



Minutes of the Ordinary Meeting held on 28 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
Bowen Council Chambers, 67 Herbert Street, Bowen on
28 October, 2015 commencing at 9:00am**

Councillors Present:

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

Council Officers Present:

B Omundson (Acting Chief Executive 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); L Maher (Communications Officer) and M Douglas (Administration Officer)

Other Details:

The meeting commenced at 9.00am

Deputation by Gem FM's - Michelle McNevin at 9.58am - 10.06am

The meeting adjourned for Citizenship Ceremonies and morning tea at 10.20am

The meeting reconvened after finishing Citizenship Ceremonies and morning tea at 10.53am

The meeting closed at 12.47pm

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28 October, 2015 commencing at 9:00am**

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2. Condolences

2.1 2015/10/28.01 CONDOLENCES

Moved by: D CLARK

Seconded by: J COLLINS

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

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

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**3.1 Mayoral Minute**

**3.1.1 2015/10/28.02 LONG TERM PARKING**

**Moved by: J WHITNEY**

**That the Whitsunday Regional Council delay the implementation of the revised long term parking at councils port of Airlie facility for approximately two months to allow further engagement with port of Airlie, cruise Whitsundays, island operators and Council (including the mayor and division 1 councillor Jan Clifford), as a matter of urgency to find workable options that address both the needs of council and industry to manage on and off street parking and traffic flow at port of Airlie.**

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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3.1 Mayoral Minute

3.1.2 2015/10/28.02 DRAFT PLANNING SCHEME - BUILDING HEIGHTS

Moved by: J WHITNEY

That the Whitsunday Regional Council engage an independent consultant to facilitate at a meeting with the following groups and Councillors for Tuesday 10th November, 2015 on a deputation basis to discuss the proposed building heights in the draft Planning Scheme.

- Save our Foreshore
- Airlie Beach Chamber of Commerce
- Whitsunday Ratepayers Association
- Fight for Airlie
- Body Corporate Managers - Golden Orchid Drive, Airlie Beach
- Whitsunday Regional Residents Association

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

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### 3.2 Mayoral Update

| MAYOR'S ATTENDANCE 07 OCTOBER TO 27 OCTOBER 2015 |                                                                                                             |
|--------------------------------------------------|-------------------------------------------------------------------------------------------------------------|
| Tues<br>06/10/15                                 | All Councillors attended the Council Meeting                                                                |
|                                                  | Cr Clifford on behalf of the Mayor attended the Community of Practice Youth Mental Health Meeting           |
|                                                  | Mayor Whitney attended the Whitsunday Marketing & Development AGM                                           |
|                                                  | Mayor Whitney, Cr Atkinson, Cr Clifford and Cr Willcox attended a meeting with Qld Energy & Water Ombudsman |
| Wed<br>07/10/15                                  | Mayor Whitney and Cr Clifford attended the Whisper Bay Progress Meeting                                     |
|                                                  | Mayor Whitney attended the Round Table for Key Business Leader - Minister O'Rourke                          |
|                                                  | Mayor Whitney attended the Meeting with Member for Mackay, Julieanne Gilbert                                |
| Thurs<br>08/10/15                                | All Councillors attended the Airport Briefing Session                                                       |
| Fri<br>09/10/15                                  | Mayor attended Premiers Round Table Meeting                                                                 |
|                                                  | Mayor Whitney and Cr Clifford attended the Zonta Club of Whitsundays - District 22 Conference               |
| Sat<br>10/10/15                                  | Cr Willcox on behalf of the Mayor attended the Kennedy Masonic Lodge No. 11 - Re-Consecration & Dinner      |
|                                                  | Mayor Whitney, Cr Clifford and Cr Collins attended the Mayor's Charity Ball                                 |

|                   |                                                                                                                                                                       |
|-------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Sun<br>11/10/05   | Cr Clifford on behalf of the Mayor attended the LGAQ Safe Families Better Communities Break the Silence on Sexual Violence                                            |
| Mon<br>12/10/15   | Mayor Whitney and the Acting CEO attended the International Island Tourism Conference                                                                                 |
| Wed<br>14/10/15   | Cr Atkinson, Cr Clark, Cr Clifford, Cr Collins, Cr Ramage and Cr Willcox attended the Planning & Corporate Briefing Session                                           |
| Sun<br>18/10/15   | Cr Willcox on behalf of the Mayor attended the Bowen Lions Baby Welcoming Ceremony                                                                                    |
|                   | Mayor Whitney, Cr Atkinson and the Acting CEO attended the Invitation to Welcome Reception with the University of Southern Queensland Institute for Resilient Regions |
| Mon<br>19/10/15   | Mayor Whitney, Cr Atkinson and the Acting CEO attended the LGAQ Conference in Toowoomba                                                                               |
|                   | Cr Clifford on behalf of the Mayor attended the meeting with representatives 'Clipper Around the World Yacht Race'                                                    |
| Tues<br>20/10/15  | Mayor Whitney, Cr Atkinson and the Acting CEO attended the LGAQ Conference in Toowoomba                                                                               |
| Wed<br>21/10/15   | Mayor Whitney, Cr Atkinson and the Acting CEO attended the LGAQ Conference in Toowoomba                                                                               |
|                   | Cr Clark, Cr Clifford, Cr Collins, Cr Ramage and Cr Willcox attended the Corporate & Engineering Briefing Session                                                     |
|                   | Cr Clark, Cr Clifford, Cr Collins, Cr Ramage and Cr Willcox attended the Member for Burdekin - Bowen/Gumlu Industry Briefing                                          |
| Thurs<br>22/10/15 | All Councillors attended the Special Council Meeting                                                                                                                  |
|                   | Mayor Whitney attended the Welcome Function - SCRIT Conference                                                                                                        |
|                   | Mayor Whitney attended the State River Trust Meeting                                                                                                                  |
| Fri<br>23/10/15   | Mayor Whitney attended the SCRIT Conference                                                                                                                           |
|                   | Mayor Whitney attended the SCRIT Conference Official Dinner                                                                                                           |
| Sat<br>24/10/15   | Mayor Whitney, Cr Clifford and Cr Willcox attended the Whitsunday Marketing & Development Ltd Tourism Awards 2015                                                     |
|                   | Cr Atkinson on behalf of the Mayor attended the Reef Catchments Dinner                                                                                                |
|                   | Cr Clark attended on behalf of the Mayor the Bowen Rotary Club 'World's Greatest Meal' - eradication of Polio                                                         |
| Sun<br>25/10/15   | Mayor Whitney and Cr Clifford attended the Missing Midshipment of '63 - Official Unveiling & Dedication of Memorial Stone & Naval Anchor                              |
| Mon<br>26/10/15   | Mayor Whitney attended the meeting with representatives from Whitsunday Art Gallery                                                                                   |
|                   | Mayor Whitney attended a meeting with a ratepayer                                                                                                                     |
| Tues<br>27/10/15  | All Councillors attended the Councillor Briefing Session                                                                                                              |
|                   | Mayor Whitney attended a meeting with Dept of Natural Resources & Mining                                                                                              |
|                   | Mayor Whitney attended a meeting with representatives from Girudala                                                                                                   |

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4. Confirmation of Minutes

4.1 2015/10/28.04 CONFIRMATION OF MINUTES

Moved by: J COLLINS

Seconded by: J ATKINSON

That the Minutes of the Ordinary Meeting held on 6 October, 2015 and the Special Meeting held on 22 October, 2015 be confirmed, subject to item 14.1.1 of the 6 October, 2015 Minutes, the Mayor's conflict of interest be amended to read "perceived" conflict.

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**

**Moved by: A WILLCOX**

**Seconded by: P RAMAGE**

**That the Whitsunday Regional Council prepare and submit a submission to the draft Whitsunday Regional Council Planning Scheme in support of not changing the heights in all of the area known as the Airlie Beach Precinct.**

**MEETING DETAILS:**

The motion was defeated 3/4

A Division was called

For: Cr Clark; Cr Willcox and Cr Ramage

Against: Mayor Whitney; Cr Atkinson; Cr Clifford and Cr Clifford

**DEFEATED**

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7. Notice of Motion

7.2 2015/10/28.05 NOTICE OF MOTION - PAT BOTTO PARK

Moved by: J COLLINS

Seconded by: J WHITNEY

That the Chief Executive Officer start putting into place the necessary procedures to allow Pat Botto Park to be used as an RV Friendly Stop.

Furthermore, that the CEO liaise with the Proserpine Chamber of Commerce and the Canegrowers Executive. This will allow both the businesses in Proserpine and concerned neighbouring Canefarmers to be kept fully informed of where we are at with this project.

Procedural Motion

Moved by: J ATKINSON

Seconded by: J CLIFFORD

That the motion be tabled pending a Briefing Session with members of the show society in regards to establishment of an RV friendly stop at the show grounds.

Furthermore, that Council invite Mr Ken Kippin to the Briefing Session.

MEETING DETAILS:

The procedural motion was Carried 5/2

CARRIED

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**16. Procedural Motion**

**16.1 2015/10/28.06 SUSPENSION OF STANDING ORDERS**

**Moved by: P RAMAGE**

**Seconded by: D CLARK**

That Council move to suspend Standing Orders to allow six (6) questions to be heard during Public Question Time.

**MEETING DETAILS:**

The was Carried 4/3

**CARRIED**

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9. Questions from Public Gallery

PUBLIC QUESTION TIME

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

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

**Response to Questions from the Public Gallery
for the Council Meeting of 6th October, 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

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 endeavoring 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?

Council's response:

Dear Mr Newell,

RE: Response to Public Question at 06 October 2015 Ordinary Council Meeting

Thank you for the submission of your question at the last Council meeting dated 06 October 2015 in relation to the publication of Council Ordinary Meeting Documents.

Council's current process of the publication of the Ordinary Meeting Documents is as follows:

- (a) The Notice of Meeting and contents page setting out a list of items to be discussed at the upcoming meeting is published on Council's website at the same time as the agenda for that meeting is made available to the Councillors;
- (b) Council understands that it may not always be practical for members of the public to attend the meetings and therefore, the full agenda will be made available on Council's website and in hardcopy form at the meetings' location at the commencement of the Meeting at 9am;
- (c) The Unconfirmed Minutes of that meeting will be made available on Council's website within 10 days of the meeting date; and
- (d) The Confirmed Minutes will be published as soon as practical once they have been confirmed at the following Council Meeting.

In relation to your reference to the 23 September 2015 meeting agenda, unfortunately an internal administrative error did occur and Council would like to apologise for the delay in making this document available.

Council's current process is transparent and in accordance with current legislation. I trust this response addresses your query.

Public Questions

Name: Michelle Lynes
Address: 3 Golf Views
Cannonvale QLD 4802

Question:

Acting Chief Executive Officer - Mr Barry Omundson read Ms Lynes question in her absence

As a tourist operator in support of the Fight for Airlie campaign, my question is;

If Council were serious about community engagement why did you not schedule more days and time with ratepayers to discuss/workshop the changes to the Planning Scheme?

The ACEO advised that Ms Lynes question would be answered at the next Council Meeting.

~~~~~

**Name:** Noel Hardie  
**Address:** 1 Lascelles Lane  
**Bowen QLD 4805**

**Question:**

My 5 questions are of parts 1 & 2 which do run into each other.

I will read out my statements and then give you my questions.

**Statement:**

The former Council 2010/2011 advised me that I was permitted to replace my three sided garage without a permit, due to, after a survey of my boundaries the rear of the garage was on the back neighbors' property, (1 was a concerned resident).

Since the dismantling it has been a progression in time to remove trees, conduct site work, dig holes for stirrups, conduct concrete work arid all on a pensioner's budget - the reason for the slow progress

The Building Inspector , whom entered my property without notice or appointment, this last April and whom I had conflicts with me when Dave Betease was the Senior Building inspector, told me that I had to submit plans, an engineer's report, pay for a permit as it was not a "Like for Like" construction . This conflict is described in my statement of complaint to council this last May regarding my neighbor's property development without permits.

My plans and permit application were lodged in Proserpine 05/05/15, with the receiver telling me the fee was \$500.00. I received a response from Cadet Building Certifier dated 13/05/15 with now a fee of \$617.00. Throughout this time the Development Assistant Manager (Team Leader), had been kept apprised of my undertakings and to secure the structure already in progress authorised me to complete my framing to the point that bracing straps could be attached.

Prior to 4<sup>th</sup> of Aug. the plumbing building inspector promised progress reports regarding my letter of May to the Council.

With no notice or invite on the 5<sup>th</sup> of Aug. the Executive Manager (Planning and Community) presented himself (the day after a civil fencing dispute was heard) asking the result of the dispute. I asked him what the hell has a civil dispute got to do with Council Building Department making decisions on Council business. This first raised my suspicions of his connections with my neighbour and to my knowledge had never been on my property before tried to tell me that my neighbour had not set his new construction closer to the boundary. An argument started off, of his lack of knowledge and when was Council going to act upon my complaint? He then issued a show cause on 29/09/15. This Executive Manager phoned me PM 14/Oct to attend my property. Deputy Mayor Andrew Wilcox was also in attendance.

We discussed 2 issues, first my Building permit. Thus I had to explain my constant communications with the Development Assistant Manager and due to my ill health caused by an assault by said persons last March caused my progression to be slow, but recently sped up from the assistance of a friend, He, Exc. Mgr. tried to make me responsible for storm waters and at this point we came to the second issue - this persons property again he showed no knowledge of the contents of my letter of May, stating he thought this particular neighbour had a permit.

Three matters came to hand from this meeting, one being a lack of communication within the department on my carport. Second was his lack of knowledge of my complaint re-permits and thirdly near the end of the visit he displayed, by constant waving to my neighbour, that he was a personal friend.

From this, questions to Council is to take this biased employee and the building inspector off my case and re assign my permit to someone unbiased.

2<sup>1d</sup> question, will Council investigate collusion or corruption of the afore mentioned persons that I wish to keep off my property and case.

3<sup>rd</sup> question, as part 2, as I do not want building at my neighbours to land on my property during a cyclone for the Council to fully examine and study the issues brought up in my letter of complaint May/15.

4th question, as I started my construction in 2012 that my permit fee be charged as at that time for my "open carport".

5th question, as my cement works are completed and witnesses are available, for the Council to waive the engineers report on my carport, I know the structure is more than compliant with ABCC and QBCC. I am a retired building and construction business owner from the 70's and 80's, NZ/Aus/US.

Given a more reasonable fee I should be able to pay it next pension day so Council has its money and with the waiving of the Engineer's report I will waive Council's liability should construction fail in a cyclone.

***Mr Hardie was thanked for his question and advised it would be answered at the next Council Meeting.***

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

Dear Sir,

Thank you for your response dated 7 October 2015 to our letter of 23 September 2015.

Having reviewed your responses, we have again placed this matter before you should Council wish to reassess the responses they have provided given that in nearly every case they are not consistent with records readily available from Council's web site and or subsequent press releases. In your opening comments you state that our "comments are incorrect", "that Council has not signed a contract in relation to the approval of a development application" and "any settlement for the tendered land would occur on the lodgment of a development application."

I refer you to Council's press release dated 23 December 2014 which refers to an 'Official Signing ceremony for a \$300 million Airlie Beach Chinatown Development. In this release Mayor Whitney is quoted as stating "the official signing ceremony finalises the sale of the Waterson Way Land with Council receiving a 10% deposit from Whitsunday Chinatown Investment Pty. Ltd".

The statement goes on to record:

"Once the Application is lodged with the Council, there is a 21 day period before the completion of the sale, the remainder of the \$2.5 million will then be paid to Council and Whitsunday Chinatown Investments Pty Ltd can then commence work on their development. Council expects Whitsunday Chinatown Investments Pty Ltd to start work at the site at the end of January — February 2015 subject to development approval".

The WRC press release of 26 November 2014 states:

"As part of the contract once the development is approved and the developer signs the development lease, the developer has a maximum of 3 years to construct the development. Substantial works must be undertaken by March 2016".

The WRRRA consider these statements are in contradiction to the response you have provided. In respect to the specific questions posed by us, we would comment as follows:
Why do 'substantial works have to be undertaken by March 2016' which coincides with the commencement date of the new Planning Scheme and the higher building levels?

Original Question:

a) The name of the Valuer who provided the Council with the value of the property prior to its sale?

Your response.

The Valuations were done by Herron Todd White:

Comment and further Question:

"That Council sell the property at 45/71 Waterson Way with a reserve price of the lowest of the two valuations received". (Council minutes 23 April 2014 Item 14.1.3).

On this basis the WRRRA seeks clarification as to who provided the second valuation prior to the sale of the said land and what was that amount as this was not included in Council's response?

Original Question:

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"?

Your Response:

"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 to infrastructure charges".

Comment and further Question:

Council's response does not clearly answer the question. Council records indicate that there have been three development applications/offers. Will the developer only pay the one infrastructure charge and will Council apply the provisions of the economic development incentives policy to this development?

The Council Minutes of the 24 June record "That Council adopt the proposed Adopted Infrastructure Charges Resolution (No1 of 2015) applicable to the Bowen Shire Council Planning Scheme 2006 and Whitsunday Shire Council Planning Scheme 2009 in appendix A and adopt the proposed Economic Development Incentives Policy in appendix b"..

The background information provided to Council provides that the changes in legislation require that Council have a compliant Local Government Infrastructure Plan in place prior to 1 July 2016. In the period between now and 1 July 2016 Council may adopt a compliant AICR which must be in place prior to 1/7/2015 and will cease to have effect on 30/6/2016. Furthermore Council Minutes of 22 July 2015 record:

"That Council thank Whitsunday Chinatown Investments for their three offers outside of the current contractual agreement".

How do these considerations currently affect the proposed Chinatown development?

On this basis will Council now confirm that a signed contract was in place at the time this minute was recorded namely 22 July 2015?

Original Question:

What was the Conflict of Interest reason for the Mayor's excusing herself from the meeting of 24th July, when the Council discussed the Whitsunday Chinatown Investments in connection with 'three offers outside of the current contractual agreement' mentioned in the motion

Your Response:

Conflicts of interest for all Councillors are noted in the minutes of each meeting.

Comment and further Question:

The Local Government Act clearly calls for Councillors to not only declare any interests but to also state the nature of the interest.

"Mayor Whitney declaring an interest on the basis that she had had direct discussions with potential participants in the tender process". (Council Minutes of the 23 April 2014 (Item 14.1.3) Details of those participants were not disclosed to Council.

On the 26 November 2014 re the sale of Waterson Way 14.1.2.2014/11/26.71 details as required by the act, Mayor Whitney declared a material personal interest as per Section 172 of the Local Govt. Act 2009 without providing the appropriate details of that interest as required by the Act.

On the 22 July 2015, Mayor Whitney declared she had a business relationship with interested parties as per Section 173 Local Govt. Act 2009 but at no stage did the Mayor, Jennifer Whitney, declare what her interests are in respect to the Chinatown Development. As recent as the 7 October Council Meeting, Mayor Whitney declared an interest (unqualified) and left the room when the vote was taken to sell the property.

The WRRRA questions what her interests are and why she has not declared same as set out in the Act?

Furthermore, why is the Mayor leading all the action, meetings etc. if she has a material interest and a conflict of interest?

Original Question:

f) Why would the Council 'agree' to sell Waterson Way, and then propose a Town Plan where the building heights increase from 4 stories to 8+ stories, and thus make the property more valuable?

Your response:

Council's town planning process is not co-joined with the Building a Better Whitsunday Program in any way.

Comment and further Question:

Your response is in contradiction to the Mayor's media release dated 26/11/2014 which states" WRC opened the tender for the 2.1 hectare prime parcel of land located on Waterson Way in August which was promoted though the " Building a Better Whitsunday" Campaign and received a large number of inquiries.

Would Council now like to reconsider the response provided and also provide an estimate of how much the value has increased after being re zoned from four stories to eight stories building heights?

Original Question:

g) As this development is supposed to contain a large Buddhist Temple, will this make all or a large part of the property exempt from paying Council rates?

Your response:

Council has not been advised of any religious elements to the development.

Comment and further Question:

The above mentioned media release also records:

"The China Town Development is the first step in the CAEI's proposed broader \$5 billion investment in the Whitsunday Region which includes a Buddhist Temple integrated Resort Development and the upgrading of a Whitsunday Coast Airport to international standards." On the 22 January 2015 in an interview by the Whitsunday Times, Mr. Wang confirmed he and his associates had looked at "maybe 4/5 different land sites" for this type of development as well as a Chinatown/style restaurant, shopping precinct and a Buddhist Temple Complex " and I think the most possible is in Airlie Beach and Shute Harbour".

Does Council wish to reconsider your response and acknowledge that a Buddhist Temple complex is to be considered as part of the overall development, and that part of the complex will then be exempt from rates?

Original Question:

Where was the Mayor's and CEO's meeting with Mr Wang and his solicitor on 17 July, but not disclosed until 9 September Council meeting, held?

Your response:

"The Mayor did not attend any meeting on the 17 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 Solicitors and representatives of Whitsunday China Town Investments".

Comment and further Question:

The response does not answer the question as to why the record of the meeting for the Mayor was not recorded until the 9 September Council Meeting when the recorded minutes of the Mayoral Update have been changed without notice of same being given to Council to accept the change.

If the meeting did not occur as you state on the 17 July 2015, then when was it held and who did the Mayor have the meeting with as disclosed in her "Mayoral Update" in 9 September 2015 for 17 July 2015?

Original Question:

g) Why would the Council 'agree' to sell Waterson Way, and then propose a Town Plan where the building heights increase from 4 stories to 8+ stories, and thus make the property more valuable?

Your response:

Council's town planning process is not co-joined with the Building a Better Whitsunday Program in any way.

Comment and further Question:

Your response is in contradiction to the Mayor's media release dated 26/11/2014 which states "WRC opened the tender for the 2.1 hectare prime parcel of land located on Waterson Way in August which was promoted through the "Building a Better Whitsunday" Campaign and received a large number of inquiries".

Would Council now like to reconsider the response provided and estimate how much more valuable the land has become?

Original Question:

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

Your response:

"(i) This is a matter for the Councillors to discuss".

Comment and further Question:

In your initial comments in your response you state:

"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 lodgment 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".

But in the Mayor's Press Release of 23 December 2014 she states:

"There is a 21 day period before the completion of the sale the remainder of the \$2.5 million will then be paid to Council and Whitsunday Chinatown Investment Pty Ltd can then commence work on their development. Council expects Whitsunday Chinatown Investments to start work at the site at the end of January — February 2015 subject to development approval".

The WRC press release of 26 November 2014 states:

"As part of the contract once the development is approved and the developer signs the development lease, the developer has a maximum of 3 years to construct the development. Substantial works must be undertaken by March 2016".

Because most contracts with "approval conditions" normally have a timeframe for completion, your reply of "This is a matter for Councillors to discuss" to our question of when does the contract expire seem strange, because the date would have been written on the contract, and unless changes were being considered, there would be "nothing for the Councillors to consider".

We now ask what was the expiry date set out in the contract of 23 December 2014?

Additional Questions;

When was the construction of the footpath adjoining the 'sold property' authorized, especially as the cost of adjoining footpaths are normally costs borne by developers?

Wrra Inc request the costs regarding the sale/development of 45 — 71 Waterson Way, including valuations, legal advice and preparation of documents regarding the sale/lease, payments to consultants, entertainment costs, advertising and publicity costs, agents' fees, and employee costs regarding this land and any associated costs?

We look forward to your response to our questions.

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

~~~~~  
**Name:** Rogin Taylor  
670 Conway Road  
Preston 4800

Mayor, you were quoted in the media recently as saying 'the majority rules in the boardroom as to how council progresses and delivers. Individuals cannot change everything.'

I note that the motion to include full details of agenda items was defeated by the 4/3 when it came to a vote, however I obviously must have missed the agenda item and the vote when it came before Council in the first place to just list the agenda items and not publish the full details, of course this would have been voted on to change the way the agenda is presented to the Community and I look forward to obtaining the details of the motion, the vote and that decision at the next Council meeting.

***Mr Taylor was thanked for his question and advised it would be answered at the next Council Meeting.***

~~~~~  
Name: John Finlay
10 Avicennia Street
Bowen QLD 4805

Dear Sir,

Upon receipt of the tenders for the joint venture of the development of the airports and before Council resolves to make any decision regarding the acceptance of the tender, will public consultation (feedback/submissions be invited) be undertaken in all areas of the region giving details and stating the benefits of the business plan and actual returns to the ratepayers from the joint venture arrangement.

Please also advise of the time lines for the approving of the tender.

Mr Finlay was thanked for his question and advised it would be answered at the next Council Meeting.

Name: Mark Carty
2/18 Marshall Street
Bowen QLD 4805

Dear Sir

Re: Whitsunday Regional Airports Beneficial Enterprise

Appointment of CEO and Directors

Subject to the formation of the Whitsunday Regional Airports Beneficial Enterprise, please advise the process for the appointment of the Chief Executive of this enterprise, and the process for the appointment of Directors of the enterprise. Will these positions be advertised publically externally of Council?

In the event the current Project Director Commercial Operations applies for the position and is successfully appointed, will his vacant CEO position of the Council be advertised publically external of Council, or will Council make an internal appointment?

Please advise subject to the formation of the Whitsunday Regional Airports Beneficial Enterprise, the timelines for the appointment of the CEO and Directors.

Mr Carty was thanked for his question and advised it would be answered at the next Council Meeting.

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***Michelle McNevin attended the Council Meeting at 9.58am to present a deputation to Council in relation to GEM FM 95.1***

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10. Office of the Mayor & CEO

10.1 2015/10/28.07 MONTHLY FINANCIAL REPORT - SEPTEMBER 2015

Moved by: J CLIFFORD

Seconded by: A WILLCOX

That the monthly financial report for the month of September 2015 be received and adopted.

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

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10. Office of the Mayor & CEO  
10.2 2015/10/28.08 APPOINTMENT OF QAO CONTRACT AUDITOR

Moved by: A WILLCOX  
Seconded by: J CLIFFORD

That Council receive the 2016-2018 audit arrangements advice from the Queensland Audit Office.

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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10. Office of the Mayor & CEO
10.3 2015/10/28.09 SEPTEMBER BUDGET REVIEW 2015-16

Moved by: J COLLINS
Seconded by: J CLIFFORD

That the September Budget Review 2015-16 (Amended Budget) be adopted.

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

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10. Office of the Mayor & CEO  
10.4 2015/10/28.10 WHITSUNDAY SCHOOLIES RISK MANAGAEMENT PLAN 2015

Moved by: J WHITNEY  
Seconded by: J CLIFFORD

That Council adopt the Whitsunday Schoolies Risk Management Plan 2015 & forward the plan to the Department of Communities, Child Safety and Disability Services.

In addition to the resolution for the Whitsunday Schoolies Risk Management Plan, the following items No.21, No.29, No.30 and No.37 be included for the proposed Risk Management Plan for the Whitsunday Schoolies Event for 2015, subject to the additional adjustments by Emergency Services personnel at the meeting held on Monday 26<sup>th</sup> October 2015.

- No 21:                   **Additional controls/treatment**
- Roof Top Movie night
  - DJ competition
  - Mad Hatters craft activity
- No 29:                   **Additional controls/treatment**
- Database collection of contact details of schoolies
- No 30:                   **Control measures**
- Foreshore lights remain on until 5am
- No 37:                   **Additional controls/treatment**
- Inform other SES regions to be on standby in case another emergency breaks that is not schoolies related, as Whitsunday SES will be unable to assist.

It has been noted that there is currently a construction site that is within the Schoolies precinct and that this is taken into consideration of the event.

**Risk:**

Construction site accident

**Causes:**

1. Inadequate adherence and attention commitment to OHS legislations
2. Failure to identify occurrences that could severely impact on response
3. Failure of young people to act responsibly and cause harm to themselves.

**Likelihood:**

- Possible

**Consequence:**

- Catastrophic

**Control Measures:**

- All involved are advised of OHS requirements
- Regular monitoring of area by SES
- Safety incidents to be reported as soon as possible to CEO and Mayor
- Additional lighting

**Additional controls/measures**

- Engage security from 8pm to 1am
- Have direct contact with Safety officer from site, plus emergency contact number.
- Ensure all keys have been removed from vehicles
- Ensure all sharp objects are removed/covered appropriately.

**Risk score (after controls)**

- Low

**Risk Management Officer:** Amanda Boorman – Terminals Manager Commercial Operations



**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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10. Office of the Mayor & CEO

10.5 2015/10/28.11 COUNCIL CHRISTMAS CLOSURES 2015

Moved by: D CLARK

Seconded by: A WILLCOX

That Council approve the following Council Christmas business closures:

- a) Council Chambers and Libraries for the period of Thursday 24 December 2015 at 3pm to Sunday 03 January 2016; reopen on Monday 04 January 2016; and
- b) Council Works Depots for the period of Friday 18 December 2015 at 3pm to Sunday 17 January 2016; reopen on Monday 18 January 2016.

Furthermore, that a list of key personnel be advertised in all local papers to ensure that any Council related problems/difficulties which may arise will be able to be dealt with.

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

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10. Office of the Mayor & CEO

10.6 2015/10/28.12 CHANGE OF MEETING DATE - NOVEMBER 2015

Moved by: J CLIFFORD

Seconded by: J ATKINSON

That Council change the date of the Ordinary Council Meeting from Wednesday, 25 November 2015 to Tuesday 24 November, 2015 due to the Mayor attending the QRC Annual Lunch hosted by the Hon Anastacia Palaszczuk MP, Premier of Queensland.

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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10. Office of the Mayor & CEO

10.7 2015/10/28.13 **ADVISORY - CATALINA DISPLAY**

Moved by: D CLARK
Seconded by: A WILLCOX

That Council receive the correspondence from Mr Payn, conveying a thank you for the repair works made to the Catalina display.

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

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

10.8      2015/10/28.14      **ADVISORY - FINAL DETERMINATION OF DIVISIONAL BOUNDARIES - ELECTORAL COMMISSION QUEENSLAND**

Moved by:            D CLARK  
Seconded by:        A WILLCOX

That Council receive the correspondence from the Electoral Commission Queensland in relation to the Local Government Change Review - Review of Internal Division Boundaries.

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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16. **Procedural Motion**

16.2 2015/10/28.15 **ADJOURNMENT**

Moved by: J CLIFFORD
Seconded by: J ATKINSON

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

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

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16.4      2015/10/28.16      **PROCEDURAL MOTION - RECONVENE**

Moved by:            A WILLCOX

Seconded by: J CLIFFORD

That the meeting be reconvened having finished Citizenship Ceremonies and Morning Tea at 10.53am.

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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10. Office of the Mayor & CEO

10.9 2015/10/28.17 ADVISORY - UPGRADE TO THE ABEL POINT MARINA PONTOON

Moved by: J CLIFFORD

Seconded by: J ATKINSON

That Council:

- a) receive the correspondence from the Department of Transport and Main Roads in relation to design changes to the proposed upgrade of the existing pontoon at Abel Point Marina; and
- b) authorise the Acting Chief Executive Officer to provide written consent to the Department of Transport and Main Roads in support of the upgrade.

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

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10. Office of the Mayor & CEO

10.10 2015/10/28.18 ADVISORY - ANNUAL VALUATION EFFECTIVE 30 JUNE 2016

Moved by: J CLIFFORD

Seconded by: P RAMAGE

That Council receive the correspondence from the Department of Natural Resources and Mines advising that an annual valuation will be conducted in the Whitsunday Local Government area effective 30 June 2016.

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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10. Office of the Mayor & CEO
10.11 2015/10/28.19 ADVISORY - COUNCILLOR REMUNERATION
SUBMISSION

Moved by: J CLIFFORD
Seconded by: J COLLINS

That Council endorse the Whitsunday Regional Council Councillor Remuneration submission to the Local Government Remuneration and Discipline Tribunal.

MEETING DETAILS:

The motion was Carried 4/3

CARRIED

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10. Office of the Mayor & CEO  
10.12 2015/10/28.20 ADVISORY - PARTNERS IN GOVERNMENT  
AGREEMENT

Moved by: J CLIFFORD  
Seconded by: A WILLCOX

That Council receive the Partners in Government Agreement issued by the Local Government Association Queensland.

**MEETING DETAILS:**

The motion was Carried 7/0

CARRIED

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11. Corporate Services
11.1 2015/10/28.21 MOTOR VEHICLE USE POLICY

Moved by: J ATKINSON
Seconded by: J COLLINS

That Council adopt the Motor Vehicle Use Policy.

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

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11. Corporate Services  
11.2 2015/10/28.22 ANNUAL PROCUREMENT PLAN 2015/2016

Moved by: J ATKINSON

Seconded by: A WILLCOX

That Council accepts the Annual Procurement Plan 2015/2016.

**MEETING DETAILS:**

The motion was Carried 7/0

CARRIED

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12. Planning and Community Services
12.1 2015/10/28.23 20150845 - APPLICATION FOR CONVERSION TO
FREEHOLD OF PDH 5/5425 OVER LOT 2 ON
CP866147, NEWLANDS - DEPARTMENT OF
NATURAL RESOURCES AND MINES

Moved by: P RAMAGE

Seconded by: A WILLCOX

That Council advise the Department of Natural Resources and Mines that it has no objection to Pastoral Development Holdings 5/5425 over Lot 2 on CP866147 and located at Newlands being converted to freehold for continued grazing purposes.

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

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12. Planning and Community Services  
12.2 2015/10/28.24 20150840 - APPLICATION FOR PERMIT TO OCCUPY -  
RESIDENTIAL PURPOSES - LOT 25 ON SB85, CAPE  
UPSTART - DEPARTMENT OF NATURAL  
RESOURCES & MINES

Moved by: J WHITNEY

Seconded by: J CLIFFORD

That the matter is withdrawn from the agenda

**MEETING DETAILS:**

The motion was Carried 7/0

CARRIED

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12. Planning and Community Services

12.3 2015/10/28.25 20150810 - DEVELOPMENT APPLICATION FOR DEVELOPMENT PERMIT FOR MATERIAL CHANGE OF USE FOR HOTEL (EXTENSIONS), 5 HERBERT STREET, BOWEN, BAOJEF PTY LTD AS TTE

Moved by: D CLARK

Seconded by: J CLIFFORD

That Council approve the application for Development Permit for Material Change of Use - Hotel (Extension), made by Baojef Pty Ltd As TTE, on Lot 1 RP720238 and located at Grand View Hotel/5 Herbert Street Bowen, 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
Cover Sheet	CAYASarchitects	A00.00 Rev 3	27/08/2015
Existing Ground Floor Plan	CAYASarchitects	A10/10 Rev 3	23/07/2015
Proposed Ground Floor Plan	CAYASarchitects	A10.20 Rev 3	23/07/2015
Existing First Floor Plan	CAYASarchitects	A10.11 Rev 3	30/07/2015
Proposed First Floor Plan	CAYASarchitects	A10.21 Rev 3	17/08/2015
Existing Elevations	CAYASarchitects	A20.10 Rev 3	17/08/2015
Proposed Elevations	CAYASarchitects	A20.20 Rev 3	14/05/2014

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

- 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 time of commencement of the use.
- 1.6 Prior to commencement of any works in Council Road Reserve the applicant must contact Council to hold a pre-start meeting. The applicant must arrange a time convenient for both parties and agree on terms within the pre-start meeting prior to works commencing.
- 2.0 **BUILDING**
- 2.1 All air-conditioning units are not to be visible from the street or adjoining properties and are to be aesthetically screened.
- 2.2 Building and landscaping materials are not to be highly reflective, or likely to create glare, or slippery or otherwise hazardous conditions.
- 3.0 **LIGHTING**
- 3.1 The development must meet the lighting design requirements contained in the Australian Standards AS4282 – Control of obtrusive effects of outdoor lighting.
- 4.0 **ENVIRONMENTAL HEALTH**
- 4.1 Building works must be carried out in such a way so that there is no likelihood of food contamination. Should there be a risk of food contamination, the kitchen must not operate during the time of construction or until the risk of food contamination is minimised to the satisfaction of Council's Authorised Officers.
- 4.2 The applicant must submit floor, elevation and hydraulic plans for the new bar to Council for assessment and approval under the requirements of the Food Act 2006 and the current edition of AS 4674 – design, construction and fit-out of food premises, prior to any works commencing on site.
- 5.0 **WORKPLACE HEALTH AND SAFETY**
- 5.1 The applicant must, at no cost to Council, ensure that all reasonable safeguards in and around the works are undertaken and maintained at all times to ensure the safety of the public. Such safeguards include, but are not limited to, erecting and maintaining barricades, guards, fencing and signs (and ensuring removal after completion of works) and watching and flagging traffic.
- 5.2 The Workplace Health and Safety Act 195 and AS 1742 Manual of Uniform Traffic control Devices must be complied with in carrying out the works, including ensuring safe traffic control and safe public access in respect of works being conducted on a road.
- 6.0 **STORMWATER**
- 6.1 The applicant must ensure that the proposed design caters for roof water and down pipes are provided for the developed flows to be piped to a Legal Point of discharge.
- 6.2 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 (current at the time of development).

6.3 The applicant must ensure that all works undertaken during the construction of building subject of this application does not cause adverse impacts or increase flood levels on adjacent and downstream properties.

7.0 ROADWORKS

7.1 The applicant must provide a minimum of 2.5 metre wide exposed aggregate concrete (same as existing) finished footpath, in accordance with AS1428.6, Austroads Part 6A and Councils Development Manual (current at the time of the development) prior to the commencement of the use.

8.0 MISCELLANEOUS

8.1 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.

8.2 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.

8.3 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.

8.4 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 Dalrymple Street, Herbert Street or adjoining land unless written permission from the owner of that land and Council is provided.

8.5 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.

9.0 ADVISORY NOTES

9.1 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.

9.2 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.

9.3 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.

9.4 Noise During Construction and Noise in General

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

9.5 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.

9.6 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:

Cr Willcox declared a Material Personal Interest (as per section 173 of the Local Government Act 2009) due to the matter that the Councillor's daughter has intermittent work at the establishment and left the meeting room at 10.59am, taking no part in the debate or decision of the meeting.

The motion was Carried 6/0

CARRIED

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*Cr Willcox returned to the meeting room at 11.00am*

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12. Planning and Community Services

12.4 2015/10/28.26 20150731 - DEVELOPMENT PERMIT FOR MATERIAL CHANGE OF USE FOR WAREHOUSE AND BULK STORE, 3363 SHUTE HARBOUR ROAD, SHUTE HARBOUR - HAMILTON ISLAND ENTERPRISES PTY LTD

Moved by: J CLIFFORD

Seconded by: J ATKINSON

That Council approve the Development Application for a Development Permit for a Material Change of Use for Warehouse and Bulk Store, located on 3363 Shute Harbour Road, Shute Harbour, on Lot 225 SP 165670 and prepared by Vision Surveys Pty Ltd 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
Site Plan	Hamilton Island Enterprises	SH-201 Rev E	30.07.2015
Ground Level Plan Proposed Alteration	Hamilton Island Enterprises	SH-201 Rev F	04.08.2015
First Level Plan Proposed Alterations	Hamilton Island Enterprises	SH-211 Rev F	04.08.2015
Second Level Plan Proposed Alterations	Hamilton Island Enterprises	SH-212 Rev F	04.08.2015
Third Level Plan Proposed Alterations	Hamilton Island Enterprises	SH-213 Rev E	30.07.2015
Fourth Level Plan Proposed Alterations	Hamilton Island Enterprises	SH-214 Rev E	30.07.2015
Elevations and Sections Proposed Alterations	Hamilton Island Enterprises	SH-250 Rev E	30.07.2015
Traffic Management Plan	UDP	HAM0001/R01 Rev E	1 May 2015
Locality Plan	UDP	HAM-0001-SK01 Rev 2	01/05/15
Light Vehicle Swept Path Diagrams	UDP	HAM-0001-SK06 Rev 3	01/05/15
Heavy Vehicle Swept Path Diagrams	UDP	HAM-0001-SK07 Rev 3	01/05/15

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

- Operational Works:
 - Access and Parking;
- 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 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.

- 1.5 The applicant is to comply with the Department of Infrastructure, Local Government and Planning conditions as outlined in the Department's correspondence dated 23 September 2015.

2.0 BUILDING

- 2.1 Ventilation and mechanical plant must be located and designed so that prevailing breezes do not direct undesirable noise and odours towards nearby residential accommodation.
- 2.3 All air-conditioning units are not to be visible from the street or adjoining properties and are to be aesthetically screened.
- 2.4 Building and landscaping materials are not to be highly reflective, or likely to create glare, or slippery or otherwise hazardous conditions.
- 2.5 Buildings are to be finished with external building materials and colours to reduce scale and bulk.
- 2.6 Building design, architectural elements and landscaping treatments must block or reduce excessive light and air-conditioning plant noise.

3.0 LIGHTING

- 3.1 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.
- 3.2 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.

4.0 ACCESS AND PARKING

- 4.1 The external access from the pavement of Whitsunday Drive 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.
- 4.2 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.
- 4.3 Prior to commencement of use 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 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.
- 4.4 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.
- 4.5 A Development Permit for Operational Works (Access) must be obtained prior to commencement of work on site.

4.6 Any application for Operational Works (Access) must be accompanied by engineering design drawings, and certifications of the design, demonstrating compliance with Council's Development Manual (current at the time of development) and this Decision Notice.

5.0 MISCELLANEOUS

5.1 All food storage facilities must comply with Australian Standard 4674 – Design, Construction and Fit-out of Food Premises and the Australia New Zealand Food Standards Code as amended from time to time at the time of commencement of any works.

5.2 Provision and maintenance of refuse collection areas to the requirements of the Council prior to the commencement of the use.

5.3 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, prior to the commencement of the use.

5.4 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.

5.5 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.

5.6 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 Shute Harbour Road or adjoining land unless written permission from the owner of that land and Council is provided.

5.7 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.

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.

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

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

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12. Planning and Community Services

12.5 2015/10/28.27 20150699 - DEVELOPMENT APPLICATION FOR DEVELOPMENT PERMIT FOR RECONFIGURATION OF A LOT - ONE (1) LOT INTO TWO (2) LOTS - 176 WRIGHTS ROAD, STRATHDICKIE - S A KNIGHT

Moved by: J COLLINS

Seconded by: A WILLCOX

That in relation to the application for Development Permit for Reconfiguration of a Lot - One (1) Lot into Two (2) Lots, made by S A Knight, on Lot 9 RP749806 and located at 176 Wrights Road, Strathdickie, Council resolves to approve the application 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      |
|--------------------------------------|---------------------------|------------------------------|------------|
| Proposal Plan                        | Vision Surveys Queensland | 15253-PP1 rev B Sheet 1 of 2 | 7/07/2015  |
| Proposal Plan                        | Vision Surveys Queensland | 15253-PP1 rev B sheet 2 of 2 | 7/07/2015  |
| Preliminary Effluent Disposal Report | Cardno                    | P-2133                       | 17/07/2015 |

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

- Operational Works:
    - External Access;
    - Material Change of Use (Slope) applicable at future building works stage.
- 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 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 proposed Lot 2 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 The applicant is to provide, at the time of application for a building works permit on the Lot, a detailed effluent disposal report for proposed Lot 2 (RP749806) in accordance with the Plumbing Code of Australia 2011 and the Queensland Plumbing and Wastewater code.

### **5.0 ACCESS AND PARKING**

- 5.1 The applicant must provide and maintain, to an acceptable standard, the existing access from Wrights Road to the property boundary of Lot 1 (RP749806).
- 5.2 A Development Permit for Operational Works (External Access) must be obtained prior to commencement of work on site.
- 5.3 Any application for Operational Works (Access) must be accompanied by engineering design drawings, and certifications of the design, demonstrating compliance with Council's Development Manual (current at the time of development) and this Decision Notice.
- 5.4 The applicant must design and construct the external access from the pavement of Wrights Road to the property boundary of proposed Lot 2 to a sealed standard so as to comply as a minimum with the levels, dimensions and specifications as shown on Councils Standard Drawing R0035 prior to the signing of the Plan of Survey.
- 5.5 Easements as shown on the approved plan are to be provided at no cost to Council.

### **6.0 ELECTRICITY AND TELECOMMUNICATIONS**

- 6.1 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 of the survey plan.

### **7.0 MAINTENANCE VALUATION**

7.1 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.

## 8.0 MISCELLANEOUS

8.1 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.

8.2 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.

## 9.0 ADVISORY NOTES

### 9.1 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.

### 9.2 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.

### 9.3 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.

### 9.4 Noise During Construction and Noise in General

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

### 9.5 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.

9.6 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

12.6 2015/10/28.28 20150692 - DEVELOPMENT APPLICATION FOR DEVELOPMENT PERMIT FOR MATERIAL CHANGE OF USE - SHOP (RETAIL SEAFOOD SALES) - 1/3 CARLO DRIVE, CANNONVALE - WHITSUNDAY SEAFOOD COMPANY

Moved by: J CLIFFORD

Seconded by: J ATKINSON

That Council approve the application for a Development Permit for Material Change of Use - Shop (Retail Seafood Sales), made by Whitsunday Seafood Company, on Lot 1 SP152053 and located at 3 Carlo Drive, 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
Site Plan	RPS Australia East Pty Ltd	128635-1 PD-01 rev A	29/07/2015
Floor Plan	RPS Australia East Pty Ltd	126613-1 LO-01 rev A	03/08/2015

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

- Plumbing and Drainage Works;
- Building 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 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 prior to commencement of the use.

2.0 LIGHTING

2.1 Any lighting along, the 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.

3.0 TRADE WASTE

3.1 A Trade Waste Agreement must be obtained prior to connection to Council's sewerage reticulation network. The following devices would apply depending on activity-

- **Sea foods (wholesale) no hot food cooking**
 - **1000lt solids settlement pit/tank with dry basket arrestor for fish filleting**
- **Fish-Fresh (retail) no cooking on site**
 - **All drainage from sinks and floor wastes to pass through a dry basket arrestor**
- **Oyster processing (Shucking)**
 - **1000lt solids settlement pit/tank.**

4.0 MISCELLANEOUS

4.1 The retail component must be associated with the wholesale industrial activities conducted on the same or adjoining premises.

4.1 The retail area of food premises must comply with Australian Standard 4674-2004 for the design, construction and fit-out of food premises.

4.2 The applicant must obtain a Food Premises Plan Approval from Council prior to the construction of the retail area of the store.

4.3 The applicant must obtain and maintain a Food Licence with Council prior to the sale of any food from the retail store.

4.4 If any item of cultural heritage is identified during site works, all work must cease and the relevant State Agency must be notified. Work can resume only after State Agency clearance is obtained.

4.5 Provision and maintenance of a refuse collection areas to the requirements of the Council.

4.6 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.

4.7 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.

5.0 ADVISORY NOTES

5.1 Hours of work

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

5.2 Dust Control

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

5.3 Sedimentation Control

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

5.4 Noise During Construction and Noise in General

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

5.5 General Safety of Public During Construction

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

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

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

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

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

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## 12. Planning and Community Services

12.7      2015/10/28.29      20150275 - DEVELOPMENT PERMIT FOR RECONFIGURATION OF A LOT - ONE (1) LOT INTO SEVEN (7) LOTS - 579 GLOUCESTER AVENUE, CAPE GLOUCESTER - M BEGUN

Moved by:              P RAMAGE

Seconded by:         J ATKINSON

That Council approve the Development Application for a Development Permit for a Reconfiguration of a Lot - One (1) Lot into Seven (7) Lots located on Lot 52 SP 212259 579 Gloucester Avenue, Cape Gloucester prepared by RPS Australia East Pty Ltd on behalf of M Begun 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             |
|-----------------------------------------------------------|------------------------------------|----------------------|-------------------|
| Proposal Plan                                             | RPS Pty Ltd                        | 124890-1 PD-02 Rev E | 19/03/2015        |
| Geotechnical Investigation & Effluent Disposal Assessment | Ground Environments Pty Ltd        | 1502.1000            | 3 March 2015      |
| Additional Geotechnical Assessment                        | Ground Environments Pty Ltd        | 1502.1000            | 1 September 2015  |
| Cape Gloucester Bushfire Management Plan                  | SLR Global Environmental Solutions | 626.10207            | 18 September 2015 |

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

- **Operational Works:**
  - External Access;
  - Roadworks; and
  - Earthworks
- **Material Change of Use (Slope) applicable at future building works stage.**

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 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.

1.6 The applicant is to comply with all conditions issued by the Department of Infrastructure, Local Government and Planning as dated 7 September 2015.

1.7 The development can proceed in 4 stages in accordance with the approved plans and the following table:

| Stage | Lot Numbers |
|-------|-------------|
|-------|-------------|



|   |          |
|---|----------|
| 1 | 2, 3 & 7 |
| 2 | 4 & 6    |
| 3 | 5        |
| 4 | 1        |

## **2.0 ENVIRONMENTAL COVENANT**

**2.1** The applicant is required to submit for approval, prior to the sealing of the survey plan, documentation including a survey plan for the designation of environmental covenants outside of proposed firebreak areas as noted on the plan 124890-1 PD-02 Rev E by RPS Pty Ltd. The environmental covenants shall be entered on the property titles to ensure no further clearing or modification of the lot will be permitted to take place in the covenanted area for perpetuity.

## **3.0 CLEARING, LANDSCAPING AND FENCING**

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

**3.2** 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.

## **4.0 WATER INFRASTRUCTURE**

**4.1** 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.

## **5.0 ON SITE EFFLUENT DISPOSAL**

**5.1** Design and construct an on-site effluent system for Lots 1 - 6 in accordance with the Wastewater Management Report by Ground Environments dated 3 March 2015 at future building application stage.

## **6.0 ACCESS AND PARKING**

**6.1** The external access from the pavement of Gloucester Avenue to the property boundary must be constructed to a gravel standard as indicated on Council's Standard Drawing R0035 prior to signing of the survey plan.

**6.2** Prior to signing of the survey plan an Operational Works development permit must be obtained in relation to Access.

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

## **7.0 ROADWORKS**

**7.1** The applicant must design and construct Gloucester Avenue for the full frontage of the proposed development so as to provide a sealed carriageway width of

6.5m as detailed in Table D1.28 of Councils Development Manual (current at the time of development) prior to signing of the survey plan.

7.2 A Development Permit for Operational Works (Roadworks) must be obtained prior to commencement of work on site.

7.3 Any application for Operational Works (Roadworks) 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.

## 8.0 EARTHWORKS

8.1 All site works must be designed by an experienced and qualified Geotechnical Engineer and undertaken in accordance with the recommendations of the Geotechnical Investigation and Slope Stability Assessment Report by Ground Environments dated 3 March 2015.

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

8.3 Any application for Operational Works (Earthworks) must be accompanied by engineering design drawings demonstrating compliance with the recommendations of the Geotechnical and Civil site report for the site.

8.4 All cut/fill batter slopes are to be protected and retained in a visually acceptable manner prior to commencement of the use. Any retaining structures must be designed in accordance with the recommendations of the Geotechnical Investigation and Slope Stability Assessment Report by Ground Environments dated 3 March 2015 and are stable and will remain so over the long term.

8.5 During and at the completion of the excavation of the proposed house pads the applicants Civil/Geotechnical Engineer shall supervise, and at the completion, certify that the work carried out on site has met the design intent and provide evidence that the finished work will not cause adverse impact on adjoining property.

## 9.0 STORMWATER

9.1 Easements required for drainage purposes through allotments must be in accordance with details described in the Queensland Urban Drainage Manual current at the time of development.

9.2 Easements required for drainage purposes through allotments and land not under control of Council must be maintained at all times by the property owner, these easements must be provided in accordance with widths and detail described in the Queensland Urban Drainage Manual.

9.3 Easement documentation must be provided free of cost to Council.

9.4 A Development Permit for Operational Works (Stormwater Drainage) must be obtained prior to commencement of work on site.

9.5 Any application for Operational Works (Stormwater Drainage) 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.

9.6 Prior to the Signing of Plan of Survey the applicant must design and construct the Stormwater Drainage system for the proposed Lots in accordance with Queensland Urban Drainage Manual (current at the time of development), Council's Development Manual (current at the time of development), the requirements of the geotechnical report and in accordance with the details shown on the approved drawings.

#### 10.0 ENVIRONMENTAL MANAGEMENT PLAN (EMP)

10.1 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.

10.2 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.

10.3 The strategy of the plan must be implemented and maintained for the duration of the operational and building works, and until exposed soil areas are permanently stabilised (e.g. turfed, concreted).

#### 11.0 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 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 of the survey plan.

#### 12.0 MAINTENANCE VALUATION

12.1 The applicant must pay to Council a maintenance valuation fee per lot at the time of sealing of the survey plan at the rate applicable at the time of payment. The current rate is \$35.00 per lot.

#### 13.0 MISCELLANEOUS

13.1 If any item of cultural heritage is identified during site works, all work must cease and the relevant State Agency must be notified. Work can resume only after State Agency clearance is obtained.

13.2 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:**

Cr Clark declared a perceived Conflict of Interest (as per section 173 of the Local Government Act 2009) due to the matter of the Councillor owning property in the area and left the meeting room at 11.02am, taking no part in the debate or decision of the meeting.

The motion was Carried 6/0

**CARRIED**

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Cr Clark returned to the meeting room at 11.03am

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12. Planning and Community Services

12.8 2015/10/28.30 20080033 & 20110660 - REQUEST FOR EXTENSION OF RELEVANT PERIOD AND CHANGE OF CONDITIONS - DEVELOPMENT PERMIT FOR RECONFIGURATION OF A LOT AND OPERATIONAL WORKS - N C ALLAN

Moved by: J COLLINS

Seconded by: P RAMAGE

That Council approve:

(a) The Request for Extension of Relevant Period for the Development Permit for Reconfiguration of a Lot – One (1) Lot into Ten (10) Lots and One (1) Balance Lot (20080033) for four (4) years to 15 September 2019;

(b) The Request to Change of Condition 11.0 and amend the condition as follows;

11.0 Infrastructure Charges - Infrastructure contribution policies for the Water, Sewer, Roadwork, Community Facilities, and Park & Recreation Networks are no longer applicable and therefore monetary contribution conditions for these networks are no longer included in the decision notice. Infrastructure charges for these networks are now levied under the Adopted Infrastructure Charges Resolution (AICR) by way of an infrastructure charge notice, which accompanies this decision notice.

(c) Issue an Adopted Infrastructure Charges Notice in accordance with Adopted Infrastructure Charges Resolution 1 of 2015 as follows:

**DEMAND - INFRASTRUCTURE CHARGE**

| <i>Infrastructure Charge Category</i> | <i>Infrastructure Charge Rate (per m<sup>2</sup> or dwelling)</i> | <i>Number of Demand Units (m<sup>2</sup>/dwellings)</i> | <i>Infrastructure Demand Per Category</i> |
|---------------------------------------|-------------------------------------------------------------------|---------------------------------------------------------|-------------------------------------------|
| <i>Residential</i>                    | \$28,000.00                                                       | 11                                                      | \$308,000.00                              |
| <b>Total Infrastructure Demand</b>    |                                                                   |                                                         | <b>\$308,000.00</b>                       |

**CREDITS - INFRASTRUCTURE CREDIT**

| <i>Applicable Credit Category</i> | <i>Infrastructure Charge Category</i> | <i>Infrastructure Charge Rate</i> | <i>Discount %</i> | <i>Infrastructure Credit Per Category</i> |
|-----------------------------------|---------------------------------------|-----------------------------------|-------------------|-------------------------------------------|
| <i>Existing Lawful Use</i>        | <i>Residential</i>                    | \$28,000.00                       | 100%              | \$28,000.00                               |

|                                                     |             |             |     |                     |
|-----------------------------------------------------|-------------|-------------|-----|---------------------|
| Water Supply N/A                                    | Residential | \$28,000.00 | 20% | \$5,600.00          |
| Sewerage N/A                                        | Residential | \$28,000.00 | 20% | \$5,600.00          |
| Stormwater N/A                                      | Residential | \$28,000.00 | 20% | \$5,600.00          |
| Total credit per lot                                |             |             |     | \$16,800.00         |
| Total credit per lot \$16,800.00 x 10 proposed lots |             |             |     | \$168,000.00        |
| <b>Total Infrastructure Credit</b>                  |             |             |     | <b>\$196,000.00</b> |

**TOTAL INFRASTRUCTURE CHARGE**

| Total Infrastructure Demand | Minus Total Infrastructure Credit | Minus Total Trunk Infrastructure Cost | Total Infrastructure Charge |
|-----------------------------|-----------------------------------|---------------------------------------|-----------------------------|
| \$308,000.00                | \$196,000.00                      | \$0.00                                | \$112,000.00                |

- (d) The request for an Extension of Relevant Period – Development Permit for Operational Works – Earthworks, Roadworks, Stormwater, Clearing of Native Vegetation and Signage (20110660) for four (4) years to 15 September 2019;

Over land described as Lot 44 on SP134581 and Lot 45 SP134581, Station Road, Andromache.

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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12. Planning and Community Services

12.9 2015/10/28.31 DEVELOPMENT ASSESSMENT - MONTHLY PERFORMANCE REPORT - SEPTEMBER 2015

Moved by: J CLIFFORD

Seconded by: J ATKINSON

That Council receives the monthly performance report for the Development Assessment Team for September 2015.

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

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**12. Planning and Community Services**



12.10 2015/10/28.32 262.2015.94 - REQUEST FOR FEE WAIVER -  
COLLINSVILLE LIONS CLUB INC

Moved by: P RAMAGE

Seconded by: J CLIFFORD

That Council waive the combined fees of \$1,053.00 to the Collinsville Lions Club Inc for the Collinsville Lions Melbourne Cup Fair to be held on 3 November 2015 at the Collinsville Show Grounds.

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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12. Planning and Community Services

12.11 2015/10/28.33 262.2015.61 - REQUEST FOR FEE WAIVER - REEF
CATCHMENTS

Moved by: P RAMAGE

Seconded by: J COLLINS

That Council approve the waiving of the combined fees of \$255 to Reef Catchments for 3 (three) separate Coast Care Events held on 24 September 2015, and again in March and April 2016 at Conway Beach Reserve.

MEETING DETAILS:

Mayor Whitney declared a Conflict of Interest (as per section 173 of the Local Government Act 2009) due to the matter that the Mayor is the Director of Reef Catchments and left the meeting room at 11.06am, 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 11.07am*

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12. Planning and Community Services

12.12 2015/10/28.34 262.2015.83 - REQUEST FOR FEE WAIVER -
COLLINSVILLE RODEO ASSOCIATION

Moved by: P RAMAGE

Seconded by: J CLIFFORD

That Council approve the waiving of the Events Application Fee of \$383.00 to the Collinsville Rodeo Association for the ABCRA NQ Zone Rodeo Finals held on 26 September 2015 in Collinsville.

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

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**12. Planning and Community Services**

**12.13 2015/10/28.35 262.2015.95 - REQUEST FOR BUILDING APPLICATION FEE WAIVER - WHITSUNDAY EQUESTRIAN GROUP**

**Moved by: P RAMAGE**

**Seconded by: J CLIFFORD**

**That Council approve the waiving of the Building Application fee of \$629.00 for the Whitsunday Equestrian Group associated with the erection of a Car Port Structure on Council Land, Lot 17 on HR 1988 Turner Road Riordanvale with the Lessee being Cannonvalley Pony Club.**

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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12. Planning and Community Services

12.14 2015/10/28.36 262.2015.98 - REQUEST FOR SPONSORSHIP - WHITSUNDAY SWIMMING CLUB

Moved by: J CLIFFORD

Seconded by: D CLARK

That Council approve sponsorship of \$100 to the Whitsunday Swimming Club for the annual North Queensland Swimming Carnival to be held on 1 November 2015 to be hosted at the Proserpine Swimming Club.

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

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**12. Planning and Community Services**

**12.15 2015/10/28.37 PROPOSAL TO OPERATE AN AQUADUCK IN THE AIRLIE BEACH AREA**

That Council approve the operation of an Aquaduck in the Airlie Beach Area in accordance with conditions set out in the Whitsunday Regional Council Local Law No.1 (Administration) 2014.

Moved by: J CLIFFORD

Seconded by: J COLLINS

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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12. Planning and Community Services

**12.16 2015/10/28.38 NEW SOUTH WALES VARIETY BASH CAR PARKING
PORT OF AIRLIE TRAILER PARK**

Moved by: J CLIFFORD

Seconded by: J ATKINSON

That Council advise the New South Wales Variety Bash Motoring Events Manager that the Whitsunday Regional Council:-

- has no objection to 100 Bash Vehicles and 15 Official Vehicles to be parked in the Port of Airlie Boat & Trailer Carpark on Monday 29 and Tuesday 30 August, 2016.
- will provide 24 hour security to the specialty bash cars on Monday 29 and Tuesday 30 August, 2016.

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

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**12. Planning and Community Services**

**12.17 2015/10/28.39 PROPOSAL TO REMOVE COCONUTS AND  
CONDUCT HELICOPTER JOYFLIGHTS**

Moved by: J WHITNEY

Seconded by: J CLIFFORD

That the proposal to remove coconut and conduct helicopter joy-flights report be tabled pending further discussions at a Briefing Session.

**MEETING DETAILS:**

The motion was Carried 6/1

CARRIED

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12. Planning and Community Services

12.18 2015/10/28.40 EXPIRY OF TRIAL PERIOD - PERMITTED PARKING -
HERMITAGE DRIVE AIRLIE BEACH

Moved by: J CLIFFORD

Seconded by: J COLLINS

That Council approve the regulation of *'No parking unless Parking Permits issued by local government'* for Hermitage Drive, Airlie Beach and install regulatory signs in accordance with the *Transport Operations (Road Use Management) Act 1995 and Transport Operations (Road Use Management – Road Rules) Regulation 1999.*

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

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12. Planning and Community Services

12.19 2015/10/28.41 BOWEN WORK CAMP ADVISORY COMMITTEE

Moved by: D CLARK

Seconded by: A WILLCOX

That Council receive and note the minutes of the Bowen Work Camp Advisory Committee for the month of October 2015.

**MEETING DETAILS:**

The motion was Carried 7/0

CARRIED

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12. Planning and Community Services

12.20 2015/10/28.42 LOGAN'S ADVENTURE PLAYGROUND UPDATE

Moved by: D CLARK

Seconded by: J CLIFFORD

That Council accept the minutes from the Logan's Adventure Playground Project Committee Meeting held on 8 October 2015.

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

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12. Planning and Community Services

12.21 2015/10/28.43 PROSERPINE JUNIOR SPORTING COMPLEX ASSOC.  
- REQUEST FOR FUNDING

Moved by: J COLLINS

Seconded by: P RAMAGE

That Council approve a grant of \$10,000 to the Proserpine Junior Sporting Complex Association, subject to the following conditions:

- Provision of a Certificate of Currency
- Provision of an operational budget for the facility maintenance
- Agreement that a quarterly budget update be provided to Council.

**MEETING DETAILS:**

The motion was Carried 7/0

CARRIED

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12. Planning and Community Services

12.22 2015/10/28.44 BOWEN NETBALL ASSOC - REQUEST FOR IN KIND
SUPPORT

Moved by: A WILLCOX

Seconded by: D CLARK

That Council approve in kind assistance to the value of \$5820.00 to the Bowen Netball Association to assist them with the redevelopment of their netball courts. The in kind support shall be in the form of labour and plant provision to remove the current asphalt netball courts and prepare the site for a new concrete slab.

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

13. Engineering Services

13.1 2015/10/28.45 FORMALISATION OF ROAD REGISTER

Moved by: J ATKINSON

Seconded by: J CLIFFORD

That Council approves

- 1. the Road Register Policy as attached in Appendix Item 1; and**
- 2. the Road Register document as attached in Appendix Item 2.**

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

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**13. Engineering Services**

**13.2 2015/10/28.46 ARGYLE PARK ROAD UPDATE**

**Moved by: A WILLCOX**

**Seconded by: D CLARK**

**That Council note the progress to date on the Argyle Park Road project.**

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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13. Engineering Services

13.3 2015/10/28.47 BICYCLE ADVISORY COMMITTEE

Moved by: J ATKINSON

Seconded by: J CLIFFORD

That Council commit staff and seek external stakeholder interest in establishing a Bicycle Advisory Committee with member representation as per following list of requested persons:

Internal

- Councillor Jan Clifford;**
- a Senior Executive;**
- One Administration staff;**
- One Engineering staff;**
- One Planning staff; and**
- One Workplace Health and Safety staff.**

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

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**13. Engineering Services**

**13.4 2015/10/28.48 WHITSUNDAY REGIONAL WATER AND WASTE -  
OPERATIONAL PERFORMANCE REPORT -  
SEPTEMBER 2015 - WATER**

**Moved by: J CLIFFORD**

**Seconded by: J ATKINSON**

**That Council receives the Whitsunday Regional Water & Waste Operational Performance Report for the month of September 2015: Water.**

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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13. Engineering Services

**13.5 2015/10/28.49 WHITSUNDAY REGIONAL WATER AND WASTE -
SEPTEMBER 2015 - SEWERAGE REPORT**

Moved by: J CLIFFORD

Seconded by: J COLLINS

That Council receives the Whitsunday Regional Water & Waste Business Unit Monthly Operational Performance Report September: Sewerage.

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

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**16. Procedural Motion**

**16.3 2015/10/28.50 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: D CLARK**

**That the following item 12.5 regarding the 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 that was tabled at the Ordinary Council Meeting of 6 October, 2015 be taken from the table.**

**MEETING DETAILS:**

Cr Willcox declared a Material Personal Interest (as per section 173 of the Local Government Act 2009) due to the matter that the Councillor's daughter has intermittent work at the establishment and left the meeting room at 11.27am, taking no part in the debate or decision of the meeting.

The motion was Carried 6/0

**CARRIED**

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12. Planning and Community Services

12.23 2015/10/28.52 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: D CLARK

Seconded by: J CLIFFORD

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 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

- 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.

MEETING DETAILS:

The motion was Carried 6/0

CARRIED

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*Cr Willcox returned to the meeting at 11.34am*

**16. Procedural Motion**

**16.4 2015/10/28.53 ADJOURNMENT**

**Moved by: J CLIFFORD**

**Seconded by: P RAMAGE**

**That the meeting be adjourned having finished the Ordinary Agenda and for the purpose of moving into closed section.**

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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16. Procedural Motion

16.5 2015/10/28.54 CLOSURE OF MEETING

Moved by: J CLIFFORD

Seconded by: J COLLINS

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 11:35am 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 - September 2015

(c) the local government's budget

14.2.1 Rates And Sundry Debtors - September 2015

(c) the local government's budget

14.2.2 Concealed Water Leakage Concession - 8 Eglinton Street

(d) rating concessions

14.2.3 Concealed Water Leakage Concession - 10 Golden Orchid Drive

(d) rating concessions

14.2.4 Concealed Water Leakage Concession - 15 Hinschen Street

(d) rating concessions

14.2.5 Concealed Water Leakage Concession - 112 Main Street

(d) rating concessions

14.2.6 Hardship Application Assessment 1100036

(d) rating concessions

14.3.1 Planning and Environment Court Appeal No. 2867 Of 2015 - Originating Application - Matthew Allen And Others Vs Jason Ford T/As Airlie Aqua Park And Airlie Aqua Park Pty Ltd And Whitsunday Regional Council

(g) any action to be taken by the local government under the *Sustainable Planning Act 2009*, including deciding applications made to it under that Act.

14.3.2 20130972 - Planning and Environment Court Appeal No. 175 Of 2015 - Morris Corporation (Aust) Pty Ltd Vs Whitsunday Regional Council

(g) any action to be taken by the local government under the *Sustainable Planning Act 2009*, including deciding applications made to it under that Act.

14.4.1 Reseal Program 2015-2016

(e) contracts proposed to be made by it

14.4.2 Cleaning Of Main Streets of Bowen and Proserpine

(e) contracts proposed to be made by it

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

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**16. Procedural Motion**

**16.6 2015/10/28.55 REOPENING OF MEETING**

**Moved by: J CLIFFORD**

**Seconded by: J ATKINSON**

**That the meeting be reopened to the general public at 12:23pm**

**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 2015/10/28.56 BUSINESS ACTIVITIES REPORT - SEPTEMBER 2015

Moved by: J CLIFFORD

Seconded by: A WILLCOX

That the Business Activities report be noted.

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

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**14.2 Confidential Matters - Corporate Services**

**14.2.1 2015/10/28.57 RATES AND SUNDRY DEBTORS - SEPTEMBER 2015**

**Moved by: A WILLCOX**

**Seconded by: J CLIFFORD**

**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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14.2 Confidential Matters - Corporate Services

14.2.2 2015/10/28.58 CONCEALED WATER LEAKAGE CONCESSION - 8 EGLINGTON STREET

Moved by: A WILLCOX

Seconded by: J CLIFFORD

That Council approve a concealed leak concession for assessment 1200923 to the value of \$1 068.51 and interest on the overdue account be waived for the period while Council was assessing the application.

MEETING DETAILS:

The motion was Carried 5/2

CARRIED

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**14.2 Confidential Matters - Corporate Services**

**14.2.3 2015/10/28.59 CONCEALED WATER LEAKAGE CONCESSION - 10 GOLDEN ORCHID DRIVE**

**Moved by: J CLIFFORD**

**Seconded by: J COLLINS**

**That Council approve a concealed leak concession to the total value of \$10,363.80 divided as per the community management statement and that interest on the overdue accounts be waived for the period while Council was assessing the application.**

**MEETING DETAILS:**

The motion was Carried 5/2

**CARRIED**

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14.2 Confidential Matters - Corporate Services

14.2.4 2015/10/28.60 CONCEALED WATER LEAKAGE CONCESSION - 15 HINSCHEN STREET

Moved by: J COLLINS

Seconded by: A WILLCOX

That Council approve a concealed leak concession to the total value of \$1,483.16 divided as per the community management statement and that interest on the overdue account be waived for the period while Council was assessing the application.

MEETING DETAILS:

The motion was Carried 5/2

CARRIED

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14.2 Confidential Matters - Corporate Services

14.2.5 2015/10/28.61 CONCEALED WATER LEAKAGE CONCESSION - 112  
MAIN STREET

Moved by: J COLLINS

Seconded by: A WILLCOX

That Council approve a concealed leak concession to the total value of \$4,523.25 divided as per the community management statement and that interest on the overdue accounts be waived for the period while Council was assessing the application.

**MEETING DETAILS:**

The motion was Carried 5/2

CARRIED

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14.2 Confidential Matters - Corporate Services

14.2.6 2015/10/28.62 HARDSHIP APPLICATION ASSESSMENT 1100036

Moved by: J COLLINS

Seconded by: A WILLCOX

That Council approves a concession to assessment 1103428 to defer payment under Council's Hardship Policy as evidence presented supports that the ratepayer has demonstrated unusual and severe difficulty rather than the usual frustrations and trial to which other ratepayers or similar organisations are subjected to from time to time, with the following conditions

- Fortnightly payments of \$120 per fortnight for 12 months;
- No interest to accrue for 12 months or until the current debt is cleared;
- All debts to be cleared by the end of arrangement,
- Failure to make payment, customer to rectify within 7 days
- Two consecutive failures to make payment, arrangement to be cancelled
- Customer can renegotiate arrangement with Council approval, if there is demonstrated change in circumstances.

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

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**14.3 Confidential Matters - Planning and Community Services**

**14.3.1 2015/10/28.63 PLANNING AND ENVIRONMENT COURT APPEAL NO. 2867 OF 2015 - ORIGINATING APPLICATION - MATTHEW ALLEN AND OTHERS VS JASON FORD T/AS AIRLIE AQUA PARK AND AIRLIE AQUA PARK PTY LTD AND WHITSUNDAY REGIONAL COUNCIL**

**Moved by: J CLIFFORD**

**Seconded by: J COLLINS**

**That Council advise the two operators of the inflatable water parks located on Airlie Beach and Beacons Beach areas, noting that no request for extension has been received:**

- **the licence will expire on 31 October, 2015;**
- **the operator is to cease the activity on 31 October, 2015; and**
- **the operator is to return the beach to a condition as close as practicable to that before commencement of the activity.**

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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14.3 Confidential Matters - Planning and Community Services

14.3.2 2015/10/28.64 20130972 - PLANNING AND ENVIRONMENT COURT APPEAL NO. 175 OF 2015 - MORRIS CORPORATION (AUST) PTY LTD VS WHITSUNDAY REGIONAL COUNCIL

Moved by: J CLIFFORD

Seconded by: J COLLINS

That the matter be tabled pending further mediation.

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

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**14.4 Confidential Matters - Engineering Services**

**14.4.1 2015/10/28.65 RESEAL PROGRAM 2015-2016**

**Moved by: D CLARK**

**Seconded by: P RAMAGE**



That Council accept the recommendation of the evaluation panel to award the contract to Rock-n-Road based on their rates for the provision of reseal and asphalt resurfacing in the Whitsunday Regional Council.

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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14.4 Confidential Matters - Engineering Services

14.4.2 2015/10/28.66 CLEANING OF MAIN STREETS OF BOWEN AND PROSERPINE

Moved by: J COLLINS

Seconded by: D CLARK

That Council accept the recommendation of the evaluation panel to award the contract to BlastH2O for the provision of cleaning services in the Proserpine Main Street.

Furthermore, that the tender for cleaning of Herbert Street in Bowen be readvertised and a report be presented to Council.

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

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***The meeting closed at 12.47pm***

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Confirmed as a true and correct recording this 11 November, 2015

**Cr Jennifer Whitney
MAYOR**