



Minutes of the Ordinary Meeting held on 22 March 2017



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
22 March 2017 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); G Martin (Manager Communications & Marketing); P Fendley (Executive Officer Strategy & Governance); A Felix (Administration Officer)

Other Details:

The meeting commenced at 9.00am

The meeting adjourned for morning tea at 10.12am

The meeting reconvened from morning tea at 10.36am

The meeting adjourned for lunch at 1.22pm

The meeting reconvened from lunch at 1.52pm

The meeting closed at 2.19pm

Whitsunday Regional Council
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Bowen Council Chambers, 67 Herbert Street, Bowen
 on 22 March 2017 commencing at 9:00am

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Council acknowledges and shows respect to the Traditional Custodian/owners whose country we hold this meeting.

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- 2. Condolences**  
**2.1 2017/03/22.01 CONDOLENCES**

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

**Council observes one (1) minutes silence for the recently deceased.**

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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- 3.1 Mayoral Minute**
3.1.1 2017/03/22.02 REPORT ON THE TRADE DELEGATION TO INDIA

Moved by: A WILLCOX

That Council receives the Mayor's report on the Trade Delegation to India.

MEETING DETAILS:

Mayor Willcox read out the following passage:

Planes, trains and automobiles! My head is still spinning after a whirlwind 5 day trip to India as part of Premier Palaszczuk's Mayoral delegation to advocate for the Adani's \$21 billion Carmichael Coal Mine, Rail and Port Project.

It seems like a decade ago that I packed my bags early on the morning of Wednesday, March 15 and started the long journey to Mumbai, India.

That Wednesday started with a 9am meeting at Proserpine Railway Station. Queensland Assistant Minister for Transport Glenn Butcher announced \$600,000 would be spent upgrading the Proserpine depot.

Proserpine Station has recently been given a \$150,000 facelift with a carpark upgrade and the next step is to upgrade the adjoining depot. Construction work will use local contractors meaning more jobs for our community!

I then drove to Bowen for a morning of council briefings and a noon meeting with Opposition leader Tim Nichols and deputy Opposition leader Deb Frecklington. Myself and Councillors briefed them on issues within our region and also advocated for funding for our two priority projects, the Whitsunday Coast Airport upgrade and the Greening and Growing Bowen project.

I then drove the two hours to Mackay where I linked up with Mackay Regional Council Mayor Greg Williamson for our 5pm flight to Brisbane. This would be the first of my 6 flights in 5 days. Once in Brisbane, we transferred to the International terminal where we held a round table meeting with several other Mayors to discuss regional issues prior to the 11.35pm departure of our 15 hour flight to Mumbai.

We arrived in Mumbai at 10.35am local Indian time and after clearing immigration and customs, and a lengthy wait and transfer, we finally checked in to our Mumbai hotel at 1pm. I then joined Mayor Williamson for a quick tour of the area before a hasty shower and change into more formal attire before meeting in the lobby for a 4pm departure and two hour bus trip to the Queensland Regional Mayor's Delegation Dinner hosted by Premier Palaszczuk.

At 6.30pm we had a pre-dinner meeting with the Premier to thrash out our key message which was to convince the Adani board that Queensland is a good place to invest, creating jobs for Queenslanders.

We then attended the formal dinner which was also attended by Australia's High Commissioner to India, Ms Harinder Sidhu and the Consul-General of Mumbai, Mr Tony Huber. The High Commissioner updated us on the importance of the project to India where over 100 million people do not have access to power.

After dinner, it was back on the bus for the two hour return journey to our hotel climbing into bed well after midnight. You can imagine my sheer delight when the alarm clock sounded at 3am to signal the start of another long day.

The group gathered in the lobby for a 4am departure to Mumbai Airport for a 90 minute flight to Bhuj arriving at 7.25am for 2 hour bus journey to the Mundra port which really lives up to its name as the Adani Ports and Mundra Special Economic Zone.

Mundra is one of eight ports that Adani operate in India and is ideally located to provide easy access to three key industrial zones.

While at Mundra, we were taken on a tour of the massive infrastructure facility by CEO of Mundra Solar, Mr Samir Vora followed by lunch with the Adani Group executive.

I understand that Mr Adani has confirmed to Premier Palaszczuk that his Board was expecting final approvals from the Australian government by May or June, after which construction could begin. And further, that pending final board approval, his company expected to push the green go button with actual work commencing in August.

The tour of the Mundra SEZ (Special Economic Zone) also opened my eyes to the wider opportunities involved in collaborating with the Adani Group as contrary to popular opinion, only 30 per cent of their core business is devoted to mining and thermal power.

Adani are also major players in agriculture and solar energy, so building relationships with one of the world's largest integrated companies presents significant opportunities for future projects and more importantly, jobs for Whitsunday Region residents.

In the current scenario of climate change and global warming, the usage of environment-friendly technology is key and we were told how the Adani Group is committed to energy and environment conservation, while addressing the nation's energy requirements.

In the country's desire to provide power to the more than 100 million people currently with no electricity the challenge is in striking a balance between renewable energy and coal powered energy.

Currently those people are burning trees, dung or whatever they can find to simply enable them to cook meals.

We were told the Adani Group is investing \$2 billion to construct solar panels and solar photo-voltaic cells. The plant at Mundra includes a solar cell and module plant with a capacity of 1200 megawatts. Mr Vora told us their aim was to build 1 million solar panels annually and build a solar power capacity of 10,000MW by 2022.

The port and rail facility at Mundra is almost four times the size of Abbot Point and certainly shows that Adani are proven infrastructure builders.

After the tour and lunch it was back on the bus for the two hour ride back to Bhuj airport, a flight and another bus trip back to our hotel arriving at 8.30pm which gave us 15 minutes to shower and change and meet in the hotel lobby for our 30 minute bus transfer to the Adani Board Dinner.

We had a meeting with the board prior to the dinner with Gautham Adani giving a further update on the Carmichael Coal Mine and Port Project and Adani operations. This was followed by a speech from Premier Palaszczuk who reassured the Adani Group of the support of the project by the Queensland Government and regional Local Governments.

Each Mayor was then given the opportunity to speak. I said my passion as Mayor of the Whitsunday Region is to advocate for job and business opportunities for our residents that can arise out of this project, as our community has been doing it tough.

The meeting finished after 10.30pm and then it was the Adani Board dinner where I had the opportunity to speak with several key figures on the board.

After dinner it was back on the bus to our hotel and it was after 1am before we were back in our rooms ending an arduous but fruitful 22 hour day.

Next morning it was time for the long journey home which also provided another opportunity for me to speak with Premier Palaszczuk at the airport to discuss WRC's two main projects: the Whitsunday Coast Airport Upgrade and the Greening and Growing Bowen.

I continued these positive discussions with key senior staff of the Department of Premier and Cabinet on the plane trip home and I am confident that our perseverance and persistence to push for collaborative funding will pay dividends very soon.

I will include a table of my travel arrangements for inclusion in the minutes, with my report.

Day	Date	Start	Finish	Time Zone	Duration (Hrs)	Description
WED	15/03/2017	5.00PM	6.25PM	AUS EST	1h 25m	Economy Flight (MACKAY/BRISBANE)
		11.35PM		AUS EST	15h	Business Flight (BRISBANE/MUMBAI)
THU	16/03/2017		10.35AM	IST		
		4.00PM	6.10PM	IST	2h 10m	Bus Transfer
		6.15PM	7.00PM	IST	45m	Pre-Dinner Meeting with Premier
		7.00PM	10.00PM	IST	3h	Delegation Dinner
		10.00PM	12.00AM	IST	2h	Bus Transfer
FRI	17/03/2017	4.00AM	5.00AM	IST	1h	Bus Transfer
		6.10AM	7.25AM	IST	1h 15m	Economy Flight (MUMBAI/BHUJ)
		8.00AM	10.00AM	IST	2h	Bus Transfer/Bus broke down/Car Transfer
		10.00AM	2.30PM	IST	4h 30m	Tour of Mundra Port & Lunch with Chairman
		2.30PM	4.30PM	IST	2h	Car Transfer
		5.20PM	6.40PM	IST	1h 20m	Economy Flight (BHUUJ/MUMBAI) Flight Delayed
		8.00PM	8.30PM	IST	30m	Bus Transfer
		9.00PM	9.30PM	IST	30m	Bus Transfer
		9.30PM		IST	2h 30m	Adani Meeting and Board Dinner
SAT	18/03/2017		12.00AM	IST	30m	Bus Transfer
		7.15AM	8.00AM	IST	45min	Car Transfer
		11.50AM		IST	15h	Business Flight (MUMBAI/BRISBANE)
		8.45AM	10.20AM	AUS EST	1h 35m	Economy Flight (BRISBANE/MACKAY)

The motion was Carried 7/0

CARRIED

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**3.1 Mayoral Minute**

**3.1.2 2017/03/22.03 SUPPORT FOR CARMICHAEL COAL MINE AND RAIL PROJECT**

**Moved by: A WILLCOX**

**That Council supports the State government approved Carmichael Coal Mine, Rail and Port Project.**

**MEETING DETAILS:**

*Mayor Willcox read out the following passage:*

*I would like to put on public record this Council's support for the \$21 billion Carmichael Coal Mine, Rail and Port Project.*

*I believe that is important that we stand side by side our neighbouring Councils and the State Premier and clearly indicate our support for the project.*

*We are custodians for the Whitsunday Region with its unique economic and geographic diversity and we are actively engaging in innovation and renewable energy projects. However we also need to maintain a balanced and pragmatic view by supporting regional projects in the here and now which can create jobs for those living in our region and lift the economy across the board.*

*Adani are also major players in agriculture and solar energy so building relationships with one of the world's largest integrated companies presents endless future potential opportunities for projects and jobs in this region.*

*The Carmichael Coal Mine, Rail and Port project has over 142 legislative, regulatory and prescribed conditions to protect our environment and that is under the watchful eye of the Federal and State Governments.*

*Our community is doing it tough and my focus as Mayor of the Whitsunday Region is to advocate for the jobs and business opportunities for our residents that can arise out of this project.*

The motion was Carried 7/0

**CARRIED**

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3.2 Mayoral Update

<p>Thursday 9th March</p>	<ul style="list-style-type: none"> • LGIP Workshop - Bowen
<p>Friday 10th March</p>	<ul style="list-style-type: none"> • Presentation of Plaque to Cruise Ship – MS Sirena – Port of Airlie
<p>Monday 13th March</p>	<ul style="list-style-type: none"> • New Trainee Orientation – Bowen • Meeting with Ratepayers – Bowen • Mantra Club Croc Grand Opening – Airlie
<p>Tuesday 14th March</p>	<ul style="list-style-type: none"> • Monthly Cooking Segment – Peter Faust Dam Proserpine • Meeting with Ratepayers – Proserpine • Meeting with Save Our Foreshore – Proserpine
<p>Wednesday 15th March</p>	<ul style="list-style-type: none"> • Announcement of QLD Rail Depot Upgrades with Assistant Minister for Transport & Infrastructure, Glenn Butcher – Proserpine • Briefing Session - Bowen • Visit from Tim Nicholls Leader of the Opposition and Deb Frecklington Deputy Leader of the Opposition - Bowen
<p>Wednesday 15th March to Sunday 19th March</p>	<ul style="list-style-type: none"> • International Trade Mission Delegation to India with Premier Premier Anastacia Palaszczuk and Regional Mayors
<p>Monday 20th March</p>	<ul style="list-style-type: none"> • Teleconference with Regional Mayors from Delegation to India – Bowen • Teleconference with Deputy under Treasurer Warwick Agnew – Bowen • Media Around Trip • Caught up on office work - Bowen
<p>Tuesday 21st March</p>	<ul style="list-style-type: none"> • “Taste of Harmony” Breakfast – Bowen State School • Whitsunday Disaster Management Group Meeting – Proserpine • Meeting with Ratepayers – Proserpine • Bowen Tourism & Business Networking Night – Filby’s Motors Bowen

4. Confirmation of Minutes

4.1 2017/03/22.04 CONFIRMATION OF MINUTES REPORT

Moved by: D CLARK

Seconded by: R PETERSON

Council confirms the Minutes of the Ordinary Meeting held on 8 March 2017.

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

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**7. Notice of Motion**

**7.1 2017/03/22.05 NOTICE OF MOTION - 20160112 - DEVELOPMENT PERMIT FOR RECONFIGURATION OF A LOT - 1 LOT INTO 2 RURAL RESIDENTIAL LOTS - 25SP201437 - 74 MOON CRESCENT, SUGARLOAF - P W BARR C/- WHITSUNDAY SURVEYS**

**Moved by: J COLLINS**

**Seconded by: J CLIFFORD**

**That in accordance with Council's Standing Orders, clauses 12.1 to 12.5, and Section 262 of the Local Government Regulation 2012, the decision of council in relation to item 12.1 of the Ordinary Meeting held on 8 March 2017 (20160112 - Development Permit For Reconfiguration Of A Lot - 1 Lot Into 2 Rural Residential Lots - 25sp201437 - 74 Moon Crescent, Sugarloaf - P W Barr C/- Whitsunday Surveys) Be Repealed.**

**Meeting Details:**

The motion was Carried 7/0

**CARRIED**

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10. Office of the Mayor and CEO
10.1 2017/03/22.06 MONTHLY FINANCIAL REPORT - FEBRUARY 2017

Moved by: J CLIFFORD
Seconded by: R PETTERSON

Council receives the Monthly Financial Report for February 2017.

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

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10. Office of the Mayor and CEO  
10.2 2017/03/22.07 DELEGATIONS TO THE CHIEF EXECUTIVE OFFICER  
2017 - YEARLY REVIEW

Moved by: J CLIFFORD  
Seconded by: D CLARK

Council resolves, under Section 257 of the *Local Government Act 2009*, to delegate the powers contained in Schedule 1 of the Delegations Register to the Chief Executive Officer. These powers must be exercised subject to any limitations contained in Schedule 2 of the Register.

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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10. Office of the Mayor and CEO

10.3 2017/03/22.08 NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT 2017

Moved by: J CLIFFORD

Seconded by: P RAMAGE

Council resolves to authorise the Mayor to attend the 2017 National General Assembly of Local Government, to be held on 18 - 21 June 2017 at the National Convention Centre in Canberra.

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

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10. Office of the Mayor and CEO

10.4 2017/03/22.09 5TH LOCAL GOVERNMENT SUSTAINABILITY SUMMIT 2017

Moved by: D CLARK

Seconded by: P RAMAGE

Council resolves to authorise the Mayor Andrew Willcox and Cr Mike Brunner to attend the 5<sup>th</sup> Local Government Sustainability Summit being held 29-30 March 2017 at the Shangri-La Hotel, Cairns.

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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10. Office of the Mayor and CEO
10.5 2017/03/22.10 2017 AUSTRALIAN COASTAL COUNCIL'S
CONFERENCE

Moved by: M BRUNKER

Seconded by: P RAMAGE

Council resolves to nominate Cr Petterson and Cr Clifford to attend the Australian Coastal Councils Conference to be held in Redcliffe from 3 to 5 May 2017

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

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10. Office of the Mayor and CEO  
10.6 2017/03/22.11 BUILDING BETTER REGION COMMUNITY  
INVESTMENT

Moved by: J CLIFFORD

Seconded by: R PETERSON

Council resolves to:

- a) Approve that two submissions be made to the Building Better Region's Community Investment Stream funding program;
  - i. The Whitsunday Tourism Product Development Project, seeking funding of \$150,000
  - ii. The Whitsunday Clipper Carnival, seeking funding of \$100,000 ;
- b) Approve the CEO to write a letter confirming that \$50,000 is already committed by Council and will be available for the Whitsunday Clipper Carnival project if the funding is successful; and
- c) Approve the CEO to write a letter confirming that Council will contribute \$150,000 in the 2017/18 financial year to the Whitsunday Tourism Product development project, if the BBR funding application is successful.

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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10. Office of the Mayor and CEO
10.7 2017/03/22.12 GREENING AND GROWING BOWEN - STAGE 1

Moved by: D CLARK
Seconded by: M BRUNKER

Council resolves to:

- a) support the submission of the detailed Building Our Regions (BoR) – Greening & Growing Bowen, Stage 1 – grant application;
- b) approve the proposed Council financial contributions of \$2,023,500 to the project should funding support be successful; and
- c) commit to the management and costs associated with the ongoing operation and maintenance of the infrastructure for this project.

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

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10. Office of the Mayor and CEO  
10.8 2017/03/22.13 AIRLIE BEACH FORESHORE MASTER PLAN

Moved by: J CLIFFORD  
Seconded by: R PETERSON

Council resolves to:

- a) support the submission of the application to the Building our Regions programme for the Developing Airlie Beach Cultural Hub-Airlie Foreshore Revitalisation Project,
- b) commit to delivering the project by approving Budget to fund Council's half of the project over two financial years being \$3.5million in total, and
- c) commit to including the Revitalised Foreshore into Council's operational and maintenance Budgets into the future.

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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10. Office of the Mayor and CEO

10.9 2017/03/22.14 CHANGE OF COUNCIL MEETING DATES – MAY 2017

Moved by: J CLIFFORD

Seconded by: D CLARK

Council resolves to change the dates of the following Ordinary Council Meetings:

- a) 10 May 2017 to 17 May 2017; and**
- b) 24 May 2017 to 31 May 2017**

due to Mayor and Councillor attendance at the Local Government Association of Queensland 2017 Disaster Management Conference being held on the 9th-11th May 2017 in Mackay.

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

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**12. Planning and Development Services**

**12.1 2017/03/22.15 PLANNING AND DEVELOPMENT MONTHLY REPORT  
– DECEMBER 2016 & JANUARY 2017**

**Moved by: D CLARK**

**Seconded by: J COLLINS**

**Council receives the Planning and Development Monthly Report for December 2016 and January 2017.**

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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12. Planning and Development Services

12.2 2017/03/22.16 DA08093 - REQUEST TO EXTEND THE RELEVANT PERIOD - MCU COMPONENT - DEVELOPMENT APPLICATION FOR DEVELOPMENT PERMIT FOR MATERIAL CHANGE OF USE - WORKERS ACCOMMODATION - POWERHOUSE ROAD COLLINSVILLE - MORRIS CORPORATION (AUST) PTY LTD

Moved by: P RAMAGE

Seconded by: M BRUNKER

Council resolves to refuse the request for an extension of relevant period of the Development Permit for Material Change of Use - Staged Accommodation Buildings (50 Room Motel including bar, public toilets and function/conference room, 768 Accommodation Units including Reception, Dining Area , Kitchen and Tavern and Reconfiguration of a Lot - Boundary Adjustment and Environmentally Relevant Activity - 15 Sewerage Treatment and Clearing of Native Vegetation on land described as L: 2 MPH: 20122, L: 3 SP: 107834 T: & EMT B/SP260372, Powerhouse Road COLLINSVILLE on the following grounds:

- a) the inconsistency of the approval, including its conditions, with the current laws and policies applying to the development;**
- b) the community's lack of awareness of the development due to the time which has elapsed since it was first approved by the Planning and Environment Court; and**
- d) the absence of an economic need for the development.**

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

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**12. Planning and Development Services**

**12.3 2017/03/22.17 20160449 – DEVELOPMENT APPLICATION FOR RECONFIGURATION OF A LOT – ONE (1) LOT INTO THREE (3) LOTS – 13 BERRYHILL ROAD, RIORDANVALE – BERRYHILL EXCAVATIONS PTY LTD C/- RPS AUSTRALIA EAST PTY LTD**

**Moved by: J CLIFFORD**

**Seconded by: R PETERSON**

**Council resolves to refuse the application for Development Permit for Reconfiguring a Lot - One (1) Lot into Three (3) Lots, made by Berry Excavations Pty Ltd, on Lot 17 SP: 198047 and located at 13 Berryhill Road RIORDANVALE, for the following reasons:**

- a) the proposed lot sizes conflict with the provisions of the Whitsunday Shire Planning Scheme 2009 and Council elects not to give weight to the provisions of the draft new planning scheme;**
- b) the site is largely included in an environmental covenant and the available areas for the future construction of buildings are limited and will result in new dwellings located close to existing dwellings, in conflict with the amenity of the locality;**
- c) sufficient grounds have not been demonstrated to approve the proposal despite the conflicts with the planning scheme**

**MEETING DETAILS:**

The motion was Carried 6/1

**CARRIED**

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12. Planning and Development Services

12.4 2017/03/22.18 20170141 - DEVELOPMENT PERMIT FOR MATERIAL CHANGE OF USE - STAGED DEVELOPMENT FOR REFRESHMENT PREMISES/SHOPS - 287 SHUTE HARBOUR ROAD, AIRLIE BEACH - JOBERN PTY LTD

Moved by: J CLIFFORD

Seconded by: D CLARK

Council resolves to approve the application for Development Permit for Material Change of Use - Staged Development for Refreshment Premises/Shops, made by Jobern Pty Ltd, on Lot 1 SP137700, Lot 2 SP137700 and located at 287 Shute Harbour Road 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
Site Plan	Kelly's Plumbing & Building Design	01-08	23/02/2017
Existing Ground Floor Plan	Kelly's Plumbing & Building Design	02-08	23/02/2017
Proposed Ground Floor Plan	Kelly's Plumbing & Building Design	03-08	23/02/2017
First Floor Plan	Kelly's Plumbing & Building Design	04-08	23/02/2017
North Elevation, South Elevation Plan	Kelly's Plumbing & Building Design	05-08	23/02/2017
Section A-A	Kelly's Plumbing & Building Design	06-08	23/02/2017
Perspectives	Kelly's Plumbing & Building Design	07-08	23/02/2017

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

- Plumbing and Drainage Works;
- Building Works;

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

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

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

1.5 The applicant shall demonstrate and provide evidence that compliance with all conditions of this development approval and any other subsequent development

approvals as a result of this development approval have been complied with at the time of commencement of the use.

- 1.6 A copy of this decision notice and stamped and approved plans/drawings must be retained on site at all times. This decision notice must be read in conjunction with the stamped approved plans to ensure consistency in construction, establishment and maintenance of approved works.

2.0 ACCESS AND PARKING

- 2.1 The development results in an increased demand on Council's existing public car parking within the township of Airlie Beach which is not designed to accommodate the additional demand. To accommodate the additional demand, the applicant must pay a monetary contribution towards the provision of additional public car parking in Airlie Beach by Council. Such contribution is to be paid prior to commencement of the approved use, and amounts to a total of \$25,000, based on the provision of five (5) car parking spaces at a cost of \$5,000 per space.

- 2.2 Any stairs, ramps, associated handrails must be located wholly within the private property of the development site.

3.0 CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

- 3.1 Internal and external lighting of toilets must be bright, vandal resistant and where toilets are open after hours should illuminate in hours of darkness or be sensor/movement sensitive.

4.0 ADVERTISING DEVICES

- 4.1 No advertising device is to be erected on the premises without compliance against the Whitsunday Shire Planning Scheme 2009 (Advertising Signage Code) or the necessary development permit for an advertising device.

5.0 WASTE

- 5.1 Waste and recycling storage facilities must be provided in accordance with the following provisions:

- a) Adequate waste containers must be provided to contain the volume and type of waste and recyclable matter generated by the development;
- b) Waste storage area for waste containers must be constructed of a solid concrete base;
- c) Waste storage area must be designed and constructed so it can be easily cleaned whilst ensuring no waste or recyclable matter is released to the stormwater system or any waterway.

- 5.2 Maintenance and cleaning of waste containers must be carried out by a cleaning contractor or in an area where contaminants cannot be released into stormwater drainage, a roadside gutter, water or onto unsealed ground.

- 5.3 Ensure that all reasonable and practicable measures are taken to ensure that waste storage area is kept to a standard of cleanliness where there is no accumulation of:

- a) Waste, except in waste containers;
- b) Recycled matter, except in containers;
- c) Grease; or
- d) Other visible matter.

6.0 WORKPLACE HEALTH AND SAFETY

- 6.1** The applicant must, at no cost to Council, ensure that all reasonable safeguards in and around the works are undertaken and maintained at all times to ensure the safety of the public. Such safeguards include, but are not limited to, erecting and maintaining barricades, guards, fencing and signs (and ensuring removal after completion of works) and watching and flagging traffic.
- 6.2** During construction works that applicant must ensure pedestrian usage of the footpath on Airlie Main Street remains unimpeded. Should access need to be restricted to the footpath this must be consented to by Council prior to works commencing.

7.0 LIGHTING

- 7.1** The development must meeting the lighting design requirements contained in the Australian Standards AS4282 – control of obtrusive effects of outdoor lighting.

8.0 STORMWATER

- 8.1** The applicant must ensure all storm water is piped to a Legal Point of discharge.

9.0 LANDSCAPING

- 9.1** Without the prior consent of Council the applicant must not remove any landscaping within the Airlie Beach foreshore.

10.0 MISCELLANEOUS

- 10.1** 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.
- 10.2** 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.
- 10.3** 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.
- 10.4** 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 Airlie Beach Main Street or adjoining land unless written permission from the owner of that land and Council is provided.
- 10.5** 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.

11.0 ADVISORY NOTES

11.1 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.

11.2 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.

11.3 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.

11.4 Noise During Construction and Noise in General

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

11.5 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.

11.6 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

12.5 2017/03/22.19 20160822 – DEVELOPMENT APPLICATION FOR DEVELOPMENT PERMIT FOR MATERIAL CHANGE OF USE FOR DUAL OCCUPANCY – 20 BROADWATER AVENUE – 404A8593 & 414A8593 – ATTUNGA CONSTRUCTIONS PTY LTD C/- GILVEAR PLANNING PTY LTD

Moved by: D CLARK

Seconded by: J COLLINS

Council resolves to approve the application for Development Permit for Material Change of Use - Dual Occupancy, made by Attunga Constructions Pty Ltd, on L: 404 A: 8593 T: N0616/175, L: 414 A: 8593 T: N616/715 and located at 20 Broadwater Avenue AIRLIE BEACH, 245 Shute Harbour Road 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      |
|--------------------|--------------------------------------------------|-------------|------------|
| Site Plan          | RECS – Consulting Engineers & Building Designers | DA 1 Rev. B | 20/12/2016 |
| Site Section       | RECS – Consulting Engineers & Building Designers | DA 2 Rev. B | 20/12/2016 |
| Ground Floor       | RECS – Consulting Engineers & Building Designers | DA 3 Rev. B | 20/12/2016 |
| First Floor Plan   | RECS – Consulting Engineers & Building Designers | DA 4 Rev. B | 20/12/2016 |
| Second Floor Plan  | RECS – Consulting Engineers & Building Designers | DA 5 Rev. B | 20/12/2016 |
| Sun Deck           | RECS – Consulting Engineers & Building Designers | DA 6 Rev. B | 20/12/2016 |
| Elevations 1 & 4   | RECS – Consulting Engineers & Building Designers | DA 7 Rev. B | 20/12/2016 |
| Elevations 2 & 3   | RECS – Consulting Engineers & Building Designers | DA 8 Rev. B | 20/12/2016 |
| House Section      | RECS – Consulting Engineers & Building Designers | DA 9 Rev. B | 20/12/2016 |

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

- **Operational Works:**
  - Access and Parking
  - Landscaping;
  - Stormwater drainage;
  - Water Infrastructure;
  - Sewerage Infrastructure.
- **Plumbing and Drainage Works;**
- **Building Works.**

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

**1.3 The applicant shall demonstrate and provide evidence that compliance with all conditions of this development approval and any other subsequent development approvals as a result of this development approval have been complied with at the time of sealing the survey plan or commencement of the use, whichever is the sooner.**

**1.4 The applicant is to comply with the Department of Infrastructure, Local Government and Planning conditions as outlined in the Department's correspondence dated 3 February 2017.**

**1.5 The applicant is to ensure that Lot 404 on A8593 and Lot 414 on A8593 are amalgamated prior to the acquisition of any related development approvals.**

## **2.0 CLEARING, LANDSCAPING AND FENCING**

**2.1 An Operational Works (Landscaping) application must be approved by Council prior to the commencement of work on site.**

**The application must be accompanied by detailed plans and specifications.**

**The landscaping must achieve:**

- **inclusion of shade trees in open space and communal areas to provide summer shade;**
- **a mix of height and predominantly native vegetation species suitable to the tropical climate in areas identified for landscaping;**
- **maximise areas suitable for onsite infiltration of stormwater;**
- **installation of a suitable reticulated irrigation system to all private and common areas of the site; and**
- **allow adequate lighting of all pedestrian pathways, entrances, open space and communal areas to provide for pedestrian and vehicular safety.**

**The landscaping must be established in accordance with the approved plans prior to the commencement of the use and maintained thereafter to the requirements of the Council.**

**2.2 Erect solid fencing, a minimum of 1.8 metres high, along the side and rear boundaries of the site. The fencing placed on the side boundaries of the site is to be stepped down from the end of the building line to the front boundary to a height of 1.5 metres. The proposed design and materials are to be submitted with the detailed landscaping plans for review.**



- 2.3 The building façade must be provided with vertical landscaping to:**
- a) Promote a more attractive façade;**
  - b) Soften the bulk of the building;**
  - c) Graduate the height of the building with planting and soft landscape elements; and**
  - d) Provide a tropical ambience for the building.**
- 2.4 Landscaping must be provided along the boundaries. The landscaping must comprise a mixture of shrubs, bushes and ground covers which achieve 50% coverage within two (2) years of planting.**
- 2.5 Vertical landscaping must be implemented on the South Eastern facing wall (Shute Harbour Road side). The vertical landscaping must achieve 50% wall cover after two (2) years of planting.**
- 3.0 BUILDING**
- 3.1 A mailbox for each unit must be provided on site, prior to the commencement of the use. Location of mailboxes should be in a clear position facing the street; and clear of obstacles (i.e. trees and shrubs). Mailboxes should demonstrate consistency with the standard required by Australia Post.**
- 3.2 Building and landscaping materials are not to be highly reflective, or likely to create glare, or slippery or otherwise hazardous conditions.**
- 3.3 Ventilation and mechanical plant must be located and designed so that prevailing breezes do not direct undesirable noise and odours towards adjoining residential uses.**
- 3.4 All air-conditioning units are not to be visible from the street or adjoining properties and are to be aesthetically screened.**
- 3.5 Buildings are to be finished with external building materials and colours to reduce scale and bulk.**
- 3.6 The western façade facing Shute Harbour Road is to be re-designed to incorporate fenestration, shuttering or similar articulation to improve the presentation to the street. Revised elevations are to be submitted to Council prior to engagement of a certifier.**
- 3.7 Windows of habitable rooms which have the potential to overlook habitable rooms of adjoining buildings shall be re-located or fitted with external screening.**
- 4.0 EARTHWORKS**
- 4.1 All site works must be designed by an experienced and qualified Geotechnical Engineer and undertaken in accordance with the recommendations of the Geotechnical Investigation and Landslide Risk Assessment by Cardno dated 25th January 2017. Particular attention is to be paid to the possible effects of site works on adjoining properties, particularly the removal of rock.**
- 4.2 All cut/fill batter slopes are to be protected and retained in a visually acceptable manner prior to commencement of the use. Any retaining structures must be designed in accordance with the recommendations of the Geotechnical Investigation and Landslide Risk Assessment by Cardno dated 25th January 2017 and is stable and will remain so over the long term.**
- 4.3 Prior to commencement of use on the site, the owner must lodge with Council, an engineer's certification (by an experienced and qualified RPEQ engineer).**

The certification must be addressed to Council and must certify that the works have been constructed according to the geotechnical engineer's recommendations of the Geotechnical Investigation and Landslide Risk Assessment by Cardno dated 25<sup>th</sup> January 2017 and are stable and will remain so over the long term.

- 4.4 Any application must be accompanied by engineering design drawings demonstrating compliance with the recommendations of the Geotechnical Investigation and Landslide Risk Assessment by Cardno dated 25<sup>th</sup> January 2017

#### 5.0 WATER INFRASTRUCTURE

- 5.1 The development must have a single water connection point prior to commencement of the use.
- 5.2 All water infrastructure must be designed and constructed in accordance with Council's Development Manual (current at the time of development), prior to commencement of the use.
- 5.3 Each dwelling within the development must be provided with a sub-meter in accordance with Council's policy for sub-metering prior to occupation of the dwellings.
- 5.4 An application for operational works must be submitted to disconnect and seal one (1) of the sewer services provided on site following amalgamation.

#### 6.0 SEWERAGE INFRASTRUCTURE OR ON SITE EFFLUENT DISPOSAL

- 6.1 The development must have a single sewer connection point prior to commencement of the use.
- 6.2 All sewerage infrastructure must be designed and constructed in accordance with Council's Development Manual (current at the time of development), prior to commencement of the use.

#### 7.0 ACCESS AND PARKING

- 7.1 The external access must include provision for all drainage from within the property and along the driveway surface to be collected at or inside the property boundary and discharged by way of a pipe or other approved means to Council's drainage system.
- 7.2 A minimum of 4 car parking spaces of which 2 must be covered car parking spaces must be provided for the development on site prior to commencement of the use.
- 7.3 The external access from the pavement of Broadwater Avenue to the property boundary must be provided and maintained to comply with the dimensions, gradients and specifications as indicated on Council's Standard Drawing R0050 prior to commencement of the use.
- 7.4 All internal accesses, driveways, parking bays and manoeuvring areas must be designed and constructed so as to comply with the criteria described in AS2890
- 7.5 Any application for Operational Works (Access and Parking) must be accompanied by detailed engineering drawings of the proposed internal access driveways, parking bays and manoeuvring areas, demonstrating compliance with Council's Whitsunday Shire Council Development Manual (or equivalent replacement document current at the time of development), Australian Standard AS2890 and this Decision Notice.
- 7.6 Prior to commencement of use on the 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, onsite parking and manoeuvring areas have been designed and constructed according to the conditions of this Decision Notice and achieves compliance with Whitsunday Planning Scheme, Councils Development Manual, AS2890 and AS 1428

#### **8.0 STORMWATER AND FLOODING**

- 8.1 The applicant must design and construct Roof and Allotment drainage system for each building 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. No uncontrolled discharge will be permitted within the developed site.
- 8.2 The stormwater design is to provide for the developed flows from the site to be piped to a Legal Point of discharge in Broadwater Avenue.
- 8.3 Prior to commencement of use on the 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 the Roof and Allotment drainage works have been constructed in accordance with the requirements of Queensland Urban Drainage Manual current at the time of development, Councils Development Manual (current at the time of development) and this Decision Notice and will not cause adverse effects to adjoining or downstream properties or infrastructure.

#### **9.0 ELECTRICITY AND TELECOMMUNICATIONS**

- 9.1 Provide electricity and telecommunications connection to the proposed development to the requirements of the relevant authority. The application must submit to Council, either:
  - (a) a certificate of supply demonstrating that existing low-voltage electricity supply is available to the newly created lots; or
  - (b) a certificate of supply that the applicant has entered into an agreement with the authorized electricity supplier, Ergon, to provide electricity services to the newly created lots, payment has been received and the connection will be completed at a date in the future.

If low-voltage electricity supply is unavailable to the newly created lots then the applicant must provide a certificate of supply of the proposed electricity connection date to all future property owners prior to entering into a contract of sale for the newly created lots prior to commencement of the Use.

#### **10.0 ENVIRONMENTAL MANAGEMENT PLAN (EMP)**

- 10.1 A Development Permit for Operational Works (Erosion Prevention and Sediment Control) must be obtained prior to commencement of work on site.
- 10.2 Prior to commencement of any work on the site, the applicant must submit to Council for approval, an Erosion Prevention and Sediment Control Plan for the site.
- 10.3 The plan must be prepared in accordance with Council's Whitsunday Shire Council Development Manual (or equivalent replacement document current at the time of the development), the Soil Erosion and Sediment Control Engineering Guidelines for Queensland Construction Sites, June 1996 by The Institution of Engineers, Australia and the EPA Best Practice Urban Stormwater Management – Erosion and Sediment Control Guideline.

- 10.4 The strategy of the plan must be implemented and maintained for the duration of the operational and building works, and until exposed soil areas are permanently stabilised (e.g. turfed, concreted).
- 10.5 Discharges of water pollutants, wastewater or stormwater from the site must not cause measurable levels of water pollutants in the receiving waters to fall outside the acceptable ranges specified in the 'Australian Water Quality Guidelines for Fresh and Marine Waters', ANZECC 2000.
- 10.6 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.

#### **11.0 MISCELLANEOUS**

- 11.1 If any item of cultural heritage is identified during site works, all work must cease and the relevant State Agency must be notified. Work can resume only after State Agency clearance is obtained.
- 11.2 Any building materials, equipment and the like must be appropriately tied down, placed indoors and secured on site at the time of preparation for cyclone events. The on-site supervisor is to ensure that all contractors/employees take the necessary steps to secure the construction site in the event of a cyclone.
- 11.3 It is the developer's responsibility for the full rectification of any damage caused to neighbouring public infrastructure (such as footpaths, driveways, fences, gardens, trees and the like) caused by contractors, including clean-up of any litter or waste that is a result of the subject development.

#### **12.0 ADVISORY NOTES**

##### **12.1 Hours of work**

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

##### **12.2 Dust Control**

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

##### **12.3 Sedimentation Control**

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

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

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

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

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

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

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

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

### **MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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12. Planning and Development Services

12.6 2017/03/22.20 20160112 - DEVELOPMENT PERMIT FOR RECONFIGURATION OF A LOT - 1 LOT INTO 2 RURAL RESIDENTIAL LOTS - 25SP201437 - 74 MOON CRESCENT, SUGARLOAF - P W BARR C/- WHITSUNDAY SURVEYS

Moved by: J COLLINS

Seconded by: M BRUNKER

Council resolves to approve the application for Development Permit for Reconfiguration of a Lot - 1 Lot into 2 Rural Residential Lots, made by P W Barr, on L: 25 SP: 201437 T: EMT D and located at 74 Moon Crescent SUGARLOAF, 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	Veris	31379-P01 Rev. B	14/02/2017

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

- Building Works;
- Plumbing and Drainage Works.

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

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

1.4 All conditions of this approval must be complied with in full to Council's satisfaction prior to the release of the survey plan or the commencement of the use, whichever is the sooner.

1.5 The applicant shall demonstrate and provide evidence that compliance with all conditions of this development approval and any other subsequent development approvals as a result of this development approval have been complied with at the time of sealing the survey plan or commencement of the use, whichever is the sooner.

2.0 CLEARING, LANDSCAPING AND FENCING

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

2.2 All vegetative waste cleared as part of the development of the site is to be either:

- a) stored neatly on site and shredded within sixty (60) days of clearing; or
- b) removed off the site to an approved disposal location.

3.0 WATER INFRASTRUCTURE

3.1 Design and construct a potable water supply to supply to proposed Lots 1 and 2 in accordance with Council's Planning Scheme or Planning Policy applicable at the time. Such work must be in accordance with an approved detailed design at future building application stage.

4.0 SEWERAGE INFRASTRUCTURE OR ON SITE EFFLUENT DISPOSAL

4.1 The applicant is to design and construct an on-site sewerage treatment system to proposed Lots 2 in accordance with the On-site Wastewater Management Report. Report Number: 1604.1040 dated 15 April 2016 at future building application stage.

4.2 The applicant must contact Councils Building and Plumbing department to inspect disconnection of the interconnection between the proposed Lots. The disconnections must be to the satisfaction of Councils Plumbing inspector prior to the signing of the Plan of Survey.

5.0 ACCESS AND PARKING

5.1 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.

5.2 The external access from the pavement of Moon Crescent to the property boundary must be provided and maintained so as to comply with the

dimensions, gradients and specifications as indicated on Council's Standard Drawing R0035, prior to the signing of the Plan of Survey.

- 5.3 The internal access from the property boundary through that section of the battle axe handle in Lot 1 to a point at the western boundary of Lot 2 must be constructed to a concrete standard if the gradient is over 10% and to a gravel standard if below 10% prior to signing of the Survey Plans.
- 5.4 Access must be wholly contained within the proposed Easement prior to the signing of the Plan of Survey.

6.0 ELECTRICITY AND TELECOMMUNICATIONS

- 6.1 Electricity and telecommunications connection must be provided to the proposed development to the requirements of the relevant authority. The application must submit to Council, either:

- (a) a certificate of supply demonstrating that existing low-voltage electricity supply is available to the newly created lots; or
- (b) a certificate of supply that the applicant has entered into an agreement with the authorized electricity supplier, Ergon, to provide electricity services to the newly created lots, payment has been received and the connection will be completed at a date in the future.

If low-voltage electricity supply is unavailable to the newly created lots then the applicant must provide a certificate of supply of the proposed electricity connection date to all future property owners prior to entering into a contract of sale for the newly created lots prior to sealing of the survey plan.

7.0 MAINTENANCE VALUATION

- 7.1 The applicant must pay to Council a maintenance valuation fee per lot at the time of sealing of the survey plan at the rate applicable at the time of payment. The current rate is \$31.00 per lot.

8.0 MISCELLANEOUS

- 8.1 If any item of cultural heritage is identified during site works, all work must cease and the relevant State Agency must be notified. Work can resume only after State Agency clearance is obtained.
- 8.2 Refuse collection areas must be provided and maintained in accordance with the requirements of the planning scheme and Planning scheme Policy No 7 – Development Manual..
- 8.3 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.
- 8.4 Any building materials, equipment and the like must be appropriately tied down, placed indoors and secured on site at the time of preparation for cyclone events. The onsite supervisor is to ensure that all contractors/employees take the necessary steps to secure the construction site in the event of a cyclone.
- 8.5 It is the developer's responsibility for the full rectification of any damage caused to neighbouring public infrastructure (such as footpaths, driveways, fences, gardens, trees and the like) caused by contractors, including clean-up of any litter or waste that is a result of the subject development.

9.0 ADVISORY NOTES

9.1 Hours of work

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

9.2 Dust Control

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

9.3 Sedimentation Control

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

9.4 Noise During Construction and Noise in General

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

9.5 General Safety of Public During Construction

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

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

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

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

MEETING DETAILS:

The motion was Carried 5/2

CARRIED

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**13. Community and Environment**

**13.1 2017/03/22.21 ADVISORY WHITSUNDAY SCHOOLIES ADVISORY COMMITTEE MEETING MINUTES 20 FEB 2017**

**Moved by: J CLIFFORD**

**Seconded by: J COLLINS**

**Council receives the Minutes from the Whitsunday Schoolies Advisory Committee Executive Meeting held on 20 February 2017.**

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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13. Community and Environment

13.2 2017/03/22.22 BOWEN WORK CAMP ADVISORY COMMITTEE - MARCH 2017

Moved by: M BRUNKER

Seconded by: P RAMAGE

Council receives the minutes of the Bowen Work Camp Advisory Committee Meeting for March 2017.

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

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**13. Community and Environment**

**13.3 2017/03/22.23 2016/2017 OUTDOOR DINING FEE REVIEW**

**Moved by: D CLARK**

**Seconded by: P RAMAGE**

**Council resolves to amend the 2016/2017 Footpath Dining – Commercial Use of Roads Fees to the following:**

- a) Bowen, Collinsville, Dingo Beach, and Other at \$41.00 per m<sup>2</sup>;**
- b) Cannonvale at \$128.00 per m<sup>2</sup>;**
- c) Airlie Beach at \$204.00 per m<sup>2</sup>**
- d) Offer 100% rental fee rebate to Bowen, Collinsville and Proserpine Footpath Dining Areas for up to 24 months due to challenging economic conditions**
- e) Rental fee rebates to be reviewed at completion of 24 month period.**

**FIRST AMENDMENT**

**Moved by: A WILLCOX**

**Seconded by: J CLIFFORD**

**Council resolves to amend the 2016/2017 Footpath Dining – Commercial Use of Roads Fees to the following:**

- a) Bowen, Collinsville, Dingo Beach, and Other at \$41.00 per m<sup>2</sup>;**
- b) Cannonvale at \$128.00 per m<sup>2</sup>;**
- c) Airlie Beach at \$204.00 per m<sup>2</sup>**
- d) Offer a 50% rental fee rebate to Bowen, Collinsville and Proserpine Footpath Dining Areas for 12 month due to challenging economic conditions**
- e) Rental fee rebate to be reviewed in 12 months**

*The first amendment was Defeated 3/4*

## SECOND AMENDMENT

Moved: J CLIFFORD

Seconded: R PETERSON

Council resolves to amend the 2016/2017 Footpath Dining – Commercial Use of Roads Fees to the following:

- a) Bowen, Collinsville, Dingo Beach, and Other at \$41.00 per m<sup>2</sup>;
- b) Cannonvale at \$128.00 per m<sup>2</sup>;
- c) Airlie Beach at \$204.00 per m<sup>2</sup>
- d) Offer 100% rental fee rebate to Bowen, Collinsville and Proserpine Footpath Dining Areas for 12 months due to challenging economic conditions
- e) Rental fee rebates to be reviewed at completion of 12 month period.

*The second amendment was Defeated 3/4*

## MEETING DETAILS:

The motion was Carried 6/1

**CARRIED**

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17. Procedural Motion

17.1 2017/03/22.24 PROCEDURAL MOTION - ADJOURN

Moved by: J CLIFFORD

Seconded by: R PETERSON

That the meeting be adjourned for the purpose of morning tea at 10.12am.

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

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**17. Procedural Motion**

**17.2 2017/03/22.25 PROCEDURAL MOTION - RECONVENE**

**Moved by: J CLIFFORD**

**Seconded by: D CLARK**

**That the meeting be reconvened from morning tea at 10.36am.**

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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13. Community and Environment

**13.4 2017/03/22.26 HOSTING OF THE 2017 NORTH QUEENSLAND
SPORTSTAR AWARDS - VENUE**

Moved by: D CLARK

Seconded by: J COLLINS

Council resolves to host the 2017 North Queensland Sportstar Awards, at a venue to be confirmed, on 14 October 2017.

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

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13. Community and Environment

13.5 2017/03/22.27 REQUEST FOR FEE WAIVERS - 3 FEBRUARY - 3 MARCH 2017

Moved by: D CLARK

Seconded by: R PETERSON

Council resolves to note the waiving of fees for the following not-for-profit recipients:

- RSPCA - Million Paws Walk Collinsville
- Bowen Mother's Day Classic
- Queensland Health – Deadly Choices Community Day

**MEETING DETAILS:**

*Cr Brunker declared a material personal interest that involves an immediate family member, in accordance with Section 172 of the Local Government Act 2009, and left the meeting room at 10.39am taking no part in the debate.*

The motion was Carried 6/0

**CARRIED**

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Cr Brunker returned to the meeting room at 10.41am

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13. Community and Environment

13.6 2017/03/22.28 RADF - FUNDING ROUND 4 - FEBRUARY 2017

Moved by: J CLIFFORD

Seconded by: P RAMAGE

Council resolves to approve the grants (subject to conditions) to applicants, recommended to Council by the Regional Arts Development Fund Local Committee, as follows:

- |                                |         |
|--------------------------------|---------|
| 1. Whitsunday Writers Festival | \$4,000 |
| 2. QCWA Branch – Collinsville  | \$2,100 |
| 3. Dee Jays School of Dance    | \$3,800 |

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**   
Whitsunday  
Regional Council



**13. Community and Environment**

**13.7 2017/03/22.29 COMMUNITY ASSISTANCE GRANTS - JANUARY-MARCH 2017**

**Moved by: P RAMAGE**

**Seconded by: J COLLINS**

**Council resolves to approve the payment of Community Assistance Grants to the following recipients:**

- a) Whitsunday Netball Association - \$3,000**
- b) Whitsunday Coast 4X4 Club Inc. - \$1,000**
- c) Probus Club of Bowen Inc - \$1,500**

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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13. Community and Environment

13.8 2017/03/22.30 BOWEN, PASTORAL, AGRICULTURAL ASSN. REQUEST FOR FINANCIAL ASSISTANCE TO PURCHASE FIREWORKS

Moved by: J CLIFFORD

Seconded by: D CLARK

Council resolves to donate \$1500.00 to the Bowen, Pastoral, Agricultural Association Inc. for the purchase of fireworks for the Bowen Show to be held Tuesday 27 June 2017.

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

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**13. Community and Environment**

**13.9 2017/03/22.31 REQUEST FOR DONATION - 2017 MACKAY SPECIAL CHILDREN'S CHRISTMAS PARTY**

**Moved by: R PETERSON**

**Seconded by: M BRUNKER**

**Council resolves to approve a donation of \$250.00 to the 2017 Mackay Special Children's Christmas Party to support children in the Whitsunday Region with life limiting illnesses or a physical or intellectual disability to attend the Special Children's Christmas Party to be held in Mackay on 18 November 2017.**

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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13. Community and Environment

**13.10 2017/03/22.32 AIRLIE BEACH RACE WEEK SPONSORSHIP
PROPOSAL 2017**

Moved by: M BRUNKER

Seconded by: J COLLINS

Council resolves to agree to a sponsorship arrangement of \$5,000 cash, noting this is the last cash component for any future sponsorship; plus \$5,000 of in kind support with the Whitsunday Sailing Club to assist in the running of the 2017 Airlie Beach Race Week Festival of Sailing.

AMENDMENT

Moved by: A WILLCOX

Seconded by: R PETERSON

Council resolves to agree to a sponsorship arrangement of \$5,000 cash; plus \$5,000 of in kind support with the Whitsunday Sailing Club to assist in the running of the 2017 Airlie Beach Race Week Festival of Sailing.

Furthermore, that full acquittal of sponsorship funds be provided to Council, in a report within three months after the event.

MEETING DETAILS:

The amendment was carried 6/1

The amendment became the motion

The motion was Carried 6/1

CARRIED

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**13. Community and Environment**

**13.11 2017/03/22.33 ECHO PARK SPEEDWAY REDEVELOPMENT PROPOSAL 2017**

**Moved by: P RAMAGE**

**Seconded by: J CLIFFORD**

**Council resolves to approve:**

- a) financial assistance up to \$30,000 to Echo Park Speedway & Sporting Complex Inc. to assist with the redevelopment of the Echo Park Speedway; and**
- b) in kind support in the form of a water truck and grader, with Council operators, for track works required in preparation for the first competition meeting.**

**Furthermore, that full acquittal of sponsorship funds be provided to Council, in a report when the works are completed.**

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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13. Community and Environment

13.12 2017/03/22.34 WHITSUNDAY CRISIS & COUNSELLING SERVICES REQUEST TO USE COUNCIL BINS FOR DOMESTIC VIOLENCE CAMPAIGN

Moved by: J CLIFFORD

Seconded by: D CLARK

Council resolves, in relation to the request from the Whitsunday Crisis & Counselling Service to utilise Council property as promotion locations for their domestic violence campaign, to:

- a) Deny the use of advertising on Council rubbish bins; but**
- b) Offer opportunities at Council customer service locations, libraries and Council vehicles as approved by the CEO**

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

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**14. Engineering Services**

**14.1 2017/03/22.35 ENGINEERING SERVICES MONTHLY REPORT –  
FEBRUARY 2017**

**Moved by: R PETERSON**

**Seconded by: J CLIFFORD**

**Council receives the Engineering Services Monthly Report for the period ending 28 February 2017.**

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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15. General Business

15.1 2017/03/22.36 PATROLS FOR WANDERING DOGS

Moved by: D CLARK

Seconded by: P RAMAGE

That Council increase the number of late (after 5.30pm) and early (commencing 6.00am) patrols to detect dogs wandering at large in the Bowen and Collinsville areas.

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

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**15. General Business**

**15.2 2017/03/22.37 MAINTENANCE OF OVERGROWN LOTS**

**Moved by: M BRUNKER**

**Seconded by: P RAMAGE**

**That Council write to the Department of Housing and/or relevant agencies seeking their attendance on site in Bowen so as to ensure overgrown lots are maintained.**

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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15. General Business

15.3 2017/03/22.38 INVITATION TO BRIEFING SESSION

Moved by: M BRUNKER

Seconded by: J CLIFFORD

That Council write to and invite the new Bowen Sergeant of Police to a Briefing Session to discuss a range of community issues.

Furthermore, that a similar invitation be extended to Senior Police officers in the remainder of the region.

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

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**17. Procedural Motion**

**17.3 2017/03/22.39 PROCEDURAL MOTION - CLOSURE OF MEETING**

**Moved by: J CLIFFORD**

**Seconded by: J COLLINS**

**That Council close the meeting to the public at 11.35am 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 – February 2017**  
Section 275 (1) (c) the local government’s budget
- **Item 16.1.2 – Legal Proceedings**  
Section 275 (1) (f) starting or defending legal proceedings involving it
- **Item 16.2.1 – Rates and Sundry Debtors – February 2017**  
Section 275 (1) (c) the local government’s budget
- **Item 16.2.2 – Concealed Water Leak Concession - 1102937**  
Section 275 (1) (d) rating concessions
- **Item 16.3.1 – Shute Harbour Marina Development – Infrastructure Agreement – Shute Harbour Marina Development Pty Ltd – Shute Harbour Road Shute Haven**  
Section 275 (1) (c) the local government’s budget  
Section 275 (1) (g) any action to be taken by the local government under the *Sustainable Planning Act 2009*, including deciding applications made to it under that Act  
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 16.5.1 – Mazlin Hill Sewer Rising Main**  
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 Brunner left the meeting room at 12.30pm; and returned at 12.31pm
Cr Clark left the meeting room at 12.42pm; and returned at 12.45pm
Cr Collins left the meeting room at 12.49pm; and returned at 12.51pm

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17. Procedural Motion

17.4 2017/03/22.40 PROCEDURAL MOTION - ADJOURN

Moved by: J CLIFFORD

Seconded by: R PETERSON

That the meeting be adjourned for the purpose of lunch at 1.22 pm.

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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17. Procedural Motion

17.5 2017/03/22.41 PROCEDURAL MOTION – RECONVENE INTO
CONFIDENTIAL

Moved by: J CLIFFORD

Seconded by: D CLARK

That the meeting be reconvened from lunch into Confidential at 1.52pm.

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

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**17. Procedural Motion**

**17.6 2017/03/22.42 PROCEDURAL MOTION – REOPEN OF MEETING**

**Moved by: D CLARK**

**Seconded by: R PETERSON**

**That Council reopen the meeting to the general public at 2.15pm.**

**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 2017/03/22.43 BUSINESS ACTIVITIES REPORT - FEBRUARY 2017

Moved by: M BRUNKER

Seconded by: R PETERSON

Council receives the Business Activities Report for February 2017.

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

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**16.1 Confidential Matters – Office of the Mayor and CEO**

**16.1.2 2017/03/22.44 LEGAL PROCEEDINGS**

**Moved by: J CLIFFORD**

**Seconded by: R PETERSON**

**Council resolves to instruct its legal advisor to continue the proceedings.**

**MEETING DETAILS:**

The motion was Carried 6/1

**Call for Division**

**For Against**

Cr Clifford Cr Clark

Cr Brunner

Cr Petterson

Cr Collins

Cr Ramage

Cr Willcox

**CARRIED**

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16.2 Confidential Matters - Corporate Services

16.2.1 2017/03/22.45 RATES AND SUNDRY DEBTORS - FEBRUARY 2017

Moved by: R PETERSON

Seconded by: J COLLINS

Council receives the report showing the actions taken to collect outstanding debtors and rates.

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

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**16.2 Confidential Matters – Corporate Services**

**16.2.2 2017/03/22.46 CONCEALED WATER LEAK CONCESSION – 1102937**

**Moved by: J CLIFFORD**

**Seconded by: R PETERSON**

**Council approves a Concealed Leak concession of \$7,728.00 to assessment 1102937.**

**MEETING DETAILS:**

The motion was Carried 5/2

**CARRIED**

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16.3 Confidential Matters – Planning and Development Services

**16.3.1 2017/03/22.47 SHUTE HARBOUR MARINA DEVELOPMENT -
INFRASTRUCTURE AGREEMENT - SHUTE HARBOUR
MARINA DEVELOPMENT PTY LTD - SHUTE
HARBOUR ROAD SHUTE HAVEN**

Moved by: M BRUNKER

Seconded by: D CLARK

Council resolves to authorise the Chief Executive Officer to prepare an Infrastructure Agreement relating to the provision of infrastructure for the Shute Harbour Marina Development on land described as Lot 2 on SP117389 and Lot 273 on HR1757, Shute Harbour Road, Shutehaven, for Council approval.

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

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**16.5 Confidential Matters – Engineering Services**  
**16.5.1 2017/03/22.48 MAZLIN HILL SEWER RISING MAIN**

**Moved by: J CLIFFORD**  
**Seconded by: R PETERSON**

**Council resolves to award contract 500.2017.0006, for the Design and Construction of a new sewer Rising Main for Mazlin Hill, to GCE Contractors Pty Ltd for \$654 412.09 (Excl. GST).**

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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The meeting closed at 2.19pm

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Confirmed as a true and correct recording this 12 April 2017

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**Cr Andrew Willcox**  
**MAYOR**