) starting or defending legal proceedings involving it

**14.2.1 RATES AND SUNDRY DEBTORS - APRIL 2015**

(c) the local government's budget

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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**16. Procedural Motion**

**16.4 2015/05/27.46 PROCEDURAL MOTION - REOPENING OF MEETING**

**Moved by: J CLIFFORD**

**Seconded by: J ATKINSON**

**That the meeting be reopened to the general public.**

**MEETING DETAILS:**

The motion was Carried 6/0

**CARRIED**

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*Mayor Whitney returned to the meeting at 2.03pm*

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**14.1 Confidential Matters - Office Of The Mayor & CEO**

**14.1.1 2015/05/27.47 BUSINESS ACTIVITIES REPORT - APRIL 2015**

**Moved by: J CLIFFORD**

**Seconded by: A WILLCOX**

**That Council receive the Business Activities Report for April 2015.**

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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14.1 Confidential Matters - Office Of The Mayor & CEO  
14.1.2 2015/05/27.48 LAND SALES - SECOND TRANCHE

Moved by: J CLIFFORD  
Seconded by: A WILLCOX

That Council in relation to the sale of Council land - second tranche, vary the method of land sales process to allow for the auction of lot 29RP855202 Emerson Rd and lot 11 SP274021 by L.J Hooker, Bowen as per the marketing and sales offer 16th April 2015, providing that the reserve price be set at the current valuation, and that if the properties are not sold at auction they are then listed with L.J Hooker Bowen at the valuation price until sold.

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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14.1 Confidential Matters - Office Of The Mayor & CEO  
14.1.3 2015/05/27.49 NATIVE TITLE CLAIM - BIRRIAH PEOPLE

Moved by: J CLIFFORD  
Seconded by: J COLLINS

That Council notes:

- the ongoing investigation into potential public works extinguishment in relation to the Birriah People Native Title claim; and
- that the Birriah People People Indigenous Land Use Agreement (incorporating areas of Collinsville and Scottsville) was registered by the National Native Title Tribunal on 19 May 2015.

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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14.2 Confidential Matters - Corporate Services  
14.2.1 2015/05/27.50 RATES AND SUNDRY DEBTORS - APRIL 2015

Moved by: J CLIFFORD  
Seconded by: J COLLINS

That Council receive the report showing the actions taken to collect outstanding debtors and rates.

**MEETING DETAILS:**

The motion was Carried 7/0

CARRIED

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*The meeting closed at 2.05pm*

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Confirmed as a true and correct recording this 10<sup>th</sup> day of June 2015

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**CR JENNIFER WHITNEY  
MAYOR**