

Whitsunday Regional Council
Minutes of the Ordinary Meeting held at
Proserpine Community Centre, 36 Gardenia Street Proserpine on
8 November 2017 commencing at **9:00am**

Councillors Present:

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

Council Officers Present:

B Omundson (Chief Executive Officer); N Kent (Acting Chief Financial Officer); J Raiteri (Director Engineering Services); G Jarvis (Director Corporate Services); J Wright (Director Community & Environment); N McGaffin (Director Planning & Development); A Hagy (Acting Director Customer Experience); G Martin (Manager Communications & Marketing); P Fendley (Chief Staff Officer); A Sapolu (Manager Legal & Governance); D Mackay (Manager Development Assessment); K Drysdale (Manager Strategic Planning); M Douglas (Administration Officer)

Other Details:

The meeting commenced at 9.00am

The meeting adjourned due to technical difficulties at 9.28am

The meeting reconvened 9.33am

The meeting adjourned for morning tea at 9.58am

The meeting reconvened from morning tea at 10.30am

The meeting closed at 10.52am

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2. Condolences

2.1 2017/11/08.01 CONDOLENCES

Moved by: D CLARK

Seconded by: J CLIFFORD

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

MEETING DETAILS:

The motion was Carried 6/0

CARRIED

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### 3.2 Mayoral Update

|                         |                                                                                                                                                                                                                                                    |
|-------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Thursday<br>26 October  | <ul style="list-style-type: none"><li>• Economic Development Meeting - Bowen</li><li>• Bowen State High School Annual Academic Awards - Bowen</li></ul>                                                                                            |
| Friday<br>27 October    | <ul style="list-style-type: none"><li>• Sam O'Brien's Service - Ryan Community Centre, Townsville</li></ul>                                                                                                                                        |
| Monday<br>30 October    | <ul style="list-style-type: none"><li>• Lunch meeting with Premier Palaszczuk - Airlie Beach</li><li>• Collinsville State High Annual Awards Night - Collinsville</li></ul>                                                                        |
| Tuesday<br>31 October   | <ul style="list-style-type: none"><li>• Teleconference with GWCoM - Bowen/Proserpine</li><li>• Meeting with Reef Catchments - Proserpine</li></ul>                                                                                                 |
| Wednesday<br>1 November | <ul style="list-style-type: none"><li>• Briefing Session - Bowen</li><li>• St Catherine's Catholic College Annual Awards Night - Proserpine</li></ul>                                                                                              |
| Thursday<br>2 November  | <ul style="list-style-type: none"><li>• WRRTG Meeting - Mackay</li><li>• Meeting with Superintendent Bruce McNab - Mackay</li></ul>                                                                                                                |
| Friday<br>3 November    | <ul style="list-style-type: none"><li>• World Sandwich Day - Subway - Bowen</li><li>• Meeting with Ratepayer - Bowen</li><li>• Meeting with Lieutenant Colonel Jennifer Harris, CSC and Warrant Officer Class One Glen Donaldson - Bowen</li></ul> |
| Saturday<br>4 November  | <ul style="list-style-type: none"><li>• Bowen State High School Sports Awards - Bowen</li></ul>                                                                                                                                                    |
| Sunday<br>5 November    | <ul style="list-style-type: none"><li>• Baby Welcoming Ceremony - Bowen</li></ul>                                                                                                                                                                  |
| Monday<br>6 November    | <ul style="list-style-type: none"><li>• CEO Review - Bowen</li></ul>                                                                                                                                                                               |

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4. Confirmation of Minutes

4.1 2017/11/08.02 CONFIRMATION OF MINUTES REPORT

Moved by: D CLARK

Seconded by: J CLIFFORD

Council confirms the Minutes of the Ordinary Meeting held on 25 October, 2017.

MEETING DETAILS:

The motion was Carried 6/0

CARRIED

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**9. Questions from Public Gallery**

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**PUBLIC QUESTION TIME**

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

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

10. Office of the Mayor and CEO  
10.1 2017/11/08.03 BUDGET REVIEW - SEPTEMBER QUARTER 2017

Moved by: J CLIFFORD  
Seconded by: D CLARK

Council resolves to adopt;

- (a) the amended statements of income and expenditure, financial position, cash flow and changes in equity;
- (b) the amended long term financial forecast;
- (c) the amended relevant measures of financial sustainability;
- (d) the amended revenue statement;
- (e) the amended revenue policy;
- (f) the estimated business activity statement for the business activities that will apply the code of competitive conduct.

**MEETING DETAILS:**

The motion was Carried 6/0

**CARRIED**

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10. Office of the Mayor and CEO
10.2 2017/11/08.04 FREEDOM OF ENTRY

Moved by: D CLARK
Seconded by: J CLIFFORD

Council resolves to confer upon the 3rd Combat Engineer Regiment from the 3rd Brigade in Townsville the privilege, honour and distinction of, in perpetuity, the freedom of the city of Whitsunday, with the right of entry on Ceremonial Occasions in full panoply with swords drawn, bayonets fixed, drums beating, bands playing and Banner flying.

MEETING DETAILS:

The motion was Carried 6/0

CARRIED

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10. Office of the Mayor and CEO  
10.3 2017/11/08.05 LEAVE OF ABSENCE TO CONTEST ELECTION

Moved by: D CLARK  
Seconded by: P RAMAGE

Council resolves to endorse the Chief Executive Officer's actions in accepting Councillor Mike Brunker's application for leave without pay from midnight Sunday October 29 until the seat of Burdekin in the upcoming State Election is declared. This is in accordance with the legislative requirements concerning local government Councillors seeking election as a member of the Legislative Assembly.

**MEETING DETAILS:**

The motion was Carried 6/0

**CARRIED**

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10. Office of the Mayor and CEO
10.4 2017/11/08.06 MAJOR PROJECTS ADVISORY BOARD

Moved by: J COLLINS
Seconded by: J CLIFFORD

Council resolves to endorse the Major Projects Advisory Board Terms of Reference.

MEETING DETAILS:

The motion was Carried 6/0

CARRIED

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10. Office of the Mayor and CEO  
10.5 2017/11/08.07 AUDIT & RISK COMMITTEE MINUTES

Moved by: J COLLINS  
Seconded by: R PETTERSON

Council resolves to:

- a) receive the confirmed minutes of the Audit & Risk Committee Meeting, held on 1 August 2017;
- b) receive the unconfirmed minutes of the Audit & Risk Committee Meeting, held on 12 September 2017; and
- c) write to LGAQ expressing disappointment/dissatisfaction with the lack of consultation and lack of materiality of recent changes in terms of the Queensland Audit Office's benchmarks for reporting requirements for audits; and that a copy of the letter be sent to the Director-General of Infrastructure, Local Government and Planning.

**MEETING DETAILS:**

The motion was Carried 6/0

**CARRIED**

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10. Office of the Mayor and CEO
10.6 2017/11/08.08 ACTING CHIEF EXECUTIVE OFFICER

Moved by: J CLIFFORD
Seconded by: P RAMAGE

Council resolves to note the appointment of Jason Raiteri, Director Engineering Services to Acting Chief Executive Officer for:

- a) the 22nd November 2017; and
- b) the inclusive period of 18th December 2017 to 5th January 2018.

MEETING DETAILS:

The motion was Carried 6/0

CARRIED

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10. Office of the Mayor and CEO  
10.7 2017/11/08.09 BEAUTIFUL BOWEN CONSULTATIVE COMMITTEE

Moved by: D CLARK  
Seconded by: J CLIFFORD

Council resolves to accept the following Nominees for the Beautiful Bowen Committee;

- Mrs Angela Styles;
- Mr John Martin;
- Ms Penny Warren; and
- Ms Mary Gordon.

**MEETING DETAILS:**

The motion was Carried 6/0

**CARRIED**

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10. Office of the Mayor and CEO
10.8 2017/11/08.10 AUSTRALIAN COASTAL COUNCILS ASSOCIATION
INC. COMMITTEE OF MANAGEMENT

Moved by: D CLARK
Seconded by: P RAMAGE

Council resolves to nominate Councillor Ron Petterson to be elected on the Australian Coastal Councils Association Inc. Committee of Management.

Amendment

Moved J COLLINS
Seconded J CLIFFORD

Council resolves to nominate Councillor Jan Clifford to be elected on the Australian Coastal Councils Association Inc. Committee of Management.

MEETING DETAILS:

The Amendment was voted on
The Amendment was Defeated 2/4
The motion was Carried 5/1

CARRIED

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**11. Corporate Services**

**11.1 2017/11/08.11 ADVISORY - ANNUAL VALUATION EFFECTIVE 30 JUNE 2018**

**Moved by: J CLIFFORD**

**Seconded by: J COLLINS**

**Council receives the correspondence from the Department of Natural Resources and Mines advising that there would not be an annual valuation conducted in the Whitsunday Local Government area effective 30 June 2018.**

**MEETING DETAILS:**

The motion was Carried 6/0

**CARRIED**

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12. Planning and Development Services

12.1 2017/11/08.12 20130655 - REQUEST FOR EXTENSION OF RELEVANT PERIOD - DEVELOPMENT APPLICATION FOR RECONFIGURATION OF A LOT (BOUNDARY REALIGNMENT), 1874 GUNYARRA ROAD ANDROMACHE, L B JOCHHEIM C/- VERIS

Moved by: P RAMAGE

Seconded by: J CLIFFORD

Council resolves to approve the request for an extension of relevant period of the Development Permit for Reconfiguration of a Lot (Boundary Realignment), lodged by Veris on behalf of L B Jochheim on land described as Lot 1480 on SP225063, 1874 Gunyarra Road, Andromache to 8 October 2019.

MEETING DETAILS:

The motion was Carried 6/0

CARRIED

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**18. Procedural Motion**

**18.1 2017/11/08.13 PROCEDURAL MOTION - ADJOURN**

**Moved by: J CLIFFORD**

**Seconded by: D CLARK**

**That Council adjourn the meeting at 9.28am due to slight technical difficulties.**

**MEETING DETAILS:**

The motion was Carried 6/0

**CARRIED**

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18. Procedural Motion

18.2 2017/11/08.14 PROCEDURAL MOTION - RECONVENE

Moved by: J CLIFFORD

Seconded by: D CLARK

That Council reconvene the meeting at 9.33am.

MEETING DETAILS:

The motion was Carried 6/0

CARRIED

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## 12. Planning and Development Services

12.2 2017/11/08.15 20160340 - DEVELOPMENT APPLICATION FOR DEVELOPMENT PERMIT FOR RECONFIGURATION OF A LOT - ONE (1) LOT INTO FOUR (4) LOTS - 776 CONWAY ROAD, PRESTON, J S HARKER

Moved by: D CLARK

Seconded by: R PETERSON

Council resolves to approve the application for Development Permit for Reconfiguring a Lot - One (1) Lot into Four (4) Lots, made by J S Harker, on Lot 52 H124101 and located at 776 Conway Road Preston. Recommended under the following conditions;

### 1.0 ADMINISTRATION

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

| Plan/Document Name                                           | Prepared By         | Plan Number | Dated      |
|--------------------------------------------------------------|---------------------|-------------|------------|
| Proposal Plan                                                | Vision Surveys      | 16112-PP-01 | 24/08/2017 |
| Vegetation and Bushfire Assessment                           | Vision Surveys      | Issue B     | 01/06/2016 |
| Geotechnical Investigation and On-site Wastewater Management | Ground Environments | 1602.1030   | 25/05/2017 |

1.2 The applicant is to comply with the Department of Infrastructure, Local Government and Planning's conditions as outlined in the Department's correspondence dated 24 July 2017.

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

- Operational Works:
- Erosion and Sediment Control;
- Access and Parking

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

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

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

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

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

- 2.1 Any vegetation removed must be disposed of to the requirements of the Council. Transplanting, chipping or removal from site are the preferred solutions.
- 2.2 All vegetative waste cleared as part of the development of the site is to be either:
  - a) stored neatly on site and shredded within sixty (60) days of clearing; or
  - b) removed off the site to an approved disposal location.

## **3.0 WATER INFRASTRUCTURE**

- 3.1 Design and construct a potable water supply for the proposed lots in accordance with Council's Planning Scheme or Planning Policy applicable at the time. Such work must be in accordance with an approved detail design at future building application stage.

## **4.0 ON SITE EFFLUENT DISPOSAL**

- 4.1 Design and construct an on-site sewerage treatment system for the proposed Lots in accordance with the Wastewater Management Report by Ground Environments Pty Ltd dated 25 May 2016 at future building application stage.

## **5.0 ACCESS AND PARKING**

- 5.1 Prior to commencement of any work on site an Operational Works development permit must be obtained in relation to Access and Parking. 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 applicant must design, construct and maintain the external access from the pavement of Evans Road to the property boundary of proposed Lots 1 to a gravel standard so as to comply as a minimum with the levels, dimensions and specifications as shown on Council's Standard Drawings prior to the signing of the Plan of Survey.
- 5.3 The applicant must design construct and maintain the dual external access from the pavement of Evans Road to the common adjoining property boundary of Lots 2 and 3 so as to comply with the levels, dimensions, gradients and specifications for a gravel dual access as indicated on Council's Standard Drawings prior to signing of the survey plans.

## **6.0 STORMWATER AND FLOODING**

- 6.1 Each allotment to be created must be provided with a lawful point of discharge prior to signing of the Survey Plan. Easements for this purpose must be provided over all land from the development to the lawful point of discharge.

## **7.0 ELECTRICITY AND TELECOMMUNICATIONS**

- 7.1 Provide electricity and telecommunications connection to the proposed development to the requirements of the relevant authority. The application must submit to Council, either:
  - (a) a certificate of supply demonstrating that existing low-voltage electricity supply is available to the newly created lots; or

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

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

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

- 8.1 A Development Permit for Operational Works (Erosion Prevention and Sediment Control) must be obtained prior to commencement of work on site.

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

The plan must be prepared in accordance with Council's Development Manual (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.

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

- 8.2 Discharges of water pollutants, wastewater or stormwater from the site must not cause measurable levels of water pollutants in the receiving waters to fall outside the acceptable ranges specified in the 'Australian Water Quality Guidelines for Fresh and Marine Waters', ANZECC 2000.
- 8.3 No visible emissions of dust must occur beyond the boundaries of the site during earthworks and construction activities on the site. If, at any time during the earthworks and construction activities the dust emissions exceed the levels specified above, all dust generating activities must cease until the corrective actions have been implemented to reduce dust emissions to acceptable levels or wind conditions are such that acceptable levels are achieved.
- 8.4 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.
- 8.5 Prior to commencement of any works on the site, the applicant must submit to Council for approval, a Site-based Stormwater Management Plan, addressing but not be limited to the following:
- water quality and drainage;
  - erosion prevention and silt control;
  - vegetation clearing;
  - construction program and timing;
  - Wet Season arrangements;
  - geotechnical issues;
  - noise and dust suppression; and

- other issues as required.

## **9.0 ENVIRONMENTAL COVENANT**

- 9.1 The applicant is to provide a covenant over the area shown on proposal plan 16112-PP-01 dated 24 August 2017.

## **10.0 MAINTENANCE VALUATION**

- 10.1 The applicant must pay to Council a maintenance valuation fee per lot at the time of sealing of the survey plan at the rate applicable at the time of payment. The current rate is \$35.00 per lot.

## **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 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.
- 11.3 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.
- 11.4 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 Conway Road, Evans Road or adjoining land unless written permission from the owner of that land and Council is provided.
- 11.5 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.

## **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:**

*"Council Officers have recommended that Council refuse the application for Development Permit for Reconfiguring a Lot - One (1) Lot into Four (4) Lots, made by J S Harker, on Lot 52 H124101 and located at 776 Conway Road Preston, on the following grounds:*

- The Rural zone is not incorrect for this site. The zoning of the site for rural uses is appropriate and circumstances have not changed in the area. The Whitsunday Regional Planning Scheme 2017 includes the site in the Rural zone, not in the Rural Residential zone. Council's policy decision was based on a specialist report prepared in relation to rural land as part of the development of the Whitsunday Regional Planning scheme, 2017;*
- The Whitsunday Shire Planning Scheme 2009 has not been overtaken by events, despite its age. It is Council's continuing policy that this site is preferred for rural development.*
- The applicant has not demonstrated that there is an urgent and pressing need for additional rural residential development within the Whitsunday region. The specialist report prepared in relation to rural land as part of the development of the Whitsunday Regional Planning Scheme, 2017 assessed the predicted demand and supply of rural residential land within the planning scheme area, and the allocation of land for rural residential development meets the predicted demand.*
- The Whitsunday Shire Planning Scheme, 2009 includes adequate provisions to regulate rural residential development."*

However, in accordance with sections 273(1)(b)(i) and 273(3) of the *Local Government Regulation 2012* the statement of reasons for not adopting the recommendation or advice of the Council Officer is as follows: Council supports the approval of this application on the basis that circumstances have altered since the Planning Scheme was introduced in that the demand for rural residential development has increased in this area; the development is consistent with the amenity of the area and represents infill; and standard conditions of approval will apply.

The motion was Carried 5/1

CARRIED

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12. Planning and Development Services

12.3 2017/11/08.16 DA09479 - DEVELOPMENT APPLICATION FOR PRELIMINARY APPROVAL OVERRIDING THE PLANNING SCHEME - MATERIAL CHANGE OF USE, RECONFIGURATION OF A LOT, OPERATIONAL WORKS AND BUILDING WORKS - STAGED INDUSTRIAL ESTATE, BRUCE HIGHWAY MERINDA, DOBE

Moved by: P RAMAGE

Seconded by: J CLIFFORD

Council resolves to approve the application for Preliminary Approval Overriding the Planning Scheme - Material Change of Use, Reconfiguration of a Lot, Operational Works and Building Works - Staged Industrial Estate, made by L A Dobe & W T Dobe, on Lot 110 HR1989 and located at Bruce Highway Merinda, subject to the following conditions:

1.0 ADMINISTRATION

1.1 This is a preliminary approval to vary the effect of the Bowen Shire Planning Scheme 2006 under Section 3.1.6 of the Integrated Planning Act 1997.

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

Plan/Document Name	Prepared By	Plan Number	Dated
Plan of Development	Vision Surveys	14434-PP-01	27/04/2017

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, unless an alternate timeframe is provided within a specific condition or the condition is intended to be on-going.

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.

2.0 CONCURRENCE AGENCY CONDITIONS

2.1 The applicant is to comply with the Department of Transport and Main Road's conditions as outlined in the Department's correspondence dated 5 March 2010.

2.2 The applicant is to comply with Ergon Energy's conditions as outlined in Ergon Energy's amended correspondence dated 9 June 2017.

3.0 OTHER DEVELOPMENT PERMITS

3.1 Other development permits which may be required to allow the development to be undertaken are listed below and these conditions do not affect the need to obtain such permits, namely:

- (a) Development Permit(s) for Material Change of Use;
- (b) Development Permit(s) for Building Works;
- (c) Development Permit(s) for Operational Works; and
- (d) Plumbing and Drainage Works Approval.

3.2 The developer must also obtain all other permits, approvals and authorities required by other legislation.

4.0 RELEVANT PERIOD

4.1 The preliminary approval will lapse five (5) years from the date of this decision notice where any lot has not commenced a use in accordance with the preliminary approval.

5.0 STAGING

5.1 Prior to the lodgement of the first Development Permit under the Preliminary Approval the applicant is required to submit to Council a Staging Plan which identifies the proposed stages of development of the subject land.

5.2 The Staging Plan must contain the following information.

- i. sufficient information to enable Council to understand the stages of development; and
- ii. details of the infrastructure required to service each stage of the development;
- iii. the level of standard proposed in accordance with Council's Development Manual to service each stage of the development.

5.3 The developer must develop the subject land in the sequence identified in the Staging Plan with all infrastructure to be provided at the developers own cost.

6.0 ASSESSMENT TABLES

6.1 This preliminary approval to vary the effect of the local planning instrument varies the level of assessment of development in the Bowen Shire Planning Scheme 2006. The Table of Assessment Table is as follows:

Table 1 - Level of assessment and criteria for making a Material Change of use

Use	Level of assessment	Assessment Criteria
<i>Accommodation activities</i>		
Caretaker's accommodation	Self assessment if complying with the acceptable outcomes of the applicable code(s)	Caretaker's accommodation code
	Otherwise code assessment	Caretaker's accommodation code Merinda Industrial Estate Plan of Development code

Use	Level of assessment	Assessment Criteria
		Infrastructure code
All other Accommodation activities	Impact assessment	The planning scheme
Business activities		
Agricultural supply store	Self assessment if: (a) if involving no building work or only minor building work; and (b) complying with the acceptable outcomes of the applicable code(s).	Business activities code Transport and parking code
	Otherwise code assessment	Business activities code Merinda Industrial Estate Plan of Development code Infrastructure code Landscaping code Transport and parking code
Car wash	Code assessment	Business activities code Merinda Industrial Estate Plan of Development code Infrastructure code Landscaping code Transport and parking code
Food and drink outlet	Code assessment if: (a) having a gross floor area not exceeding 150m ² ; and (b) not involving a drive-through facility.	Business activities code Merinda Industrial Estate Plan of Development code Infrastructure code Landscaping code Transport and parking code
	Otherwise impact assessment	The planning scheme
Garden centre	Self assessment if: (a) complying with the acceptable outcomes of the applicable code(s); and (b) involving no building work; or (c) only minor building work.	Business activities code Transport and parking code
	Otherwise code assessment	Business activities code Merinda Industrial Estate Plan of Development code Infrastructure code

Use	Level of assessment	Assessment Criteria
		Landscaping code Transport and parking code
Hardware and trade supplies	Self assessment if: (a) complying with the acceptable outcomes of the applicable code(s); and (b) involving no building work; or (c) only minor building work.	Business activities code Transport and parking code
	Otherwise code assessment.	Business activities code Merinda Industrial Estate Plan of Development code Infrastructure code Landscaping code Transport and parking code
Office	Code assessment if complying with the acceptable outcomes of the applicable code(s)	Business activities code Merinda Industrial Estate Plan of Development code Infrastructure code Landscaping code Transport and parking code
	Otherwise impact assessment	The planning scheme
Outdoor sales	Self assessment if complying with the acceptable outcomes of the applicable code(s)	Business use code Transport and parking code
	Otherwise code assessment	Business use code Merinda Industrial Estate Plan of Development code Infrastructure code Landscaping code Transport and parking code
Service station	Code assessment	Service station code Merinda Industrial Estate Plan of Development code Infrastructure code Landscaping code Transport and parking code
Showroom	Code assessment	Business activities code Merinda Industrial Estate Plan of Development code Infrastructure code Landscaping code

Use	Level of assessment	Assessment Criteria
		Transport and parking code
Veterinary services	Code assessment	Business activities code Merinda Industrial Estate Plan of Development code Infrastructure code Landscaping code Transport and parking code
All other Business activities	Impact assessment	The planning scheme
Entertainment activities		
All Entertainment activities	Impact assessment	The planning scheme
Industry activities		
Bulk landscape supplies	Code assessment	Industry activities code Merinda Industrial Estate Plan of Development code Infrastructure code Landscaping code Transport and parking code
Low impact industry	Self assessment if: (a) not exceeding a maximum building height of 15.0m above ground level; and (b) complying with the acceptable outcomes of the applicable code(s).	Industry activities code Transport and parking code
	Otherwise code assessment	Industry activities code Merinda Industrial Estate Plan of Development code Infrastructure code Landscaping code Transport and parking code
Medium impact industry	Self assessment if: (a) not exceeding a maximum building height of 15.0m above ground level; and (b) complying with the acceptable outcomes of the applicable code(s).	Industry activities code Transport and parking code
	Otherwise code assessment	Industry activities code Merinda Industrial Estate Plan of Development code

Use	Level of assessment	Assessment Criteria
		Infrastructure code Landscaping code Transport and parking code
Research and technology	Self assessment if complying with the acceptable outcomes of the applicable code(s)	Industry activities code Transport and parking code
	Otherwise code assessment	Industry activities code Merinda Industrial Estate Plan of Development code Infrastructure code Landscaping code Transport and parking code
Service industry	Self assessment if: (a) not exceeding a maximum building height of 15.0m above ground level; and (b) complying with the acceptable outcomes of the applicable code(s).	Industry activities code Transport and parking code
	Otherwise code assessment	Industry activities code Merinda Industrial Estate Plan of Development code Infrastructure code Landscaping code Transport and parking code
Warehouse	Self assessment if complying with the acceptable outcomes of the applicable code(s)	Industry activities code Transport and parking code
	Otherwise code assessment	Industry activities code Merinda Industrial Estate Plan of Development code Infrastructure code Landscaping code Transport and parking code
All other Industry activities	Impact assessment	The planning scheme
Community activities		
Crematorium	Code assessment	Merinda Industrial Estate Plan of Development code Infrastructure code Landscaping code

Use	Level of assessment	Assessment Criteria
		Transport and parking code
Emergency services	Exempt if undertaken by or on behalf of the Council	
	Otherwise impact assessment	The planning scheme
Funeral Parlour	Code assessment if complying with the acceptable outcomes of the applicable code(s)	Merinda Industrial Estate Plan of Development code Infrastructure code Landscaping code Transport and parking code
	Otherwise impact assessment	The planning scheme
All other Community activities	Impact assessment	The planning scheme
Recreation activities		
Park	Exempt	
All other Recreation activities	Impact assessment	The planning scheme
Rural activities		
Rural industry	Self assessment if: (a) not exceeding a maximum building height of 15.0m above ground level; and (b) complying with the acceptable outcomes of the applicable code(s).	Rural activities code Transport and parking code
	Otherwise code assessment	Rural activities code Merinda Industrial Estate Plan of Development code Infrastructure code Landscaping code Transport and parking code
All other Rural activities	Impact assessment	The planning scheme
Other activities		
Air services	Code assessable if the premises is used for: (a) the housing, serving, refuelling, maintenance and repair of aircraft; or (b) associated training and education facilities; or (c) aviation facilities.	Merinda Industrial Estate Plan of Development code Infrastructure code Landscaping code Transport and parking code

Use	Level of assessment	Assessment Criteria
	Otherwise impact assessment	The planning scheme
Major electricity infrastructure	Code assessment	Merinda Industrial Estate Plan of Development code Infrastructure code Landscaping code Transport and parking code
Substation	Self assessment if: (a) not exceeding a maximum building height of 15.0m above ground level; and (b) complying with the acceptable outcomes of the applicable code(s).	Transport and parking code
	Otherwise code assessment	Infrastructure code Landscaping code Transport and parking code
Telecommunications facility	Code assessment if complying with the acceptable outcomes of the applicable code(s)	Telecommunications facility code Merinda Industrial Estate Plan of Development code Infrastructure code
	Otherwise impact assessment	The planning scheme
Transport depot	Code assessment	Industry activities code Merinda Industrial Estate Plan of Development code Infrastructure code Landscaping code Transport and parking code
Utility installation	Self assessment if: (a) not exceeding a maximum building height of 15.0m above ground level; and (b) complying with the acceptable outcomes of the applicable code(s).	Transport and parking code
	Otherwise code assessment	Merinda Industrial Estate Plan of Development code Infrastructure code Landscaping code Transport and parking code
All other activities	Impact assessment	The planning scheme

Use	Level of assessment	Assessment Criteria
Undefined uses		
Any use not defined in Schedule 1 (Definitions)	Impact assessment	The planning scheme

Editor's note—The above levels of assessment apply unless otherwise prescribed within the Act or the Regulation.

Table 2 – Level of assessment and criteria for all Reconfiguring a Lot

Development	Level of assessment	Assessment criteria
Reconfiguring a Lot	Code assessment if compliant with the acceptable outcomes of the Reconfiguring a lot code, and generally in accordance with the Merinda Industrial Estate Plan of Development. OR Boundary Realignment OR Creation of an access easement	Merinda Industrial Estate Plan of Development code Reconfiguring a lot code Excavation and filling code Infrastructure code Landscaping code Transport and parking code
	Otherwise impact assessment	The planning scheme

Table 3 – Level of assessment and criteria for Operational Work

Development	Level of assessment	Assessment criteria
Extracting gravel, rock, sand or soil from the place where it occurs naturally	Exempt	
Conducting a forest practice	Exempt	
Excavating or filling that materially affects premises or their use	Self assessment if: (a) there would be a change of no greater than 1m in the level of any part of the site; or (b) less than 100m ³ of material is imported to or removed from the site.	Excavation and filling code
	Otherwise code assessment	Construction management code Excavation and filling code
All operational works involving landscaping work where associated with the Reconfiguring of a lot or	Self assessment	Construction management code Landscaping code

Development	Level of assessment	Assessment criteria
Material Change of Use		
All operational works involving landscaping work where not associated with the Reconfiguring of a lot or Material Change of Use	Code assessment	Construction management code Landscaping code
Operation works involving engineering work	Code assessment	Construction management code Excavation and filling code Infrastructure code
Placing an advertising device on a premise	Self assessment if complying with the acceptable outcomes of the applicable code(s)	Advertising devices code
	Otherwise code assessment	Advertising devices code Construction management code
Clearing vegetation, including vegetation to which the Vegetation Management Act applies	Exempt if involving exempt vegetation clearing	
	Otherwise code assessment	Construction management code
Undertaking roadworks on a local government road	Exempt if undertaken by or on behalf of the Council	
	Otherwise code assessment	Construction management code Excavation and filling code Transport and parking code
Undertaking roadwork's on a local government road for a driveway	Self assessment if compliant with the acceptable outcomes of the applicable code(s)	Excavation and filling code Transport and parking code
	Otherwise code assessment	Construction management code Excavation and filling code Transport and parking code

Editor's note—The above levels of assessment apply unless otherwise prescribed in the Act or the Regulation.

Table 4 – Level of assessment and criteria for all development affected by overlays

Acid sulphate soils overlay		
Development	Level of assessment	Assessment criteria
<p>Any development, if on land:</p> <p>(a) subject to the Acid sulfate soils overlay as identified in the Acid sulfate soils map; and</p> <p>(b) there would be a change in level of greater than 1m of any part of the site; or</p> <p>(c) greater than 100m³ of material is imported to or removed from the site.</p>	<p>No change</p> <p>OR</p> <p>Exempt if addressed as part of a previous Development Permit.</p>	<p>Acid sulfate soils overlay code</p>
Agricultural land overlay		
Development	Level of assessment	Assessment criteria
<p>Material change of use, if on land subject to the Agricultural land overlay as identified in the Agricultural land overlay map</p>	<p>Exempt</p>	<p>Agricultural land overlay code</p>
<p>Reconfiguring a lot, if on land subject to the Agricultural land overlay as identified in the Agricultural land overlay map</p>	<p>Exempt</p>	<p>Agricultural land overlay code</p>
<p>Operational work, if on land:</p> <p>(a) subject to the Agricultural overlay as identified in the Agricultural land overlay map; and</p> <p>(b) involving excavation or filling that materially affects premises or their use; or</p> <p>(c) involving engineering work; or</p> <p>(d) clearing vegetation, including vegetation to which the Vegetation Management Act applies; or</p> <p>(e) prescribed tidal works; or</p> <p>(f) undertaking roadwork's on a local government road.</p>	<p>Exempt</p>	<p>Agricultural land overlay code</p>
Bushfire hazard overlay		
Development	Level of assessment	Assessment criteria
<p>Material change of use, if on land:</p> <p>(a) subject to the Bushfire hazard overlay as identified in the Bushfire hazard overlay map;</p>	<p>No change if complying with acceptable outcomes of Table 8.2.4.3.1 (Criteria for self-assessable and</p>	<p>Bushfire hazard overlay code</p>

<p>and</p> <p>(b) where not wholly contained within an existing building; or</p> <p>(c) involving building work of greater than 50m²; or</p> <p>(d) there would be a change in level of greater than 0.5m of any part of the site; or</p> <p>(e) greater than 50m³ of material is imported to or removed from the site.</p>	<p>assessable development) of the Bushfire hazard overlay code.</p>	
	<p>Otherwise code assessment</p>	<p>Bushfire hazard overlay code</p>
<p>Reconfiguring a lot, if on land subject to the Bushfire hazard overlay as identified in the Bushfire hazard overlay map</p>	<p>No change</p>	<p>Bushfire hazard overlay code</p>
<p>Operational works, if on land</p> <p>(a) subject to the Bushfire hazard overlay as identified in the Bushfire hazard overlay map; and</p> <p>(b) involving excavation or filling that materially affects premises or their use; or</p> <p>(c) involving landscaping work where associated with the Reconfiguration of a Lot or Material change of use; or</p> <p>(d) involving engineering work; or</p> <p>(e) clearing vegetation, including vegetation to which the Vegetation Management Act applies.</p>	<p>No change</p>	<p>Bushfire hazard overlay code</p>
Flood hazard overlay		
Development	Level of assessment	Assessment criteria
<p>Material change of use, if on land:</p> <p>(a) subject to the Flood hazard overlay as identified in the Flood hazard overlay map; and</p> <p>(b) where not wholly contained within an existing building; or</p> <p>(c) involving building work of greater than 50m²; or</p> <p>(d) there would be a change in level of greater than 0.5m of any part of the site; or</p> <p>(e) greater than 50m³ of material is</p>	<p>No change if complying with acceptable outcomes of Table 8.2.8.3.1 (Criteria for self-assessable and assessable development) of the Flood hazard overlay code.</p>	<p>Flood hazard overlay code</p>
	<p>Otherwise code assessment</p>	<p>Flood hazard overlay code</p>

imported to or removed from the site.		
Reconfiguring a lot , if on land subject to the Flood hazard overlay as identified in the Flood hazard overlay map	No change	Flood hazard overlay code
Operational works , if on land: (a) subject to the Flood hazard overlay as identified in the Flood hazard overlay map; and (b) involving excavation or filling that materially affects premises or their use; or (c) involving engineering work; or (d) clearing vegetation, including vegetation to which the Vegetation Management Act applies; or (e) prescribed tidal works; or (f) undertaking roadwork's on a local government road.	No change	Flood hazard overlay code

Infrastructure overlay

Development	Level of assessment	Assessment criteria
Material change of use , if on land subject to the Infrastructure overlay as identified in the Infrastructure overlay map	No change	Infrastructure overlay code
Reconfiguration of a lot , if on land subject to the Infrastructure overlay as identified in the Infrastructure overlay map	No change	Infrastructure overlay code
Operational works , if on land: (a) subject to the Infrastructure overlay as identified in the Infrastructure overlay map; and (b) involving excavation or filling that materially affects premises or their use; or (c) involving landscaping work where associated with the Reconfiguration of a Lot or Material change of use; or (d) involving engineering work; or (e) placing an advertising device on	No change	Infrastructure overlay code

<p>a premise; or</p> <p>(f) clearing vegetation, including vegetation to which the Vegetation Management Act applies; or</p> <p>(g) prescribed tidal works; or</p> <p>(h) undertaking roadwork's on a local government road.</p>		
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Note – where development is not identified in the ‘Development’ column of the table as being subject to a particular overlay, that overlay is not applicable to the development.

5.2 The following are the use codes for the Merinda Industrial Estate Plan of Development. The use codes are as set out in the Whitsunday Regional Council Planning Scheme 2017.

- (a) Business activities code
- (b) Caretaker’s accommodation code
- (c) Industry activities code
- (d) Rural activities code
- (e) Service station code
- (f) Telecommunication facility code

5.3 The following are the other development codes for the Merinda Industrial Estate Plan of Development. The codes as set out in the Whitsunday Regional Council Planning Scheme 2017.

- (a) Advertising devices code
- (b) Construction management code
- (c) Excavation and filling code
- (d) Infrastructure code
- (e) Landscaping code
- (f) Reconfiguring a lot code
- (g) Transport and parking code

5.4 The following are the other overlay codes for the Merinda Industrial Estate Plan of Development. The codes as set out in the Whitsunday Regional Council Planning Scheme 2017.

- (h) Acid sulfate soils overlay code
- (i) Bushfire hazard overlay code
- (j) Flood hazard overlay code
- (k) Infrastructure overlay code

6.0 MERINDA INDUSTRIAL ESTATE DEVELOPMENT CODE

6.1 Material Change of Use Development must be undertaken in accordance with Merinda Industrial Estate Development Code in the way the Code varies the

effect of the Bowen Shire Planning Scheme 2006. All other provisions of the aforementioned Scheme continue to apply; however, in the event of any inconsistencies, the Code will prevail.

6.2 The Code provides additional and/or alternative development assessment criteria to the relevant codes/development criteria, contained in the Bowen Shire Planning Scheme 2006.

6.3 Merinda Industrial Estate Code and Acceptable Outcomes for self-assessable development or Performance Outcomes for code assessable development are as follows:

This code applies to assessable development:

- (a) within the Merinda Industrial Estate Development area formally known as part of Lot 1 on SP285375, as identified on the Merinda Industrial Estate Plan of Development (VSQ Dwg. 14434-PP-01 Rev. A); and
- (b) identified as requiring assessment against the Merinda Industrial Estate Development code by the levels of assessment in Tables 1 to 4.

Purpose and overall outcomes

- (1) The purpose of the Merinda Industrial Estate Development code is to provide for medium impact industry uses that appropriately support higher impact industrial uses in Abbot Point in accordance with the Merinda Industrial Estate Plan of Development. It may include non-industrial and business uses that support the industrial activities where they do not compromise the long-term use of the land for industrial purposes. Activities considered appropriate in this zone are defined as medium impact industry in the schedule of definitions.
- (2) The purpose of the Merinda Industrial Estate Plan of Development code is to provide for a wide range of Industry activities at a similar scale as the Medium impact industry zone and at a larger scale and higher intensity relative to the Low impact industry zone.
- (3) The purpose of the Merinda Industrial Estate Development code will be achieved through the following overall outcomes:
 - (a) uses are predominantly of low to medium intensity and for low to medium impact industry activities, including bulk landscape supplies, research and technology industry, service industry and warehouse uses;
 - (b) development of ancillary accommodation may be established only where directly supporting the ongoing Industry activities of the Merinda Industrial Estate. These uses are limited to caretaker's accommodation;
 - (c) development of business, rural and other activities which are not ancillary to, but are compatible with, industry activities, may be established in the Merinda Industrial Estate. These uses include, but are not limited to agricultural supplies stores, hardware and trade supplies, offices, outdoor sales, showrooms, rural industries, transport depots, transport depots and utility installations. Such uses must be appropriately located and designed to ensure that they do not compromise the ongoing operation and viability of industry activities;
 - (d) development of limited community activities, compatible with the purpose of the Merinda Industrial Estate Development code may also

be established. Such uses are limited to crematoriums, emergency services and funeral parlours;

- (e) existing and planned Industry activities are protected from the intrusion of incompatible uses that may compromise or conflict with the primary use of premises for industry purposes;
- (f) development provides for a range of lot sizes to cater for varying industry needs and user requirements;
- (g) development has a predominantly low-rise built form that is sympathetic to the intended scale and character of the streetscape and surrounding area, with a maximum building height of 15.0m above ground level where slopes are not greater than 15%;
- (h) Industry activities positively contribute to the image of the locality by providing a high quality of built form and landscaping in keeping with the expectations of a modern, safe, and attractive industrial environment;
- (i) development ensures that uses and works for industrial purposes are located, designed and managed to maintain public health and safety, avoid significant adverse effects on the natural environment, and minimise impacts on nonindustrial land and sensitive uses;
- (j) development avoids or mitigates any adverse impacts on areas of cultural heritage significance or environmental significance through sensitive location, design, operation and management;
- (k) industry activities have access to the appropriate level of transport infrastructure, including encouragement of public and active transport accessibility and use, and do not interfere with the safe and efficient operation of the surrounding road network;
- (l) vehicle movement networks are provided that facilitate convenient connections to centres and community activities;
- (m) development is provided with the full range of urban services to support industry and employment needs, including reticulated water, sewerage, stormwater drainage, sealed roads, pathways, electricity and telecommunication infrastructure;
- (n) development is located and designed to maximise the efficient extension and safe operation of infrastructure; and
- (o) the safety and efficiency of existing and future infrastructure (i.e. road, rail, pipelines, telecommunications and transmission infrastructure) is protected, and the amenity and safety of development is not adversely affected by proximity to such infrastructure.

7.0 WATER

- 7.1 Prior to the lodgement of the first Development Permit under the Preliminary Approval the applicant is required to demonstrate that adequate water supply to the development site can be provided. A network analysis of the existing Council water supply system must be completed to determine the nature of upgrades required to Council's reticulated networks. All necessary upgrade works must be completed by the developer at their full cost. An Operational Works application must be approved by Council prior to the commencement of these works.

- 7.2 Any application for Development Permit for Material Change of Use and/or Reconfiguring a Lot must demonstrate, where only part of the water supply strategy is being developed, the proposed development of each stage can be adequately supplied with water.
- 7.3 At the discretion of Council, the developer will be required to provide additional reservoir capacity to meet the development storage needs prior to sealing the first plan of survey or commencement of the use, whichever is the sooner.
- 7.4 The developer will be required to upgrade the Merinda trunk water pipeline to meet the demands of the development prior to sealing the first plan of survey or commencement of the use, whichever is the sooner.
- 7.5 All lots in the development must be connected to Council's reticulated water supply.

8.0 ROADWORKS

- 8.1 Prior to the signing of the Plan of Survey for the first stage of any Reconfiguring a Lot or Material Change of Use approved under the Preliminary Approval the applicant must fully construct Champion Street in accordance with the requirements of all approvals from the Department Transport and Main Roads and the Whitsunday Regional Council Development Manual. An Operational Works Application must be approved by Council prior to the commencement of any works.
- 8.2 Any application for Operational Works must be accompanied by detailed engineering drawings, including calculations and certification of all designs, demonstrate compliance with Queensland Urban Drainage Manual, Whitsunday Regional Council Development Manual (current at the time of development) and this Approval.

9.0 SEWERAGE

- 9.1 All lots in the development must be connected to Council's reticulated sewerage system prior to the signing of the plan of survey for the first stage.
- 9.2 All internal and external sewerage infrastructure must be designed and constructed in accordance with the Whitsunday Regional Council Development Manual and Council's Standard Drawings.
- 9.3 A detailed sewerage reticulation network analysis must be undertaken on the proposed sewerage catchment area and is to include any external areas up to and including any point of treatment and must be submitted as part of the staging plan.
- 9.4 If as a result of the network analysis it is determined that works are required to upgrade any part of Council's existing sewerage network to accommodate any additional demand generated by the development, then such work must be undertaken by the developer at no cost to Council prior to the commencement of the development, or the sealing of the first survey plan, whichever happens soonest.

10.0 EARTHWORKS

- 10.1 Prior to commencement of any work on site an Operational Works development permit must be obtained in relation to Earthworks. Any application for Operational Works (Earthworks) must be accompanied by engineering design drawings demonstrating compliance with the recommendations of the Geotechnical and Civil site report for the site. All filling is to be placed, trimmed and compacted as a minimum to standards

identified in AS 3789. Compaction test results are to be submitted to Council for its records.

11.0 ACCESS AND PARKING

11.1 All accesses, driveways, circulation roads, aisles, parking bays and manoeuvring areas must be designed and constructed so as to comply with Council's Development manual and with the criteria described in AS2890 and AS1428.

12.0 LANDSCAPING

12.1 A Landscaping Concept Plan must be submitted with any application for Development Permit for Material Change of Use.

12.2 A 20m wide vegetation buffer is to be provided along the eastern boundary of the site.

13.0 STORMWATER AND FLOODING

13.1 Prior to the signing of the Plan of Survey for the first stage of any reconfiguration of a lot approved under the Preliminary Approval the applicant must fully construct a stormwater bioretention system in accordance with the requirements of the Whitsunday Regional Council Development Manual and Council's Stormwater Quality Management Guidelines. An Operational Works Application must be approved by Council prior to the commencement of any works on the site.

13.2 Any application for Operational Works for stormwater must be designed in accordance with the VDM Stormwater Management Plan Issue 1 and Hydraulic Impact Assessment Issue 1 Reports, the requirements of the Queensland Urban Drainage Manual and the Whitsunday Regional Council Development Manual.

13.3 Any Stormwater design for the site is to demonstrate that no adverse impact on flood levels and velocities on adjoining properties for all events up to and including a 100 year ARI event.

13.4 All building works must be undertaken to ensure that there is no increase in flood levels and/or flood frequency at any location where existing landowners and/or users are adversely affected by waterway flooding for all events up to including the Q100 flood levels.

14.0 ENVIRONMENTAL MANAGEMENT

14.1 Prior to the lodgement of the first development application under the Preliminary Approval the applicant is to lodge with Council an Environmental Management Plan (EMP) for the development site. The EMP shall detail design and control measures to be adopted for both the construction and post construction phases of the development. The EMP must address issues such as:

I. Erosion and Sediment Control

II. On-site storage and management of top soils and stockpiles

III. Weed and pest control and management

IV. Cultural heritage management

V. Noise and dust control

VI. Water quality

VII. Site access

15.0 ELECTRICITY AND TELECOMMUNICATIONS

15.1 All lots must be provided with underground electricity and telecommunication connections to the requirements of the relevant authority.

16.0 MISCELANEOUS

16.1 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.

16.2 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.

16.3 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 or flood 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 or flood.

17.0 ADVISORY

17.2 Hours of work

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

17.3 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.

17.4 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.

17.5 Noise During Construction and Noise in General

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

17.6 General Safety of Public During Construction

It is the project manager's responsibility to ensure compliance with the Workplace Health and Safety Act 1995. 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.

17.7 It is the principal contractor's responsibility to ensure compliance with the Workplace Health and Safety Act 1995. 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.

17.8 It is the responsibility of the person in control of the workplace to ensure compliance with the Workplace Health and Safety Act 1995. 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.

17.9 Enquiries relating to the aforementioned conditions should be directed to the Planning and Development who will direct the enquiry to the relevant officer.

MEETING DETAILS:

Councillor Clark declared a Material Personal Interest in accordance with Section 172(2)(c) of the Local Government Act 2009 due to the matter of the owner of the property is his sister and left the meeting room at 9.39am taking no part in the debate on this matter.

The motion was Carried 5/0

CARRIED

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*Councillor Clark returned to the meeting room at 9.40am*

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12. Planning and Development Services

12.4 2017/11/08.17 HEIGHT OF DWELLINGS IN THE SUMMIT ESTATE

Moved by: J CLIFFORD

Seconded by: R PETTERSON

Council resolves to;

- a) agree to requests made for Development Applications to be assessed under the Superseded Planning Scheme for dwelling houses which exceed 10.0m in height in The Summit Estate;
- b) Application fees for these applications will be waived; and
- c) Council will have regard for specific design guidelines included in any relevant community management statement.

MEETING DETAILS:

The motion was Carried 6/0

CARRIED

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**12. Planning and Development Services**

**12.5 2017/11/08.18 PROSERPINE AREA SUSTAINABILITY & FUTURE GROWTH MASTER PLAN**

**Moved by: J COLLINS**

**Seconded by: P RAMAGE**

**Council resolves to:**

- a) adopt the Proserpine Area Sustainability and Future Growth Master Plan; and**
- b) refer the capital projects listed in the Proserpine Area Sustainability and Future Growth Master Plan for budget consideration in future financial years.**

**MEETING DETAILS:**

The motion was Carried 6/0

**CARRIED**

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13. Community and Environment

13.1 2017/11/08.19 COUNCIL MEMBERSHIP WITH THE NORTH QUEENSLAND SPORTS FOUNDATION (NQSF)

Moved by: J CLIFFORD

Seconded by: R PETTERSON

Council resolves to agree to a three year membership with the North Queensland Sports Foundation (NQSF) and that Councillor Dave Clark be confirmed as a Whitsunday Regional Council representative.

MEETING DETAILS:

The motion was Carried 6/0

CARRIED

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**13. Community and Environment**

**13.2 2017/11/08.20 RACQ CQ RESCUE SERVICE SPONSORSHIP  
PROPOSAL - 2017/18**

**Moved by: J CLIFFORD**

**Seconded by: P RAMAGE**

**Council resolves to enter into a sponsorship arrangement with the RACQ CQ Rescue Service of \$50,000, to assist the organisation in providing a crucial service to Whitsundays residents and visitors.**

**MEETING DETAILS:**

The motion was Carried 6/0

**CARRIED**

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13. Community and Environment

**13.3 2017/11/08.21 REQUEST FOR DONATION - DEE JAYS SCHOOL OF
DANCE**

Moved by: J CLIFFORD

Seconded by: R PETTERSON

Council approves the request from Dee Jays School of Dance for a donation of \$250.00 to go towards the hire of equipment and material for concert performances to be held at the Proserpine State High School Hall on Saturday 11 November 2017.

MEETING DETAILS:

The motion was Carried 6/0

CARRIED

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**13. Community and Environment**

**13.4 2017/11/08.22 REQUEST FOR COUNCIL FEE WAIVERS - NOVEMBER 2017**

**Moved by: R PETERSON**

**Seconded by: D CLARK**

**Council resolves to approve the waiving of fees for the following recipient;**

- Volunteer Marine Rescue Whitsunday Inc.**

**MEETING DETAILS:**

The motion was Carried 6/0

**CARRIED**

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13. Community and Environment

13.5 2017/11/08.23 COMMUNITY ASSISTANCE GRANTS - OCTOBER 2017

Moved by: R PETERSON

Seconded by: J CLIFFORD

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

- a) Whitsunday Weightlifting Club Inc. - \$3,000**
- b) Whitsunday Netball Association - \$3,000**
- c) Whitsunday Kyokushin Karate Cannonvale Inc. - \$5,500**
- d) Whitsunday Sportspark Inc. - \$20,000.**

MEETING DETAILS:

The motion was Carried 6/0

CARRIED

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**13. Community and Environment**

**13.6 2017/11/08.24 ADVISORY - WHITSUNDAY SCHOOLIES MEETING MINUTES - 19 OCTOBER 2017**

**Moved by: J CLIFFORD**

**Seconded by: R PETTERSON**

**Council receives the Whitsunday Schoolies Advisory Meeting Minutes held on 19 October 2017.**

**MEETING DETAILS:**

The motion was Carried 6/0

**CARRIED**

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15. Customer Experience

15.1 2017/11/08.25 FREE USE OF COUNCIL AQUATIC FACILITIES ACROSS THE REGION

Moved by: D CLARK

Seconded by: J COLLINS

Council resolves to allow free entry to all of Council's aquatic facilities across the region commencing 1st January, 2018.

MEETING DETAILS:

The motion was Carried 6/0

CARRIED

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**18. Procedural Motion**

**18.3 2017/11/08.26 PROCEDURAL MOTION - ADJOURN**

**Moved by: D CLARK**

**Seconded by: J CLIFFORD**

**That the meeting be adjourned for the purpose of morning tea at 9.58am.**

**MEETING DETAILS:**

The motion was Carried 6/0

**CARRIED**

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18. Procedural Motion

18.4 2017/11/08.27 PROCEDURAL MOTION - RECONVENE

Moved by: J CLIFFORD

Seconded by: D CLARK

That Council reconvene and close the meeting to the public at 10.25am 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.

MEETING DETAILS:

The motion was Carried 6/0

CARRIED

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**18. Procedural Motion**

**18.5 2017/11/08.28 PROCEDURAL MOTION - REOPEN OF MEETING**

**Moved by: J CLIFFORD**

**Seconded by: J COLLINS**

**That Council reopen the meeting to the general public at 10.50am.**

**MEETING DETAILS:**

The motion was Carried 6/0

**CARRIED**

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17.1 Confidential Matters - Office of the Mayor and CEO

17.1.1 2017/11/08.29 APPROVAL TO INVITE EXPRESSIONS OF INTEREST FOR THE WHITSUNDAY COAST AIRPORT TERMINAL EXPANSION

Moved by: J CLIFFORD

Seconded by: R PETTERSON

Council resolves to invite Expressions of Interest for the Construction of the Whitsunday Coast Airport Terminal in accordance with section 228 *Local Government Regulation 2012*.

MEETING DETAILS:

The motion was Carried 6/0

CARRIED

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**17.5 Confidential Matters - Engineering Services**

**17.5.1 2017/11/08.30 APPROVAL TO INVITE EXPRESSIONS OF INTEREST FOR THE BOWEN SEWERAGE TREATMENT PLANT UPGRADE**

**Moved by: D CLARK**  
**Seconded by: P RAMAGE**

**Council resolves to invite Expressions of Interest for the Design and Construction of the Bowen Sewage Treatment Plant Upgrade in accordance with section 228 *Local Government Regulation 2012*.**

**MEETING DETAILS:**

The motion was Carried 6/0

**CARRIED**

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17.5 Confidential Matters - Engineering Services

17.5.2 2017/11/08.31 CANNONVALE RESERVOIR DAMAGE ASSESSMENT

Moved by:
Seconded by:

Council resolves to allocate \$125,000 from the Insurance Reserve to enable the critical ground penetrating radar inspection to be undertaken on the Cannonvale water reservoir.

Procedural Motion

Moved by: J CLIFFORD

Council resolved to table the Cannonvale Reservoir Damage assessment report for further investigation.

MEETING DETAILS:

The procedural motion was Carried 6/0

CARRIED

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***The meeting closed at 10.52am***

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Confirmed as a true and correct recording this 22 November 2017

**Cr Andrew Willcox
MAYOR**