



Notice of Meeting

Notice is hereby given that the **Ordinary Meeting** of the **Whitsunday Regional Council** will be held at Mantra Club Croc, 240 Shute Harbour Rd, Cannonvale on **Wednesday 13 May 2020** commencing at **9:00 a.m.** and the Agenda is attached.

Councillors: Andrew Willcox, Jan Clifford, Al Grundy, John Collins, Michelle Wright, Gary Simpson and Michael Brunner.

Local Government Regulation 2012

258.(1) Written notice of each meeting or adjourned meeting of a local government must be given to each councillor at least 2 days before the day of the meeting unless it is impracticable to give the notice.

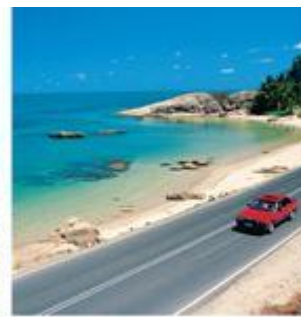
(2) The written notice must state:

- (a) the day and time of the meeting; and
- (b) for a special meeting – the business to be conducted at the meeting

(3) A **special meeting** is a meeting at which the only business that may be conducted is the business stated in the notice of meeting.

Jason Bradshaw
ACTING CHIEF EXECUTIVE OFFICER





Agenda of the Ordinary Meeting to be held at
Mantra Club Croc, 240 Shute Harbour Rd, Cannonvale
on Wednesday 13 May 2020 commencing at **9:00am**

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

9:00 am

- Formal Meeting Commences

10:00 am - 10.30 am

- Morning Tea

Agenda of the Ordinary Meeting to be held at
Mantra Club Croc, 240 Shute Harbour Rd, Cannonvale
on Wednesday 13 May 2020 commencing at **9:00am**

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1. Apologies

No Agenda items for this section.

2. Condolences

2.1 CONDOLENCES REPORT

AUTHOR: Tailah Jensen - Governance Administration Officer

RESPONSIBLE OFFICER: Jason Bradshaw – Acting Chief Executive Officer

RECOMMENDATION

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

The following report has been submitted for inclusion into Council's Ordinary Meeting to be held 13 May 2020.

SUMMARY

Council has received advice of the passing of community members within the Whitsunday Region.

PURPOSE

To acknowledge and observe a minute silence for the recently deceased throughout the Whitsunday Region.

BACKGROUND

Bereavement cards have been forwarded to the families of the deceased by the Mayor and Chief Executive Officer on behalf of the Whitsunday Regional Council.

STATUTORY MATTERS

N/A

ANALYSIS

N/A

STRATEGIC IMPACTS

N/A

CONSULTATION

Andrew Willcox – Mayor

DISCLOSURE OF OFFICER'S INTERESTS

N/A

CONCLUSION

Councillors, committee members, staff, general public and anyone participating in the meeting are to stand and observe a minute silence for the recently deceased.

ATTACHMENTS

N/A

3.1 Mayoral Minute

No Agenda items for this section.

3.2 Mayoral Update

Verbal Update provided during meeting.

4. Confirmation of Minutes

4.1 CONFIRMATION OF MINUTES REPORT

AUTHOR: Tailah Jensen – Governance Administration Officer

RESPONSIBLE OFFICER: Jason Bradshaw – Acting Chief Executive Officer

RECOMMENDATION

That Council confirms the Minutes of the Ordinary Meeting held on 29 April 2020.

The following report has been submitted for inclusion into Council's Ordinary Meeting to be held 13 May 2020.

SUMMARY

Council is required to confirm the minutes of the Ordinary Council Meeting Minutes held on 29 April 2020.

PURPOSE

At each Council meeting, the minutes of the previous meeting must be confirmed by the councillors present and signed by the person presiding at the later meeting. The Minutes of Council's Ordinary Meeting held on 29 April 2020 are provided for Councils review and confirmation.

BACKGROUND

In accordance with s272 of the Local Government Regulation 2012, minutes were taken at Council's Ordinary meeting held on 29 April 2020 under the supervision of the person presiding at the meeting. These unconfirmed minutes once drafted were submitted to the Chief Executive Officer for review and are available on Council's website for public inspection.

STATUTORY MATTERS

In accordance with the Act, Council must record specified information in the minutes of a meeting regarding any declared material personal interests or conflicts of interest. At the Ordinary Meeting held on 29 April 2020, the following interests were declared and recorded in the minutes:

Councillor	MPI/COI	Report No.	Particulars of the interest
None for the meeting of 29 April 2020			

All required information regarding declarations of interest under the Act is recorded in the minutes and consolidated in Council's Councillor COI and MPI Public Register, which is available on Council's website at the following link:

<https://www.whitsunday.qld.gov.au/DocumentCenter/View/5358>

Additionally, the chairperson of a local government meeting must also ensure that details of an order made against a Councillor for unsuitable meeting conduct at a Council meeting are

recording in the minutes of the meeting. At the Ordinary Meeting held on 29 April 2020, the following orders were made:

Councillor	Order Made
None for the meeting of 29 April 2020	

All required information regarding orders made about the unsuitable meeting conduct of councillors at Council meetings under the Act is recorded in the minutes and consolidated in Council's Councillor Conduct Register. This register is available on Council's website at the following link: <https://www.whitsunday.qld.gov.au/DocumentCenter/View/5302>

Local Government Regulation 2012

Section 272 of the Regulation stipulates that the Chief Executive Officer must ensure that minutes of each meeting of a local government are taken under the supervision of the person presiding at the meeting.

Minutes of each meeting must include the names of councillors present at the meeting and if a division is called on a question, the names of all persons voting on the question and how they voted.

At each meeting, the minutes of the previous meeting must be confirmed by the councillors present and signed by the person presiding at the later meeting.

A copy of the minutes of each meeting must be available for inspection by the public, at a local government's public office and on its website, within 10 days after the end of the meeting. Once confirmed, the minutes must also be available for purchase at the local government's public office(s).

ANALYSIS

Council's options are:

Confirm the Minutes of the Ordinary Meeting held on 29 April 2020

If Council is satisfied that the unconfirmed minutes are an accurate representation of what occurred at the meeting held on 29 April 2020 and comply with legislative requirements outlined in this report, no further action is required other than to confirm the minutes as per the recommendation.

Confirm the Minutes of the Ordinary Meeting held on 29 April 2020 with amendments

If Council is not satisfied that the unconfirmed minutes are an accurate representation of what occurred at the meeting held on 29 April 2020 and comply with legislative requirements outlined in this report, then they move a motion that they be confirmed but with a list of amendments to ensure they are correct and compliant.

STRATEGIC IMPACTS

Alignment to Corporate Plan

Outcome 1.1: Our Leadership engages with the community and provides open, accountable and transparent local government.

Alignment to Operational Plan

KPI: Council agendas and business papers are delivered to Councillors within required timeframes.

Financial Implications

The price for a member of the public to purchase a copy of the minutes must not be more than the cost to the local government of having the copy printed and made available for purchase, and if the copy is supplied to the purchaser by post, the cost of the postage.

Risk Management Implications

Council risks non-compliance with the local government legislation by not confirming minutes of the previous meeting.

CONSULTATION

Jason Bradshaw – Acting Chief Executive Officer

DISCLOSURE OF OFFICER'S INTERESTS

No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the Local Government Act 2009 or the Staff Code of Conduct.

CONCLUSION

These minutes from the 29 April 2020 are therefore submitted for adoption of their accuracy by the Councillors at this meeting of Council.

ATTACHMENTS

Attachment 1 - Copy of the minutes from Ordinary Meeting held on 29 April 2020

Attached separately

5. Delegations

No agenda items for this section.

6. Petitions

No agenda items for this section.

7. Notice of Motion

No agenda items for this section.

8. Questions on Notice

No agenda items for this section.

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

10. Office of the Mayor and CEO

No agenda items for this section.

11. Corporate Services

11.1 OPERATIONAL PLAN 2019/20 QUARTERLY REVIEW - QUARTER 3

AUTHOR: David Royston-Jennings – Governance and Legislation Advisor

RESPONSIBLE OFFICER: Jason Bradshaw – Director Corporate Services

OFFICER'S RECOMMENDATION

That Council:

- 1. Adopt the amended Operational Plan 2019/20; and**
 - 2. Receive the Operational Plan 2019/20 Quarter Three Review Report.**
-

The following report has been submitted for inclusion into Council's Ordinary Meeting to be held on 13 May 2020.

SUMMARY

Council's Operational Plan states how Council will progress the implementation of the 5-year Corporate Plan during the 2019/20 period.

PURPOSE

The Chief Executive Officer must present a written assessment of Council's progress towards implementing the annual Operational Plan at an Ordinary Meeting on at least a quarterly basis.

BACKGROUND

Council adopted the 2019/20 Operational Plan at its 13 June 2019 Special Meeting, received its Quarter One Review update at an Ordinary Meeting held on 13 November 2019 and received its Quarter Two Review update at the 26 February 2020 Ordinary Meeting.

10.15 2019/06/13.15 OPERATIONAL PLAN

Moved by: J CLIFFORD

Seconded by: M BRUNKER

That Council resolve, in keeping with Section 174 of the Local Government Regulation 2012 (Qld), to adopt the 2019/20 Operational Plan, incorporating the Performance Plans for each of the business units.

MEETING DETAILS:

The motion was Carried 7/0

With the adoption of a new organisational structure at the 11 December 2019 Ordinary Meeting, the Operational Plan requires amending to reallocate certain teams and KPI's in alignment with the new structure.

STATUTORY/COMPLIANCE MATTERS

In accordance with s174(1) of the Local Government Regulation 2012, Council must prepare and adopt an annual Operational Plan for each financial year. S174(3) adds that the Chief Executive Officer must present a written assessment of the Council's progress towards implementing the annual Operational Plan at meetings of Council held at regular intervals of not more than 3 months.

ANALYSIS

In accordance with section 174(3) of the Local Government Regulation 2012, the Chief Executive Officer must present a written assessment of Council's progress towards implementing its annual operational plan at regular intervals of not more than 3 months.

Detailed consultation with the Executive Leadership team was conducted in the preparation of the 2019/2020 Operational Plan to develop strong and accountable KPIs that are relevant and reportable.

Directors and Executive Managers have revised their activities and reported on Key Performance Indicators for the period 1 January 2020 to 31 March 2020.

Council's options are:

Adopt the amended Operational Plan and receive the Quarter Three Review Report

If Council is satisfied with the KPI's and performance towards such then no further action is required, other than to adopt the amended Operational Plan and receive the review report.

Do nothing

Council may choose to do nothing and not receive the report. However, there is a legislative requirement for the CEO to prepare a written assessment of progress towards the Operational Plan, and it is implied that Council will formally resolve to receive this report in acknowledgement that this requirement has been fulfilled.

STRATEGIC IMPACTS

Alignment to Corporate Plan

Outcome 1.1: Our Leadership engages with the community and provides open, accountable and transparent local government.

Alignment to Operational Plan

KPI: Operational Plan Performance Reports are presented to Council for adoption quarterly.

Financial Implications

The Operational Plan must be structured within the bounds of the resources available to the Local Government.

Risk Management Implications

This report demonstrates the organisation's performance during the period 1 January 2020 to 31 March 2020 in delivering the annual work program as detailed in the 2019/20 Operational Plan. Quarterly reporting throughout the financial year provides Council with the opportunity to respond more effectively to significant changes in its operating environment, that affect the organisation's capacity to deliver on the actions detailed in its annual Operational Plan.

CONSULTATION

Responsible Officers identified in the Operational Plan 2019/2020

DISCLOSURE OF OFFICER'S INTERESTS

No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the Local Government Act 2009 or the Staff Code of Conduct.

CONCLUSION

The officer's recommendation is the preferred option as advice received following internal consultation is that the current KPI's within the Operational Plan are sufficient and do not require any amendment. The amended Operational Plan only reallocates these KPI's to the appropriate Directorate following the organisational restructure which occurred at the end of Quarter Two.

ATTACHMENTS

Attachment 1 – Amended Operational Plan 2019/2020 (***Attached Separately***)

Attachment 2 – Operational Plan 2019/2020 Q3 Quarterly Review (***Attached Separately***)

12. Development Services

12.1 20200048 – DEVELOPMENT PERMIT FOR MATERIAL CHANGE OF USE - MEDIUM IMPACT INDUSTRY - 27 DON STREET BOWEN - LOT 9 ON RP 745384 - T HICKMOTT & V HICKMOTT C/- VERIS

AUTHOR: Blake Coulston – Para Planner

RESPONSIBLE OFFICER: Neil McGaffin – Director Development Services

OFFICER'S RECOMMENDATION

That Council approve the application for Development Permit for Material Change of Use - Medium Impact Industry (Panel Beater & Spray Painting Workshop), made by V Hickmott & T Hickmott, on Lot 9 RP 745384 and located at 27 Don Street BOWEN, subject to the conditions outlined in Attachment 1.

The following report has been submitted for inclusion into Council's Ordinary Meeting to be held on 13 May 2020.

SUMMARY

The Applicant has lodged a development application for Medium Impact Industry development permit to be able to operate a panel beating and spray-painting workshop. Panel beating is a low impact industry activity, however, with the inclusion of spray painting the use increases to Medium Impact Industry.

The lot is currently zoned Low Residential Density and is adjoining a Medium Impact Industry Zone and gains access from Don Street.

Medium Impact Industry is not generally supported within the Low-Density Residential Zone due to the negative impacts the development could have on the surrounding residential amenity. However, the adjoining residential area has reduced amenity expectations being located adjacent to a Medium Impact Industry zone (Concrete Works).

There was one submission and the issues can be adequately dealt with by condition. It is recommended that the application be approved with relevant conditions.

PURPOSE

Development Applications requiring decisions which are outside the Council officer delegated authority require Council consideration.

BACKGROUND

There is no previous Council decision relating to this matter.

STATUTORY/COMPLIANCE MATTERS

Planning Act 2016

Whitsunday Regional Council Planning Scheme 2017

ANALYSIS

Council has received the following Development Application, which has been assessed against the provisions of the relevant legislation as reported below.

1. Application Summary

Proposal:	Medium Impact Industry
Landowner	T Hickmott & V Hickmott
Property Address:	27 Don Street BOWEN
Property Description:	Lot 9 RP 745384
Area of Site:	1948
Planning Scheme Zone:	Low density residential
Level of assessment	Impact Assessable
Overlays:	Acid Sulfate Soils; Storm Tide Inundation; and Flood Hazard.
Existing Use:	Dwelling house
Existing Approvals:	Nil
Public Notification:	16 March 2020 – 6 April 2020
Submissions received:	One (1)
State referrals:	Nil
Infrastructure charges:	\$6,738.64

2. Site Details

2.1. Location (refer to plan in attachment 2)

2.2. Zoning (refer to plan in attachment)

2.3. Site description – Generally flat, slight slope down towards the west of the lot.

2.4. Access – Don Street

2.5. Surrounding

North	–	Low	Impact	Industry	(Bowen Vet Clinic, Racetrack)	uses
South			–	Residential	Dwelling;	
East	–	Low-Medium	Density	Residential	(Multiple Dwelling Units);	
West				Medium Impact Industry	(Concrete Works).	

3. Proposal Details

The proposal is for a panel beater and spray painting workshop at 27 Don Street. The development gains access from Don Street and is connected the Council Services.

4. Planning Assessment

The application has been assessed against the relevant provisions of the *Planning Act, 2016* and the *Whitsunday Regional Council Planning Scheme, 2017*.

The proposal is considered to be generally in accordance with the Planning Scheme and is recommended for approval in accordance with the drawings and documents submitted, subject to reasonable and relevant conditions (Attachment 1).

4.1. State Assessment and Referral Agency (SARA)

N/A

4.2. State Planning Policy – July 2017

The Whitsunday Regional Council Planning Scheme, 2017 has been assessed by the State government to adequately reflect relevant State interests included in the State Planning Policy 2017.

4.3. Mackay Isaac and Whitsunday Regional Plan – February 2012

The proposal is consistent with the provisions of the plan.

4.4. Whitsunday Regional Council Planning Scheme, 2017

4.4.1. Strategic Framework

The proposal does not conflict with the Strategic Framework.

4.4.2. Strategic Intent

The proposal does not conflict with the Strategic Intent.

4.4.3. Overlay Codes

The development is generally in accordance with the accepted outcomes of the overlay codes.

4.4.4. Zone Code

- 4.4.4.1. The Development conflicts with the overall outcomes of the Low-Density Residential Zone Code. However, the site is being used for a residential dwelling and has been used for various non-residential uses in the past. It is situated in an area of low residential amenity, being located on a busy road and adjacent a cement works

4.4.5. Development Codes

- 4.4.5.1. Development is generally in accordance with the development codes and are conditioned with reasonable and relevant conditions.

5. Public Submissions

The development application was placed on public notification between 16/03/2020 and 06/04/2020 in accordance with the relevant provisions of the Planning Act 2016. The Notice of Compliance was received on 7 April 2020. One (1) submission was received during this period of Public Notification.

Submissions have been received and summarised in the below table:

Issue	Comment/Condition Number
1. Health Concerns from Spray Painting	Health Report has been provided for the spray-painting booth and is conditioned for the environmental performance criteria of the Industries activities Code.
2. Noise	The development will be conditioned to operate only between the hours of 8:00am to 5:00pm Monday to Friday, with no operations on weekends and public holidays.

6. Infrastructure Charges

6.1. Adopted Infrastructure Charges Resolution

The following is a breakdown on the Infrastructure Charges for the development:

Infrastructure Charges Notice 1

Adopted Charge					
Type of Development	Development Category	Demand Unit & Qty	Charge Rate*	Adopted Charge	
Medium Impact Industry	Industry	128.6m ²	\$52.40	\$6,738.64	
Care takers Residence	Residential – 1 or 2 bedroom dwelling house	1	\$20,956.80	\$20,956.80	
Total Adopted Charge					\$27,695.44
Credit					
Type of Development	Development Category	Demand Unit & Qty	Charge Rate*	Discount	Total Credit
Existing Dwelling House	Residential – 1 or 2 bedroom dwelling house	1	\$20,956.80	N/A	\$20,956.80
Total Credit					\$20,956.80
Total Levied Charge					\$6,738.64

STRATEGIC IMPACTS

Alignment to Corporate Plan

Outcome 3.1: Our built environment is well planned, effectively managed and protects our region's heritage and character

Outcome 3.2: Our Natural environment is valued and sustainable

Outcome 3.3: Our infrastructure supports our region's current and future needs

Alignment to Operational Plan

KPI: Development Applications are decided within statutory timeframes

Financial Implications – N/A

Risk Management Implications – N/A

Strategic Impacts – N/A

CONSULTATION

Doug Mackay – Manager Development Assessment

Neil McGaffin – Director Development Services

Public Notification 15 Business days per Planning act 2016 requirements

DISCLOSURE OF OFFICER'S INTERESTS

No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the Local Government Act 2009 or the Staff Code of Conduct.

CONCLUSION

The application has been assessed against the relevant provisions of the *Planning Act, 2016* and the *Whitsunday Regional Council Planning Scheme, 2017*.

The proposal is considered to be generally in accordance with the Planning Scheme and is recommended for approval in accordance with the drawings and documents submitted, subject to reasonable and relevant conditions (Attachment 1).

ATTACHMENTS

Attachment 1 – Conditions of Approval

Attachment 2 – Locality Plan

Attachment 3 – Proposal Plan

Attachment 1 – Conditions of Approval

1. 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
Material Change of Use for Medium Impact Industry	Veris	400758-PP01	21/11/2019

- 1.2 The applicant is to comply with the Department of conditions as outlined in the Department's correspondence dated.
- 1.3 The following further development permits are required prior to commencement of work on site or commencement of the use:
- Operational Works:
 - Access and Parking
 - Stormwater drainage; and
 - Erosion Prevention and Sediment Control.

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 or the commencement of the use, whichever is the sooner.
- 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 or commencement of the use, whichever is the sooner.

2. FENCING

- 2.1 The applicant must erect a 2.0m solid screen fence along the southern boundary of the site.

3. ACCESS AND PARKING

- 3.1 A Development Permit for Operational Works (Internal Access and Parking) must be obtained prior to commencement of work on site. Any application for Operational Works (Internal Access and Parking) must be accompanied by engineering design drawings, including calculations and certifications of the design, demonstrating compliance with Council's Development Manual (current at the time of development) and this Decision Notice.
- 3.2 The access, driveway, parking bays and manoeuvring areas must be designed and constructed so as to comply with the criteria described in AS2890 and AS1428. and are to be provided generally as indicated on TGCS Site Detail Plan 20017 01A.
- 3.3 A minimum of 2 car parking spaces are to be provided and maintained within the boundaries of the property as indicated on TGCS site detail plan 20017 01 dated 25/03/2020 prior to commencement of the use. The car parking spaces are to be maintained to a suitable sealed standard at all times.

4. STORMWATER AND FLOODING

- 4.1 Prior to commencement of any work on site an Operational Works development permit must be obtained in relation to Stormwater Drainage. Any application for Operational Works (Stormwater) must be accompanied by engineering design drawings, including calculations and certifications of the design, demonstrating compliance with Queensland Urban Drainage Manual current at the time of development, Council's Development Manual (current at the time of development) and this Decision Notice.
- 4.2 The applicant must design and construct roof and allotment drainage system for the development so as to comply with Level III of Table 7.13.3 of the Queensland Urban Drainage Manual current at the time of development as a minimum. No uncontrolled discharge will be permitted within the developed site.
- 4.3 Prior to commencement of use on the site the applicant must lodge with Council, a civil engineer's design and construction certification (by an experienced and qualified engineer). The certification must be addressed to Council and must certify that the roof and allotment drainage works have been constructed in accordance with the requirements of Queensland Urban Drainage Manual current at the time of development, Council's Development Manual (current at the time of development) and this Decision Notice and will not cause adverse affects to adjoining or downstream properties or infrastructure. The earthworks design is to provide for the capture and management of natural flows from External Catchments, adjoining properties and site drainage through the site and discharged, as called for in Queensland Urban Drainage Manual, to a Legal Point of discharge.
- 4.4 Stormwater for the development must include gross pollutant traps, or other appropriate water quality measures, within the system adequate to ensure stormwater from the site must not cause measurable levels of water pollutants in the receiving waters to fall outside the acceptable ranges specified in the 'Australian Water Quality Guidelines for Fresh and Marine Waters', ANZECC 2000.

5. ENVIRONMENTAL MANAGEMENT

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

Erosion prevention and sediment control measures must be established so as to comply with the requirements of the Whitsunday Regional Council Development Manual and the Best Practice Erosion & Sediment Control – November 2008 (IECA White Book) and the requirements of the Environmental Protection Act.

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).

- 5.2 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.
- 5.3 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.
- 5.4 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.

6. ENVIRONMENTAL HEALTH

- 6.1 Hours of operation are limited to 8am to 5pm Monday to Friday and no operations are to take place on weekends or public holidays.
- 6.2 All hazardous liquids (paints) are to be located in a covered and bunded area that will at all times prevent discharge into the environment and screened from public view.
- 6.3 No washing down of workshop floor is to occur, the floor is to be swept clean or vacuumed or the premises must install appropriate treatments and discharge to the reticulated sewer.
- 6.4 Any washing of vehicles must have all waste generated contained and discharged to the reticulated sewer in terms of an approved trade waste permit.
- 6.5 No release of odour is permitted beyond the boundaries of the site that may create a public health risk.
- 6.6 No dust generated on the premises is permitted to be release released beyond the boundaries of the site that may create a public health risk or as specified in the Environmental Protection (Noise) Policy 2019.
- 6.7 Liquid waste that cannot be disposed to Council's sewerage system is to be disposed of, off-site to an approved waste disposal facility.
- 6.8 The development must be complaint with section 440 of the *Environmental Protection Act 1994* and *AS/NZS 4114:22020 Spray painting booths, designated spray painting areas and mixing rooms* to prevent the release of odour, dust, smoke, fumes or other emissions beyond the boundary of the premises.

7. MISCELLANEOUS

- 7.1 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.

The Applicant is reminded of their obligations under the Aboriginal Cultural Heritage Act, 2003 and the Torres Strait Islander Cultural Heritage Act 2003. Further information and databases are available from the Department of Aboriginal and Torres Strait Islander Partnerships at: www.datsip.qld.gov.au

- 7.2 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.
- 7.3 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.
- 7.4 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 Don Street or adjoining land unless written permission from the owner of that land and Council is provided.
- 7.5 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.

8. ADVISORY NOTES

- 8.1 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.
- 8.2 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.

8.3 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.

8.4 Noise During Construction and Noise in General

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

8.5 General Safety of Public During Construction

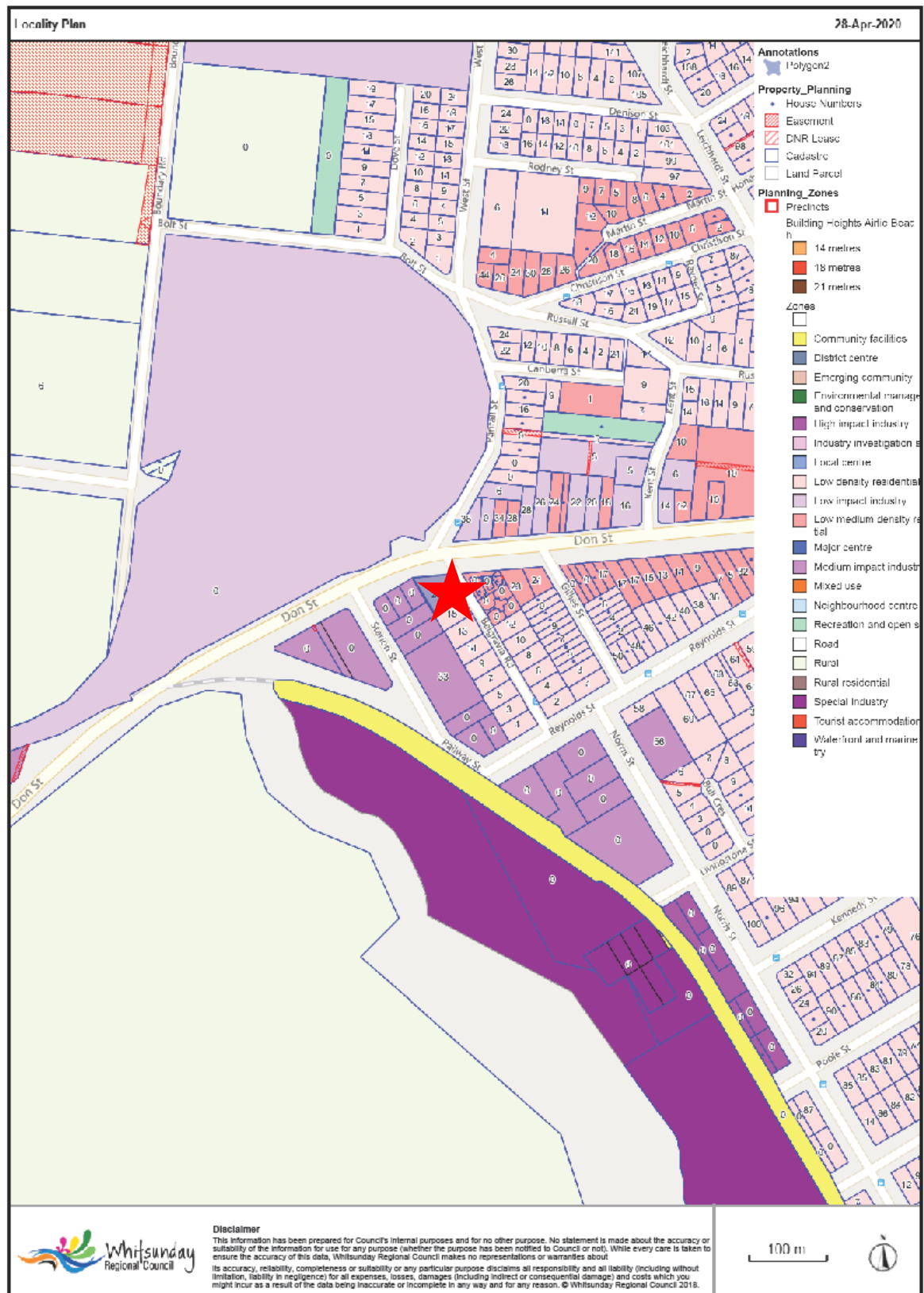
It is the project manager's responsibility to ensure compliance with the Work Health and Safety Act 2011. It states that the project manager is obliged to ensure construction work is planned and managed in a way that prevents or minimises risks to the health and safety of members of the public at or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

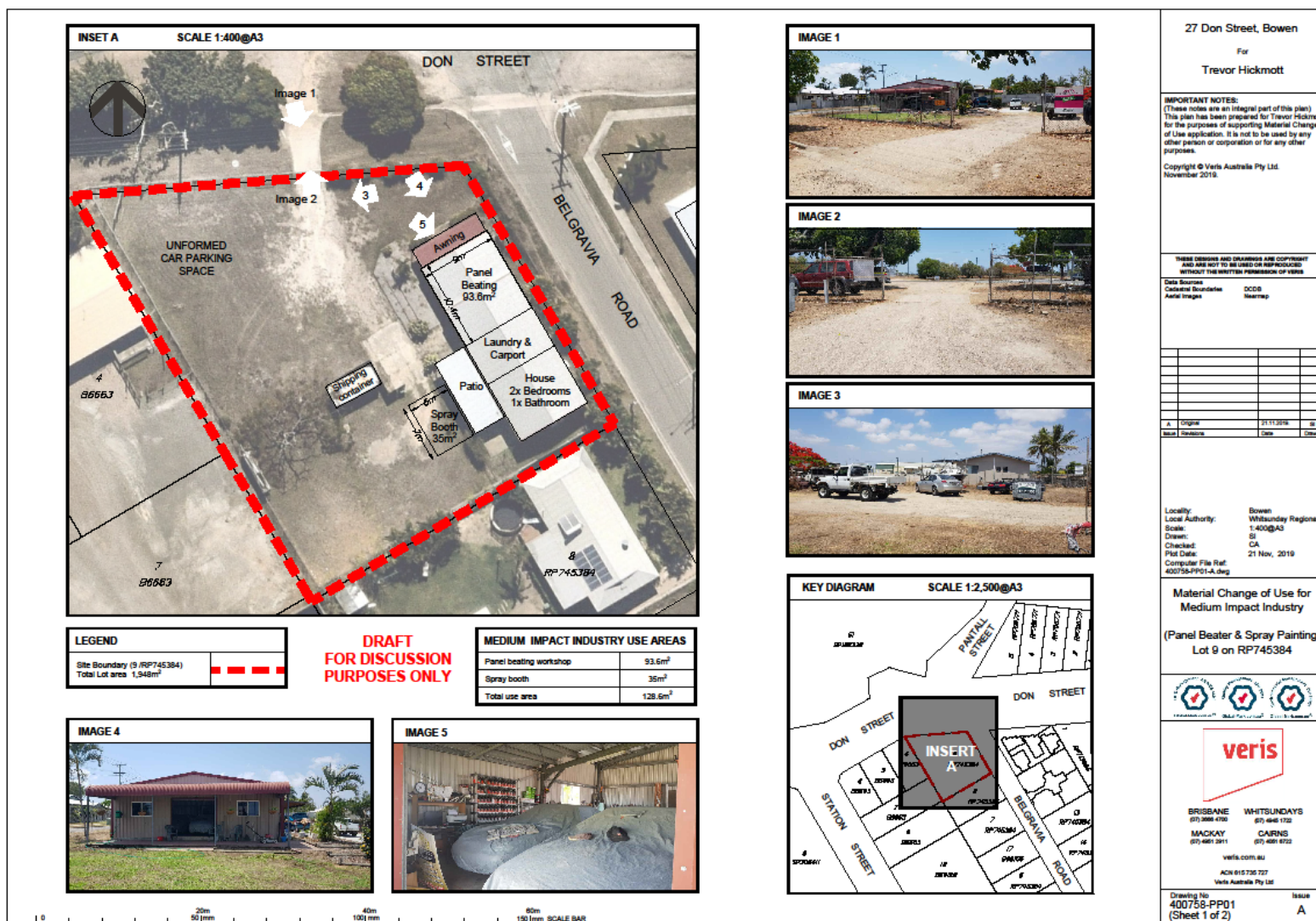
It is the responsibility of the person in control of the workplace to ensure compliance with the Work Health and Safety Act 2011. It states that the person in control of the workplace is obliged to ensure there is appropriate, safe access to and from the workplace for persons other than the person's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

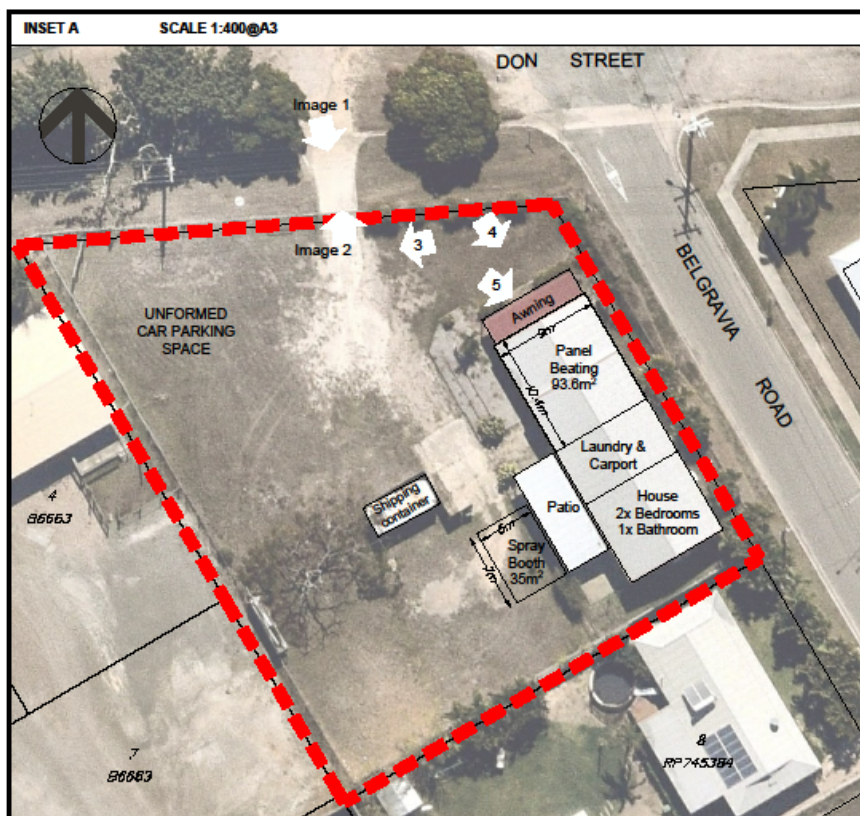
8.6 Enquiries relating to the aforementioned conditions should be directed to the Planning and Development Directorate who will direct the enquiry to the relevant officer.

Attachment 2 – Locality Plan



Attachment 3 – Proposal Plan





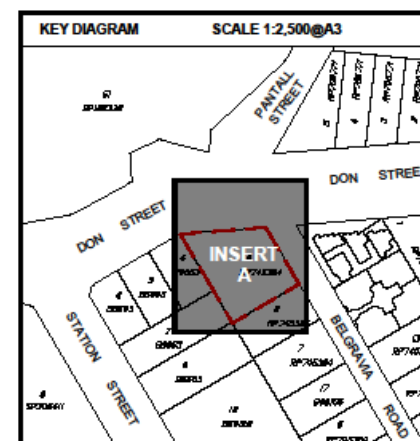
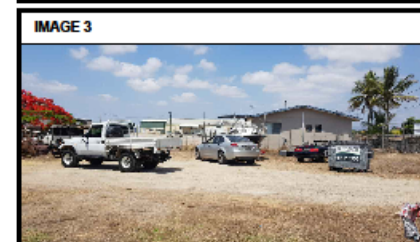
LEGEND

Site Boundary (S /RP745384)	---
Total Lot area 1,948m²	

**DRAFT
FOR DISCUSSION
PURPOSES ONLY**

MEDIUM IMPACT INDUSTRY USE AREAS

Panel beating workshop	93.6m²
Spray booth	35m²
Total use area	128.6m²



27 Don Street, Bowen

For
Trevor Hickmott

IMPORTANT NOTES:
(These notes are an integral part of this plan)
This plan has been prepared for Trevor Hickmott
for the purposes of supporting Material Change
of Use application. It is not to be used by any
other person or corporation or for any other
purposes.

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Data Sources: Cadastre, Boundaries, DCDB, Mapping

A	Original	21/11/2019	W
Issue	Revisions	Date	Drawn

Locality: Bowen
Local Authority: Whitsunday Regional
Scale: 1:400@A3
Drawn: SI
Checked: CA
Plot Date: 21 Nov, 2019
Computer File Ref: 400758-PP01-A.dwg

Material Change of Use for
Medium Impact Industry

(Panel Beater & Spray Painting)
Lot 9 on RP745384



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Drawing No
400758-PP01
(Sheet 1 of 2)

Issue
A

12. Development Services

12.2 20191362 - DEVELOPMENT PERMIT FOR MATERIAL CHANGE OF USE OF PREMISES - SERVICE STATION - JURGENS PLACE BOWEN - IOR PETROLEUM PTY LTD

AUTHOR: Matthew Twomey – Senior Development Assessment Officer

RESPONSIBLE OFFICER: Neil McGaffin – Director Development Services

OFFICER'S RECOMMENDATION

That Council approve the application for Development Application for Material Change of Use (Service Station), made by IOR Petroleum Pty Ltd, on L: 13 SP: 232114 and located at Jurgens Place BOWEN, subject to the conditions outlined in Attachment 1.

The following report has been submitted for inclusion into Council's Ordinary Meeting to be held on 13 May 2020.

SUMMARY

The application is for a new un-manned service station at Jurgens Place, Bowen. The proponent seeks to develop two (2) long-haul freight refuelling pumps, one (1) combined diesel tank and one (1) ablution block. The application is recommended for approval, subject to reasonable and relevant conditions.

PURPOSE

Development Applications requiring decisions which are outside the Council officer delegated authority require Council consideration.

BACKGROUND

There have been no previous approvals on this site.

STATUTORY/COMPLIANCE MATTERS

Planning Act 2016

ANALYSIS

Council has received the following Development Application, which has been assessed against the provisions of the relevant legislation as reported below.

1. Application Summary

Proposal:	Development Application for Development Permit for Material Change of Use (Service Station)
Landowner	Jurgens Produce Pty Ltd As TTE & G J Nicol & R L
Property Address:	Jurgens Place, Bowen
Property Description:	L: 13 SP: 232114
Area of Site:	5442m ²
Planning Scheme Zone:	Low impact industry zone

Level of assessment	Impact assessable
Overlays:	N/A
Existing Use:	Vacant.
Existing Approvals:	Preliminary Approval - Delta Low Impact Industry Zone Code
Public Notification:	26 March 2020 – 21 April 2020
Submissions received:	Nil.
State referrals:	N/A
Infrastructure charges:	Nil.

2. Site Details

2.1. Zoning

The premises is located within a current preliminary approval, being the Delta Low Impact Industry Zone.

2.2. Site description

The site is irregular in shape, with the road frontage consisting of an 's' bend in Jurgens Place. The site is relatively flat and is generally devoid of vegetation, excluding a vegetation buffer along the southern boundary.

2.3. Access

The site achieves access from Jurgens Place, with a frontage of approximately 115m.

2.4. Surrounding uses

The subject site is located within a vacant industrial estate. Adjoining the estate is a mixture of land uses, including agricultural, transport depots and service stations.

3. Proposal Details

IOR Petroleum are seeking to achieve Service Stations in the order of every 200km along major freight routes, and currently there is no existing IOR station between Mackay and Townsville. Bowen is located roughly half-way between these cities. The proposed development will primarily service long-haul freight traffic which has existing routes through Bowen and are existing customers of IOR.

The proposal provides two (2) long-haul freight refuelling pumps, one (1) 100kL-7kL combined diesel tank and one (1) ablution block.

4. Planning Assessment

The application has been assessed against the relevant provisions of the *Planning Act, 2016* and the Preliminary Approval - Delta Low Impact Industry Zone Code. The proposal is considered to be generally in accordance with the Preliminary Approval - Delta Low Impact Industry Zone Code and is recommended for approval in accordance with the drawings and documents submitted, subject to reasonable and relevant conditions (Attachment 1).

4.1. State Assessment and Referral Agency (SARA)

The are no referrals applicable to the Application.

4.2. State Planning Policy – July 2017

The State Planning Policy (SPP) includes interim development assessment requirements to ensure that State interests are appropriately considered by local government when assessing development applications where the local government local planning instrument has not yet appropriately integrated all of the State's interests in the SPP. As the most recent SPP (July 2017) has not been reflected in the Preliminary Approval - Delta Low Impact Industry Zone Code, Part B of the SPP confirms that it applies to the assessment of the development application.

State Interest - Water Quality

The development application avoids the threshold to trigger assessment for water quality against the SPP. It is important to note that should an extra 10.5 sqm of impermeable surface be added, the SPP would apply.

State Interest – Natural Hazards, Risk and Resilience

A small portion at the north of the site is liable to Q100 flood inundation. The location of the fuel storage and fuel delivery infrastructure is above inundation level and therefore mitigates the site risk to tolerable level as required under the SPP.

4.3. Mackay Isaac and Whitsunday Regional Plan – February 2012

The Mackay, Isaac and Whitsunday Regional Plan was established to provide the vision and direction for the region to 2031. The plan provides certainty about where the region is heading in the future and provides the framework to respond to the challenges and opportunities which may arise. The proposal is generally consistent with the provisions of the plan despite being located outside of the urban footprint through the support of a key economic driver, being long-haul transport.

4.4. Preliminary Approval - Delta Low Impact Industry Zone Code

4.4.1. Purpose and Overall Outcomes

The proposal is considered to be consistent with the purpose and overall outcomes of the Code as the use provides for a low intensity, low impact industrial activity. The impact of the development upon the natural environment has been addressed through appropriate conditions. It is important to note the development site has not been connected to reticulated sewerage and in line with the overall outcomes of the Code an appropriate onsite effluent disposal system will be provided.

4.4.2. Zone Code

The proposed development generally complies with all applicable acceptable outcomes. The development achieves compliance with the benchmarks set for site cover, building height and building setbacks. It is identified the proposal has a common boundary with a sensitive land use to the south. The applicant has advised no noise emitting services are located in close proximity to this boundary and a condition of approval has been provided requiring a 2-metre-high solid screen fence for the full length of the common boundary. Furthermore, the low number of vehicle movements is considered to ameliorate any unacceptable impact on the existing amenity of the adjoining land use.

The proposal is connected to reticulated water supply, stormwater drainage and electricity infrastructure. The site is currently unsewered and will be provided with an onsite effluent disposal system. Two vehicle crossovers will be provided to Jurgens Place in accordance with Council's Development Manual Standard.

The use has been designed such that it ensures emissions of odour, dust, air pollutants, noise, light or vibration do not cause nuisance to, or have an unreasonable adverse impact on, adjoining or nearby premises. At all times the applicant is required to comply with the requirements of the *Environmental Protection Act 1994*. The proposal will provide on-site treatment facilities and discharge from an Environmental Oil Water Separator to remove contaminants from industrial waste water. Comprehensive environmental health conditions have been imposed to ensure the development achieves compliance with the environmental performance benchmarks of the Code.

The development is provided with sufficient heavy-vehicle parking to cater for the approximate demand of eight (8) truck movements per day. Should more than two (2) trucks be present on site at one time for refuelling there is sufficient room for queuing provided. Conditions of approval have been provided that the breakdown, storage and parking of vehicles is not permitted on site. The application benefits from the existing site landscaping at the rear of the premises and proposes to establish additional landscaping along the frontage of the premises. A condition of approval has been provided for a landscaping plan to be provided with the first operational works application.

5. Public Submissions

The development application was placed on public notification between 26 March 2020 and 21 April 2020 in accordance with the relevant provisions of the Planning Act 2016. The Notice of Compliance was received on 23 April 2020. No submissions were received during this period of Public Notification.

6. Infrastructure Charges

6.1. Adopted Infrastructure Charges Resolution

The following is a breakdown on the Infrastructure Charges for the development:

Type of Development	Development Category	Demand Unit & Qty	Charge Rate	Adopted Charge	
MCU	Commercial (retail)	9m2	\$188.60 per m2 of GFA	\$1,697.40	
Total Adopted Charge				\$1,697.40	
	Credit				
Type of Development	Development Category	Demand Unit & Qty	Charge Rate	Discount	Total Credit
MCU	Residential – 3 or more-bedroom dwelling	1	\$29,339.55	100%	\$29,339.55
Total Credit					\$29,339.55
Total Levied Charge					\$Nil.
Current Amount of Levied Charge		\$Nil.			

STRATEGIC IMPACTS

Alignment to Corporate Plan

Outcome 3.1: Our built environment is well planned, effectively managed and protects our region's heritage and character

Outcome 3.2: Our Natural environment is valued and sustainable

Outcome 3.3: Our infrastructure supports our region's current and future needs

Alignment to Operational Plan

KPI: Development Applications are decided within statutory timeframes

Financial Implications – (if not applicable, please put N/A)

Risk Management Implications - (if not applicable, please put N/A)

Strategic Impacts – (if not applicable, please put N/A)

CONSULTATION

Doug Mackay – Manager Development Assessment

Neil McGaffin – Director Development Services

Public Notification 15 business days per Planning Act 2016 requirements

DISCLOSURE OF OFFICER'S INTERESTS

No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the Local Government Act 2009 or the Staff Code of Conduct.

CONCLUSION

The application has been assessed against the relevant provisions of the *Planning Act, 2016* and the *Whitsunday Regional Council Planning Scheme, 2017*. The proposal is considered to be generally in accordance with the Planning Scheme and is recommended for approval in accordance with the drawings and documents submitted, subject to reasonable and relevant conditions (Attachment 1).

ATTACHMENTS

Attachment 1 – Conditions of Approval

Attachment 2 – Locality Plan

Attachment 3 – Zoning Plan

Attachment 4 – Proposal Plan

Attachment 1 – Conditions of Approval

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
Layout Plan	Karamisheff Nagel Pty Ltd	19-130-P01 Rev B	13/02/2020
Refuelling Area Detail Plan	Karamisheff Nagel Pty Ltd	19-130-P02 Rev B	13/02/2020
Refuelling Area Elevations	Karamisheff Nagel Pty Ltd	19-130-P03 Rev B	13/02/2020
Truck Turn Paths	Karamisheff Nagel Pty Ltd	19-130-P04 Rev B	13/02/2020
48FT-7KL Adblue	Global Engineering Solutions	N/A	23/02/2017

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

- Operational Works:
 - Access and Parking
 - Erosion Prevention and Sediment Control
 - Stormwater drainage;
 - Water Infrastructure;
- Plumbing and Drainage Works;
- Building Works;

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

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

2.0 **CLEARING, LANDSCAPING AND FENCING**

- 2.1 Any vegetation removed must be disposed of to the requirements of the Council. Transplanting, chipping or removal from site are the preferred solutions.
- 2.2 All vegetative waste cleared as part of the development of the site is to be either:
a) stored neatly on site and shredded within sixty (60) days of clearing; or
b) removed off the site to an approved disposal location.
- 2.3 The applicant shall submit, with the Operational Works application, a Landscaping Plan for the site, including buffer area. To guide species selection, the landscaping plan shall be in accordance with SC 6.4.5 Plant species list and must avoid any weeds species.
- 2.4 Before the use starts or by such later date as is approved by council, the landscaping works shown on the endorsed plans must be carried out and completed. The landscaping shown on the endorsed plans must be maintained to including that any dead, diseased or damaged plants are to be replaced.
- 2.5 Erect solid fencing, a minimum of 2 metres high, along the full length of the rear boundary of the site. The proposed design and materials are to be submitted with the detailed landscaping plans for review.

3.0 **BUILDING**

- 3.1 Building and landscaping materials are not to be highly reflective, or likely to create glare, or slippery or otherwise hazardous conditions.

4.0 LIGHTING

- 4.1 The level of illumination, at a distance of 1.5 metres outside any boundary of the site, resulting from direct, reflected, or other incidental light emanating from the site shall not exceed eight lux measured at any level upwards from ground level.
- 4.2 Lighting along, all internal access driveways and parking areas, is to be directed downwards so as to minimise any adverse effects of glare or direct light nuisance on all surrounding allotments, including allotments within, but must achieve a minimum level of illumination consistent with the safety of pedestrians and vehicles.

5.0 WATER INFRASTRUCTURE

- 5.1 The development must be connected to Council's water supply network, using the existing water service connection, prior to commencement of the use.

6.0 ON SITE EFFLUENT DISPOSAL

- 6.1 The applicant is to provide, at the time of application for an Operational Works Permit, a detailed onsite wastewater treatment report for Lot 13 SP232114 demonstrating that an on-site wastewater treatment system can be established within the proposed lot in accordance with the Plumbing Code of Australia and the Queensland Plumbing and Wastewater code.

7.0 ACCESS AND PARKING

- 7.1 A Development Permit for Operational Works (Access and Parking) must be obtained prior to commencement of work on site. Any application for Operational Works (Access and Parking) must be accompanied by detailed engineering drawings demonstrating compliance with the Whitsunday Regional Council Development Manual, Australian Standard AS2890, AS1428 and this Decision Notice.
- 7.2 The external access from the pavement of Jurgens Place to the property boundary must be constructed so as to comply with the dimensions, gradients and specifications as indicated on Whitsunday Regional Council's Standard Drawing prior to commencement of the use.
- 7.3 All internal accesses, circulation roads and manoeuvring areas are to be provided generally as indicated on approved drawings **19-130-P01 Rev B, 19-130-P02 Rev B, 19-130-P03 Rev B & 19-130-P04 Rev B** and must be designed to comply with the criteria described in Whitsunday Regional Council Development Manual, AS2890 and AS1428.
- 7.4 Accesses must be located so as to achieve Safe Intersection Sight Distance in accordance with Section 3 of Austroads Guide to Road Design – Part 4A: Unsignalised and Signalised Intersections.
- 7.5 Prior to commencement of use on the site, the applicant must lodge with Council, a civil RPEQ engineer's design and construction certification. The certification must be addressed to Council and must certify that all internal accesses, driveways, circulation roads, aisles, parking bays and manoeuvring areas comply with the requirements of the Whitsunday Regional Council Development Manual, AS2890 and AS1428.
- 7.6 Two heavy vehicle queuing spaces must be provided onsite prior to commencement of the use.

8.0 STORMWATER AND FLOODING

- 8.1 A Development Permit for Operational Works (Stormwater Infrastructure) must be obtained prior to commencement of work on site. Any application for Operational Works (Stormwater Infrastructure) must be accompanied by engineering design drawings, including calculations and certifications of the design, demonstrating compliance with Queensland Urban Drainage Manual, Whitsunday Regional Council Development Manual and this Decision Notice.
- 8.2 The developed flows from the land must be drained to a lawful point of discharge prior to commencement of the use on the site.
- 8.3 All site works must be undertaken to ensure that there is no increase in flood levels and/or flood frequency at any locations where existing landowners and/or users are adversely affected by waterway flooding for all events up to and including Q100.
- 8.4 Stormwater for the development must include gross pollutant traps, or other appropriate water quality measures, within the system adequate to ensure stormwater from the site must not cause measurable levels of water pollutants in the receiving waters to fall outside the acceptable ranges specified in the 'Australian Water Quality Guidelines for Fresh and Marine Waters', ANZECC 2000.
- 8.5 Prior to commencement of use on the site, the applicant must lodge with Council, a civil RPEQ engineer's design and construction certification. The certification must be addressed to Council

and must certify that the roof and allotment drainage works have been constructed in accordance with the requirements of Queensland Urban Drainage Manual, the Whitsunday Regional Council Development Manual and this Decision Notice and will not cause adverse affects to adjoining or downstream properties or infrastructure.

9.0 ELECTRICITY AND TELECOMMUNICATIONS

9.1 Provide electricity and telecommunications connection to the proposed development to the requirements of the relevant authority. The application must submit to Council, either:

- (a) a certificate of supply demonstrating that existing low-voltage electricity supply is available to the newly created development; 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 development, 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 development 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 development prior to commencement of the use.

10.0 ENVIRONMENTAL MANAGEMENT PLAN (EMP)

- 10.1 A Development Permit for Operational Works (Erosion Prevention and Sediment Control Management Plan) must be obtained prior to commencement of work on site.
- 10.2 Prior to commencement of any work on the site, the applicant must submit to Council for approval, a site-based Erosion Prevention and Sediment Control Plan for the site.
- 10.3 The plan must be prepared in accordance with Council's Development Manual and the Best Practice Erosion & Sediment Control – November 2008 (IECA White Book).
- 10.4 The strategy of the plan must be implemented and maintained for the duration of the operational and building works, and until exposed soil areas are permanently stabilised (e.g. turfed, concreted).
- 10.5 Discharges of water pollutants, wastewater or stormwater from the site must not cause measurable levels of water pollutants in the receiving waters to fall outside the acceptable ranges specified in the 'Australian Water Quality Guidelines for Fresh and Marine Waters', ANZECC 2000.
- 10.6 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.

11.0 ENVIRONMENTAL HEALTH

11.1 Any release of contaminants not in accordance with the conditions of this Approval must be reported by telephone to:

- (a) Council for any such release to be reported as soon as is practicable, no later than 24 hours, after becoming aware of the release;
- (b) The Department of Environment and Science's Pollution Hotline as soon as is practicable, no later than 24 hours, after becoming aware of the release;
- (c) Council and other relevant government departments must be notified in the event that a leak or spill from the petroleum storage system.

11.2 Information about spills:

(a) A written notice detailing the following information must be provided to Council within 14 days of any advice:

- (i) the name of the operator;
- (ii) the name and telephone number of the designated contact person;
- (iii) quantity and substance released;
- (iv) person's involved;
- (v) the location and time of the release;
- (vi) the suspected cause of the release;
- (vii) a description of the effects of the release;
- (viii) the results of any sampling performed in relation to the release;

- (ix) actions taken to mitigate any environmental harm caused by the release; and
 - (x) proposed actions to prevent a recurrence of the release.
- (b) All hazards associated with bulk fuel delivery operations shall be identified and all reasonable measures shall be taken to prevent spills from entering Council stormwater.
- 11.3 A documented Emergency Spillage Response Plan (ESRP) for spilt fuels and other hazardous materials shall be developed and implemented on-site. The ESRP will establish procedures to respond to identified hazards and to contain and dispose of spilt chemicals. All spilt materials must be contained to prevent the spread of the material, the affected area cleaned, and the material recycled, reused or disposed in a manner which prevents further contamination of surface, ground waters, or soil. The ESRP should include, but not be limited to the following matters:
 - (a) all actions to be taken by staff upon discovery of an incident
 - (b) activation of emergency shut-off systems
 - (c) use of spill clean-up kits
 - (d) covering of drain entrances and bunding of impacted waterways
 - (e) notification of emergency services where necessary
 - (f) an accurate set of drainage plans which identify all containment and treatment systems and all potential points of access to Council stormwater infrastructure. Drainage plans shall clearly trace the flow of any potential spillage and shall identify the location of the outlet point (eg. creek, river, etc.). A copy of the drainage plan shall be placed in the HAZMAT Box for the use of emergency responders
 - (g) a flow chart providing an overview of actions to be taken in the event of a spill shall be prepared and posted in a clearly visible location. It shall include a list of emergency telephone numbers
 - (h) notification of Council as soon as practicable where a spill presents actual or potential environmental harm (e.g. a spill that leaves the site and enters stormwater or natural drainage systems).
- 11.4 Stormwater:
 - (a) Rainfall and stormwater runoff which may contact wastes or contaminants on the site must not be released to any stormwater drain, roadside gutter or waters.
 - (b) All spillage of wastes, contaminants, or other materials must be cleaned up as quickly as practicable. Such spillages must not be cleaned up by hosing, sweeping or otherwise releasing such wastes, contaminants, or material to any stormwater drainage system, roadside gutter, or waters.
 - (c) Minimisation of the amount of soil to be exposed or disturbed by staging works and duration of exposure to prevent movement of sediment into stormwater.
- 11.5 Wastewater:
 - (a) Wastewater and solid waste shall not be released to stormwater, ground water, waterbodies or onto the ground.
 - (b) Wastewater from the Oil Water Solid Separator must be disposed of into the on-site treatment and disposal system.
- 11.6 All flammable and combustible liquids must be contained within an on-site containment system and controlled in a manner that prevents environmental harm and maintained in accordance with the current edition of AS 1940 – Storage and Handling of Flammable and Combustible Liquids.
- 11.7 The new petroleum storage system must not be commissioned unless the system includes the following mandatory pollution protection equipment:
 - (a) non-corrodible tank/s and non-corrodible piping;
 - (b) secondary containment for tank/s and piping;
 - (c) dispenser sump/s;
 - (d) fill point spill containment equipment;
 - (e) overfill protection equipment.
- 11.8 Forecourt Area:
 - (a) Install a blind sump of suitable capacity to capture runoff from the covered forecourt area around dispensing pumps. The forecourt area around the dispensing pumps must be paved and grated such that runoff discharges into the treatment device.

- (b) Forecourt areas shall be delineated by painted line-work on the ground, roll over bunds, or a different colour concrete.
 - (c) Forecourts are not to be hosed down or cleaned with the use of emulsifying detergents. Dry cleaning methods appropriate for forecourt areas include:
 - (i) industrial class brooming;
 - (ii) mechanical or powered sweepers;
 - (iii) industrial vacuum units;
 - (iv) industrial absorbents.
- 11.9 All flammable and combustible liquids, including but not limited to: oils, waste oil, solvents, waste solvent and paints must be stored in an impervious, bunded and covered area.
- 11.10 All bunding must be constructed of materials which are impervious to the materials stored. The net capacity of the bunded compound shall be no less than the capacity of the largest tank or package plus 25% of the storage capacity up to 10,000L together with 10% of the storage capacity above 10,000L.
- 11.11 Where it is impractical to completely roof a bunded area the onus is on the holder of this site to ensure that any stormwater captured within the bund is free from contaminants or wastes prior to any release.
- 11.12 Establish, document and implement emergency response procedures for responding to emergencies and incidents, including environmental spillage response and clean up procedures. Procedures must be communicated to all employees. Materials and equipment to respond to emergency and spillage situations must be held on site at all times.

12.0 CATCHMENT AND LAND MANAGEMENT

- 12.1 Acid sulphate soils are not to be disturbed during the works unless an Acid Sulfate Soils Management Plan that complies with Planning Policy SC6.2.4: Acid sulfate soils management plan, is submitted and approved by Council.

13.0 OPERATING PROCEDURES

- 13.1 All unloading activities must be conducted onsite.
- 13.2 Vehicles entering and exiting the site must do so in a forward gear.
- 13.3 No vehicle or trailer storage is permitted onsite or in Jurgens Place.
- 13.4 The breaking down of vehicles is not permitted onsite or in Jurgens Place.
- 13.5 Waste and recycling facilities must be provided in accordance with the following provisions:
 - a) Adequate waste containers must be provided to contain the volume and type of waste and recyclable matter generated by the development;
 - b) Waste storage areas for waste containers must be constructed of a solid concrete base or acceptable equivalent; and
 - c) Waste storage areas must be designed and constructed so it can be easily cleaned whilst ensuring that no waste or recyclable matter is released to the stormwater system or any waterway.
- 13.6 Maintenance and cleaning of waste containers must be carried out by a cleaning contractor or in an area where contaminants cannot be released into stormwater drainage, a roadside gutter, water or onto unsealed road.
- 13.7 Ensure that all reasonable and practicable measures are taken to ensure that waste storage area is kept to a standard of cleanliness where there is no accumulation of:
 - a) Waste, except in waste containers;
 - b) Recycled matter, except in containers;
 - c) Grease; or
 - d) Other visible matter.

- 13.8 Waste and recycling facilities must be screened from all public roads.

14.0 MISCELLANEOUS

- 14.1 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.

The Applicant is reminded of their obligations under the Aboriginal Cultural Heritage Act, 2003 and the Torres Strait Islander Cultural Heritage Act 2003. Further information and databases are available from the Department of Aboriginal and Torres Strait Islander Partnerships at: www.datsip.qld.gov.au

- 14.2 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.
- 14.3 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.
- 14.4 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 Jurgens Place or adjoining land unless written permission from the owner of that land and Council is provided.
- 14.5 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.

15.0 ADVISORY NOTES

15.1 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.

15.2 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.

15.3 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.

15.4 Noise During Construction and Noise in General

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

15.5 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.

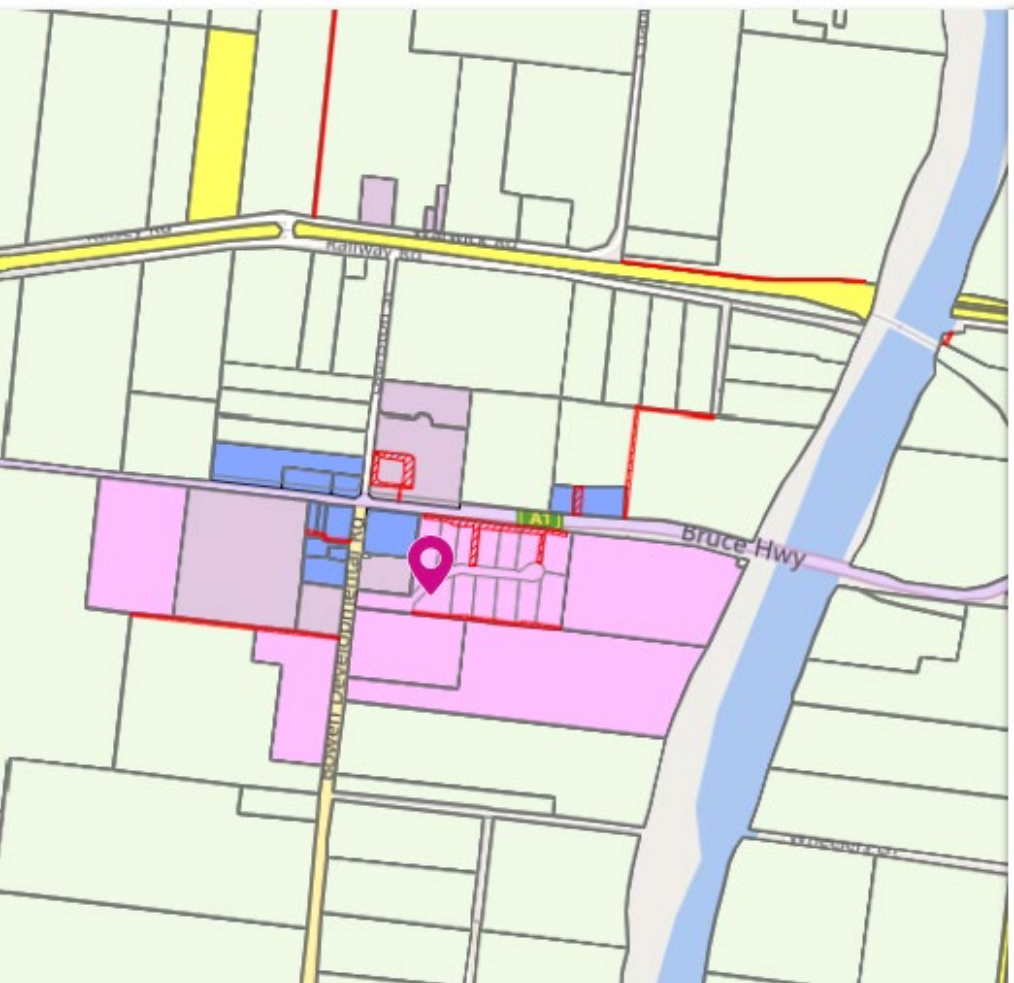
It is the responsibility of the person in control of the workplace to ensure compliance with the Work Health and Safety Act 2011. It states that the person in control of the workplace is obliged to ensure there is appropriate, safe access to and from the workplace for persons other than the person's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

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

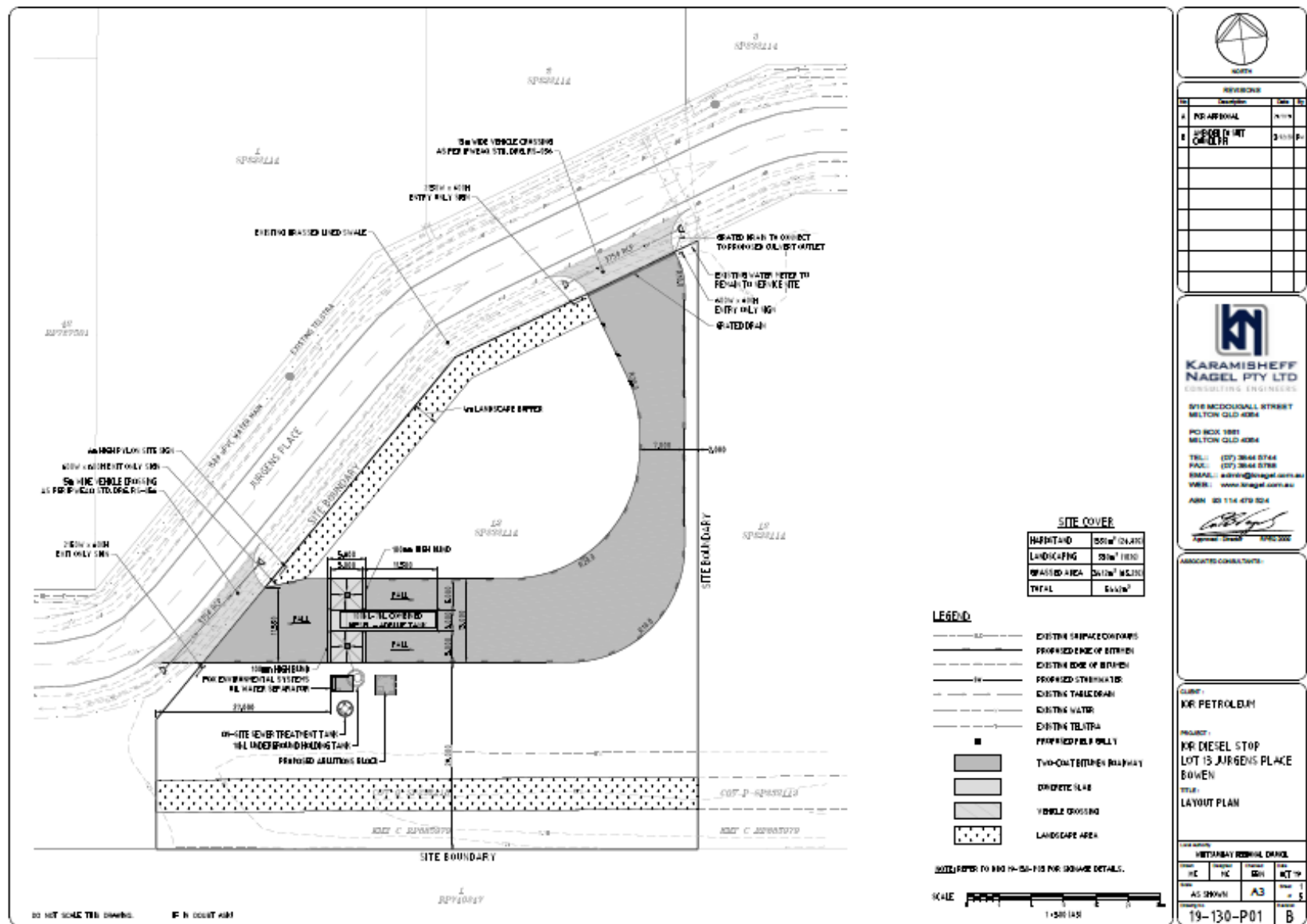


Attachment 3 – Zoning Plan

-  Community facilities
-  District centre
-  Emerging community
-  Environmental management and conservation
-  High impact industry
-  Industry investigation area
-  Local centre
-  Low density residential
-  Low impact industry
-  Low-medium density residential
-  Major centre
-  Medium impact industry



Attachment 4 – Proposal Plan





12. Development Services

12.3 20200035 - DEVELOPMENT APPLICATION FOR MATERIAL CHANGE OF USE FOR SHORT TERM ACCOMMODATION - 17/119 BOTANICA DRIVE, WOODWARK - MURPHY C/- WHITSUNDAY HOLIDAY RENTALS

AUTHOR: James McEvoy-Bowe - Planner

RESPONSIBLE OFFICER: Neil McGaffin – Director Development Services

OFFICER'S RECOMMENDATION

That Council approve the application for Development Application for Material Change of Use (Short Term Accommodation), made by C L Murphy, on L: 17 SP: 153781 CTS: COV EE and located at 119 Botanica Drive WOODWARK, subject to the conditions outlined in Attachment 1.

The following report has been submitted for inclusion into Council's Ordinary Meeting to be held on 13 May 2020.

SUMMARY

The proposal is for Short-term Accommodation of an existing dwelling house located at 119 Botanica Drive, Woodwark, within the Botanica Estate Body Corporate.

The premises is zoned Rural Residential, triggering an impact assessable development application. The applicant has provided all necessary information required by the Short-term Accommodation Guideline with the addition of a Gate and Road Procedure to help guests understand the specifics of the Body Corporate Estate.

The development application attracted a total of twelve (12) submissions during the Public Notification period.

All necessary information has been provided for assessment, which has demonstrated compliance with the relevant planning provisions. It is recommended the development application is given approval subject to reasonable and relevant conditions.

PURPOSE

Development Applications requiring decisions which are outside the Council officer delegated authority require Council consideration.

BACKGROUND

There is no previous Council decision relating to this matter.

STATUTORY/COMPLIANCE MATTERS

Planning Act 2016

Planning regulation 2017

ANALYSIS

Council has received the following Development Application, which has been assessed against the provisions of the relevant legislation as reported below.

1. Application Summary

Proposal:	Short-term Accommodation
Landowner	K J Murphy & C L Murphy
Property Address:	119 Botanica Drive Woodwark
Property Description:	L: 17 SP: 153781 CTS: COV EE
Area of Site:	1400
Planning Scheme Zone:	Rural residential
Level of assessment	Impact Assessable
Overlays:	Landslide Hazard
Existing Use:	Dwelling House
Existing Approvals:	Nil
Public Notification:	31/01/2020 – 24/02/2020
Submissions received:	12
State referrals:	Nil
Infrastructure charges:	Nil

2. Site Details

2.1. Location (refer to plan in attachment 2)

2.2. Zoning (refer to plan in attachment 3 – showing the immediate locality and anything that may be relevant)

Rural Residential Zone

2.3. Site description – topography, vegetation, drainage

Rectangular sloping allotment with extensive landscaped areas and retaining walls. Premises lies within the Botanica Estate Body Corporate.

2.4. Access

Guests will have to pass through the Botanica Drive Estate main gate using a fob key provided by the applicant.

Access is gained via a driveway off the Botanica Drive Access Easement. The driveway is a steep concrete driveway approximately 40m in length from Botanica Drive to the base of the dwelling.

The pavement width of Botanica Drive itself ranges from 7m down to 5m at various points from the main gate.

2.5. Surrounding uses

- North: Rural Residential allotments (vacant)
- East: Rural Residential allotments (vacant)
- South: Rural Residential allotments (vacant) – Closest residence is Lot 6 approx. 100m to the South West

- West: Rural Residential allotments (vacant)

3. Proposal Details

The proposal is for Short-term Accommodation of the dwelling house contains four (4) bedrooms, 2 large deck areas, pool and double garage.

The site has privatised reticulated water and on-site sewer infrastructure. Access to the site is via a fully constructed concrete driveway from Botanica Drive. Botanica Drive has a private gate at the entrance of the Body Corporate area. The applicant has provided a gate and road procedure for the development to ensure guests use the infrastructure of the estate correctly. Importantly it is noted that the code for the gate will not be given to guests, who will instead be provided with a swipe key (fob).

No other development approvals have been issued for the subject land.

4. Planning Assessment

The application has been assessed against the relevant provisions of the *Planning Act, 2016* and the *Whitsunday Regional Council Planning Scheme, 2017*.

The proposal is considered to be generally in accordance with the Planning Scheme and is recommended for approval in accordance with the drawings and documents submitted, subject to reasonable and relevant conditions (Attachment 1).

4.1. State Assessment and Referral Agency (SARA)

The application did not require referral to any State Agencies.

4.2. State Planning Policy – July 2017

The Whitsunday Regional Council Planning Scheme, 2017 has been assessed by the State government to adequately reflect state interests included in the State Planning Policy 2017.

4.3. Mackay Isaac and Whitsunday Regional Plan – February 2012

The Mackay, Isaac and Whitsunday Regional Plan was established to provide the vision and direction for the region to 2031. The plan provides certainty about where the region is heading in the future and provides the framework to respond to the challenges and opportunities which may arise. The proposal is generally consistent with the provisions of the plan

No conflicts.

4.4. Whitsunday Regional Council Planning Scheme, 2017

4.4.1. Strategic Framework

The proposal complies with the relevant items of the Strategic Framework.

4.4.2. Strategic Intent

The proposal complies with the relevant items of the Strategic Framework.

4.4.3. Overlay Codes

- 4.4.3.1. Overlay codes have already been assessed at subdivision and building works stage.

4.4.4. Zone Code

- 4.4.4.1. The proposal is Impact Assessable due to being within the Rural Residential Zone. The development application attracted 12 submissions. The proposal generally complies with the relevant Overall Outcomes of the Rural Residential Zone Code and can be conditioned appropriately to be compatible with the prevailing residential character and amenity of the locality.

4.4.5. Development Codes

4.4.5.1. Short-term Accommodation

- Site plan provided;
- Property management plan provided;
- Code of Conduct provided;
- Fire and emergency plan provided;
- Statutory declaration has been provided;
- Large double Garage and double driveway for parking;
- Gate and Road Procedure.

5. Public Submissions

The development application was placed on public notification between 31/01/2020 and 24/02/2020 in accordance with the relevant provisions of the Planning Act 2016. The Notice of Compliance was received on 26/02/2020. Twelve (12) Submissions were received during this period of Public Notification. Eleven (11) were against the development and one (1) was in support for the development.

Submissions have been received and summarised in the below tables. For clarity, individual submissions have been addressed:

A & J Sadatmehr

Issue	Comment/Condition Number
1. Privacy, Safety and Security	The applicant has sufficiently demonstrated through the submission of the Property Management Plan, Code of Conduct, Fire and Emergency Plan and Gate and Road Procedure, that the development will not affect the safety, privacy and security of surrounding premises.
2. Because of the proximity to Villa Botanica wedding venue, wedding guests may stay at the premises increasing chances of noise and drink driving.	The applicant will be conditioned to have a Code of Conduct for the Operational Use of the development that includes the prevention of excessive noise after 9pm, in accordance with Schedule 1 or Environment Protection (noise) Policy 2019.
3. Use will create additional infrastructure impacts on the Estate's infrastructure	There is no evidence provided to demonstrate that a STA dwelling, operated in accordance with the STA Guideline, will have any further impacts on infrastructure as opposed to a regular dwelling house occupied by the same or similar number of persons, being 1 family.

	Botanica Estate's water supply is an extraordinary arrangement. Botanica Estate is not within the Priority Infrastructure Area. The water meter is located at the corner of Carlo Drive and Paluma Road - nearly three (3) kilometres from the boundary of the CTS (and inside the PIA). A private 50mm water pipe runs down Paluma Road and up Botanica Drive to the properties. Botanica Estate is fully responsible for this pipe and any water leakage. This is the written agreement between the Botanica Estate Body Corporate and Council.
4. Set a precedent for further Short-term Accommodation (STA) applications	This is not a valid town planning objection. Anyone has the right to apply for a Development Application.
5. Water infrastructure capacity impacted by additional demand of STA	See 3 above
6. Road impacts	Albeit narrow, the road has the capability to cater for the demand of the proposed use. It is not proven that the demand on the road will be higher from STA than if the premises is used as a dwelling house exclusively by a single family.
7. Potential Legal Implications and additional expenses for Body Corporate	Not a valid town planning objection. The application is for STA within the private property of the dwelling. The assessment of the development is only from a land use perspective.

J Fleming

Issue	Comment/Condition Number
1. Proximity to Villa Botanica – potential to have groups from Villa Botanica.	Proximity to Villa Botanica is not a valid planning objection. The residence is permitted to have a maximum of 8 persons as per the Short-term Accommodation Guidelines and per the standard conditions of the permit. Reasons why guests may stay at the premises does not form part of the assessment criteria.
2. Proximity to Villa Botanica – potential for guests to walk from Villa Botanica to the premises	Proximity to Villa Botanica is not a valid planning objection.
3. Road impacts	Albeit narrow, the road has the capability to cater for the demand of the proposed use. It is not proven that the demand on the road will higher from STA than if the premises is used as a dwelling house exclusively.
4. Private entrance gate	A Gate and Road Procedure has been submitted in the application material. It is noted that the code for the gate will not be given to guests, who will instead be provided with a swipe key.
5. Increase in Body Corporate fees	Not a valid town planning objection. The application is for STA within the private property of the dwelling. The

	assessment of the development is only from a land use perspective.
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S & G Crabtree

Issue	Comment/Condition Number
1. Set a precedent for further Short-term Accommodation (STA) applications	This is not a valid planning objection. Anyone has the right to apply for a Development Application.
2. Body Corp permission must be gained to apply for a STA Permit	Not in accordance with the relevant planning legislation for submitting development applications in Queensland, being the <i>Planning Act 2016</i> and <i>Planning Regulation 2017</i> .
3. Danger to wildlife in area	There is no evidence to suggest the proposed use will endanger local wildlife.
4. Additional demand on infrastructure	There is no evidence provided to demonstrate that a short-term accommodation dwelling, operated in accordance with the STA Guideline, will have any further impacts on infrastructure as opposed to a regular dwelling house occupied by the same or similar number of persons, being 1 family.
5. Proximity to Villa Botanica – potential for guests to walk from Villa Botanica to the premises	Proximity to Villa Botanica is not a valid planning objection.
6. Signing the code of conduct will not stop guests of disrupting residents of Botanica Estate	The development is conditioned to have a sign on the front of the premises for all complaints to be directed towards the property manager. If there is an occasion where the property manager does not do their obligations, then a complaint to Council should be made in order for Compliance actions to be undertaken. In addition, a Statutory Declaration has been supplied to confirm that the property will not be used as a 'Party House'.
7. Noise	The applicant will be conditioned to have a Code of Conduct for the operational use of the development that includes the prevention of excessive noise after 9pm, in accordance with Schedule 1 or Environment Protection (noise) Policy 2019.

Body Corporate for Botanica Estate

Issue	Comment/Condition Number
1. Error on PN Signage	Corrected immediately once identified. Did not reduce ability to submit against the development.
2. Water - Botanica Estate water infrastructure designed for 2.4 persons per lot and Villa Botanica	The supply for the estate has been sized for 45+2 Lots. Approximately half of the allotments in the estate are developed, indicating that the estate should have ample supply for the proposed use as well as further residential development.

taking water from the estate	There is no evidence provided to demonstrate that a short-term accommodation premises, operated in accordance with the STA Guideline, will have any further demand on infrastructure as opposed to a regular dwelling house occupied by the same or similar number of persons, being 1 family. Furthermore, it is possible that the premises will not be let for a full calendar year, due to seasonal fluctuations. There is a written agreement with Council and the Botanica CTS to provide water to 45+2 allotments within the Botanica CTS. Botanica Estate's water supply is a private supply from a water meter located at the corner of Carlo Drive and Paluma Road - nearly three (3) kilometres from the boundary of the CTS (and inside the PIA). Botanica Estate is fully responsible for this pipe and any water leakage. This is the written agreement between the Botanica Estate Body Corporate and Council. The arrangement with Estate and Villa Botanica in regard to water distribution does not form part of the assessment criteria.
3. Roads maintenance will increase	There is no evidence that the proposed use will impact the road any more than a family using the dwelling for permanent residency.
4. No footpaths creating danger for guests walking to Villa Botanica	Proximity to Villa Botanica is not relevant when assessing the proposed use. It cannot be assumed that every guest is going to be using the premises in relation to a function at Villa Botanica. Pedestrian movement in the Estate will continue as it is presently. The application is for STA within the private property of the dwelling. The assessment of the development is only from a land use perspective. The applicant also advises: <i>Our home will not be for the exclusive use of guests of VB. It will be open to anyone from anywhere for its' use. In the event that at some point a guest of VB happens to be staying there - there is only one home at Lot 20 between our home and VB so there is only the potential of 1 or 2 cars belonging to the owners of Lot 20 that would potentially drive between the two locations passing potential pedestrians.</i> <i>The road is extremely well lit by street lights and we have walked at 10pm down to the VB gate ourselves and felt extremely safe. The submission from the BC Committee makes mention of the fact that residents are compelled to walk on the road verge, which they do on a daily basis, safely.</i>
5. Body Corp Insurance	Not valid for the assessment of this Development Application. The application is for STA within the private property of the dwelling. The assessment of the development is only from a land use perspective.

6. Damage to private entrance gate	A Gate and Road Procedure has been submitted in the application material. It is noted that the code for the gate will not be given to guests, who will instead be provided with a swipe key. It is not known how many guests will be in each booking up to the limit of 8. The property manager will not be allowing groups that attempt to stay under the guise of a 'party' oriented stay, meaning it is quite unlikely that every guest will use the gate individually and that entrance and egress will be in groups.
7. Botanica Estate suffering from Councils approval of Villa Botanica	Not relevant to this development application.

B & D Harrison

Issue	Comment/Condition Number
1. Guests and strangers will have access through the private entrance gate and electricity cost of gate	A Gate and Road Procedure has been submitted in the application material. It is noted that the code for the gate will not be given to guests, who will instead be provided with a swipe key, to be returned to the Property Manager. Additional usage of the gate is not a relevant planning matter.
2. Increase in traffic	Albeit narrow, the road has the capability to cater for the demand of the proposed use. It is not proven that the demand on the road will higher from STA than if the premises is used as a dwelling house exclusively.
3. Water demand	There is no evidence provided to demonstrate that a short-term accommodation dwelling, operated in accordance with the STA Guideline, will have any further impacts on infrastructure as opposed to a regular dwelling house occupied by the same or similar number of persons, being 1 family.
4. Body Corp Fees	Not a relevant planning matter.
5. Noise	The applicant will be conditioned to have a Code of Conduct for the Operational Use of the development that includes the prevention of excessive noise after 9pm, in accordance with Schedule 1 or Environment Protection (noise) Policy 2019.
6. Water tanks required by CMS	Dwelling was approved via private certification. Council is unable to enforce the requirements of the CMS. It is noted that the applicant has advised that 15,000L water tank will be installed immediately.

T & M Gulliver

Issue	Comment/Condition Number
1. Guests and strangers will have access through the private entrance gate	A Gate and Road Procedure has been submitted in the application material. It is noted that the code for the gate will not be given to guests, who will instead be provided with a swipe key, to be returned to the Property Manager.

and electricity cost of gate	Additional usage of the gate is not a relevant planning matter.
2. Additional wear and tear to infrastructure	Albeit narrow, the road has the capability to cater for the demand of the proposed use. It is not proven that the demand on the road will higher from STA than if the premises is used as a dwelling house exclusively. Regarding water, there is no evidence provided to demonstrate that a short-term accommodation dwelling, operated in accordance with the STA Guideline, will have any further impacts on infrastructure as opposed to a regular dwelling house occupied by the same or similar number of persons, being 1 family.
3. Noise	The applicant will be conditioned to have a Code of Conduct for the Operational Use of the development that includes the prevention of excessive noise after 9pm, in accordance with Schedule 1 or Environment Protection (noise) Policy 2019.
4. Security may be compromised	Not a relevant planning matter. The relevant authority must be called in the event of a security issue. It cannot be assumed that guests will create a security issue for other premises in the area.
5. Set a precedent for further Short-term Accommodation (STA) applications	This is not a valid submission point. Anyone has the right to apply for a Development Application.
6. STA should be done in Airlie Beach, not Botanica	Short term accommodation can be provided in a variety of rural and urban environments.

J Whitney

Issue	Comment/Condition Number
1. Discrepancies in application material	1. Easements should be identified on DA Form 1 – There are no easements on the premises, however there is a covenant. 2. Stat Dec – A revised Stat Dec was received during the PN period. 3. Notice of Commencement – Administrative error fixed in address. 4. Incorrect DA number on PN sign only – corrected immediately once notified. Council officers deem that the ability to submit against the development was not jeopardised by the above.
2. In 2015, another premises applied for STA in Botanica, Council required Body Corp permission at the time, but not now.	The current day regulations within the <i>Planning Act 2016</i> , <i>Planning Regulation 2017</i> do not require Body Corp consent to apply for a Development Application within a private allotment.
3. Body Corp members should decide whether STA is allowed within their CTS	As above.

4. a) Water infrastructure costs and repairs will increase. b) Line leaks/breaks due to Villa Botanica, guests will have no water. c) No water tanks on property as per CTS d) Low pressure due to the size of the lines at Villa Botanica.	a) The maintenance and repair of the water infrastructure is at the cost of those within the Botanica Estate, this is the written agreement in place. b) It is the responsibility of the applicant to ensure guests are provided with the necessary amenities. Private arrangements can be made if there are servicing issues during the stay of guests. c) The premises was Privately Certified. Council has no ability to enforce the requirements of the CTS. d) The upgrade, maintenance and repair of the water infrastructure is at the cost of those within the Botanica Estate, this is the written agreement in place.
5. Developers are going to move the Botanica water meter. New nurse at 124 Paluma Rd is going to take the Botanica water.	Not relevant to this development application.
6. Airlie Beach has ample hotels/motels. By allowing this development, Council is putting those hotels/motels out of business.	Not a valid town planning objection.
7. ABN of property manager doesn't exist.	Not a valid planning objection.
8. Road is not designed for additional traffic movements caused by this development and Villa Botanica	The road has sufficient capacity for the proposed development. The applicant provides the following response: <i>There have been many comments made about increased traffic on Botanica Drive and how there could be too much wear and tear and/or damage from extra vehicles using it. The previous owners Jess and Gavin Smith, who were a family of four, had two cars and used the road for four years. There will be two cars used by ourselves when we move there permanently. There is no restriction in the body corporate (BC) bylaws which limits the number of vehicles we may own or use. There are only five homes currently built on Botanica Drive with the remaining lots still vacant. When those lots are developed and homes are constructed, there will be a far greater number of vehicles using the road than what there is at present, at which point in time, we will be in permanent residence there ourselves. It can only be assumed when the road was constructed it was taken into consideration that all lots at some point in the future will be habited. With a maximum occupancy of 8 guests, all of whom will know one another as a group, it's highly unlikely any more</i>

	<i>than two cars will be using the road on any given stay which means that during stays the use remains the same. However, the expected occupancy rate is envisaged to be 60%, thus will actually decrease.</i>
9. Set a precedent for further Short-term Accommodation (STA) applications	This is not a valid submission point. Anyone has the right to apply for a Development Application.
10. Private Gate damage	A Gate and Road Procedure has been submitted in the application material. It is noted that the code for the gate will not be given to guests, who will instead be provided with a swipe key, to be returned to the Property Manager. The applicant provides the following response: <i>Any unlikely damage and subsequent cost to the gate is firstly covered by an agreement between guests and Whitsunday Holiday Rentals. We also have Landlord and Short Stay insurance with Terry Sheer Insurance that covers damage to others' property as well as a \$20,000,000 public liability policy. Lastly, we will provide a guarantee as owners that we will bear the cost should that ultimately be necessary.</i>
11. Noise	The applicant will be conditioned to have a Code of Conduct for the Operational Use of the development that includes the prevention of excessive noise after 9pm, in accordance with Schedule 1 or Environment Protection (noise) Policy 2019.
12. Villa Botanica goes over their permitted vehicle movements per day, allowing this STA permit will increase the vehicle movements per day.	The road has sufficient capacity for the proposed development. There is no evidence provided to demonstrate that a short-term accommodation dwelling, operated in accordance with the STA Guideline, will have any further impacts on road infrastructure as opposed to a regular dwelling house occupied by the same or similar number of persons, however being 1 family.

B & N Schulz

Issue	Comment/Condition Number
1. Guests and strangers will have access through the private entrance gate	A Gate and Road Procedure has been submitted in the application material. It is noted that the code for the gate will not be given to guests, who will instead be provided with a swipe key, to be returned to the Property Manager.
2. Set a precedent for further Short-term Accommodation (STA) applications	This is not a valid submission point. Anyone has the right to apply for a Development Application.
3. Noise and general amenity concerns	The applicant will be conditioned to have a Code of Conduct for the Operational Use of the development that includes the prevention of excessive noise after 9pm, in accordance with Schedule 1 or Environment Protection (noise) Policy 2019.

	Amenity of the neighbourhood will be kept to a high standard with the employ of the various property management tools that are conditioned on all STA permits. Amenity complaints will be dealt with by the Property Manager as per their Property Management Plan.
4. STA rentals should be located in Airlie Beach, not Botanica Estate	Not a valid submission point.

M & Y Gascoyne

Issue	Comment/Condition Number
1. Botanica's infrastructure will not be able to handle the proposed use	There is no evidence provided to demonstrate that a short-term accommodation dwelling, operated in accordance with the STA Guideline, will have any further impacts on infrastructure as opposed to a regular dwelling house occupied by the same or similar number of persons, being 1 family. It is possible the premises will be occupied 60% of the time and will actually create less demand on the infrastructure.
2. Safety concerns due to increased traffic, no footpaths and single lane road.	Albeit narrow, the road has the capability to cater for the demand of the proposed use. It is not proven that the demand on the road will higher from STA than if the premises is used as a dwelling house exclusively. The applicant provides the following response: <i>There have been many comments made about increased traffic on Botanica Drive and how there could be too much wear and tear and/or damage from extra vehicles using it. The previous owners Jess and Gavin Smith, who were a family of four, had two cars and used the road for four years. There will be two cars used by ourselves when we move there permanently. There is no restriction in the body corporate (BC) bylaws which limits the number of vehicles we may own or use. There are only five homes currently built on Botanica Drive with the remaining lots still vacant. When those lots are developed and homes are constructed, there will be a far greater number of vehicles using the road than what there is at present, at which point in time, we will be in permanent residence there ourselves. It can only be assumed when the road was constructed it was taken into consideration that all lots at some point in the future will be habited. With a maximum occupancy of 8 guests, all of whom will know one another as a group, it's highly unlikely any more than two cars will be using the road on any given stay which means that during stays the use remains the same. However, the expected occupancy rate is envisaged to be 60%, thus will actually decrease.</i>
3. Safety concerns for my property, more	No evidence has been provided that short-term accommodation guests are more likely to commit crime.

strangers in the area means greater risk for my property.	
4. Potential damage to gate	A Gate and Road Procedure has been submitted in the application material. It is noted that the code for the gate will not be given to guests, who will instead be provided with a swipe key, to be returned to the Property Manager. The applicant provides the following response: <i>Any unlikely damage and subsequent cost to the gate is firstly covered by an agreement between guests and Whitsunday Holiday Rentals. We also have Landlord and Short Stay insurance with Terry Sheer Insurance that covers damage to others' property as well as a \$20,000,000 public liability policy. Lastly, we will provide a guarantee as owners that we will bear the cost should that ultimately be necessary.</i>
5. Residents have to pay maintenance of various infrastructure, people who do not live in the estate will damage these assets.	The applicant provides the following response: <i>Any unlikely damage and subsequent cost to the gate is firstly covered by an agreement between guests and Whitsunday Holiday Rentals. We also have Landlord and Short Stay insurance with Terry Sheer Insurance that covers damage to others' property as well as a \$20,000,000 public liability policy. Lastly, we will provide a guarantee as owners that we will bear the cost should that ultimately be necessary.</i>
6. Applicant has been taking bookings prior to being issued a permit	There is no evidence provided or identified to find this to be the case. A review of the major booking websites has found no advertisements for the premises. The applicant provides the following response: <i>Then they allege that we have been taking bookings without any approval. This is simply not true. Neither Michelle or ourselves have advertised it at anytime, anywhere or received a single cent from anyone. I do not know where this allegation stems from and can only presume that they are mistaking our own visitors, or trades people as paying guests.</i>
7. Set a precedent for further Short-term Accommodation (STA) applications	This is not a valid submission point. Anyone has the right to apply for a Development Application.
8. How will Council support the body corporate if the development is approved?	This is a development application and Council is limited to consideration of matters in the planning scheme. It is assumed that the applicant is a member of the body corporate

P Thynne

Issue	Comment/Condition Number
1. Exclusive gated sub-division was originally approved as a 'serenity for ever' residential estate	No evidence is provided that the operation of the dwelling for short term accommodation will change the residential amenity of the area.

2. Whisper-quiet bitumen was used to keep road noise levels at a minimum	Presumably this will assist in minimising noise from the vehicles of all residents of the estate.
3. Lot sizes were large to enable relative privacy.	The applicant will be conditioned to have a Code of Conduct for the Operational Use of the development that includes the prevention of excessive noise after 9pm, in accordance with Schedule 1 or Environment Protection (noise) Policy 2019. Amenity of the neighbourhood will be kept to a high standard with the employ of the various property management tools that are conditioned on all STA permits. Amenity complaints will be dealt with by the Property Manager as per their Property Management Plan.
4. Villa Botanica already destroying the amenity of the area	Not a valid planning objection.
5. Incorrect Zoning	The proposal complies with all relevant Overall Outcomes of the Rural Residential Zone Code as it can be conditioned appropriately to be compatible with the prevailing residential character and amenity of the locality.
6. Airbnb is widely publicised and many objections across the nation from those residential neighbours who bare the brunt of the noise and holiday makers environment.	The applicant will be conditioned to have a Code of Conduct for the Operational Use of the development that includes the prevention of excessive noise after 9pm, in accordance with Schedule 1 or Environment Protection (noise) Policy 2019. Amenity of the neighbourhood will be kept to a high standard with the employ of the various property management tools that are conditioned on all STA permits. Amenity complaints will be dealt with by the Property Manager as per their Property Management Plan.
7. AirBnB is taking business from hotel/resort industry	Invalid submission point.
8. Set a precedent for further Short-term Accommodation (STA) applications	This is not a valid submission point. Anyone has the right to apply for a Development Application.

A Cutli

Issue	Comment/Condition Number
1. Increased traffic and unsafe road	Albeit narrow, the road has the capability to cater for the demand of the proposed use. It is not proven that the demand on the road will higher from STA than if the premises is used as a dwelling house exclusively. The applicant provides the following response: <i>There have been many comments made about increased traffic on Botanica Drive and how there could be too much wear and</i>

	<i>tear and/or damage from extra vehicles using it. The previous owners Jess and Gavin Smith, who were a family of four, had two cars and used the road for four years. There will be two cars used by ourselves when we move there permanently. There is no restriction in the body corporate (BC) bylaws which limits the number of vehicles we may own or use. There are only five homes currently built on Botanica Drive with the remaining lots still vacant. When those lots are developed and homes are constructed, there will be a far greater number of vehicles using the road than what there is at present, at which point in time, we will be in permanent residence there ourselves. It can only be assumed when the road was constructed it was taken into consideration that all lots at some point in the future will be habited. With a maximum occupancy of 8 guests, all of whom will know one another as a group, it's highly unlikely any more than two cars will be using the road on any given stay which means that during stays the use remains the same. However, the expected occupancy rate is envisaged to be 60%, thus will actually decrease.</i>
2. Noise and general amenity concerns	The applicant will be conditioned to have a Code of Conduct for the Operational Use of the development that includes the prevention of excessive noise after 9pm, in accordance with Schedule 1 or Environment Protection (noise) Policy 2019. Amenity of the neighbourhood will be kept to a high standard with the employ of the various property management tools that are conditioned on all STA permits. Amenity complaints will be dealt with by the Property Manager as per their Property Management Plan.

J Svarre (Support submission)

A summary of the submission received in support for this development is:

- May lead to increased property values;
- High quality product equals high profits, with targeted clientele and good property management, amenity will be maintained;
- Promotes tourism and increase tourism revenue in the Whitsundays.

6. Infrastructure Charges

6.1. Adopted Infrastructure Charges Resolution

The development does not attract an infrastructure charge.

STRATEGIC IMPACTS

Alignment to Corporate Plan

Outcome 3.1: Our built environment is well planned, effectively managed and protects our region's heritage and character

Outcome 3.2: Our Natural environment is valued and sustainable

Outcome 3.3: Our infrastructure supports our region's current and future needs

Alignment to Operational Plan

KPI: Development Applications are decided within statutory timeframes

Financial Implications – N/A

Risk Management Implications - N/A

Strategic Impacts – N/A

CONSULTATION

James McEvoy-Bowe - Planner

Doug Mackay – Manager Development Assessment

Neil McGaffin - Director Planning & Development

Public Notification 15 business days per Planning Act 2016 requirements

DISCLOSURE OF OFFICER'S INTERESTS

No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the Local Government Act 2009 or the Staff Code of Conduct.

CONCLUSION

The application has been assessed against the relevant provisions of the *Planning Act, 2016* and the *Whitsunday Regional Council Planning Scheme, 2017*.

The proposal is considered to be generally in accordance with the Planning Scheme and is recommended for approval in accordance with the drawings and documents submitted, subject to reasonable and relevant conditions (Attachment 1).

ATTACHMENTS

Attachment 1 – Conditions of Approval

Attachment 2 – Locality Plan

Attachment 3 – Zoning Plan

Attachment 4 – Proposal Plans

Attachment 1 – Conditions of Approval

1.0 ADMINISTRATION

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

Plan/Document Name	Prepared By	Plan Number	Dated
Site Plan	Moloko Homes	N/A	31/08/2016
Floor Plan Lower	Moloko Homes	N/A	31/08/2016
Floor Plan Upper	Moloko Homes	N/A	31/08/2016
Code of Conduct	Whitsunday Holiday Rentals	N/A	N/A
Property Management Plan	Whitsunday Holiday Rentals	N/A	N/A
Fire and Emergency Plan	Whitsunday Holiday Rentals	N/A	N/A
Gate and Road Procedure	Whitsunday Holiday Rentals	N/A	N/A

- 1.2 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.
- 1.3 All conditions of this approval must be complied with in full to Council's satisfaction prior to the commencement of the use.
- 1.4 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 ACCESS AND PARKING

- 2.1 A minimum of two (2) car parking spaces must be provided on site prior to commencement of the use.
- 2.2 On-site parking spaces may include a garage, car port or open area, and must comply with the provisions of AS2890.1, 3 and 6.
- 2.3 On-site parking spaces must be located entirely on the site, be safe and practical to use, and enable cars to enter and exit the site without endangering pedestrians or vehicles.

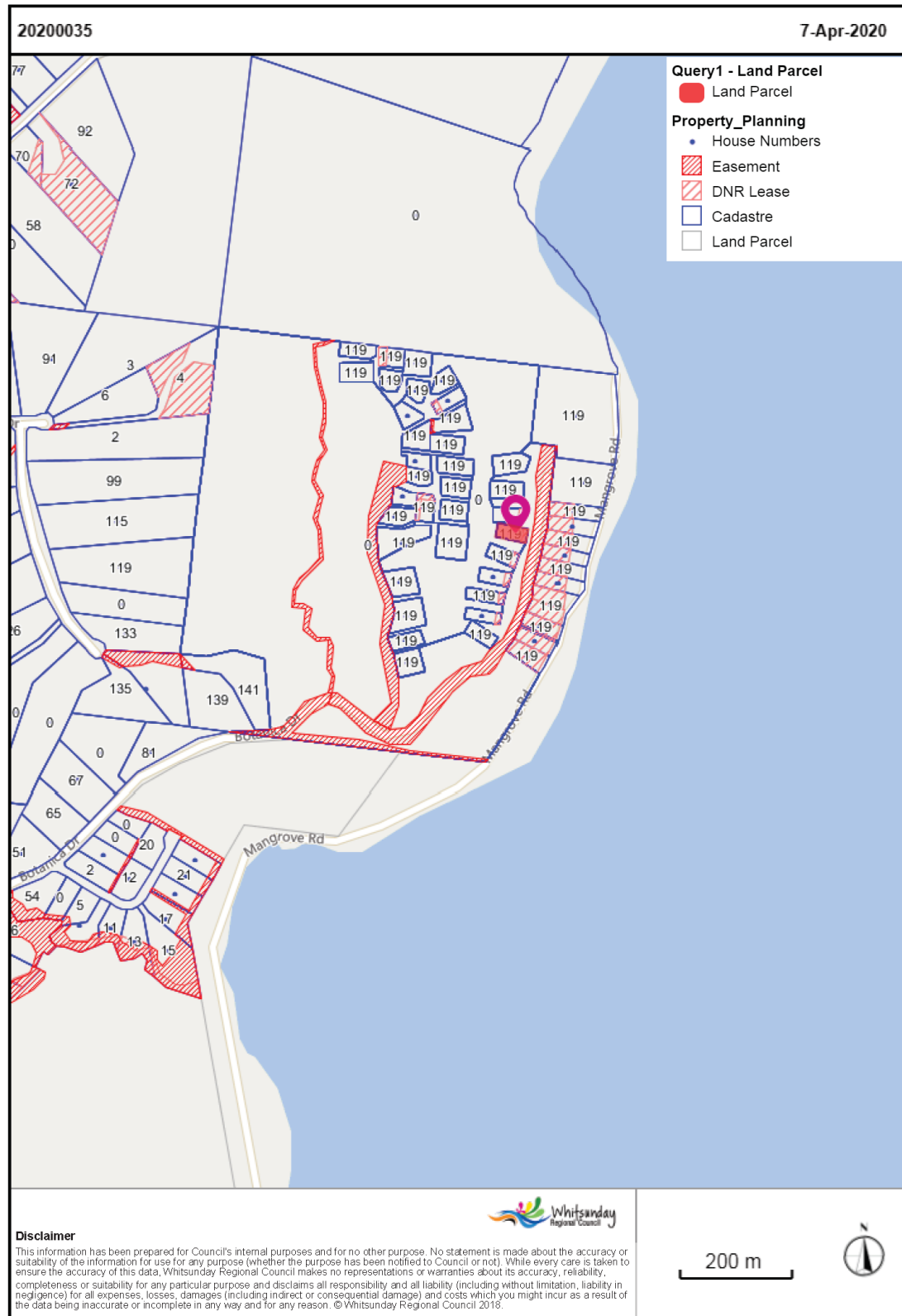
3.0 OPERATING PROCEDURES

- 3.1 A maximum of eight (8) guests (two guests per bedroom) will be permitted to stay in short-term accommodation on the premises.
- 3.2 During operation of the Short-term accommodation use, a sign must be displayed including the name of the property manager and their all-hours contact phone number. The sign is to be no larger than 0.3 square meter in sign face area, professionally made and weather-proof. For a unit, this sign can be displayed on the door of the unit. For a dwelling house, the sign must be displayed where it can be clearly read by the public.
- 3.3 Prior to commencement of the Short-term Accommodation use, the applicant is to establish a Code of Conduct which must be provided to and agreed-to in writing by all adult guests. The Code of Conduct must include as a minimum:
- a) The maximum permitted number of guests on any one day;
 - b) A set of 'good neighbour' rules, including prevention of excessive noise after 9pm, in accordance with Schedule 1 of Environmental Protection (Noise) Policy 2019;
 - c) Information for guests, including the 24-hour contact details of the nominated property manager, on-site carparking and waste bin arrangements.
- 3.4 Prior to commencement of the Short-term accommodation use, the applicant is to establish an accommodation register, recording names and contact details of all guests and duration of stay. The register must also include details of any complaints received and a copy of the signed acceptance of the Code of Conduct document.
- 3.5 Short-term accommodation within each unit will not exceed standards set out within Schedule 1 of Environmental Protection (Noise) Policy 2019.

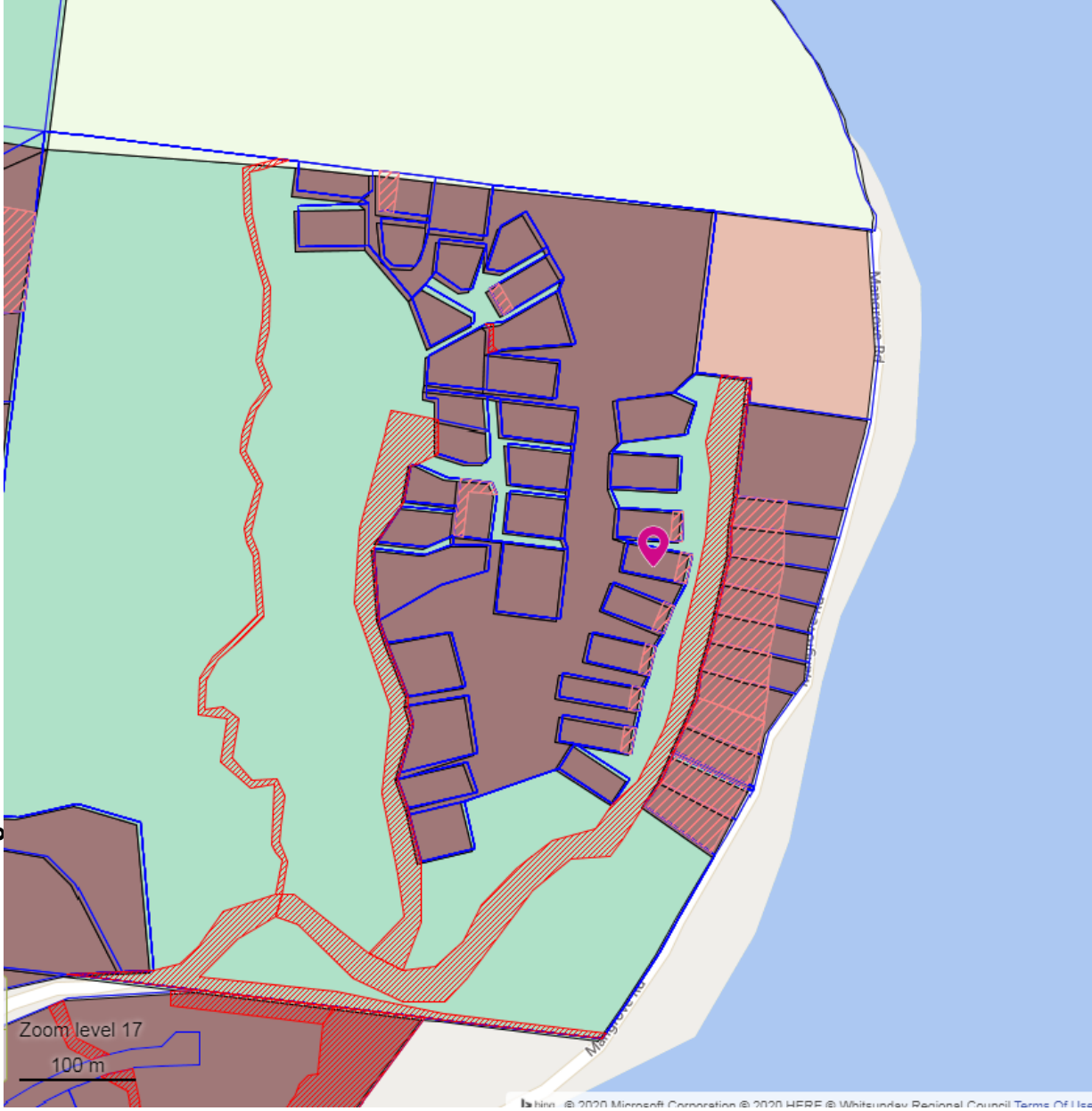
4.0 ADVICE NOTES

- 4.1 This Development Permit does not provide any explicit or implied confirmation that the premises meets the requirements of relevant fire safety legislation, building classification, body corporate rules or insurance policies. The applicant and/or operator of the Short-term Accommodation business is to conduct their own investigations and make the necessary applications and undertake required building modifications to meet their obligations under all relevant legislation
- 4.2 The applicant will lose any Owner/Occupier status attached to a dwelling house or unit approved for Short-term Accommodation.

Attachment 2 – Locality Plan

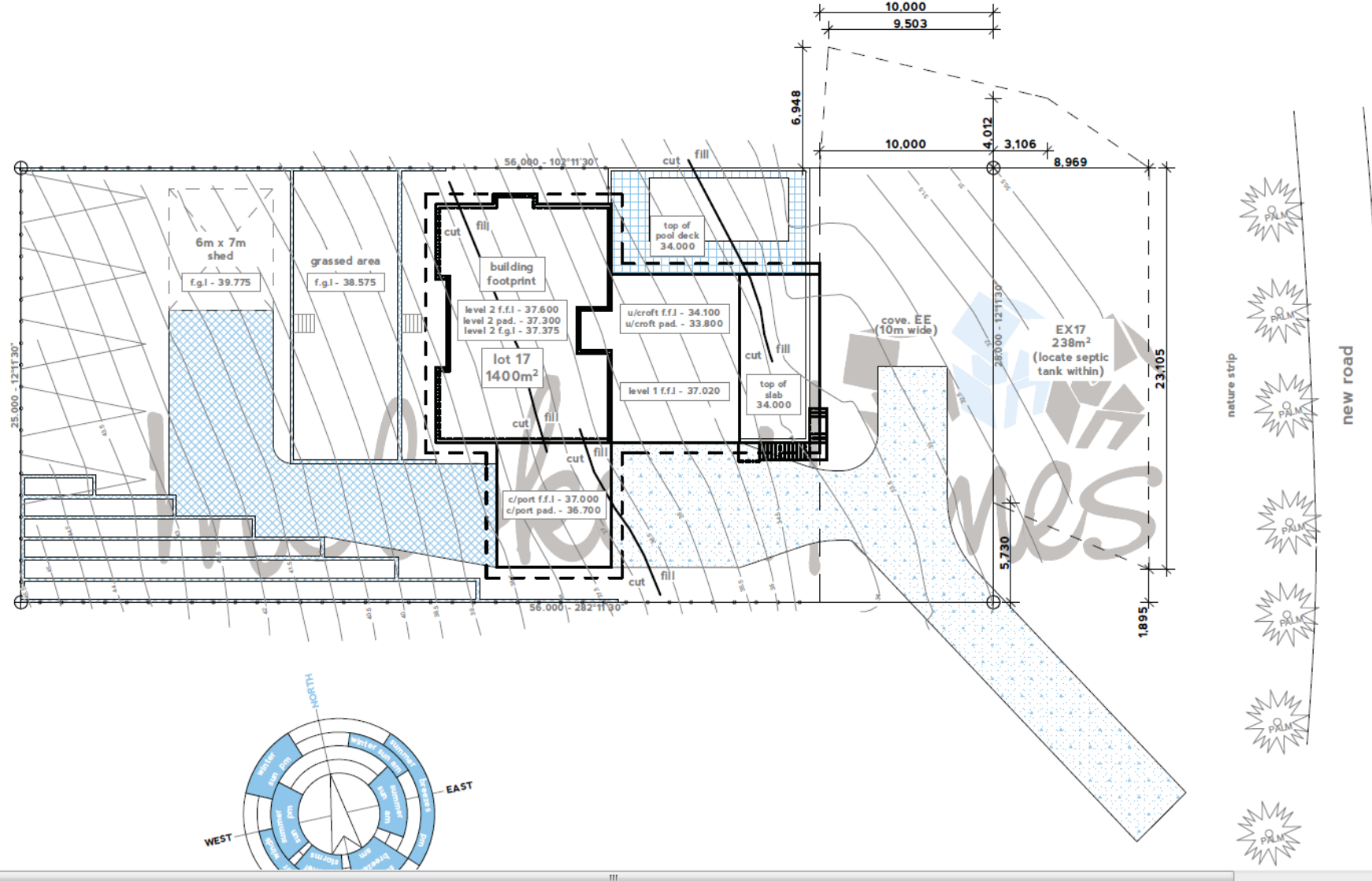


Attachment 3 – Zoning Plan



- District centre
- Emerging community
- Environmental management and conservation
- High impact industry
- Industry investigation area
- Local centre
- Low density residential
- Low impact industry
- Low-medium density residential
- Major centre
- Medium impact industry
- Mixed use
- Neighbourhood centre
- Recreation and open space
- Road
- Rural
- Rural residential
- Special industry
- Tourist accommodation
- Waterfront and marine industry

Attachment 4 – Proposal Plans



12. Development Services

12.4 20191416 - DEVELOPMENT PERMIT FOR MATERIAL CHANGE OF USE - SHOWROOM - 2-12 CENTRAL AVENUE CANNONVALE - YOOGALU PTY LTD

AUTHOR: Matthew Twomey – Senior Development Assessment Officer

RESPONSIBLE OFFICER: Neil McGaffin – Director Development Services

OFFICER'S RECOMMENDATION

That Council approve the application for Development Application for Development Permit for Material Change of Use - Showroom, made by Yoogalu Pty Ltd, on L: 1 SP: 310407 T: & EMT B and located at 2-12 Central Avenue CANNONVALE, subject to the conditions outlined in Attachment 1.

The following report has been submitted for inclusion into Council's Ordinary Meeting to be held on 13 May 2020.

SUMMARY

This application is for a new showroom on Lot 1 in Central Avenue, Cannonvale. The proponent seeks to develop a new purpose-built Harvey Norman showroom displaying furniture, household electrical appliances goods and computer sales and service and includes an area for warehousing of goods and appliances available for purchase in the showroom. The application is recommended for approval, subject to reasonable and relevant conditions.

PURPOSE

Development Applications requiring decisions which are outside the Council officer delegated authority require Council consideration.

BACKGROUND

There is no previous Council decision relating to this matter.

STATUTORY/COMPLIANCE MATTERS

Planning Act 2016

ANALYSIS

Council has received the following Development Application, which has been assessed against the provisions of the relevant legislation as reported below.

1. Application Summary

Proposal:	Development Permit for Material Change of Use - Showroom
Landowner	Whitsunday Commercial Centre Pty Ltd
Property Address:	2-12 Central Avenue, Cannonvale
Property Description:	L: 1 SP: 310407 T: & EMT B
Area of Site:	1.023ha
Planning Scheme Zone:	Major centre zone

Level of assessment	Impact assessable
Overlays:	Acid sulfate soils
Existing Use:	Vacant
Existing Approvals:	Nil.
Public Notification:	13 March 2020 – 2 April 2020
Submissions received:	Nil.
State referrals:	Schedule 10, Part 9, Division 4, Subdivision 1, Table 1 - State Transport Infrastructure – Thresholds
Infrastructure charges:	\$635,064.75* *Proposal qualifies for up to 50% discount under the Development Incentives Policy.

2. Site Details

2.1. Access

The site will achieve access from Central Avenue. The site has a frontage of approximately 75 metres to Galbraith Park Drive and 100 metres to Central Avenue.

2.2. Surrounding uses

The site is located adjoining the Cannonvale Major Shopping Precinct. Neighbouring uses include a shopping centre to the north, industrial uses to the west, vacant land to the south and Proserpine Shute Harbour Road and residential uses to the east.

3. Proposal Details

The proposal is for a new purpose-built Harvey Norman showroom displaying furniture, household electrical appliance goods and computer sales and services and includes an area for warehousing of goods and appliances available for purchase in the showroom.

The proposed showroom has a total gross floor area of 4,529m². The building comprises 3,100m² of showroom area (retail), together with back of house areas and 1,380m² of warehouse area, together with loading area, back of house areas, offices and a mezzanine floor, allowing for expansion of the retail area into the warehouse area in the future, should demand/need for expansion arise.

A total of 105 car parking spaces is proposed to be provided within the site (minimum of 83 required), which exceeds the number required by the Planning Scheme. The applicant advises the excess car parking has been provided to cover any future expansion of the retail area into the warehouse space. The full range of urban services are provided to the development site.

4. Planning Assessment

The application has been assessed against the relevant provisions of the Planning Act, 2016 and the Whitsunday Regional Council Planning Scheme, 2017. The proposal is considered to be generally in accordance with the Planning Scheme and is recommended for approval in accordance with the drawings and documents submitted, subject to reasonable and relevant conditions (Attachment 1).

4.1. State Assessment and Referral Agency (SARA)

The Application was referred to State Assessment Referral Agency (SARA) as the proposal exceed the State Transport Infrastructure Threshold for development within the region. Conditions of approval issued by the SARA have been included as Attachment 3 to this report.

The conditions of approval require the intersection of Galbraith Park Drive and Shute Harbour Road to be upgraded to a signalised intersection.

4.2. State Planning Policy – July 2017

The State Planning Policy (SPP) includes interim development assessment requirements to ensure that State interests are appropriately considered by local government when assessing development applications where the local government Planning Scheme has not yet appropriately integrated all of the State's interests in the SPP. As the most recent SPP (July 2017) has not been reflected in the Whitsunday Regional Council Planning Scheme, Part B of the SPP confirms that it applies to the assessment of the development application.

State Interest - Water Quality

A Stormwater Management Plan has been prepared to accompany the development application. The Report demonstrates that measures will be implemented as part of the development, to achieve compliance with the SPP and Council's guidelines.

4.3. Mackay Isaac and Whitsunday Regional Plan – February 2012

The proposal is generally consistent with the provisions of the plan as it is located within the urban footprint and will represent significant investment which will result in additional local job opportunities.

4.4. Whitsunday Regional Council Planning Scheme, 2017

4.4.1. Strategic Intent

Liveable communities and housing

The proposal is consistent with the region's settlement pattern and hierarchy of centres. The proposal is located within the highest order centre which is appropriate for the development the size and scale of what is proposed.

Economic growth

The proposal builds on the economic resilience, wealth creating and employment generating capacities of the Region. The proposal represents a significant investment into the region which will build upon the local capacity purchasing goods while creating additional employment opportunities as the development scales up its existing operations.

Environment and heritage

The proposal is responsive of the environment in which the development is located.

Safety and resilience to hazards

The subject site has been developed to respond to the identified flood hazard. The site has been filled to achieve Q100 immunity.

Infrastructure

The proposal is supported by existing infrastructure networks.

4.4.2 Overlay Codes

Acid sulfate soils overlay code

The risk of encountering acid sulfate soils has been mitigated under operational works approval 20181103. However, in the unlikely circumstance, soils will be managed in accordance with the Queensland Acid Sulfate Soils Technical manual (Queensland Government, 2014).

4.4.3. Zone Code

Major centre zone code

The purpose of the Major centre zone is to accommodate a wide range of Business, Entertainment, Accommodation and Community activities in an active and vibrant mixed-use environment. The scale and intensity of such development is to be consistent with the intended role and function of the Whitsunday hierarchy of centres. The proposal meets the intent of the zone.

The built form of the development consists of a medium-rise structure which is compatible with the character of the adjoining commercial centre to the north. The development has a reasonable level of connection to the existing pedestrian, cycle, public transport and road transport networks; however, it is noted improvements to the pedestrian and cycle network will occur when the intersection with Galbraith Park Drive and Shute Harbour Road is upgraded as conditioned by SARA. The location of the development and nature of the proposed use is not considered to result in any unreasonable impacts on the amenity of surrounding development.

4.4.4. Development Codes

Business activities code

The building has been located to front Galbraith Park Drive to form as best is as possible a continuous edge with the adjoining Whitsunday Food Service. The main showroom entrance faces towards Central Avenue which will be the predominant pedestrian entrance. A pedestrian pathway is also provided from Galbraith Park Drive.

Due to the large volume of the car parking required to service the development (approximately 50% of the site cover) and the corner block location of the development site, the full screening of the car parking is not achievable. To soften the visual impact of the car parking, significant landscape has been proposed.

As the proposed development is for 'big box retail' the activation of the Galbraith Park Drive and Central Avenue has not been achieved as detailed within PO3 of the Code. The non-compliance is acceptable, given the 'big-box' nature of all retail developments in the vicinity. Galbraith Park Drive will not become an activated 'main street' environment without complete re-development of the area.

The proposed site coverage is approximately 44%, with a three (3) metre setback from Galbraith Park Drive. The proposed development at its highest point is approximately 11.4 metres in height. A zero-metre setback is proposed to the western boundary adjoining Whitsunday Food Service. A setback dispensation is required as the height of the building exceeds 8.5 metres. As the built form is in line with the character and amenity of the locality a dispensation is acceptable.

The building façade incorporates awnings and windows that are protected from direct sunlight. The proposed architectural form is that associated with Harvey Norman showrooms nationwide. The distinct colours and materials in combination with appropriate landscaping elements presents as an integrated designed development, consistent with Major Centre development. The rear wall of the building located on the boundary is not articulated as it faces the adjoining Whitsunday Food Service industrial building. Approximately 19 metres of the elevation facing towards Galbraith Park Drive is not articulated, however it will be softened by appropriate landscaping and street trees. The roof form of the building is generally flat, however includes sections of varying wall heights which promotes visual interest when viewed from public

streets. The building is more than 8.5 metres high, however is a single storey configuration with architectural elements utilised to separate the built form. These performance solutions are acceptable.

Landscape code

A site-specific landscaping plan has been submitted. The landscaping design incorporates turf, ground cover, scrubs and trees which are reflective of the tropical climate of the Whitsundays and the major centre location of the proposal. The landscaping proposed has been designed to soften the scale and bulk of the showroom with a three (3) metre wide planting bed proposed adjacent to Galbraith Park Drive and a two (2) metre wide planting bed adjacent to Central Avenue. The proposed landscaping of the car parking areas does not achieve the acceptable outcome of one (1) shade tree per four (4) car parking spaces, which is not considered acceptable and has been conditioned. Streetscaping is proposed along Central Avenue incorporating shade trees consistent with those approved by on the adjoining site for Ergon Energy.

Transport and parking code

The applicant has provided preliminary car parking design and turning template drawings to demonstrate the applicable Australian Standards have been achieved. 104 on-site car parking spaces will be provided to the development which exceeds 83 spaces prescribed by the Code. Three (3) of these spaces will be designated as disabled car parking spaces. The proposed development has two access driveways incorporated into the design from Central Avenue. The first driveway located closer to Galbraith Park Drive intersection is designed for cars, whereas the second access point is designed for heavier vehicles as well as cars. The proposed loading dock and associated service vehicle manoeuvring, and parking areas have been incorporated into the design to not dominate the street view while remaining sufficient to meet the needs of the development and applicable Australian Standards. No additional public transport facilities are proposed for the development with the existing arrangements in Paluma Road to service the locality. Extensions to the footpath network will be provided to tie into the existing network. It is noted Council currently holds a bond from the developer for the estate to complete the footpath to the intersection of Galbraith Park Drive and Shute Harbour Road.

Infrastructure code

The proposed development will be connected to all reticulated service networks, with conditions of approval provided to ensure these works will be carried out in accordance with Council's Development Manual standards.

Advertising devices code

The proposed advertising signage is consistent with the existing and future planned character of the locality. Architectural drawings have been provided which identify wall signage displaying the Harvey Norman name consistent with the design nationally for Harvey Norman stores. The proposed signs are not illuminated and do not include any flashing or moving parts.

5. Public Submissions

The development application was placed on public notification between 13 March 2020 and 2 April 2020 in accordance with the relevant provisions of the Planning Act 2016. No submissions were received during this period of Public Notification.

6. Infrastructure Charges

6.4. Adopted Infrastructure Charges Resolution

The following is a breakdown on the Infrastructure Charges for the development:

Type of Development	Development Category	Demand Unit & Qty	Charge Rate	Adopted Charge	
MCU	Commercial (bulk goods)	4,529m2	\$146.70 per m2 of GFA	\$664,404.30	
Total Adopted Charge				\$664,404.30	
	Credit				
Type of Development	Development Category	Demand Unit & Qty	Charge Rate	Discount	Total Credit
MCU	Residential – 3 or more-bedroom dwelling	1	\$29.339.55	100%	\$29,339.55
Total Credit					\$29,339.55
Total Levied Charge					\$635,064.75
Current Amount of Levied Charge		\$635,064.75			

Development Incentives Policy Request

The applicant has requested for the application of the Development Incentives Policy (DIP) for a reduction of 50% of the applicable infrastructure charges. By way of background, the DIP identifies the circumstances where the WRC, at its absolute discretion, may agree to provide a discount to infrastructure charges levied against development. The extent of the discount to be applied is up to 50%, subject to budget constraints, with the current committed budget capped at \$100,000.00.

The proposed land use of a Showroom is a qualifying land use and is included in the “Commercial (bulk goods)” development category identified in Table 1 of the DIP. An assessment against the assessment criteria is provided below:

Assessment criteria		Measure of compliance	Response
Development must address AC1 to AC8.			
Development addresses AC1 to AC7 where relevant			
AC1	Proposed development is for a business activity new to the Region.	Development does not currently operate within the WRC Local Government Area.	N/A
AC2	Development is a diversification of a particular use that introduces new and innovative technologies or products into the market place.	Development is undertaken to accommodate a new service or product not previously provided within the Region.	N/A
AC3	Proposed development supports	Development utilises a product from existing or	N/A

	significant new export opportunities, inter-regionally, inter-state or overseas.	developing supply chains within the Region, for export out of the Region; and • Direct exports out of the Region, as a result of the development, will exceed \$100,000 in product value annually.	
AC4	Where the proposed development involves the expansion of an existing business, it must be demonstrated that the expansion represents significant growth in local supply or manufacturing supply chains. Prior to moving into the premises, this was a mobile business.	• Development results in a minimum 50% increase of the gross floor area of the existing Business or Industry activity; • Development represents a 50% growth in the existing Business or Industry, local product or service supply; • Development involves a 50% increase in manufacturing inputs supplying the business.	• The existing Harvey Norman showroom (including back of house and some warehousing) is located in the Whitsunday Plaza Shopping Centre and maintains an internal gross floor area of approximately 2,062m². The proposed new showroom will contain a gross floor area of 4,529m², an approximate 220% increase in gross floor area. • Council is advised the new Harvey Norman showroom will result in a 30% increase in total staff numbers upon commencement of the use and will require additional staff numbers in the future when the showroom area expands into the warehouse area when demand/need for expansion arises. • Council is advised the total development budget is \$10.5 million comprising \$7.5M for construction and \$3.0M for signage and fit-out. Harvey Norman estimate that, of the total development budget, \$6.0M will be expended on local contractors and suppliers. Post-construction maintenance such as gardening, cleaning and building maintenance will be locally contracted at between \$60K - \$70K per annum.
AC5	Involves the establishment of land-based tourism businesses that will provide products and	• Development provides new land-based tourism products predominately for use by visitors to the	N/A

	services to attract visitors to the Region, excluding accommodation activities.	Region, such as a Theatre, Tourist attraction, tourism in a Rural area, Sport and recreation facilities or Environment facilities. (Incentive does not apply to Accommodation aspect of development).	
AC6	Involves the development of new manufacturing industry, which supports the Mining, Marine, Transport or Construction industries.	Development involves the creation of new Metal Product Manufacturing, Basic Chemical, Cleaning & Polymer Manufacturing and Transport Equipment & Parts Manufacturing;	N/A
AC7	Involves the development of new scientific, education or professional services, supporting environmental research, mining, agriculture or construction industries.	Development involves the creation of a new purpose-built research or education facility supporting environmental research, agriculture, marine, mining or construction industries;	N/A

The DIP provides that Council may issue a discount of up to 50% of the charge levied. A 50% reduction in the levied charge totals \$317,532.37. This is in excess of the \$100,000.00 budgeted. Only one previous request in 2019/2020 has been approved to the value of \$4,716.00, leaving \$95,284.00 unallocated.

It is recommended that the remaining money in the DIP be pooled for Council consideration as to how it can be best value to support all local businesses given all are suffering from a pandemic.

STRATEGIC IMPACTS

Alignment to Corporate Plan

Outcome 3.1: Our built environment is well planned, effectively managed and protects our region's heritage and character

Outcome 3.2: Our Natural environment is valued and sustainable

Outcome 3.3: Our infrastructure supports our region's current and future needs

Alignment to Operational Plan

KPI: Development Applications are decided within statutory timeframes

Financial Implications – The financial implications are outlined in section 6.4.

Risk Management Implications – N/A

Strategic Impacts – N/A

CONSULTATION

Doug Mackay – Manager Development Assessment
Neil McGaffin – Director Development Services

DISCLOSURE OF OFFICER'S INTERESTS

No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the Local Government Act 2009 or the Staff Code of Conduct.

CONCLUSION

The application has been assessed against the relevant provisions of the *Planning Act, 2016* and the *Whitsunday Regional Council Planning Scheme, 2017*. The proposal is considered to be generally in accordance with the Planning Scheme and is recommended for approval in accordance with the drawings and documents submitted, subject to reasonable and relevant conditions (Attachment 1).

ATTACHMENTS

Attachment 1 – Conditions of Approval
Attachment 2 – Locality Plan
Attachment 3 – Zoning Plan
Attachment 4 – Proposal Plan
Attachment 5 – State Agency Referral Agency (SARA) Response

Attachment 1 – Conditions of Approval

1.0 **ADMINISTRATION**

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

Plan/Document Name	Prepared By	Plan Number	Dated
Site Plan	Leffler Simes Architects	TP-02 Rev A	10/12/2019
Floor Plan	Leffler Simes Architects	TP-03 Rev A	10/12/2019
Roof Plan	Leffler Simes Architects	TP-04 Rev A	10/12/2019
Elevation	Leffler Simes Architects	TP-05 Rev A	10/12/2019
Overall Section	Leffler Simes Architects	TP-06 Rev A	10/12/2019
Signage Schedule	Leffler Simes Architects	TP-07 Rev A	10/12/2019
Landscape Coversheet	Site Image	000 Issue A	10/12/2019
Landscape Plan	Site Image	101 Issue B	10/12/2019
Landscape Plan	Site Image	102 Issue B	10/12/2019
Landscape Details	Site Image	501 Issue B	10/12/2019
Site Based Stormwater Quality Management Plan	Premise	MIS642/R01 Rev A	20/12/2019
Transport Impact Assessment	Premise	MIS0642/R02 Rev: A	13/12/2019
Car Park Design Drawing		001	17/02/2020
Car Park Design Drawing		002	17/02/2020

- 1.2 The applicant is to comply with the Department of State Development, Manufacturing, Infrastructure and Planning's conditions as outlined in the Department's correspondence dated 19 March 2020.
- 1.3 The following further development permits are required prior to commencement of work on site or commencement of the use:
- Operational Works:
 - Roadworks;
 - Access and Parking
 - Erosion Prevention and Sediment Control;
 - Stormwater drainage; and
 - Water Infrastructure;
 - Sewerage Infrastructure.
 - Plumbing and Drainage Works;
 - Building Works;
 - Material Change of Use; and
 - Reconfiguration of a Lot.

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

2.0 **CLEARING, LANDSCAPING AND FENCING**

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

- 2.3 Landscaping is to be provided generally in accordance with the approved landscaping plans 101 Issue B, 102 Issue B and 501 Issue B, with the exception that shade trees will be provided in the car parking area at a rate of 1 tree per four parking spaces.
- 2.4 The landscaping shown on the approved plans must be maintained at all times and any dead, diseased or damaged plants are to be replaced.

3.0 BUILDING

- 3.1 Ventilation and mechanical plant must be located and designed so that prevailing breezes do not direct undesirable noise and odours towards nearby residential accommodation.
- 3.2 All air-conditioning units are not to be visible from the street or adjoining properties and are to be aesthetically screened.
- 3.3 Building and landscaping materials are not to be highly reflective, or likely to create glare, or slippery or otherwise hazardous conditions.

4.0 CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

- 4.1 The development, including all buildings, access ways, car parks, and driveways must be designed and managed to incorporate the principles and recommendations of the Crime Prevention through Environmental Design – Guidelines for Queensland. The design and management must include, but not be limited to, the following:
- a) Landscaping of all car parking areas and pedestrian and/or vehicular access ways must be suitable to enhance safety while removing reasons for loitering;
 - b) Security surveillance cameras must be installed in all areas where the public has general access during all parts of the day, including the car park and pedestrian access ways.

5.0 LIGHTING

- 5.1 Lighting along, all internal access driveways and parking areas, is to be directed downwards so as to minimise any adverse effects of glare or direct light nuisance on all surrounding allotments, including allotments within, but must achieve a minimum level of illumination consistent with the safety of pedestrians and vehicles.

6.0 WATER INFRASTRUCTURE

- 6.1 The development must be connected to Council's water network prior to the commencement of the use.
- 6.2 A Development Permit for Operational Works (Water Infrastructure) must be obtained prior to commencement of work on site. Any application for Operational Works (Water Infrastructure) must be accompanied by engineering design drawings, and certifications of the design, demonstrating compliance with the Whitsunday regional Council Development Manual and this Decision Notice.
- 6.2 Prior to commencement of use on the site, the applicant must lodge with Council a civil RPEQ engineer's design and construction certification (by an experienced and qualified engineer). The certification must be addressed to Council and must certify that all Water Infrastructure works have been designed and constructed according to the conditions of this Decision Notice and the Whitsunday Regional Council Development Manual.

7.0 SEWERAGE INFRASTRUCTURE

- 7.1 The development must be connected to Council's sewerage network prior to commencement of the use.
- 7.2 A Development Permit for Operational Works (Sewer Infrastructure) must be obtained prior to commencement of work on site. Any application for Operational Works (Sewer Infrastructure) must be accompanied by engineering design drawings, including calculations and certifications of the design, demonstrating compliance with the Whitsunday Regional Council Development Manual and this Decision Notice.
- 7.3 Prior to commencement of use on the site, the applicant must lodge with Council, a civil RPEQ engineer's design and construction certification. The certification must be addressed to Council and must certify that all Sewer Infrastructure works have been designed and constructed according to the conditions of this Decision Notice and the Whitsunday Regional Council Development Manual.

8.0 ACCESS AND PARKING

- 8.1 The external access from the pavement of Central avenue to the property boundary must be constructed to comply with the dimensions, gradients and specifications as indicated on Council's Standard Drawings prior to commencement of the use.
- 8.2 A Development Permit for Operational Works (Access and Parking) must be obtained prior to commencement of work on site. Any application for Operational Works (Access and Parking)

must be accompanied by detailed engineering drawings demonstrating compliance with the Whitsunday Regional Council Development Manual, Australian Standard AS2890, AS1428 and this Decision Notice.

- 8.3 All internal accesses, driveways, circulation roads, aisles, parking bays and manoeuvring areas are to be provided generally as indicated on Concept Plan Carpark Design Drawing 001 & 002 and with the exception of shade trees to be planted at a rate of 1 tree per four parking spaces. All works to be designed and constructed so as to comply with the requirements of the Whitsunday Regional Council Development Manual, AS2890 and AS1428.
- 8.4 Accesses must be located so as to achieve Safe Intersection Sight Distance in accordance with Section 3 of Austroads Guide to Road Design – Part 4A: Unsignalised and Signalised Intersections.
- 8.5 Prior to commencement of use on the site, the applicant must lodge with Council, a civil RPEQ engineer's design and construction certification. The certification must be addressed to Council and must certify that all internal accesses, driveways, circulation roads, aisles, parking bays and manoeuvring areas comply with the requirements of the Whitsunday Regional Council Development Manual, AS2890 and AS1428.
- 8.6 A minimum of one-hundred and four (104) car parking spaces are to be provided on site prior to the commencement of the use.
- 8.7 All loading and unloading activities must be conducted onsite.
- 8.8 All vehicles entering and existing the site must do so in a forward gear.

9.0 STORMWATER AND FLOODING

- 9.1 A Development Permit for Operational Works (Stormwater Infrastructure) must be obtained prior to commencement of work on site. Any application for Operational Works (Stormwater Infrastructure) must be accompanied by engineering design drawings, including calculations and certifications of the design, demonstrating compliance with Queensland Urban Drainage Manual, Whitsunday Regional Council Development Manual and this Decision Notice.
- 9.2 The stormwater design is to provide for the developed flows from the site to be piped to a Legal Point of discharge.
- 9.3 The applicant must design and construct Roof and Allotment drainage system for the development so as to comply with **(Level V of Table 7.13.1)** of the Queensland Urban Drainage Manual as a minimum. No uncontrolled discharge will be permitted within the developed site.
- 9.4 All stormwater drainage works must be designed and constructed in accordance with the Queensland Urban Drainage Manual and the Whitsunday Regional Council Development Manual prior to commencement of the use.
- 9.5 All site works must be undertaken to ensure that there is no increase in flood levels and/or flood frequency at any locations where existing landowners and/or users are adversely affected by waterway flooding for all events up to and including Q100.
- 9.6 Stormwater for the development must include gross pollutant traps, or other appropriate water quality measures, within the system adequate to ensure stormwater from the site must not cause measurable levels of water pollutants in the receiving waters to fall outside the acceptable ranges specified in the 'Australian Water Quality Guidelines for Fresh and Marine Waters', ANZECC 2000.
- 9.7 Prior to commencement of use on the site, the applicant must lodge with Council, a civil RPEQ engineer's design and construction certification. The certification must be addressed to Council and must certify that the roof and allotment drainage works have been constructed in accordance with the requirements of Queensland Urban Drainage Manual, the Whitsunday Regional Council Development Manual and this Decision Notice and will not cause adverse effects to adjoining or downstream properties or infrastructure.

10.0 ROADWORKS

- 10.1 A Development Permit for Operational Works (Roadworks) must be obtained prior to the commencement of work on site. Any application for Operational Works (Roadworks) must be accompanied by engineering design drawings, including calculations and certifications of the design, demonstrating compliance with the Queensland Urban Drainage Manual (current at the time of development), Council's Development Manual (current at the time of development) and this Decision Notice.
- 10.2 A 1.5-metre-wide concrete, or approved alternative finish, footpath, including tactile indicators in accordance with AS1428.4, must be provided for the full frontage of the proposed development in Galbraith Park Drive and to the first driveway crossover in Central Avenue prior to commencement of the use.

11.0 ENVIRONMENTAL MANAGEMENT PLAN (EMP)

- 11.1 A Development Permit for Operational Works (Erosion Prevention and Sediment Control Management Plan) must be obtained prior to commencement of work on site.
- 11.2 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.
- 11.3 The plan must be prepared in accordance with Council's Development Manual and the Best Practice Erosion & Sediment Control – November 2008 (IECA White Book).
- 11.4 The strategy of the plan must be implemented and maintained for the duration of the operational and building works, and until exposed soil areas are permanently stabilised (e.g. turfed, concreted).
- 11.5 Discharges of water pollutants, wastewater or stormwater from the site must not cause measurable levels of water pollutants in the receiving waters to fall outside the acceptable ranges specified in the 'Australian Water Quality Guidelines for Fresh and Marine Waters', ANZECC 2000.
- 11.6 No visible emissions of dust must occur beyond the boundaries of the site during earthworks and construction activities on the site. If, at any time during the earthworks and construction activities the dust emissions exceed the levels specified above, all dust generating activities must cease until the corrective actions have been implemented to reduce dust emissions to acceptable levels or wind conditions are such that acceptable levels are achieved.

12.0 CATCHMENT AND LAND MANAGEMENT

- 12.1 **Prior to the first Operational works application being lodged, an amended Stormwater Quality Management Plan (SQMP) is to be submitted. The amended SQMP is to include the following:**
 - a) The Rocla Envisi Sentinel device is not accepted at present. Demonstrate the effectiveness of the Rocla Envisi Sentinel system in accordance with section 6.1.4 of Council's stormwater quality guideline or provide an alternative solution;
 - b) Demonstrate on a plan that there is sufficient horizontal and vertical space for the proposed stormwater quality system;
 - c) Include the requirements of Table 5 of Council's Stormwater Guideline;
 - d) Include lifecycle costs of any proprietary devices;
 - e) any relevant conditions of the development permit;
 - f) Include a detailed description of the construction and establishment method to be used as per Section 7 of Council's Stormwater Quality Management Guideline.
 - g) Is prepared in accordance with the State Planning Policy (SPP), July 2017, State interest for Water Quality and the recommendations and requirements outlined in the Whitsunday Regional Council Stormwater Quality Guideline.
- 12.2 Prior to operational works, the amended Stormwater Quality Management Plan (SQMP) is to be supported by working copies of all stormwater models and calculations are required to be submitted. The amended model must include the following:
 - (a) Include any relevant changes resulting from an alternate stormwater quality device, if relevant.
 - (b) The parameters of source node for roof A and roof B are to be amended as per Table 11 of Council's Stormwater Quality Guideline.

13.0 WASTE

- 13.1 **Waste and recycling facilities must be provided in accordance with the following provisions:**
 - a) Adequate waste containers must be provided to contain the volume and type of waste and recyclable matter generated by the development;
 - b) Waste storage areas for waste containers must be constructed of a solid concrete base or acceptable equivalent; and
 - c) Waste storage areas must be designed and constructed so it can be easily cleaned whilst ensuring that no waste or recyclable matter is released to the stormwater system or any waterway.

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

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

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

14.4 Waste and recycling facilities must be screened from all public roads.

14.0 MISCELLANEOUS

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. The Applicant is reminded of their obligations under the Aboriginal Cultural Heritage Act, 2003 and the Torres Strait Islander Cultural Heritage Act 2003. Further information and databases are available from the Department of Aboriginal and Torres Strait Islander Partnerships at: www.datsip.qld.gov.au.

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.

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.

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 Galbraith Park Drive, Central Avenue or adjoining land unless written permission from the owner of that land and Council is provided.

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.

15.0 ADVISORY NOTES

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.

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.

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.

4 Noise During Construction and Noise in General

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

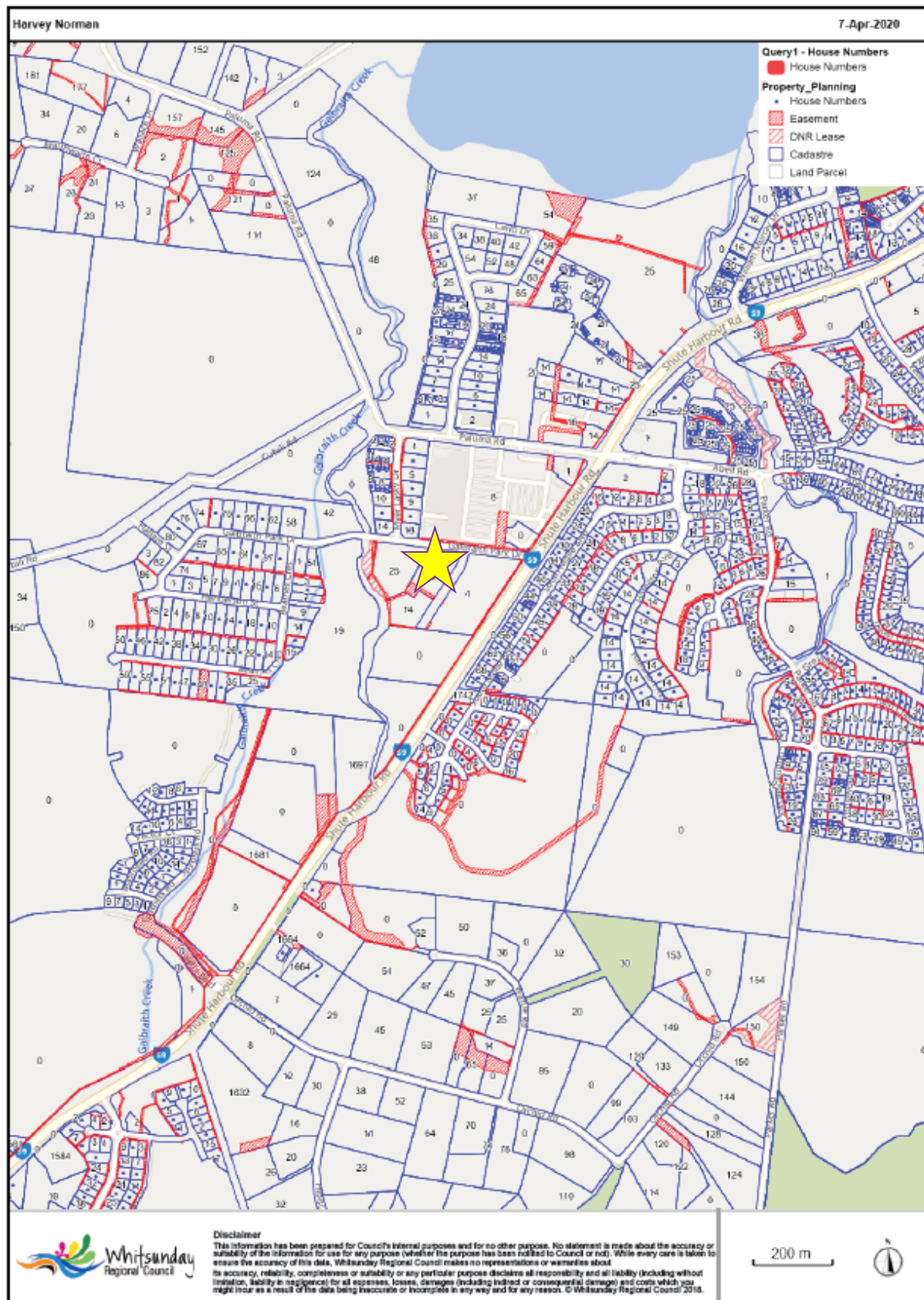
5 General Safety of Public During Construction

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.

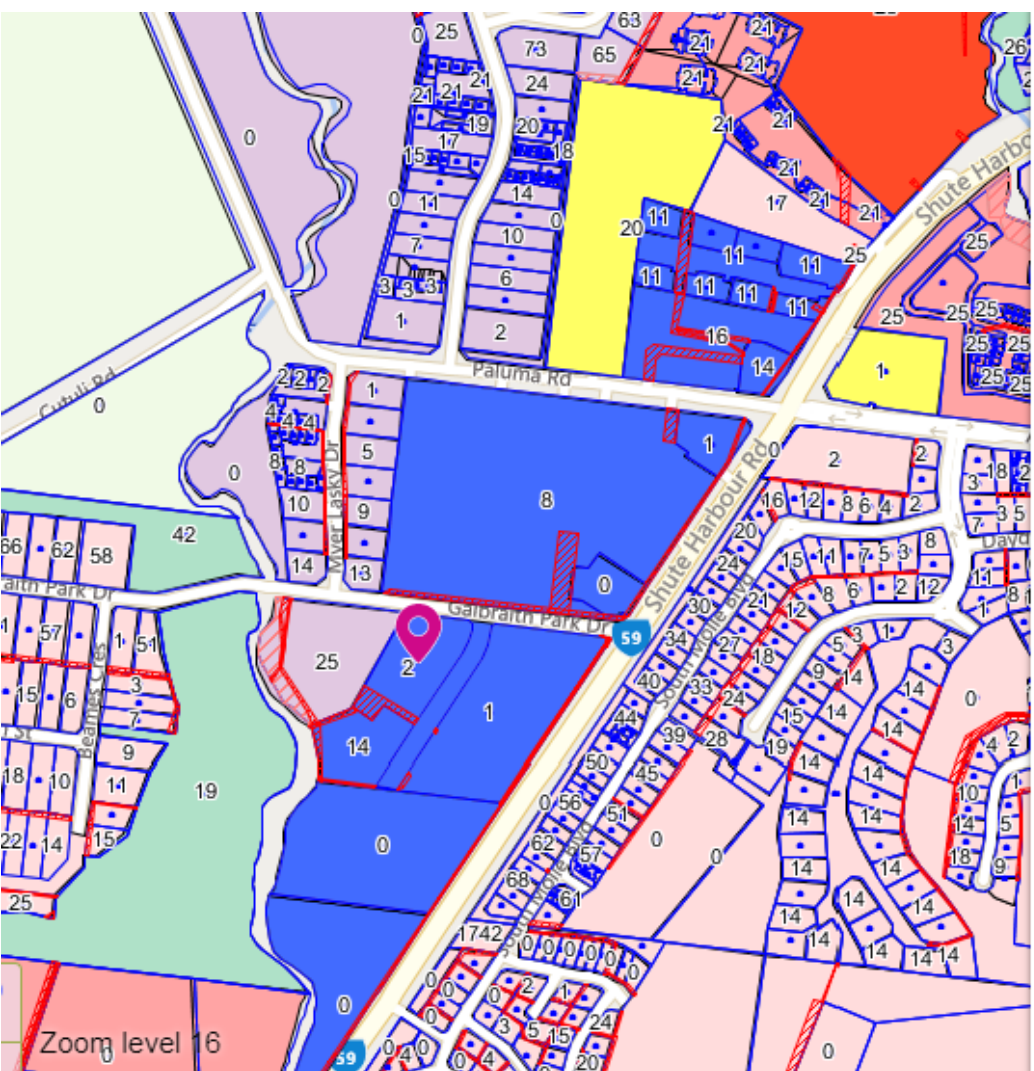
It is the principal contractor's responsibility to ensure compliance with the Work Health and Safety Act 2011. It states that the principal contractor is obliged on a construction workplace to ensure that work activities at the workplace prevent or minimise risks to the health and safety of the public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

Attachment 2 – Locality Plan



Attachment 3 – Zoning Plan



- Community facilities
- District centre
- Emerging community
- Environmental management and conservation
- High impact industry
- Industry investigation area
- Local centre
- Low density residential
- Low impact industry
- Low-medium density residential
- Major centre
- Medium impact industry
- Mixed use

THE DRAWING AND DESIGN SUBJECT TO
CONFIDENTIALITY
AND MAY NOT BE REPRODUCED, COPIED, FORWARDED,
OR OTHERWISE USED IN ANY MANNER WITHOUT THE
WRITTEN PERMISSION OF THE AUTHOR.



SITE PLAN
Scale: 1:250

SITE PLAN

JEFFLER SIMES ARCHITECTS

PROPOSED HARVEY NORMAN DEVELOPMENT
GALBRAITH PARK DRIVE, CANNONVALE, QLD 4802

⑦

2000
 1999
 1998
 1997
 1996
 1995

[illegible]

Attachment 5 – State Agency Referral Agency (SARA) Response

RA6-N



Department of
**State Development,
Manufacturing,
Infrastructure and Planning**

SARA reference: 2002-15455 SRA
Council reference: 20191418
Applicant reference: 19572

19 March 2020

Chief Executive Officer
Whitsunday Regional Council
PO Box 104
PROSERPINE QLD 4800
info@whitsundayrc.qld.gov.au

Attention: Mr Matthew Twomey

Dear Mr Twomey

SARA response—2-12 Central Avenue, Cannonvale

(Referral agency response given under section 58 of the *Planning Act 2016*)

The development application described below was confirmed as properly referred by the Department of State Development, Manufacturing, Infrastructure and Planning on 19 February 2020.

Response

Outcome:	Referral agency response – with conditions.
Date of response:	19 March 2020
Conditions:	The conditions in Attachment 1 must be attached to any development approval.
Advice:	Advice to the applicant is in Attachment 2 .
Reasons:	The reasons for the referral agency response are in Attachment 3 .

Development details

Description:	Development permit	Material change of use for MCU - Showroom
SARA role:	Referral Agency.	
SARA trigger:	Schedule 10, Part 9, Division 4, Subdivision 1, Table 1 (Planning Regulation 2017)	

Page 1 of 7

Mackay Isaac Whitsunday regional office
Level 4, 44 Nelson Street, Mackay
PO Box 257, Mackay QLD 4740

State Transport Infrastructure Thresholds

SARA reference: 2002-15455 SRA
Assessment Manager: Whitsunday Regional Council
Street address: 2-12 Central Avenue, Cannonvale
Real property description: Lot 1 on SP310407
Applicant name: Yoogalu Pty Ltd
Applicant contact details: c/Vision Surveys
PO Box 2103
CANNONVALE QLD 4802
andrea@visionsurveysqld.com.au

Representations

An applicant may make representations to a concurrence agency, at any time before the application is decided, about changing a matter in the referral agency response (section 30 Development Assessment Rules).

Copies of the relevant provisions are in **Attachment 4**.

A copy of this response has been sent to the applicant for their information.

For further information please contact Leah Harris, A/Principal Planning Officer, on (07) 4898 6815 or via email MIWSARA@dsdmip.qld.gov.au who will be pleased to assist.

Yours sincerely



Patrick Ruettjes
Manager (Planning), Mackay Isaac Whitsunday Regional Office

cc Yoogalu Pty Ltd, andrea@visionsurveysqld.com.au

enc Attachment 1 - Referral agency conditions
Attachment 2 - Advice to the applicant
Attachment 3 - Reasons for referral agency response
Attachment 4 - Representations provisions
Attachment 5 - Plans and Specifications Referenced in the Conditions

Attachment 1—Referral agency conditions

(Under section 56(1)(b)(i) of the *Planning Act 2016* the following conditions must be attached to any development approval relating to this application) (Copies of the plans and specifications referenced below are found at Attachment 5)

No.	Conditions	Condition timing
Material Change of Use		
10.9.4.1.1—The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Transport and Main Roads to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):		
1.	The development must be generally in accordance with the Traffic Impact Assessment prepared by Premise dated 13 February 2020, reference MIS0642/R02 and revision A, as amended in red by SARA on 19 March 2020; note in particular: a) The Department of Transport and Main Roads does not accept SIDRA signalised intersection designs that propose optimised cycle times, that is, filtered right turns through an opposing green light (section 6.1, page 47). b) The Department of Transport and Main Roads considers that an acceptable solution for signal cycle and phase times is possible and will be determined and agreed by the Department of Transport and Main Roads during the detailed design of the intersection.	Prior to the commencement of use and to be maintained at all times.
2.	a) Road works comprising a signalised intersection, with – i. dual carriageways on both approaches of Shute Harbour Road, ii. protected right and left turn lanes on Shute Harbour Road, and iii. separate right and left turn lanes on Galbraith Park Drive. must be provided at the intersection of Shute Harbour Road and Galbraith Park Drive. b) The road works must be designed and constructed in accordance with – i. Austroads Guide to Road Design Part 4A: Unsignalised and Signalised Intersections and ii. the Department of Transport and Main Roads' Road Planning and Design Manual, Edition 2: Volume 3. Supplement to Austroads Guide to Road Design Part 4A – Unsignalised and Signalised Intersections.	Prior to the commencement of use.

Attachment 2—Advice to the applicant

General advice	
1.	Terms and phrases used in this document are defined in the <i>Planning Act 2016</i> its regulation or the State Development Assessment Provisions (SDAP) [v2.6]. If a word remains undefined it has its ordinary meaning.
2.	Road works approval: Under section 33 of the <i>Transport Infrastructure Act 1994</i> , written approval is required from the Department of Transport and Main Roads to carry out road works on a state-controlled road. Please contact the Department of Transport and Main Roads at Mackay.Whitsunday.IDAS@tmr.qld.gov.au or (07) 4951 8555 to make an application for road works approval. This approval must be obtained prior to commencing any works on the state-controlled road reserve. The approval process will require the approval of engineering designs of the proposed works, certified by a Registered Professional Engineer of Queensland (RPEQ). Please contact the Department of Transport and Main Roads as soon as possible to ensure that gaining approval does not delay construction.

Attachment 3—Reasons for referral agency response

(Given under section 58(7) of the *Planning Act 2016*)

The reasons for the department's decision are:

- The submitted traffic report concludes that unacceptable levels of service will occur with the development and that signalisation of the intersection will be required.
- Stormwater flows will be captured in the existing underground drainage system and will not impact on the SCR.
- The application has adequately addressed the relevant PO's of State code 1.

Material used in the assessment of the application:

- The development application material and submitted plans
- *Planning Act 2016*
- *Planning Regulation 2017*
- The *State Development Assessment Provisions* (version 2.6), as published by the department
- The Development Assessment Rules
- SARA DA Mapping system

12. Development Services

12.5 20140012 - REQUEST TO EXTEND CURRENCY PERIOD - RECONFIGURATION OF A LOT ONE (1) LOT INTO TWO (2) LOTS - 106 PATULLO ROAD, GREGORY RIVER - 12 RP744909

AUTHOR: James McEvoy-Bowe – Planner

RESPONSIBLE OFFICER: Neil McGaffin – Director Development Services

OFFICER'S RECOMMENDATION

That Council resolve to refuse the request for an extension of currency period of the Development Permit for Reconfiguration of a Lot - One (1) Lot into Two (2) Lots lodged by Veris on behalf of G D Spivey on land described as L: 12 RP: 744909 T: N1349/97, 106 Patullo Road, Gregory River, on the following grounds:

- a) the approval has gone beyond the currency periods set by the *Planning Act 2016*, having had six (6) years to commence and complete the development and no works have commenced to date;
- b) the applicant's submission provides no demonstration that works are likely to commence within the requested two-year extension.

The following report has been submitted for inclusion into Council's Ordinary Meeting to be held on 13 May 2020.

SUMMARY

The applicant has requested a second extension of the relevant period for the Development Permit for One into Two allotments at 106 Patullo Road, Gregory River, formally described as Lot 12 on RP 744909.

PURPOSE

Development Applications requiring decisions which are outside the Council officer delegated authority require Council consideration.

BACKGROUND

Council at its Meeting of 27 February 2019 resolved that Council adopt the following policy position in relation to applications for Extension of the Currency Period of Development Permits:

1. Any requests for extension of development applications be brought back to Council for determination. Applicants will be required to clearly demonstrate why their development application should be extended.
2. Council will notify all holders of active development permits of this resolution.

The development was originally approved by Council at the ordinary meeting of 23 April 2014.

STATUTORY/COMPLIANCE MATTERS

Sections 86 and 87 of the Planning Act 2016

ANALYSIS

A development application for Reconfiguration of One (1) Lot into Two (2) Lots at 106 Patullo Road, Gregory River, was approved by Council on 24 April 2014 subject to conditions.

The applicant obtained a relevant Operational Works Permit for Access (20140833) on 9 December 2014. This related permit moved the lapse date of the ROL to 9 December 2018 under the rollover provisions of the *Sustainable Planning Act 2009*.

Council approved an addition two (2) year extension on the 24 April 2018. The lapse date of this approval is now 9 December 2020. However, the applicant did not extend the relevant period of the associated Operational Works Development Permit, which therefore lapsed on 9 December 2018.

On 17 April 2020, pursuant to section 86 of the *Planning Act 2016*, Council received a request to extend the currency period of the Development Approval for two (2) years to 9 December 2022.

The application does not lapse for another 10 months and the reason provided by the applicant in support of the request to extend is the current Covid-19 pandemic. The applicant's representations are included as **Attachment 3**.

Officer's comment

Regard has been given to section 87 of the *Planning Act 2016* and the applicants request is consistent with the statutory requirements and Council's policy position which informs Section 87, on the following basis.

When the applicant received the previous extension to the relevant period on 24 April 2018, an updated infrastructure charges notice was given under the ICR No.3 of 2018, totalling **\$12,143.18**. In accordance with the *Planning Act 2016*, Council may issue an updated infrastructure charges notice under the current ICR No.1 of 2019, the amount would be **\$12,616.00**, a difference of **\$472.82**.

The original application was decided under the *2009 Whitsunday Shire Planning Scheme* and was Impact Assessable as the development did not comply with the minimum Lot size of the Rural Residential Zone. If the application were to lapse and be relodged under the current *Whitsunday Regional Planning Scheme 2017*, the application would be Code Assessable.

Under the current *Planning Act 2016*, if the applicant were to receive an identical development permit, the development would have a total relevant period of four (4) years.

The applicant has had six (6) years complete the development, with no physical works completed to date and has not demonstrated their ability to complete the development within the requested two-year timeframe.

The application is therefore recommended for refusal on the following grounds:

- a) the approval has reached beyond the currency periods set by the *Planning Act 2016*, having had six (6) years to commence and complete the development and no works have commenced to date.
- b) the applicant's submission provides no demonstration that works are likely to commence within the requested two-year extension.

STRATEGIC IMPACTS

Alignment to Corporate Plan

Outcome 3.1: Our built environment is well planned, effectively managed and protects our region's heritage and character

Outcome 3.2: Our Natural environment is valued and sustainable

Outcome 3.3: Our infrastructure supports our region's current and future needs

Alignment to Operational Plan

KPI: Development Applications are decided within statutory timeframes

Financial Implications – \$472.82

Risk Management Implications - N/A

Strategic Impacts – N/A

CONSULTATION

Neil McGaffin – Director Development Services

Doug Mackay – Manager Development Assessment

DISCLOSURE OF OFFICER'S INTERESTS

No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the Local Government Act 2009 or the Staff Code of Conduct.

CONCLUSION

The applicant has requested an extension of the relevant period until 9 December 2022 - a period of two (2) years. It is recommended that Council refuse the request for an extension of the relevant period on the grounds outlined above.

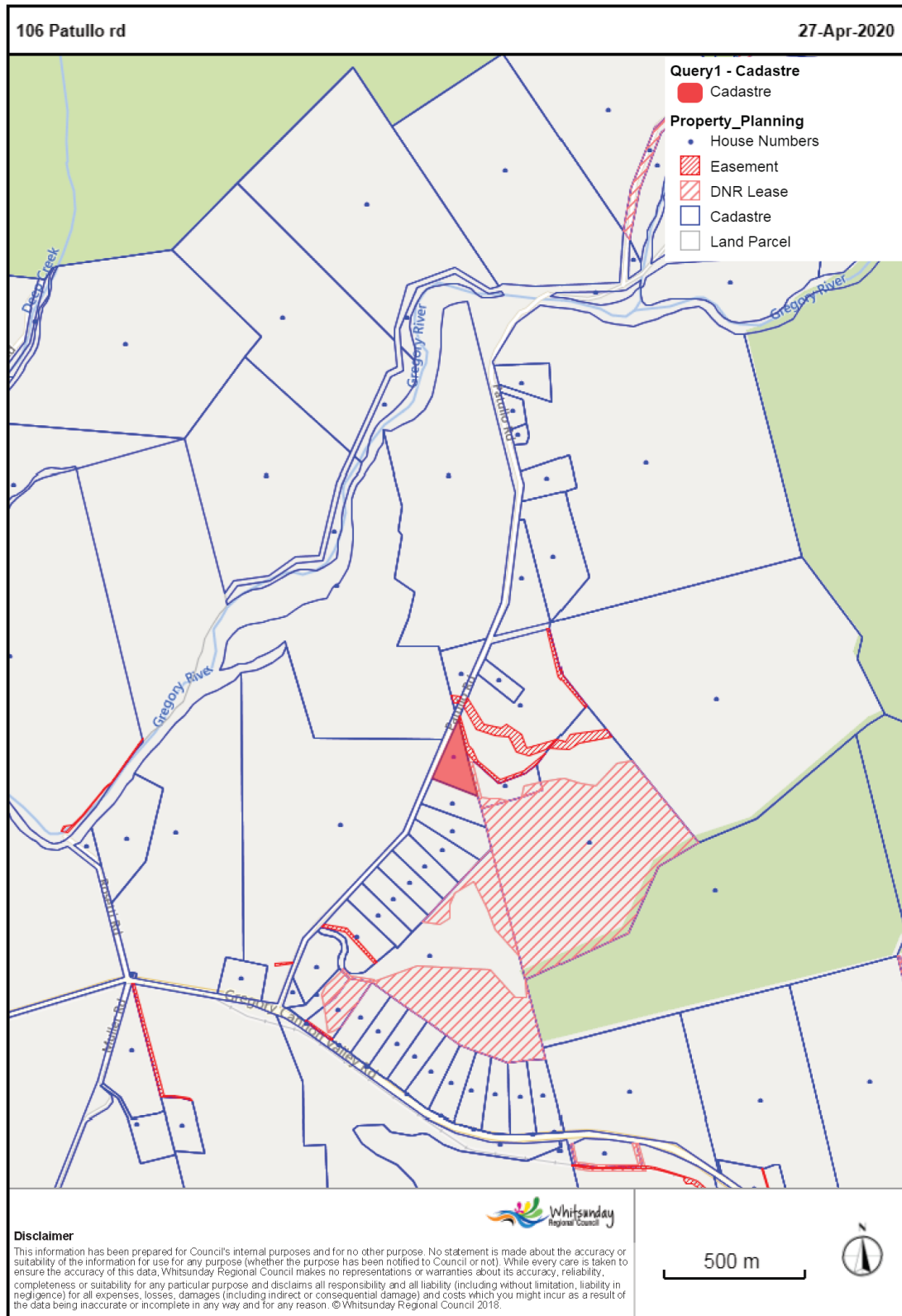
ATTACHMENTS

Attachment 1 – Locality Plan

Attachment 2 – Proposal Plan

Attachment 3 – Applicant's Representations

Attachment 1 – Locality Plan



Attachment 2 – Proposal Plan



Attachment 3 – Applicant's Representations

17 April 2020

Our Ref: 400221

Your Ref: 20140012



Chief Executive Office
Whitsunday Regional Council
PO Box 104
Proserpine Qld 4800

Attn: Doug Mackay
Email: info@whitsundayrc.qld.gov.au

Dear Doug,

**RE: REQUEST TO EXTEND THE CURRENCY PERIOD – S86 OF THE *PLANNING ACT 2016* –
DEVELOPMENT PERMIT FOR RECONFIGURATION OF A LOT – ONE (1) LOT INTO TWO (2)
LOTS – 106 PATULLO ROAD, GREGORY RIVER – LOT 12 ON RP744909**

We act on behalf of Grant Spivey in relation to the above mentioned development permit and apply herein to extend the currency period, as outlined below:

On the 24 April 2014 Council issued a Decision Notice Approval for a Development Permit for a Reconfiguration of a Lot (One (1) Lot into Two (2) Lots) (WRC Ref:20140012). The original lapse date of this approval was 24 April 2018.

A Related Approval for Operational Works for External Access was issued on 9 December 2014 (WRC Ref: 20140833). The currency period for the OW approval was the 9 December 2016. This related approval extended the ROL currency period until the 9 December 2018, under the rollover provisions of the *Sustainable Planning Act 2009*.

Council approved an addition two (2) year extension on the 24 April 2018. The lapse date of this approval is 9 December 2020.

In accordance with Section 86 of the *Planning Act 2016*, the applicant, who is also the owner, requests that Council extend the currency period of the approval for an additional 2 years, which will result in the approval lapsing on **9 December 2022**.

In accordance with Section 87(1) of the *Planning Act 2016*, when assessing an extension application, the assessment manager (Council) may consider any matter that the assessment manager considers relevant, even if the matter was not relevant to assessing the development application.

Key matters that have been identified for Council to consider when deciding the request are listed and addressed below.

DECIDING THE REQUEST

An assessment against the identified key matters is provided overleaf;

- (a) *The consistency of the approval, including its conditions, with the current laws and policies applying to the development, including, for example, the amount and type of infrastructure contributions, or charges payable;*

Response:

The development was approved under the 2009 *Whitsunday Shire Planning Scheme*. Since the time of gaining approval in 2016, a number of new policies applying to the development have been adopted, including the, Single State Planning Policy (SPP), Infrastructure Charges Resolution (ICR) (No. 1 of 2019) and the *Whitsunday Regional Council Planning Scheme 2017* (WRCPS).

If an application for the same development was to be lodged today, neither the SPP nor the WRCPS would have any significant impact on the design of the development or likely conditions of approval. Nor would any referral agencies be triggered.

The SPP and WRCPS were in effect prior to the last extension to the approval currency period in April 2018 and therefore considered by Council as part of their previous assessment of the extension request.

With regards to the AICR, Council issued a new infrastructure charges notice to the last extension approval in April 2018.

-
- (b) *The community's current awareness of the development approval; and*
(c) *Whether, if the request were refused-*
(i) *Further rights to make a submission may be available for a further development application;*
(ii) *The likely extent to which those rights may be exercised;*

Response:

The development was approved under the 2009 *Whitsunday Shire Planning Scheme*. Under this scheme the site was zoned "*Rural Residential*" and was Impact assessable. Due to the development requiring 15 business day public notification, the community would be generally aware of the approval.

Under the current *Whitsunday Regional Council Planning Scheme 2017*, the sites is zoned "*Rural Residential*". If the same application were to be lodged under this scheme, the development would be Code Assessable.

The development is consistent with the surrounding rural residential lots that dominate the Patullo Road frontage. Given this consistency, it is not anticipated the development is outside the local communities expectations.

(d) The views of any concurrence agency for the approval given under section 385.

Response:

Not applicable, no referrals were triggered.

Given the poor economic climate in the Whitsundays since the time of obtaining approval, the applicant has not proceeded with the commencement of the development.

The applicant had remained optimistic that the local economy would have improved significantly allowing the completion of this development by December 2020, however given the global coronavirus pandemic having negative outcomes on the economy, the applicant requests an additional 2 year extension to allow the local economy to improve.

The above clearly demonstrates the consistency of the ROL approval with current policies and the community's expectations. The refusal of this request will serve no purpose other than to waste time, money and resources to reinstate the same approval.

We believe the request to be reasonable and Council's favourable consideration of this application therefore sought. The application fee of \$860.00 will be paid separately by the applicant, upon receipt of a payment notice.

Should you require any further clarification on this matter please contact the undersigned on (07) 4945 1722.

Yours faithfully



Jackson Gray
PRINCIPAL PLANNER

Enc: Extension Application Form
Development Permit 20140012

12. Development Services

12.6 20140001 - REQUEST FOR EXTENSION OF CURRENCY PERIOD - DEVELOPMENT APPLICATION FOR RECONFIGURATION OF A LOT – ONE (1) LOT INTO SIX (6) LOTS - ALLAN ROAD CONWAY BEACH – L5 RP738979 - DELOMA PTY LTD

AUTHOR: Blake Coulston – Para Planner

RESPONSIBLE OFFICER: Neil McGaffin – Director Development Services

OFFICER'S RECOMMENDATION

That Council resolve to refuse the request for an extension of currency period (two (2) years) of the Development Application for Reconfiguration of One (1) Lot into Six (6) Lots - Request for Extension lodged by Veris on behalf of Deloma Pty Ltd on land described as L: 5 RP: 738979 T: N1207/239, Allan Road CONWAY BEACH on the following grounds:

- a) the inconsistency of the conditional approval with the current laws and policies applying to the development, specifically the site is zoned Rural with a minimum lot size of 100ha. Despite the Court approval of the application, Council elected not to include the site in the Rural Residential zone in the current planning scheme, adopted in 2017;
- b) the community is unaware of the development due to the time which has elapsed since it was first approved by Council;
- c) there may be new members of the community who would make a submission against the development were it to be readvertised;
- d) the approval has had four (4) years to commence and complete the development, which is the new currency period provided for in the *Planning Act 2016* and no works have commenced to date.
- e) The original Development Application was for Reconfiguration of one (1) lot into five (5) lots, however through the Sealed Court Order, this was increased to one (1) lot into six (6) lots, unbeknown to the public.

The following report has been submitted for inclusion into Council's Ordinary Meeting to be held on 13 May 2020.

SUMMARY

The Applicant has requested an extension of their Development Permit for Reconfiguring of One (1) lot into six (6) lots, Allan Road CONWAY BEACH.

PURPOSE

Development Applications requiring decisions which are outside the Council officer delegated authority require Council consideration. This application is presented to Council for decision.

BACKGROUND

The Development Application completed the public notification on the 10th of March 2014 and received the Decision Notice on the 1st of August 2014. The Development Application then received a Negotiated Decision Notice on the 2nd of February 2015. The Applicant appealed the negotiated decision notice and received a Sealed Court Order on the 4th of April 2016.

STATUTORY/COMPLIANCE MATTERS

Sections 86 and 87 of the Planning Act 2016

ANALYSIS

A development application for a for Reconfiguration of One (1) Lot into Six (6) Lots - on Allan Road Conway Beach was approved by Council on the 1 August 2014, subject to conditions. This approval was amended on the 2 February 2015 through the negotiated Decision Notice. The applicant appealed the negotiated decision notice and on 4 April 2016 a decision was handed down by the Planning and Environment Court.

The applicant has obtained no relevant approvals nor commenced any work on site as confirmed in the application for extension of time.

The relevant period for the approval lapses on 4 April 2020. The applicant's grounds for the request are included in attachment 3.

Officer's comment

Regard has been given to section 87 of the *Planning Act 2016* and the applicants request is consistent with the statutory requirements and Council's policy position which informs Section 87, on the following basis.

However, this application is recommended for refusal on the following grounds:

- a) the inconsistency of the conditional approval with the current laws and policies applying to the development, specifically the site is zoned Rural with a minimum lot size of 100ha. Despite the Court approval of the application, Council elected not to include the site in the Rural Residential zone in the current planning scheme, adopted in 2017;
- b) the community is unaware of the development due to the time which has elapsed since it was first approved;
- c) there may be new members of the community who would make a submission against the development were it to be readvertised;
- d) the approval has had four (4) years to commence and complete the development, which is the new currency period provided for in the *Planning Act 2016* and no works have commenced to date.
- e) The original Development Application was for Reconfiguration of one (1) lot into five (5) lots, however through the Sealed Court Order, this was increased to one (1) lot into six (6) lots, unbeknown to the public.

STRATEGIC IMPACTS

Alignment to Corporate Plan

Outcome 3.1: Our built environment is well planned, effectively managed and protects our region's heritage and character

Outcome 3.2: Our Natural environment is valued and sustainable

Outcome 3.3: Our infrastructure supports our region's current and future needs

Alignment to Operational Plan

KPI: Development Applications are decided within statutory timeframes

Financial Implications – N/A

Risk Management Implications – N/A

Strategic Impacts – N/A

CONSULTATION

Doug Mackay – Manager Development Assessment

Neil McGaffin – Director Development Assessment

DISCLOSURE OF OFFICER'S INTERESTS

No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the Local Government Act 2009 or the Staff Code of Conduct.

CONCLUSION

The applicant has requested an extension of the relevant period of number of two (2) years. It is recommended that Council refuse the request for an extension of the relevant period on the grounds outlined above.

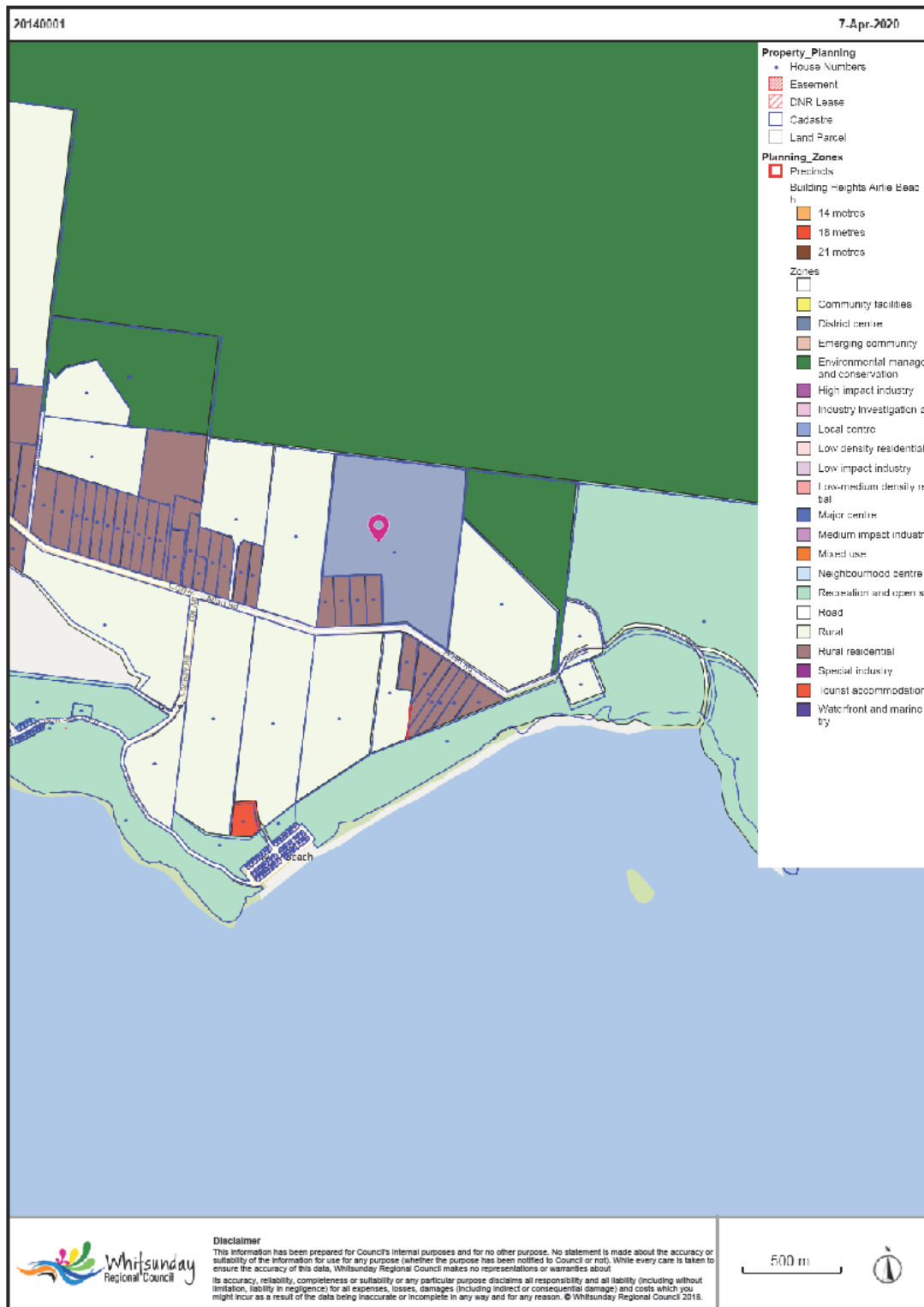
ATTACHMENTS

Attachment 1 – Locality Plan

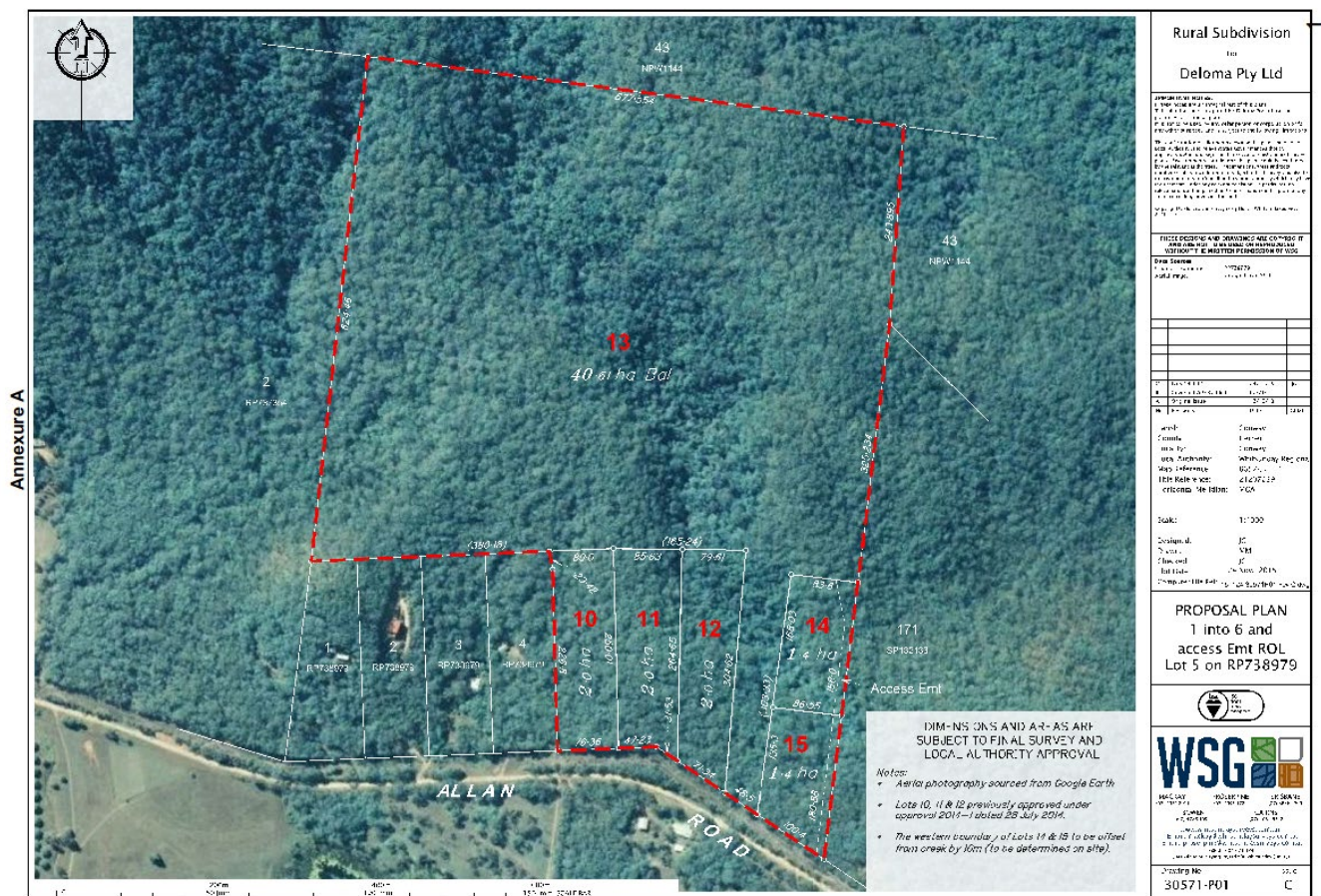
Attachment 2 – Proposal Plan

Attachment 3 – Applicant's statement

Attachment 1 – Locality Plan



Attachment 2 – Proposal Plan



Attachment 3 – Applicant’s Statement

DECIDING THE REQUEST

An assessment against the identified key matters is provided overleaf;

(a) The consistency of the approval, including its conditions, with the current laws and policies applying to the development, including, for example, the amount and type of infrastructure contributions, or charges payable;

Response:

The development was approved under the 2009 Whitsunday Shire Planning Scheme. Since the time of gaining approval in 2016, a number of new policies applying to the development have been adopted, including the, Single State Planning Policy (SPP), Infrastructure Charges Resolution (ICR) (No. 1 of 2019) and the Whitsunday Regional Council Planning Scheme 2017 (WRCPS).

If an application for the same development was to be lodged today, neither the SPP nor the WRCPS would have any significant impact on the design of the development or likely conditions of approval, due to the rural zoning or the site remaining consistent. Furthermore, if the application were lodged again no additional referral agencies would be triggered.

The only notable change is the introduction of Council’s Infrastructure Charges Resolution. It is understood Council will consider increasing infrastructure charges as part of deciding this extension request.

(b) The community’s current awareness of the development approval; and (c) Whether, if the request were refused- (i) Further rights to make a submission may be available for a further development application; (ii) The likely extent to which those rights may be exercised;

Response:

The development was approved under the 2009 Whitsunday Shire Planning Scheme. Under this scheme the site was zoned “Rural” and was Impact assessable. Due to the development requiring 15 business public notification, the community would be generally aware of the approval.

Under the current Whitsunday Regional Council Planning Scheme 2017, the site is also zoned “Rural”. If the same application were to be lodged under this scheme, the development would also be Impact Assessable.

The development is also consistent with the surrounding rural residential lots that dominate Conway Road and Allan Road frontages. Given this consistency, it is not anticipated the development is outside the local communities expectations.

(d) The views of any concurrence agency for the approval given under section 385.

Response:

The application would still require referral to SARA, however the views of the relevant technical agency (DNRME) are unlikely to change.

Given the poor economic climate in the Whitsundays since the time of obtaining approval, the applicant has not proceeded with the commencement of the development. The applicant remains optimistic that the local economy will improve significantly in the near future to allow commencement of construction. This optimism is supported by improved market conditions for the local mining industry as well as an increased interest in investment in the local area.

The above clearly demonstrates the consistency of the ROL approval with current policies and the community's expectations. The refusal of this request will serve no purpose other than to waste time, money and resources to reinstate the same approval.

We believe the request to be reasonable and Council's favourable consideration of this application therefore sought. The application fee of \$620.00 will be paid separately by the applicant, upon receipt of a payment notice.

12. Development Services

12.7 20130972 - REQUEST FOR EXTENSION OF CURRENCY PERIOD - DEVELOPMENT PERMIT FOR MATERIAL CHANGE OF USE - 102 ADDITIONAL ACCOMMODATION UNITS - 8296 BOWEN DEVELOPMENTAL ROAD COLLINSVILLE, SODEXO

AUTHOR: Matthew Twomey – Senior Development Assessment Officer

RESPONSIBLE OFFICER: Neil McGaffin – Director Development Services

OFFICER'S RECOMMENDATION

That Council:

- 1. Resolve to approve the request for an extension of currency period of the Development Permit for Material Change of Use - 102 Additional Accommodation Units - lodged by Sodexo on land described as L: 2 MPH: 30801, 8296 Bowen Developmental Road, Collinsville to 9 March 2021;**
- 2. Council issue an Infrastructure Charges Notice to Sodexo under the Adopted Infrastructure Charges Resolution (No. 1 2019) of \$1,068,796.80; and**
- 3. That Council request the Chief Executive Officer to write to Sodexo and partners requesting the installation and construction of a dual use footpath from construction camp through to the Collinsville town centre.**

The following report has been submitted for inclusion into Council's Ordinary Meeting to be held on 13 May 2020.

SUMMARY

The applicant has requested a one (1) year extension to a current approval for 102 additional accommodation units to an existing Non-resident workforce accommodation camp in Collinsville. The applicant has taken significant steps to commence the development approval with a pre-start meeting held with Council Officers on 19 February 2020 enabling construction to commence and works completed in the second week of April 2020. Based on the applicant's representations and the completed site civil works, the development will likely proceed should an additional one (1) year extension be granted. On this basis the request is recommended for approval. In approving the request Council is required to issue an infrastructure charges notice calculated in accordance with the requirements of the Adopted Infrastructure Charges Resolution (No.1 of 2019).

PURPOSE

Development Applications requiring decisions which are outside the Council officer delegated authority require Council consideration.

BACKGROUND

Council at its Meeting of 27 February 2019 resolved that Council adopt the following policy position in relation to applications for Extension of the Currency Period of Development Permits:

1. Any requests for extension of development applications be brought back to Council for determination. Applicants will be required to clearly demonstrate why their development application should be extended.
2. Council will notify all holders of active development permits of this resolution.

STATUTORY/COMPLIANCE MATTERS

Sections 86 and 87 of the Planning Act 2016.

ANALYSIS

Approval History

A development application for a Development Permit for Material Change of Use - 102 Additional Accommodation Units was approved by the Planning & Environment Court on the 9 March 2016 subject to conditions. On 31 January 2020, the applicant provided detailed engineering drawings to Council as required by conditions of approval in order to commence site civil works. On 19 February 2020 a pre-start meeting was held.

Request

On 9 March 2020, pursuant to section 86 of the *Planning Act 2016*, Council received a request to extend the currency period of the Development Approval for one (1) year to 9 March 2021. The applicant's representations are included as **Attachment 3**.

Officer's comment

Regard has been given to section 87 of the *Planning Act 2016* and the applicants request is consistent with the statutory requirements and Council's policy position which informs Section 87, on the following basis.

The subject land is located within the low-density residential zone. This zoning is not considered to reflect the current use of the land for Non-resident workforce accommodation, with the approval forming an extension to an existing land use.

The level of assessment of the original development application was impact assessable. During the statutory public notification period the application attracted one (1) properly made submission. The conditions of approval provided addressed the issues raised in the submissions. If the application were to be relodged under the current *Whitsunday Regional Council Planning Scheme 2017* the level of assessment of the application would remain impact assessable providing the ability for a submission to be made against the development.

The current community would be sufficiently aware of the development with the site currently operating as a Non-resident workforce accommodation camp.

The applicant's representations demonstrate a genuine attempt to commence the development since the approval was issued in 2016. Furthermore, based on the applicant's representations and the completed site civil works, the development will likely proceed should an additional one-year extension be granted.

Approval of the request for an extension to the relevant period is recommended.

Infrastructure Charges

The applicant has requested Council not apply additional infrastructure charges per section 119(5) of the Planning Act 2016 on the basis the applicant has already made payment per condition 12.1 of the development approval and that the approval of the request does not represent additional demand per section 120 of the Planning Act 2016.

Advice has been received that Council is bound by section 119 (5) of the Planning Act 2016 and therefore must issue an Infrastructure Charges Notice (ICN) should the extension request be approved. It is correct that infrastructure charges may only be levied for extra demand that development places upon trunk infrastructure. For this reason, the Planning Act requires that the following factors are credited against the total charge and prevents them from being considered as additional demand, unless an infrastructure requirement that applies or applied to the use or development has not been complied with:

- a) existing lawful uses;
- b) a previous use that is no longer taking place on the premises if the use was lawful at the time the use was carried out; and
- c) other development on the premises if the development may be lawfully carried out without the need for a further development.

Based on the above discussion the approval does not comply with section 120 of the Planning Act 2016. Whether or not the use rights are allowed to start is dependent on Council's decision on the Extension Application. Furthermore, payment of the monetary contribution referenced in condition 12.1 does not represent a credit in which Council must apply to the ICN. The Adopted Infrastructure Charges Resolution (No.1 of 2019) relevantly defines a 'credit' to be the monetary amount used in the calculation of the levied charge, which is to be determined in accordance with section 7. Council is therefore not required to subtract any credit from the charge that would be levied under the 2019 Resolution when deciding the Extension Application and issuing a new ICN as required by section 119(5) of the Planning Act 2016.

The infrastructure charge demand under the AICR (No. 1 2019) is \$1,068,796.80, being a difference of \$507,796.80 from the amount levied under condition 12.1 of the Development Approval. The applicant has advised Council it intends to request that an infrastructure agreement with Council be entered into should the ICN be issued. This matter will be brought to Council for consideration at a later date.

STRATEGIC IMPACTS

Alignment to Corporate Plan

Outcome 3.1: Our built environment is well planned, effectively managed and protects our region's heritage and character

Outcome 3.2: Our Natural environment is valued and sustainable

Outcome 3.3: Our infrastructure supports our region's current and future needs

Alignment to Operational Plan

KPI: Development Applications are decided within statutory timeframes

Financial Implications – N/A

Risk Management Implications – N/A

Strategic Impacts – N/A

CONSULTATION

Doug Mackay – Manager Development Assessment
Neil McGaffin – Director Development Services

DISCLOSURE OF OFFICER'S INTERESTS

No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the Local Government Act 2009 or the Staff Code of Conduct.

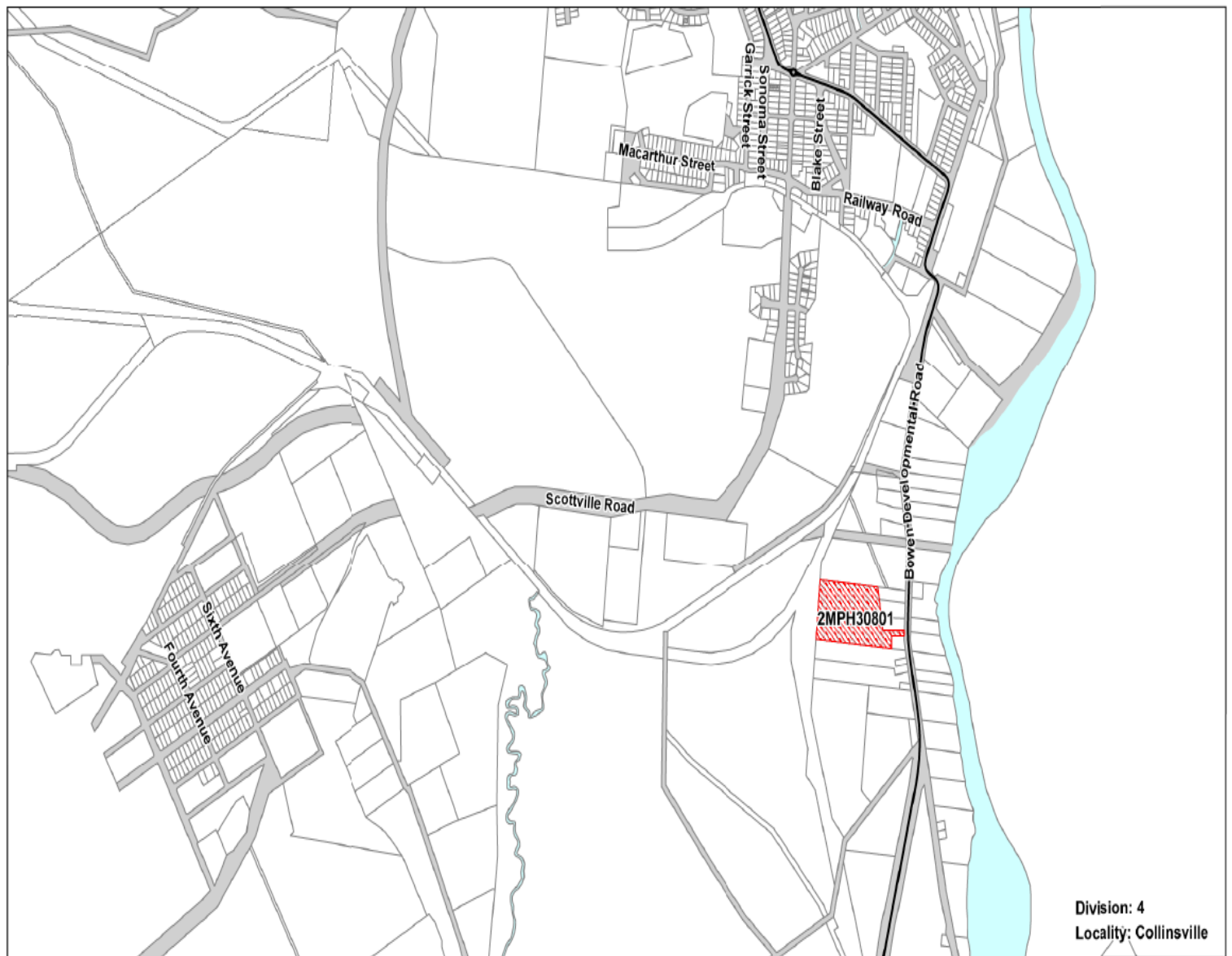
CONCLUSION

The applicant has requested an extension of the relevant period until 9 March 2021 - a period of one (1) year. The request for an extension of the relevant period on the grounds outlined above is recommended.

ATTACHMENTS

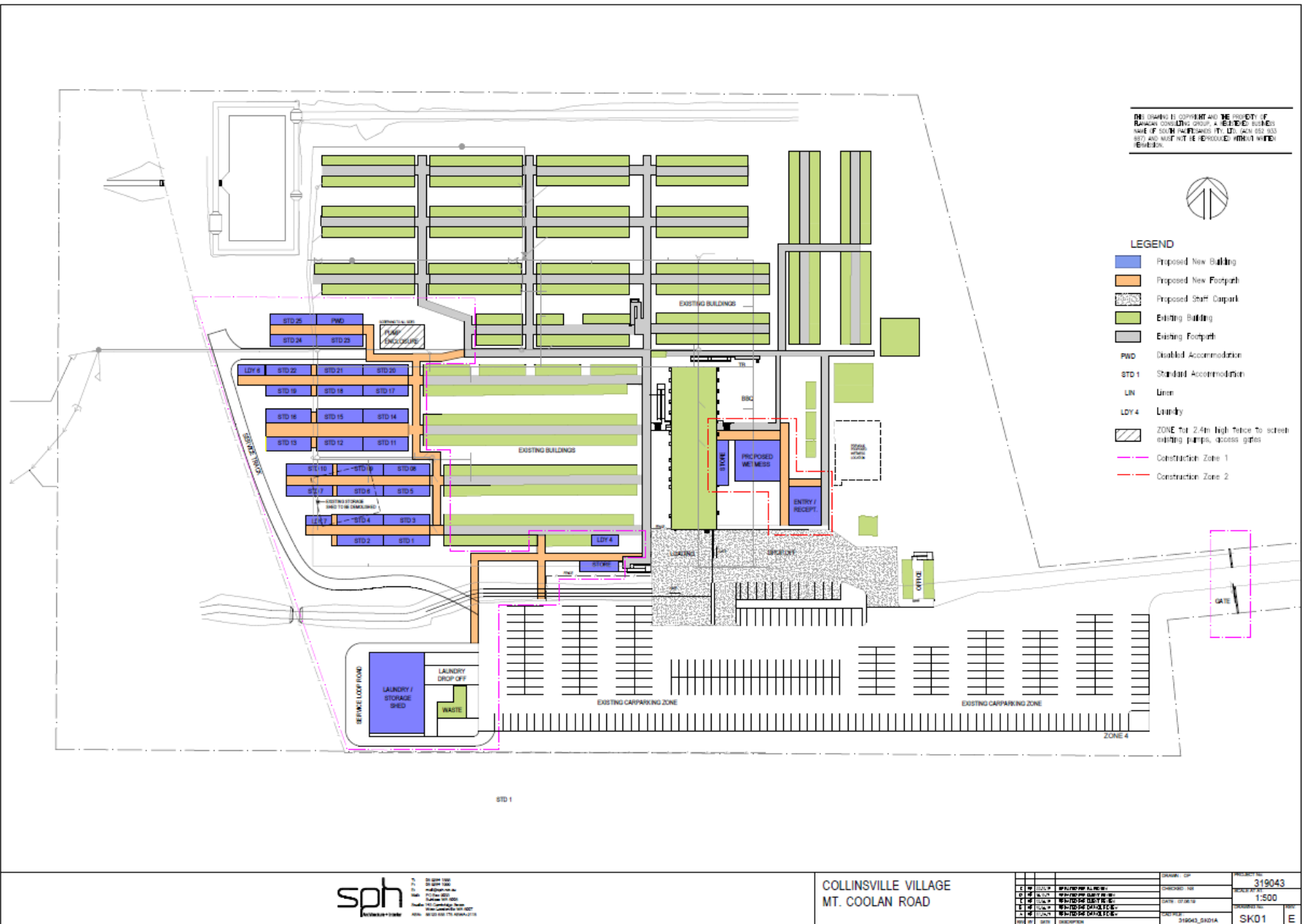
Attachment 1 – Locality Plan
Attachment 2 – Proposal Plan
Attachment 3 – Applicant's Representations

Attachment 1 – Locality Plan



 	Legend  2MPH30801  State controlled road  Council road  Region  Local government boundary  DCDB parcel boundaries  Road reserve  Waterbody	Created By: M Ruff Map Scale: Scale 1: 20,000 Date Created: 06/05/2015	Title: DA20130972 THIS DATA SET IS AN EXTRACT FROM QUEENSLAND'S DIGITAL CADASTRAL DATABASE. USE OF THIS DATA SET MAY BE APPROVED WITH THE WRITTEN PERMISSION OF THE DIRECTOR GENERAL, DEPARTMENT OF NATURAL RESOURCES AND WATER, 2008. LOCKED BAG 40, COORPAROO DELIVERY CENTRE, 4151, QUEENSLAND, AUSTRALIA. © THE STATE OF QUEENSLAND (DEPT OF NATURAL RESOURCES AND WATER) 2008. NO LIABILITY ACCEPTED FOR ANY LOSS OR DAMAGE THAT MAY ARISE FROM THE USE OF OR RELIANCE ON THIS DATA.
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Attachment 2 – Proposal Plan



Attachment 3 – Applicants Representations



24 February 2020

Whitsunday Regional Council
PO Box 104
PROSERPINE QLD 4800

Our ref: 12519657-99025
Your ref: 2013-972

Dear Sir/Madam

Collinsville Village Extension Application

Under instructions from, and on behalf of Sodexo (formally Morris Corporation), and in accordance with section 86 of the *Planning Act 2016*, please find attached an Extension Application to extend the currency period for the Material Change of Use (MCU) Development Application (2013-972) for Lot 2 on MPH30801, Collinsville Mt Douglas Road, Collinsville.

Executive Summary

Sodexo is seeking an extension of time of the currency period of the Development Permit for the reasons contained herein. The Applicant has undertaken some limited site works pending final approvals from Whitsunday Regional Council (Council) for detailed design; however note that a site Pre-start meeting was conducted with Council on 19th February 2020. In this regard, the development is considered "shovel ready".

There has not been any other request for an extension of time with respect to the Development Permit. Accordingly, the Applicant requests that Council consider the Application favourably.

Timeline

By way of a brief overview, the following timeline of Development Application approvals is provided to assist Council:

<i>Date</i>	<i>Event</i>
12 November 2014	Development Application Decision Notice was issued by Council
18 May 2015	Negotiated Decision Notice was issued by Council
15 June 2015	Notice of Appeal lodged with the Planning & Environment Court
9 March 2016	Final Order

Background

The Development Application (2013-972) for the MCU for expansion of an existing accommodation building was decided by Council on 12 November 2014. The Development Application Decision Notice was issued to the Applicant on 12 November 2014. A copy of Council's Decision Notice is attached.

In January 2015, the Applicant lodged a Request for a Negotiated Decision Notice with Council with respect to the MCU Application. The request for the Negotiated Decision Notice was decided by Council on 13 May 2015. The Negotiated Decision Notice, dated 18 May 2015, was received by the Applicant on the same date. A copy of the Negotiated Decision Notice is attached.

In June 2015, an Applicant Appeal was lodged in the Planning and Environment Court appealing certain conditions contained in the Negotiated Decision Notice. A copy of the Notice of Appeal is attached.

In March 2016, the Final Order with respect to the development was issued by the Planning and Environment Court. A copy of the Final Order is attached.

Repealed Sustainable Planning Act 2009

The Development Application for the MCU for the expansion of the existing accommodation building was decided in accordance with the provisions of the now repealed *Sustainable Planning Act (SPA) 2009*. Section 339(1)(c) of the SPA states that where an Application has been approved and an appeal made to the Planning and Environment Court, the Development Permit has effect when the Appeal is finally decided or withdrawn.

As detailed on Page 1, the Appeal by the Applicant was decided on the 9 March 2016. Accordingly, the Approval for Development Application 2013-972 came into effect on 9 March 2016.

Pursuant to section 341(1)(b) of the SPA, the relevant period for the MCU is four (4) years starting the day the Approval takes effect. Thus, the Approval came into effect on 9 March 2016. The currency period for 2013-972 ends on 9 March 2020.

Extension Application pursuant to section 86 of the *Planning Act 2016*

Since the Development Permit came into effect on 9 March 2016, there has not been the demand for additional rooms at the Collinsville Village until mid to late 2019. At this time the Applicant commissioned a number of consultants to project manage the development and submit additional documentation to Council in compliance with the Development Permit. In this regard, the following is noted:

- An operational works submission was lodged with Council for earthworks and stormwater drainage design on 31 January 2020.
- On 5 February 2020, Council approved the earthworks and stormwater drainage design in compliance with the conditions.
- An on-site Pre-start meeting was conducted with Council on 19 February 2020.

Conclusion

Based on the above, the Applicant considers that Council can reasonably approve the Extension Application for the following reasons:

- The proposed development is subject to a current Development Permit. The development is "shovel ready".
- The proposed extension is required to allow the Applicant sufficient time before the Permit expires to complete construction and obtain the necessary inspection sign-offs and certificates prior to the commencement of use.

In all circumstances, the request to extend the Development Permit is reasonable and appropriate. Accordingly, Sodexo (formally Morris Corporation) requests a twelve (12) month extension to the currency period to 9 March 2021.

A copy of the Notice about making an Extension Application is attached.

We look forward to Council's favourable decision regarding the Extension Application. Please don't hesitate to contact the undersigned should you have questions regarding this Application.

Sincerely
GHD

Erin Campbell
Senior Planner
+61 7 47200434

Att:

Notice about making an Extension Application

November 2014 Decision Notice

May 2015 Negotiated Decision Notice

June 2015 Notice of Appeal

March 2016 Final Court Order

12. Development Services

12.8 DEVELOPMENT SERVICES MONTHLY REPORT - MARCH 2020

AUTHOR: Neil McGaffin – Director Development Services

RESPONSIBLE OFFICER: Neil McGaffin – Director Development Services

OFFICER'S RECOMMENDATION

That Council receive the Development Services Monthly Report for March 2020.

The following report has been submitted for inclusion into Council's Ordinary Meeting to be held on 13 May 2020.

SUMMARY

Development Services Monthly Report – March 2020

PURPOSE

To provide an overview of Whitsunday Regional Council's Development Services Directorate for the 2019/2020 Financial Year, with focus on the month March 2020.

BACKGROUND

The Development Services Directorate has a departmental vision of a prosperous, liveable and sustainable Whitsundays.

The Directorate's purpose is to lead the delivery of economic, social and environmental outcomes for the Whitsundays through services in partnership with stakeholders.

The Directorate's vision is delivered by bringing together the functions of strategic land use and infrastructure planning, development assessment, building and plumbing assessment, health, environment and climate and natural resource management.

STATUTORY/COMPLIANCE MATTERS

N/A

ANALYSIS

This report represents the activity within the Directorate for the month of March 2020.

STRATEGIC IMPACTS

Alignment to Corporate Plan

Outcome 1.1: Out leadership engages with the community and provides open, accountable and transparent local government.

Alignment to Operational Plan

Strategy 1.1.1: Provide sound, competent leadership as to maximise the organisation's operational performance, productivity and efficiency

Financial Implications: N/A

Risk Management Implications

Regular reporting on the Directorate's progress and achievements ensures accountability and fosters a positive culture.

CONSULTATION

Doug Mackay – Manager Development Assessment

Shane Neville – Manager Strategic Planning

Scott Hardy – Coordinator Natural Resource Management

Milton Morsch – Coordinator Health and Local Laws

DISCLOSURE OF OFFICER'S INTERESTS

No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the Local Government Act 2009 or the Staff Code of Conduct.

CONCLUSION

That Council receives the Development Services Monthly Report for March 2020.

ATTACHMENTS

Attachment 1 – Development Services Monthly Report – March 2020

Development Services

Strategic Planning
Development Assessment
Building & Plumbing Assessment
Health, Environment & Climate
Natural Resource Management

Monthly Report | March 2020

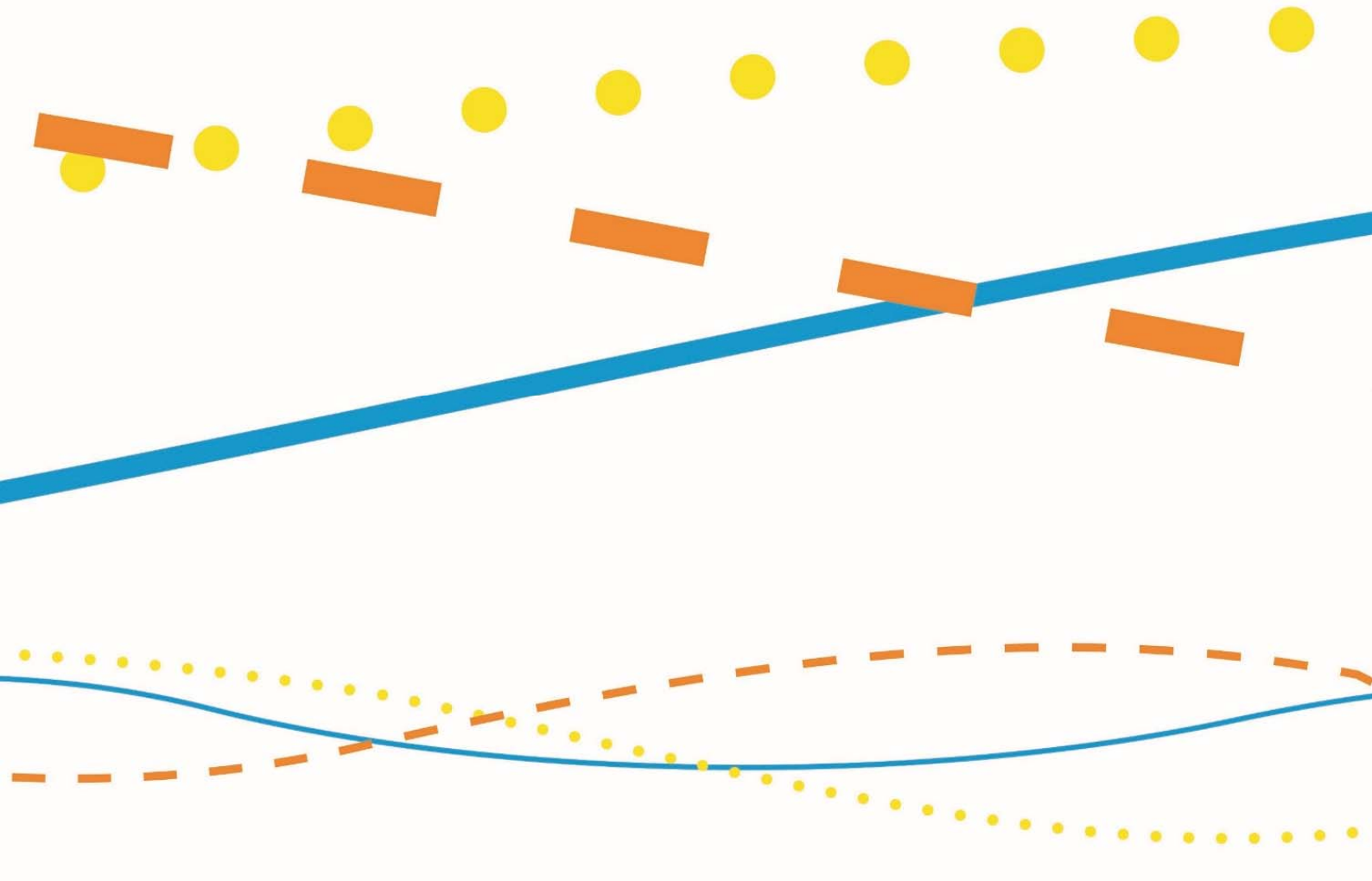


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Directors Report

Development Assessment Update

There has been a drop in the lodgement of new Material Change of Use applications in March, whereas applications for reconfiguring a lot and operational works applications increased. The drop in new applications may be related to COVID19, reflecting a hesitation on the part of developers to commence new projects. Applications for reconfiguring a lot and operational works occur further along the development process where finances are likely to be committed and developers are looking to get projects finalised. Significant issues included the lodgement of a response to Council's Information Request for Whitsunday Paradise Estate near Bowen. The developers have been in negotiations with the Department of Transport and Main Roads since June 2018 and amendments have been made to the proposal.

Building, Plumbing & Compliance Update

Building approvals issued have increased for the month of March. Building inspections remain steady. Plumbing inspections have increased for the month of March, which is consistent with the building industry operations in comparison to previous years. There's been a steady flow of compliance issues with an increase in the number of complaints that need to be investigated.

Strategic Planning Update

March saw further work continue on the Airlie Beach Local Plan, Planning Scheme Major Amendment.

The Innovation Fund project presented milestone Stage 3B and Stage 4. The project will allow a third party to look up flood data for any property and download a detailed report (Stage 3B). The Investor Portal (Stage 4) will encourage economic development within the Region by making the planning process more accessible and reduce overall enquiries.

In cooperation with the communications team, the first draft of the Collinsville Masterplan Brochure has been prepared.

The development of the open space design guideline continued, informing best practice design principles for categories of open space that maximise function and reduce maintenance, including discussions about drainage corridors.

Preparation of a draft Land Asset Management Plan Framework continued, defining the methodology for assessing and categorising how best to manage, reduce maintenance on, or dispose of Council and State land assets for which Council is trustee.

Strategic Planning facilitated RemPlan partnering with Council, and GW3, to inform our business community of the opportunity to complete a business survey in response to the current pandemic, this data will be made available to Council to help inform business recovery and future disaster management planning.

Health & Local Law Update

The investigation of complaints by Environmental Health (EH) and Local Laws Officers remains consistent. Due to the 'wet season' there has been a surge in overgrown property compliance resulting in the engagement of contractors for non-compliance. Parking regulation is continuing however complaints about Infringement Notices issued in car parks increased due to a drop in ticket vending machine reliability attributable to machine age.

Natural Resource Management, Environment & Climate Update

Outcomes for March include:

- C-Cat meeting – Coastal Councils Adaption Taskforce first meeting for 12 months.
- Yellow Crazy Ant inspections conducted at regional quarries
- Whitsunday Fire Management Group meeting
- Bowen and Collinsville Local area Fire Management group meeting
- Land Restoration Fund workshop in Mackay
- Bowen Landcare Group meeting
- The NQ Dry Tropics NRM Group – Landholders driving change workshop/meeting to discuss progress on the gully remediation projects in the Collinsville area.
- The Land Protection Fund State-wide Oversight Group meeting to discuss pest regional and State management projects and priorities.
- The Coastal Hazard Adaption Strategy (CHAS) - reports for Phases 5 and 7 submitted to the LGAQ.

Outcomes of the Climate Change Hub for March include:

- Industry resilience surveys by JCU
- Pitching for GBRF Whitsunday Reef Islands Initiative (WRII) project manager to be hosted at the hub.
- Proserpine heat reduction pilot project
- CRC Productive Coasts – investigation of participation
- Sustainable destination – Carbon offsetting for tourist operators.
- Funding and financing Climate change adaption.

Strategic Planning

The Strategic Planning Branch is responsible for developing and maintaining land use and infrastructure plans and policies, such as the Planning Scheme, as well as reviewing various planning related State planning instruments and legislation, including the Mackay, Isaac, Whitsunday Region Plan.

Operational Activities

The Strategic Planning Branch is undertaking several projects, including:

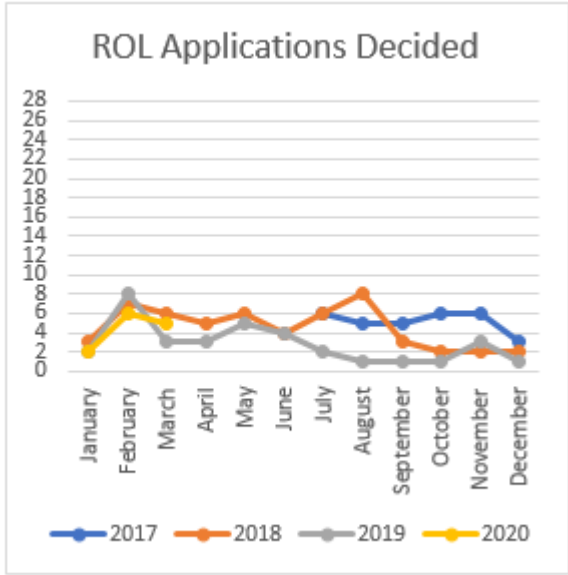
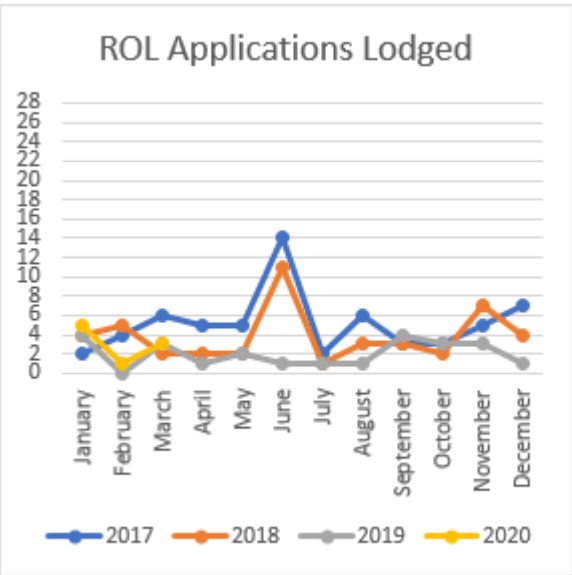
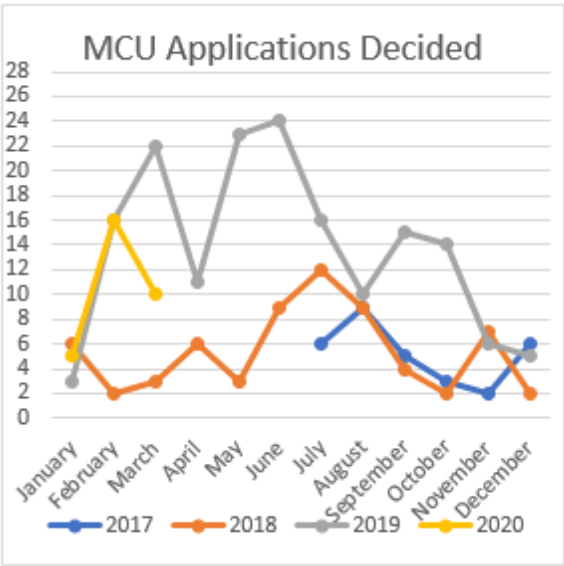
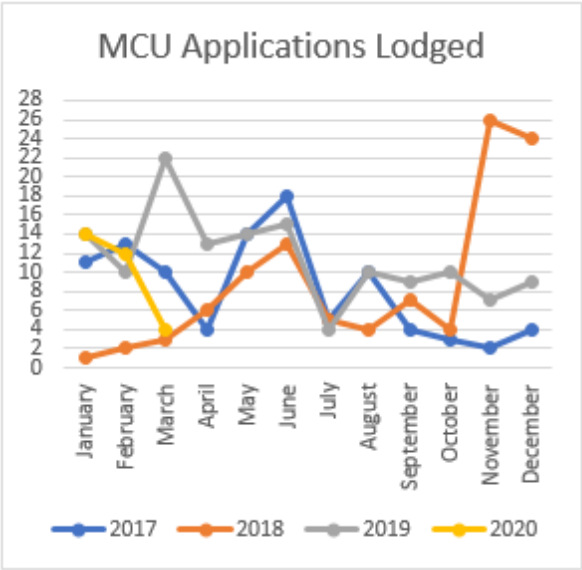
- Continuing Planning Scheme Integration and Review;
- Finalisation of the Collinsville Master Plan;
- Preparation of the Bowen Master Plan;
- Preparation of the Greater Airlie Beach Area Master Plan;
- Preparation of the Airlie Beach Local Plan;
- Review and amendments to the Airlie Beach Land Management Plan;
- Preparation of the Open Space Standards (Development Manual) – Community and Stakeholder Surveys;
- Project management of the Innovation Fund Projects; and
- Assessment of Façade Improvement Policy Applications.

Development Assessment

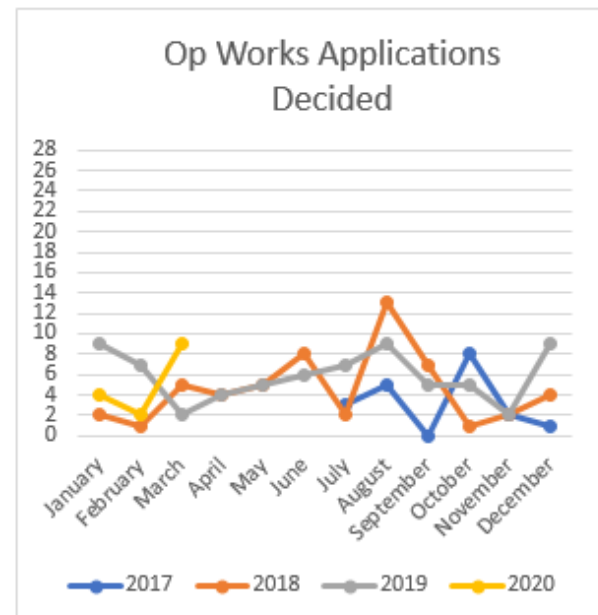
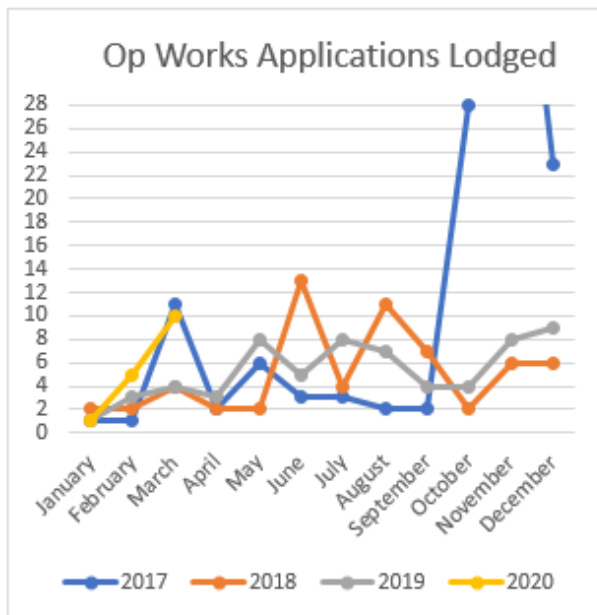
The Development Assessment Unit is responsible for assessing development applications, reviewing referrals for state land, environmental impact statements and other material for coordinated projects, activities, preparing planning and development certificates and inspecting developments for compliance with development approvals and other planning requirements.

Development updates

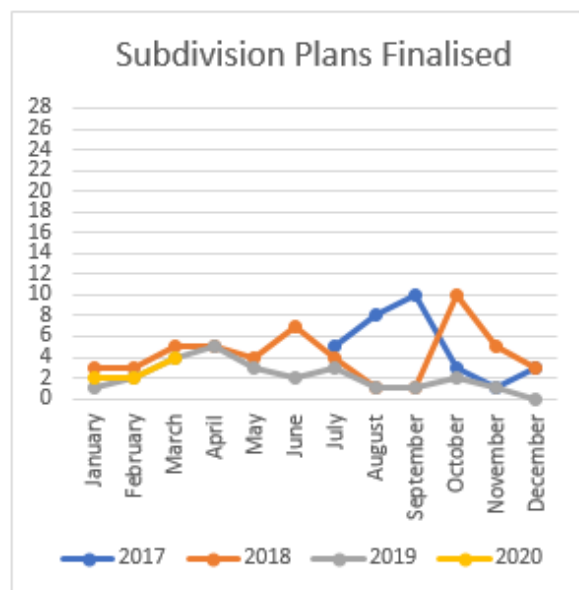
New applications for Material Use dropped in March but Reconfiguring a Lot applications increased slightly.



A significant number of new Operational Works applications were lodged to levels not seen through the whole of 2019. It is not clear what may have led to this – there was no similar surge in Reconfiguring a Lot approvals in the last 6 months.



Other applications remained steady.



These statistics indicate the lodgement that there may have been an impact from COVID19 on the receipt of new Material Change of Use applications whereas the other types of applications were already in-train prior to March.

Significant issues included the lodgement of a response to Council's Information Request for Whitsunday Paradise Estate near Bowen. The developers have been in negotiations with the Department of Transport and Main Roads since June 2018 and amendments have been made to the proposal.

Summary of Applications decided by Council

Application	Applicant & Location	Approval Details
20090410	Filliponi Superannuation Pty Ltd 13 South Molle Blvd, Cannonvale 13 RP837382	Decision Notice for Extension of Currency Period & Infrastructure Charges Notice for Material Change of Use (Dual Occupancy) and Reconfiguration of a Lot (One into Two Lots)

Summary of Applications approved under Delegated Authority

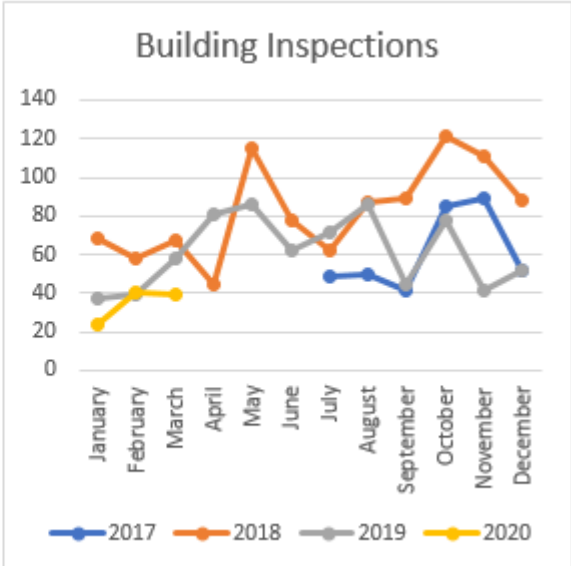
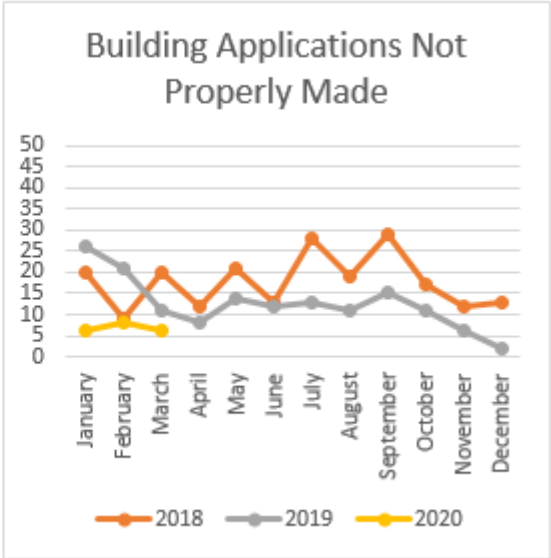
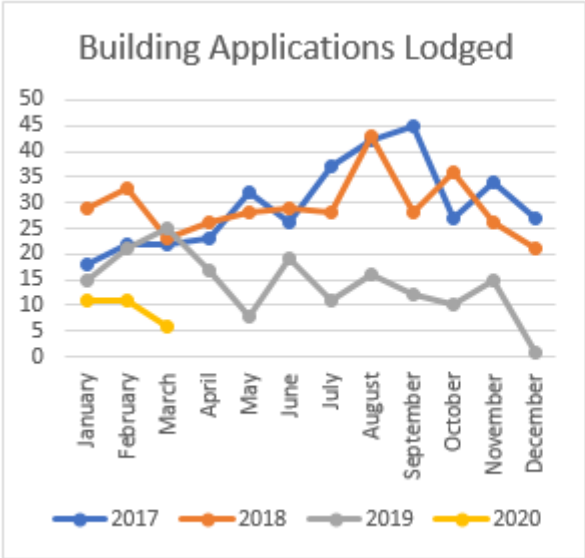
Application	Applicant & Location	Approval Details
20080306	Unox Pty Ltd Armada Crescent, Jubilee Pocket 164 & 165 SP285380	Minor Change of Development Permit for Reconfiguration of a Lot One (1) Lot into One Hundred and Fifteen (115) Lots – Stages 5 to 6 The Sanctuary Estate
20140365	Jurgens Produce Pty Ltd as TTE Jurgens Place, Bowen 10-13 SP232114	Relevant Period Extension and Minor Change to Development Approval for for 13 Industrial Allotments
20150690	Curko Maria Janet as TTE Richardson Road, Sugarloaf 1, 27, 28 & 29 SP287961	Minor Change of Development Permit for Reconfiguration of a Lot
20170726	Whitsunday Sportspark Inc 2489 Shute Harbour Rd, Jubilee Pocket 105 CP894264	Extension of Currency period for Material Change of Use & Operational Works associated with the Whitsunday Sportspark Redevelopment
20180009	Hamilton Island Enterprises Pty Ltd Hamilton Island, Whitsundays 13 HR1923 & 8 CP861993	Minor Change of Development Permit for Operational Works (Tidal Works – Barge Ramp Facility)
20191137	Discovery Parks – Airlie Beach 2634 Shute Harbour Rd, Jubilee Pocket 2 RP723512 & 4 RP726949	Development Permit for Material Change of Use – Upgrades to Existing Tourist Park including 8 x Safari Tents, 4 x Deluxe Cabins & associated facilities
20191264	CM Green 11 Conway Road, Preston 100 SP208354, 12 RP734145 & 1 RP706193	Development Permit for Reconfiguration of a Lot (Boundary Realignment) Three Lots into Three Lots
20200029	Whitsunday Regional Council “Flagstaff Hill” Margaret Reynolds Drive, Bowen 210 SP312206	Development Permit for Material Change of Use (Function Facility & Ancillary Food & Drink Outlet)

20200046	Queensland Country Women's Association 33 Conway Street, Collinsville 9 C7406	Development Permit for Material Change of Use (Club House)
20200047	JS Harker Evans Road, Preston 3 & 4 SP313439	Development Permit for Reconfiguration of a Lot (Boundary Realignment) Two Lots into Two Lots
20200091	Carmichael Rail Network Pty Ltd "Stratford Station Track Upgrade" Stratford Road, Mount Coolon 3821 PH1304	Development Permit for Operational Works (Roadworks, Erosion & Sediment Control)
20200127	GJ Lovelock 22 Cowry Crescent, Dingo Beach 6 D9357	Development Permit for Material Change of Use (Dwelling House – Garage/Secondary Dwelling)
20200141	Carmichael Rail Network Pty Ltd Byerwen Road, Newlands 3 SP235898	Referral Entity Response – State Development Area Application for Material Change of Use for Rail Infrastructure in Galilee Basin State Development Area
20200159	Bowen Property Development Pty Ltd 1 Herbert Street, Bowen 4 SP203610	Development Permit for Material Change of Use (Food & Drink Outlet)
20200162	AA Karmanchuk 58 Field Street, Queens Beach 14 RP706889	Development Permit for Material Change of Use (Dwelling House – Open Carport)
20200212	STP Consultants "Proserpine SHS" 4 Ruge Street, Proserpine 172 HR1048	Development Permit for Operational Works
20200227	AH Streat Brisbane Street, Bowen 1 B6679	Development Permit for Operational Works (Driveway, Access & Parking & Erosion Sediment Control)
20200238	Sanctuary Living Investments Pty Ltd "Whitsunday Green – Stage 1" Shute Harbour Road, Cannonvale 131 & 132 SP261042	Development Permit for Operational Works (Roadworks, Earthworks, Stormwater & Landscaping)
20200245	Whisper Bay Terraces Pty Ltd as TTE Altman Ave, Cannonvale 22-25 SP276385	Development Permit for Operational Works (Driveway Crossovers)
20200259	Whitsunday Regional Council "Flagstaff Hill" Margaret Reynolds Drive, Bowen 200 SP156143	Development Permit for Operational Works (Sewer, Stormwater, Earthworks, Landscaping, Erosion & Sediment Control)

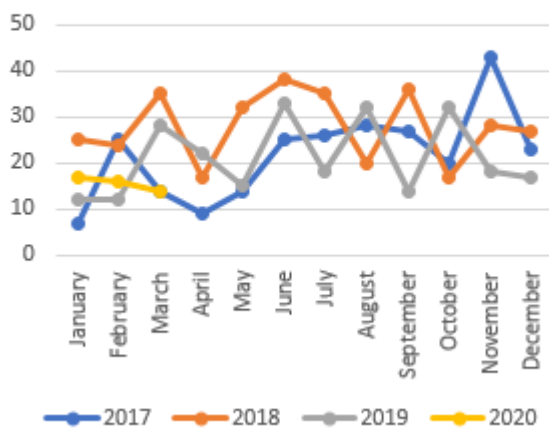
20200272	Sanctuary Living Investments Pty Ltd "Whitsunday Green" Shute Harbour Road, Cannonvale 131 & 132 SP261042	Development Permit for Reconfiguration of a Lot (Boundary Realignment) Two Lots into Two Lots
20200291	Discovery Parks – Airlie Beach Ferntree Road, Jubilee Pocket 2 RP723512 & 4 RP726949	Development Permit for Operational Works (Driveway Access, Parking & Water)
20200326	JC Moir 3 Summit Ave, Airlie Beach 613 A8595	Development Permit for Operational Works (Sewer Reticulation & Erosion Sediment Control)

Building & Plumbing Assessment

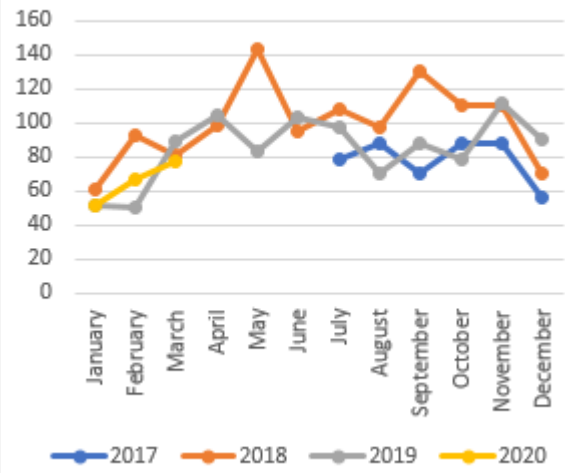
The Building & Plumbing Assessment branch is responsible for assessing/reviewing building and plumbing applications, developing and maintaining various building and plumbing related policies and registers.



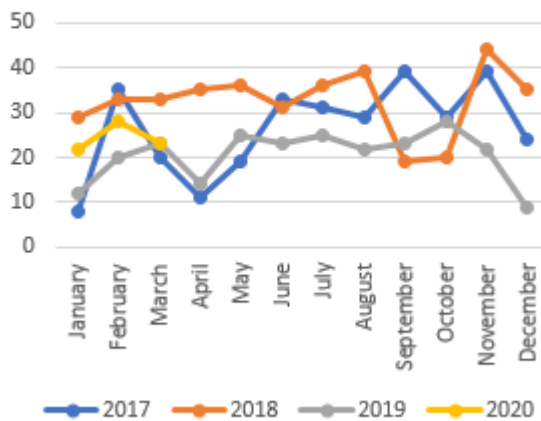
Plumbing Applications Decided



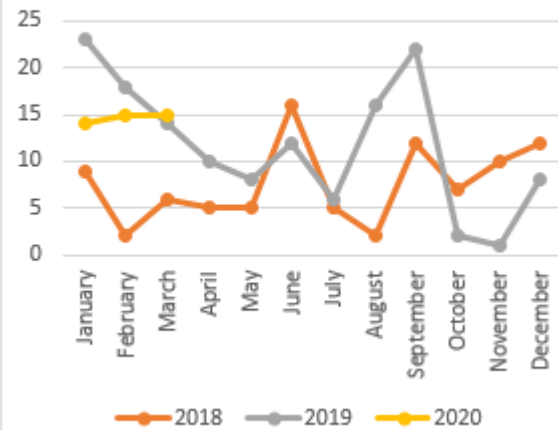
Plumbing Inspections



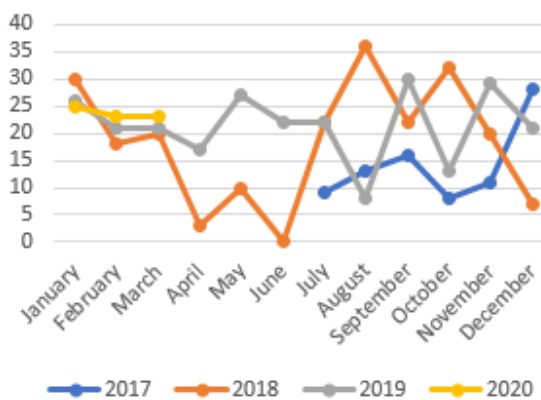
Plumbing Applications Lodged



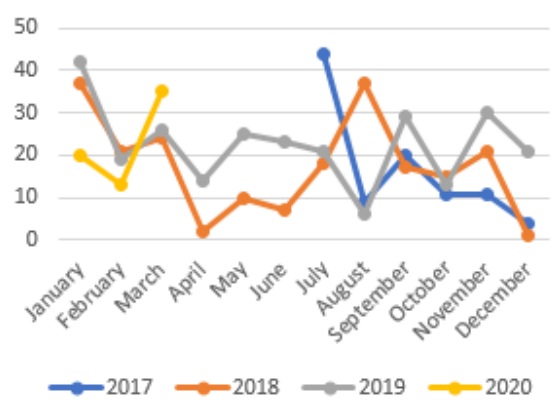
Plumbing Applications Requiring Further Information



Compliance Complaints Received



Compliance Complaints Investigated



Health & Local Laws

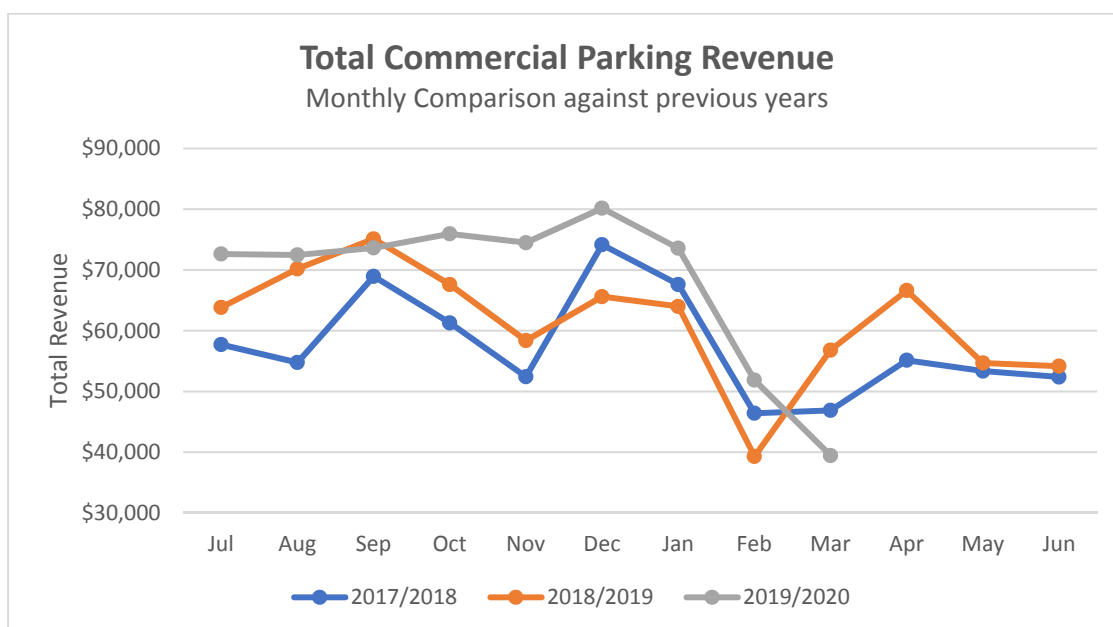
The Health, Environment & Climate Branch is responsible for assessing food and local law applications, developing and maintaining various related policies and registers, including the Local Laws, reviewing referrals for liquor licences, and inspecting various activities for compliance with approvals. The branch is also responsible for maintaining the animal impoundment facility, off-street car parking compliance and commercial parking operations.

Environmental Health & Local Law – Operations

Service	YTD	Jan	Feb	Mar	Monthly Trend
Environmental Health - Plan Approval applications received	56	5	5	7	↑
Environmental Health - Applications received	53	5	7	1	↓
Food Safety Programs received	3	0	1	0	↓
Liquor Licence Referrals received	34	2	2	6	↔
Food Business – Inspections	229	12	24	42	↑
Food Business – Re-inspections	58	1	4	7	↑
Food Safety Programs Audit Reports reviewed	13	0	2	0	↓
Personal Appearance Services – Inspections	7	0	0	0	↔
ERA – Inspections	1	0	0	0	↔
Accommodation – Inspections	30	0	7	1	↓
Accommodation – Re-inspections	1	0	0	0	↔
Erosion Sediment Control – Inspections	103	0	2	0	↓
Complaints Received – Asbestos	12	3	3	0	↓
Complaints Received – Litter & Dumping	8	0	0	1	↑
Complaints Received – Public Health	105	13	16	9	↓
Local Law					
Local Law Applications received	68	5	5	3	↓
Complaints Received – Animal Management	1055	105	67	96	↑
Complaints received – Other Local Law	1095	84	178	181	↑
Compliance Notices Issued	465	24	100	219	↑
Renewal/Reminder/Final Notices	794	28	115	245	↑
Infringement Responses	426	31	26	58	↑
Dog Registrations	4549	60	84	28	↓
Cat Registrations	545	5	6	5	↓
Parking Infringements – Issued	1746	138	254	265	↑
Parking Infringements – Waived	441	26	48	124	↑
Other Infringements – Issued	269	19	30	25	↓
Other Infringements – Waived	49	4	5	0	↓
Infringement Reminder Notices Sent	753	195	0	164	↑

Commercial Parking – Operations

Car parks	YTD	Jan	Feb	Mar	Monthly Trend
Heart of the Reef Transit Facility					
Occupancy (no.)	25	2	4	0	↓
Revenue (\$)	\$1,176.00	112	224	0	↓
Port of Airlie					
Average Spend (\$)	\$8.58	8.70	8.54	8.32	↓
Tariff (most selected)	24hr (\$10)	24hr (\$10)	24hr (\$10)	24hr (\$10)	↔
No. of tickets purchased	27,290	2,804	2,501	2,159	↓
Revenue (\$)	\$234,380	24,391.90	21,356.60	17,963.80	↓
Airlie Lagoon Precinct					
Average Spend (\$)	\$4.08	4.07	4.00	4.03	↓
Tariff (most selected)	0-2hr (\$3)	0-2hr (\$3)	0-2hr (\$3)	0-2hr (\$3)	↔
No. of tickets purchased	54,514	7,679	4,450	2,999	↓
Revenue (\$)	\$222,849	31,221.70	17,805.90	12,073.80	↓
Abell Point Marina					
Average Spend (\$)	\$8.81	8.70	8.04	9.10	↓
Tariff (most selected)	0-2hr (\$3)	0-2hr (\$3)	0-2hr (\$3)	0-2hr (\$3)	↔
No. of tickets purchased	17,823	2,066	1,581	1,035	↓
Revenue (\$)	\$157,000	17,964.60	12,711.50	9,415.10	↓
Parking Machines					
Parking machine availability (%)	84.4%	N/A	91.7%	58.3%	↓



Natural Resource Management & Climate

The Natural Resource Management branch is responsible for developing and implementing various environmental and community health and safety programs such as pest, weed and water quality programs as well as maintaining stock routes and implementing the Biosecurity Plan.

Climate Hub

- C-CAT officer confirming executive and drafting action plan
- CHAP Whitsundays meeting postponed
- CHAP new panel member from JCU, Prof Steve Williams
- Industry resilience surveys by JCY planned for mid March now to be done by phone
- Collaborative project with Kingsborough Council '*Funding and Financing Adaptation*' project plan draft on hold
- Pitching for GBRF Whitsunday Reef Islands Initiative (WRII) project manager to be hosted at the hub and for co-funding of climate change project under theme 4
- Applying for monsoon trough funding for the '*Enabling mitigation to reduce losses from disasters*' project
- Attendance at the Tourism Roundtable with Minister for Environment

Service	YTD	Jan	Feb	Mar	Monthly Trend
Media Releases	5	2	3	0	↓
Facebook Post Reach	1752	1637	115	0	∴
Facebook Followers	116	108	4	4	∴
Website unique visitors	152	102	52	0	∴

NRM Operations

Service	YTD	Jan	Feb	Mar	Monthly Trend
Complaints Received – Pest & Weed	117	16	17	13	↓
Complaints Received – Environmental	37	2	2	1	↓
Property Pest Management Plan (PPMP) Implemented/Reviewed	23	4	4	4	↔
Notices Issued – Biosecurity	0	0	0	0	↔
Notices Issued – Penalty Infringement	0	0	0	0	↔
Landholder Access – Herbicide Rebate	41	5	7	12	↑
Landholder Access – Mechanical Rebate	4	1	0	1	↑
Letters/emails to Landholders – Weeds	218	31	31	38	↑
Property Visits – Weeds	246	39	31	20	↓
Property Visits – Feral Animals	86	4	1	11	↑
Feral Animals – Traps Set	15	2	0	4	↑
Feral Animals – Trapped	10	2	0	0	↔
Aerial Shooting – Flights	27	0	0	0	↔
Aerial Shooting – Feral Animals shot	3,282	0	0	0	↔
Properties baited	27	0	0	0	↔
Baits laid (kg)	5,200	0	0	0	↔
Length of Road Reserve Sprayed (km)	844	0.0	0.0	0.0	↔
No. of Council Lots Sprayed/inspected	111	6	16	7	↓
Mixed Chemicals Used (L)	12,600	1,500	1,350	3,630	↑
Pest Workshops	6	0	2	0	↔
Field days run/involved	0	0	0	0	↔
Landholder contracts	9	0	0	1	↑
Project Reports – not to Council	38	2	5	2	↓
Briefing Reports	5	0	3	0	↓
Bushfire Hazard Reduction Burns	3	0	0	0	↔

Projects

Project	Status	% Complete	Budget	Time
Bushfire Management Program	In progress	50%	✓	✓
Reef Guardian Council Action Plan	In progress	10%	✓	✓

13. Community Services

13.1 REQUEST FOR DONATION - RATES & SERVICES CHARGES - GIRUDALA COMMUNITY CO-OPERATIVE SOCIETY LTD

AUTHOR: Melanie Douglas – Community Development Officer

RESPONSIBLE OFFICER: Julie Wright – Director Community Services

OFFICER'S RECOMMENDATION

That Council approve a donation of \$11,083.53 from budget code JC: 2967.10086.63150 - Community Donations (2967) / Rates & Services Charges Donations (10086), to the Girudala Community Co-Operative Society Ltd for the Rates & Services Charges for the 2019/2020 financial year, in accordance with Whitsunday Regional Council's Donations on Rates & Service Charges – Affordable Housing Organisations Policy.

The following report has been submitted for inclusion into Council's Ordinary Meeting to be held on 13 May 2020.

SUMMARY

Girudala Community Co-Operative Society Ltd is a not-for-profit organisation with charity status and is a direct supplier of social and affordable housing in the region.

PURPOSE

For Council to consider the Girudala Community Co-Operative Society Ltd request for a donation on rates and service charges for the 2019/2020 financial year. The request relates to properties that are offered to Aboriginal and Torres Strait Islander tenants for affordable long term housing.

BACKGROUND

In accordance with Council's Donations on Rates and Services Charges Affordable Housing Policy, 50% of the general rates and 50% of the service charges will be granted as a donation. Organisations are required to lodge a request for a donation in each financial year and donations will not be afforded to any properties that are purchased or become available for affordable or social housing needs after 30 June 2010.

In relation to the Policy, the following definitions should be noted:

Affordable Housing – Property with long term tenants who have been identified by the Department of Housing and whose rent is calculated at not exceeding 75% of the current median rent for the area and type of property.

Social Housing – Property with long term tenants who have been identified by the Department of Housing and whose rent is calculated at not exceeding 25% of the tenants assessable income. Short term accommodation for emergency and crisis situations will also be identified for this policy as social housing.

STATUTORY/COMPLIANCE MATTERS

Local Government Act 2009

Local Government Regulation 2012

ANALYSIS

Girudala Community Co-Operative Society Ltd is requesting a donation on 59 assessable properties, however under the Policy, only 4 properties are eligible for the donation and are listed in the table below.

Assessment No.	General Rates @ 50%	Services @ 50%	Water @ 50%	Total
1204898	517.28	387.13	184.53	1,088.94
1203314	583.11	776.63	130.78	1,490.52
1201419	811.68	1,485.80	643.80	2,941.28
1202486	1,295.04	3,613.33	654.42	5,562.79
Total	\$3,207.11	\$6,262.89	\$1,613.53	\$11,083.53

Council has the following options:

Option 1 – That Council approve the donation request and support the Girudala Community Co-Operative Society Ltd.

Option 2 – That Council decline the donation request from the Girudala Community Co-Operative Society Ltd.

STRATEGIC IMPACTS

Corporate Plan – *Outcome 2.2* - Our region is inclusive and motivated by a range of social, cultural and recreation services.

Strategy 2.2.4 – Facilitate affordable living through encouraging diversity in housing development.

Operational Plan – KPI - Community & RADF Grant Applications are decided within corporate timeframes.

Financial Implications – The funding for the support will be taken from budget code JC: 2967.10086.63150 - Community Donations (2967) / Rates & Services Charges Donations (10086) / Donation & Sponsorships (63150).

Rates and Service Charges Funding Budget for 2019/20 - \$640,000.00. It should be noted, this budget has been amended in the Q3 Review to \$660,000.00 using unallocated funding from a cancelled 2019/20 event. This budget will be further adjusted in the Q4 Review.

Total donations for 2019/20 to date for Rates and Service Charges - \$650,734.36

Risk Management Implications – The financial assistance of organisations that provide affordable housing for the less privileged in the region will ensure Council is portrayed in a positive manner.

CONSULTATION

Julie Wright – Director Community Services
Rod Cousins – Manager Community Development & Libraries
Patricia Jago – Rates Coordinator
Kim Pollard – Rates Officer

DISCLOSURE OF OFFICER'S INTERESTS

No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the Local Government Act 2009 or the Staff Code of Conduct.

CONCLUSION

It is recommended that Council approve a donation of \$11,083.53 from budget code JC: 2967.10086.63150 - Community Donations (2967) / Rates & Services Charges Donations (10086) / Donation & Sponsorships (63150), to the Girudala Community Co-Operative Society Ltd for the Rates & Services Charges for the 2019/2020 financial year, in accordance with Whitsunday Regional Council's Donations on Rates & Service Charges – Affordable Housing Organisations Policy.

ATTACHMENTS

Attachment 1 – Request for a Donation on Rates & Services - Girudala Community Co-Operative Society Ltd

Attachment 2 – Donations on Rates & Service Charges - Affordable Housing Organisations Policy

Attachment 1 – Request for a Donation on Rates & Services - Girudala Community Co-Operative Society Ltd.



50 George Street
Bowen QLD 4805
PO Box 987
Bowen QLD 4805
Phone: 07 4786 1000
Fax: 07 4786 3136
Email: reception@girudala.com.au
www.girudala.com.au

Tuesday 24 March 2020

Director Corporate Services—Deputy Chief Executive Officer
Whitsunday Regional Council
PO BOX 104
Proserpine Qld 4800

Dear Sir / Madam

Reference : Donations on Rates for Girudala Community Co-operative Society Ltd.

Girudala Community Co-operative Society Ltd is a Aboriginal and Torres Strait Islander not-for-profit company with charity status, we are governed by a Board who are volunteers. We write to request a donation of rates for the period 2019-2020 and the rate applied to be at the owner level rather than investor. Girudala Community Co-operative Society Ltd is not an investor, but is direct supplier of Aboriginal and Torres Strait Islander affordable long term housing and social and affordable housing in the region.

We have a total of 59 properties in the region. Please see the list of properties attached that Girudala Community Co-operative Society Ltd have the title.

- There are 19 properties listed under Community Housing Programs which caps rental charges at 25% of the income of residents. Our tenants are recipients of pensions or benefits. The current average rent paid is \$175 per week. These properties we have title to and the Department of Housing and Public Works holds an interest.
- The rest is Girudala Aboriginal and Torres Strait Islander affordable long term housing which are under the Affordable Housing Program. These rents are capped at 74.9% of median rent. The current average rent for these homes is \$240 per week.

Shelter and food are basic human rights and Girudala Community Co-operative Society Ltd must ensure the Aboriginal and Torres Strait Islander Community Members are able to access and sustain a tenancy and stop an risk of homelessness.

Together we are transforming lives and building brighter futures—without you and your donation it just wouldn't be possible.

Kind Regards



Michelle Hooke

Chief Executive Officer



ADDRESS
1 Darwen Street, Bowen
1 Denison Street, Bowen
1 Salisbury Crescent, Bowen
11 Sunset Crescent, Bowen
115 Powell Street, Bowen
12 Salisbury Crescent, Bowen
142 Mt Nutt Road, Bowen
15 Rayner Street, Bowen
17 Faust Street, Proserpine
24 Gloucester Street, Bowen
27 Brisbane Street, Bowen
27 Gardenia Street, Proserpine
28 Bergyl Street, Bowen
28 Gardenia Street, Proserpine
3 Florence Street, Proserpine
30 Field Street, Bowen
31 Lurline Drive, Proserpine
34 B Livingstone Street, Bowen
34 A Livingstone Street, Bowen
35 Mitchell Street, Bowen
37 Rose Street, Proserpine
40 Emmerson Drive, Bowen
43 Soldiers Road, Bowen
44 Emmerson Drive, Bowen
45 Queens Road, Bowen
5 Carey Court, Bowen
5 Carey Court, Bowen
50 Mullers Lane, Bowen
51 Faust Street, Proserpine
51 Lascelles Street, Bowen
52 West Lane, Bowen
55 Whitsunday Street, Bowen
65 Field Street, Bowen
66 Herbert Street, Bowen
7 Lascelles Lane, Bowen
74 George Street, Bowen
75 Faust Street, Proserpine
8 Renwick Road, Proserpine
83 Marathon Street, Proserpine
83 Marathon Street, Proserpine
87 Powell Street, Bowen
9 Denison Street, Bowen

ADDRESS
9 Hill Street, Bowen
9 Mt Nutt Road, Bowen
90 Poole Street, Bowen
90 Richmond Road, Bowen PO Box 309
Unit 1 / 9 Kent Street, Bowen
Unit 1 / 15 Marshall Street, Bowen
Unit 1 / 78 Powell Street, Bowen
Unit 2 / 78 Powell Street, Bowen
Unit 2 / 15 Marshall Street, Bowen
Unit 2 / 9 Kent Street, Bowen
Unit 3 / 78 Powell Street, Bowen
Unit 3 / 9 Kent Street
Unit 4 / 78 Powell Street, Bowen
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Unit 5 / 78 Powell Street, Bowen
Unit 5 / 9 Kent Street, Bowen
Unit 6 / 9 Kent Street, Bowen
Unit 7 / 9 Kent Street, Bowen
Unit 8 / 9 Kent Street, Bowen

Attachment 2 – Donations on Rates & Service Charges - Affordable Housing Organisations Policy



Donations on Rates & Service Charges – Affordable Housing Organisations

Community & Environment

LSP_C&ENV_05

Revokes: POLC –CS-R- 013

Purpose

This policy is to provide an administrative framework for consistently assessing requests for assistance for affordable and social housing to not for profit organisations that offer a benefit to the residents of the Whitsunday region, to alleviate the cost of the annual rates and charges.

Scope

The donation will be available only for existing properties located in the whole of the Whitsunday region. It will not apply to any properties that are purchased or become available for affordable or social housing needs from 30th June 2010.

Non-government community based not for profit organisations who are suffering financial hardship and whose principal charter is to offer residential accommodation to residents identified as financially disadvantaged will be considered for this donation. Such not-for-profit organisations include the Whitsunday Housing Company Ltd.

Assistance will only be offered to associations with no other independent avenues for support.

Applicable Legislation

Local Government Act 2009

Local Government Regulation 2012 – Sections 119 & 120

Policy Statement

When a request for assistance relating to the annual rates and charges is received from non-government community based organisations, whose principal charter is to offer residential accommodation to people identified as financially disadvantaged, the request will be submitted to Council for consideration.

Council may grant assistance, via a donation, as follows:

Social and Affordable Housing:	Payment	
	% of general rates	50%
	% of service charges	50%
	Donation:	
	% of nett general rates	50%
	% of nett service charges	50%

Page 1 of 2

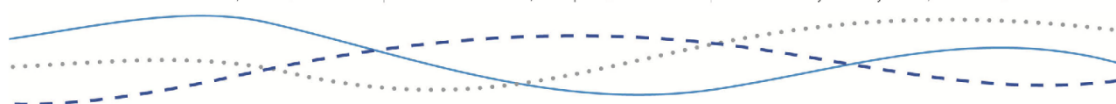
Correspondence: Chief Executive Officer, Whitsunday Regional Council, PO Box 104, Proserpine QLD 4800

P: 1300 WRC QLD (1300 972 753) F: (07) 4945 0222 E: info@whitsundayrc.qld.gov.au www.whitsundayrc.qld.gov.au

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Proserpine
83-85 Main Street, Proserpine QLD 4800

Collinsville
Cnr Stanley & Conway Streets, Collinsville QLD 4804





Donations on Rates & Service Charges – Affordable Housing Organisations

Community & Environment

LSP_C&ENV_05

Revokes: POLC-CS-R-013

The donation will be for the current financial year **only**. Any future consideration will be based on receipt of a written request from the organisation, including a copy of the previous year's audited financial statements.

The amount of the donation granted will be calculated on the nett amount of general rate, water, sewerage and garbage service charges only, that have been levied to an organisation.

Definitions

Council refers to the Whitsunday Regional Council

Service charges – include water base charges, water consumption and excess water charges, sewerage service charges and garbage service charges.

Affordable Housing – Property with long term tenants who have been identified by the Department of Housing and whose rent is calculated at not exceeding 75% of the current median rent for the area and type of property.

Social Housing – Property with long term tenants who have been identified by the Department of Housing and whose rent is calculated at not exceeding 25% of the tenants assessable income. Short term accommodation for emergency and crisis situations will also be identified for this policy as social housing.

Relating Documents

Donations on Rates & Service Charges for Not for Profit Organisations

Effective Date

11 July 2018

Review Date

11 July 2021

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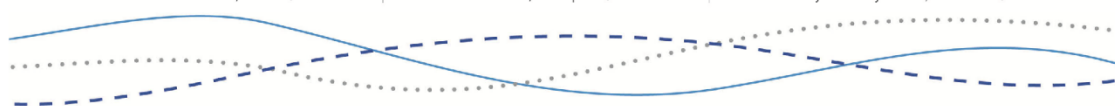
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13. Community Services
13.2 DONATION ON COUNCIL FEES - APRIL 2020

AUTHOR: Meredith Davis – Administration Officer Community Development

RESPONSIBLE OFFICER: Julie Wright – Director Community Services

OFFICER'S RECOMMENDATION

That Council:

- a) donate the value of the fees, from budget code JC: 2967.11074 - Community Donations (2967) / Donations (11074), to the Proserpine Lions Club for Waste Disposal Fees of \$63.75,
- b) Furthermore, authorise the Chief Executive Officer to approve:
 - Request for Donation on Council Fee applications, and
 - Request for Donations, Sponsorships and In Kind Support applications up to the value of \$2,000.00, and
- c) approve the submission of a monthly report listing the applications processed.

The following report has been submitted for inclusion into Council's Ordinary Meeting to be held on 13 May 2020.

SUMMARY

Community groups are invited to apply for a Donation on Council Fees, when submitting applications to Council prior to the event or works commencing.

PURPOSE

Council to consider providing financial support for Not for Profit organisations to enable their events and facilities to continue to be an invaluable resource to our local communities.

BACKGROUND

Donations on Council Fees are only available for Not for Profit organisations and only apply for:

- Planning, Building and Event Applications,
- Local Law Licence Applications,
- Local Law Licence Annual Renewals, and
- Green Waste Disposal Fees.

STATUTORY/COMPLIANCE MATTERS

Local Government Act 2009

Local Government Regulation 2012

ANALYSIS

Organisation	Event/Description	Application Type	Amount
Proserpine Lions Club	Disposal of outdated materials at Proserpine Showgrounds Shed	Waste Disposal Fee	\$63.75

	to Kelsey Creek Landfill		
		Total	\$63.75

Council has the following options:

Option 1 – That Council approve the payment of a fee donation for the month of April 2020.

Option 2 – That Council decline the request for a fee donation.

STRATEGIC IMPACTS

Corporate Plan – *Outcome 2.2* – Our region is inclusive and motivated by a range of social, cultural and recreation opportunities.

Strategy 2.2.6 – Support community groups in facilitating a variety of cultural, community, sporting and recreation activities, events and programs.

Operational Plan – KPI - Fee waivers are processed within corporate timeframes.

Financial Implications – The funding for the support will be taken from budget code JC: 2967.11074.63150 - Community Donations (2967) / Donations (11074) / Donation & Sponsorships (63150). The remaining budget in this line item is \$10,288.00.

Risk Management Implications – The donation of Council fees for activities undertaken by community groups shows Council is committed to investing in the community, while recognising the work done by our local, Not for Profit community groups.

CONSULTATION

Julie Wright – Director Community Services

Rod Cousins – Manager Community Development & Libraries

DISCLOSURE OF OFFICER'S INTERESTS

No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the Local Government Act 2009 or the Staff Code of Conduct.

CONCLUSION

It is recommended that Council donate the value of the fees, from budget code JC: 2967.11074.63150 - Community Donations (2967) / Donations (11074) / Donation & Sponsorships (63150), to the Proserpine Lions Club.

ATTACHMENTS

Attachment 1 – Application for a Donation of Council Fees - Proserpine Lions Club

Attachment 1 – Application for a Donation of Council Fees - Proserpine Lions Club



Donation on Council Fees Application Form 2019/2020

Donation on Council Fees Application Form

Please complete this application in BLOCK LETTERS and tick or fill in boxes where applicable. If a question does not apply, please indicate 'n/a'.

Application Information

Community groups are required to complete this form to apply for a Donation on Council Fees prior to the event or application. Donations on Council Fees are only available for Not for Profit organisations and only apply for Application Fees, Licence Fees and Disposal of Green Waste Fees.

On receiving the completed form, it will be processed and presented to Council at the next available meeting for consideration. Once a decision has been made, formal notification will be made to the listed applicant.

Forms can be emailed to info@whitsundayrc.qld.gov.au or in person at any of Council's Customer Service Centres.

Section 1 – Applicant Details

Clear F

Applicant Name	Proserpine Lions Club	Contact Person	
Postal Address	PO Box 68, Proserpine, Qld. 4800		
Phone Number		Mobile Number	
Email Address			

Section 2 – Details of Donation on Council Fees

☐ Class 1 Application Fee:	\$ 909.00	☐ Local Law Licence Fee:	\$
☐ Class 2 Application Fee:	\$ 651.00	☐ Building Application Fee:	\$
☐ Class 3 Application Fee:	\$ 391.00	☐ Planning Application Fee:	\$
☐ Category 1 Food Licence Fee:	\$ 515.00	☒ Other: Dump Fees	\$ 63.75

Section 3 – Linked Applications

Is this Donation on Council Fees linked to an Event Application? If yes, please complete below:

Event Name	N/A	Location	
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Please Note:

*If the fee has been paid, please attach the receipt and complete Council's EFT Form for a refund.

*If you are in receipt of a refund, please attach the receipt.

Signature		Date	14/04/2020
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Privacy Statement: Your information is being processed for the purpose of processing your application. Your information is handled in accordance with the Information Privacy Act 2009 and will be accessed by persons who have been authorised to do so. Your information will not be given to any other person or agency unless you have given Council permission to or the disclosure is required by law.

OFFICE USE ONLY:

☐ Approved	☐ Declined	Number:		Date:	
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Collinsville QLD 4804

Cannonvale
Shop 23, Whitsunday Plaza
Shute Harbour Road, Cannonvale QLD 4802

14. Infrastructure Services

No agenda items for this section.

15. Economic & Business Development

No agenda items for this section.

16. General Business

No agenda items for this section.