



Minutes of the Ordinary Meeting held on 26 October 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
26 October 2016 commencing at 9:00am**

Councillors Present:

A Willcox; J Clifford; R Petterson; J Collins; P Ramage; D Clark and M Brunker

Council Officers Present:

B Omundson (Chief Executive Officer); M McGoldrick (Chief Financial Officer); J Raiteri (Director Engineering Services); G Jarvis (Director Corporate Services); J Wright (Director Community & Environment); N McGaffin (Director Planning & Development); D Mackay (Manager Development Assessment); G Martin (Manager Communications & Marketing); A Felix (Administration Officer);

Other Details:

The meeting commenced at 9.00am

The meeting adjourned for the purpose of Morning Tea at 10.38am

The meeting reconvened at 11.03am

The meeting closed at 11.57am

Whitsunday Regional Council
 Minutes of the Ordinary Meeting to be held at
Bowen Council Chambers, 67 Herbert Street, Bowen
 on 26 October 2016 commencing at 9:00am

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2. Condolences
2.1 2016/10/26.01 CONDOLENCES

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

That Council observe one (1) minutes silence for the recently deceased, and recognise the passing of former Councillor Pat Botto.

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

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**3.2 Mayoral Update**

**Mayoral Update**  
**26<sup>th</sup> October 2016 Ordinary Council Meeting**

|                                              |                                                                                                                                                 |
|----------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Wednesday<br/>12<sup>th</sup> October</b> | <ul style="list-style-type: none"> <li>• Meeting with Ratepayer, Proserpine</li> <li>• 25 Year Dinner, Proserpine</li> </ul>                    |
| <b>Thursday<br/>13<sup>th</sup> October</b>  | <ul style="list-style-type: none"> <li>• Meeting with WRAD &amp; AMC - Bowen</li> <li>• Miners Memorial Day - Collinsville</li> </ul>           |
| <b>Friday<br/>14<sup>th</sup> October</b>    | <ul style="list-style-type: none"> <li>• Meeting with Kyburra and Burdekin Council - Bowen</li> <li>• Meeting with LJ Hooker - Bowen</li> </ul> |
| <b>Saturday<br/>15<sup>th</sup> October</b>  | <ul style="list-style-type: none"> <li>• Whitsunday Christian College Open Day - Cannonvale</li> </ul>                                          |
| <b>Sunday<br/>16<sup>th</sup> October</b>    | <ul style="list-style-type: none"> <li>• Bowen Triathlon race Commentary - Bowen</li> </ul>                                                     |
| <b>Monday<br/>17<sup>th</sup> October</b>    | <ul style="list-style-type: none"> <li>• Welcome to Council Orientation - Bowen</li> <li>• Meeting with CJHA Pty Ltd - Bowen</li> </ul>         |

|                                                                               |                                                                                                                                                                                                                    |
|-------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Tuesday -<br/>Friday<br/>18<sup>th</sup> - 21<sup>st</sup><br/>October</b> | <ul style="list-style-type: none"> <li>• 2016 Annual LGAQ Conference - Gold Coast</li> </ul>                                                                                                                       |
| <b>Sunday<br/>23<sup>rd</sup> October</b>                                     | <ul style="list-style-type: none"> <li>• Briefing on Community Cabinet Deputations - Proserpine</li> <li>• Community Cabinet meeting - Proserpine</li> <li>• Community Cabinet Reception - Airlie Beach</li> </ul> |
| <b>Monday<br/>24<sup>th</sup> October</b>                                     | <ul style="list-style-type: none"> <li>• Breakfast with the Premier - Airlie Beach</li> <li>• Official opening of Heart Hotel &amp; Gallery - Airlie Beach</li> </ul>                                              |
| <b>Tuesday<br/>25<sup>th</sup> October</b>                                    | <ul style="list-style-type: none"> <li>• Media training - Proserpine</li> </ul>                                                                                                                                    |

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4. Confirmation of Minutes

4.1 2016/10/26.02 CONFIRMATION OF MINUTES

Moved by: D CLARK

Seconded by: R PETERSON

That the Minutes of the Ordinary Meeting held on 12 October 2016 be confirmed.

MEETING DETAILS:

The motion was Carried 7/0

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

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9.1 RESPONSE TO PUBLIC QUESTION – 12 OCTOBER 2016 ORDINARY COUNCIL MEETING

Name: Michelle Lynes

Question: (Read out by the Chief Executive Officer Barry Omundson)

October 11,
2016

Michelle Lynes
3 Golf Views Court
Cannonvale
Qld 4802
Telephone 0421 159 852
Email michellelynes19@gmail.com

Barry Omundsen
Chief Executive Officer
Whitsunday Regional Council
83 Main St
Proserpine 4800

Dear Mr Omundsen,

I would like to voice my concern with council's transparency in regard to the Norling Feasibility Study. This report is on council's agenda for the ordinary meeting 12th October and is to be received under Planning and Development. The agenda was placed on council's website on 10th October.

Specifically, my concern is the time frame in which the study was released to the community, the same community that is working steadily towards the lodgement of submissions in respect to the 2016 Version 3.1 of the draft town planning scheme due 14th October.

I would like to know when councillors were briefed on the study; I might also add that I have it on good authority that this was 6-8 weeks ago. If this is indeed true, why the community was not made aware of such a study particularly with our concern with the proposed building heights in the latest version of the draft town plan.

Yours sincerely,

Michelle Lynes

Response: (Read out by the Chief Executive Officer Barry Omundson)



Our reference: Public Question
Your reference:
For further information please contact: Office of the Mayor & CEO
Direct dial no.: 07 4945 0200

25 October 2016

Michelle Lynes
3 Golf Views Court
CANNONVALE QLD 4802

Customer Service Centres

Bowen

P: 07 4761 3600
67 Herbert Street
Bowen Qld 4805

Collinsville

P: 07 4785 5366
Cnr Stanley and Conway Streets
Collinsville Qld 4804

Proserpine

P: 07 4945 0200
83-85 Main Street
Proserpine Qld 4800

F: 07 4945 0222
E: info@whitsundayrc.qld.gov.au
W: www.whitsundayrc.qld.gov.au

ABN: 63 291 580 128

Dear Michelle,

RE: Response to Public Question at the 12 October 2016 Ordinary Council Meeting

Thank-you for your letter dated 11 October 2016 regarding the Norling study reports.

I can advise you that the Council was briefed on the reports as follows:

- Airlie Beach Hotel Demand Study - 15 June 2016
- Bowen Boat Harbour – Marine Industry Analysis & Bowen Processing Plant Study - 17 August 2016

Council produces a large volume of reports, either sourced from internal staff or external experts, on a wide range of matters and these are then used to inform decision making. The delay you mention from briefing of the reports to actually being received by Council was primarily related to a change in senior staff within the planning area and the significant workload upon a small team.

I can assure you that the leadership in this Council is acutely aware of the need, indeed our strategic intent to have a fully engaged community through the provision of open, honest and transparent communication.

Thank you for your enquiry.

Yours faithfully



Barry Omundson
Chief Executive Officer



Address all correspondence to the Chief Executive Officer, Whitsunday Regional Council, PO Box 104 Proserpine Qld 4800

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

**10.1 2016/10/26.03 MONTHLY FINANCIAL REPORT - SEPTEMBER 2016**

**Moved by: J CLIFFORD**

**Seconded by: M BRUNKER**

**Council receives the Monthly Financial Report for September 2016.**

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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10. Office of the Mayor and CEO

10.2 2016/10/26.04 2015/2016 ANNUAL REPORT

Moved by: D CLARK

Seconded by: J CLIFFORD

Council resolves to:

- a) adopt the 2015/16 Annual Report;**
- b) send a copy of the report to the Hon. Jackie Trad MP, Deputy Premier, Minister for Infrastructure, Local Government and Planning, Trade and Investment; and**
- c) make the report available for viewing on Council's website and Customer Service Centres.**

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

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

**10.3 2016/10/26.05 WHITSUNDAY REGIONAL COUNCIL - AUDITED FINANCIAL STATEMENTS FOR THE YEAR ENDED 30TH JUNE 2016**

**Moved by: J CLIFFORD**

**Seconded by: J COLLINS**

**Council receives the audited financial statements for the year ended 30<sup>th</sup> June, 2016 as signed by the Mayor and Chief Executive Officer, furthermore that in compliance with Budget, Council authorise the following transfers to and from reserves for the purposes identified:**

- a) \$8,647,547 for carry over capital works to the Capital Works Reserve,**
- b) \$33,584 in accrued interest for the Dingo Beach funds also held in the capital works reserve,**
- c) \$1,688,190 for fleet and plant being carry over unspent capital funds and the surplus recovery for the year,**
- d) \$1,666,567 for constrained operating surpluses for Waste \$679,065, Water \$368,915 and Whitsunday Coast Airport \$618,867,**
- e) \$124,578 from constrained reserves for Shute \$64,578 and the Quarry \$60,000, and**
- f) \$4,212,381 from constrained carry over capital funds for the funding of works undertaken in accordance with Budget.**

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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11. Corporate Services

11.1 2016/10/26.06 CORPORATE SERVICES DEPARTMENT MONTHLY REPORT - SEPTEMBER 2016

Moved by: R PETERSON

Seconded by: J CLIFFORD

Council receives the Corporate Services Department monthly report.

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

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**11. Corporate Services**

**11.2 2016/10/26.07 BOWEN WORK CAMP ADVISORY COMMITTEE - OCTOBER 2016**

**Moved by: M BRUNKER**

**Seconded by: D CLARK**

**Council receives the minutes of the Bowen Work Camp Advisory Committee for the Month of October 2016**

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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11. Corporate Services

11.3 2016/10/26.08 RENEWAL OF TERM LEASE OVER LOT 236 ON HR 1030 - BIG MANGO SITE

Moved by: M BRUNKER

Seconded by: D CLARK

Council resolves to authorise the Chief Executive Officer to make application to the Department of Natural Resources & Mines to renew Term Lease 0/208302 over Lot 236 on HR 1030.

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

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**12. Planning and Development Services**

**12.1 2016/10/26.09 PLANNING & DEVELOPMENT - MONTHLY REPORT - SEPTEMBER 2016**

**Moved by: J CLIFFORD**

**Seconded by: D CLARK**

**Council receives the Planning and Development Monthly Report for September 2016.**

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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12. Planning and Development Services

12.2 2016/10/26.10 20160589 - DEVELOPMENT APPLICATION FOR MATERIAL CHANGE OF USE - INDOOR ENTERTAINMENT (2 CINEMAS & A PLANETARIUM) - 6 AIRLIE ESPLANADE, AIRLIE BEACH - AIRLIE PLANETARIUM AND CINEMA CENTRE PTY LTD C/- WYNNE PLANNING & DEVELOPMENT

Moved by: J CLIFFORD

Seconded by: R PETERSON

Council resolves to approve the application for Development Permit for Material Change of Use - Indoor Recreation (Airlie Planetarium and Cinema Centre), made by Airlie Planetarium & Cinema Centre Pty Ltd, on L: 23 RP: 905561 T: <50173409> & (EMTS D/RP33248&C/RP33244) and located at 6 Airlie Esplanade AIRLIE BEACH, 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
Cinema 1 & 2		Beach Plaza – Level 02 – Arcade	Undated
Planetarium (Dome Cinema)		Beach Plaza – Level 03 – Arcade	Undated

Modifications to Basement Carpark Layout Plan	Trevor Glasson Consulting Services	06031 03B	29/10/09
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- 1.2 The following further development permits are required prior to commencement of work on site or commencement of the use:
- Plumbing and Drainage Works;
 - Building Works.

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

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

2.0 BUILDING

- 2.1 Any additional load to be placed on the existing suspended floor is to be certified by a registered structural engineer prior to commencement of the use, to verify that the existing structure will be able to safely accommodate the additional load.

3.0 ACCESS AND PARKING

- 3.1 A minimum of 42 car parking spaces must be provided on site prior to commencement of the use as per approved plan 06031 03B Modifications to Basement Carpark – Layout Plan prepared by Trevor Glasson Consulting Services, dated 29/10/2009.
- 3.2 Prior to any work commencing on site, engineering design drawings including turning templates for onsite parking, demonstrating compliance with the Whitsunday Planning Scheme and Council's 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.
- 3.3 Prior to commencement of the use on site the owner must lodge with Council, a civil engineer's design and construction certification (by an experienced and qualified engineer). The certification must be addressed to Council and must certify that external access, internal access and onsite parking and manoeuvring areas have been designed and constructed according to the conditions of this Decision Notice and achieves compliance with Council's Whitsunday Planning Scheme, Council's Development Manual, AS2890 and AS1428.
- 3.4 To accommodate any shortfall of the required 42 car parking spaces, a monetary contribution must be made toward accommodating additional car parking in Airlie Beach. The provision cost of \$5,000.00 per car parking space will be payable prior to commencement of the use.

4.0 ENVIRONMENTAL HEALTH

4.1 Prepare a Noise Impact Assessment in accordance with the methods and recommendations of AS1055, by a suitably qualified acoustic engineer, that details the background noise (L90) at the nearest noise sensitive place during all hours of operation, including week days and weekends, broken into day, evening and night. The Noise Impact Assessment is to state all hours of operation and outline how all noise (e.g. cinema noise, traffic noise, car park noise, air conditioner noise) will be controlled and must be submitted to Council for consideration prior to issue of a Development Permit for Building Works. The building design must take into consideration the recommendations of the Noise Impact Assessment.

4.2 Food and beverage areas are to be licensed where appropriate in accordance with the Food Act 2006.

5.0 OPERATING PROCEDURES

5.1 Signage is limited to a single sign, not exceeding a maximum length of 2.0m and a maximum height of 0.4m, bearing the name of 'Airlie Planetarium & Cinema Centre'. The signage is to be located on the premises, evenly placed between the existing under awning signs with a minimum clearance of 2.4m between the lowest part of the sign and the footpath to achieve compliance with the relevant provisions of the Advertising Signage Code.

5.2 The hours of operation are to be within 8.00am and 10.00pm Sunday to Thursday and 8.00am to 12.00am (midnight) Friday and Saturday to limit the noise impacts on guests staying within the Beach Plaza Complex and surrounding accommodation premises.

6.0 MISCELLANEOUS

6.1 Provision and maintenance of a refuse collection area to the requirements of the Council.

6.2 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.

6.3 Any alteration necessary to electricity, telephone, water mains, sewerage mains, and/or public utility installations resulting from the development or in connection with the development, must be at full cost to the developer. Any works are to be detailed and submitted to Council for approval prior to the works commencing. Any necessary certifications from suitably qualified professionals will need to be provided at this time.

6.4 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.

7.0 ADVISORY NOTES

7.1 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.

7.2 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.

7.3 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.

7.4 Noise During Construction and Noise in General

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

7.5 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.

7.6 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 Development Services**

- 12.3 2016/10/26.11 DA09278 - REQUEST FOR EXTENSION OF RELEVANT PERIOD - RECONFIGURATION OF A LOT - ONE (1) LOT INTO TWO (2) LOTS AND MATERIAL CHANGE OF USE - DWELLING HOUSE ON ALLOTMENT LESS THAN 600 SQM - 21 HAY STREET, BOWEN - LOT 4 ON RP714318 - K ALLEN**

**Moved by: D CLARK**

**Seconded by: M BRUNKER**

**Council resolve to approve the request for an extension of relevant period of the Development Permit for Reconfiguration of a Lot – One (1) Lot into Two (2) Lots and Material Change of Use – Dwelling House on allotment less than 600sqm lodged by K Allen on land described as L: 4 RP: 714318, 21 Hay Street BOWEN to 20 August 2017.**

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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13. Community and Environment

- 13.1 2016/10/26.12 COMMUNITY & ENVIRONMENT - MONTHLY REPORT - SEPTEMBER 2016**

Moved by: J CLIFFORD

Seconded by: D CLARK

Council receives the Community and Environment Monthly Report for September 2016.

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

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**13. Community and Environment**

**13.2 2016/10/26.13 COLLINSVILLE BOWLS CLUB SPONSORSHIP  
PROPOSAL OCTOBER 2016**

**Moved by: P RAMAGE**

**Seconded by: J COLLINS**

**Council resolves to support the Collinsville Bowls Club by sponsoring the 2 Day Bowls Carnival to the value of \$3,000.00 (including GST).**

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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13. Community and Environment

**13.3 2016/10/26.14 REQUEST FOR REFUND OF BUILDING APPLICATION
FEE - PROSERPINE BMX CLUB INC.**

Moved by: J COLLINS

Seconded by: J CLIFFORD

Council resolves to refund the Building Application Fee of \$629.00 to Proserpine BMX Club Inc.

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

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**13. Community and Environment**

**13.4 2016/10/26.15 REQUEST FOR COUNCIL FEE WAIVERS**

**Moved by: J CLIFFORD**

**Seconded by: R PETERSON**

**Council resolves to note the waiving of Events/Development Applications/Licence Fees and Hall Hire Fees for the following not-for-profit recipients:**

- **Whitsunday Community Garden**
- **Girudala Community Co-Operative Society Ltd.**
- **Whitsunday Relay for Life**
- **Volunteer Marine Rescue Whitsunday Inc.**
- **Anglicare North Queensland Ltd.**
- **Brooke Lee Modelling**
- **Collinsville Lions Club**

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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14. Engineering Services

14.1 2016/10/26.16 ENGINEERING SERVICES MONTHLY REPORT - OCTOBER 2016

Moved by: J CLIFFORD

Seconded by: R PETERSON

Council receives the Engineering Services Monthly Report for the month of October 2016.

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

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**15. General Business**

**15.1 2016/10/26.17 ADANI HEAD OFFICE – REGIONAL CENTRE**

**Moved by: M BRUNKER**

**Seconded by: D CLARK**

**Council resolves to delegate to the Mayor in accordance with *Section 257 (1) (a) of the Local Government Act 2009* to immediately contact Adani Mining and offer a parcel of land on the Esplanade Bowen, owned by Council and of a suitable size to build their Head Office.**

**Furthermore, that this parcel of land be offered free of charge or via peppercorn lease whichever is required and if successful, an agreement be brought back to Council for ratification.**

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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15. General Business

15.2 2016/10/26.18 MISINFORMATION ON SOCIAL MEDIA

Moved by: J CLIFFORD

Seconded by: R PETERSON

Council resolves to issue a press release confirming the facts in relation to Stinger Nets, the Lagoon and ancillary issues.

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

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**15. General Business**

**15.3 2016/10/26.19 REQUEST FOR REDUCTION OF SPEED LIMIT**

**Moved by: P RAMAGE**

**Seconded by: D CLARK**

**Council resolves to authorise the CEO to instruct the Executive Manager of Roads and Drainage to reduce the speed limit past Strathmore Station and Etonvale Station to 50km per hour to ensure the safety of the public and stock; subject to the approval of the appropriate legislative parameters.**

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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17. Procedural Motion

17.1 2016/10/26.20 PROCEDURAL MOTION - ADJOURN

Moved by: J CLIFFORD

Seconded by: M BRUNKER

That Council adjourn the meeting for the purpose of Morning Tea at 10.38am.

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

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**17. Procedural Motion**

**17.2 2016/10/26.21 PROCEDURAL MOTION - RECONVENE**

**Moved by: J CLIFFORD**

**Seconded by: R PETERSON**

**That Council reconvene the meeting from Morning Tea at 11.03am.**

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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17. Procedural Motion

17.1 2016/10/26.22 PROCEDURAL MOTION - CLOSURE OF MEETING

Moved by: J CLIFFORD

Seconded by: M BRUNKER

That Council close the meeting to the public at 11.04am 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 16.1.1 – Business Activities Report – September 2016**
Section 275 (1) (c) local government's budget
- **Item 16.2.1 – Hardship Application Assessment 1206828**
Section 275 (1) (d) rating concessions
- **Item 16.2.2 – Owner Occupier Status – Rates 1103296**
Section 275 (1) (d) rating concessions
- **Item 16.3.1 – Infrastructure Agreement Negotiations – 20150690 – Development Application for Development Permit for Reconfiguration of a Lot – One (1) Lot into Twenty-Eight (28); One (1) Community Facilities Lot; One (1) Balance Lot and One (1) Entry Statement Lot**
Section 275 (1) (a) the local government's budget
 - (b) any action to be taken by the local government under *Sustainable Planning Act 2009*, including deciding applications made to it under the Act; and
 - (c) 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 16.3.2 – Request for Agreement to Support an Application to the Department of Natural Resources and Mines for the Opening of a new Section of Road over a Portion of Airlie Creek; Request for Agreement to Manage the Area of New Road Opening; Request to Agree to the Surrender of a Small Existing Easement at the Frontage of the Site; Request to Waive Infrastructure Charges and Car Parking Contributions – Part of Lot 331 SP141145, Shute Harbour Road, Alonga Developments Pty Ltd**

Section 275 (1) (a) the local government's budget

(b) any action to be taken by the local government under *Sustainable Planning Act 2009*, including deciding applications made to it under the Act; and

(c) 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

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

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**17. Procedural Motion**

**17.4 2016/10/26.23 PROCEDURAL MOTION – REOPEN OF MEETING**

**Moved by: J CLIFFORD**

**Seconded by: R PETERSON**

**That Council reopen the meeting to the general public at 11.53am.**

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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16.1 Confidential Matters- Office of the Mayor and CEO

16.1.1 2016/10/26.24 BUSINESS ACTIVITIES REPORT - SEPTEMBER 2016

Moved by: J CLIFFORD

Seconded by: P RAMAGE

Council receives the Business Activities Report for September 2016.

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

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**16.2 Confidential Matters - Corporate Services**

**16.2.1 2016/10/26.25 HARDSHIP APPLICATION ASSESSMENT 1206828**

**Moved by: R PETERSON**

**Seconded by: D CLARK**

**Council resolves to approve a concession in accordance with the Hardship Policy to Rate Assessment 1206828 for the outstanding debt for Rates with the following conditions:**

- a) Council accept a lump sum payment of \$7,000.00 with no further payment required until the 28th February 2017;**
- b) Interest charges will be waived for the period of – 1st December 2015 to 30 June 2017; and**

**The balance of Rates, charges and interest to be serviced from 1 July 2017 under Council's usual Deferral of Liability – Paying Rates by Arrangement Policy.**

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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16.2 Confidential Matters - Corporate Services

16.2.2 2016/10/26.26 OWNER OCCUPIER STATUS – RATES 1103296

Moved by: J CLIFFORD

Seconded by: R PETERSON

Council resolves to approve an owner occupied concession to assessment 1103296, noting that approval is excluded in the Policy due to property held in trust. However, the particular circumstances of the assessment are consistent with the objective of the policy, given that the beneficiaries of the trust are the occupants, (a family), living in their principal place of residence.

Furthermore, that the concession be conditional upon the occupants providing a Statutory Declaration that they do principally reside on the property and that they are solely responsible for the payment of rates.

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

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**16.3 Confidential Matters – Planning and Development Services**

**16.3.1 2016/10/26.27 INFRASTRUCTURE AGREEMENT NEGOTIATIONS – 20150690 – DEVELOPMENT APPLICATION FOR DEVELOPMENT PERMIT FOR RECONFIGURATION OF A LOT – ONE (1) LOT INTO TWENTY-EIGHT (28); ONE (1) COMMUNITY FACILITIES LOT; ONE (1) BALANCE LOT AND ONE (1) ENTRY STATEMENT LOT**

**Moved by: D CLARK**

**Seconded by: R PETERSON**

**Council resolves:**

- a) that in respect of a Development Permit dated 25 May 2016 for reconfiguration of a lot made by S and M J Curko, on Lot 51 SP225079, Council agree to adhere to the original conditions of the development approval; and**
- b) to not approve the request to waive the application fees for a future Operational Works application for the above development.**

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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16.3 Confidential Matters – Planning and Development Services

- 16.3.2 2016/10/26.28 REQUEST FOR AGREEMENT TO SUPPORT AN APPLICATION TO THE DEPARTMENT OF NATURAL RESOURCES AND MINES FOR THE OPENING OF A NEW SECTION OF ROAD OVER A PORTION OF AIRLIE CREEK; REQUEST FOR AGREEMENT TO MANAGE THE AREA OF NEW ROAD OPENING; REQUEST TO AGREE TO THE SURRENDER OF A SMALL EXISTING EASEMENT AT THE FRONTAGE OF THE SITE; REQUEST TO WAIVE INFRASTRUCTURE CHARGES AND CAR PARKING CONTRIBUTIONS – PART OF LOT 331 SP141145, SHUTE HARBOUR ROAD, ALGONA DEVELOPMENTS PTY LTD**

Moved by: M BRUNKER

Seconded by: R PETERSON

That in respect of Part of Lot 331 SP141145, Shute Harbour Road, in response to a request made by Algona Developments Pty Ltd As TTE, Council resolves to:

- 1. support an application being made to the Department of Natural Resources and Mines for the opening of a new section of road over a portion of Airlie Creek noting this support does not bind Council's future decisions in relation to a material change of use application for this site;**
- 2. agree to the surrender of a small existing easement at the frontage of the site, and incorporation of this area into the new road opening; and**
- 3. manage the area of new road opening through an agreement with the proponent.**

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

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***The meeting closed at 11.57am***

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Confirmed as a true and correct recording this 9 November 2016

**Cr Andrew Willcox
MAYOR**