

Whitsunday Regional Council
Minutes of the Ordinary Meeting held at
Bowen Council Chambers, 67 Herbert Street, Bowen on
12 April 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 10.13am

The meeting reconvened from morning tea at 10.36am

The meeting closed at 11.37am

Whitsunday Regional Council
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1. Apologies

No Agenda items for this section

2. Condolences
2.1 2017/04/12.01 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 2017/04/12.02 NOTICE OF APPRECIATION**

**Moved By: A WILLCOX**

**Council receives and acknowledges the Mayor's note of appreciation.**

**MEETING DETAILS:**

*Mayor Willcox read out the following passage:*

*Over the past fortnight I have been spending considerable amount of time thanking the emergency service personnel and volunteer organisations.*

*And I will continue to do so.*

*One group that has not received in any way shape or form the kudos they deserve is the Whitsunday Regional Council.*

*I would like to put on the public record my appreciation for the enormous effort that has been undertaken by Councillors, management and all staff.*

*The Whitsunday Regional Council has gone above and beyond in preparation, during the event, and recovery.*

*We still have much to do but the actions and work undertaken by WRC staff to ensure the essential services are restored to our community have been outstanding.*

*A lot of people don't realise how our Councillors and staff have attended work to get our community back up on track while being heavily impacted by this event them.*

*I am exceptionally proud to lead this organisation and commend all for their efforts.*

*Thank you.*

The motion was Carried 7/0

**CARRIED**

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3.2

Mayoral Update

12th April 2017 – Ordinary Council Meeting

Wednesday 22 nd March	<ul style="list-style-type: none"> Briefing Session – Bowen
Thursday 23 rd March	<ul style="list-style-type: none"> Greeting – Inaugural Tiger Flight – Proserpine Welcome Lunch for Media aboard Inaugural Tiger Flight – Airlie Beach Meeting with Economic Development Officer Dinner Meeting with Adani Executives - Bowen
Friday 24 th March	<ul style="list-style-type: none"> Meeting with Adani – Bowen WDMG Teleconference – Proserpine
Saturday 25 th March	<ul style="list-style-type: none"> WDMG Teleconference – Bowen
Sunday 26 th March	<ul style="list-style-type: none"> WDMG Teleconference – Bowen DDMG Teleconference – Bowen
Monday 27 th March	<ul style="list-style-type: none"> WDMG Teleconference – Bowen
Tuesday 28 th March	<ul style="list-style-type: none"> Cyclone Debbie
Wednesday 29 th March	<ul style="list-style-type: none"> Media – Cyclone Debbie - Bowen Premier Palaszczuk and Brigadier Field visited region - Bowen and Proserpine after Cyclone Debbie
Thursday 30 th March	<ul style="list-style-type: none"> QDMC Teleconference – Bowen Prime Minister Malcolm Turnbull, Opposition Leader Bill Shorten, Member for Dawson George Christensen visited - Bowen
Friday 31 st March	<ul style="list-style-type: none"> Governor General Peter Cosgrove visited region – Proserpine, Cannonvale, Airlie Beach, Bowen, Gumlu Growers Association Deputy Premier Jackie Tradd – Airlie Beach, Shute Harbour, Proserpine
Saturday 1 st April	<ul style="list-style-type: none"> Brigadier Field accessing Region – Proserpine, Wilsons Beach, Conway Beach, Hydeaway Bay
Sunday 2 nd April	<ul style="list-style-type: none"> Travelled to Proserpine, Dingo Beach, Collinsville accessing damage
Monday 3 rd April	<ul style="list-style-type: none"> Meeting with Opposition Leader Bill Shorten – Proserpine Minister assisting the Premier, for Nth Qld - Coralee O'Rourke visited region – Proserpine, Wilsons Beach, Conway Beach Minister for Main Roads, Road Safety & Ports Minister Energy, Biofuels and Water Supply - Mark Bailey visited region – Proserpine, Wilsons Beach, Collinsville, Bowen
Tuesday 4 th April	<ul style="list-style-type: none"> Cowboys visited region – Bowen, Airlie Beach, Cannonvale and Proserpine Premier Palaszczuk visited Airlie Beach
Wednesday 5 th April	<ul style="list-style-type: none"> Whitsunday Disaster Management Recovery Meeting – Proserpine Meeting with Minister for Health and Minister for Ambulance Services Cameron Dick – Proserpine QAS Meeting with Opposition Treasurer Chris Bowen

Thursday 6 th April	<ul style="list-style-type: none"> • Meeting with Minister for Education and Minister for Tourism, Major Events and the Commonwealth Games - Kate Jones and Tourism Whitsundays – Proserpine • Deputy Premier - Jackie Tradd visited region – Cannonvale Recovery Centre, Airlie Beach, Proserpine • Minister for Local Government and Minister for Aboriginal and Torres Strait Islander Partnerships - Mark Furner visited region – Proserpine, Cannonvale, Airlie Beach
Friday 7 th April	<ul style="list-style-type: none"> • Citizenship Ceremony – Bowen
Saturday 8 th April	<ul style="list-style-type: none"> • Deputy (Acting) Prime Minister Barnaby Joyce visited region – Bowen, Bowen Gumlu Growers Association, Proserpine • Premier Palaszczuk visited region – Bowen Gumlu Growers Association, Bowen, Proserpine • IGA presented donation to Givit for recovery fund – Bowen
Monday 10 th April	<ul style="list-style-type: none"> • Meeting with CEO of Qld Reconstruction Authority - Brendon Moon and Brigadier Chris Field – Bowen • Meeting with Lieutenant Colonel Jen Harris – Bowen • Meeting with Westpac Bank Director – Proserpine • Meeting with CEO Tourism Whitsundays Craig Turner and Brett Murphy Premiers Office – Airlie Beach
Tuesday 11 th April	<ul style="list-style-type: none"> • Meeting with Qld Director Red Cross Leisa Bourne – Proserpine • Federal Minister for Trade, Tourism and Investment - Steven Ciobo visited region met with Tourism Whitsundays – Airlie Beach • Premier Palaszczuk, Minister for Education and Minister for Tourism, Major Events and the Commonwealth Games - Kate Jones and CEO Carnival Australia - Ann Sherry visited region met with Tourism Whitsundays – Proserpine, Airlie Beach

Please Note: Mayor was involved in multiple media events on every day of the last fortnight

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**4. Confirmation of Minutes**

**4.1 2017/04/12.03 CONFIRMATION OF MINUTES REPORT**

**Moved by: D CLARK**

**Seconded by: J CLIFFORD**

**Council confirms the Minutes of the Ordinary Meeting held on 22 March 2017.**

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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9. Questions from Public Gallery

PUBLIC QUESTION TIME

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

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

9.1 PUBLIC QUESTION – READ BY NOEL HARDIE

04/10/2017

Council Meeting 12/04/17 @ Proserpine

Public Question Time by Noel Hardie

References:

WRC Letter 11/11/15 Re – Corruption/Collusion

WRC Letter 14/06/16 – Response from Andrew Willcox

WRC Letter 13/07/16 – Response to Questions from Public Meeting 29/06/16

After my statement to the references above I will then have questions to the relevant responses as they affect us today.

1st Question:

When will I get official notification of paragraph 2 of 11/11/15 as I believe 2 employees in question were terminated?

2nd Question:

When will Council bid by QBCC re Storm Water?

3rd Question:

Common Law.

For the CEO to excuse the Council 'to hide' under Common Law, maybe the CEO does not understand its responsibilities after terminating former Building Inspector, and all matters pertaining to. I have advised the Mayor that as no permit was asked/or granted, the Council assumes responsibility for No. 3 Lascelles being rebuilt closer to my boundary.

Mr Hardie's questions were acknowledged. A response will be provided and may or may not be read out at a future Council Meeting

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10. Office of the Mayor and CEO

10.1 2017/04/12.04 SHUTE HARBOUR - T.C. DEBBIE INITIAL DAMAGE REPORT

Moved by: J CLIFFORD

Seconded by: P RAMAGE

Council receives the report concerning the state of Shute Harbour and the damage caused by Tropical Cyclone Debbie.

**MEETING DETAILS:**

The motion was Carried 7/0

CARRIED

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12. Planning and Development Services

12.1 2017/04/12.05 20060232 - REQUEST FOR CHANGE OF CONDITIONS OF APPROVAL - DEVELOPMENT APPLICATION FOR PRELIMINARY APPROVAL, LANGFORD ROAD FUNNEL BAY, CANEHEARD PTY LTD

Moved by: J CLIFFORD

Seconded by: J COLLINS

Council resolve to approve the request to change of conditions of the Preliminary Approval for Material Change of Use for Mainland Urban Tourist Facility Focus comprising of: One (1) Integrated Eco-Tourism Resort Precinct Including Accommodation Units (172 X Dwelling Units And/or Rooming Units), Hotel (Resort Hotel), Indoor Entertainment (Function Centre), Place Of Assembly (Wedding Chapel), Refreshment Premises (Resort Restaurants, Bars And Cafes), Shop (Resort Retail) And Ancillary Uses; And One (1) Local Community Facility Precinct (Environmental, Cultural And Interpretive Research Centre) And Ancillary Uses; And Five (5) Holiday Apartment Resort Precincts Including Indoor Entertainment (Amenity Centres, Spas And Gymnasiums), Multiple Dwellings (402 X Dwelling Units), Refreshment Premises (Resort Cafes) And Ancillary Uses; and Development Permit for Operational Works (Marine Plants Disturbance) lodged by RPS on behalf of Caneherd Pty Ltd on land described as Lot 150 HR1308 and Lot 300 on HR1583, Langford Road, Flametree as follows:

Amend the relevant parts of conditions 1.1 and 2.1 to read as follows:

1.1 *The approved development must be completed and maintained generally in accordance with the approved drawings and documents, except where amended by the conditions of this permit:*

Plan/Document Name	Plan Number	Dated
Proposed Plan of Lots 1 to 22, 901, Common Property & Easements A to C Cancelling Lot 150 on HR1308 & Lot 300 on HR1583	129278-1 PD-01 Ref F (2 Sheets)	20/02/2017

2.1 This preliminary approval for a Material Change of Use overriding a planning scheme varies the level of assessment of development in Council's Transitional Planning Scheme, in accordance with the following Table of Assessment.

The Assessment categories for development listed in Column 1 are identified in Column 2 of Table 1 below. Relevant assessment criteria are referred to in Column 3 of the Table below.

TABLE 1 – Table of Assessment

1 Type of Development	2 Assessment Category	3 Assessment Code
Dwelling House	<p>Self assessable where:</p> <p>(i) located on Lots 1-14 and 16 on the Reconfiguration of a lot proposed plan 129278-1 PD-01 Rev F</p> <p>(ii) development complies with the assessment code (column 3).</p> <p>Otherwise, impact assessable</p>	Refer to attached Dwelling House Code.

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

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**12. Planning and Development Services**

**12.2 2017/04/12.06 20070159 AND 20110060 - REQUEST FOR EXTENSION OF RELEVANT PERIOD - DEVELOPMENT PERMIT FOR MATERIAL CHANGE OF USE AND RECONFIGURATION OF A LOT - ONE (1) LOT INTO (13) THIRTEEN LOTS - LOW DENSITY RESIDENTIAL LOTS AND OPERATIONAL WORKS - MURPHY**

**Moved by: D CLARK**

**Seconded by: R PETTERSON**

**Council resolve to approve the request for an extension of relevant period of the Development Permit for Material Change of Use and Reconfiguration of a Lot - One (1) Lot into Thirteen (13) Low Density Residential Lots – Staged Development – Stage 6A for 7 Lots – Stage 6B for 5 Lots and Stage 6C for a Balance Lot & A Development Permit for Operational Works for Earthworks, Roadworks and Stormwater lodged by RPS on behalf of C Murphy and J Murphy on land described as L: 203 SP: 208370, Mila Drive Woodwark as follows:**

- **Development Permit for Material Change of Use and Reconfiguration of a Lot - One (1) Lot into Thirteen (13) Low Density Residential Lots – Staged Development – Stage 6A for 7 Lots – Stage 6B for 5 Lots and Stage 6C for a Balance Lot, an extension till the 28 April 2019; and**
- **A Development Permit for Operational Works for Earthworks, Roadworks and Stormwater, an extension till the 11 March 2019.**

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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13. Community and Environment

13.1 2017/04/12.07 ADVISORY - PROSERPINE ENTERTAINMENT CENTRE WHITSUNDAY MEETING MINUTES - 2 MARCH 2017

Moved by: J CLIFFORD

Seconded by: J COLLINS

Council receives the Minutes from the Proserpine Entertainment Centre Advisory Committee Meeting dated 2 March 2017.

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

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**13. Community and Environment**

**13.2 2017/04/12.08 REQUEST FOR DONATION - COLLINSVILLE RODEO ASSOCIATION - COLLINSVILLE RODEO 2017**

**Moved by: P RAMAGE**

**Seconded by: J CLIFFORD**

**Council resolves to approve a donation of \$1,000 to the Collinsville Rodeo Association to assist in the hosting of the annual Collinsville Rodeo to be held on Saturday 1 July 2017.**

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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13. Community and Environment

13.3 2017/04/12.09 REQUEST FOR COUNCIL FEE WAIVERS - 3 MARCH - 31 MARCH 2017

Moved by: M BRUNKER

Seconded by: P RAMAGE

Council resolves to note the waiving of fees for the following recipients:

- **Airlie Beach Aquatic Reef Club Inc (Open Day).**
- **Pilcher Industries Master Builders for Whitsunday Regional Council (Demolition of Toilet Block – Mullers Lagoon)**

for community events and bond fees.

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

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**17. Procedural Motion**

**17.1 2017/04/12.10 PROCEDURAL MOTION - CLOSURE OF MEETING**

**Moved by: J CLIFFORD**

**Seconded by: D CLARK**

**That Council close the meeting to the public at 9.45am 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 16.2.1 – Plant and Fleet Replacements**  
Section 275 (1) (c) the local government's budget
- **Item 16.2.2 – Temporary Leases for Council business Accommodation - Cyclone Recovery**  
Section 275 (1) (e) contracts proposed to be made by it
- **Item 16.2.3 – Data Centre Operations at the Proserpine Office**  
Section 275 (1) (e) contracts proposed to be made by it



- **Item 16.3.1 – 20090013 - Infrastructure Agreement - Development Application For Material Change Of Use (Eco Resort), 579 Gloucester Avenue, Cape Gloucester Pty Ltd**

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

(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

(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 16.3.2 – Draft Infrastructure Agreement - Shute Harbour Marina Development Pty Ltd - Shute Harbour Road, Shutehaven**

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

(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

(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 16.3.3 – Review Local Government Infrastructure Plan**

Section 275 (1) (c) the local government's budget
- **Item 16.4.1 – Affordable Housing Donation Request - Whitsunday Housing Company Ltd**

Section 275 (1) (d) rating concessions

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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Cr Clifford declared a Material Personal Interest as a member of the Whitsunday Housing Committee board, in accordance with Section 172 of the Local Government Act 2009, and left the meeting room at 11.29am taking no part in the debate.

Cr Clifford returned to the meeting room at 11.30am

17. Procedural Motion

17.2 2017/04/12.11 PROCEDURAL MOTION - ADJOURN

Moved by: R PETERSON

Seconded by: J CLIFFORD

That the meeting be adjourned for the purpose of morning tea at 10.13am.

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

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**17. Procedural Motion**

**17.3 2017/04/12.12 PROCEDURAL MOTION - RECONVENE**

**Moved by: J CLIFFORD**

**Seconded by: P RAMAGE**

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

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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17. Procedural Motion

17.4 2017/04/12.13 PROCEDURAL MOTION – REOPEN OF MEETING

Moved by: R PETERSON

Seconded by: M BRUNKER

That Council reopen the meeting to the general public at 11.31 am.

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

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**16.2 Confidential Matters - Corporate Services**

**16.2.1 2017/04/12.14 PLANT AND FLEET REPLACEMENTS**

**Moved by: D CLARK**

**Seconded by: P RAMAGE**

**Council resolves to award the contracts for the fleet and plant replacements to:**

- a) Carlisle Trucks for one Hino FC 1022 for \$149,758.41 (Excluding GST) including the trade in of Asset 30083 Isuzu Truck - 500.2017.0009 Supply and delivery of one (1) fitters crane truck**
- b) Grittners Nissan for one Nissan Navara RX for \$30,211.41 (Excluding GST) - 500.2017.0012 Supply and delivery of one (1) 2WD dual cab utility for Property and Facilities – Bowen**

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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16.2 Confidential Matters - Corporate Services

16.2.2 2017/04/12.15 TEMPORARY LEASES FOR COUNCIL BUSINESS ACCOMMODATION - CYCLONE RECOVERY

Moved by: J CLIFFORD

Seconded by: R PETERSON

Council resolves to approve that:

- a) the CEO negotiate and execute leases and hire arrangements for a period up to two years for temporary accommodation solutions for Council business operations, in response to damage caused by Cyclone Debbie;**
- b) staff are encouraged to maximise office space in other Council facilities; and**
- c) a suitable specialist be engaged to assist in designing staffing accommodation fit for the future, and report back to Council.**

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

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**16.2 Confidential Matters - Corporate Services**

**16.2.3 2017/04/12.16 DATA CENTRE OPERATIONS AT THE PROSERPINE OFFICE**

**Moved by: R PETERSON**

**Seconded by: J CLIFFORD**

**Council resolves to:**

- a) approve to transition its data centre operations into a Cloud environment; and**
- b) approve that the cloud service be provided by Telstra Pty Ltd as an extension of their existing telecommunication services under the Local Buy contract.**

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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16.3 Confidential Matters – Planning and Development Services

16.3.1 2017/04/12.17 20090013 - INFRASTRUCTURE AGREEMENT - DEVELOPMENT APPLICATION FOR MATERIAL CHANGE OF USE (ECO RESORT), 579 GLOUCESTER AVENUE, CAPE GLOUCESTER PTY LTD

Moved by: D CLARK

Seconded by: J CLIFFORD

Council resolves to authorise the Chief Executive Officer to enter into an Infrastructure Agreement with Cape Gloucester Pty Ltd, developer of the Cape Gloucester Eco Resort on land described as Lot 51 SP212259, Lot 52 SP212259, 579 Gloucester Avenue, Cape Gloucester.

The infrastructure agreement will:

- a) require financial contributions to be made by the developer towards the on-going upgrading of Gloucester Avenue as the development is constructed; and**
- b) will confirm the rates of contribution established by Council resolution dated 9 September 2015 and will include an escalation clause based on annualised CPI increases, plus any increases in infrastructure charges applicable at time of payment.**

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

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

**16.3.2 2017/04/12.18 DRAFT INFRASTRUCTURE AGREEMENT - SHUTE HARBOUR MARINA DEVELOPMENT PTY LTD - SHUTE HARBOUR ROAD, SHUTEHAVEN**

**Moved by: D CLARK**

**Seconded by: M BRUNKER**

**Council resolves to authorise the Chief Executive Officer to enter into 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.**

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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16.2 Confidential Matters – Planning and Development Services

16.3.3 2017/04/12.19 REVIEW LOCAL GOVERNMENT INFRASTRUCTURE PLAN

Moved by: J CLIFFORD

Seconded by: R PETERSON

Council resolves to submit the draft Local Government Infrastructure Plan for review by the appointed Reviewer and Minister, with comments received from the Reviewer and Minister to be further considered by Council prior to public consultation.

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

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**16.4 Confidential Matters – Community and Environment Services**

**16.4.1 2017/04/12.20 AFFORDABLE HOUSING DONATION REQUEST - WHITSUNDAY HOUSING COMPANY LTD**

**Moved by: P RAMAGE**

**Seconded by: M BRUNKER**

**Council resolves to approve a request from Whitsunday Housing Company Ltd for a rate donation for the properties in the Whitsunday Housing Company's ownership prior to June 2010, in accordance with the Donations for Not for Profit Organisations - Affordable Housing Policy.**

**MEETING DETAILS:**

*Cr Clifford declared a Material Personal Interest as a member of the Whitsunday Housing Committee board, in accordance with Section 172 of the Local Government Act 2009, and left the meeting room at 11.36am taking no part in the debate.*

*Cr Clifford returned to the meeting room at 11.37am*

The motion was Carried 6/0

**CARRIED**

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***The meeting closed at 11.37am***

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Confirmed as a true and correct recording this 26 April 2017

**Cr Andrew Willcox
MAYOR**