



Minutes of the Ordinary Meeting held on 27 January 2016



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
27 January 2016 commencing at **9:00am**

Councillors Present:

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

Council Officers Present:

B Omundson (Acting Chief Executive Officer); M McGoldrick (Chief Financial Officer); D Staley (Director Planning & Community); G Jarvis (Director Corporate Services); J Raiteri (Director Engineering Services); C Middleton (Communications Manager); B Davis (Administration Officer)

Other Details:

The meeting commenced at 9.00am

The meeting adjourned for morning tea at 10.32am

The meeting reconvened from morning tea at 10.53am

The meeting adjourned for lunch at 12.25pm

The meeting reconvened from lunch at 12.50pm

The meeting closed at 2.46pm

Whitsunday Regional Council
 Minutes of the Ordinary Meeting to be held at
Bowen Council Chambers, 67 Herbert Street, Bowen
 on 27 January 2016 commencing at 9:00am

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2. Condolences

2.1 2016/01/27.01 CONDOLENCES

Moved by: J CLIFFORD

Seconded by: D CLARK

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

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

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**3.1 2016/01/27.02 Mayoral Minute**

**Moved by: J WHITNEY**

**Seconded by: J CLIFFORD**

**That the Acting Chief Executive Officer investigate and review appropriate locations for a Regional Gallery and ongoing costs (taking into consideration the structure of Artspace Mackay).**

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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3.2 Mayoral Update

13 – 18 January 2016

Clipper Round the World Yacht Race
Initiated by Abell Point Marina

24 January 2016

Great Australian Bites
Initiated by the Queensland Government

26 January 2016

Australia Day Citizenship Ceremonies in Collinsville, Bowen & Proserpine
A great community event, supported by Councillors and well attended by the Community

4. Confirmation of Minutes

4.1 2016/01/27.03 CONFIRMATION OF MINUTES

Moved by: J COLLINS

Seconded by: J CLIFFORD

That the Minutes of the Ordinary Meeting held on 09 December 2015 be confirmed.

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

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7. Notice of Motion

7.1 NOTICE OF REPEAL – ADOPTION OF THE DRAFT WHITSUNDAY REGIONAL COUNCIL PLANNING SCHEME FOR THE PURPOSE OF APPROVAL BY THE PLANNING MINISTER

Moved by: J WHITNEY

Seconded by: J CLIFFORD

That minute number 2015/12/09.75 from the Ordinary Council Meeting held on the 09 December 2015:

*“Moved by: A WILLCOX*

*Seconded by: J ATKINSON*

*That Council:*

*a) Approve the draft Whitsunday Regional Council Planning Scheme, version 4.0 (09 December 2015), subject to the following amendments to the building heights in the following precincts:*

- Precinct C from 28 metres to 21 metres*
- Precinct D from 21 metres to 18 metres*
- Precinct F from 21 metres to 18 metres*

*b) Release for public consultation for 30 business days.*

*Furthermore that an amendment to the mapping for Lot 1 on SP 277858 and Lot 73 on HR 180 from emerging communities to low-medium density residential zone.”*

Be repealed.

**MEETING DETAILS:**

The motion was Defeated 3/4



**Call for Division**

| <b>For</b>  | <b>Against</b> |
|-------------|----------------|
| Cr Whitney  | Cr Willcox     |
| Cr Clifford | Cr Ramage      |
| Cr Collins  | Cr Atkinson    |
|             | Cr Clark       |

**DEFEATED**

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The proposed motion by Cr Jennifer Whitney was unsuccessful, the following motion is withdrawn.

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**7. Notice of Motion**

**7.2 NOTICE OF MOTION – ADOPTION OF THE DRAFT WHITSUNDAY REGIONAL COUNCIL PLANNING SCHEME FOR THE PURPOSE OF APPROVAL BY THE PLANNING MINISTER**

**Moved by:**

**Seconded by:**

**That Council:**

**a) Approve the draft Whitsunday Regional Council Planning Scheme, version 4.0 (09 December 2015), subject to the following amendments to the building heights in the following precincts:**

- Precinct D from 21 metres to 18 metres;**
- Precinct F from 21 metres to 18 metres**

**b) Release for public consultation for 30 business days.**

**Furthermore, that amendments to the mapping:**

**for Lot 1 on SP 277858 and Lot 73 on HR 180 from emerging communities to low-medium density residential zone.**

**to remove the industry investigation area identified on Lascelles Road be made.**

***Motion lapsed due to lack of a seconder***

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7. Notice of Motion

**7.3 NOTICE OF MOTION - WHITSUNDAY
MARKETING & DEVELOPMENT LTD**

Moved by: J COLLINS

Seconded by: A WILLCOX

That the item 'Notice of Motion – Whitsunday Marketing & Development Ltd' be moved to the Confidential section of the meeting.

MEETING DETAILS:

The motion was Defeated 2/4

DEFEATED

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**7.3 2016/01/27.05 NOTICE OF MOTION - WHITSUNDAY  
MARKETING & DEVELOPMENT LTD**

**Moved by: J COLLINS**

**Seconded by: A WILLCOX**

**That Council immediately brings internal, until June 30th, 2016 the Economic Development function, including all associated Council funding and relevant staff from Whitsunday Marketing and Development Limited.**

**Further to this, that Council instructs the Acting Chief Executive Officer to investigate the options of an Economic Development unit that satisfies the provision of external funding parameters, with a report to Council with an appropriate structure before 30 June 2016.**

**PROCEDURAL MOTION**

**Moved by: J CLIFFORD**

**Seconded by: D CLARK**

**That the item 'Notice of Motion – Whitsunday Marketing & Development Ltd' be tabled pending the outcome of the emergency meeting on Friday and the general meeting in 01 March 2016.**

**MEETING DETAILS:**

Mayor Whitney declared a conflict of interest (as per section 173 of the Local Government Act 2009) on the matter of being a Board Member of WMDL and left the meeting room at 9.24am taking no part in the debate or decision of the meeting; Deputy Mayor Willcox chaired the meeting in her absence.

The motion was Carried 5/1

### **Call for Division**

| <b>For</b>  | <b>Against</b> |
|-------------|----------------|
| Cr Clifford | Cr Collins     |
| Cr Clark    |                |
| Cr Atkinson |                |
| Cr Ramage   |                |
| Cr Willcox  |                |

**CARRIED**

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Mayor Whitney returned to the Meeting room at 9.33am

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### **9. Questions from Public Gallery**

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#### **PUBLIC QUESTION TIME**

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

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

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Name: Noel Hardie

Question:

I first apologise for my hand written address, but as complained of in the past we no longer have free word processing at our library. At a local internet 'café' I use their facility for free and just pay 20c/copy to \$2.00/hr & 50c/copy at our library.

This here goes my question time. I must first 'load my gun' before I can ask the questions.

In responding to the Acting CEO's repose to my representation of 28th Oct. past I do not accept 'wafting'. Wafting is official 'taurus feaces' as a way of getting around to answering the real issue.

I gave a true account and expected in return the same fervour in responses.

My then question one was full of wafting in response – read the response question – when is due course. More wafting.

My question 2.- Ditto response.

My question 3. Dah!!

Act. CEO obviously did not read my complaint of May 2015. There was NO permit.

My questions 4 & 5.

I will not pay this Council \$500 – for a permit until such time as I see that No. 3 Laselles lanes integrity 'that I complained of', is taken care of.

We have had two heavy rains since Oct 2015.

Storm water is still conducted to surface water and as in the past I have threatened to 'sue' Council should further erosion of my driveway, continue through Council's lack of action @ no. 3.

My question this time round:

1. Does the Mayoress want to loose out **Noel Hardie was contacted on 29/01/2016 as part of this question was cut off, to date this has not been received.**
2. How much influence does the Mayor have over the Act. CEO to give realism responses to constituencies without the BS.
3. Does the Mayoress willingly invite law suits against Council for rate payers loss of property
4. Does this Council, really, expect me to pay \$500, for a permit for a carport, when there are not permits for 70% of reconstruction @ no.3? I do not live by the two rule system I live by one rule only.
5. As I am completing the construction of my carports and the Council wishes to issue a notice of 'show cause; I will stand to defend.

Mr Hardie was advised that he would receive a response at a future Council Meeting.

Name: Michelle Mac Nevin ~~~~~

Question:

Question was read by the Acting Chief Executive Officer on behalf of Michelle

Can all current Councillors advise in detail their individual achievements they have orchestrated over their past term and the economic benefits to the region that relate directly from those achievements?

Ms Mac Nevin was advised that she would receive a response at a future Council Meeting.

Name: Toni Robinson-Randall ~~~~~

Question:

It has come to my attention that Councillors Andrew Willcox, Peter Ramage and David Clark along with Michael Brunker, have made representation to the Deputy Premiers Jackie Trad's office to stop the expansion and development of the now International Whitsunday Airport just south of Proserpine. This has occurred through the Member for Mirani Jim Pearce who we know is a staunch unionist for the CFMEU.

As we are all well aware, the more visitors including families from overseas means more money spent in the region. More accommodation is needed in every quarter from backpackers to the family units. And they all have to eat and buy merchandise.

We are capable of keeping our family friendly and people friendly atmosphere by our attitudes and behaviour to the visitors therefore....

I require an answer from each Councillor in writing as to their reasoning for this action and why they wish to inhibit the expansion, growth and development of the Whitsunday Region and it's Airport.

Ms Robinson-Randall was advised that she would receive a response at a future Council Meeting.

Responses to the Public Questions of the 09 December 2015 Ordinary Council Meeting

Name: Graham Girolami
36 Reynolds Street
Bowen QLD 4805

Question:

In light of the actions and decisions by vote to motions, whereby the Council has clearly gone against the wishes of the people, the very people that elected this Council in to represent their concerns and their wishes in the last election (even though the election had no chance of a fair and equitable outcome due to the postal vote fiasco). Does this Council represent the people of the region, including all parts of the region (as it should), or are you representing some other entity, i.e. a corporate or other interest party.

Response read by Acting Chief Executive Officer – Mr Barry Omundson

Thank you for your question from the Public Gallery at Council's Ordinary Meeting held on Wednesday, 9 December 2015.

Pursuant to section 8 of the *Local Government Act 2009*, Whitsunday Regional Council is the elected body responsible for the good rule and local government of the Whitsunday Region. Council comprises one Mayor and six Councillors, all of whom are elected to their respective positions. The roles and responsibilities of the Mayor and Councillors are clearly defined in the *Local Government Act 2009*, and all elected officials are required to represent the current and future interests of the residents of the Whitsunday Region local government area.

In making their decisions, the Mayor and Councillors are guided by the information and advice provided to them by Council staff and by Council's five year Corporate Plan, *Whitsunday 2020*. Our Corporate Plan was developed after extensive engagement with community, industry and Council staff and informs the development of our annual Operational Plan and Budget. I have enclosed a copy of *Whitsunday 2020* for your reference.

If you are unhappy with any specific decision or act of Council, or would like to provide feedback on any our services, I would encourage you to contact our Customer Service team on (07) 4761 3600, or visit our office during business hours, to discuss your complaint further. All complaints received by Council are monitored by the Office of the Mayor and CEO, and referred to the appropriate department for investigation, review and response.

In response to your comment about postal ballots at local government elections; please note that Council has advised the Electoral Commission of Queensland (ECQ) that the 2016 local government election should be conducted by polling booth, rather than postal ballot. The ECQ has released a list of polling stations for the upcoming election, scheduled to take place on Saturday, 19 March 2016, and I have enclosed a copy for your reference.

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**Name:** Andrew Marshall  
2 Coral Esplanade  
Cannonvale QLD 4802

**Subject:** *Council Resolution in October 2014 to give Pedestrians Right of Way as well as restricting the operation of Heavy Vehicles in Main Street and Airlie Esplanade*

**Question:** There have been so many close calls that it is only a matter of time before a pedestrian is seriously injured. Perhaps it has already happened but has not been reported in the press – yet. The bad publicity and cost of litigation would be devastating.

As visitors numbers are increasing, Main St and Airlie Esplanade must be made pedestrian friendly.

I understand that a suitable sign for motorists, placed at either end of the Main St and Airlie Esplanade section, is all that is required. There is no need to change anything at the cobblestone crossings.

There is no justification for delaying this essential work and the cost is immaterial, especially compared to the cost of not doing it.

More than a year has passed since Councillors resolved to make this excellent change, yet nothing has been done to implement it.

Why the neglect and when will it be rectified?

**Response read by Acting Chief Executive Officer – Mr Barry Omundson**

Thank you for your question from the Public Gallery at Council's Ordinary Meeting held on Wednesday, 9 December 2015. Following consultation with various stakeholders, Council resolved on 26 November 2014 a preferred location of bus stops and taxi ranks in Airlie Main Street, which includes:

- Locating local bus stops on Main Street and Coconut Grove providing appropriate shelters where necessary;
- Relocating the taxi rank to its central position on Main Street;
- Restricting the accessibility to certain heavy vehicles; and
- Formalising pedestrian right of way within the Airlie Beach precinct.

The bus stops, taxi rank and pedestrian right of way all form part of the integrated transport works. As such, these works must all be carried out simultaneously.

Unfortunately, Council has experienced delays in obtaining design approval for the relocation of the bus stops as well as the taxi rank from the relevant State Government departments. These approvals have now been received and the tender for the relocation of the bus stops and taxi rank has now been awarded, with construction work scheduled to commence in late January 2016. The pedestrian right of way will be formalised as part of the construction process.

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10. Office of the Mayor & CEO

10.1 2016/01/27.06 ADVISORY - BUILDING OUR REGIONS
INFRASTRUCTURE FUND PROGRAM

Moved by: J CLIFFORD

Seconded by: D CLARK

That Council receive the correspondence from Mr Michael Schaumburg, Director- General Department of State Development in regard to Building our Regions Infrastructure Fund Program advising that Council was unsuccessful with its funding application.

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

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10. Office of the Mayor & CEO

10.2 2016/01/27.07 ADVISORY - NORTH QUEENSLAND  
BUSINESS ROUNDTABLE MEETINGS

Moved by: J COLLINS

Seconded by: J ATKINSON

That Council receive the correspondence from Coralee O'Rourke MP, Minister for Disability Services, Minister for Seniors, Minister assisting the Premier on North Queensland, providing an update on the North Queensland Business Roundtable meetings.

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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10. Office of the Mayor & CEO

10.3 2016/01/27.08 ADVISORY - TV FUNDING FOR CLIPPER
RACE FLEET EVENT

Moved by: J CLIFFORD

Seconded by: A WILLCOX

That Council notes the funding of \$10,000 (excluding GST) made to Channel Nine's Today Show to promote the Clipper Race Fleet Event.

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

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

**10.4 2016/01/27.09 INTEREST ON TRUST FUNDS POLICY**

**Moved by: J COLLINS**

**Seconded by: J ATKINSON**

**That Council:**

**a) revokes POLC-CS-R-008 Interest on Trust Funds adopted 12 September 2012; and**

**b) adopts the attached Interest on Trust Funds Policy.**

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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10. Office of the Mayor & CEO

10.5 2016/01/27.10 OPERATIONAL PLAN 2015/2016 - FIRST QUARTER

Moved by: J CLIFFORD

Seconded by: J ATKINSON

That Council receive the Operational Plan 2015/2016 first quarter report.

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

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

**10.6 2016/01/27.11 MONTHLY FINANCIAL REPORT - DECEMBER 2015**

**Moved by: A WILLCOX**

**Seconded by: J CLIFFORD**

**That Council receive the Monthly Financial Report for the month of December 2015.**

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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- 10. Office of the Mayor & CEO
- 10.7 2016/01/27.12 INTERNAL AUDIT COMMITTEE MEMBER
CONTRACT - SUSAN BLACK

Moved by: J CLIFFORD

Seconded by: D CLARK

That Council reappoints Audit Committee Member Ms Susan Black for a further 12 months with the appointment expiring on 09 November 2016.

MEETING DETAILS:

Mayor Whitney & Cr Willcox declared a conflict of interest (as per section 173 of the Local Government Act 2009) on the matter of being The Chair and Deputy Chair of the Audit Committee and left the meeting room at 9.47am taking no part in the debate or decision of the meeting; Cr Ramage chaired the meeting in their absence.

The motion was Carried 5/0

CARRIED

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- 10. Office of the Mayor & CEO
- 10.8 2016/01/27.13 INTERNAL AUDIT COMMITTEE MEMBER  
CONTRACT - SUZANNE BAKER

Moved by: J COLLINS

Seconded by: J CLIFFORD

**That Council reappoints Audit Committee Members Ms Suzanne Baker for a further 12 months with the appointment expiring on 09 November 2016.**

**MEETING DETAILS:**

Mayor Whitney & Cr Willcox declared a conflict of interest (as per section 173 of the Local Government Act 2009) on the matter of being The Chair and Deputy Chair of the Audit Committee and left the meeting room at 9.47am taking no part in the debate or decision of the meeting; Cr Ramage chaired the meeting in their absence.

The motion was Carried 5/0

**CARRIED**

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10. Office of the Mayor & CEO
10.9 2016/01/27.14 EMERGENCY MANAGEMENT - 2015/16
BUDGET

Moved by: A WILLCOX
Seconded by: J CLIFFORD

That Council acknowledges the submission of SES Non-Recurrent Subsidy Program Applications for 2016-17.

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

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10. Office of the Mayor & CEO  
10.10 2016/01/27.15 DISASTER MANAGEMENT - BOWEN PCYC  
EMERGENCY SERVICES CADETS

Moved by: D CLARK  
Seconded by: J CLIFFORD

That Council provides a letter to Bowen PCYC providing in principle support to the Emergency Services Cadets Program.

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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10. Office of the Mayor & CEO
10.11 2016/01/27.16 AIRLIE BEACH FORESHORE PROJECT

Moved by: J CLIFFORD
Seconded by: A WILLCOX

That Council endorse the creation of the Airlie Beach Foreshore Project Control Group which will oversee the greening of the Airlie Beach Foreshore using the \$400,000 allocated in the 2015/16 Budget and that the membership of the Committee include Mayor Whitney, Cr Clifford, Senior Council Staff and invitations be made to one representative from each of the Whitsunday Sailing Club, Whitsunday Coast Chamber of Commerce and Whitsunday Lions.

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

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**12. Planning and Community Services**

**12.1 2016/01/27.17 ADVISORY - NQ SPORTS FOUNDATION MEETING MINUTES 11 DECEMBER 2015**

**Moved by: J CLIFFORD**

**Seconded by: A WILLCOX**

**That Council receive the minutes of the North Queensland Sports Foundation Forum Meeting and Board Meeting held in Townsville on 11 December 2015.**

**MEETING DETAILS:**

The motion was Carried 7/0

CARRIED

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12. Planning and Community Services

12.2 2016/01/27.18 ADVISORY - MIW EMBRACING 2018 STEERING COMMITTEE MINUTES 11 DECEMBER 2015

Moved by: J COLLINS

Seconded by: D CLARK

That Council receive the Minutes from the Mackay, Isaac, Whitsunday Embracing 2018 Commonwealth Games Steering Committee meeting on 11 December 2015.

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

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**12. Planning and Community Services**

**12.3 2016/01/27.19 BOWEN WORK CAMP ADVISORY COMMITTEE**

**Moved by: D CLARK**

**Seconded by: J CLIFFORD**

**That Council receive the minutes of the Bowen Work Camp Advisory Committee for the month of December 2015.**

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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12. Planning and Community Services

12.4 2016/01/27.20 PLANNING & COMMUNITY - MONTHLY REPORT - DECEMBER 2015

Moved by: J CLIFFORD

Seconded by: J ATKINSON

That Council receive the Planning & Community Monthly Report for December 2015.

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

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**12. Planning and Community Services**

**12.5 2016/01/27.21 20090410 - REQUEST TO EXTEND CURRENCY PERIOD - MATERIAL CHANGE OF USE - (DUAL OCCUPANCY) AND RECONFIGURATION OF A LOT - 13 SOUTH MOLLE BOULEVARD, CANNONVALE - FILLIPONI SUPERANNUATION PTY LTD**

**Moved by: D CLARK**

**Seconded by: J ATKINSON**

**That Council approve the request for an extension of relevant period of the Development Permit for Material Change of Use of Premises – Dual Occupancy; and Reconfiguration of a Lot – One (1) Lot into Two (2) Lots and Common Property within a Community Title Scheme lodged by RPS Airlie Beach on behalf of Filliponi Superannuation Pty Ltd on land described as Lot 13 RP837382, 13 South Molle Boulevard, Cannonvale, for the period of two (2) years.**

**MEETING DETAILS:**

The motion was Carried 4/3

**CARRIED**

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12. Planning and Community Services

12.6 2016/01/27.22 20150055 - APPLICATION FOR RENEWAL OF SPECIAL LEASE 5/48517 - LOT 253 ON SB699, COVENTRY ROAD, GUTHALUNGRA

Moved by: J COLLINS

Seconded by: J CLIFFORD

That the Department of Natural Resources and Mines be advised that Council has no objection to the renewal of Special Lease 5/48517 over Lot 253 on SB699 over Local Government Reserve R194 for Business purposes (Water Supply).

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

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**12. Planning and Community Services**

**12.7 2016/01/27.23 20150644 - REFERRAL ENTITY RESPONSE - STATE DEVELOPMENT AREA APPLICATION FOR MATERIAL CHANGE OF USE FOR RAIL INFRASTRUCTURE (RAIL PACKAGE 4) IN THE GALILEE BASIN STATE DEVELOPMENT AREA, CARMICHAEL RAIL NETWORK PTY LTD**

**Moved by: P RAMAGE**

**Seconded by: J CLIFFORD**

**That Council provide a referral entity response for State Development Area Application for Material Change of Use for Rail Infrastructure (Rail Package 4) in the Galilee Basin State Development Area, made by Carmichael Rail Network Pty Ltd, on Lot 5 DK17, Lot 6 DK17, Lot 7 DK17, Lot 9 DK17, Lot 10 DK17, Lot 3 SP132678, Lot 86 DK154, Lot 24 RP805036, Lot 14 SB413, Lot 618 SP271121 and located at Myuna Road Collinsville, Johnnycake Road Collinsville, 739 Currunga Road Collinsville, Strathalbyn Road Bowen, 1393 Thurso Road Bogie, Thurso Road Bowen, 1167 Nevada Road Guthalungra, Bruce Highway Bowen, 1893 Strathalbyn Road Bowen, 2573 Myuna Road Collinsville, to the Coordinator General seeking the inclusion of the following conditions:**

- a) The Environmental Management Plans (EMPs) for the construction and operational phases of MCU Package 4 are to be provided to Whitsunday Regional Council prior to commencement of construction and operation. The EMPs for both the construction and operational phases of MCU Package 4 are to account for impacts outside the Galilee Basin State Development Area.**

- b) An emergency response plan is to be provided to Council detailing evacuation routes and evacuation assembly areas to be used during a severe weather event.**
- c) A rehabilitation plan is to be provided to Council detailing the measures taken to decommission and rehabilitate temporary usage sites, including the Batching plant.**
- d) Prior to construction rail corridor fencing details (including heights, materials etc) are to be provided to Council.**
- e) A copy of the proposal and building plans, including at a minimum, setback distances, building heights and any pavement treatments is to be provided to Council for the Batching plant prior to construction.**
- f) A copy of the proposal and building plans, including at a minimum, setback distances, building heights and any pavement treatments is to be provided to Council for the permanent train provisioning and rolling stock maintenance facility prior to construction.**
- g) A construction and operational water supply strategy is to be provided to Council demonstrating sufficient supply is available and any expectations of Council to provide sufficient water supply.**
- h) A copy of the Erosion and Sediment Control Plan and Water Quality Management Plan is to be provided to Council prior to commencement of construction and operation.**
- i) At all at-grade crossings of the rail corridor by roads under the control of Whitsunday Regional Council, and at the existing crossing of Glenore Road with the main north-south railway, level crossing protection devices are to be installed, operated and maintained at all times in a manner consistent with the prevailing practices of Queensland Railways, or its successors, and the requirements of the Queensland Department of Transport and Main Roads as set out in its publications "Manual of Uniform Traffic Control Devices" and the "Road Planning and Design Manual" and in the corresponding Austroads publications.**
- j) All level crossings are to be of a single track format only. In order to ensure no inappropriately long closures of roads at level crossings, no passing loops are to be located across public roads. No shunting of trains is to occur across any level crossing at any time.**
- k) Train speeds are not to exceed 100 km per hour across or on the approaches to any level crossing.**
- l) The layout and signage of all level crossings should be fully in accordance with Part 7 of the Manual of Uniform Traffic Control Devices published by the Queensland Department of Transport and Main Roads. In addition the minimum sealed carriageway width at every crossing, and on the approaches to those crossings, shall be 6.2m minimum, and a greater width at the sole discretion of Whitsunday Regional Council. All road approaches**

to level crossings on the proposed rail corridor are to be sealed to a width of 6.2m for a distance of at least 220m on each side of the level crossing, or such lesser distance as may be agreed upon by Whitsunday Regional Council.

- m) The minimum clear widths provided through level crossings shall be the carriageway width plus 3m.
- n) At a minimum, flashing lights are to be installed at the following level crossings:
  - a. The existing Glenore Road crossing of the main north-south railway;
  - b. The proposed Glenore Road crossing of the proposed railway;
  - c. The proposed Strathalbyn Road crossing of the proposed railway; and
  - d. The proposed Strathmore Road crossing of the proposed railway.
- o) In that regard, the term "partially active control" shall be removed from all documentation relating to the rail project, on the basis level crossing protection is either passive (ie reliant in signage) or active (whereby positive indications of an approaching train are provided to road users).
- p) The proposed level crossing of the rail corridor at Myuna Road is to be provided with passive protection only (that is, reliant on signage) provided the provisions of Chapter 21 of the March 2002 version of the Queensland Department of Transport and Main Roads' Road Planning and Design Manual are able to be demonstrated to be complied with to the satisfaction of Whitsunday Regional Council. If unable to be so demonstrated, flashing lights are to be installed at this crossing.
- q) Risk at the Scottville Road level crossing during the construction period is to be assessed using the ALCAM risk assessment model and the crossing and its protection system upgraded appropriately if necessary to the requirements of Whitsunday Regional Council.
- r) All work on roads under the control of Whitsunday Regional Council is to be undertaken in accordance with the requirements of the Whitsunday Shire Council Development Manual, and if not specified in that manual, in accordance with Austroads design guidelines, particularly the following publications:
  - a. Rural Road Design: A Guide to the Geometric Design of Rural Roads, and
  - b. The Guide to Road Design series.
- s) Glenore Road is to be upgraded in accordance with Council Development Manual Table D1.4 Rural Road Design to provide a sealed carriageway width of 6.5m, with total shoulder widths of 1.5m, of which 0.5m is to be sealed, for its entire length to the boundary of the proposed Rollingstock Maintenance Depot.
- t) In general, roadworks are to conform to the typical road cross-sections depicted on Worley Parsons Drawing No. CRP-ADRail-



**RDS-CV-0001, Revision 2.**

- u) The design speed of all roadworks on roads under the control of Whitsunday Regional Council is to be 110 km per hour, unless agreed otherwise in writing by Whitsunday Regional Council. This includes roadworks at and in the vicinity of level crossings.**
- v) No roads are to be closed to through traffic for any significant period of time. In the case of construction works at proposed level crossings for example, appropriate side tracks are to be constructed and maintained to trafficable standard at all times.**
- w) No roads under the control of Whitsunday Regional Council are to be used for the haulage of quarry materials to be used for ballast, as set out in Appendix B (under the heading "Quarries Development Volumes") of the Road Impact Assessment dated February 2015, unless authorised in writing by Whitsunday Regional Council.**
- x) "Higher mass limit vehicles" are not permitted to use any road under the control of Whitsunday Regional Council, with the exception of Strathmore Road, without prior written approval from Council.**
- y) Usage of unsealed roads when flooded, or subsequent to flooding, by any vehicles associated with the project will cease at the direction of Whitsunday Regional Council, and not recommence without authorisation from Whitsunday Regional Council.**
- z) The intersections of the proposed haul road with Council controlled roads are to be treated as follows:**
  - a. The design, construction and operation of each intersection is to be in accordance with Council's written approval.**
  - b. Outside working hours, access to the haul roads is to be prevented by means of locked gates.**
  - c. Night time access to or crossing of Council controlled roads from the haul road is only permitted subject to the provision and operation of adequate lighting.**
  - d. Access to or from or crossing of Council controlled roads by vehicles using the haul road is to be controlled at all times by traffic controllers accredited by Queensland Department of Transport and Main Roads. In the event this requirement is not observed, Whitsunday Regional Council reserves the right to employ traffic controllers itself to control those crossings and to recover the associated costs from the project proponent.**
- aa) All unsealed roads used for access to any part of the rail corridor, or to any associated facilities during construction, are to be upgraded to provide a usable paved carriageway width of at least 5.5m., as recommended in the Council's Development Manual. Any features on those roads of lesser widths are to be upgraded to comply with that requirement unless lesser widths, together with any associated signage or other works such as the installation of barrier fencing, are accepted in writing by Whitsunday Regional Council.**

- bb) At all locations on all unsealed roads used for access to any part of the rail corridor, or to any associated facilities during construction, where intermediate sight distance (as outlined in Section 4.2.8 of the Austroads "Unsealed Roads Manual") is not available, a usable paved carriageway width of at least 7.0 m is to be provided, including pavement widening and construction as necessary, unless lesser widths are accepted in writing by Whitsunday Regional Council.
- cc) Ongoing maintenance of all roads under the control of Whitsunday Regional Council, including necessary maintenance, periodic renewal of road signage and possible use of dust palliatives is to be the subject of an infrastructure agreement with Council, to be finalised and agreed upon prior to the commencement of construction of the rail project.
- dd) Access to the rolling stock maintenance depot, as depicted on GHD drawing number 41-28122-07C002, Revision B, is to be located and constructed in accordance with instructions from Whitsunday Regional Council.
- ee) Access to Rail Construction Camp 5, as depicted on GHD drawing number 41-28122-05-0002, Revision C, is to be located and constructed in accordance with instructions from Whitsunday Regional Council.
- ff) The applicant is to take responsibility for negotiating the rectification of the off-alignment, including compensation to affected property owners, subject to Council oversight.

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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12. Planning and Community Services

12.8 2016/01/27.24 20150654 - REFERRAL ENTITY RESPONSE - STATE DEVELOPMENT AREA APPLICATION FOR MATERIAL CHANGE OF USE FOR RAIL INFRASTRUCTURE (RAIL PACKAGE 2) IN THE GALILEE BASIN STATE DEVELOPMENT AREA, CARMICHAEL RAIL NETWORK PTY LTD

Moved by: P RAMAGE

Seconded by: J CLIFFORD

That Council provide a referral entity response for State Development Area Application for Material Change of Use for Rail Infrastructure (Rail Package 2) in the Galilee Basin State Development Area, made by Carmichael Rail Network Pty Ltd, Lot 1 DK150, Lot 10 BL49, Lot 3821 PH1304, Lot 5088 SM101, Lot 3 DC91, Lot 5 DC90, Lot 1 DK244, Lot 667 PH1321, Lot 1943 SP221555, Lot

5 DK103 and located at Suttor Developmental Road Collinsville, 1954 Stratford Road Mount Coolon, Stratford Road Mount Coolon, 1213 Stratford Road Mount Coolon, Glenavon Road Mount Coolon, 2108 Glenavon Road Mount Coolon, Suttor Developmental Road Mount Coolon, Bowen Developmental Road Collinsville, 13697 Suttor Developmental Road Mount Coolon, 12272 Suttor Developmental Road Collinsville, to the Coordinator General seeking the inclusion of the following conditions:

- a) The Environmental Management Plans (EMPs) for the construction and operational phases of MCU Package 2 are to be provided to Whitsunday Regional Council prior to commencement of construction and operation. The EMPs for both the construction and operational phases of MCU Package 2 are to account for impacts outside the Galilee Basin State Development Area.
- b) An emergency response plan is to be provided to Council detailing evacuation routes and evacuation assembly areas to be used during a severe weather event.
- c) A rehabilitation plan is to be provided to Council prior to construction detailing the measures to be taken to decommission and rehabilitate temporary usage sites, including Camp 5 and the Batching plant.
- d) A construction and operational water supply strategy is to be provided to Council demonstrating sufficient supply is available and any expectations of Council to provide sufficient water supply.
- e) A copy of the Erosion and Sediment Control Plan and Water Quality Management Plan is to be provided to Council prior to commencement of construction and operation.
- f) A copy of the proposal and building plans, including at a minimum, location of demountable, units, shared facilities, kitchens, setback distances, building heights and any pavements treatments for Camp 5 is to be provided to Council prior to the construction.
- g) A copy of the proposal and building plans for the Batching plant are to be provided to Council prior to the construction.
- h) Prior to construction rail corridor fencing details (including heights, materials etc) are to be provided to Council.
- i) At all at-grade crossings of the rail corridor by roads under the control of Whitsunday Regional Council, and at the existing crossing of Glenore Road with the main north-south railway, level crossing protection devices are to be installed, operated and maintained at all times in a manner consistent with the prevailing practices of Queensland Railways, or its successors, and the requirements of the Queensland Department of Transport and Main Roads as set out in its publications "Manual of Uniform Traffic Control Devices" and the "Road Planning and Design Manual" and in the corresponding Austroads publications.

- j) All level crossings are to be of a single track format only. In order to ensure no inappropriately long closures of roads at level crossings, no passing loops are to be located across public roads. No shunting of trains is to occur across any level crossing at any time.
- k) Train speeds are not to exceed 100 km per hour across or on the approaches to any level crossing.
- l) The layout and signage of all level crossings should be fully in accordance with Part 7 of the Manual of Uniform Traffic Control Devices published by the Queensland Department of Transport and Main Roads. In addition the minimum sealed carriageway width at every crossing, and on the approaches to those crossings, shall be 6.2m minimum, and a greater width at the sole discretion of Whitsunday Regional Council. All road approaches to level crossings on the proposed rail corridor are to be sealed to a width of 6.2m for a distance of at least 220m on each side of the level crossing, or such lesser distance as may be agreed upon by Whitsunday Regional Council.
- m) The minimum clear widths provided through level crossings shall be the carriageway width plus 3m.
- n) At a minimum, flashing lights are to be installed at the following level crossings:
 - a. The existing Glenore Road crossing of the main north-south railway;
 - b. The proposed Glenore Road crossing of the proposed railway;
 - c. The proposed Strathalbyn Road crossing of the proposed railway; and
 - d. The proposed Strathmore Road crossing of the proposed railway.
- o) In that regard, the term "partially active control" shall be removed from all documentation relating to the rail project, on the basis level crossing protection is either passive (ie reliant in signage) or active (whereby positive indications of an approaching train are provided to road users).
- p) The rail crossing of the Collinsville-Elphinstone Road is to be grade-separated, in accordance with Section 4.9.4 of the Project Environmental Management Plan dated October 2014.
- q) The proposed level crossings on the rail corridor at Kilcummin Diamond Downs Road and Stratford Road are to be protected using flashing lights, unless it can be demonstrated to the satisfaction of Whitsunday Regional Council that the analyses on which the relevant Worley Parsons drawings (referenced above in this report) are inappropriate and/or incorrect and that passive protection using signs only would be adequate and in compliance with the provisions of Chapter 21 of the March 2002 version of the Queensland Department of Transport and Main Roads' Road Planning and Design Manual.
- r) All work on roads under the control of Whitsunday Regional Council is to be undertaken in accordance with the requirements of the

Whitsunday Shire Council Development Manual, and if not specified in that manual, in accordance with Austroads design guidelines, particularly the following publications:

- a. Rural Road Design: A Guide to the Geometric Design of Rural Roads, and
 - b. The Guide to Road Design series.
- s) In general, roadworks are to conform to the typical road cross-sections depicted on Worley Parsons Drawing No. CRP-ADRail-RDS-CV-0001, Revision 2.
- t) The design speed of all roadworks on roads under the control of Whitsunday Regional Council is to be 110 km per hour, unless agreed otherwise in writing by Whitsunday Regional Council. This includes roadworks at and in the vicinity of level crossings.
- u) No roads are to be closed to through traffic for any significant period of time. In the case of construction works at proposed level crossings for example, appropriate side tracks are to be constructed and maintained to trafficable standard at all times.
- v) No roads under the control of Whitsunday Regional Council are to be used for the haulage of quarry materials to be used for ballast, as set out in Appendix B (under the heading "Quarries Development Volumes") of the Road Impact Assessment dated February 2015, unless authorised in writing by Whitsunday Regional Council.
- w) "Higher mass limit vehicles" are not permitted to use any road under the control of Whitsunday Regional Council, with the exception of Strathmore Road, without prior written approval from Council.
- x) Usage of unsealed roads when flooded, or subsequent to flooding, by any vehicles associated with the project will cease at the direction of Whitsunday Regional Council, and not recommence without authorisation from Whitsunday Regional Council.
- y) The intersections of the proposed haul road with Council controlled roads are to be treated as follows:
- a. The design, construction and operation of each intersection is to be in accordance with Council's written approval.
 - b. Outside working hours, access to the haul roads is to be prevented by means of locked gates.
 - c. Night time access to or crossing of Council controlled roads from the haul road is only permitted subject to the provision and operation of adequate lighting.
 - d. Access to or from or crossing of Council controlled roads by vehicles using the haul road is to be controlled at all times by traffic controllers accredited by Queensland Department of Transport and Main Roads. In the event this requirement is not observed, Whitsunday Regional Council reserves the right to employ traffic controllers itself to control those crossings and to recover the associated costs from the project proponent.
- z) All unsealed roads used for access to any part of the rail corridor, or to any associated facilities during construction, are to be

upgraded to provide a usable paved carriageway width of at least 5.5m., as recommended in the Council's Development Manual. Any features on those roads of lesser widths are to be upgraded to comply with that requirement unless lesser widths, together with any associated signage or other works such as the installation of barrier fencing, are accepted in writing by Whitsunday Regional Council.

- aa) At all locations on all unsealed roads used for access to any part of the rail corridor, or to any associated facilities during construction, where intermediate sight distance (as outlined in Section 4.2.8 of the Austroads "Unsealed Roads Manual") is not available, a usable paved carriageway width of at least 7.0 m is to be provided, including pavement widening and construction as necessary, unless lesser widths are accepted in writing by Whitsunday Regional Council.
- bb) Ongoing maintenance of all roads under the control of Whitsunday Regional Council, including necessary maintenance, periodic renewal of road signage and possible use of dust palliatives is to be the subject of an infrastructure agreement with Council, to be finalised and agreed upon prior to the commencement of construction of the rail project.
- cc) Access to Rail Construction Camp 5, as depicted on GHD drawing number 41-28122-05-0002, Revision C, is to be located and constructed in accordance with instructions from Whitsunday Regional Council.
- dd) The applicant to take responsibility for negotiating the rectification of the off-alignment, including compensation to affected property owners, subject to Council oversight.

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

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#### 12. Planning and Community Services

12.9 2016/01/27.25 20150916 - DEVELOPMENT APPLICATION FOR DEVELOPMENT PERMIT FOR MATERIAL CHANGE OF USE OF PREMISES FOR LOW IMPACT INDUSTRY (AUTO ELECTRICS WORKSHOP AND ANCILLARY SHOWROOM AND OFFICE, 8-28 GALBRAITH PARK DRIVE, CANNONVALE, CIVIL & MINING AUTO ELECTRICS

Moved by: J CLIFFORD

Seconded by: J ATKINSON

That Council approve the application for Development Permit for Material Change of Use for Low Impact Industry (Auto Electrics Workshop with Ancillary Showroom and Office), made by Civil & Mining Auto Electrics, on

Lot 16 SP177207 and located at Whitsunday Plaza/8-28 Galbraith Park 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      |
|--------------------|-------------------|-------------|------------|
| Floor Plan         | Beachtech Designs | 4303/P1     | 23/10/2015 |
| Elevations         | Beachtech Designs | 4303/P2     | 23/10/2015 |

1.2 The applicant is to comply with the Department of Infrastructure Local Government and Planning's conditions as outlined in the Department's correspondence dated 4 November 2015.

1.3 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;

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

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

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

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

**2.0 BUILDING**

2.1 Windows are not to be covered in an opaque material.

**3.0 ACCESS AND PARKING**

3.1 A maximum of two (2) car parking spaces are to be converted into loading bay spaces to service the development.

3.2 Loading bay spaces are to be marked identifying their use.

**4.0 ENVIRONMENTAL HEALTH**

4.1 Prior to the commencement of the use the applicant is to establish procedures for the maintenance and servicing of plant and equipment. Plant, equipment and tools associated component parts (including maintenance of rattling covers, worn bearings and other similar noisy maintenance issues) must be maintained and serviced such as to ensure noise emissions achieve the noise standards required by this approval. As a minimum, plant, equipment and tools

- must be maintained and serviced in accordance with the manufacturer's recommendations.
- 4.2 Noise associated with the activity must not result in noise levels, when measured at a noise sensitive place, greater than:
- Background noise + 5dB(A) from 7:00am to 6:00pm
  - Background noise + 5dB(A) from 6:00am to 10:00pm
  - Background noise + 3dB(A) from 10:00pm to 7:00am
- 4.3 In the event Council receives a noise related complaint it deems non vexatious and justified, the operator may be required to organise noise monitoring by a suitably qualified consultant/engineer. The noise consultant must liaise with and involve the complainant in the noise monitoring. The result of the noise report is to be submitted to Council within 14 days of the completion of the report. The monitoring must take into consideration:
- The level and frequency or occurrence of impulsive or tonal noise;
  - Atmospheric conditions including wind speed and direction;
  - Effects due to extraneous factors such as traffic noise; and
  - Location, date and time of recording
- 4.4 Recommendations made from the noise report must be implemented by the operator to the satisfaction of Council.
- 4.5 Spray painting is to be carried out within a booth and maintained to ensure that environmental harm or environmental nuisance is not caused.
- 4.6 Spray painting is not permitted in the open except for minor spotting and touching up operations and shall be conducted in a manner, which does not cause environmental harm or environmental nuisance.
- 4.7 All spillage of wastes, contaminants, or other materials must be cleaned up as quickly as practicable using dry methods where possible. Such spillages must not be cleaned up by hosing, sweeping or otherwise releasing such wastes, contaminants, or material to any stormwater drainage system, roadside gutter, or waters.
- 4.8 Wastewater and solid waste shall not be released to stormwater, ground water, water-bodies or onto the ground unless all practicable measures have been undertaken to prevent or minimise the release of such wastes or contaminants.
- 4.9 Wastewater or other liquid waste shall either be directed to the sewer system under the conditions of a trade waster permit, stored in a holding tank for on-site treatment and reuse or removed to an approved waste facility.
- 4.10 A collection/treatment system to the satisfaction of Council's Trade Waste shall be provided to remove contaminants resulting from the washing/degreasing of vehicles/plant/equipment.



4.11 The contaminants shall be removed from the premises in a manner which does not give rise to, or to the potential for, environmental harm or environmental nuisance.

## 5.0 MISCELLANEOUS

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

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

5.3 Any building materials, equipment and the like must be appropriately tied down, placed indoors and secured on site at the time of preparation for cyclone events. The on site supervisor is to ensure that all contractors/employees take the necessary steps to secure the construction site in the event of a cyclone.

5.4 All construction materials, waste, waste skips, machinery and contractors' vehicles must be located and stored or parked within the site. No storage of materials, parking of construction machinery or contractors' vehicles will be permitted in Shute Harbour Road, Paluma Road or adjoining land unless written permission from the owner of that land and Council is provided.

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

## 6.0 ADVISORY NOTES

### 6.1 Hours of work

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

### 6.2 Dust Control

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

### 6.3 Sedimentation Control

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

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

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

#### **6.5 General Safety of Public During Construction**

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

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

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

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

#### **MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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12. Planning and Community Services

12.10 2016/01/27.26 20150975 - REQUEST FOR COUNCIL VIEWS - TEMPORARY ROAD CLOSURE - LOT 151 ON SP261040, COVENTRY ROAD, GUTHALUNGRA

Moved by: J CLIFFORD

Seconded by: J ATKINSON

That Council advise the Department of Natural Resources and Mines that Council:

- a) does not support a road closure under the Whitsunday Regional Council Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2014 in Coventry Road; and**
- b) does not support the issue of a Permit over the Road in terms of Section 177 of the Land Act 1994 in Coventry Road;**

adjacent to Lot 151 on SP241040, Coventry Road, Guthalungra.

PROCEDURAL MOTION

Moved by: A WILLCOX

Seconded by: J ATKINSON

That the item be tabled pending further discussion at the next available briefing session.

MEETING DETAILS:

The motion was Carried 6/1

CARRIED

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### 12. Planning and Community Services

12.11 2016/01/27.27 20150984 - DEVELOPMENT PERMIT FOR RECONFIGURATION OF A LOT - ONE (1) LOT INTO TWO (2) - 10 STANILAND DRIVE, STRATHDICKIE - J & K HARKER

Moved by: D CLARK

Seconded by: J CLIFFORD

That Council approve the development application for a Development Permit for Reconfiguration of a Lot - One (1) Lot into (2) Lots, made by J S Harker & K T Harker, on Lot 8 RP738277 and located at 10 Staniland Drive, Strathdickie in accordance with 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 | 15247-PP1 rev A  | 13/10/2015 |
| Contour & Detail Survey | Vision Surveys Queensland | 15247-CD-1 rev A | 13/10/2015 |

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 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 permit on the Lot 2, a detailed effluent disposal report for proposed Lot 2 demonstrating that an on-site domestic sewerage treatment system can be established within the proposed lot in accordance with the Plumbing Code of Australia 2011 and the Queensland Plumbing and Wastewater code.

## **5.0 ACCESS AND PARKING**

5.1 The applicant must provide and maintain the existing external access from the pavement of Staniland Drive to the property boundary of proposed Lot 1 so as to comply as a minimum, with the levels, dimensions, gradients and specifications of a single sealed access as indicated on Council's Standard Drawing R0035 prior to signing the final plan of survey.

5.2 The applicant must provide and maintain the existing external access from the pavement of Strathdickie Road, through to access easement to the property boundary of proposed Lot 2 so as to comply as a minimum, with the levels, dimensions, gradients and specifications of a single sealed access as indicated on Council's Standard Drawing R0035 prior to signing the final plan of survey.

5.3 The dedication of the proposed 'New Road' adjacent to proposed Lot 1, as shown on approved plan 15247-PP1 rev A dated 13 October 2015, is not supported by Council. This area is to be incorporated within proposed Lot 1 and it is recommended a Statutory Easement or Easement in Gross be registered over this area to protect the infrastructure.

5.4 Easement documentation must be provided free of 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** 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.

**8.3** All construction materials, waste, waste skips, machinery and contractors' vehicles must be located and stored or parked within the site. No storage of materials, parking of construction machinery or contractors' vehicles will be permitted in Staniland Drive, Strathdickie Road or adjoining land unless written permission from the owner of that land and Council is provided.

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

#### **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

12.12 2016/01/27.28 20151013 - DEVELOPMENT PERMIT FOR MATERIAL CHANGE OF USE - REFRESHMENT PREMISES, 16 PALUMA ROAD, CANNONVALE - PCA ARCHITECTS

Moved by: J ATKINSON

Seconded by: J CLIFFORD

That Council approve an application for Development Permit for Material Change of Use for Refreshment Premises, made by PCA Architects, on Lot 101 SP225381 and located at 16 Paluma Road Cannonvale, 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
Site Plan	PCA Architects	B1103	undated

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;

All 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 or the commencement of the use, whichever is the sooner.

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 or commencement of the use, whichever is the sooner.

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 BUILDING

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

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

4.0 MISCELLANEOUS

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

4.2 Provision and maintenance of a refuse collection areas to the requirements of the council.

4.3 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.

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

4.5 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 onsite supervisor is to ensure that all contractors/employees take the necessary steps to secure the construction site in the event of a cyclone.

4.6 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 Paluma Road or adjoining land unless written permission from the owner of that land and council is provided.

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 The approved development is also required to comply with council's local laws from time to time and other controls. The following maybe relevant;

- environmental protection regulations 2008; and
- environmental protection policies.

5.2 Hours of work

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

5.3 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.

5.4 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**

**12.13 2016/01/27.29 20151014 - APPLICATION FOR RENEWAL OF SPECIAL LEASE 5/48909, 65 WILLIAMS STREET, BOWEN**

**Moved by: D CLARK**

**Seconded by: P RAMAGE**

**That the Department of Natural Resources and Mines be advised that Council has no objection to the renewal of Special Lease 5/48909 over Lot 4 on HR1808.**

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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12. Planning and Community Services

12.14 2016/01/27.30 REQUEST FOR BUILDING FEE WAIVER – WHITSUNDAY VOLUNTEER MARINE RESCUE

Moved by: A WILLCOX

Seconded by: J CLIFFORD

That Council waive the Building Application Fee of \$629.00 for Whitsunday Volunteer Marine Rescue (VMR) for the erection of a storage shed.

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

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**12. Planning and Community Services**

**12.15 2016/01/27.31 WHITSUNDAY FILM MUSICAL & THEATRICAL SOCIETY FEE WAIVER REQUEST**

**Moved by: J CLIFFORD**

**Seconded by: D CLARK**

**That Council waive the application fee for a Minor Event of \$255.00 in support of the Whitsunday Film Musical & Theatrical Society request to utilise the Shute Harbour carpark facility for abseiling activities on 20 January 2016.**

**MEETING DETAILS:**



The motion was Carried 7/0

**CARRIED**

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12. Planning and Community Services

**12.16 2016/01/27.32 CANNONVALE CANNONS SWIMMING CLUB
REQUEST FOR SUPPORT OF EVENT**

Moved by: J CLIFFORD

Seconded by: P RAMAGE

That Council note the donation of \$200.00 to the Cannonvale Cannons Swimming Club in support of their hosting of their Annual Sprint Carnival to be held from 22 to 24 January 2016.

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

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**12. Planning and Community Services**

**12.17 2016/01/27.33 NORTH QUEENSLAND BULK PORTS  
CORPORATION SUBMISSION**

**Moved by: J CLIFFORD**

**Seconded by: A WILLCOX**

**That Council note the Master Planning of the Port of Abbot Point submission made by North Queensland Bulk Ports Corporation to the Department of State Development.**

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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12. Planning and Community Services

**12.18 2016/01/27.34 SUBMISSION - SUPPORTING INSTRUMENTS
- THE PLANNING BILL**

Moved by: J CLIFFORD

Seconded by: J COLLINS

That Council:

- a) Endorse the submission made on 18 January, 2016 to the Infrastructure, Planning and Natural Resources Committee against the Planning Bill 2015; and
- b) Provide a submission to the Infrastructure, Planning and Natural Resources Committee against the Draft Development Assessment Rules.

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

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**13. Engineering Services**

**13.1 2016/01/27.35 WILSON BEACH ROCK WALL UPDATE**

**Moved by: J ATKINSON**

**Seconded by: J CLIFFORD**

**That Council:**

- a) Receive the update on the restoration of the Wilson Beach rock wall; and
- b) Engage a coastal engineer to develop suitable engineering plans for the reconstruction of the Wilson Beach rock wall.

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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13. Engineering Services

13.2 2016/01/27.36 LOGAN'S ADVENTURE PLAYGROUND UPDATE

Moved by: J CLIFFORD

Seconded by: A WILLCOX

That Council receive the minutes from the Logan's Adventure Playground Project Committee meeting held on the 10th of December 2015.

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

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**15. General Business**

**15.1 2016/01/27.37 PROPOSED WATERPARK AT AIRLIE BEACH**

**Moved by: A WILLCOX**

**Seconded by: J CLIFFORD**

**That the Acting Chief Executive Officer provide a verbal update to the meeting today on the proposed waterpark at Airlie Beach.**

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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15. General Business

15.2 2016/01/27.38 SECURITY CAMERAS AT YASSO POINT

Moved by: A WILLCOX

Seconded by: J CLIFFORD

That Council instructs the Acting Chief Executive Officer to investigate the placement of security cameras at Yasso Point and to expedite the installation of the lighting that is currently in the budget.

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

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**15. General Business**

**15.3 2016/01/27.39 WATER USAGE CHARGES ASSESSMENT  
1103484**

**Moved by: J COLLINS**

**Seconded by: J CLIFFORD**

**That the Acting Chief Executive Officer bring back a report to Council in regards to the water usage charges on Assessment number 1103484.**

**MEETING DETAILS:**

The motion was Carried 6/1

**CARRIED**

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16. Procedural Motion

16.1 2016/01/27.40 PROCEDURAL MOTION - ADJOURNMENT

Moved by: J CLIFFORD

Seconded by: J COLLINS

That the meeting be adjourned for the purpose of morning tea at 10.32am.

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

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**16. Procedural Motion**

**16.2 2016/01/27.41 PROCEDURAL MOTION - RECONVENE**

**Moved by: A WILLCOX**

**Seconded by: D CLARK**

**That the meeting be reconvened from morning tea at 10.53am.**

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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16. Procedural Motion

16.3 2016/01/27.42 PROCEDURAL MOTION - CLOSURE OF MEETING

Moved by: A WILLCOX

Seconded by: D CLARK

That Council close the meeting to the public at 10.53am in accordance with Section 275 of the Local Government Regulations 2012, for the purpose of discussing employee or industrial matters, budget, rating concessions, contractual matters, legal proceedings, planning matters or other business likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.

- **Item 14.1.1 – Traineeships**

Section 275 (1)(a) the appointment, dismissal or discipline of employees

- **Item 14.1.2 – Tender for Cleaning of Herbert Street, Bowen**

Section 275 (1)(b) industrial matters affecting employees

- **Item 14.1.3 – Business Activities Report – December 2015**
Section 275 (1)(c) the local government's budget
- **Item 14.1.4 – Waterson Way Land Sale**
Section 275 (1)(e) contracts proposed to be made by it
- **Item 14.1.5 – Whitsunday Marketing & Development**
Section 275 (1)(h) other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage
- **Item 14.2.1 – Cruise Whitsunday Island Workers Fee**
Section 275 (1)(d) rating concession
- **Item 14.2.2 – Concealed Water Leakage Concession – 21 Eshelby Drive, Cannonvale**
Section 275 (1)(d) rating concession
- **Item 14.2.3 – Rates and Sundry Debtors – December 2015**
Section 275 (1)(c) the local government's budget
- **Item 14.2.4 – Hardship Application – Assessment 1105882**
Section 275 (1)(d) rating concession
- **Item 14.3.1 – 20130972 – Planning & Environment Court Appeal No. 175 of 2015 – Morris Corporation (Aust) PTY LTD vs Whitsunday Regional Council**
Section 275 (1)(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.
- **Item 14.4.1 – Proserpine Sewage Treatment Plant Augmentation Procurement**
Section 275 (1)(e) contracts proposed to be made by it
- **Item 14.4.2 – Award of contract for sludge dewatering system Bowen sewage treatment plant**
Section 275 (1)(e) contracts proposed to be made by it

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

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***Mayor Whitney declared the following:***

***Item 14.1.4 – Waterson Way Land Sale - a perceived conflict of interest (as per section 173 of the Local Government Act 2009) and left the meeting room at 11.12am taking no part in the debate or decision of the meeting.***

***Item 14.1.5 – Whitsunday Marketing & Development - a conflict of interest (as per section 173 of the Local Government Act 2009) on the matter of being a Board Member of WMDL and left the meeting room at 11.12am taking no part***

*in the debate or decision of the meeting; Deputy Mayor Willcox chaired the meeting in her absence.*

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16. Procedural Motion

16.4 2016/01/27.43 PROCEDURAL MOTION - ADJOURNMENT

Moved by: J CLIFFORD

Seconded by: J ATKINSON

That the meeting be adjourned for the purpose of lunch at 12.25pm.

MEETING DETAILS:

The motion was Carried 6/0

CARRIED

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16. Procedural Motion

16.5 2016/01/27.44 PROCEDURAL MOTION - RECONVENE

Moved by: J CLIFFORD

Seconded by: J ATKINSON

That the meeting reconvene from lunch at 12.50pm.

**MEETING DETAILS:**

The motion was Carried 6/0

**CARRIED**

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Mayor Whitney returned to the meeting room at 1.56pm for Item 14.1.5 – Whitsunday Marketing & Development Ltd. in the capacity as a WMDL Board Member to provide further information on the item; Mayor Whitney left the meeting room at 2.17pm

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*Mayor Whitney returned to the meeting room at 2.21pm.*

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16. Procedural Motion

16.6 2016/01/27.45 PROCEDURAL MOTION - REOPEN OF MEETING

Moved by: J CLIFFORD

Seconded by: J COLLINS

That Council reopen the meeting to the general public at 2.32pm.

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 2016/01/27.46 TRAINEESHIPS 2016**

**Moved by: J CLIFFORD**

**Seconded by: A WILLCOX**

**That Council:**

**a) approves the addition of 7 traineeships (for a 12 month period) into the organisational structure to commence by May 2016; and**

**b) approves as part of the 2015-16 budget review an additional \$259,000 for the funding of the traineeship positions.**

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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14.1 Confidential Matters – Office of the Mayor & CEO

14.1.2 2016/01/27.47 TENDER FOR CLEANING OF HERBERT STREET, BOWEN

Moved by: D CLARK

Seconded by: J CLIFFORD

That Council receive the report for the cleaning tender of Herbert Street in Bowen.

Furthermore that the works be conducted as soon as possible.

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

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14.1 Confidential Matters – Office of the Mayor & CEO  
14.1.3 2016/01/27.48 BUSINESS ACTIVITIES REPORT –  
DECEMBER 2015

Moved by: J COLLINS

Seconded by: P RAMAGE

That Council receive the Business Activities for the month of December 2015.

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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14.1 Confidential Matters – Office of the Mayor & CEO
14.1.4 2016/01/27.49 WATERSON WAY LAND SALE

Moved by: J CLIFFORD

Seconded by: J COLLINS

That Council instructs McCullough Robertson to write to the Purchaser's lawyer on a without prejudice basis asking the Purchaser to settle by 4pm Wednesday 03 February 2016 strictly in accordance with the terms of the contract by providing the balance settlement moneys and the unconditional bank guarantee in the amount of \$1,000,000.00 lump sum to Council.

If the full terms of the contract are not fulfilled by the specified date, McCullough Robertson will proceed with termination of the contract, forfeiting the deposit and reserving all other rights.

Some Councillors will be available to meet the investor as requested, on a without prejudice basis prior to the date specified however, such meeting will not alter the contract.

MEETING DETAILS:

Mayor Whitney declared a perceived conflict of interest (as per section 173 of the Local Government Act 2009) and left the meeting room at 2.35pm taking no part in the debate or decision of the meeting.

The motion was Carried 4/2

Call for Division

For	Against
Cr Clifford	Cr Clark
Cr Atkinson	Cr Ramage
Cr Collins	

Cr Willcox

CARRIED

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- 14.1 Confidential Matters – Office of the Mayor & CEO  
14.1.5 2016/01/27.50 WHITSUNDAY MARKETING &  
DEVELOPMENT LTD

Moved by: J CLIFFORD

Seconded by: J ATKINSON

That the item be tabled pending further information that provides sufficient detail for Council to make an informed decision.

**MEETING DETAILS:**

Mayor Whitney declared a conflict of interest (as per section 173 of the Local Government Act 2009) on the matter of being a Board Member of WMDL and left the meeting room at 2.35pm taking no part in the debate or decision of the meeting; Deputy Mayor Willcox chaired the meeting in her absence.

The motion was Carried 6/0

CARRIED

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Mayor Whitney returned to the Meeting Room at 2.43pm

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- 14.2 Confidential Matters – Corporate Services  
14.2.1 2016/01/27.51 CRUISE WHITSUNDAY ISLAND WORKERS  
FEE

Moved by: J CLIFFORD

Seconded by: P RAMAGE

That Council endorse the actions of the Acting Chief Executive Officer in waiving the Infrastructure Levy for Island Resort Staff (\$1.00 per staff member), as introduced in the 2015/16 Fees and Charges, for the month of December of 2015.

**MEETING DETAILS:**

The motion was Carried 6/1

CARRIED

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14.2 Confidential Matters – Corporate Services

14.2.2 2016/01/27.52 CONCEALED WATER LEAKAGE CONCESSION - 21 ESHELBY DRIVE, CANNONVALE

Moved by: J CLIFFORD

Seconded by: J ATKINSON

That Council approve a concealed leak concession to the total value of \$1642.34 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**

**14.2.3 2016/01/27.53 RATES AND SUNDRY DEBTORS - DECEMBER 2015**

**Moved by: A WILLCOX**

**Seconded by: J CLIFFORD**

**That Council receive the report showing the actions taken to collect outstanding debtors and rates for the month of December 2015.**

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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14.2 Confidential Matters – Corporate Services

14.2.4 2016/01/27.54 HARSHIP APPLICATION - ASSESSMENT 1105882

Moved by: J ATKINSON

Seconded by: J COLLINS

That Council:

- a) **Removes Assessment 1105882 from the current sale of land for arrears of rates (resolved at Council's meeting of 11th November, 2015) on the condition that the ratepayer agrees to the following payment arrangement, otherwise the sale of land is to continue; and**

- b) Approves a concession to rate assessment 1105882 to defer the payment of outstanding rates and charges for 12 months with the following conditions:
- i. Monthly payments of \$500.00;
 - ii. No interest to accrue during the period of the arrangement due to financial hardship;
 - iii. Failure to make payment, customer to rectify within 7 days;
 - iv. Two consecutive failures to make payment, arrangement terminated and Council officers to reinstate the property to sell for arrears of rates;
 - v. Customer can renegotiate arrangement with Council approval; and
 - vi. Full payment of rates and charges outstanding by the end of the payment arrangement.

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

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

**14.3.1 2016/01/27.55 20130972 - PLANNING AND ENVIRONMENT COURT APPEAL NO. 175 OF 2015 - MORRIS CORPORATION (AUST) PTY LTD VS WHITSUNDAY REGIONAL COUNCIL**

**Moved by: J COLLINS**

**Seconded by: J CLIFFORD**

**That Council:**

**a) Support the following conditions for the Planning and Environment Court Appeal No. 175 of 2015:**

**(i) Amend condition 2.1 to:**

**2.1 *The applicant must obtain and maintain a Food Licence for the premises prior to the commencement of the use.***

**(ii) Delete Condition 2.2; and**

**(iii) Amend condition 12.1 to:**

**12.1 *The development results in increased demand on Council's existing parks and community facilities, road network, water supply and storm water which are not designed to accommodate the expected loads. The applicant must make a monetary payment prior to the commencement of use at a rate of \$5,500 per unit calculating a total current rate of \$561,000.00; and***

- b) Authorises the Chief Executive Officer to instruct the Council's Solicitors to prepare a Consent Order to settle the Planning and Environment Court Appeal No. 175 of 2015 in relation to the aforementioned conditions under Appeal.

**MEETING DETAILS:**

The motion was Carried 5/2

**CARRIED**

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- 14.4 Confidential Matters – Engineering Services
14.4.1 2016/01/27.56 PROSERPINE SEWAGE TREATMENT PLANT AUGMENTATION PROCUREMENT

Moved by: J CLIFFORD

Seconded by: P RAMAGE

That Council:

- a) Adopt the Tender Consideration Plan for the Proserpine Sewage Treatment Plant (PSTP) Stage 2 upgrade; and
b) Delegates authority to the Acting Chief Executive Officer to negotiate if possible the best price, terms and conditions to deliver the PSTP upgrade stage 2, and in April 2016, to report to Council its recommendations regarding any contract.

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

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- 14.4 Confidential Matters – Engineering Services  
14.4.2 2016/01/27.57 AWARD OF CONTRACT FOR SLUDGE DEWATERING SYSTEM BOWEN SEWAGE TREATMENT PLANT

Moved by: J CLIFFORD

Seconded by: D CLARK

That the report on awarding the contract for sludge dewatering system Bowen sewage treatment plant be tabled to the next Council meeting on 10 February 2016.

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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The meeting closed at 2.46pm

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Confirmed as a true and correct recording this 10 February, 2016

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**Cr Jennifer Whitney  
MAYOR**