



Minutes of the Ordinary Meeting held on 09 March 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
Proserpine Council Chambers, 83-85 Main Street, Proserpine on
09 March 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); 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 Support Officer)

Other Details:

The meeting commenced at 9.00am

The meeting closed at 10.20am

Whitsunday Regional Council
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2. Condolences

2.1 2016/03/09.01 CONDOLENCES

Moved by: J CLIFFORD

Seconded by: A WILLCOX

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

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

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**3.2 Mayoral Update**

**04 March 2016**

*Official Opening of the Whisper Bay Breakwater & Boat Ramp, Cannonvale*  
Official Opening conducted by Mayor Jennifer Whitney & Julianne Gilbert MP Mackay

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4. Confirmation of Minutes

4.1 2016/03/09.02 CONFIRMATION OF MINUTES

Moved by: J COLLINS

Seconded by: J CLIFFORD

That the Minutes of the Ordinary Meeting held on 24 February 2016 be confirmed.

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

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7. Notice of Motion

7.1 2016/03/09.03 NOTICE OF REPEAL - 20160058 - PROPOSED ROAD OPENING - CONTINUATION OF WOODHOUSE ROAD THROUGH LOT 557 ON SP240434 TO LOT 74 ON H124102, WOODHOUSE ROAD, BOWEN

Moved by: J WHITNEY

Seconded by: J CLIFFORD

That minute number 2016/02/24.25 from the Ordinary Council Meeting held on 24 February 2016:

*That Council advise the Department of Natural Resources and Mines that Council's preference is for an easement to be provided to benefit Lot 74 H124102, however, should the Department approve the proposed Road Opening over Lot 557 on SP240434 to give access to Lot 74 on H124102, this approval should be conditional upon:*

- a) The new road reserve being a minimum of 20 metres as required by D1.28, Table D1.4 – Rural Road Elements in the Whitsunday Shire Development Manual; and*
- b) The track is to be upgraded prior to registration of the Survey Plan to a Rural Road Standard as outlined in D1.28, Table D1.4 – Rural Road Elements in the Whitsunday Shire Development Manual; and*
- c) When the quarterly budget review is conducted, that the funds within the surplus be used for this project.*

be repealed.

**MEETING DETAILS:**

The motion was Carried 4/3

**Call for Division**

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

**CARRIED**

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7. Notice of Motion

7.2 2016/03/09.04 NOTICE OF MOTION - 20160058 - PROPOSED ROAD OPENING - CONTINUATION OF WOODHOUSE ROAD THROUGH LOT 557 ON SP240434 TO LOT 74 ON H124102, WOODHOUSE ROAD, BOWEN

Moved by: J WHITNEY

Seconded by: J CLIFFORD

That Council obtain full costings to be presented to the next meeting of Council on:

- a) Application fees for the creation of the easement;**
- b) Construction costs for the road to the Council's standards; and**
- c) Budget from where this could be funded and impact on existing projects.**

MEETING DETAILS:

The motion was Carried 4/3

CARRIED

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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



**Name** Toni Robinson-Randall

**Question**

As a rural resident of the Whitsunday Regional Area, I don't get any water supplied to me. Yet when I get my Rates I have to pay a Water Levy or Subsidy. I would like to ask Council why is this the case.

Does everyone throughout the shire in residential areas pay the same rate for their water, regardless of the distance that they are from the water source?

I would also ask Council – how much do the Council Coffers benefit from the Water Charges and supply the costings.

As this is a contentious issue I would like an answer given to the Guardian or Whitsunday Times (same editor so it doesn't really matter) in the form of a Press Release. So that it can be printed for everyone to see.

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

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Responses to Public Questions – 24 February 2016 Ordinary Council Meeting

Name Chris Lane
Proserpine Junior Sporting Complex

Subject Lease agreement with Proserpine Junior Sporting Complex

Question was read by the Acting Chief Executive Officer on behalf of Mr. Lane

The lease agreement that we had with the council has expired several years ago and we have been operating out of lease since. I was told over 12 months ago that the council staff were working on new lease agreements for facilities like ours. As yet we still do not have a lease agreement.

Not having a lease greatly restricts our ability to apply for grants to continue upgrading the facility. We are planning to apply for the "Get Playing" funding provided by the Department of Sport and Recreation. They will not look at an application that does not have a copy of a lease agreement. We intend to ask for \$100,000.00 to install lights to allow night time games.

I understand that there is the elections coming up. These elections should not stop the council staff from continuing on with the process and getting a lease agreement completed. An interim agreement would be adequate if staff feel that they are not able to complete this in the near future.

Please present this at the next council meeting.

Response read out by the Acting Chief Executive Officer

Thank you for your question from the Public Gallery at Council's Ordinary Meeting on Wednesday, 24 February 2016. I can advise that the new lease agreement was forwarded to you by Council's Regional Sports and Recreation Officer on Wednesday, 24 February 2016. I acknowledge that the preparation of a new lease has been a lengthy process, and I thank you for your patience and cooperation throughout this process.

On behalf of Council, I would like to wish you well in your upcoming grant bid through the Get Playing Places and Spaces Program, administered by the Department of National Parks, Sport and Racing. Should you have any further enquiries regarding this matter, please do not hesitate to contact Council's Regional Sports and Recreation Officer.

Responses to Public Questions – 10 February 2016 Ordinary Council Meeting

Name: Ross Newell
Whitsunday Regional Residents Association Inc.

Question:

Question was read by the Acting Chief Executive Officer on behalf of Ross Newell.

Dear Sir,

The Whitsunday Regional Council prides itself on its claims of being open and transparent, and as such should not have problems answering:

Apart from 2 years of staff wages and Councillors' time, what costs has the Council incurred in this failed sale (eg, advertising legals etc.) and future estimated costs.

Response read out by the Acting Chief Executive Officer

Thank you for your question from the Public Gallery at Council's Ordinary Meeting on Wednesday, 10 February 2016. I can advise that the costs incurred by Whitsunday Regional Council in the sale of 41 - 75 Waterson Way, Airlie Beach, was \$309,922.27, and these costs were budgeted for. As requested, this figure includes advertising, marketing, legal and professional services expenditure, and excludes costs associated with Council staff working on this matter. At this stage, it is not expected that Council will incur any further costs in relation to the finalisation of this matter.

As always, should you have any further questions regarding this matter, please do not hesitate to contact Council's Chief Financial Officer.

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

**10.1 2016/03/09.05 ADVISORY - GREAT AUSTRALIAN BITES AIRLIE BEACH**

**Moved by: J CLIFFORD**

**Seconded by: A WILLCOX**

**That Council receive the correspondence from Anastacia Palaszczuk MP, Premier of Queensland thanking Council for their support and contribution to the 2016 Great Australian Bites held in Airlie Beach on Sunday, 24 January 2016.**

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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10. Office of the Mayor & CEO

10.2 2016/03/09.06 2016 NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT - CALL FOR MOTIONS

Moved by: J COLLINS

Seconded by: J CLIFFORD

That Council:

- a) Receive the correspondence from the Australian Local Government Association calling for motions for the National General Assembly of Local Government being held on 19-22 June 2016 in Canberra; and**
- b) That any motions for submission be provided to the Acting Chief Executive Officer before the 22 April 2016 to submit to the Australian Local Government Association.**

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

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10. Office of the Mayor & CEO

10.3 2016/03/09.07 NATIONAL STRONGER REGIONS FUND ROUND 3  
APPLICATION - WHITSUNDAY COAST AIRPORT

Moved by: J WHITNEY

Seconded by: J ATKINSON

That Council:

- (a) Authorise the Acting Chief Executive Officer to submit an application for funding from the National Stronger Regions Fund in partnership with Whitsunday Coast Airport and Infrastructure Pty Ltd being a project which encapsulates terminal works required to make the Whitsunday Coast Airport suitable for the processing of international passengers and to allow for the upgrade and overlay of the airstrip and upgrade to the apron parking; and
- (b) Refer the matching funding required for the project to Whitsunday Coast Airport and Infrastructure Pty Ltd.

**MEETING DETAILS:**

The motion was Carried 7/0

CARRIED

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12. Planning and Community Services

12.1 2016/03/09.08 DA08479 - REQUEST FOR EXTENSION OF
RELEVANT PERIOD - DEVELOPMENT PERMIT FOR
RECONFIGURATION OF A LOT - TWO (2) LOTS INTO
FOUR (4) LOTS, 6-8 TOLLINGTON ROAD AND 87
SOLDIERS ROAD, BOWEN - M GAUDRY

Moved by: P RAMAGE

Seconded by: J CLIFFORD

That Council approve the request for an extension of relevant period of the Development Permit for Reconfiguration of a Lot - Two (2) Lots into Four (4) Lots lodged by WSG Whitsunday Surveys on behalf of M F Gaudry & T R Gaudry on land described as Lot 27 RP705714, Lot 28 RP705714, Lot 4 RP734372, 6-8 Tollington Road, Queens Beach and 87 Soldiers Road, Bowen for twelve (12) months to 17 February 2017.

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

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12. Planning and Community Services

- 12.2 2016/03/09.09 20141011 - REQUEST TO PURCHASE OR REALLOCATION OF RESERVATION IN TITLE FOR PUBLIC PURPOSES (ROAD) - LOT 298 ON RP846453 - PATULLO ROAD, GREGORY RIVER

Moved by: J CLIFFORD

Seconded by: P RAMAGE

That Council advise WSG Whitsunday Surveys that Council has no objection to the purchase or reallocation of a Reservation in Title for Public Purposes (Road) – Lot 298 on RP846453 – Patullo Road, Gregory River.

**MEETING DETAILS:**

The motion was Carried 7/0

CARRIED

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12. Planning and Community Services

- 12.3 2016/03/09.10 20150848 - DEVELOPMENT APPLICATION FOR DEVELOPMENT PERMIT FOR MATERIAL CHANGE OF USE - RETIREMENT VILLAGE EXTENSIONS (MURROONA GARDENS AGED CARE FACILITY), ARGYLE PARK ROAD, BOWEN, PAYNTER DIXON

Moved by: D CLARK

Seconded by: P RAMAGE

That Council approve the application for Development Permit for a Material Change of Use - Retirement Village Extensions (Murroona Gardens Aged Care Facility), made by Paynter Dixon Qld Pty Ltd, on Lot 51 RP851396 and located at Argyle Park Road Bowen, subject to the following conditions:

1.0 ADMINISTRATION

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

Plan/Document Name	Prepared By	Plan Number	Dated
Ground Floor Plan	Paynter Dixon	MGBA0103_SK A102_F	05/11/2015
Wattle + Banksia Wing Refurbishment	Paynter Dixon	MGBA0103_SK A105_F	05/11/2015
Site Plan	Paynter Dixon	MGBA0103_SK A101_G	15/09/2015
New RAC Level	Paynter Dixon	MGBA0103_SK	15/09/2015
Elevations	Paynter Dixon	MGBA0103_SK A104_D	15/09/2015
Total Site Plan	Paynter Dixon	MGBA0103_SK A106_C	15/09/2015

Landscape Plan	Dunn & Moran	1504800 DA-01 Issue C	14/09/2015
Landscape Sections	Dunn & Moran	0504800 DA-02 Issue C	14/09/2015
Indicative Planting & Materials Palette	Dunn & Moran	1504800 DA-03 Issue 3	14/09/2015
Concept Stormwater Management Report	AECOM	60438674	04/09/2015
Hydraulic Services Network Analysis Report	Australian Plumbing Gas & Solar and Gilboy Hydraulic Solutions	152755	08/09/2015
Network Analysis Report – Electrical Services	Ashburner Francis Consulting Engineers Pty Ltd	15-5-272	08/09/2015
Concept Stormwater Management Report – Internal Access Roads – Concept Design	AECOM	N/A	27/01/2016
Internal Access Roads – Layout Plan	AECOM	SK-60438674-001	15/01/2016
Internal Access Roads – Main Access Sheet 1 of 2	AECOM	SK-60438674-002	15/01/2016
Internal Access Roads – Main Access Sheet 2 of 2	AECOM	SK-60438674-003	15/01/2016
Internal Access Roads – Cul De Sac	AECOM	SK-60438674-004	15/01/2016
Internal Access Roads – Main Parking Lot Access	AECOM	SK-60438674-005	15/01/2016
Internal Access Roads – West Connector	AECOM	SK-60438674-006	15/01/2016
Internal Access Roads – Main Parking Lot	AECOM	SK-60438674-007	15/01/2016
Internal Access Roads – Cross Sections	AECOM	SK-60438674-008	15/01/2016

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

- Plumbing and Drainage Works; and
- Building Works;

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

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

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

- 1.5 The applicant shall demonstrate and provide evidence that compliance with all conditions of this development approval and any other subsequent development approvals as a result of this development approval have been complied with at the time of commencement of the use.
- 1.6 A pre-start meeting must be arranged and held, in accordance with Section CP1.09 of Council's Whitsunday Regional Council Development Manual, prior to commencement of any works, including clearing of any vegetation on the site.
- 2.0 CLEARING, LANDSCAPING AND FENCING**
- 2.1 Any vegetation removed must be disposed of to the requirements of the Council. Transplanting, chipping or removal from site are the preferred solutions.
- 2.2 All vegetative waste cleared as part of the development of the site is to be either:
a) stored neatly on site and shredded within sixty (60) days of clearing; or
b) removed off the site to an approved disposal location.
- 2.3 Prior to the commencement of the use, landscaping must be provided in accordance with the approved landscaping plans.
- 3.0 LIGHTING**
- 3.1 Lighting along, all internal access driveways and parking areas, is to be directed downwards so as to minimise any adverse effects of glare or direct light nuisance on all surrounding allotments, including allotments within, but must achieve a minimum level of illumination consistent with the safety of pedestrians and vehicles.
- 4.0 BUILDING**
- 4.1 Ventilation and mechanical plant must be located and designed so that prevailing breezes do not direct undesirable noise and odours towards nearby residential accommodation.
- 4.2 All air-conditioning units are not to be visible from the street or adjoining properties and are to be aesthetically screened.
- 4.3 Building and landscaping materials are not to be highly reflective, or likely to create glare, or slippery or otherwise hazardous conditions.
- 4.4 Buildings are to be finished with external building materials and colours to reduce scale and bulk.
- 5.0 EARTHWORKS**
- 5.1 Prior to the commencement of any works on site, the applicant must submit to Council for approval, engineering design drawings detailing proposed fill levels on the site. All filling is to be placed, trimmed and compacted as a minimum to standards identified in AS 3789. Compaction test results are to be submitted to Council for its records.
- 5.2 No fill will be permitted to be placed outside of the proposed building footprint. Existing contours of the site are to remain unchanged.
- 6.0 ACCESS AND PARKING**
- 6.1 The applicant is to provide and maintain fifty-one (51) car parking spaces onsite prior to commencement of the use.
- 6.2 All internal accesses, driveways, circulation roads, aisles, parking bays and manoeuvring areas are to be provided generally as indicated on AECOM Concept Plans SK-60438674-01 REV 3 to SK-60438674-08 REV 3 and must be designed to comply with the Carriageway Widths and Traffic Generation criteria as detailed on Table D1.1 Street and Road Hierarchy of Councils Development Manual and constructed so as to comply with the criteria described in Councils Development Manual, AS2890 and AS1428.
- 6.3 Prior to any work commencing on site engineering design drawings (Access and Onsite Parking), demonstrating compliance with Council's Bowen Planning Scheme and Councils Development Manual (current at the time of development), Australian Standard AS2890, AS1428 and this Decision Notice must be submitted to Council for review and approval.

6.4 At completion of construction and prior to commencement of the use, the Supervising Engineer shall provide certification that all internal accesses, driveways, circulation roads, aisles, parking bays and manoeuvring areas and works constructed on site comply with Council's Development Manual and this Decision Notice of Approval.

7.0 STORMWATER AND FLOODING

7.1 All stormwater drainage works must be designed and constructed in accordance with the Queensland Urban Drainage Manual current at the time of development and Council's Development Manual (or equivalent replacement document current at the time of development).

7.2 Prior to any work commencing on site engineering design drawings (Stormwater Drainage), including calculations and certifications of the design, demonstrating compliance with Queensland Urban Drainage Manual (current at the time of development), Council's Development Manual (current at the time of development) and this Decision Notice must be submitted to Council for review and approval.

7.3 All site works must be undertaken to ensure that there is no increase in flood levels and/or flood frequency at any locations where adjoining landowners and/or users are adversely affected by flooding for all events up to and including Q100.

7.4 Prior to commencement of use on the site, the applicant must lodge with Council, a civil engineer's design and construction certification (by an experienced and qualified engineer). The certification must be addressed to Council and must certify that the roof and allotment and stormwater drainage works have been constructed in accordance with the requirements of Queensland Urban Drainage Manual current at the time of development, Council's Development Manual (current at the time of development) and this Decision Notice and will not cause adverse effects to adjoining or downstream properties or infrastructure.

8.0 ENVIRONMENTAL MANAGEMENT PLAN (EMP)

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

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

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

8.4 Discharges of water pollutants, wastewater or stormwater from the site must not cause measurable levels of water pollutants in the receiving waters to fall outside the acceptable ranges specified in the 'Australian Water Quality Guidelines for Fresh and Marine Waters', ANZECC 2000.

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

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

9.0 **MISCELLANEOUS**

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

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

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

9.4 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 Wests Lane, Argyle Park Road or adjoining land unless written permission from the owner of that land and Council is provided.

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

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

9.7 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.

10.0 **ADVISORY NOTES**

10.1 **Hours of work**

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

10.2 **Dust Control**

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

10.3 **Sedimentation Control**

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

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

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

10.5 **General Safety of Public During Construction**

It is the project manager's responsibility to ensure compliance with the Work Health and Safety Act 2011. It states that the project manager is obliged to ensure construction work is planned and managed in a way that prevents or

minimises risks to the health and safety of members of the public at or near the workplace during construction work.

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

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

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

Furthermore, that Council waive any infrastructure charges for this application.

MEETING DETAILS:

Cr Willcox declared a Material Personal Interest (as per section 172 of the Local Government Act 2009) on the matter of a sibling being on the board of Murroona Gardens and left the meeting room at 9.19am taking no part in the debate or decision of the meeting.

The motion was Carried 6/0

CARRIED

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*Cr Willcox returned to the Meeting Room at 9.21am.*

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12. Planning and Community Services

- 12.4 2016/03/09.11 20150923 - DEVELOPMENT APPLICATION FOR DEVELOPMENT PERMIT FOR STAGED RECONFIGURATION OF A LOT - TWO (2) LOTS INTO TWENTY TWO (22) LOTS, ONE (1) ENVIRONMENTAL LOT AND ASSOCIATED COMMON PROPERTY - CANEHERD - LANGFORD ROAD, FLAMETREE

Moved by: J CLIFFORD

Seconded by: J ATKINSON

That Council approve the application for a Staged Development Permit for Reconfiguring a Lot — Two (2) Lots into Twenty Two (22) Lots, One (1) Environmental Lot and associated Common Property, lodged by RPS Australia East Pty Ltd on behalf of Caneherd Pty Ltd over Lots 150 on HR1308 and Lot 300 on HR1583, Langford Road, Flametree subject to the following conditions:

1.0 ADMINISTRATION

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

Plan/Document Name	Prepared By	Plan Number	Dated
Proposal Plan	RPS	129278-1-PD-01 Rev E	11/12/2015
Planning Report	RPS	N/A	01/10/2015
Engineering Report	Trevor Glasson Consulting Services	Rev B	23/10/2015
Revegetation Plan	WRC	Figure 1	22/01/2016
Staging Plans	RPS	129278-1-PD-07 - 09-Rev A	21/01/2016

1.2 The applicant is to comply with the State Assessment and Referral Agency Conditions as outlined in the Department's correspondence dated 27 January 2016.

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

Stage 1

- Operational Works:
 - Earthworks and retaining walls;
 - Roadworks;
 - Access and Parking
 - Stormwater drainage; and
 - Water Infrastructure;
 - Sewerage Infrastructure.
- Plumbing and Drainage Works;
- Building Works;
- Material Change of Use for each dwelling to be constructed; and/or
- Reconfiguration of a Lot (in relation to future stages).

Stage 2

- Operational Works:
 - Earthworks and retaining walls;
 - Roadworks;
 - Access and Parking
 - Stormwater drainage; and
 - Water Infrastructure;
 - Sewerage Infrastructure.
 - Landscaping
- Plumbing and Drainage Works;
- Building Works;
- Material Change of Use; and/or
- Reconfiguration of a Lot (in relation to future stages).

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

1.4 Transfer of Proposed Lot 901

The applicant shall transfer proposed lot 901 to Council as freehold land free from any encumbrances simultaneously with the lodgement of the plan of Survey Plan for Stage 2. The applicant shall be responsible for preparing the necessary stamped, signed Form 1 Transfer of Land and Form 24 – Property Information at no cost to Council, and shall be required to attend to the

Registration of the Transfer with the Department of Environment and Resource Management simultaneously with the plan of survey.

Prior to Council accepting the transfer of Land and sealing the Survey Plan, the applicant shall:

- Construct foreshore and wetland revegetation works including:
 - Weed control and native revegetation adjacent to wetland (Refer to Appendix 5 - Figure 1. Blue Hatching)
 - Weed control adjacent to remnant vegetation (Refer to Appendix 5 Figure 1. Solid Red Polygon)
 - Restrict beach access and provide designated beach access points (Refer to Appendix 5 Figure 1. Solid Blue and Green Polygon)
 - Native revegetation of foreshore area with dune species (Refer to Appendix 5 Figure 1. Solid Brown Polygon)
- Connected Footpath (Refer to Appendix 5 Figure 1. Black Dashed Line)
- Viewing Platform & Interpretive Centre (Refer to Figure 1. Black Star)

1.5 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.

1.6 All conditions of this approval must be complied with in full to Council's satisfaction prior to the release of the survey plan.

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

1.8 The applicant shall complete the development in the following approved stages:

Stage 1

Development Application for Development Permit for Reconfiguration of a Lot - Two (2) Tourism Lots into Sixteen (16) Lots, One (1) Master Lot, One (1) Balance Lot and associated Common Property- Caneherd Pty Ltd - Langford Road, Flametree

Stage 2

Development Application for Development Permit for Reconfiguration of a Lot - One (1) Lot into Seven (7) Lots being Six (6) Master Lots and One(1) Environmental Lot - Caneherd Pty Ltd - Langford Road, Flametree.

2.0 CLEARING, LANDSCAPING AND FENCING

2.1 Stage 1

An Operational Works (Landscaping) application together with a Landscaping Concept Plan for the Stage 1 must be submitted and approved by Council prior to the commencement of work on site.

The Landscaping Concept Plan and all subsequent landscaping must, where relevant to the particular stage:

- i. must comply, where applicable, with the Department of Environment & Heritage Protection's guidelines for foreshore management and the landscaping must use local native plants to rehabilitate where appropriate;

- ii. Any infrastructure must be designed in accordance with Department of Environment & Heritage Protection's guidelines;
- iii. Be an appropriate scale relative to the size of the development;
- iv. Include plantings of mature specimens;
- v. Be suitable to the tropical climate and incorporate predominantly native species;
- vi. Incorporate shade trees in open space and communal areas;
- vii. Provide adequate diffused lighting for all pedestrian pathways and open space areas;
- viii. include best management practices in the aid of fire prevention;
- ix. retain and protect all remnant vegetation;

Stage 2

An Operational Works (Landscaping) application together with a Landscaping Concept Plan for the Stage 2 must be submitted and approved by Council prior to the commencement of work on site.

The Landscaping Concept Plan and all subsequent landscaping must, where relevant to the particular stage:

- i. Must comply, where applicable, with the Department of Environment & Heritage Protection's guidelines for foreshore management and the landscaping must use local native plants to rehabilitate where appropriate;
- ii. Any infrastructure must be designed in accordance with Department of Environment & Heritage Protection's guidelines;
- iii. Be an appropriate scale relative to the size of the development;
- iv. Include plantings of mature specimens;
- v. Be suitable to the tropical climate and incorporate predominantly native species;
- vi. Planting within the Proserpine Rock Wallaby Habitat Area of species suitable for consumption by the Proserpine Rock Wallaby;
- vii. Include an automated reticulated watering system;
- viii. Incorporate shade trees in open space and communal areas;
- ix. Provide adequate diffused lighting for all pedestrian pathways and open space areas;
- x. include best management practices in the aid of fire prevention;
- xi. retain and protect all remnant vegetation;

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

2.3 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 EARTHWORKS

3.1 Prior to commencement of any work on site an Operational Works development permit for the relevant stage must be obtained in relation to Earthworks

3.2 Any application for Operational Works (Earthworks) must be accompanied by engineering design drawings demonstrating compliance with the recommendations of the Geotechnical and Civil site report for the site. All filling is to be placed, trimmed and compacted as a minimum to standards identified in AS 3789. Compaction test results are to be submitted to Council for its records.

3.3 At completion of construction and prior to Signing of Plan of Survey for each stage, the Supervising Engineer must provide certification to Council that all construction complies with this Decision Notice and Council's Development Manual.

4.0 WATER INFRASTRUCTURE

- 4.1 A Development Permit for Operational Works (Water Infrastructure) must be obtained prior to commencement of work on site.**
- 4.2 Any application for Operational Works (Water Infrastructure) must be accompanied by engineering design drawings, and certifications of the design, demonstrating compliance with Council's Development Manual (current at the time of development) and this Decision Notice.**
- 4.3 Each dwelling within the Community Title Scheme (15 Lots in Stage 1) development must be provided with a sub-meter in accordance with The Queensland Plumbing & Waste Water Code and Council's policy for sub-metering prior to the sealing of the relevant survey plan for that stage.**
- 4.4 Prior to further development approvals for Stage 2 master lots 17, 18, 19, 20, 21 and 22 a network analysis of the existing Council water supply system must be completed to determine if further development creates the need for upgrading of Council's system.**

The network analysis must be submitted and approved by Council prior to the issue of a development permit for the site.

If the network analysis indicates a requirement for upgrading this work must be completed by the developer at their full cost. An Operational Works application must be approved by Council prior to commencement of these works.

- 4.5 All water infrastructure must be designed and constructed in accordance with Council's Whitsunday Shire Council Development Manual (or equivalent replacement document current at the time of development) prior to signing of the survey plans.**
- 4.6 Each lot must be connected to Council's water supply network prior to signing of the Survey Plans.**
- 4.7 Prior to signing of Plan of Survey, the applicant must lodge with Council a civil engineer's design and construction certification (by an experienced and qualified engineer). The certification must be addressed to Council and must certify that all Water Infrastructure works have been designed and constructed according to the conditions of this Decision Notice and Council's Development Manual.**

5.0 SEWERAGE INFRASTRUCTURE

- 5.1 The development must be connected to Council's sewerage network prior to sealing of the first survey plan.**
- 5.2 Each dwelling within the development must be connected to the sewerage network prior sealing of the first survey plan.**
- 5.3 Prior to the signing of the first survey plan the applicant is to design and construct a sewer pump station in accordance with the requirements of Council's Development Manual.**

This pump station is to be constructed on land located in Jasinique Drive identified as Lot 310SP211528 and be of sufficient capacity to service the projected maximum capacity generated on the fully developed site.

- 5.4 A Development Permit for Operational Works (Sewer Infrastructure) must be obtained prior to commencement of work on site.**
- 5.5 Any application for Operational Works (Sewer Infrastructure) must be accompanied by engineering design drawings, and certifications of the design, demonstrating compliance with Council's Development Manual (current at the time of development) and this Decision Notice.**
- 5.6 Easements must be provided over all new Council sewerage lines constructed as part of the development located on private property.**
- 5.7 Easement documentation must be provided free of cost to Council.**

- 5.8 A network analysis of the existing Council sewerage system must be completed prior to further development approvals on Stage 2's master lots 17, 18, 19, 20, 21 and 22 to determine if this development creates the need for upgrading of Councils system.
- 5.9 The network analysis must be submitted and approved by Council prior to the issue of a development permit for site plumbing and drainage works for development approvals on Stage 2's master lots 17, 18, 19, 20, 21 and 22.
- 5.10 If the network analysis indicates a requirement for upgrading (Stage 2's master lots 17, 18, 19, 20, 21 and 22) this work must be completed by the developer at their full cost. An Operational Works application must be approved by Council prior to commencement of these works.
- 5.11 All sewerage infrastructure must be designed and constructed in accordance with Council's Whitsunday Regional Council Development Manual prior to commencement of the use.
- 5.12 Prior to the signing of Plan of Survey, the applicant must lodge with Council, a civil engineer's design and construction certification (by an experienced and qualified engineer). The certification must be addressed to Council and must certify that all Sewer Infrastructure works have been designed and constructed according to the conditions of this Decision Notice and Councils Development Manual.

6.0 ACCESS AND PARKING

- 6.1 Prior to the sealing of Plan of Survey for the relevant stage, the applicant must lodge with Council, a civil engineer's design and construction certification (by an experienced and qualified engineer). The certification must be addressed to Council and must certify that External Roadworks, Internal Access, onsite parking and manoeuvring areas have been designed and constructed according to the conditions of this Decision Notice and achieves compliance with Whitsunday Planning Scheme, Councils Development Manual, AS2890 and AS1428.
- 6.2 The design of Road 1 must include an entry statement at the boundary of Langford Road and Road 1 adequate in size and mass so as to identify the end of the public road and commencement of a private estate.
- 6.3 Prior to the sealing of the Survey Plan for Stage 2, a minimum of ten (10) public car parking spaces must be provided at the northern end of Langford Road. All car parking areas must be constructed to the following standards:
 - Universal access must be provided in accordance with AS2890.1.
 - Pedestrian and vehicular areas must be appropriately delineated to ensure the safety of the site users.
- 6.4 The applicant must design construct and maintain the external access from the pavement of Private Road 1 to the property boundary of Lots 1 - 16 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 R0050 prior to signing of the survey plans. At a minimum, all road design must comply with Austroad's Guide to Road Design Part 5: Drainage and Hydrology Considerations and achieve a minimum level of 3.78 AHD.
- 6.5 The documentation for the proposed Access Easement (to Lot 16 over Stage 1 Common Property) must include statements with regard to ownership and responsibility for future construction and ongoing maintenance requirements of the access within the Easement.
- 6.6 The applicant shall demonstrate the final road location, location of built infrastructure and all services prior to the sealing of the first survey plan.
- 6.7 A road network analysis must be completed prior to further development approvals of Stage 2 master lots 17, 18, 19, 20, 21 & 22 to determine if development of these lots creates the need for upgrading of the road network

(namely Langford Road, Jasinque Drive and the intersection of Jasinque Drive and Shute Harbour Road.

- 6.8 Prior to commencement of any work on site an Operational Works development permit must be obtained in relation to Access and Parking.
- 6.9 Any application for Operational Works (Access and Parking) must be accompanied by detailed engineering drawings demonstrating compliance with Council's Development Manual (current at the time of development), Australian Standard AS2890, AS1428 and this Decision Notice.

7.0 STORMWATER AND FLOODING

- 7.1 All stormwater drainage works must be designed and constructed in accordance with the Queensland Urban Drainage Manual current at the time of development and Council's Development Manual (or equivalent replacement document current at the time of development).
- 7.2 All site works must be undertaken to ensure that there is no increase in flood levels and/or flood frequency at any locations where existing landowners and/or users are adversely affected by waterway flooding for all events up to and including Q100.
- 7.3 Any easements required for drainage purposes through allotments must be in accordance with details described in the Queensland Urban Drainage Manual current at the time of development.
- 7.4 Easement documentation must be provided free of cost to Council.
- 7.5 The applicant must design and construct Roof and Allotment drainage system for the development so as to comply with (Level III of Table 7.13.3) of the Queensland Urban Drainage Manual current at the time of development as a minimum. Other reports may require a higher level of protection. No uncontrolled discharge will be permitted within the developed site.
- 7.6 A Development Permit for Operational Works (Stormwater Drainage) must be obtained prior to commencement of work on site.
- 7.7 Any application for Operational Works (Stormwater) must be accompanied by engineering design drawings, including calculations and certifications of the design, demonstrating compliance with Queensland Urban Drainage Manual (current at the time of development), Council's Development Manual (current at the time of development) and this Decision Notice.
- 7.8 The proposed drainage structure on Road 1 is to be a minimum of eight (8) metre span with an invert set at the existing culvert level to allow tidal flushing of the wetland area while still maintaining an amount of water in the wetland to accommodate the aquatic life.

8.0 STORM SURGE INUNDATION

- 8.1 A development permit for Operational Works (Site Filling) must be obtained prior to the commencement of any works on site.
- 8.2 All earthworks plans must demonstrate that the developed areas of the site are to be filled (proposed ground-level) to a level not less than the recommended level for inundation and the level proposed in the endorsed documentation (RL 3.9 metres AHD), or whichever is the greater, as well as a minimum freeboard of 300mm.
- 8.3 Each allotment must be designed so as to be self-draining and flood free for all levels of immunity up to and including Q100.
- 8.4 Stormwater for the development must include gross pollutant traps, or other appropriate water quality measures, within the system adequate to ensure stormwater from the site must not cause measurable levels of water pollutants in the receiving waters to fall outside the acceptable ranges specified in the 'Australian Water Quality Guidelines for Fresh and Marine Waters', ANZECC 2000.

8.5 Prior to the signing of Plan of Survey, the applicant must lodge with Council, a civil engineer's design and construction certification (by an experienced and qualified engineer). The certification must be addressed to Council and must certify that the roof/allotment and stormwater drainage works have been constructed in accordance with the requirements of Queensland Urban Drainage Manual current at the time of development, Councils Development Manual (current at the time of development) and this Decision Notice and will not cause adverse affects to adjoining or downstream properties or infrastructure.

9.0 ROADWORKS

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

9.2 Any application for Operational Works (Roadworks) must be accompanied by engineering design drawings, including calculations and certifications of the design, demonstrating compliance with Queensland Urban Drainage Manual (current at the time of development), Council's Development Manual (current at the time of development) and this Decision Notice.

9.3 STAGE 1 LOTS 1 – 16:

Prior to signing of Plan of Survey the applicant must design and construct the proposed roads generally as indicated on Preliminary Road Layout Drawing No 15017-01 Rev B to the boundaries of Proposed Lots 1 - 16 in accordance with the criteria and specifications in Council's Development Manual.

Road 1 Access Place (to become private, body corporate road)

- Pavement Width - 5.5 m
- Edge Treatment - Kerb and Channel
- Surface - Asphalt

Road 5 Collector Street (Langford Road)

- Pavement Width - 7.5 m
- Edge Treatment - Kerb and Channel
- Surface - Asphalt
- Verge Width - 4.0m
- Footpath - One Side

Road 1 Access Place (to become private, body corporate road)

- Pavement Width - 4.0 m with passing opportunities (80m max)
- Edge Treatment - Concrete edge restraint Swale Drainage
- Surface - 2 coat bitumen seal

Road 5 Access Street (Langford Road)

- Footpath - 1.5m concrete

9.4 STAGE 2 LOTS 17 – 22:

Prior to signing of Plan of Survey the applicant must design and reconstruct the external roads generally as indicated on Preliminary Road Layout Drawing No 15017 – 01 Rev B on Langford Road and Jasinique Drive in accordance with the criteria and specifications in Council's Development Manual.

The proposed Roads shall be designed to meet as a minimum requirement the Street and Road Hierarchy as shown in Table D1.1 of Council's Development Manual. The design criteria must as a minimum be as follows:

Road 6 Access Place

- Pavement Width** - 5.5 m
- Edge Treatment** - Kerb and Channel
- Surface** - Asphalt

Langford Road Upgrade (external to site) Collector Street

- Pavement Width** - 7.5 m
- Edge Treatment** - Kerb and Channel
- Surface** - Asphalt
- Verge Width** - 4.0m
- Footpath** - One Side

Jasinique Drive (external to site) Trunk Collector Street

- Pavement Width** - 10.0 m
- Edge Treatment** - Kerb and Channel
- Surface** - Asphalt
- Verge Width** - 4.5m
- Footpath** - One Side

Road 6 Access Place (private access easement)

- Pavement Width** - 4.0 m with passing opportunities (80m max)
- Edge Treatment** - Concrete edge restraint Swale Drainage
- Surface** - 2 coat bitumen seal

Road 5 Access Street (Langford Road internal)

- Pavement Width** - 6.5 m
- Edge Treatment** - Concrete edge restraint
- Surface** - 2 coat bitumen seal Swale Drainage
- Verge Width** - 4.0m
- Footpath** - No footpath

Langford Road Upgrade (external to site) Access Street

- Pavement Width** - 6.5 m
- Edge Treatment** - Concrete edge restraint
- Surface** - 2 coat bitumen seal Swale Drainage
- Verge Width** - 4.0m
- Footpath** - No footpath

Jasinique Drive (external to site) Access Street

- Pavement Width** - 6.5 m
- Edge Treatment** - Concrete edge restraint
- Surface** - 2 coat bitumen seal Swale Drainage
- Verge Width** - 4.0m
- Footpath** - No footpath

9.5 The applicant must ensure that public access to the beachfront via Langford Road is maintained at all times, unless it is unsafe due to construction.

- 9.6 All proposed roads are to be designed and constructed to a minimum of 3.78m AHD as stated in the GHD Coastal Hazard Assessment to provide safe access in a Defined Storm Tide Event (DSTE).
- 9.7 An inter-allotment drainage system must be provided to all allotments within Stage 1 where any part of the allotment falls away from the frontage of the roadway or the mid-block finished surface level is less than 600mm above the channel level along the frontage. The design criteria shall be in accordance with Q.U.D.M. and Council's Standard. Each allotment must be designed so as to be self-draining and flood free.
- 9.8 At completion of construction and prior to Signing of Plan of Survey, the Supervising Engineer must provide certification to Council that all construction complies with this Decision Notice and Council's Development Manual.
- 9.9 Street trees must be established in the road reserve in accordance with Council's Development Manual prior to the issue of an Operational Works (Landscaping) development permit.

10.0 ELECTRICITY AND TELECOMMUNICATIONS

- 10.1 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; and
 - c) a certificate confirming reticulated telecommunication services have been provided to each lot.

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

11.0 BUSHFIRE PROTECTION PLAN

- 11.1 All development must comply with the Bushfire Management Plan prepared by Pioneer Surveys Pty Ltd dated 10 March 2006.

12.0 ENVIRONMENTAL MANAGEMENT PLAN (EMP)

- 12.1 Prior to commencement of any work on the site, the applicant must submit to Council for approval, an Erosion Prevention and Sediment Control Plan for the site.
- 12.2 The plan must be prepared in accordance with Council's Whitsunday Shire Council Development Manual (or equivalent replacement document current at the time of the development), the Soil Erosion and Sediment Control Engineering Guidelines for Queensland Construction Sites, June 1996 by The Institution of Engineers, Australia and the EPA Best Practice Urban Stormwater Management – Erosion and Sediment Control Guideline.
- 12.3 The strategy of the plan must be implemented and maintained for the duration of the operational and building works, and until exposed soil areas are permanently stabilised (e.g. turfed, concreted).
- 12.4 Discharges of water pollutants, wastewater or stormwater from the site must not cause measurable levels of water pollutants in the receiving waters to fall

outside the acceptable ranges specified in the 'Australian Water Quality Guidelines for Fresh and Marine Waters', ANZECC 2000.

- 12.5** No visible emissions of dust must occur beyond the boundaries of the site during earthworks and construction activities on the site. If, at any time during the earthworks and construction activities the dust emissions exceed the levels specified above, all dust generating activities must cease until the corrective actions have been implemented to reduce dust emissions to acceptable levels or wind conditions are such that acceptable levels are achieved.
- 12.6** The applicant must ensure that when undertaking any on-site or external works, including any filling and extraction, appropriate dust control measures are implemented in accordance with the Environmental Protection Act 1994 and complies with the relevant air quality objectives defined in the Environmental Protection (Air) Policy 2008.
- 12.7** The applicant must prepare, prior to any work commencing on site, an Environmental Management Plan (EMP) showing design and control measures to be adopted for both the construction and post construction phase of the development.
- 12.8** The Environmental Management Plan must be approved by Council prior to commencement of any work on site and all recommendations of the Environmental Management Plan must be completed to the requirements of Council.
- 12.9** The EMP must address but not be limited to the following issues:
- water quality and drainage;
 - erosion and silt management;
 - acid sulphate soils;
 - fauna management;
 - vegetation clearing;
 - top soil management;
 - interim drainage plan during construction;
 - construction programme;
 - geotechnical issues;
 - weed control;
 - bushfire management;
 - emergency vehicle access;
 - noise and dust suppression; and
 - other issues as required.

Prior to preparation of the EMP the proponent should obtain, from Council, a comprehensive list of issues to be addressed in the Environmental Management Plan.

13.0 GEOTECHNICAL

- 13.1** Any application for a Development Permit (Operational Works) must be accompanied by a detailed geotechnical investigation addressing the points, issues and further considerations identified in the Geotechnical Investigation (Preliminary) and Phase 1 acid sulphate soil reports prepared by Ground Environments Pty Ltd, dated March 2006. The detailed geotechnical investigation must be presented in a single report which is to include, as a minimum, the information provided in the previous geotechnical reports, confirmation of the final recommendations for the design and construction criteria for all works on the site, and a clear explanation of the additional investigations and the results of all testing. The final report must also address, as a minimum, the following issues:

For Stage 1:

- i. an earthworks plan which demonstrates the extent of the areas of any uncontrolled fill locations;
- ii. include sufficient sub – surface exploration is to ensure there are no conditions below the surface which could cause problems during construction or require remediation to bring the land up to a suitable standard for its intended usage;
- iii. provide recommendations and design criteria for all proposed retaining walls;

For Stage 2, include those listed above and:

- iv. provide an assessment on the slopes adjacent/above the site;
- v. Rock fall risk mitigation must consider the removal of large boulders as the initial course of action. Appropriately designed rock catch fences should also be discussed;
- vi. confirming clearly identify the locations and type (including sub – surface) of drains required to eliminate risk of slip;
- vii. confirm and make recommendation on building form and treatment to be undertaken to minimise risk of slip.

13.2 Any recommendations arising out of the detailed geotechnical report required by condition 13.1 must be included in the detailed design of all site works including, but not limited to, buildings, roads, retaining walls, cut/fill batters, drains, services et cetera.

13.3 Any future application for a development permit for operational works must be accompanied by an acid sulphate soils investigation of the subject land, prepared by a suitably qualified person, and a report and management plan prepared in accordance with the State Planning Policy, prior to any operational works occurring on the site.

14.0 MAINTENANCE VALUATION

14.1 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.

15.0 MISCELLANEOUS

15.1 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.

15.2 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 Langford Road or adjoining land unless written permission from the owner of that land and Council is provided.

15.3 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.

15.4 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.

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

16.0 ADVISORY NOTES

16.1 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;
- Environmental Protection Policies; and
- Any declared weeds are to be addressed in accordance with the Land Protection (Pest and Stock Routes Management) Act 2002 and Council's Pest Management Plan.

16.2 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.

16.3 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.

16.4 Noise During Construction and Noise in General

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

16.5 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.

16.6 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.

16.7 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**

**12.5 2016/03/09.12 20150975 - REQUEST FOR COUNCIL VIEWS - TEMPORARY ROAD CLOSURE - LOT 151 ON SP261040, COVENTRY ROAD, GUTHALUNGRA**

**Moved by: A WILLCOX**

**Seconded by: J CLIFFORD**

**That the 20150975 – Request for Council Views – Temporary Road Closure – Lot 151 on SP261040, Coventry Road Guthalungra report be deferred to a future Council meeting pending a site inspection.**

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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12. Planning and Community Services

12.6 2016/03/09.13 20160057 - PROPOSED SIMULTANEOUS ROAD OPENING AND CLOSURE - COVENTRY ROAD AND WATTS ROAD, GUTHALUNGRA

Moved by: J CLIFFORD

Seconded by: J COLLINS

That Council advise Milford Planning that Council has no objection to the proposed Simultaneous Road Closure and Opening adjacent to land described as Lot 8 on SB294, Lot 55 on SP255452 and Lot 370 on K124643, and located at Coventry Road and Watts Road, Guthalungra on behalf of Pacific Reef Fisheries (Bowen) Pty Ltd.

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

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**12. Planning and Community Services**

**12.7 2016/03/09.14 20160105 - RENEWAL OF SPECIAL LEASE 5/48736 OVER LOT 4 ON SM55, 2290 STRATHMORE ROAD, COLLINSVILLE**

**Moved by: P RAMAGE**

**Seconded by: D CLARK**

**That Council advise the Department of Natural Resources and Mines that Council has no objection to the renewal of Special Lease 5/48736 over Lot 4 on SM55, 2290 Strathmore Road, Collinsville.**

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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12. Planning and Community Services

12.8 2016/03/09.15 20160107 - RENEWAL OF TERM LEASE 0/209082 OVER LOT 64 ON DK77, MT COOLON ROAD, COLLINSVILLE

Moved by: P RAMAGE

Seconded by: D CLARK

That Council advise the Department of Natural Resources and Mines that Council has no objection to the renewal of Term Lease 0/209082 over Lot 64 on DK77, Mt Coolon Road, Collinsville.

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

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**12. Planning and Community Services**

**12.9 2016/03/09.16 20160110 - RENEWAL OF TERM LEASE 0/209325 OVER LOT 13 ON HR1842 AND LOT 9 ON SP235000, MT ABERDEEN ROAD, BOGIE**

**Moved by: D CLARK**

**Seconded by: P RAMAGE**

**That Council advise the Department of Natural Resources and Mines that Council has no objection to the renewal of Term Lease 0/209325 over Lot 13 on HR1842 and Lot 9 on SP235000 (Camping Reserve).**

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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12. Planning and Community Services

12.10 2016/03/09.17 20160111- APPLICATION FOR RENEWAL OF TERM LEASE 0/209799 OVER LOT 20 ON SP126381, OCEANVIEW AVENUE, AIRLIE BEACH (CORAL SEA RESORT)

Moved by: J CLIFFORD

Seconded by: D CLARK

That Council advise the Department of Natural Resources and Mines that Council has no objection to the renewal of Term Lease 0/209799 over Lot 20 on SP126381, Oceanview Avenue, Airlie Beach, Coral Sea Resort.

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

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**12. Planning and Community Services**

**12.11 2016/03/09.18 SUBMISSION - DRAFT GUIDELINE: MASTER PLANNING FOR PRIORITY PORTS**

**Moved by: J CLIFFORD**

**Seconded by: J COLLINS**

**That Council:**

- a) Approve the draft submission to the Department of State Development against the Draft Guideline: Master Planning for Priority Ports as detailed in Attachment 1 to this report; and**
- b) That the submission to the Department of State Development against the Draft Guideline: Master Planning for Priority Ports be forwarded on behalf of the Whitsunday Regional Council to the Project Manager, Project Development – Priority Ports - Department of State Development.**

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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12. Planning and Community Services

12.12 2016/03/09.19 THOMSONS CREEK ACCESS PROJECT - UPDATE 9 MARCH 2016

Moved by: J ATKINSON

Seconded by: J CLIFFORD

That Council receive this update on progress relating to the Thomsons Creek Reserve and Road Access Project.

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

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**13. Engineering Services**

**13.1 2016/03/09.20 ENGINEERING SERVICES - MONTHLY REPORT - FEBRUARY 2016**

**Moved by: J CLIFFORD**

**Seconded by: A WILLCOX**

**That Council receive the Engineering Services Monthly Report for February 2016.**

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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13. Engineering Services

13.2 2016/03/09.21 RENAMING OF GREGORY RIVER BRIDGE

Moved by: P RAMAGE

Seconded by: J COLLINS

That Council receive the correspondence from Mrs. O'Hara requesting the renaming of the Gregory River Bridge to "O'Hara Bridge Gregory River".

Procedural Motion

Moved by: J WHITNEY

Seconded by: J CLIFFORD

That the *Renaming of Gregory River Bridge* report be deferred to a future Council meeting pending consideration to Mrs. O'Hara's renaming request.

MEETING DETAILS:

The procedural motion was Carried 7/0

CARRIED

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**15. General Business**

**15.1 2016/03/09.22 VOTE OF THANKS – WHITSUNDAY REGIONAL COUNCIL STAFF**

**Moved by: J CLIFFORD**

**Seconded by: J WHITNEY**

**Thank you to all the Council Staff for their assistance and professionalism over the past 4 years; it's been a privilege to work with you all.**

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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16. Procedural Motion

16.1 2016/03/09.23 PROCEDURAL MOTION - CLOSURE OF MEETING

Moved by: J CLIFFORD

Seconded by: J COLLINS

That Council close the meeting to the public at 9.42am 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 – Expiry of Shute Harbour Storage Facility Rental Agreement – Palm Bay Corporation**
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 – Sale of Land for Arrears of Rates 1104771**
Section 275 (1) (d) rating concessions
- **Item 14.2.2 – Supply and Delivery of Three (3) 7.5 T Dual Cab Flatbed Trucks**
Section 275 (1) (e) contracts proposed to be made by it
- **Item 14.2.3 – Supply and Delivery of One Street Sweeper/Scrubber including Transportation Trailer**
Section 275 (1) (e) contracts proposed to be made by it

- **Item 14.3.1 – Airlie Aqua Park Proposal**
Section 275 (1) (e) contracts proposed to be made by it, and (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 – Outstanding Water Usage – Lot 1 SP156155 Bowen**
Section 275 (1) (d) rating concessions
- **Item 14.4.2 – Award for Contract Sludge Dewatering System – Bowen Sewage Treatment Plant**
Section 275 (1) (e) contracts proposed to be made by it
- **Item 14.4.3 – Agricultural Water Contracts 2016**
Section 275 (1) (e) contracts proposed to be made by it
- **Item 14.4.4 – Water Contracts – Watermain Renewals**
Section 275 (1) (e) contracts proposed to be made by it
- **Item 14.4.5 – Proserpine Sewage Treatment Plant Stage 2 Upgrade**
Section 275 (1) (e) contracts proposed to be made by it
- **Item 14.4.6 – Request for Agricultural Water Contract**
Section 275 (1) (e) contracts proposed to be made by it

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

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***Cr Willcox declared the following:***

***Item 14.4.3 – Agricultural Water Contracts 2016, a Material Personal Interest (as per section 172 of the Local Government Act 2009) on the matter of a sibling being involved in the contracts proposed and left the meeting room at 9.59am taking no part in the debate or decision of the meeting.***

***Cr Willcox returned to the Meeting Room at 10.01am.***

***Cr Clifford declared the following:***

***Item 14.4.4 – Water Contracts – Watermain Renewals, a Material Personal Interest (as per section 172 of the Local Government Act 2009) on the matter of the proponent being a contributor to the Councillors' campaign in 2012 and left the meeting room at 10.07am taking no part in the debate or decision of the meeting.***

***Cr Clifford returned to the Meeting Room at 10.08am***

***Cr Willcox declared the following:***

***Item 14.4.6 – Request for Agricultural Water Contract - a Material Personal Interest (as per section 172 of the Local Government Act 2009) on the matter of a sibling being involved in the contracts proposed and left the meeting room at 10.08am taking no part in the debate or decision of the meeting.***

***Cr Willcox returned to the Meeting Room at 10.11am.***

*Cr Clark declared the following:*

*Item 14.4.6 – Request for Agricultural Water, a Conflict of Interest (as per section 173 of the Local Government Act 2009) on the matter of a relative being involved in the contracts proposed and left the meeting room at 10.08am taking no part in the debate or decision of the meeting.*

*Cr Clark returned to the Meeting Room at 10.11am.*

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16. Procedural Motion

16.2 2016/03/09.24 PROCEDURAL MOTION - REOPEN OF MEETING

Moved by: J CLIFFORD

Seconded by: J COLLINS

That Council reopen the meeting to the general public at 10.11am

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 2016/03/09.25 EXPIRY OF SHUTE HARBOUR STORAGE FACILITY RENTAL AGREEMENT - PALM BAY CORPORATION

Moved by: J CLIFFORD

Seconded by: J ATKINSON

That Council:

- a) Cease the Palm Bay Corporation Rental Agreement; and
- b) Offer the ticket booth to the Proserpine Whitsunday Junior League Club at their own cost.

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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14.2 Confidential Matters - Corporate Services

14.2.1 2016/03/09.26 SALE OF LAND FOR ARREARS OF RATES 1104771

Moved by: J COLLINS

Seconded by: J CLIFFORD

That Council:

- a) Removes Assessment 1104771 from the current sale of land for arrears of rates (resolved at Council's meeting of 11th November, 2015) as the ratepayer has paid a majority of the outstanding debt; and**
- b) Approves Officers to negotiate with the ratepayer under the Payment of Rates by Arrangement Policy, a deferral of the debt for twelve (12) months to include a monthly repayment of \$200 per month.**

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

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**14.2 Confidential Matters – Corporate Services**

**14.2.2 2016/03/09.27 SUPPLY AND DELIVERY OF THREE (3) 7.5 T DUAL CAB FLATBED TRUCKS**

**Moved by: J ATKINSON**

**Seconded by: J COLLINS**

**That Council award contract 500.2016.0008 the Supply and delivery of three (3) 7.5T dual cab flatbed trucks including the trade parts A, B and C as follows:**

- a) Part A – Crokers Truck Centre – Isuzu NPR75-190 (Including Trade in 30066) – \$69,872.73 (Excluding GST)**
- b) Part B – Crokers Truck Centre – Isuzu NPR75-190 (Including Trade in 30072) – \$69,418.18 (Excluding GST)**
- c) Part C – Crokers Truck Centre – Isuzu NPR75-190 (Including Trade in 30271) – \$72,600.00 (Excluding GST)**

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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14.2 Confidential Matters – Corporate Services

14.2.3 2016/03/09.28 SUPPLY AND DELIVERY OF ONE STREET SWEEPER/SCRUBBER INCLUDING TRANSPORTATION TRAILER

Moved by: J CLIFFORD

Seconded by: J ATKINSON

That Council award contract 500.2016.0007 the Supply and delivery of one street sweeper/scrubber including transportation trailer to Hako Australia Pty Ltd for \$166,745.00 (Excluding GST).

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

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

**14.3.1 2016/03/09.29 AIRLIE AQUA PARK PROPOSAL**

**Moved by: J CLIFFORD**

**Seconded by: A WILLCOX**

**That Council:**

- a) Note that there is no budget allocation for this project within the current 2015/16 annual budget;**
- b) Note that the disposal by lease of Council land is required to be done by public tender under the Local Government Act 2009;**
- c) Adopt Option 2(b), being the re-establishment of the Airlie Aqua Park at Beacons Beach, following adoption of the draft planning scheme;**
- d) Authorise the Acting Chief Executive Officer to contact the relevant Queensland Government Departments to expedite the various State approval processes; and**
- e) Apply for a wet lease to the adjacent land and put to public tender in accordance with the Local Government Act.**

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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14.4 Confidential Matters – Engineering Services

14.4.1 2016/03/09.30 OUTSTANDING WATER USAGE - LOT 1 SP156155 BOWEN

Moved by: J CLIFFORD

Seconded by: A WILLCOX

That Council grants the additional credit of \$3473.77 plus accrued interest of \$810.28 being applied to outstanding water use at Lot 1 SP156155 Bowen.

MEETING DETAILS:

The motion was Carried 5/2

CARRIED

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**14.4 Confidential Matters – Engineering Services**

**14.4.2 2016/03/09.31 AWARD FOR CONTRACT FOR SLUDGE DEWATERING SYSTEM - BOWEN SEWAGE TREATMENT PLANT**

**Moved by: D CLARK**

**Seconded by: A WILLCOX**

**That Council award the contract for the Supply and Installation of a Sludge Dewatering System for the Bowen Sewerage Treatment Plant to Ishigaki Oceania Pty Ltd for \$423,400 (Excluding GST).**

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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14.4 Confidential Matters – Engineering Services

14.4.3 2016/03/09.32 AGRICULTURAL WATER CONTRACTS 2016

Moved by: J CLIFFORD

Seconded by: D CLARK

That Council endorses the offering of revised Agricultural Water contracts to 2 existing customers being the Born Farms and SGAJ investments under the following terms and conditions:

- a) The term is for 1 year subject to review;
- b) The reserved volumes are 100 ML/year and 200 ML/year respectively January to March;
- c) The revised reserved volumes are 200 ML/year and 400ML/year respectively subject to notification from the customer by 1 April;
- d) Charges are \$305 / ML holding cost and \$850/ML consumed or part thereof; and
- e) No meter charge applies subject to the customers agreeing to smart meter being installed.

MEETING DETAILS:

Cr Willcox declared a Material Personal Interest (as per section 172 of the Local Government Act 2009) on the matter of a sibling being involved in the contracts proposed and left the meeting room at 10.16am taking no part in the debate or decision of the meeting.

The motion was Carried 6/0

CARRIED

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*Cr Willcox returned to the Meeting Room at 10.17am*

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14.4 Confidential Matters – Engineering Services

14.4.4 2016/03/09.33 WATER CONTRACTS - WATERMAIN RENEWALS

Moved by: J COLLINS

Seconded by: J ATKINSON

That Council award the contract for the Construction of the Poole Street Water main Renewal and the Sinclair Street Water main renewal to Roebuck Civil for the sum of \$66,612.47 and \$78,724.09 (excluding GST) respectively.

MEETING DETAILS:

Cr Clifford declared a Material Personal Interest (as per section 172 of the Local Government Act 2009) on the matter of the proponent being a contributor to the Councillors' campaign in 2012 and left the meeting room at 10.17am taking no part in the debate or decision of the meeting.

The motion was Carried 6/0

CARRIED

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*Cr Clifford returned to the Meeting Room at 10.18am*

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14.4 Confidential Matters – Engineering Services

14.4.5 2016/03/09.34 PROSERPINE SEWAGE TREATMENT PLANT STAGE 2 UPGRADE

Moved by: J ATKINSON

Seconded by: J COLLINS

That Council receives the Proserpine Sewage Treatment Plant stage 2 upgrade progress report.

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

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**14.4 Confidential Matters – Engineering Services**

**14.4.6 2016/03/09.35 REQUEST FOR AGRICULTURAL WATER CONTRACT**

**Moved by: J ATKINSON**

**Seconded by: J CLIFFORD**

**That Council:**

- a) Receives the application for an Agricultural Water Contract;**
- b) Defers consideration of the application until the adoption of the recommendations of the Bowen Abbott Point Water Strategy; and**
- c) Note that current discussions are being undertaken for an interim one off agreement.**

**MEETING DETAILS:**

*Cr Willcox declared a Material Personal Interest (as per section 172 of the Local Government Act 2009) on the matter of a sibling being involved in the contracts proposed and left the meeting room at 10.19am taking no part in the debate or decision of the meeting.*

*Cr Clark declared a Conflict of Interest (as per section 173 of the Local Government Act 2009) on the matter of a relative being involved in the contracts proposed and left the meeting room at 10.19am taking no part in the debate or decision of the meeting.*

The motion was Carried 5/0

**CARRIED**

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Cr Willcox & Cr Clifford returned to the Meeting Room at 10.19am

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***Mayor Whitney extended a thank you to Scott Waters (CEO), Barry Omundson (ACEO), Council Staff and Councillors for their support and dedication to the Region over the 4 year term.***

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The meeting closed at 10.20am

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