



Minutes of the Ordinary Meeting held on 06 October 2015



Council's Guiding Principles:

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



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

Councillors Present:

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

Council Officers Present:

B Omundson (Acting Chief Executive Officer); K McLoughlin (Chief Operating Officer); M McGoldrick (Chief Financial Officer); G Jarvis (Director Corporate Services); D Staley (Director Planning and Community); A McGregor (Executive Manager Water & Sewerage); H van der Schyff (Executive Manager Roads & Drainage); J Fanning (Communications Manager); M Douglas (Administration Officer) and B Davis (Administration Officer)

Other Details:

The meeting commenced at 9.04am

The meeting adjourned for a presentation by North Queensland Bulk Ports Corp at 9.04am

The meeting reconvened after the presentation at 9.53am

The meeting adjourned for the Citizenship Ceremony and morning tea at 10.20am

The meeting reconvened after morning tea at 11.06am

The meeting closed at 12.16pm

Whitsunday Regional Council
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Proserpine Council Chambers, 83 – 85 Main Street, Proserpine
 on 06 October 2015 commencing at 9:00am

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16. Procedural Motion

16.1 2015/10/06.01 PROCEDURAL MOTION - CLOSURE OF MEETING

Moved by: J CLIFFORD

Seconded by: J ATKINSON

That the meeting be closed to the public for the purpose of a presentation by Steve Lewis, CEO of Queensland Bulk Ports Corporation.

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

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**16.2 2015/10/06.02 PROCEDURAL MOTION - REOPENING OF MEETING**

**Moved by: J CLIFFORD**

**Seconded by: P RAMAGE**

**That the meeting be reopened to the general public at 9.53am**

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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2. Condolences

2.1 2015/10/06.03 CONDOLENCES

Moved by: P RAMAGE

Seconded by: D CLARK

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

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

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### 3.2 Mayoral Update

|                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|----------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>Wednesday<br/>23 September 2015</p> | <ul style="list-style-type: none"> <li>• All Councillors and Executive Staff attended the Ordinary Council Meeting</li> <li>• Cr Ramage attended the Whitsunday Regional Council Draft Planning Public Meeting held in Collinsville</li> <li>• Mayor, Cr Clifford &amp; Cr Atkinson attended the Formal Consultation for the Whitsunday Coast Airport in Cannonvale</li> </ul>                                                                                                                                                                                                                                |
| <p>Thursday<br/>24 September 2015</p>  | <ul style="list-style-type: none"> <li>• Mayor &amp; Cr Atkinson attended a Fleet Committee Meeting</li> <li>• Mayor, Cr Clifford &amp; Cr Atkinson attended the Official Opening of the 'Departure Lounge Expansion' held at the Whitsunday Coast Airport</li> <li>• Mayor, CEO &amp; ACEO attended a meeting with the Member for Dawson, George Christensen</li> <li>• Cr Clifford, Cr Atkinson &amp; Cr Willcox attended the Whitsunday Regional Council Draft Planning Public Meeting held in Airlie Beach</li> <li>• Mayor attended a meeting with Mr Wang and Aqua Cultural Developer Mr Lau</li> </ul> |
| <p>Friday<br/>25 September 2015</p>    | <ul style="list-style-type: none"> <li>• Mayor &amp; CEO attended a meeting with a ratepayer</li> <li>• Mayor attended a meeting with a ratepayer</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <p>Saturday<br/>26 September 2015</p>  | <ul style="list-style-type: none"> <li>• Mayor, Cr Clifford, Cr Atkinson &amp; Cr Willcox attended the Airlie Beach Airshow</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| <p>Monday<br/>28 September 2015</p>    | <ul style="list-style-type: none"> <li>• Mayor travelled to China with the Premier of Queensland</li> <li>• Cr Willcox attended the Stronger Communities Teleconference with the Member for Dawson</li> <li>• Cr Willcox attended the Audit Committee Meeting</li> </ul>                                                                                                                                                                                                                                                                                                                                      |
| <p>Tuesday<br/>29 September 2015</p>   | <ul style="list-style-type: none"> <li>• Cr Willcox, Cr Clark &amp; Cr Clifford attended the National Police Remembrance Day Service</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| <p>Friday<br/>02 October 2015</p>      | <ul style="list-style-type: none"> <li>• Cr Collins, Cr Clifford, Cr Atkinson &amp; Cr Willcox attended the Brahmans Civic Celebration in Proserpine</li> <li>• Cr Clifford on behalf of the Mayor attended the Whitsunday Regional Art Opening</li> </ul>                                                                                                                                                                                                                                                                                                                                                    |

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4. Confirmation of Minutes

4.1 2015/10/06.04 CONFIRMATION OF MINUTES

Moved by: J COLLINS

Seconded by: J CLIFFORD

That the Minutes of the Ordinary Meeting held on 23 September 2015 be confirmed subject to the inclusion of the following worded note on page 112:

**** The meeting was advised that there was a typographical error in the following motion which reads 20th instead of 13th of May 2015.**

14.1.3 2015/09/09.37 APPOINTMENT OF ACTING CHIEF EXECUTIVE OFFICER

Moved by: J WHITNEY

Seconded by: J CLIFFORD

That Council appoint Mr Barry Omundson to Acting Chief Executive Officer for a period of up to 12 months, under Section 195, sub section (b) of the Local Government Act 2009.

Due to the Chief Executive Officer's extensive work load, travel requirements, government, industry and community consultation being undertaken as a result of Council's resolution of the 20th of May 2015, in the relation to the Whitsunday Coast Airport International Export Hub Project.

PROCEDURAL MOTION

That the Appointment of Acting Chief Executive Officer report be tabled pending an extensive workshop at the next briefing session.

MEETING DETAILS:

The procedural motion was defeated 3/4

The motion was voted on

The motion was Carried 4/3

Call for Division

FOR

Cr John Collins

Cr Jennifer Whitney

Cr John Atkinson

Cr Jan Clifford

AGAINST

Cr Peter Ramage

Cr Dave Clark

Cr Andrew Willcox

CARRIED

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## MEETING DETAILS:

The motion was Carried 7/0

CARRIED

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7. Notice of Motion

7.1 NOTICE OF MOTION - SUBMISSION TO THE WHITSUNDAY REGIONAL COUNCIL DRAFT PLANNING SCHEME

The motion will be addressed at the next Council Meeting dated 28 October 2015 as it was received after the required submission time.

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### 9. Questions from Public Gallery

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#### PUBLIC QUESTION TIME

At this time in the meeting the opportunity is provided to members of the gallery to ask questions of the Council or to make statements about the Council and its operations. Under Council's Standing Orders the following applies in relation to this public question time:

1. In every Council Meeting time shall be set aside to permit members of the public to address the Council on matters of public interest related to local government. Questions from the Public Gallery will be taken on notice and may or may not be responded to at the Meeting and must be submitted in writing to Council prior to the Council Meeting in accordance with Council's Policy for Standing Orders – Meetings. The time allocated shall not exceed fifteen (15) minutes and no more than three (3) speakers shall be permitted to speak at any one (1) meeting. The right of any individual to address the Council during this period shall be at absolute discretion of the Council.
2. If any address or comment is irrelevant, offensive, or unduly long, the Chairperson may require the person to cease making the submission or comment.
3. Any person addressing the Council shall stand, state their name and address, act and speak with decorum and frame any remarks in respectful and courteous language.

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Name: Mr Ross Newell
President of Whitsunday Regional Residents Association Inc.
PO Box 799
Bowen QLD 4805

Question

Dear Sir,

An extract from the Qld. Government's website Re: Local Government Records Inter Alia:

“Agendas, minutes and the actual decisions taken by local government are arguably the most important records of local governments.

Well-structured agendas assist Councillors to get the most out of their meetings enabling them to make informed decisions that are derived from analysis of sound advice and constructive debate. They also provide members of the public with details of the issues to be discussed at a council or committee meeting prior to the holding of the meeting.

You can find out what items are to be discussed at a meeting at your local government's public office. A list of these items must be made available there at the same time the agenda for the meeting is made available to Councillors (i.e. at least two days before the meeting). Your local government may also publish the list of the items of business to be discussed at a meeting, including any details or documents relating to an item, on its website.

Perusal of the Council website recently records only item lists for the meeting and no full agenda nor appendixes.

The meeting held on the 23 September 2015 the full agenda was not released until the 02 October, nine days later.

The community realises that the Councillors generally have their agenda on the Friday prior to the meeting – but the public have never been given the agenda until 2 days prior to the meeting.

The WRRRA request that the full agenda and appendix as per the Local Government Regulation 2012 – which states when Councillors have received the information by released to the community in a timely fashion this allowing the Community whom the Councillors represent to have timely access to the information relating to the next meeting.

Section 4 (20 of the Local Government Act state:

*The **local government principles** are -*

- (a) Transparent and effective processes, and decision-making in the public interest; and*
- (b) Sustainable development and management of assets and infrastructure, and delivery of effective services; and*
- (c) Democratic representation, social inclusion and meaningful community engagement; and*
- (d) Good governance of and by local government; and*
- (e) Ethical and legal behaviour of Councillors and local government employees*

The perception within the community is that Council is endeavouring to hide timely information from the Community which is in stark contrast to the Mayor's platform of transparency.

Will Council now give a commitment to rectify their current practice and this give credence to the local government act?

Mr Newell was thanked for his question and advised that his question will be answered at the next Council Meeting.

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**Response to Questions from the Public Gallery**  
**for the Council Meeting of 23 September 2015**

**Name:** Mr Ross Newell  
President of Whitsunday Regional Residents Association Inc.  
PO Box 799  
Bowen QLD 4805

**Subject:** Sale of Waterson Way, Airlie Beach Land

**Question:**

On the 23<sup>rd</sup> December, 2014 the Council signed a conditional contract to sell the above land for \$2.5 million dollars to Whitsunday Chinatown Investments, with settlement to occur after DA approval had been granted by the Council.

This sale for this land has not settled and the council has already declined three DA submissions/offers outside of the current contractual agreement.

Could you please advise:

- a) The name of the Valuer who provided the Council with the value of the property prior to its sale?
- b) When was the deposit paid, and is it being held by the Council or a Real Estate Trust Account?
- c) Has the proposed purchaser paid, or will pay the full DA Applicant fees on each of the three DA applications/offers outside of the current contractual agreement?
- d) Has the Council built, paid for, or approved the building of the fence that has been built in the last few months and is currently along the block?
- e) What was the Conflict of Interest reason for the Mayor's excusing herself from the meeting of 24<sup>th</sup> July, when the Council discussed the Whitsunday Chinatown Investments in connection with three offers outside of the current contractual agreement mentioned in the motion.
- f) Why would the Council 'agree' to sell Waterson Way, and then proposed a Town Plan where the building heights increase from 4 stories to 8+ stories, and thus make the property more valuable?
- g) Is this development supposed to contain a large Buddhist Temple, and will this make all or a large part of the property exempt from paying Council rates?
- h) Where was the meeting Mayor's and CEO's meeting with Mr Wang and solicitors held on 17<sup>th</sup> July, 2015, but not disclosed until 9<sup>th</sup> September, 2015 Council minutes were released?

- i) When does the contract for the 'sale' of this land lapse because the DA approvals have not been obtained?

Thank you for your time, and your future assistance.

***Council's Response Conveyed by Barry Omundson, Acting Chief Executive Officer***

Thank-you for your question at Council's last ordinary meeting in Collinsville.

Council's response will address your opening comments then your specific questions.

Mr Newell your opening comments are incorrect, Council has not signed a contract in relation to the approval of a development application, any settlement for the tendered land would occur upon the lodgement of a development application. Council has not declined any development application as it is yet to receive a development application and is actively encouraging the successful tenderer to lodge a development application as per their contract.

- (a) The valuations were done by Herron Todd White
- (b) As per the terms of the contract a deposit has been paid and is held in trust with Council's Lawyers
- (c) The developer will pay infrastructure charges as per any other development of this size in the region, once a development application is lodged then discussions can occur in relation infrastructure charges
- (d) Council has not built any fence on the site, this has been built by the developer at their expense in preparation for survey and soil testing works. Due to the height of the fence a building application is not required.
- (e) Conflicts of Interest for all Councillors are noted in the minutes of each meeting
- (f) Council's town planning process is not co-joined with the Building a Better Whitsunday Program in any way.
- (g) Council has not been advised of any religious elements to the development
- (h) The Mayor did not attend any meeting on the 17<sup>th</sup> of July with representatives of Whitsunday China Town Investments. A meeting occurred in the Proserpine Council Chambers between 9am and 11 am with Council Officers, Council's Solicitors and representatives of Whitsunday China Town Investments.
- (i) This is a matter for the Councillors to discuss

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10. Office of the Mayor & CEO
10.1 2015/10/06.05 AUDITED FINANCIAL STATEMENTS 2015

Moved by: J CLIFFORD

Seconded by: J COLLINS

That Council authorise the Mayor and Chief Executive Officer to sign the audited financial statements for the year ended 30 June 2015.

Furthermore that Council authorise the following transfers to reserves for the purposes identified:

- a) \$6,913,816 for carry over capital works to the Capital Works Reserve,**
- b) \$44,569 in accrued interest for the Dingo Beach funds also held in the capital works reserve,**
- c) \$3,235,166 for fleet and plant being carry over unspent capital funds and the surplus recovery for the year,**
- d) \$5,425,400 being for reinstatement of the Reserves previously eliminated (\$474,380 General Reserve Bowen, \$944,910 off-street parking, \$1,204,570 Waste Management, \$976,562 Airports Reserve, \$713,000 Quarry Reserve, \$1,111,978 Shute Harbour).**

AMENDMENT

Moved by: A WILLCOX

Seconded by: D CLARK

That Council authorise the Mayor and Chief Executive Officer to sign the audited financial statements for the year ended 30 June 2015.

Furthermore that Council authorise the following transfers to reserves for the purposes identified:

- a) \$6,913,816 for carry over capital works to the Capital Works Reserve,**
- b) \$44,569 in accrued interest for the Dingo Beach funds also held in the capital works reserve,**
- c) \$3,235,166 for fleet and plant being carry over unspent capital funds and the surplus recovery for the year,**
- d) \$5,425,400 being for reinstatement of the Reserves previously eliminated (\$474,380 General Reserve Bowen, \$944,910 off-street parking, \$1,204,570 Waste Management, \$976,562 Airports Reserve, \$713,000 Quarry Reserve, \$1,111,978 Shute Harbour).**

Furthermore, that a report in relation to the capital works program be provided to Council on a quarterly basis.

MEETING DETAILS:

The amendment was Defeated 3/4

The motion was Carried 7/0

CARRIED

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**16. Procedural Motion**

**16.3 2015/10/06.06 PROCEDURAL MOTION - ADJOURNMENT**

**Moved by: J CLIFFORD**

**Seconded by: J ATKINSON**

**That the meeting be adjourned for the purpose of the Citizenship Ceremony and Morning Tea at 10:20am.**

**MEETING DETAILS:**

The motion was Carried 7/0

CARRIED

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16.4 2015/10/06.07 PROCEDURAL MOTION - RECONVENE

Moved by: J CLIFFORD

Seconded by: P RAMAGE

That the meeting reconvene from Morning Tea at 11:07am.

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

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

**10.2 2015/10/06.08 NOTICE TO PURCHASERS OF LAND IN RURAL AND RURAL RESIDENTIAL AREAS POLICY**

**Moved by: J ATKINSON**

**Seconded by: J COLLINS**

**That Council:**

- (a) revokes POLC-CS-R-010 Notice to Purchase Land in Rural/Rural Residential/Park Residential Areas adopted 24 July 2013; and**
- (b) adopts the attached Notice to Purchasers of Land in Rural and Rural Residential Areas Policy.**

**MEETING DETAILS:**

The motion was Carried 7/0

CARRIED



## 1. BACKGROUND AND PRINCIPLES

Council has developed a notice to be issued to all owners and intending purchasers of land in rural and rural residential areas, who may be impacted by reasonable and practicable agricultural uses and practices.

## 2. SCOPE

This policy applies to all intending purchasers and owners of land located in rural areas.

## 3. POLICY OBJECTIVES

The objective of this Policy is to ensure that all owners and intending purchasers of rural and rural residential properties are informed of the rights of their neighbours to undertake reasonable and practicable agricultural uses and practices.

## 4. POLICY STATEMENT

- 4.1 Council acknowledges that owners or intending purchasers of land in rural or rural residential areas may be unaware that reasonable and practicable rural and agricultural activities such as aerial spraying and cane fires may impact on neighbouring properties.
- 4.2 Council seeks to educate owners and intending purchasers of rural and rural residential land about the off-site impacts of lawful rural and agricultural activities by ensuring that Council's Rates Team issues a Notice to Purchasers of Land in Rural Areas in Whitsunday Region ("Notice") to owners and intending purchasers of land in rural and rural residential areas as follows:
  - (a) notices shall be attached to all relevant outgoing property and rates searches; and
  - (b) notices shall be attached to all relevant rates notices issued each year.
- 4.3 The Notice shall provide the following information:
  - (a) a (non-exhaustive) list of the types of reasonable and practicable rural and agricultural activities that may have an off-site impact;
  - (b) advice that intending purchasers in rural areas should consider the impacts of rural and agricultural activities before purchasing in rural or rural residential areas; and
  - (c) advice that unformed roads, on-site sewerage facilities and self-provided domestic water supplies are standard in many rural and rural residential areas and that the upgrading of these facilities to an urban/town standard is unlikely.

### INTERNAL USE ONLY

Policy No: 040.01 - Classification: Rates

Adoption Date:

Revokes: POLC-CS-R-010 Notice to Purchase Land in Rural/Rural Residential/Park Residential Areas 24 July 2013

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**5. RELEVANT LEGISLATION**

Whitsunday Regional Council's Planning Schemes and associated legislation

**6. DEFINITIONS**

*Rural* is defined in accordance with Council's Planning Scheme as adopted from time to time.

*Rural residential* is defined in accordance with Council's Planning Scheme as adopted from time to time.

*Notice* shall mean Council's Notice to Purchasers of Land in Rural Areas in Whitsunday Region as amended from time to time.

**7. RELATED DOCUMENTS**

Council's Planning Scheme

Notice to Purchasers of Land in Rural Areas in Whitsunday Region

**8. DATE REVIEWED**

October 2015

**9. NEXT REVIEW**

October 2017

INTERNAL USE ONLY

Policy No: 040.01 - Classification; Rates

Adoption Date:

Revokes: POLC-CS-R-010 Notice to Purchase Land in Rural/Rural Residential/Park Residential Areas 24 July 2013

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10.3      2015/10/06.09      **BUILDING OVER OR NEAR COUNCIL WATER  
(WATER                      SEWER,                      STORMWATER)  
INFRASTRUCTURE POLICY**

Moved by:                      A WILLCOX

Seconded by:                      J COLLINS

That Council revoke POLC-TI-W-002 Building Over or Near Council Water (Water, Sewer, Stormwater) Infrastructure Policy.

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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10.4 2015/10/06.10 **DISASTER MANAGEMENT - INTERNAL GET READY
DISPLAY CHALLENGE**

Moved by: J CLIFFORD

Seconded by: A WILLCOX

That Council endorse the internal 'Get Ready' display challenge to be held across Council's Customer Service Centres and Libraries from 12 October 2015 until 12 November 2015.

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

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11.      **Corporate Services**

11.1      2015/10/06.11      **ADVISORY - INVITATION TO SPEAK AT THE ASSET  
MANAGEMENT COUNCIL SEMINAR**

Moved by:                      J CLIFFORD

Seconded by:                      J ATKINSON

That Council be advised that Graham Jarvis, Director of Corporate Services, has been invited to speak at the Asset Management Council Seminar - Strategic Asset Management Plans on Thursday 29th October 2015 in Townsville.

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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12. Planning and Community Services

12.1 2015/10/06.12 ADVISORY - EMBRACE 2018 MIW STEERING COMMITTEE MINUTES 14 AUGUST 2015

Moved by: J CLIFFORD

Seconded by: J COLLINS

That Council receive the Minutes from the Mackay, Isaac, Whitsunday Commonwealth Games Steering Committee meeting on 14 August 2015.

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

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**12.2 2015/10/06.13 20150044 - REQUEST FOR CHANGE OR CANCEL CONDITIONS OF APPROVAL - DEVELOPMENT APPLICATION FOR MATERIAL CHANGE OF USE - INDOOR SPORTS FACILITY (24 HOUR GYMNASIUM), 126 SOLDIERS ROAD, B RUFF**

**Moved by: J WHITNEY**

**Seconded by: A WILLCOX**

**That Council approve the request to change or cancel conditions of the Development Permit for Material Change of Use - Indoor Sports Facility (24 hour Gymnasium) lodged by B Ruff on land described as Lot 161 RP891514, 126 Soldiers Road Bowen, as follows:**

**Amend Condition 1.1 to reflect updated site plan:**

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

| <b>Plan/Document Name</b> | <b>Prepared By</b> | <b>Plan Number</b> | <b>Dated</b>      |
|---------------------------|--------------------|--------------------|-------------------|
| <b>Site Plan</b>          | <b>B Ruff</b>      | <b>PD-01</b>       | <b>14/09/2015</b> |
| <b>Proposed Carparks</b>  | <b>RPS</b>         | <b>PD-06</b>       | <b>19/02/2015</b> |
| <b>Floor Plan</b>         | <b>N/A</b>         | <b>N/A</b>         | <b>N/A</b>        |

**Furthermore, that Council approve the request for a refund of 50% of the application fee for the request to change or cancel conditions of approval on the grounds that:**

- a) The proposed change is minor in nature; and**
- b) The assessment of the proposed change did not require internal referral or additional Council resources.**

## MEETING DETAILS:

The motion was Carried 7/0

CARRIED

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12.3 2015/10/06.14 20150584 - DEVELOPMENT PERMIT FOR MATERIAL CHANGE OF USE OF PREMISES FOR A VETERINARY CLINIC, 58 SHUTE HARBOUR ROAD CANNONVALE, MC WILLIAMS

Moved by: J COLLINS

Seconded by: J ATKINSON

That Council approve the Development Application for a Development Permit for a Material Change of Use - Veterinary Clinic, made by M C Williams, on Lot 7 RP 725304 and located at 58 Shute Harbour Road, Cannonvale, subject to the following conditions:

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
Proposed Site Layout of Veterinary Clinic	RPS Australia East Pty Ltd	127329-1 PD-02 REV A	22/06/2015
Proposed Floor Plan of Veterinary Clinic	RPS Australia East Pty Ltd	127329- PD – 01 REV A	22/06/2015

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

- Operational Works
 - Parking
- 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.

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

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

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

1.6 The applicant is to comply with the Department of Infrastructure, Local Government and Planning as outlined in the Department's correspondence dated 31 July 2015.

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.
- 2.3 Landscaping must be provided along the boundaries as indicated on the approved plan for privacy and acoustic buffering. The landscaping must comprise a mixture of shrubs, bushes and ground covers which achieve a 75% coverage within two years of planting. Landscaping must be maintained to Council's satisfaction.
- 2.4 The applicant shall maintain appropriate security chain-link fencing a minimum of 1.8 metre high around the perimeter of the site and designated areas.
- 2.5 Any structures accommodating animals are visually screened from external stimuli, such as traffic or passer-bys that may cause actionable nuisance.
- 3.0 **BUILDING**
- 3.1 Building and landscaping materials are not to be highly reflective, or likely to create glare, or slippery or otherwise hazardous conditions.
- 3.2 Buildings are to be finished with external building materials and colours to reduce scale and bulk.
- 3.3 The applicant shall submit to Council floor and elevation plans of the proposed structures prior to the issue of any building approvals. The use of the structures shall be for the nominated uses only as outlined on the plans.
- 4.0 **LIGHTING**
- 4.1 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.
- 4.2 Any security lighting shall be designed to ensure that nuisance is not caused to adjoining areas by the spillage of light.
- 5.0 **STORMWATER**
- 5.1 The developed flows from the land must be drained to a lawful point of discharge prior to the commencement of the use.
- 6.0 **SEWERAGE INFRASTRUCTURE**
- 6.1 The development must be connected to Council's sewerage network prior to commencement of the use.
- 6.2 A Trade Waste Agreement must be obtained prior to connection to Council's sewerage reticulation network.
- 7.0 **ACCESS AND PARKING**
- 7.1 The external access from the pavement of Shute Harbour Road to the property boundary must be constructed to comply with the dimensions, gradients and specifications as indicated in Department of Transport and Main Roads conditions and standard drawings prior to commencement of the use.
- 7.2 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.
- 7.3 Prior to commencement of any work on site an Operational Works development permit must be obtained in relation to Parking.
Any application for Operational Works (Parking) must be accompanied by detailed engineering drawings demonstrating compliance with Council's Development Manual (current at the time of development), Australian Standard AS2890, AS1428 and this Decision Notice.
- 7.4 A minimum of twelve (12) car parking spaces must be provided on site prior to commencement of the use.

7.5 Prior to commencement of any work on site an Operational Works development permit must be obtained in relation to Parking.

7.6 Any application for Operational Works (Parking) must be accompanied by detailed engineering drawings demonstrating compliance with Council's Development Manual (current at the time of development), Australian Standard AS2890, AS1428 and this Decision Notice.

8.0 OPERATING PROCEDURES

8.1 All activities associated with the operation of the use are to be conducted from Monday to Friday between the hours of 8.30 am to 5.00 pm and Saturday 8.00 am to 12.00 pm.

8.2 There will be at least one (1) staff member managing the premises at any one time.

8.3 Any proposed advertising signage on the premises is to comply with the relevant provisions of the Whitsunday Shire Planning Scheme 2009.

9.0 ENVIRONMENTAL HEALTH

9.1 The veterinary clinic must be operated in a way in which animal noise and odour will not cause a nuisance, inconvenience or annoyance to occupiers of surrounding land uses.

9.2 The operator must maintain and operate an adequate waste refuse collection service so as not to cause a nuisance to users of the subject site and any adjoining properties. No disposal by burial, incineration or composting is permitted on site.

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

10.0 ENVIRONMENTAL MANAGEMENT

10.1 A Development Permit for Operational Works (Erosion Prevention and Sediment Control) must be obtained prior to commencement of work on site.

10.2 The plan must be prepared in accordance with Council's Development Manual (current at the time of the development), the Soil Erosion and Sediment Control Engineering Guidelines for Queensland Construction Sites, June 1996 by The Institution of Engineers, Australia and the EPA Best Practice Urban Stormwater Management – Erosion and Sediment Control Guideline.

10.3 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

10.4 No visible emissions of dust must occur beyond the boundaries of the site during earthworks and construction activities on the site. If, at any time during the earthworks and construction activities the dust emissions exceed the levels specified above, all dust generating activities must cease until the corrective actions have been implemented to reduce dust emissions to acceptable levels or wind conditions are such that acceptable levels are achieved.

11.0 MISCELLANEOUS

11.1 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.

11.2 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.

11.3 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.

- 11.4 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 Carlo Drive or adjoining land unless written permission from the owner of that land and Council is provided.
- 11.5 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.

12.0 ADVISORY NOTES

12.1 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.

12.2 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.

12.3 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.

12.4 Noise During Construction and Noise in General

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

12.5 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.

- 12.6 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

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12.4      2015/10/06.15      20150586 - DEVELOPMENT PERMIT FOR RECONFIGURATION OF A LOT - EIGHT (8) LOTS INTO NINETEEN (19) LOTS, PLANTATION DRIVE, JUBILEE POCKET, RPS AUSTRALIA EAST PTY LTD

Moved by:                    J CLIFFORD

Seconded by:                J COLLINS

That Council approve to the Development Application for a Development Permit for Reconfiguration of a Lot - Eight (8) Lots into Nineteen (19) Lots, made by RPS Australia East Pty Ltd on and Lot 1 SP 215377, Lot 6 SP 215377, Lot 10 SP 215377, Lot 14 SP 215377, Lot 15 SP 215377 and Lots 28 SP 265780, Lot 43 SP 265780 and Lot 44 SP 265780, located at Plantation Drive Shute Harbour Road, Jubilee Pocket, subject to the following conditions:

**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 Lot Dimensions | RPS Pty Ltd | 120974-5 LD-01 REV E | 24/08/2015 |
| Plan of Proposed Lot Dimensions | RPS Pty Ltd | 120974-5 LD-01 REV E | 24/08/2015 |

1.2 The applicant is to comply with the Agency of State Assessment and Referrals conditions as outlined in the Department's correspondence dated 17 September 2015.

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

- Sewerage Infrastructure;
- Water Infrastructure;
- Stormwater Drainage;
- 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.

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.

## **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 The development must be connected to Council's water network prior to commencement of the use.**
- 3.2 A Development Permit for Operational Works (Water Infrastructure) must be obtained prior to commencement of work on site.**
- 3.3 Any application for Operational Works (Water Infrastructure) must be accompanied by engineering design drawings, and certifications of the design, demonstrating compliance with Council's Development Manual (current at the time of development) and this Decision Notice.**
- 3.4 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.**
- 3.5 All water infrastructure must be designed and constructed in accordance with Council's Whitsunday Shire Council Development Manual (or equivalent replacement document current at the time of development) prior to signing of the survey plans.**
- 3.6 Prior to commencement of use on the site or signing of Plan of Survey, whichever is sooner, 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 all Water Infrastructure works have been designed and constructed according to the conditions of this Decision Notice and Councils Development Manual.**

## **4.0 SEWERAGE INFRASTRUCTURE**

- 4.1 A Development Permit for Operational Works (Sewer Infrastructure) must be obtained prior to commencement of work on site.**
- 4.2 Any application for Operational Works (Sewer Infrastructure) must be accompanied by engineering design drawings, and certifications of the design, demonstrating compliance with Council's Development Manual (current at the time of development) and this Decision Notice.**
- 4.3 Each lot must be connected to Council's sewerage reticulation network prior to signing of the Survey Plans.**
- 4.4 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.**
- 4.5 All existing property drainage and sewer connections must be disconnected and sealed to the satisfaction of Council's Water & Sewer Services prior to commencement of the use.**
- 4.6 Prior to commencement of use on the site or signing of Plan of Survey, whichever is sooner, 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 all Sewer Infrastructure works have been designed and constructed according to the conditions of this Decision Notice and Councils Development Manual.**

## **5.0 STORMWATER**

- 5.1 Each allotment to be created must be provided with a lawful point of discharge prior to signing of the Survey Plan.
  - 5.2 All stormwater drainage works must be designed and constructed in accordance with the Queensland Urban Drainage Manual current at the time of development and Council's Development Manual (or equivalent replacement document current at the time of development).
  - 5.3 All site works must be undertaken to ensure that there is no increase in flood levels and/or flood frequency at any locations where existing landowners and/or users are adversely affected by waterway flooding for all events up to and including Q100.
  - 5.4 Prior to commencement of any work on site an Operational Works development permit must be obtained in relation to Stormwater Drainage
  - 5.5 Any application for Operational Works (Stormwater) 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.
  - 5.6 An inter-allotment drainage system must be provided to all allotments where any part of the allotment falls away from the frontage of the roadway or the mid-block finished surface level is less than 600mm above the channel level along the frontage kerb and channel. Easements must be provided over inter-allotment systems. The design criteria shall be in accordance with Q.U.D.M. and Council's Standard.
  - 5.7 Prior to commencement of use on the site or signing of Plan of Survey, whichever is sooner, the owner must lodge with Council, a civil engineer's design and construction certification (by an experienced and qualified engineer). The certification must be addressed to Council and must certify that the 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.
- ## **6.0 ENVIRONMENTAL MANAGEMENT PLAN (EMP)**
- 6.1 A Development Permit for Operational Works (Erosion Prevention and Sediment Control) must be obtained prior to commencement of work on site.
  - 6.2 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.
  - 6.3 The plan must be prepared in accordance with Council's Development Manual (current at the time of the development), the Soil Erosion and Sediment Control Engineering Guidelines for Queensland Construction Sites, June 1996 by The Institution of Engineers, Australia and the EPA Best Practice Urban Stormwater Management – Erosion and Sediment Control Guideline.
  - 6.4 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).
  - 6.5 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.
  - 6.6 No visible emissions of dust must occur beyond the boundaries of the site during earthworks and construction activities on the site. If, at any time during the earthworks and construction activities the dust emissions exceed the levels



specified above, all dust generating activities must cease until the corrective actions have been implemented to reduce dust emissions to acceptable levels or wind conditions are such that acceptable levels are achieved.

- 6.7 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.

## **7.0 ELECTRICITY AND TELECOMMUNICATIONS**

- 7.1 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 the sealing of the survey plan.

## **8.0 MAINTENANCE VALUATION**

- 8.1 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 \$35.00 per lot.

## **9.0 MISCELLANEOUS**

- 9.1 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.
- 9.2 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.
- 9.3 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.
- 9.4 It is the developer's responsibility for the full rectification of any damage caused to neighbouring public infrastructure (such as footpaths, driveways, fences, gardens, trees and the like) caused by contractors, including clean-up of any litter or waste that is a result of the subject development.

## **10.0 ADVISORY NOTES**

### **10.1 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.



## **10.2 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.

## **10.3 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.

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

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

## **10.5 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.

## **10.6 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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12.5 2015/10/06.16 20150659 - DEVELOPMENT APPLICATION FOR DEVELOPMENT PERMIT FOR OPERATIONAL WORKS - TWO (2) ON PREMISES SIGNS (ILLUMINATED) AT THE GRAND VIEW HOTEL - 5 HERBERT STREET, BOWEN - BAOJEF PTY LTD

Moved by: J CLIFFORD

Seconded by: J COLLINS

That Council approve the Development Permit for Operational Works - Two (2) On Premises Signs (Illuminated), made by Baojef Pty Ltd Tte, on L: 1 RP: 720238 and located at Grand View Hotel/5 Herbert Street, Bowen, subject to the conditions:

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		Unnumbered	Undated

- 1.2 The above roof sign, fourx (XXXX) man, is to be mounted flush against the building wall, not on top of the building as proposed. The sign is to be in accordance with the pre-lodgement plan supplied to Council.**
- 1.3 Where a discrepancy or conflict exists between the written conditions of this approval and the approved plans, the requirements of the written condition(s) will prevail.**
- 1.4 All conditions of this approval must be complied with in full to Council's satisfaction prior to the commencement of the use.**
- 1.5 The applicant shall demonstrate and provide evidence that compliance with all conditions of this development approval and any other subsequent development approvals as a result of this development approval have been complied with at the time of commencement of the use.**

2.0 LIGHTING

- 2.1 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.

AMENDMENT

Moved by: D CLARK

Seconded by: A WILLCOX

That the motion be tabled pending a workshop with Council and an invitation be extended to the applicant to provide a presentation at the workshop.

MEETING DETAILS:

The amendment was voted on 7/0
The amendment became the motion
The motion was Carried 7/0

CARRIED

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**12.6          2015/10/06.17          20150781 - APPLICATION FOR CONVERSION OF  
TERM LEASE TL 0/234143 - LOT 12 ON C74039**

**Moved by:                  P RAMAGE  
Seconded by:              D CLARK**

**That Council advise the Department of Natural Resources and Mines that it has no objection to Term Lease 0/234143 being converted to freehold.**

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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**12.7 2015/10/06.18 20150782 - APPLICATION FOR CONVERSION TO
FREEHOLD OF PASTORAL HOLDING PH 12/3821 -
LOT 3821 ON PH1304 - LOCATED AT PASHA, MT
COOLON**

**Moved by: P RAMAGE
Seconded by: J CLIFFORD**

That Council advise the Department of Natural Resources and Mines that it has no objection to Pastoral Holding 12/3821 being converted to freehold for continued pastoral purposes.

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

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12.8      2015/10/06.19      20150783 - APPLICATION FOR CONVERSION TO FREEHOLD OF PDH 5/5424 OVER LOT 1 ON DK230 - NEWLANDS

Moved by:            P RAMAGE

Seconded by:        J CLIFFORD

That Council advise the Department of Natural Resources and Mines that it has no objection to Pastoral Development Holdings 5/5424 being converted to freehold for continued grazing purposes.

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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12.9 2015/10/06.20 20150790 - REFERRAL - APPLICATION FOR MATERIAL CHANGE OF USE - ABBOT POINT STATE DEVELOPMENT AREA FOR ABBOT POINT GROWTH GATEWAY PROJECT

Moved by: J CLIFFORD

Seconded by: J ATKINSON

That Council advise the Co-Ordinator General that Council does not require any conditions to be imposed in relation to the Material Change of Use for the Residue Storage Facility and Ancillary Uses for the Abbot Point State Development Area (Abbot Point Growth Gateway Project).

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

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12.10     2015/10/06.21      REQUEST FOR FINANCIAL ASSISTANCE - AUSTRALIAN CLUB CHAMPIONSHIPS FINALS - WHITSUNDAY WEIGHTLIFTING

Moved by:            J CLIFFORD

Seconded by:        D CLARK

That Council provide \$800.00 of financial assistance to the Whitsunday Weightlifting to assist towards the costs of competing in the Australian Club Championships Finals to be held in Brisbane on 24 and 25 October 2015.

**MEETING DETAILS:**

The motion was Carried 7/0





**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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12.14 2015/10/06.25 REQUEST FOR SPONSORSHIP - CENTRAL RODEO COWBOYS ASSOCIATION

Moved by: A WILLCOX

Seconded by: J CLIFFORD

That Council provide \$500 of sponsorship to the Central Rodeo Cowboys Association 2015 Finals Event to be held in Cannonvale 16 – 18 October 2015.

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

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**12.15      2015/10/06.26      REQUEST FOR REFUND OF EVENT APPLICATION FEE - CLUB OUTRIGGER WHITSUNDAY**

**Moved by:                  D CLARK**

**Seconded by:              J CLIFFORD**

**That Council refund the Class 3 Event Application Fee of \$383 to Club Outrigger Whitsunday Inc. in support of the Outrigger Whitsunday Battle of the Businesses event on 1 November 2015.**

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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12.16 2015/10/06.27 REQUEST FOR FUNDING ASSISTANCE - BOWEN COMMUNITY BROADCASTING ASSN INC

Moved by: P RAMAGE

Seconded by: J COLLINS

That the item *Request for Funding Assistance – Bowen Community Broadcasting Assn Inc.* be tabled pending the next briefing session.

MEETING DETAILS:

The motion was Carried 6/1

CARRIED

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12.17      2015/10/06.28      WHITSUNDAY REEF FESTIVAL NIGHT MARKETS

Moved by:              J COLLINS

Seconded by:         J ATKINSON

That Council refuse the application to hold night markets on the first Friday of each month along the Airlie Beach foreshore/parkland from 5.00pm to 9.00pm with a set up time from 3.00pm on the following grounds in accordance with Whitsunday Regional Council Local Law No. 1 (Administration) 2014:

- a) The proposed operation and management of the Night Markets is inadequate to protect public health, safety and amenity of the area;
- b) An application for commercial use of the local government controlled area that is held in trust by the local government under the *Land Act 1994* may require registration of a trustee lease or issue of a trustee permit prior to the approval being granted for commercial use of the area;
- c) The Night Markets will unduly interfere with the usual use and enjoyment of the area; and
- d) The Night Markets will generate significant noise, and will have significantly adverse effects on the surrounding area including Accommodation Premises situated adjacent Airlie Esplanade parkland.

**MEETING DETAILS:**

The motion was Carried 7/0

CARRIED

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12.18 2015/10/06.29 SKYDIVING LANDING SITES - MAIN BEACH & BEACONS BEACH AIRLIE BEACH

Moved by: A WILLCOX

Seconded by: J COLLINS

That Council refuse the application made by Skydive Holdings Pty Ltd to use Main Beach & Beacon's Beach Airlie Beach for the purpose of tandem skydiving landing activities on the grounds the activity will increase the risk of the health and safety of persons using the local government controlled land that is regulated under the Whitsunday Regional Council Local law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2014.

MEETING DETAILS:

The motion was Carried 5/2

CARRIED

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**13. Engineering Services**

**13.1 2015/10/06.30 MULLERS LAGOON REPLENISHMENT WITH RECYCLED WATER**

**Moved by: D CLARK**

**Seconded by: J CLIFFORD**

**That Council approve the use of recycled effluent water to replenish Muller's Lagoon.**

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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Cr Ramage left the Meeting Room at 11:28am.

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**13.2 2015/10/06.31 ENGINEERING SERVICES ROADS, DRAINAGE AND PARKS DEPARTMENT PROGRESS REPORT - JULY TO SEPTEMBER 2015**

**Moved by: J CLIFFORD**

**Seconded by: J COLLINS**

**That Council receive the Engineering Services Roads, Drainage and Parks Departments' progress report for the months of July to September 2015.**

**MEETING DETAILS:**

The motion was Carried 6/0

**CARRIED**

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Cr Ramage returned to the Meeting Room at 11:34am.

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**15. General Business**

**15.1 2015/10/06.32 PUBLICATION OF ORDINARY COUNCIL MEETING AGENDAS AND ATTACHMENTS**

**Moved by: A WILLCOX**

**Seconded by: D CLARK**

That in relation to the Council Ordinary Meeting agendas, that the entire motion and reports are displayed on the Council website when the agenda goes public.

**MEETING DETAILS:**

The motion was defeated 3/4

**DEFEATED**

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16. Procedural Motion

16.5 2015/10/06.33 PROCEDURAL MOTION - CLOSURE OF MEETING

Moved by: J CLIFFORD

Seconded by: A ATKINSON

That Council reconvene the meeting in accordance with Section 275 of the Local Government Regulations 2012, and Council close the meeting to the public at 11:39am for the purpose of discussing employee or industrial matters, budget, rating concessions, contractual matters, legal proceedings, planning matters or other business likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.

- **Item 14.1.1 – Sale of Waterson Way**
Section 275 (e) – Contracts to be made by it
- **Item 14.2.1 – Apply Discount & Write Off Interest Assess 1300407**
Section 275 (d) – Rating Concession
- **Item 14.2.2 – Concealed Water Leakage Concession – Assess 1101557**
Section 275 (d) – Rating Concession
- **Item 14.2.3 – Concealed Water Leakage Concession – Assess 11104695**
Section 275 (d) – Rating Concession

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

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**16.6 2015/10/06.34 PROCEDURAL MOTION - REOPENING OF MEETING**

**Moved by: J CLIFFORD**

**Seconded by: J ATKINSON**

That the meeting be reopened to the general public at 12:08pm

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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- 14.1 Confidential Matters – Office of the Mayor & CEO
14.1.1 2015/10/06.35 SALE OF WATERSON WAY

Moved by:

Seconded by:

That Council:

- a) receive the advice in relation 45 – 71 Waterson Way; and
- b) invite representatives of Whitsunday China Town Investments to meet with the Council.

The motion lapsed due to lack of mover

Moved by: J CLIFFORD

Seconded by: P RAMAGE

That Council directs the Acting Chief Executive Officer to ascertain Council's legal position as per the contract at 45-71 Waterson Way, Airlie Beach including all activities that have taken place to date and report to Council via the next Council briefing session to discuss Council's strategic position.

MEETING DETAILS:

Mayor Whitney declared a perceived conflict of interest (as per section 173 of the Local Government Act 2009) and left the meeting room at 11:41am & 12:08pm, 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 Room at 12:06pm & 12:08pm.*  
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- 14.2 Confidential Matters - Corporate Services
14.2.1 2015/10/06.36 APPLY DISCOUNT & WRITE OFF INTEREST ASSESS
1300407

Moved by: J CLIFFORD

Seconded by: A WILLCOX

That Council grant the discount amount of \$12,788.85 to assessment 1300407 and write off interest which has accrued on this amount as the full payment was received by Council prior to the due date.

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

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14.2.2      2015/10/06.37      CONCEALED WATER LEAKAGE CONCESSION -  
ASSESS 1101557

Moved by:              J COLLINS

Seconded by:         J CLIFFORD

That Council approve a concealed leak concession to the value of \$1,672.87 for assessment 1101557 and that interest on the overdue account be waived for the period while Council was assessing the application.

**MEETING DETAILS:**

The motion was Carried 6/1

CARRIED

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14.2.3 2015/10/06.38 CONCEALED WATER LEAKAGE CONCESSION -
ASSESS 1104695

Moved by: J COLLINS

Seconded by: J CLIFFORD

That Council approve a concealed leak concession to the value of \$4,237.64CR for assessment 1104695 and that interest on the overdue account be waived for the period while Council was assessing the application.

MEETING DETAILS:

The motion was Carried 6/1

CARRIED

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*The meeting closed at 12.16pm*

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Confirmed as a true and correct recording this 28 October, 2015

**Cr Jennifer Whitney
MAYOR**