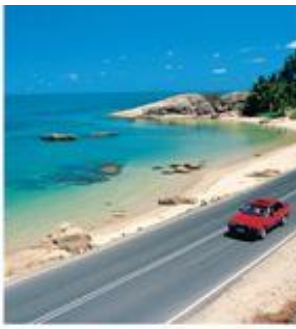

Notice of Meeting

Notice is hereby given that the **Ordinary Meeting** of the **Whitsunday Regional Council** will be held at the Council Chambers, 83-85 Main Street, Proserpine on **Wednesday 10 March 2021** 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 Brunker.

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.

Rodney Ferguson

CHIEF EXECUTIVE OFFICER

Agenda of the **Ordinary Meeting** to be held at
the Council Chambers, 83-85 Main Street, Proserpine
on Wednesday 10 March 2021 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
the Council Chambers, 83-85 Main Street, Proserpine
on Wednesday 10 March 2021 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: Rod Ferguson - 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 Council Meeting to be held 10 March 2021.

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 Declarations of Interest

No Agenda items for this section.

4.1 Mayoral Minute

No Agenda items for this section.

4.2 Mayoral Update

Verbal update will be provided at the meeting.

5. Confirmation of Previous Minutes

5.1 CONFIRMATION OF MINUTES REPORT

AUTHOR: Tailah Jensen – Governance Administration Officer

RESPONSIBLE OFFICER: Rod Ferguson – Chief Executive Officer

RECOMMENDATION

That Council confirms the Minutes of the Ordinary Meeting held on 24 February 2021.

The following report has been submitted for inclusion into Council's Ordinary Council Meeting to be held 10 March 2021.

SUMMARY

Council is required to confirm the minutes of the Ordinary Council Meeting Minutes held on 24 February 2021.

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 24 February 2021 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 24 February 2021 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 24 February 2021, the following interests were declared and recorded in the minutes:

Councillor	MPI/COI	Report No.	Particulars of the interest
None for the 24 February 2021 meeting			

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 24 February 2021, the following orders were made:

Councillor	Order Made
None for the 24 February 2021 meeting	

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 24 February 2021

If Council is satisfied that the unconfirmed minutes are an accurate representation of what occurred at the meeting held on 24 February 2021 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 24 February 2021 with amendments

If Council is not satisfied that the unconfirmed minutes are an accurate representation of what occurred at the meeting held on 24 February 2021 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.

TABLED MATTERS

Unresolved Tabled Matters			
Date of Meeting	**Resolution Number**	**Summary**	**Resolved**
13/05/2020	20191416 - Development Permit for Material Change of Use - Showroom - 2-12 Central Avenue Cannonvale - Yoogalu Pty Ltd 2020/05/13.07	That the application lie on the table as the applicant has 'Stopped the Clock.	On hold pending the outcome of the intersection funding and discussion with DTMR - Corner Galbraith Park Road and Shute Harbour Road.
13/05/2020	20140012 - Request to Extend Currency Period - Reconfiguration of A Lot One (1) Lot into Two (2) Lots - 106 Patullo Road, Gregory River - 12 Rp744909 2020/05/13.08	That the application lie on the table until the application is properly made.	Remains on hold pending receipt of fees.
25/11/2020	Cantamessa Road Bridge 2020/11/25.27	That the item be tabled pending further investigations for temporary access, replacement, or closure of the bridge and to seek further information regarding funding.	Council has visited the site and is arranging for geotechnical investigations. Upon receipt of the geotechnical advice a preliminary design will be prepared.

CONSULTATION

Jason Bradshaw – Director Corporate 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

These minutes from the 24 February 2021 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 24 February 2021

Attached separately

6. Business Arising

No agenda items for this section.

7. Deputations

No agenda items for this section.

8. Petitions

No agenda items for this section.

9. Notice of Motion

9.1 NOTICE OF MOTION – STORMWATER DRAINAGE SYSTEM IN PROSERPINE

AUTHOR: Norm Garsden – Manager Governance and Administration

RESPONSIBLE OFFICER: Jason Bradshaw – Director, Corporate Services

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COUNCILLOR MOTION

That the Infrastructure Department undertake a full condition assessment of the stormwater drainage system in Proserpine;

Furthermore, depending on the results of this assessment, money be allocated in the 2021/22 and future budgets for repairs.

OFFICERS RECOMMENDATION

That Council consider this Notice of Motion.

The following report has been submitted for inclusion into Council's Ordinary Meeting to be held on 10 March 2021.

SUMMARY

Cr Collins has submitted a Notice of Motion to Council regarding stormwater drainage system in Proserpine. The Notice of Motion was submitted on 4 March 2021.

PURPOSE

To consider the notice of motion on the matter raised by Cr Collins.

COUNCILLOR'S SUPPORTING INFORMATION:

The proposed assessment is to check the stormwater system for broken, blocked or collapsed pipes. Over the last few years, local flooding levels after rain events has increased, resulting in residents in Proserpine having issues with localised flooding in areas that were not previously affected.

ANALYSIS

The Acting Director of Infrastructure Services advises that he will be able to speak to the stormwater strategy that Council's staff are undertaking.

STATUTORY/COMPLIANCE MATTERS

Local Government Act 2009
Local Government Regulation 2012

STRATEGIC IMPACTS

N/A

CONSULTATION

Mr Adam Hagy – Deputy Director Infrastructure Services
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

The Notice of Motion is presented for Council consideration.

ATTACHMENTS

Attachment 1 – Signed Notice of Motion request

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
ABN 63 291 580 128

Notice of Motion

Pursuant to the Council Meeting Standing Orders, I give notice that, at Council's ordinary meeting scheduled for Wednesday 10 March 2021, I intend to move the following motion:

That the Infrastructure Department undertake a full condition assessment of the stormwater drainage system in Proserpine.

Furthermore, depending on the results of this assessment, money be allocated in the 2021/22 and future budgets for repairs

Background:

This assessment is to check the stormwater system for Broken, Blocked or collapsed pipes. Over the last few years, local flooding levels after rain events has increased, resulting in residents in Proserpine having issues with localised flooding in areas that were not previously affected.

Cr John Collins
Councillor Division 3
4 March 2021

10. Questions on Notice

No agenda items for this section.

11. Questions from Public Gallery

PUBLIC QUESTION TIME

Excerpt of Council's Standing Orders:

1. Questions from the Public Gallery must be submitted in writing to Council prior to the Council Meeting.
2. The time allocated shall not exceed fifteen (15) minutes for each speaker (and no more than three (3) speakers shall be permitted to speak at any one (1) meeting).
3. If any address or comment is irrelevant, offensive, or unduly long, the Chairperson may require the person to cease making the submission or comment.
4. 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.

12. Office of the Mayor and CEO

No agenda items for this section.

13. Corporate Services

13.1 UNCONFIRMED AUDIT AND RISK COMMITTEE MEETING MINUTES

AUTHOR: Norm Garsden – Manager, Governance and Administration

RESPONSIBLE OFFICER: Jason Bradshaw – Director, Corporate Services

OFFICER'S RECOMMENDATION

That Council:

1. **Receive the Unconfirmed Minutes of the Audit & Risk Committee Meeting held on 16 February 2021; and**
2. **Endorse the recommendations and approve the actions made at the Audit & Risk Committee Meeting, as identified in the minutes.**

The following report has been submitted for inclusion into Council's Ordinary Meeting to be held on 10 March 2021.

SUMMARY

Council is required to review and consider the recommendations of the Audit & Risk Committee. The minutes will also be confirmed by this Committee at the next available meeting.

PURPOSE

The Audit & Risk Committee does not have decision-making authority and any recommendations it makes must be endorsed and approved by Council resolution prior to implementation or action.

BACKGROUND

Whitsunday Regional's Council's Audit & Risk Committee met on 16 February 2021. Minutes were recorded from this meeting and are provided to Council to consider and review the Committee's recommendations, in accordance with section 211(1)(c) of the Local Government Regulation 2012.

The primary objective of the Audit & Risk Committee is to promote good corporate governance through the provision of independent assurance, oversight and advice to Council on matters relating to:

- Internal Audit;
- External Audit;
- Financial Reporting;
- Risk Management;
- Internal Controls; and
- Legislative and Organisational Compliance.

STATUTORY/COMPLIANCE MATTERS

The Audit & Risk Committee operates in accordance with the requirements of s105 of the Local Government Act 2009 and s210 of the Local Government Regulation 2012, as well as the Audit & Risk Committee Constitution adopted by Council on 26 June 2019.

ANALYSIS

Council's options are:

- Support the recommendations. Council can endorse the Committee's recommendations, receive the minutes of the Audit & Risk Committee's 16 February 2021 meeting and approve actions arising from that meeting; or
- Amend the recommendation. If on review, Council require clarification on any of the recommendations or actions arising and wishes to amend them, then this is the appropriate opportunity to address any concerns or issues with the minutes and the recommendations and actions arising therein.

Actions endorsed at the meeting include:

- Including the financial assets methodology and valuations in both May and September meetings.
- Changing the dates in the guide to reflect the decision in item 7.4 of the minutes.
- Recommending that Council approve the Strategic and Annual Internal Audit Plan for 2021 to 2023.
- Endorsing the risk review undertaken and the revised Corporate Risk Register;
- Allocating the responsibility for fraud and corruption controls at the line manager level across the organisation and appropriate training be provided; and
- Improving employment screening and third-party diligence checks be applied to new staff, contractors and suppliers;
- Changing the scheduled meeting dates for 2021 as follows:
    - 20 July 2021 to 27 July 2021; and
    - 10 August 2021 to 17 August 2021.

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: The Mayor and Councillors are provided with relevant, accurate and timely advice and support in accordance with approved levels of service.

Financial Implications Managed within the existing budgets and delegations.

Risk Management Implications Council risks non-compliance with the Audit & Risk Committee Constitution if they do not consider and review the recommendations of the Committee.

CONSULTATION

Audit & Risk Committee
Jason Bradshaw - Director Corporate Services
Graham Webb – Chair Audit & Risk Committee

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

Given the expertise of the members of the Audit & Risk Committee, it is recommended that Council receive the minutes, adopt the recommendations and endorse the actions arising from the meeting of 16 February 2021.

ATTACHMENTS

Attachment 1 - Unconfirmed Audit and Risk Committee Meeting Minutes

Whitsunday Regional Council

Minutes of the

Audit & Risk Committee Meeting

16 February 2021

UNCONFIRMED

Whitsunday Regional Council

Audit & Risk Committee Meeting

16 February 2021 commencing at 9.00am

Committee Members Present:

Cr John Collins; John Finlay; Graham Webb (Chair)

Council Officers Present:

Rod Ferguson (Chief Executive Officer – WRC); Jason Bradshaw (Director Corporate Services - WRC); Julie Moller (Senior Management Accountant - WRC); Norman Garsden (Manager - Governance and Administration – WRC); Tailah Jensen - Secretary (OMCEO Governance Admin Officer - WRC); Lyndal O'Neill (Manager Human Resources)

Guests Present:

Matthew Monaghan (William Buck); Wayne Gorrie (O'Connor Marsden); Sabrina Frank (Queensland Audit Office) – via teleconference

Apologies:

Mayor Andrew Willcox

Other Details:

The meeting commenced at 9.00am
The meeting closed at 11.18am

UNCONFIRMED

Whitsunday Regional Council

Minutes of the Audit & Risk Committee Meeting held on

16 February 2021 commencing at 9.00am

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UNCONFIRMED

Graham Webb commenced meeting by thanking the committee for his appointment and welcomed Wayne Gorrie and Sabrina Frank to their first Whitsunday Regional Council Audit & Risk Committee Meeting.

1. 2021/02/16.01 Apologies

Moved by: **J FINLAY**

Seconded by: **J COLLINS**

The committee accepted the apology from Mayor Andrew Willcox.

MEETING DETAILS:

The motion was carried 3/0

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2. Minutes of Previous Meeting

2.1 2021/02/16.02 CONFIRMATION OF MINUTES

SUMMARY

The Audit Committee is required to confirm the minutes of the Audit & Risk Committee Meeting held on 24 November 2020.

RECOMMENDATION

That the Audit and Risk Committee confirms the Minutes from the meeting held on 24 November 2020.

RESOLUTION

Moved by: **J FINLAY**

Seconded by: **J COLLINS**

That the Audit and Risk Committee confirms the Minutes from the meeting held on 24 November 2020 subject to the addition of Cr John Collins being listed under the 'Apologies' section.

MEETING DETAILS:

The motion was Carried 3/0

CARRIED

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UNCONFIRMED

2. Minutes of Previous Meeting

2.2 2021/02/16.03 ACTIONS ARISING FROM PREVIOUS MEETING

Moved by: **J FINLAY**

Seconded by: **J COLLINS**

That the completed matters within the actions register need not to be disclosed in future reports to the committee.

MEETING DETAILS:

The motion was Carried 3/0

CARRIED

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2. Minutes of Previous Meeting

2.2.1 2021/02/16.04 ACTIONS ARISING FROM PREVIOUS MEETING

SUMMARY

The actions arising from the previous meeting are submitted for inclusion into this meeting for the Audit & Risk Committees review.

RECOMMENDATION

The Audit & Risk Committee receive the update on the status of Actions Arising from the meeting held on 24 November 2020 and the outstanding action items.

RESOLUTION

Moved by: **J COLLINS**

Seconded by: **G WEBB**

The Audit & Risk Committee receive the update on the status of Actions Arising from the meeting held on 24 November 2020 and the outstanding action items.

MEETING DETAILS:

The motion was Carried 3/0

CARRIED

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UNCONFIRMED

3. Audit & Risk Committee Operations

3.1 2021/02/16.05 CEO BRIEFING

Moved by: **G WEBB**

Seconded by: **J COLLINS**

That the Audit & Risk Committee note the verbal briefing from the Chief Executive Officer regarding the following topics:

- **New Corporate Plan Development**
- **Monthly Strategy Session with Council – Briefing Sessions including more strategic issues, less operational.**
- **Recent Flooding Events (January 2021) and Disaster Recovery Funding Arrangements triggered and accepted by Queensland Reconstruction Authority (QRA)**
- **New Carparking Machines in Airlie Beach**
- **Covid-19 impacts – Increase in land & house sales and reduction in rates arrears. Concerns over interstate school holidays aligned with Queensland school holidays and potential impacts of less visitors.**
- **Tourism Sector – Very busy over Christmas period.**
- **Whitsunday Coast Airport – passenger numbers have almost recovered to pre-COVID-19 levels.**
- **Budget Schedule has been presented to Council.**
- **Financial Sustainability Review completed by Queensland Treasury Corporation – Progressing well with action plan produced.**
- **Project perspective – Shute harbour is over budget and over time. The cause(s) are being investigated.**
- **Proserpine Entertainment Centre – Manager selected subject to employment checks.**
- **Flagstaff Hill – works are expected to commence late March/ early April**
- **Financial Risks – 2nd rates levy for the year have been issued.**
- **Reputational Risks – Facebook posts regarding cemetery resulted in negative media.**

MEETING DETAILS:

The motion was Carried 3/0

CARRIED

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UNCONFIRMED

3. Audit & Risk Committee Operations

3.2 2021/02/16.06 AUDIT & RISK COMMITEEE PRIORITIES GUIDE

SUMMARY

The Audit & Risk Committee Priorities Guide is provided to the committee for an opportunity to propose additional items for an updated guide.

RECOMMENDATION

That the Audit and Risk Committee note the current Priorities Guide.

RESOLUTION

Moved by: **J FINLAY**

Seconded by: **J COLLINS**

That the Audit and Risk Committee note the current Priorities Guide with the addition of the following amendments:

1. **Include financial assets methodology and valuations in both May and September meetings.**
2. **Change of the dates in the guide to reflect the decision in item 7.4 of this Agenda.**

MEETING DETAILS:

The motion was Carried 3/0

CARRIED

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UNCONFIRMED

3. Audit & Risk Committee Operations

3.3 2021/02/16.07 AUDIT RECOMMENDATIONS UPDATE

SUMMARY

The Audit & Risk Committee regularly receive updates on Council's progress towards the completion and implementation of recommendations received by Council's internal and external auditors.

RECOMMENDATION

That the Audit & Risk Committee receives an update on Council's progress towards the completion and implementation of recommendations received by Council's internal and external auditors.

RESOLUTION

Moved by: **J FINLAY**

Seconded by: **G WEBB**

That the Audit & Risk Committee receives an update on Council's progress towards the completion and implementation of recommendations received by Council's internal and external auditors.

Furthermore, any matters completed need not to be disclosed in future reports to the committee.

MEETING DETAILS:

The motion was Carried 3/0

CARRIED

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UNCONFIRMED

4. Financial Reporting

4.1 2021/02/16.08 FINANCIAL REPORT - FY 2020/21 - PERIOD ENDING DECEMBER 2020

SUMMARY

This report presents the unaudited financial statements for the period ending December 2020 for the Audit & Risk Committees review and for receipt in accordance with the local government legislation.

RECOMMENDATION

That the Audit & Risk Committee receive the financial statements for the period ended December 2020 of the Financial Year 2020/21.

RESOLUTION

Moved by: **J FINLAY**

Seconded by: **J COLLINS**

That the Audit & Risk Committee receive the financial statements for the period ended December 2020 of the Financial Year 2020/21.

MEETING DETAILS:

The motion was Carried 3/0

CARRIED

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UNCONFIRMED

4. Financial Reporting

4.2 2021/02/16.09 BUSINESS ACTIVITIES REPORT

SUMMARY

Business Activities Reports for November and December 2020.

RECOMMENDATION

That the Audit and Risk Committee receive the Business Activities Reports for November and December 2020.

RESOLUTION

Moved by: **J COLLINS**

Seconded by: **J FINLAY**

That the Audit and Risk Committee receive the Business Activities Reports for November and December 2020.

MEETING DETAILS:

The motion was Carried 3/0

CARRIED

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Norman Garsden left the meeting at 10.14am.

Julie Moller left the meeting at 10.17am.

Julie Moller returned to the meeting at 10.18am.

Norman Garsden returned to the meeting at 10.19am.
~~~~~~~~

UNCONFIRMED

5. Internal Audit

5.1 2021/02/16.10 INTERNAL AUDIT PLAN 2021 TO 2023

SUMMARY

O'Connor Marsden (OCM), Council's Outsourced Internal Audit Partner have developed an Internal Audit Plan covering the period from 1 January 2021 to 31 December 2023 for the Audit and Risk Committee's consideration and approval.

RECOMMENDATION

That the Committee recommend that Council approve the Strategic and Annual Internal Audit Plan for 2021 to 2023.

RESOLUTION

Moved by: **G WEBB**

Seconded by: **J COLLINS**

That the Committee recommend that Council approve the Strategic and Annual Internal Audit Plan for 2021 to 2023.

MEETING DETAILS:

The motion was Carried 3/0

CARRIED

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UNCONFIRMED

6. External Audit

6.1 2021/02/16.11 BRIEFING PAPER – EXTERNAL AUDIT

SUMMARY

The Queensland Audit Office have presented the external Audit Plan for the Financial Year ending 30 June 2021. The plan includes an analysis of key audit risks, the planned response and audit deliverables timetable. Also attached is a Briefing Note.

RECOMMENDATION

That the Committee recommend that Council receive the External Audit Plan and Briefing Note for 2021/2022.

RESOLUTION

Moved by: **J FINLAY**

Seconded by: **J COLLINS**

That the Committee recommend that Council receive the External Audit Plan and Briefing Note for 2021/2022.

MEETING DETAILS:

The motion was Carried 3/0

CARRIED

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UNCONFIRMED

7. Internal Controls/Risk & Compliance

7.1 2021/02/16.12 RISK REVIEW

SUMMARY

One of the most critical factors affecting the efficiency and effectiveness of Council's risk management practice is the establishment of an ongoing monitoring and review process. This process ensures that for each risk identified, specified management action plans exist and remain relevant.

This report identifies the primary Corporate Risks facing Council and the rationale for the selection.

Council's key Corporate risks are ranked as follows:

1. Natural catastrophe/Climate change;
2. Financial sustainability;
3. Cyber incidents/IT infrastructure;
4. Reputation risk;
5. Business continuity and community disruption;
6. Ineffective governance;
7. HR and/or WHS management;
8. Theft, fraud and crime.
9. Property and Infrastructure management; and
10. Increased statutory and/or regulatory requirements.

RECOMMENDATION

That Council endorse the risk review undertaken and the revised Corporate Risk Register.

RESOLUTION

Moved by: **J FINLAY**

Seconded by: **J COLLINS**

That Council endorse the risk review undertaken and the revised Corporate Risk Register.

MEETING DETAILS:

The motion was Carried 3/0

CARRIED

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UNCONFIRMED

7. Internal Controls/Risk & Compliance

7.2 2021/02/16.13 FRAUD AND CORRUPTION CONTROL

SUMMARY

This report documents the findings of the QAO Fraud and Corruption Control self-assessment.

RECOMMENDATION

That the Committee recommend to Council that:

- the responsibility for fraud and corruption controls be considered at the line manager level across the organisation and appropriate training be provided; and
- Improved employment screening and third-party diligence checks be introduced for new staff, contractors and suppliers.

RESOLUTION

Moved by: **J FINLAY**

Seconded by: **J COLLINS**

That the Committee recommend to Council that:

- **the responsibility for fraud and corruption controls be considered at the line manager level across the organisation and appropriate training be provided; and**
- **Improved employment screening and third-party diligence checks be applied to new staff, contractors and suppliers.**

MEETING DETAILS:

The motion was Carried 3/0

CARRIED

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UNCONFIRMED

7. Internal Controls/Risk & Compliance

7.3 2021/02/16.14 PUBLIC ATTENDANCE AT AUDIT & RISK COMMITTEE MEETINGS

SUMMARY

The Audit and Risk Committee is excluded from the general requirements for Council and Committee meetings to be open to the public.

RECOMMENDATION

That the Committee note the contents of the report.

RESOLUTION

Moved by: **G WEBB**

Seconded by: **J COLLINS**

That the Committee note the contents of the report.

MEETING DETAILS:

The motion was Carried 3/0

CARRIED

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UNCONFIRMED

7. Internal Controls/Risk & Compliance

7.4 2021/02/16.15 CHANGE OF AUDIT & RISK COMMITTEE DATES

SUMMARY

To propose a change to two Audit and Risk Committee dates scheduled for 2021.

RECOMMENDATION

That the Audit and Risk Committee recommend changes to the following meeting dates for 2021;

1) 20 July 2021 to 27 July 2021; and
2) 10 August 2021 to 17 August 2021

RESOLUTION

Moved by: **J FINLAY**

Seconded by: **J COLLINS**

That the Audit and Risk Committee recommend changes to the following meeting dates for 2021;

1) **20 July 2021 to 27 July 2021; and**
2) **10 August 2021 to 17 August 2021**

MEETING DETAILS:

The motion was Carried 3/0

CARRIED

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Lyndal O'Neil joined the meeting at 11.06am.

UNCONFIRMED

7. Internal Controls/Risk & Compliance

7.5 2021/02/16.16 HUMAN RESOURCES STRATEGY

SUMMARY

Council's Human Resources Strategy supports the Whitsunday Regional Council Corporate Plan and sets out the key areas of focus that will guide the delivery of services over a 2-year period from March 2019. This report highlights the key actions that have been delivered since the last report in November 2020.

RECOMMENDATION

The Audit and Risk Committee receive the update on actions from the Human Resources and Safety Strategy.

RESOLUTION

Moved by: **G WEBB**

Seconded by: **J FINLAY**

The Audit and Risk Committee receive the update on actions from the Human Resources and Safety Strategy and congratulate the Whitsunday Warriors on their 3rd place in the National Challenge.

MEETING DETAILS:

The motion was Carried 3/0

CARRIED

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Lyndal O'Neill left the meeting at 11.15am.
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UNCONFIRMED

8. General Business

John Finlay advised the meeting that reports presented to this meeting were very comprehensive, and the feedback provided to the members is excellent.

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9. Evaluation of Meeting

No discussions regarding the Evaluation of the Meeting.

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The meeting closed at 11.18am.

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Confirmed as a true and correct recording this 11 May 2021.

Graham Webb
CHAIRPERSON
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13. Corporate Services

13.2 UNREASONABLE CUSTOMER CONDUCT POLICY

AUTHOR: Norm Garsden – Manager, Governance and Administration

RESPONSIBLE OFFICER: Jason Bradshaw – Director, Corporate Services

OFFICER'S RECOMMENDATION

That Council adopt LSP_CORP_26 - Unreasonable Customer Conduct Policy.

The following report has been submitted for inclusion into Council's Ordinary Meeting to be held on 10 March 2021.

SUMMARY

Council is committed to being accessible and responsive to all customers who approach Council for assistance, with a service request or with a complaint. At the same time, the success of Council's organisation depends on:

- the ability to do its work and perform its functions in the most effective and efficient ways possible;
- the ability to allocate resources fairly across all the customer interactions Council receives; and
- the health, safety and security of Councillors and staff.

Where customers behave unreasonably in their dealings with Council, their conduct can significantly divert resources from more important tasks and negatively and unreasonably affects the provision of services to the community. As a result, Council will take proactive and decisive action to manage any customer conduct to supports Councillors and staff.

PURPOSE

This Policy has been developed to better manage unreasonable customer conduct and ensure that all Councillors and staff:

- Feel confident and supported in managing unreasonable customer conduct;
- Act fairly, consistently, honestly and appropriately when responding to unreasonable customer conduct;
- Are aware of successful strategies in managing unreasonable customer conduct; and
- Have a clear understanding of the criteria that will be considered before Council decides to change or restrict a customer's access to Council's services.

BACKGROUND

The development of this policy has arisen as a result of an increasing number of difficult interactions with residents that are increasingly consuming a disproportionate use of resources, whilst ensuring equity and fairness in Council's dealings with all residents.

STATUTORY/COMPLIANCE MATTERS

This policy is based on advice published by the Queensland Ombudsman.

ANALYSIS

The objectives of this policy are to ensure the efficient use of resources are applied proportionately and the unreasonable conduct of certain customers does not have an unreasonable impact on the organisation, staff, services, time and/or resources, balancing the rights of the residents and the welfare of staff.

The approach and the strategies suggested in the draft policy are based on the clear understanding that:

- All complainants should be treated with fairness and respect;
- All complaints are considered on their merits;
- Unreasonable complainant conduct does not exclude the existence of a valid issue;
- The substance of a complaint should dictate the level of resources dedicated to it, not a complainant's demands or conduct;
- Aggression or violence is unacceptable, with Councillor and staff safety and well-being being paramount when dealing with unreasonable complainant conduct;
- The decision to restrict a complainant's access to services as a result of their conduct, will only be made at Director level and in accordance with this policy;
- Directors will ensure relevant systems and procedures are in place to manage complaints and Unreasonable Complainant Conduct and that all staff who interact with complainants will receive training, guidance and direction about using the strategies suggested in this policy.

Unreasonable complainant conduct can be categorised by 5 general behaviours:

- Unreasonable persistence;
- Unreasonable demands;
- Unreasonable lack of cooperation
- Unreasonable arguments; and
- Unreasonable conduct

The policy documents a number of management strategies for dealing with unreasonable conducts and generally sets limits and conditions about acceptable and unacceptable conduct. A number of Prevention Strategies are also suggested to minimise the emergence of unreasonable conduct. The policy is based on a fundamental premise:

- The Council effectively 'own' the complaint: Council decide whether it will be dealt with and if so by whom, the priority and resources it will be given, the appropriateness of the outcome achieved, etc.
- The Complainants 'own' the issue – they are free to raise it with Council and if dissatisfied with Council's response, they can escalate the issue as an Administrative Action Complaint or with oversight agencies, the courts and tribunals, the media or a politician.

Where unreasonable conduct continues, despite the application of management strategies, the policy provides that a Director may, having regard to Council's obligations under the Human Rights Act, determine that on balance, the interests of the community are best served by restricting the access of the customer to a facility or a service.

Where a customer's access to facilities or services are restricted, the customer has the right to have the CEO review the situation and may also lead to an external review by the Ombudsman or Human Right Commissioner.

STRATEGIC IMPACTS

This policy may lead to better management of unreasonable customer conduct and ensure that all Councillors and staff feel confident and supported in managing situations arising from unreasonable customer conduct.

CONSULTATION

Executive Leadership Team
Middle Management Group

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 Behaviour.

CONCLUSION

Where customers behave unreasonably in their dealings with Council, their conduct can significantly impact on efficiently and effectively deliver services to all residents. As a result, the policy promotes proactive and decisive action to manage any customer conduct that negatively and unreasonably affects its services to the community.

ATTACHMENTS

Attachment 1 – LSP_CORP_26 Unreasonable Customer Behaviour Policy

Unreasonable Customer Conduct Policy

Corporate Services

LSP_CORP_26

COUNCIL POLICY			
Date Adopted by Council		Council Resolution	
Effective Date	2021	Next Review Date	2023
Responsible Officer(s)	Manager, Governance and Administration	Revokes	N/a – new policy

PURPOSE

This policy has been developed to assist all staff members to better manage unreasonable customer conduct ('UCC'). Its aim is to ensure that all staff:

- feel confident and supported in taking action to manage UCC;
- act fairly, consistently, honestly and appropriately when responding to UCC;
- are aware of their roles and responsibilities in relation to the management of UCC and how this policy will be used;
- understand the application of Human Rights and other circumstances when it may be appropriate to manage UCC using one or more of the following mechanisms:
    - restricting a level of service or access to a facility;
    - alternative dispute resolution strategies to deal with conflicts involving customers and members of Council organisation;
    - legal instruments such as trespass laws/legislation to prevent a customer from coming onto Council premises and orders to protect specific staff members from any actual or apprehended personal violence, intimidation or stalking;
- are aware of the processes that will be followed to record and report UCC incidents as well as the procedures for consulting and notifying customers about any proposed actions or decisions to change or restrict their access to Council services; and
- are familiar with the procedures for reviewing decisions made under this policy, including specific timeframes for review.

SCOPE

This Policy applies to all Council staff, Councillors and contractors working on behalf of Council and to customers who contact Council in person, by telephone or by correspondence.

APPLICABLE LEGISLATION

This policy is consistent with to

- Local Government Act 2009; and
- Local Government Regulation 2012

1 POLICY STATEMENT

Whitsunday Regional Council is committed to being accessible and responsive to all residents who approach Council for service and/or with a complaint. At the same time the success of Council depends on:

- Council's ability to do Council work and perform Council functions in the most effective and efficient ways possible;
- the health, safety and security of Council staff; and
- Council's ability to allocate resources fairly across all the requests for services and complaints received.

When customers behave unreasonably in their dealings with Council, their conduct can significantly affect effective and efficient allocation of resources. As a result, Whitsunday Regional Council will take proactive and decisive action to manage any customer conduct that negatively and unreasonably affects the effective and efficient allocation of resources and will support Council staff who have concerns for their health, safety and security when responding in accordance with this policy.

1.1 Objectives

The Core objectives of this policy are to:

- **Provide a proportionate response –** Ensuring the efficient use of resources are not applied disproportionately or have an unreasonable impact on the other residents, the organisation, staff, or services;
- **Ensure equity and fairness -** Ensuring that all service requests and complaints are dealt with equitably and fairly and resources are distributed on the basis of the issue's merits, rather than a customer's demands or conduct;
- **Improve efficiency -** Improving overall efficiency by allocating appropriate time and resources to dealing with unreasonable customer conduct which, if left unmanaged, could become a significant impediment on the Council's responsiveness to the greater community; and
- **Ensure health and safety of Staff -** Complying with WH&S and duty of care obligations by identifying the potential risks posed by unreasonable customer conduct to staff health, safety and security and implementing measures to eliminate or control those risks.

1.2 Customer Behaviour Principles

The principles and the strategies suggested in this policy are based on the clear understanding that:

- Residents and customers should be treated with fairness and respect;
- All requests for service and complaints are to be considered on their merits;
- Unreasonable customer conduct does not exclude there being a valid issue to be addressed by Council;
- The substance of a request for service or complaint should dictate the level of resources dedicated to it, not a customer's demands or behaviour;
- Aggression or violence is unacceptable, with Councillor and staff safety and well-being of paramount importance when dealing with unreasonable customer behaviour;
- The decision to restrict a customer's access to services as a result of their conduct, will only be made at Director level and in accordance with this policy; and
- Directors will ensure relevant systems and procedures are in place to manage unreasonable customer conduct and that all staff who interact with customers will receive training, guidance and direction about using the strategies suggested in this policy.

2 ROLES AND RESPONSIBILITIES

2.1 Chief Executive Officer

The Chief Executive Officer is responsible for recording, monitoring and reviewing all cases where this policy is applied to ensure consistency, transparency and accountability for the application of this policy. The Chief Executive Officer will also manage and keep a file record of all cases where this policy is applied.

2.2 Directors

Directors, in consultation with relevant staff, have the responsibility and authority to change or restrict a customer's access to Council services in the circumstances identified in this policy. When doing so they will consider the criteria contained in the procedures and will aim to impose any service changes/restrictions in the least restrictive way possible. Their aim, when taking such actions will not be to punish the customer, but rather to manage the impacts of their conduct. When applying this policy Directors will also aim to keep at least one open line of communication with a customer. However, Council recognises that in extreme situations all forms of contact may need to be restricted for some time to ensure the health and safety and security of Council staff and/or third parties.

2.3 Managers

All managers are responsible for supporting staff to apply the strategies in this policy. Managers are also responsible for ensuring compliance with the procedures identified in this policy and ensuring that all staff members are trained to deal with UCC – including on induction. Following UCC and/or stressful interaction with a customer, managers are responsible for providing affected staff members with the opportunity to debrief and vent their concerns either formally or informally. Managers will also ensure that staff are provided with proper support and assistance including medical and/or police assistance and support through programs such as the Employee Assistance Program (EAP), if necessary.

2.4 All Staff

All staff are responsible for familiarising themselves with this policy as well as the Individual Rights and Mutual Responsibilities of the Parties to a Complaint in Appendix A.

Staff are also encouraged to explain the contents of this document to all customers particularly those who engage in UCC or exhibit the early warning signs for UCC.

However, it is emphasised that any strategies that effectively change or restrict a customer's access to Council services must be considered at the Director level or higher as provided in this policy. Staff are also responsible for recording and reporting all UCC incidents they experience or witness (as appropriate) to their Director within 24 hours of the incident, using the Sample UCC incident form in Appendix B. A file note of the incident should also be copied into Council's records management system.

3 Identification of Unreasonable Customer Conduct

Most customers who interact with Council act reasonably and responsibly in their interactions, even when they are experiencing high levels of distress, frustration and anger about their request for service or complaint. However, in a very small number of cases, some customers behave in ways that are inappropriate and unacceptable – despite Council's best efforts to help them. They may be aggressive and verbally abusive towards Council staff; threatening harm and violence, bombard Council offices with unnecessary and excessive phone calls and emails, make inappropriate demands on Council time and Council resources and refuse to accept Council's decisions and recommendations in relation to their concerns. When customers behave in these ways it is considered that their conduct is 'unreasonable'.

The management strategy for dealing with unreasonable conduct is generally to set limits and conditions about acceptable and unacceptable conduct and, if necessary, apply risk management strategies and/or security policies and procedures. Unreasonable customers can be categorised into 5 general categories:

- Unreasonable persistence;
- Unreasonable demands;
- Unreasonable lack of cooperation;
- Unreasonable arguments; or
- Unreasonable behaviours

3.1 Unreasonable persistence

Unreasonable persistence is continued, incessant and unrelenting conduct by a customer that has a disproportionate and unreasonable impact on Council organisation, staff, services, time and/or resources. Some examples of unreasonably persistent behaviour include:

- an unwillingness or inability to accept reasonable and logical explanations including final decisions that have been comprehensively considered and dealt with;
- persistently demanding a review simply because it is available and without arguing or presenting a case for one;
- pursuing and exhausting all available review options when it is not warranted and refusing to accept further action cannot or will not be taken on their requests for service or complaints;
- reframing a request or complaint in an effort to get it taken up again;
- bombarding Council staff/organisation with phone calls, visits, letters, emails (including cc'd correspondence) after repeatedly being asked not to do so; or
- contacting different people within Council and/or externally to get a different outcome or more sympathetic response to their request or complaint – internal and external forum shopping.

3.2 Unreasonable demands

Unreasonable demands are any demands (express or implied) that are made by a customer that have a disproportionate and unreasonable impact on Council organisation, staff, services, time and/or resources. Some examples of unreasonable demands include:

- issuing instructions and making demands about how Council have/should handle their request or complaint, the priority it was/should be given, or the outcome that was/should be achieved;
- insisting on talking to a senior manager, Chief Executive Officer or Councillor personally when it is not appropriate or warranted;
- emotional blackmail and manipulation with the intention to guilt trip, intimidate, harass, shame or portray themselves as being victimised – when this is not the case;
- insisting on outcomes that are not possible or appropriate in the circumstances – e.g. for someone to be sacked or prosecuted, an apology and/or compensation when no reasonable basis for expecting this; or
- demanding services that are of a nature or scale that Council cannot provide and when this has been explained to them repeatedly.

3.3 Unreasonable lack of cooperation

Unreasonable lack of cooperation is an unwillingness and/or inability by a customer to cooperate with Council, staff, or complaints system and processes that results in a disproportionate and unreasonable use of Council services, time and/or resources. Some examples of unreasonable lack of cooperation include:

- sending a constant stream of comprehensive and/or disorganised information without clearly defining any issues of complaint or explaining how they relate to the core issues being raised;
- providing little or no detail with a request for service or complaint or presenting information in 'dribs and drabs';

- refusing to follow or accept Council instructions, suggestions, or advice without a clear or justifiable reason for doing so;
- arguing frequently and/or with extreme intensity that a particular solution is the correct one in the face of valid contrary arguments and explanations; or
- displaying unhelpful behaviour – such as withholding information, acting dishonestly or misquoting others.

3.4 Unreasonable arguments

Unreasonable arguments include any arguments that are not based in reason or logic, that are incomprehensible, false or inflammatory, trivial or delirious and that disproportionately and unreasonably impact upon Council organisation, staff, services, time, and/or resources. Arguments are unreasonable when they:

- fail to follow a logical sequence;
- are not supported by any evidence and/or are based on conspiracy theories;
- lead a customer to reject all other valid and contrary arguments;
- are trivial when compared to the amount of time, resources and attention that the customer demands; or
- are false, inflammatory or defamatory.

3.5 Unreasonable behaviour

Unreasonable behaviour is conduct that is unreasonable in all circumstances – regardless of how stressed, angry or frustrated that a customer is – because it unreasonably compromises the health, safety and security of Council staff, other service users or the customer himself/herself. Some examples of unreasonable behaviours include:

- acts of aggression, verbal abuse, derogatory, racist, or grossly defamatory remarks;
- harassment, intimidation or physical violence;
- rude, confronting and threatening correspondence;
- threats of harm to self or third parties, threats with a weapon or threats to damage property including bomb threats;
- stalking (in person or online); or
- emotional manipulation.

All staff should note that Whitsunday Regional Council has a zero-tolerance policy towards any harm, abuse or threats directed towards them. Any conduct of this kind will be dealt with under this policy and any other relevant policy/procedure and in accordance with Council duty of care and occupational health and safety responsibilities.

4 Management Strategy

In managing customers, Officers should take the following actions:

1. Treat customers with fairness and respect;
2. Assess the merits of the case:
    - Whether there is substance or value in the customer's issues;
    - Whether there is an inherent right or wrong in the matter;
    - Whether it appears that the customer may have suffered a relatively important loss, either in financial terms or impact on their wellbeing?

4.1 Understand the circumstances of the issue:

Officers should seek to understand the customer's circumstances

- Consider any cultural influences that may be affecting the customer's conduct that you maybe misinterpreting – e.g. in some cultures people prefer to talk quite closely which others may perceive as being intrusive; or
- Are underlying apprehensions or reluctances to engage with government or authority figures which may affect your interactions with customers from these cultural groups.

4.2 Proportionality

Officers should consider:

- Whether the customer's behaviour/reaction is proportionate when compared to the loss or harm they have perceived; and
- Whether the customer's demands on time and resources are proportionate to the seriousness of their issue – e.g. wanting it dealt with by a Councillor, supervisor or senior officer.

4.3 Personal boundaries

Officers should consider:

- Whether your personal boundaries been crossed? For example, do Councillors or staff feel unusually stressed, anxious, threatened or otherwise uncomfortable when interacting with the customer?
- Does the conduct involve aggression, harassing words or actions, threats, violence or assault?

4.3.1 Jurisdictional issues

Officers should consider:

- Is there any law, legislation or policy that might limit or affect the types of strategies that can be used to manage the customer's conduct? For example, does the customer have a statutory right to the services provided by Council thereby preventing termination of their access to those services?

5 Prevention Strategies

5.1 Manage customer expectations at the outset

Managing customer expectations from the beginning of the request / complaints process to ensure they are reasonable and realistic. Unmet expectations are one of the primary triggers for unreasonable customer conduct. By setting expectations as per the Customer Service Charter, customers are informed from the beginning on Council's responsibilities and course of action.

5.2 Insist on respect and cooperation

Insisting that customers show respect for and cooperate with staff as a prerequisite to receiving services and having any further contact with or communication from the organisation.

5.3 Implement policies and procedures

Implementing appropriate policies and procedures for managing unreasonable customer conduct and ensuring that all staff are familiar with and receive training on them.

6 Management Principles

6.1 Exercise ownership and control over issues

Exercising ownership and control over requests for service and complaints and ensuring customers are aware that:

- The Council effectively 'own' the request or complaint: Council decide whether it will be dealt with and if so by whom, the priority and resources it will be given, the appropriateness of the outcome achieved, etc.
- Customers 'own' the issue – they are free to raise it in any other forum they like including as an Administrative Action Complaint or with oversight agencies, the courts and tribunals, the media or a politician.

6.2 Focus on specific, observable conduct – not the person as a problem

Moving away from any approach that labels or categories customers as 'difficult', 'problematic', resource-intensive, high maintenance, high conflict, or vexatious is essential in addressing the issue at hand. These terms all focus on labelling the customer (as a person) as being difficult or challenging rather than their behaviour – which is the real issue. Also, when these terms are used by officers to describe certain customers, they can negatively influence how these customers, and their issues, are perceived and dealt with by other staff. Using the term 'unreasonable behaviour' allows Council to focus on the problematic behaviour and respond to it openly and transparently and without the worry that we might be incorrectly or offensively labelling someone – in this case we are labelling their behaviour.

6.3 Respond appropriately and with consistency to individual customers

Officers should make full use of the framework and strategies in this policy when dealing with unreasonable customer conduct.

6.4 Effective communication

Providing customers with clear, timely and firm communication including regularly informing them about the status of their issues, even if there has been no progress. Customers who are not kept informed about the progress of their issues are more likely to make negative assumptions about how they are being dealt with. This includes assuming that no one is working on their issue, that it is the subject of a significant investigation (when it is not) or that there has been a 'stuff up'.

6.5 Commitment to the approach

Demonstrating management commitment and support for the approach is critical to its success. Senior managers need to:

- Actively endorse and support the use of the strategies by staff at all levels;
- Demonstrate commitment to the approach by applying it consistently;
- Support staff with the necessary policies, procedures and authorisations to use the strategies in this policy. Staff need to be clearly informed of what they are and are not specifically authorised to do in relation to unreasonable customer conduct and when to defer matters to nominated senior managers for further action; and
- Provide staff with adequate and ongoing training, supervision and guidance in their dealings with unreasonable customer conduct.

Appendix A - Individual Rights and Mutual Responsibilities of the Parties to a Complaint

In order for Whitsunday Regional Council to ensure that all requests for service or complaints are dealt with fairly, efficiently and effectively and that occupational health and safety standards and duty of care obligations are adhered to, the following rights and responsibilities must be observed and respected by all of the parties to the complaint process.

Individual rights[1]
Customers have the right:

- to make a request for service or complaint and to express their opinions in ways that are reasonable, lawful and appropriate[2];
- to a reasonable explanation of the organisation's complaints procedure, including details of the confidentiality, secrecy and/or privacy rights or obligations that may apply;
- to a fair and impartial assessment and, where appropriate, investigation of their complaint based on the merits of the case[3];
- to a fair hearing[4];
- to a timely response, as outlined in the Customer Service Charter;
- to be informed in at least general terms about the actions taken and outcome of their complaint[5];
- to be given reasons that explain decisions affecting them;
- to at least one right of review of the decision on the complaint[6];
- to be treated with courtesy and respect;
- to communicate valid concerns and views without fear of reprisal or other unreasonable response[7].

Staff have the right:

- to determine whether, and if so how, a complaint will be dealt with;
- to finalise matters on the basis of outcomes they consider to be satisfactory in the circumstances[8];
- to expect honesty, cooperation and reasonable assistance from customers;
- to expect honesty, cooperation and reasonable assistance from organisations and people within jurisdiction who are the subject of a complaint;
- to be treated with courtesy and respect;
- to a safe and healthy working environment[9];

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[1] The word 'rights' is not used here in the sense of legally enforceable rights (although some are), but in the sense of guarantees of certain standards of service and behaviour that a complaint handling system should be designed to provide to each of the parties to a complaint.
[2] Differences of opinion are normal: people perceive things differently, feel things differently and want different things. People have a right to their own opinions, provided those opinions are expressed in acceptable terms and in appropriate forums.
[3] While degrees of independence will vary between complaint handlers, all should assess complaints fairly and as impartially as possible, based on a documented process and the merits of the case.
[4] The 'right to be heard' refers to the opportunity to put a case to the complaint handler/decision-maker. This right can be modified, curtailed or lost due to unacceptable behaviour, and is subject to the complaint handler's right to determine how a complaint will be dealt with.
[5] Provided this will not prejudice on-going or reasonably anticipated investigations or disciplinary/criminal proceedings.
[6] Such a right of review can be provided internally to the organisation, for example by a person not connected to the original decision.
[7] Provided the concerns are communicated in the ways set out in relevant legislation, policies and/or procedures established for the making of such complaints/allegations/disclosures/etc.
[8] Some complaints cannot be resolved to the customer's satisfaction, whether due to unreasonable expectations or the particular facts and circumstances of the complaint [see also Endnote 25].
[9] See for example WH&S laws and the common law duty of care on employers.

- to modify, curtail or decline (if appropriate) access to Council services in response to unacceptable behaviour by a customer[10]. This may include restricting:
    - **Who they have contact with** – e.g. limiting a customer to a sole contact person/ staff member in Council's organization;
    - **What matters they can raise** – e.g. restricting the subject matter of communications that Council will consider and respond to;
    - **When they can have contact** – e.g. limiting a customer's contact with Council to a particular time, day, or length of time, or curbing the frequency of their contact**;**
    - **Where they can make contact** – e.g. limiting the locations where Council will conduct face-to-face interviews to secured facilities or areas of the office; and
    - **How they can make contact** – e.g. limiting or modifying the forms of contact that the customer can have with Council. This can include modifying or limiting face-to-face interviews, telephone and written communications, prohibiting access to Council's premises, contact through a representative only, taking no further action or terminating Council's services altogether.

Subjects of a complaint have the right:

- to a fair and impartial assessment and, where appropriate, investigation of the allegations made against them;
- to be treated with courtesy and respect by staff of Whitsunday Regional Council;
- to be informed (at an appropriate time) about the substance of the allegations made against them that are being investigated[11];
- to be informed about the substance of any proposed adverse comment or decision;
- to be given a reasonable opportunity to put their case during the course of any investigation and before any final decision is made[12];
- to be told the outcome of any investigation into allegations about their conduct, including the reasons for any decision or recommendation that may be detrimental to them;
- to be protected from harassment by disgruntled customers acting unreasonably.

Mutual responsibilities

Customers are responsible for:

- treating staff of Whitsunday Regional Council with courtesy and respect;
- clearly identifying to the best of their ability the issues of complaint, or asking for help from the staff of Whitsunday Regional Council to assist them in doing so;
- providing to the best of their ability Whitsunday Regional Council with all the relevant information available to them at the time of making the complaint;
- being honest in all communications with Whitsunday Regional Council;
- informing Whitsunday Regional Council of any other action they have taken in relation to their complaint[13]; and

[10] Unacceptable behaviour includes verbal and physical abuse, intimidation, threats, etc.

[11] Other than where there is an overriding public interest in curtailing the right, for example where to do so could reasonable create a serious risk to personal safety, to significant public funds, or to the integrity of an investigation into a serious issue. Any such notifications or opportunities should be given as required by law or may be timed so as not to prejudice that or any related investigation.

[12] Depending on the circumstances of the case and the seriousness of the possible outcomes for the person concerned, a reasonable opportunity to put their case, or to show cause, might involve a face to face discussion, a written submission, a hearing before the investigator or decision maker, or any combination of the above.

[13] For example, whether they have made a similar complaint to another relevant person or body or have relevant legal proceedings at foot.

- cooperating with the staff who are assigned to assess/ investigate/resolve/determine or otherwise deal with their complaint.

If customers do not meet their responsibilities, Whitsunday Regional Council may consider placing limitations or conditions on their ability to communicate with staff or access certain services.

Whitsunday Regional Council has a zero-tolerance policy in relation to any harm, abuse or threats directed towards its staff. Any conduct of this kind may result in a refusal to take any further action on a request for service or complaint or to have further dealings with the customer[14]. Any such conduct of a criminal nature will be reported to police and in certain cases legal action may also be considered.

Staff are responsible for:

- providing reasonable assistance to customers who need help to make a request for service or complaint and, where appropriate, during the investigation process;
- dealing with all requests for service, complaints, customers and people or organisations the subject of complaint professionally, fairly, impartially and within the timeframes outlined in the Customer Service Charter and complaints process;
- giving customers or their advocates a reasonable opportunity to explain their complaint, subject to the circumstances of the case and the conduct of the customer;
- giving people or organisations the subject of complaint a reasonable opportunity to put their case during the course of any investigation and before any final decision is made[15];
- informing people or organisations the subject of investigation, at an appropriate time, about the substance of the allegations made against them[16] and the substance of any proposed adverse comment or decision that they may need to answer or address[17];
- keeping customers informed of the actions taken and the outcome of their complaints[18];
- giving customers reasons that are clear and appropriate to their circumstances and adequately explaining the basis of any decisions that affect them;
- treating customers and any people the subject of complaint with courtesy and respect at all times and in all circumstances;
- taking all reasonable and practical steps to ensure that customers[19] are not subjected to any detrimental action in reprisal for making their complaint[20];
- giving adequate warning of the consequences of unacceptable behaviour.

If Whitsunday Regional Council or its staff fail to comply with these responsibilities, customers may complain to the Chief Executive Officer .

[14] Other than in circumstances where the organisation is obliged to have an ongoing relationship with the customer.

[15] See Endnote 11.
[16] Other than where an allegation is so lacking in merit that it can be dismissed at the outset.
[17] See Endnote 11.
[18] See Endnote 5.
[19] 'Customers' include whistleblowers / people who make internal disclosures.
[20] 'Complaints' includes disclosures made by whistleblowers / people who make internal disclosures.

Subjects of a complaint are responsible for:

- cooperating with the staff of Whitsunday Regional Council who are assigned to handle the complaint, particularly where they are exercising a lawful power in relation to a person or body within their jurisdiction[21];
- providing all relevant information in their possession to Whitsunday Regional Council or its authorised staff when required to do so by a properly authorised direction or notice
- being honest in all communications with Whitsunday Regional Council and its staff
- treating the staff of Whitsunday Regional Council with courtesy and respect at all times and in all circumstances
- refraining from taking any detrimental action against the customer[22] in reprisal for them making the complaint[23].

If subjects of a complaint fail to comply with these responsibilities, action may be taken under relevant laws and/or codes of conduct.

Whitsunday Regional Council is responsible for:

- having an appropriate and effective complaint handling system in place for receiving, assessing, handling, recording and reviewing complaints;
- decisions about how all complaints will be dealt with;
- ensuring that all complaints are dealt with professionally, fairly and impartially[24];
- ensuring that staff treat all parties to a complaint with courtesy and respect;
- ensuring that the assessment and any inquiry into the investigation of a complaint is based on sound reasoning and logically probative information and evidence;
- finalising complaints on the basis of outcomes that the organisation, or its responsible staff, consider to be satisfactory in the circumstances[25];
- implementing reasonable and appropriate policies/procedures/practices to ensure that customers[26] are not subjected to any detrimental action in reprisal for making a complaint[27], including maintaining separate complaint files and other operational files relating to the issues raised by individuals who make complaints
- considering any confidentiality, secrecy and/or privacy obligations or responsibilities that may arise in the handling of complaints and the conduct of investigations.

If Whitsunday Regional Council fails to comply with these responsibilities, customers may complain to the Chief Executive Officer .

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[21] This does not include any obligation to incriminate themselves in relation to criminal or disciplinary proceedings, unless otherwise provided by statute.
[22] See Endnote 19.
[23] See Endnote 20.
[24] See Endnote 3.
[25] Once made, complaints are effectively 'owned' by the complaint handler who is entitled to decide (subject to any statutory provisions that may apply) whether, and if so how, each complaint will be dealt with, who will be the case officer/investigator/decision-maker/etc, the resources and priority given to actioning the matter, the powers that will be exercised, the methodology used, the outcome of the matter, etc. Outcomes arising out of a complaint may be considered by the complaint handler to be satisfactory whether or not the customers, any subjects of complaint or the organisation concerned agrees with or is satisfied with that outcome.
[26] See Endnote 19.
[27] See Endnote 20.

Appendix B - UCC Incident Form

This form should only be completed if you encounter unreasonable customer conduct and consider that steps may need to be taken to change or restrict a customer's access to services provide by Council.

You must complete this form and send it electronically or by hand to your Director within 24 hours of a UCC incident. They will decide on the necessary and appropriate course of action for responding to and managing the complainant's conduct.

Date: _____ Council officer's name: _____

Name of Customer: _____

Details of the customer's conduct/incident including whether emergency services were contacted:

_____
_____
_____

Why do you consider this conduct to be unreasonable?
For example – has it occurred before/repeatedly, caused significant disruptions to Council, has or could raise significant health and safety issues for our staff or other persons.

_____
_____
_____

What action, if any, have you taken to deal with/manage the customer's conduct?
For example – warning the complainant 'verbally' about their conduct, other/previous attempts to manage the behaviour etc.

_____
_____
_____

What do you think should be done to effectively manage the customer's conduct?
Note – the final decision on the appropriate course of action will be made by the Director.

_____
_____
_____

Is there any other information that might be relevant to this case? If necessary, attach any supporting documentation.

_____
_____
_____
_____

Appendix C - Checklist for the Director to Consider when Deciding to Modify or Restrict a Customer's Access

- ☐ I have received a signed and completed incident form from the staff officer(s) involved (attach copy).
- ☐ I have spoken with relevant staff officer(s) to obtain further information, as needed.
- ☐ I have reviewed the customer's record and all the relevant information in it.
- ☐ I have referred to and considered Council's policy which includes an assessment of the following:
  - ☐ The merits of the customer's case
  - ☐ The customer's circumstances
  - ☐ Jurisdictional issues
  - ☐ Proportionality
  - ☐ Organisational or case officer responsibility
  - ☐ Responsiveness, including previous conduct
  - ☐ Case officer's personal boundaries
  - ☐ Conduct that is unreasonable in all circumstances (assault, threats of harm etc.)

- ☐ Along with the case officer concerned and any other relevant senior officers, I have considered all reasonable options for managing the customer's conduct, including those that do not involve restricting their access to our services.

  _____
  _____
  _____

- ☐ The complainant has been warned about their conduct in writing, and the letter has been signed by the Chief Executive Officer if applicable.
- ☐ The customer has been advised in writing of Council's decision to restrict their access and the letter has been signed by the Chief Executive Officer if applicable.
- ☐ I have made a record of my assessment and decision about the customer's conduct and all relevant staff members have been notified of my decision.
- ☐ An alert has been created that notifies any staff dealing with this customer of the nature of the conduct that caused us to be concerned, the nature of the restriction that has been placed on their access, its duration, how they are to deal with the complainant (including who they should direct any communications from the customer to).

Date: _____ Signature: _____

Appendix D – Draft Warning Letter

<<Name of Customer>>
<<Address>>
<<SUBURB STATE POSTCODE>>

Dear <<Name of Customer>>

Your Contact with Whitsunday Regional Council

You recently had *[state the form of contact – e.g. telephone, written or face-to-face]* with staff at [*location]* on *[date]. [During/In that telephone call/appointment/letter,]* I understand that you *[explain the nature of the conduct that has caused the organisation to be concerned].*

Council considers this type of behaviour to be inappropriate and it must stop. If you continue to behave in this way or in any other way that Council considers to be unreasonable, restrictions will be imposed on your contact with Council. This may involve restricting your contact to *[apply the relevant option(s)]*:

- 'Writing only' – this means that we will only accept communications from you in writing, delivered by Australia Post *[if online or other written communications are preferred then explain].*
- 'Telephone contact only' – this means that you will only be able to contact Council by telephone on a specified time and day of the week.
- 'Face-to-face contact only' – this means that your contact will be limited to scheduled face-to-face meetings with a specified member of Council.

Or any other restriction that Council considers to be appropriate in the circumstances.

I have attached a copy of a document called *Individual rights and mutual responsibilities of the parties to a complaint* for your reference. Council expects everyone who complains to this office to act in the ways described in this document.

If you have any questions about this letter, contact [*provide name and phone number of the Director]* in the manner outlined above.

Yours sincerely

Rodney Ferguson
Chief Executive Officer

Appendix E – Draft Advice Letter - Decision to Restrict Contact

<<Name of Customer>>
<<Address>>
<<SUBURB STATE POSTCODE>>

Dear <<Name of Customer>>

Decision to Restrict your Contact with Whitsunday Regional Council

It has come to my attention that you *[describe the nature of the unreasonable conduct and its impact – e.g. if the complainant has been sending emails to several members of my staff on a daily basis…]*

I understand that you have previously been told that Council considers this conduct to be unreasonable and unwarranted.

I also wrote to you on *[date]* and asked you to stop this behaviour. In that letter I advised you that if your behaviour continued, we would restrict your contact with Council. At the time I also attached a copy of our *[Individual rights and mutual responsibilities of the parties to a complaint]* which outlines your responsibilities as a customer.

Because your behaviour has continued, I now consider it necessary to impose certain restrictions on your future contact with Council. I therefore give you notice that from *[date]*, and with the exception(s) detailed below, Council will only accept communication from you *[identify permissible form of contact, if any]*.

What this means

This means that you are only to contact Council using *[describe the restriction in further details]*. Any communications that do not comply with this restriction will be *[describe what will happen – e.g. phone calls will be terminated immediately or emails/written communications will be read and filed without acknowledgment, emails will be blocked or deleted, no interviews will be granted, etc].[Note: the complainant should be clearly informed how they can contact the organisation and how the organisation will contact them].*

Your existing complaint (if applicable)

Council currently has one file open in your name. This relates to *[state the subject of complaint and describe complaint]*. This file is being handled by *[name of officer and position title]*. While you are able to contact *[name of officer] [state nature of contact – e.g. by email]* about this specific matter, all other contact with Council, including any future complaints, must be *[state restriction – e.g. in writing through Australia Post] [provide contact details – e.g. address of organisation where post can be sent].*

Review of this decision

My decision to restrict your contact with this organisation is effective immediately and will last for *[3 months/6 months/12 months]*. At that time, we will review your restriction and decide if it should be maintained, amended or withdrawn.

I take these steps with the greatest reluctance, but *[state reason for restriction – e.g. the equity and safety of other complainants and my staff]*, leaves me no alternative.

If you have any questions about this letter, you can contact [*provide name and phone number of the Director]* by the manner outlined above.

Yours sincerely

Rodney Ferguson
Chief Executive Officer

Appendix F – Draft Review Letter - Decision to Review Contact

<<Name of Customer>>
<<Address>>
<<SUBURB STATE POSTCODE>>

Dear <<Name of Customer>>

Upcoming Review of the Decision to Restrict your Contact with Whitsunday Regional Council

It has now been *[3 months/6 months/12 months]* since restrictions were *[imposed/upheld]* on your contact with Council. As advised in our letter dated *[date]*, we are now reviewing our decision to ascertain whether the restrictions should be maintained, amended or withdrawn.

We consider it important to give you an opportunity to participate in the review process, so we are therefore inviting you to *[apply the relevant option(s)]*:

- make submissions in writing through Australia Post *[include contact person's name and address]*
- schedule a face-to-face interview with *[include name of staff member and provide instructions on how they should go about scheduling the appointment – e.g. calling though the reception line on xxx-xxx-xxxx]*
- schedule a telephone interview with *[include name of staff member and provide instructions on how they should go about scheduling the appointment – e.g. calling though the reception line on xxx-xxx-xxxx]*

In your letter, you should include information that would be relevant to our review. This includes information about *[.....]*/During the interview which will not last more than 30 minutes, we will discuss whether:

- you have complied with the current contact restrictions
- the current contact restrictions should be removed
- the current contact restrictions should be amended to better suit your personal circumstances
- the current contact restrictions should be maintained
- any other information that is relevant to our decision.

We must receive your letter by *[time and date]*/you should confirm your interview with *[name of case officer]* by *[time and date]***.** If we do not receive it/hear from you by this date, we will assume that you do not wish to participate in this review and will undertake the review based on the information that we have available to us.

Once the review is completed, we will contact you again by letter notifying you of our decision.

If you have any questions about this letter, you can contact [*provide name and phone number of the Director]* in the manner outlined above.

Yours sincerely

Rodney Ferguson
Chief Executive Officer

Appendix G – Checklist for Reviewing a Decision Regarding an Access Change/Restriction

- ☐ The customer has been sent a letter notifying them of the review.
- ☐ The customer will/will not participate in the review.
  - ☐ the customer has/has not scheduled a face-to-face interview
  - ☐ the customer has/has not made written submissions
  - ☐ the customer has/has not scheduled a telephone interview
- ☐ I have reviewed all the information in Council's records systems from the last 12 months *[or relevant period of the restriction]* about the customer's:
  - ☐ contact with the office (explain form of contact)

    _____
  - ☐ conduct during that contact (explain if conduct reasonable or unreasonable)

    _____
- ☐ I have spoken with the case officers who have had contact with the customer during the last 12 months about the customer's conduct during that period.
- ☐ I have considered the arguments/statements made by the customer, including the impact of the restrictions on them (explain customer's position, including if their circumstances have changed etc.) *Note: if the customer is arguing that their circumstances have changed, they should be required to submit evidence to support this claim.*

  _____
- ☐ I have considered whether there are other more reasonable/suitable options for managing the customer's conduct, including those that do not involve restricting their access to our services (list all that apply).

  _____
- ☐ I consider that the restriction should be (explain):
  - ☐ maintained –*e.g. because the conduct has continued or is likely to continue, is disproportionate etc.*
  - ☐ removed – *e.g. because the customer has complied with the restrictions etc.*
  - ☐ amended – *e.g. because the customer's circumstances have changed and the current restriction is no longer appropriate.*

  _____
- ☐ I have discussed my decision with other relevant senior officers
- ☐ The complainant has been advised in writing of my decision to maintain/remove/ amend the restriction and this letter has been signed by the General Manager.
- ☐ Customer systems have been updated to reflect my decision.

Date: _____ Signature: _____

Appendix H – Draft Advice letter - Decision to Restrict Contact

<<Name of Customer>>
<<Address>>
<<SUBURB STATE POSTCODE>>

Dear <<Name of Customer>>

Review of your Contact with Whitsunday Regional Council

I am writing about a review that was undertaken by Council on *[date]* concerning your contact with this office. I understand that you *[participated/did not participate]* in that review.

Process of review
During the review you were given an opportunity to *[explain in general terms how the review what undertaken].*

Considerations
After your *[interview/reading your submissions]*, Council considered the concerns and suggestions raised in your [*interview/letter, etc.*], particularly your concerns about *[include information that would be relevant – e.g. the complainant said their circumstances had changed].* We also reviewed our records of your conduct and contact with Council over the last 12 months. Our records showed that *[provide summary of relevant information – e.g. Our records show that you have continued to send emails to our office, sometimes up to four times a day, throughout the period of your restriction].*

[apply if relevant]: These communications were in direct violation of your restriction which limited your contact with Council to *[state nature restriction] [explain what the purpose of the restriction was, if appropriate, and the impact of their conduct].*

[apply if relevant]: Our records show that you have complied with the restrictions that were imposed on your contact with Council.

Decision
[apply if relevant]: Due to *[explain reasoning for the decision – e.g. the number of emails that you have sent to our organisation in the last 12 months and ....]* Council considers it necessary to maintain the restrictions on your contact with our office for a further 12 months, effective immediately.

[apply if relevant]: Due to *[explain reasoning for the decision* Council considers it necessary to amend the restrictions on your access to better suit your personal circumstances *[explain, including providing clear instructions on how the customer is to contact us and how we will contact them].* The new restrictions will be effective immediately and will last for 12 months. If your circumstances change again during this period, you may *[explain how the complainant can notify of the change].*

[apply if relevant]: Due to *[explain reasoning for the decision]* Council considers it appropriate to remove the restrictions that have been placed on your access with Council, effective immediately. You may contact Council using any of our normal servicing options.

If you have any questions about this letter, you can contact [*provide name and phone number of the Director].*

Yours sincerely

Rodney Ferguson
Chief Executive Officer

13. Corporate Services

13.3 LEGAL ASSISTANCE (DEFAMATION) POLICY

AUTHOR: Norm Garsden – Manager, Governance and Administration

RESPONSIBLE OFFICER: Jason Bradshaw – Director, Corporate Services

OFFICER'S RECOMMENDATION

That Council adopt the Legal Assistance (Defamation) Policy.

The following report has been submitted for inclusion into Council's Ordinary Meeting to be held on 10 March 2021.

SUMMARY

Council's insurance policy provides some protection to Councillors alleged to have defamed individuals, but there is no protection for Councillors or Staff who are being defamed. The attached draft Legal Assistance (Defamation) Policy will assist Councillors and Staff in funding the costs of legal representation arising from their responsibilities where exceptional circumstances exist, but does not provide for the funding of unlimited costs in response to defamation.

PURPOSE

Where exceptional circumstances exist, to provide financial assistance to Councillors and Staff who are defamed in the course of undertaking their responsibilities and wish to obtain legal representation to institute defamation proceedings against third parties.

BACKGROUND

From time to time, Councillors and Staff are defamed by third parties for undertaking their responsibilities in their Council role. Council's insurance policy provides some protection to Councillors and staff alleged to have defamed individuals, but there is no assistance for Councillors or Staff who are being defamed. The attached draft Legal Assistance (Defamation) policy is based on legal advice that was prepared for the LGAQ by Clayton Utz in 2017. The policy does not provide for the funding of unlimited costs for defamation cases, but will fund the costs in exceptional circumstances, as defined in the policy.

STATUTORY/COMPLIANCE MATTERS

- The law of Tort (in common law), is a civil wrong that causes a claimant to suffer loss or harm, resulting in legal liability for the person who commits the tortious act.
- Defamation Act 2005

ANALYSIS

In 2017 LGAQ released a Legal Assistance (Defamation) Guide on the provision of legal assistance for defamation actions for Councillors and Employees. Adoption of a policy, based on this advice, would ensure compliance with Councils' obligations under the Local Government Act 2009 and the Local Government Regulation 2012 where Council supports a Councillor or Staff member in taking legal action for defamation.

In essence, the legal advice rejected the concept of the LGAQ or Council funding unlimited plaintiff costs for defamation cases, but set out a framework to assist councils to determine whether exceptional circumstances exist on a case-by-case basis. The proposed policy position and the guide was adopted by the LGAQ Policy Executive on 30 June 2017.

The guide was sent to all councils in July 2017 and set out principles for a plaintiff who is a councillor or council employee to make an application for payment assistance for defamation actions in writing to the CEO (or Mayor when applicable). This application requirement ensures all relevant legal processes are adhered to and the payment or part-payment is appropriate and exceptional circumstances to justify the council's payment of these costs.

If exceptional circumstances exist that justify the expenditure of public funds, the CEO or Mayor may approve the payment of legal expenses for a councillor or employee against a third-party seeking civil damages under the council's Legal Assistance (Defamation) Policy. If approved, the Council should require the Mayor or CEO to set a limit on the legal costs that will be paid. However, a plaintiff councillor or council employee may choose to personally fund above the approved amount. If the councillor or council employee is successful and receives compensation, then the councillor or council employee should repay the council for the legal representation fees paid on their behalf.

STRATEGIC IMPACTS

Adoption of the policy manages Council's compliance obligations under the Local Government Act 2009 and supports Outcome 1.4 of the Corporate Plan – Our workforce is skilled, valued and productive.

CONSULTATION

Cr Andrew Willcox - Mayor
Jason Bradshaw – Director, Corporate 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 nature of being a Councillor and Council employee sometimes expose them to the expression of contrary views from members of the community in public forums. When the expression of views become slanderous or defamatory, the Councillor or staff member will have the support of the organisation to defend their reputation.

ATTACHMENTS

Attachment 1 - Legal Assistance (Defamation) Policy

Legal Assistance (Defamation) Policy
Corporate Services
LSP_CORP_35

COUNCIL POLICY			
Date Adopted by Council	2021	**Council Resolution**	
Effective Date	2021	**Next Review Date**	2023
Responsible Officer(s)	Manager, Governance and Administration	**Revokes**	New Policy

Purpose

The purpose of this policy is to ensure compliance with council's obligations under legislation in developing a policy for the provision of legal assistance for defamation actions that are commenced by elected members and employees.

Scope

This policy applies where elected members or staff are the subject to defamatory publications and seek to take legal action. Where exceptional circumstances exist, it may be appropriate for council to provide financial assistance to meet the cost of councillors or employees obtaining the legal representation to institute defamation proceedings against third parties.

Applicable Legislation

This policy refers to

- The law of Tort (in common law), is a civil wrong that causes a claimant to suffer loss or harm, resulting in legal liability for the person who commits the tortious act;
- Local Government Act 2009 - Section 9 and 28 of the LGA give a local Council wide powers to take executive action in respect of local government matters, including to fund legal assistance to councillors or employees; and
- Local Government Regulation 2012.

Policy Statement

This policy will assist council to identify the exceptional circumstances in which it may fund or partly fund the cost of providing relevant legal representation to councillors and employees to commence a defamation action against third parties in relation to publications made about them in connection with their work with council. This policy also sets out the process for dealing with any requests for legal assistance that are received from councillors and employees.

1. Exceptional Circumstances

While the categories of exception circumstances are not limited, Council will generally provide financial assistance to a councillor or employee to undertake defamation proceedings only if:

(a) the publication:
  (i) is persistent;
  (ii) would lower or harm the councillor or employees' personal or professional reputation, hold the councillor or employee up to ridicule, or lead others to shun and avoid the person;
  (iii) is causing, or is likely to cause, the councillor or employee distress in the workplace;

(b) a concerns notice under the Defamation Act 2005 (Defamation Act) has been provided by the councillor or employee to the publisher;
(c) the councillor or employee has not refused to accept a reasonable offer to make amends by the publisher under the Defamation Act;
(d) the resources of Council have been, or are likely to be, unreasonably directed towards dealing with the publications; and
(e) there is no other reasonable legal cause of action or course available to the person to prevent the ongoing publication.

2. Types of legal representation costs that may be approved

2.1 If the exceptional circumstances outlined in clause 1 exist, the CEO or the Mayor may approve the payment of legal representation costs for a councillor or employee to institute or consider the institution of a defamation action against a third-party seeking damages under the council's Legal Assistance (Defamation) Policy.

2.2 The CEO or the Mayor should not approve a funding decision under clause 2.1, unless there are exceptional circumstances that justify the expenditure of public funds.

Exceptional circumstances - Example John Smith is a councillor. Terry Murphy is a local environmentalist and has made on-going and persistent publications indicating that the councillor has a drinking problem and alleging that he is drunk at every Council meeting - which he asserts explains Council's pitiful response to environmental issues in the region. He also says that the Councillor has no morals and regularly cheats the people of the region, accepting bribes and gifts from developers. He says that something serious has to be done about the Councillor to save the Council from environmental and economic ruin.

Terry posts these publications on line and also has been leaving flyers around the region. John has given Terry a concerns notice under the Defamation Act, but has not received any reasonable offer to make amends from Terry. John has also raised the matter with the police, but no action has been taken because Terry's behaviour is not considered sufficiently threatening. John has indicated to Council that he is concerned about the impact of the publications on his family and that it is causing him stress in performing his duties and functions as a councillor. Council is spending a lot of time responding to John's concerns and in trying to manage the issue.

For example, Council is continually fielding calls from journalists and ratepayers about the publications.

Not exceptional circumstances - Example Mary Bloggs is a councillor. Bob James, her neighbour, was dissatisfied at the state of Mary's garden, which had trees overhanging on Bob's property. Bob sent Mary an email in which he asked her to get the trees cut, but Mary did not respond. Bob then complained about the state of Mary's garden on social media and suggested that the poor delivery of council services was a direct result of Mary's incompetence as a councillor. Mary is frustrated that the post was made. Some local newspapers have reported the comments about the neighbourly dispute, but the council have not fielded any calls from residents and ratepayers.

2.3 The council should not approve for a councillor, unless there are exceptional circumstances, the payment of legal representation costs that arise from, or are associated with, election issues or the conduct of an election campaign especially having regard to the implied freedom of political communication that has been recognised by the Australian Courts.

3. Application for Payment

3.1 A councillor or employee who seeks assistance for the payment of legal representation costs under this policy should make an application(s) in writing. If the applicant under the policy is the CEO the application should be made to the Mayor.

3.2 A written application under the policy for the payment of legal representation costs should provide the required details which may include:
(a) the details of the matter for which legal representation is sought;
(b) how that matter relates to the council functions and duties of the councillor or employee making the application;
(c) the steps that the councillor or employee have taken in respect of the publication (e.g. whether a concerns notice has been served and/or whether an offer to make amends has been received);
(d) the lawyer (or law firm) who is to be asked to provide the legal representation;
(e) the nature of legal representation to be sought (such as legal advice, representation in court, preparation of legal proceedings etc);
(f) an estimate of the cost of the relevant legal representation; and
(g) why the council should provide the relevant support and assistance.

3.3 The application should include a declaration by the applicant that they have acted in good faith.

3.4 Any application should normally be made before the incurring of any legal costs to which the application relates.

3.5 The application should be accompanied by a signed written statement by the applicant that they:
(a) has read, and understands the terms of council's Legal Assistance (Defamation) Policy;
(b) acknowledges that any approval of legal representation costs is conditional on the repayment provisions (see guidance in clauses 7.1 - 7.2) and any other conditions which are provided for in any approval given under the policy; and
(c) the applicant undertakes to repay to the council any legal representation costs (see guidance in clauses 7.1 - 7.2).

3.6 In relation to clause 3.5(c), if the amount of the legal assistance is material, then an applicant should be requested to sign a more formal document which requires repayment of monies to the council in return for the provision of assistance under the terms of the policy.

4. Limitation of Legal Representation Costs

4.1 The CEO or the Mayor in approving an application must set a limit on the legal costs that will be paid.

4.2 A councillor or employee should be allowed to make a further or subsequent application to the council under the policy in respect of the same matter, should costs escalate.

5. Roles and Responsibilities

5.1 The CEO is appointed to receive, assess and decide any requests for legal assistance from a councillor or employee in accordance with this policy. The CEO is authorised to make any decisions on behalf of the council under the policy.

5.2 If the applicant under the policy is the CEO, the Mayor should receive, assess and decide the request for legal assistance from the CEO. The Mayor is then to make any decisions on behalf of the council under the policy.

5.3 Any application made under the policy should be assessed in the first instance by an appropriate employee nominated by either the CEO or the Mayor.

5.4 The CEO and the Mayor are hereby delegated by the Council to make the relevant decisions provided for under the policy and incur the relevant liabilities on behalf of the Council in accordance with the policy

6. Possible Decisions

6.1 Under this policy, the CEO or the Mayor may:
(a) refuse;
(b) grant; or
(c) grant subject to conditions, an application for the payment of legal representation costs.

6.2 The CEO or the Mayor may, in appropriate circumstances decide to approve the provision of legal representation to a councillor or employees but may require that the council's legal providers furnish the relevant advice or representation using internal or external resources.

6.3 The conditions that may be imposed under clause 6.1 may include, but are not restricted to, setting a financial limit and/or a requirement to enter into a formal agreement, including a security agreement, relating to the payment, and repayment of the legal representation costs paid for by the council under the policy.

6.4 In assessing an application, the policy may provide that the CEO or the Mayor can have regard to any insurance benefits that may be available to the applicant under the council's insurance policies or other similar arrangements.

6.5 The policy should provide that the CEO or the Mayor may, subject to clause 6.6, determine that a councillor or employee whose application for legal representation costs has been approved:
(a) did not act in good faith; or
(b) provided false or misleading information in respect of their application for assistance under this policy.

6.6 A determination under clause 6.5 should be made only on the basis of, and consistently with, the findings of a court, tribunal inquiry, regulatory investigation or other similar independent body.

6.7 Where a determination is made under clause 6.5, the legal representation costs paid by the council should be required to be repaid by the councillor or employee in accordance with clauses 6.1 - 6.2.

7. Repayment of Legal Representation Costs

7.1 A councillor or employee whose legal representation costs have been paid by the council will be required to repay to the council:
(a) all or part of those legal costs - in accordance with a determination made under clause 6.7; and

(b) if the councillor or employee receives monies from costs orders, damages, or any settlement, in respect of the matter for which the council has paid legal representation costs then the councillor or employee is to repay such sum to the council up to the amount of legal representation costs that have been paid by the council under the policy.

7.2 The council should reserve its rights to take action in a court of competent jurisdiction to recover any monies due and owing to it by a councillor or employee under its policy.

7.3 payment by the Council of the legal representation costs may be either by:
(a) a direct payment to the approved lawyer; or
(b) a reimbursement to the councillor or employee

Definitions

Approved Lawyer is to be:
(a) an 'Australian legal practitioner' under the Legal Profession Act 2007 (Qld);
(b) from a law firm on the Council's panel of legal service providers, unless the Council considers that this is not appropriate in the circumstances; and
(c) as otherwise approved in writing by the Council or the CEO under delegated authority.

CEO refers to the Chief Executive Officer of the Whitsunday Regional Council appointed in accordance with the *Local Government Act 2009*.

Council refers to the Whitsunday Regional Council

Councillor means a current or former councillor, non-elected member of a council committee or employee of the Council.

Employee refers to any employee, contractor, volunteer etc. of the Council

Legal representation costs are the costs, including reasonable professional fees and disbursements, that are properly incurred in providing the approved legal representation and the associated legal costs arising therefrom.

Legal services includes advice, representation or the preparation of documentation that is provided by an approved lawyer.

Related Documents

N/A

13. Corporate Services

13.4 ADMINISTRATIVE GUIDELINE - ADMINISTRATIVE SUPPORT FOR COUNCILLORS

AUTHOR: Norm Garsden – Manager, Governance and Administration

RESPONSIBLE OFFICER: Jason Bradshaw – Director, Corporate Services

OFFICER'S RECOMMENDATION

That Council recommend the Administrative Guideline – Provision of Administrative Support to Councillors, to the Chief Executive Officer for approval.

The following report has been submitted for inclusion into Council's Ordinary Meeting to be held on 10 March 2021.

SUMMARY

The Local Government Act 2009 includes prohibitions on Councillors giving direction to Council employees. These provisions may, however, be contradictory where Councillors ask a local government employee for assistance where their role is to provide administrative support to the Councillors. This Administrative Guideline has been developed to clarify when and how councillors can direct administrative support staff having regard to the reforms to strengthen the transparency, accountability and integrity measures in local government.

PURPOSE

This Policy has been developed to provide a workable framework to balance the prohibitions on Councillors giving direction to Council employees and the provision of administrative support to allow the Councillors to undertake their roles effectively.

BACKGROUND

It is not anticipated that the application of the policy will change how Councillors are currently supported in their roles.

STATUTORY/COMPLIANCE MATTERS

Section 170 (Local Government Act 2009):
Giving directions to local government staff
(1) …
(2) …
(3) No councillor, including the mayor, may give a direction to any other local government employee, except in accordance with guidelines made under section 170AA about the provision of administrative support to councillors.

> Note— Contravention of subsection (3) is misconduct that could result in disciplinary action being taken against a councillor. See sections 150L(1)(c)(iv), 150AQ and 150AR.

Section 170AA (Local Government Act 2009):
Guidelines about provision of administrative support to councillors

(1) The chief executive officer of a local government may make guidelines about the provision of administrative support by local government employees to a councillor.

(2) The guidelines must include—

(a) when a councillor may be provided with administrative support by a local government employee; and
(b) how and when a councillor may give a direction to a local government employee in relation to the provision of administrative support; and
(c) a requirement that a councillor may give a direction to a local government employee only if the direction relates directly to administrative support to be provided by the local government employee to the councillor under the guidelines.

(3) A direction purportedly given by a councillor to a local government employee is of no effect if the direction does not comply with the guidelines.

ANALYSIS

To ensure accountability and transparency, legislation which commenced on 12 October 2020 introduced requirements for councils that wish to employ 'councillor administrative support staff' to help councillors complete their duties.

Councillors can only direct administration support staff strictly in accordance with guidelines developed by council as required by the new legislation. This generally will mean that administrative support staff cannot help with the councillor's re-election or other 'campaigning' tasks.

STRATEGIC IMPACTS

This Guideline provides an acceptable work-around to assist Councillors undertake their strategic role.

CONSULTATION

Executive Leadership Team
Council

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 Behaviour.

CONCLUSION

This Guideline provides an acceptable work-around to assist Councillors undertake their strategic role.

ATTACHMENTS

Attachment 1 – Administrative Guideline – Provision of Administrative Support to Councillors

Attachment 1 – Administrative Guideline – Provision

Administrative Guideline – Provision of Administrative Support to Councillors

Corporate Services

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Administrative Directive			
Effective Date	30 October 2020	Next Review Date	30 October 2021
Responsible Officer(s)	Manager, Governance and Administration	Revokes	N/a

Purpose

The purpose of this Administrative Guideline is to set the parameters for Councillors asking administrative support staff to undertake routine administrative functions as described in this guideline.

The *Local Government Act 2009* includes prohibitions on Councillors giving direction to Council employees. These provisions may, however, be contradictory where Councillors ask a local government employee for assistance where their role is to provide administrative support to the Councillors. This Administrative Guideline has been approved to clarify when and how councillors can direct administrative support staff having regard to the reforms to strengthen the transparency, accountability and integrity measures in local government.

Scope

This Administrative Guideline is applicable to employees. Councillors may ask for administrative support from employees identified in this guideline and summarised in Appendix 1 in order to perform their responsibilities under the Local Government Act.

To maintain the integrity of the relationship between the elected and administrative elements of Council, these Guidelines specify:

- the way in which Councillors may request administrative support from Council employees, including the reasonable limits on requests that a Councillor may make;
- the employees who may respond to requests for information or advice; and
- the manner in which Council employees are to respond to Councillor requests for Administrative Support.

These Guidelines do not deal specifically with attempts to influence Council employees. It is an offence under section 175I(3) of the LGA, for a Councillor who has a material personal interest, real conflict of interest or perceived conflict of interest in a matter, other than an ordinary business matter, to influence, or attempt to influence, a Council employee or a Council contractor who is authorised to decide or otherwise deal with the matter to do so in a particular way.

Applicable Legislation

This Guideline is to be read in conjunction with the following legislative provisions and Council policies:

- sections 4, 12, 13, 170, 170A, 170AA, 171 and 171A of the *Local Government Act 2009* (Qld) (LGA);
- the Council's Code of Conduct for Employees; and
- The Councillors' code of conduct made by the Minister.

Draft for Discussion

Administrative Guideline – Provision of Administrative Support to Councillors

Corporate Services

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Statement of Intent

Having regard to council's organisational circumstances, Councillors are expected to limit routine requests for administrative support to the Councillor Support Officers (including the Mayoral Support Officer) to a reasonable level. Noting that administrative support staff cannot help with the councillor's re-election or other 'campaigning' tasks.

Employees' Responsibilities

1 Role of Mayoral and Councillor Support Officers

1.1 Mayoral Support Officer

Administrative support is provided to assist the Mayor meet the responsibilities of the roles and deliver important services. The specific types of tasks regarded as administrative that the Mayor can direct the Mayoral support staff to complete include:

- Answering telephone calls;
- Managing emails and appointments calendar;
- Managing correspondence flows and drafting or typing replies to simple correspondence;
- Assisting with communication to the community through emails, e-newsletters, informational advice about Council activities, or other similar mediums, provided the communication is objective, factual and informational;
- Attending meetings to take a transcript or summary of proceedings;
- Filing of Council correspondence;
- Photocopying, printing and ordering stationery;
- Making room, accommodation or travel bookings, including booking council vehicles or meeting rooms;
- Logging requests for service from the community, for example requests for street or park maintenance;
- Locating information for councillors such as legislation, or information from council's website or other sources;
- Undertaking Credit Card reconciliations.

1.2 Councillor Support Officer

Administrative support staff are employed to assist the Councillors meet the responsibilities of their roles and deliver important services. The specific types of tasks regarded as administrative that councillors can direct Councillor Support staff to complete include:

- Answering telephone calls;
- Managing emails and appointments calendar;
- Managing correspondence flows and drafting or typing replies to simple correspondence;
- Assisting with communication to the community through emails, e-newsletters, informational advice about Council activities, or other similar mediums, provided the communication is objective, factual and informational;
- Attending meetings to take a transcript or summary of proceedings;
- Filing of Council correspondence;
- Photocopying, printing and ordering stationery;
- Making room, accommodation or travel bookings, including booking council vehicles or meeting rooms;
- Logging requests for service from the community, for example requests for street or park maintenance;

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- Locating information for councillors such as legislation, or information from council's website or other sources;
- Undertaking Credit Card reconciliations.

1.3 Governance and Councillor Support Officer

Administrative support staff are employed to assist the Mayor and Councillors meet the responsibilities of their roles and deliver important services. The specific types of tasks regarded as administrative that councillors can direct support staff to complete include:

- Answering telephone calls;
- Managing emails and appointments calendar;
- Managing correspondence flows and drafting or typing replies to simple correspondence;
- Assisting with communication to the community through emails, e-newsletters, informational advice about Council activities, or other similar mediums, provided the communication is objective, factual and informational;
- Attending meetings to take a transcript or summary of proceedings;
- Filing of Council correspondence;
- Photocopying, printing and ordering stationery;
- Making room, accommodation or travel bookings, including booking council vehicles or meeting rooms;
- Logging requests for service from the community, for example requests for street or park maintenance; and
- Locating information for councillors such as legislation, or information from council's website or other sources.

1.4 Executive Assistant to the CEO

The executive Assistant to the CEO may be asked to assist the Mayor and Councillors in their responsibility and roles. The specific types of tasks regarded as administrative that councillors can direct staff to complete include:

- Answering telephone calls;
- Managing emails and appointments calendar;
- Managing correspondence flows and drafting or typing replies to simple correspondence;
- Assisting with communication to the community through emails, e-newsletters, informational advice about Council activities, or other similar mediums, provided the communication is objective, factual and informational;
- Attending meetings to take a transcript or summary of proceedings;
- Filing of Council correspondence;
- Photocopying, printing and ordering stationery;
- Making room, accommodation or travel bookings, including booking council vehicles or meeting rooms;
- Logging requests for service from the community, for example requests for street or park maintenance; and
- Locating information for councillors such as legislation, or information from council's website or other sources.

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1.5 Manager, Governance and Administration

The Manager, Governance and Administration may be asked to assist the Mayor and Councillors in their responsibilities and roles. The specific types of tasks regarded as administrative that councillors can seek assistance with respect to:

- Conflicts of Interest;
- Meeting procedures (incl Notices of Motion, etc);
- Application / Interpretation of Legislation;
- Development / Application / Interpretation of Policies;
- Serious complaints (e.g. corruption matters).

2 Limitation of support

The support activities identified in this guideline are:

- Limited to business hours only (After hours enquiries should be directed to the CEO or relevant Director);
- Limited by the resources available: Councillors need to acknowledge that the Councillor Support Officer need to allocate the time to undertake administrative activities between all Councillors during a working week;
- Subject to the priorities set by the relevant supervisor;
- Excludes requests for assistance with political or campaigning tasks or other advice best directed to senior council managers.

3 Unreasonable Requests

If an Officer is of the opinion, that the support requested by the Councillor is unreasonably complex or onerous to fulfil and will significantly divert them from their regular duties, the employee shall seek advice from their Manager, Director or the CEO as to the reasonableness of the request.

4 Commercial-in-Confidence

No employee, other than the CEO, is entitled to distribute commercial-in-confidence information or data to a Councillor.

5 Councillor Review and Escalation Process

- If a Councillor is dissatisfied with the level of support provided, the Councillor may notify his or her concerns to the CEO.
- If a Councillor has notified the CEO under these Guidelines, the CEO must undertake a review as soon as practicable and advise the Councillor in writing about how the concern will be addressed (if at all).
- If a Councillor (other than the Mayor) is dissatisfied with:
  - a decision made by the CEO under these Guidelines, the Councillor may notify the Mayor about their concern.
  - if a Councillor notifies the Mayor of a concern under these Guidelines;
    - the Mayor may bring the matter to the attention of the CEO (either orally or in writing).
    - unless the Mayor gives a direction to the CEO under section 170(1) of the LGA, the CEO may deal with the concern brought to his or her attention under these guidelines as the CEO considers appropriate.

Draft for Discussion

Administrative Guideline – Provision of Administrative Support to Councillors

Corporate Services
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Definitions

CEO refers to the Chief Executive Officer of the Whitsunday Regional Council appointed in accordance with the *Local Government Act 2009*.

Council refers to the Whitsunday Regional Council

Employee refers to any employee, contractor, volunteer etc. of the Council

Related Documents

Local Government Act
Councillor Acceptable Request Policy
Councillor Code of Conduct
Employee Code of Conduct

Chief Executive Officer Approval

Rodney Ferguson
Chief Executive Officer

Draft for Discussion

Position Name	Subject Area	Contact
Chief Executive Officer	Any matters, including review of support dissatisfaction.	Mr Rodney Ferguson Ph: 4945 0601 Mob: 0448 458 782
Manager, Governance and Administration	Support related to: • Conflicts of Interest; • Meeting procedures (incl Notices of Motion, etc); • Application / Interpretation of Legislation; • Development / Application / Interpretation Policies; • Serious complaints (e.g. corruption matters).	Mr Norm Garsden Ph: 4945 0644 (Proserpine) Ph: 4761 3663 (Bowen) Mobile 0439 541 847
Mayoral Support Officer	Support related to: • Answering telephone calls; • Managing emails and appointments calendar; • Managing correspondence flows and drafting or typing replies to simple correspondence; • Assisting with communication to the community through emails, e-newsletters, informational advice about Council activities, or other similar mediums, provided the communication is objective, factual and informational; • Attending meetings to take a transcript or summary of proceedings; • Filing of Council correspondence; • Photocopying, printing and ordering stationery; • Making room, accommodation or travel bookings, including booking council vehicles or meeting rooms; • Logging requests for service from the community, for example requests for street or park maintenance; • Locating information for councillors such as legislation, or information from council's website or other sources; • Undertaking Credit Card reconciliations.	Mardi Mathieson Ph: 4761 3607 Mobile: 0436 807 382 Email: Mardi.Mathieson@whitsundayrc.qld.gov.au

Draft for Discussion

Administrative Guideline – Provision of Administrative Support to Councillors
Corporate Services
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Councillor Support Officer	Support related to: • Answering telephone calls; • Managing emails and appointments calendar; • Managing correspondence flows and drafting or typing replies to simple correspondence; • Assisting with communication to the community through emails, e-newsletters, informational advice about Council activities, or other similar mediums, provided the communication is objective, factual and informational; • Attending meetings to take a transcript or summary of proceedings; • Filing of Council correspondence; • Photocopying, printing and ordering stationery; • Making room, accommodation or travel bookings, including booking council vehicles or meeting rooms; • Logging requests for service from the community, for example requests for street or park maintenance; • Locating information for councillors such as legislation, or information from council's website or other sources; • Undertaking Credit Card reconciliations.	Tammy McDonald Ph: 4945 0628 Mobile: 0407 715 890 Email: Tammy.McDonald@whitsundayrc.qld.gov.au
Executive Assistant to the CEO Governance and Councillor Support Officer	Support related to: • Answering telephone calls; • Managing emails and appointments calendar; • Managing correspondence flows and drafting or typing replies to simple correspondence; • Assisting with communication to the community through emails, e-newsletters, informational advice about Council activities, or other similar mediums, provided the communication is objective, factual and informational; • Attending meetings to take a transcript or summary of proceedings; • Filing of Council correspondence; • Photocopying, printing and ordering stationery;	Nickie Nosworthy Ph: 49450207 Email: Nickie.nosworthy@whitsundayrc.qld.gov.au Mel Douglas Ph: 4761 3682 Email: Melanie.Douglas@whitsundayrc.qld.gov.au Tailah Jensen Ph: 4761 3626

Draft for Discussion

	• Making room, accommodation or travel bookings, including booking council vehicles or meeting rooms; • Logging requests for service from the community, for example requests for street or park maintenance; and • Locating information for councillors such as legislation, or information from council's website or other sources.	Email: Tailah.jensen@whitsundayrc.qld.gov.au

Draft for Discussion

13. Corporate Services

13.5 DRAFT CORPORATE PLAN 2021

AUTHOR: Norm Garsden – Manager, Governance and Administration

RESPONSIBLE OFFICER: Jason Bradshaw – Director, Corporate Services

OFFICER'S RECOMMENDATION

That Council endorse release of the draft Corporate Plan 2021-26 for community and stakeholder engagement, in accordance with the Community Engagement Plan.

The following report has been submitted for inclusion into Council's Ordinary Meeting to be held on 10 March 2021.

SUMMARY

Following a number of workshops with Councillors and Senior Executive Staff, Council's consultant has produced a draft Corporate Plan.

PURPOSE

Council's Corporate Plan performs a number of functions: It is the principal document that drive Council's Budget and Operations; it outlines the strategic direction of the local government; documents the performance indicators for measuring Council's progress in achieving its vision for the future; and includes details of commercial business units.

This Plan shares Council's visions and aspirations and outlines how we will broaden the region's economy, enhance our resident's lifestyle, and pave the way for a sustainable future. Council in effect make a commitment in the Plan to the Whitsunday community that Council will work hard to deliver the outcomes through strong leadership, unified decision making and being transparent and accountable for our actions. Keys Focus Areas have been identified to improve Council's infrastructure, strengthen service delivery, preserve our unique environment, and diversify our economy.

This Corporate Plan refreshes and renews Council's commitment to maintain a strong economic and financial position for many years to come.

This Plan will provide the strategic and operational focus for our staff across the different departments with the unified aim of delivering council's vision. Our essential core services remain at the forefront of our focus however through our Mayor and Councillors and our Executive Leadership Team, we realise the potential of the Whitsunday Region and look to provide strong leadership for the organisation, and our community.

A consultation plan has also been prepared to drive community engagement.

BACKGROUND

Council's previous Corporate Plan has expired, and a new plan is needed to drive the Council's focus for the coming 5 years. The Corporate Plan is the principal financial planning document guiding Council's activities.

STATUTORY/COMPLIANCE MATTERS

165 Preparation of 5-year corporate plan

(1) A local government must prepare a 5-year corporate plan for each period of 5 financial years.
(2) A local government must adopt its 5-year corporate plan in sufficient time to allow a budget and annual operational plan, consistent with the corporate plan, to be adopted for the first financial year that is covered by the plan.
(3) A local government may, by resolution, amend its 5-year corporate plan at any time.
(4) A local government must discharge its responsibilities in a way that is consistent with its 5-year corporate plan.

166 5-year corporate plan contents

A local government's 5-year corporate plan must:

(a) outline the strategic direction of the local government; and
(b) state the performance indicators for measuring the local government's progress in achieving its vision for the future of the local government area; and
(c) include the following information for each commercial business unit—
    (i) an outline of the objectives of the commercial business unit;
    (ii) an outline of the nature and extent of the significant business activity the commercial business unit will conduct.

ANALYSIS

The Draft Corporate Plan has been developed through a number of workshops with Councillors and its Senior Executives and reflects the Council's input.

STRATEGIC IMPACTS

The Corporate Plan establishes Councils strategic objectives and is consistent with Council's legislative obligations.

CONSULTATION

Cr Willcox – Mayor
Cr Clifford – Division 1
Cr Grundy – Division 2
Cr Collins – Division 3
Cr Wright – Division 4
Cr Simpson – Division 5
Cr Brunker – Division 6
Mr Rodney Ferguson – CEO
Mr Jason Bradshaw – Director, Corporate Services
Ms Julie Wright – Director, Community Services
Mr Neil McGaffin – Director, Development Services
Mr Adam Hagy – Acting Director, Infrastructure 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 Draft Corporate Plan reflects the Council's ambitions, goals and objectives and is suitable to fulfil its purpose. If endorsed by Council, community engagement will be undertaken to seek further feedback, prior to the formal adoption of Council's new Corporate Plan.

ATTACHMENTS

Attachment 1 – Draft Corporate Plan
Attachment 2 – Community Engagement Plan

Whitsunday Regional Council

CORPORATE PLAN 2021/2026

Whitsunday Regional Council

CORPORATE PLAN

2021/2026

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1 ····· FOREWARD

ANDREW WILLCOX

FROM THE MAYOR

On behalf of my fellow Councillors, I am pleased to present the Whitsunday Regional Council Corporate Plan 2021 – 2026.

This Plan shares our visions and aspirations for the next five years and outlines how we will broaden our economy, enhance our lifestyle, and pave the way for a bright future.

We make a commitment to our Whitsunday community that we will work hard to deliver the outcomes contained in this Plan through strong leadership, unified decision making and being transparent and accountable for our actions.

The Keys Focus Areas have been identified to improve our infrastructure, strengthen our existing service delivery, preserve our unique environment, and diversify our economy. Importantly, it will put the organisation and our region in a strong economic and financial position for many years to come.

Council will also work closely with our key stakeholders such as the Australian and Queensland Governments to help us to achieve our goals. Partnerships such as these are crucial in continuing to meet the demands of our growing region.

I have confidence that together we can achieve our vision to benefit the whole Whitsunday Region, both now and in future generations to come.

I look forward to working together with the Councillors, the Executive Leadership Team and staff to deliver amazing things for our great Whitsunday Region.

RODNEY FERGUSON

FROM THE CEO

This Corporate Plan refreshes and renews our commitment to our community that we will continue to build on the established work of this Council while looking to the future to harness new opportunities for our region.

The past has shown us that we are not without our share of challenges from natural disasters to the more recent effects of the COVID-19 pandemic. However, I believe we have a solid foundation, a resilient community and great potential as a region.

This Plan provides the strategic and operational focus for our staff across the different departments with the unified aim of delivering council's vision. Our essential core services remain at the forefront of our focus however through our Mayor and Councillors and our Executive Leadership Team, we realise the potential of the Whitsunday Region and look to provide strong leadership for the organisation, and our community.

We have prioritised a range of activities and projects which have been for specific consideration in the next 5 years. These Key Focus Areas will have varying aims however will ultimately help us achieve our vision.

Our values of Accountability, Leadership, Unity, Trust, Pride and Safety promote a shared understanding across the organisation and underpin everything that we do for our community.

I look forward to working with the Mayor & Councillors and all the Whitsunday Regional Council employees in a collaborative effort to build a Whitsunday Region we can be proud of.

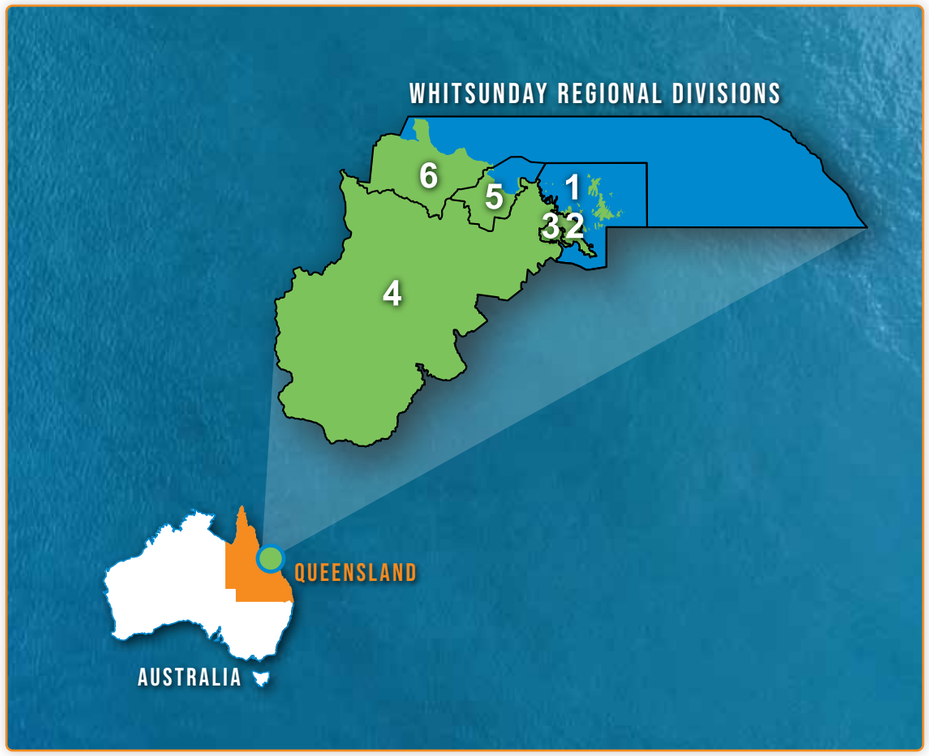
2 ····· PROFILE

Renowned for its relaxed lifestyle, the Whitsunday Region boasts beautiful beaches, tropical rainforests, swaying cane fields and the earthy colours of the historic outback.

The region encompasses the five main townships of Airlie Beach, Bowen, Cannonvale, Collinsville and Proserpine with numerous rural & coastal communities, and residential areas scattered in between.

The 74 Whitsunday Islands are also within the Council area with majority of these islands uninhabited national parklands. The crystal-clear turquoise waters and pristine silica sand of world-famous Whitehaven Beach stretches over seven kilometres along Whitsunday Island, the largest of the 74 islands in the Whitsunday group.

Several islands offer a range of resort accommodation, all with the world heritage listed Great Barrier Reef and fringing coral reefs at their doorstep.



PROFILE CONTINUED

COMMUNITY

- Population 35,357*
- Rateable properties 19,002
- Median age 30-39*
- Families 14,953*
- Average household size = 2.35*

ENVIRONMENT

- Land Area 23,819 km2
- 514 km of coastline
- 11 rivers
- 120 parks and open spaces
- 84,801 ha of national parks
- Approx. 1,708,100ha Great Barrier Reef World Heritage area (Whitsunday)
- Average temperature min 24.9 max 30.4

ECONOMY

- Estimated workforce 15,805*
- Top employer tourism*
- GRP estimated at $3.0B*
- Industry output $5.9B*
- Mining largest economic output*

**REMPLAN Economic Profile for Whitsunday Region - https://app.remplan.com.au/whitsunday/economy/summary.*

3 OUR ELECTED COUNCIL

Whitsunday Regional Council comprises of a Mayor and six (6) Councillors, representing separate divisions.

Elected every four (4) years, the current Council took office following the local government elections that were held across Queensland in March 2020.

S12 of the Local Government Act 2009 sets out the responsibilities of Councillors and are summarised as follows:

- Represent the current and future interests of the residents
- Discharge all legislative responsibilities
- Achieves the Corporate Plan
- Comply with all laws
- Provide high quality leadership
- Participate in meetings, policy development and decision making
- Accountable to the community for their performance

MAYOR
ANDREW WILLCOX

DIVISION 1
JAN CLIFFORD

DIVISION 2
AL GRUNDY

DIVISION 3
JOHN COLLINS

DIVISION 4
MICHELLE WRIGHT

DIVISION 5
GARY SIMPSON

DIVISION 6
MIKE BRUNKER

4 ····· OUR STRATEGIC DIRECTION

Vision Statement

The Vision Statement is our primary goal and is what we aspire the Whitsunday Region to be. All our plans, actions and decisions are developed, implemented and undertaken with the aim of achieving the Vision.

OUR VISION

Is to be a sustainable and progressive region achieved by unified and innovative leadership for the benefit of our diverse community, visitors and the environment.

Mission Statement

The Mission Statement expresses how we, as an organisation, intend to achieve our Vision Statement.

OUR MISSION

Is to provide engaged, accountable, proactive and unified leadership that is focused on delivering sustainable outcomes.

Values

Corporate Values are the fundamental principles and practices how we as an organisation conduct our business. They set standards and define what our organisation considers are imperative to success.

Our Corporate Values are:

ACCOUNTABILITY

We are responsible, open and transparent about what we do and how we do it.

LEADERSHIP

We provide direction and good decision making for our organisation and community in an understanding environment that embraces trust and continuous improvement.

UNITY

We work together as a cohesive and proactive team.

TRUST

We foster trust within our community and organisation.

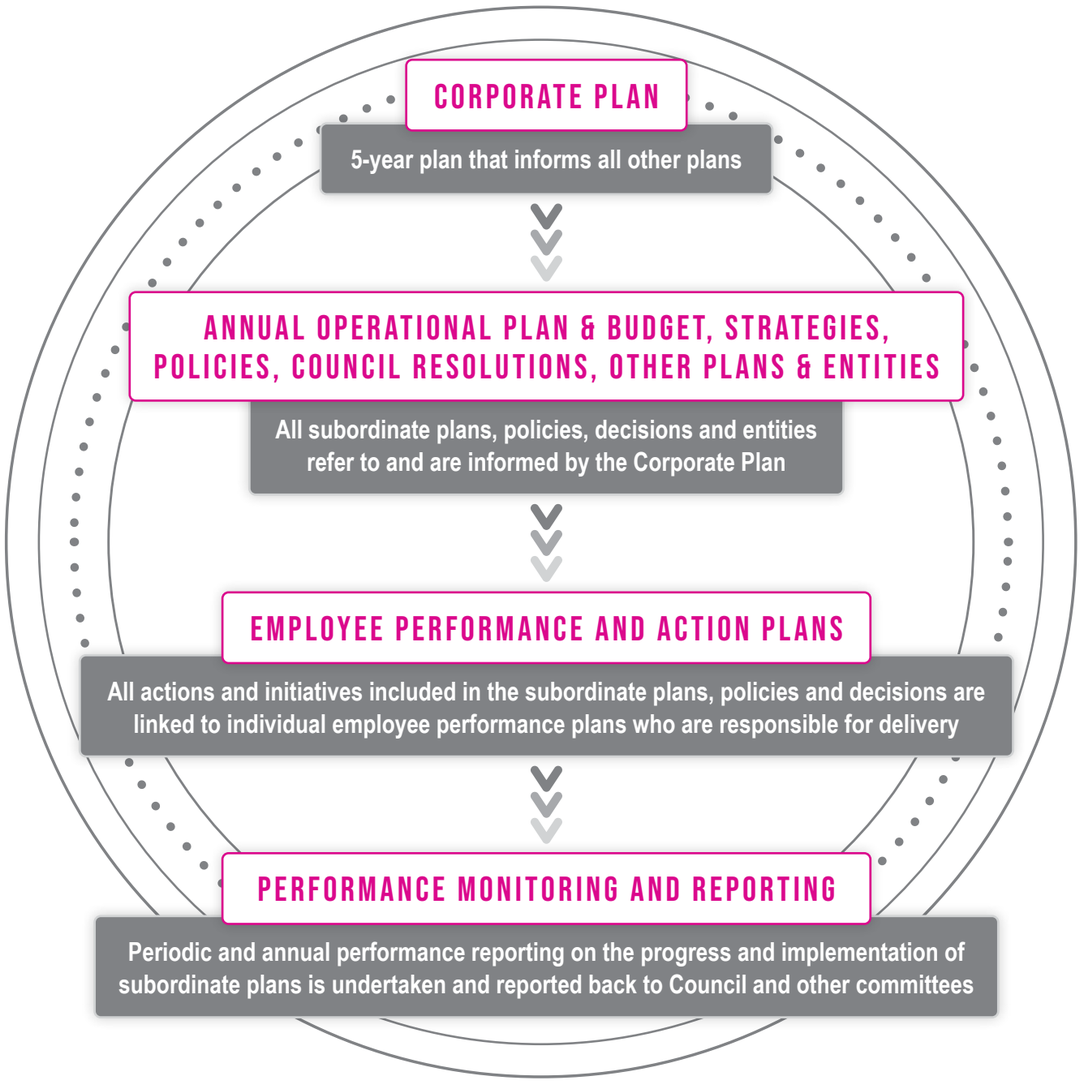
PRIDE

We take pride in our diverse community and the service we deliver.

SAFETY

We actively care for the health and wellbeing of our organisation and community

5 OUR STRATEGIC PLANNING FRAMEWORK



6 ABOUT OUR CORPORATE PLAN

The Local Government Act 2009 requires all Queensland local governments to prepare a 5-year Corporate Plan.

A Corporate Plan is the primary strategic document that all other strategies, actions and decisions of Council refer to and defines the overall strategic direction and standard for the entire organisation.
It sets Council's Vision for the next 5-year period and creates the framework for the development and implementation of Council's subordinate plans.

S104(5)(i)(a) of the Local Government Act 2009 requires Council to prepare a Corporate Plan that includes community engagement.

Whilst community consultation and engagement would normally be undertaken at the commencement of the Corporate Planning development process, the imposition of the COVID 19 pandemic at the time created difficulties. As such, Council and the Executive Leadership Team initially developed a draft Corporate Plan which was then used as a basis to undertake consultation processes in a safe manner to satisfy COVID 19 responsibilities.

S165 of the Local Government Regulations 2012 requires Council to adopt a 5-year corporate plan in sufficient time to allow a budget and annual operation plan to be developed consistent with the Corporate Plan. The effective commencement date of this Corporate Plan is 1 July 2021.

The regulation further states that Council must "discharge its responsibilities" in a way that is consistent with its 5-year corporate plan.

S166 of the Local Government Regulations 2012 broadly sets out the content requirements for a Corporate Plan which are:

- Outline the strategic direction of the Council;
- State the performance indicators for measuring the Council's progress in achieving its Vision; and
- Providing of information relating to any commercial business units

These requirements have been addressed in this Corporate Plan.

With the delivery of many services and the management of significant assets comes much responsibility and risk. Council has adopted a detailed risk management framework to mitigate risk and reduce associated governance issues and exposure.

7 ····· KEY FOCUS AREAS

In addition to Council's usual services and functions, the following Key Focus Areas have been identified for specific consideration in the next 5 years. Each Key Focus Area will be subject to strategic review that aligns with Council's Vision.

ASSET MANAGEMENT PLAN

Council is responsible for the management and operation of over $1 billion of assets. These assets provide the services and facilities that our community utilises and directly contribute to overall quality of life. The oversight and management of such a large and important part of Council operations requires careful planning to ensure the benefits derived will continue. An Asset Management Plan holistically deals with all aspects of asset management and is strategically fundamental to our long-term sustainability.

REVIEW OF COMMERCIAL BUSINESS OPERATIONS

At present Council operates several facilities that it considers are commercial. It is important that these types of operations are self-sustainable (if possible) and not dependent on financial subsidisation from other sources. As such, Council needs to have a detailed understanding of the commercial viability of each activity to enable them to make informed and strategic operational decisions.

COMMUNITY PLAN (LONG-TERM)

A primary function of Council is to serve its community. To plan for our community's future, we need to understand and appreciate what is required. A long-term Community Plan seeks to achieve this and then acts to inform Council when considering future strategic plans, policies and operational decisions.

ARTS, CULTURAL & HERITAGE STRATEGY

Our arts, culture and heritage define who we are and reflect community diversity. As such, Council recognises the need for a strategy framework that aims to recognise, support and invigorate this important aspect of our community and region.

ESTABLISHMENT OF A PLACE OF REFUGE

– Cannonvale, Airlie Beach & Jubilee Pocket

As an area that is susceptible to significant weather events and natural disasters it is imperative the Council progressively works to build sustainability and community resilience. This includes the establishment of places of refuge to protect the wellbeing of affected residents during times of need.

ECONOMIC DEVELOPMENT STRATEGY

Having a strong and resilient local economy is critical to our overall sustainability. An Economic Development Strategy aims to provide a framework to guide for our long-term growth and prosperity in an environment that can be challenging and at times unpredictable.

KEY FOCUS AREAS CONTINUED

SHUTE HARBOUR STAGE TWO

Council plays a significant and multifunctional role in tourism in the Whitsundays. The need for a Centre of Marine Excellence and further development of Shute Harbour were identified in The Whitsundays Destination Tourism Plan 2019 – 2024.

LONG-TERM FINANCIAL PLAN

For Council to be sustainable, it is important that it can adequately model future financial trends and evaluate the impact of its decisions. This can be achieved through the development and implementation of a long-term financial plan that will allow Council to fully understand the financial ramifications of projects and actions and assist with the making of informed decisions.

ANALYSIS OF FULL COST PRICING FOR WATER, WASTE AND SEWER FUNCTIONS

As the name suggests, full cost pricing is a pricing strategy in which all relevant variable costs and an appropriate share of fixed costs can be directly attributable to the function and is then used to determine a price path and applicable charge for service. Fundamental to this strategy, is the concept of “user pays” and that no subsidisation from other sources is received to support the operation of a function.

ADVOCACY POLICY & PLAN

As the representative body closest to the people, Council is often involved in a wide range of issues that it does not have any direct control or jurisdiction over. Such issues are usually the responsibility of either the state or federal government. For Council to effectively represent the community on these issues, an advocacy policy and plan is required that guides process and assists to determine Council’s regional priorities.

GOVERNANCE LEADERSHIP FRAMEWORK

Good governance and leadership are at the heart of our democratic system. A governance leadership framework will help to guide our elected members with their decision making and actions to reduce risk and achieve the standards expected by our community and other levels of government.

DEVELOPMENT AND INTRODUCTION OF BUSINESS PLANS FOR DIRECTORATES AND FUNCTIONS

Good long-term decisions and strategies start with having a detailed understanding of the issues and options. Applying a formalised process of business planning to all aspects of Council operations will assist to identify issues and ensure that decisions are made with a high level of due diligence.

KEY FOCUS AREAS CONTINUED

ASSESSMENT OF ELECTORAL DISTRIBUTION STRUCTURE

At present the Whitsunday Regional Council comprises of a popularly elected Mayor and six (6) Councillors who are each elected from individual divisions. There are however different electoral structures that could be considered. Should any changes be proposed then sufficient lead time is required prior to the next local government election for the changes to be enacted.

STRATEGIC WORKFORCE PLAN

Council's workforce is responsible for delivering all the services and facilities that the community enjoys and expects. A Strategic Workforce Plan evaluates the existing workforce and determines what is required to ensure our people are structured and capable to meet future needs and demands.

REINVIGORATION AND RESETTING OF ORGANISATIONAL SAFETY OBLIGATIONS

The health and wellbeing of our people is paramount. Establishing an operational culture that embraces the need to be safety aware significantly reduces the risk of accidents and serious injury. A challenge however with managing a large and geographically dispersed workforce is attaining organisational consistency with the application of required safety standards.

WASTE MANAGEMENT STRATEGY - REVISION

Council's current Waste Management Strategy will expire in 2021 and a such a new and revised strategy is now required that addresses the future waste management needs of the region.

LAND USE - PLANNING FOR THE FUTURE

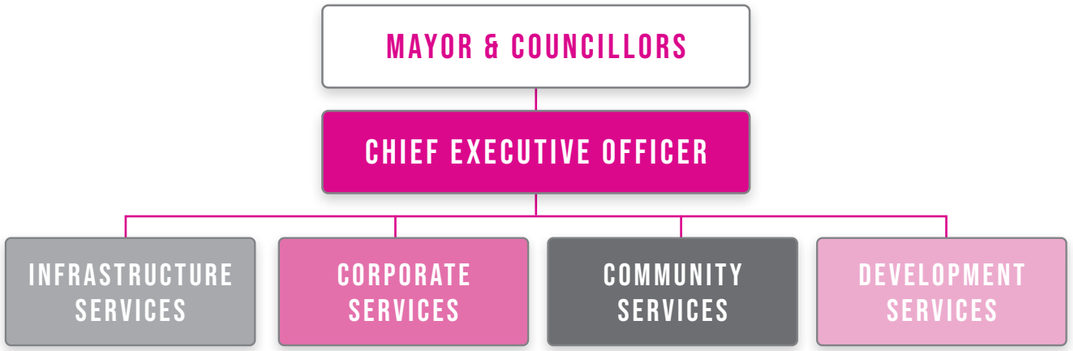
Early land use planning was usually dictated by what the community's needs and requirements were at that time. However, as time has progressed, so too has the way we live and function. Aspects such as digital and web-based retail and commercial activities, climate change and connectivity have all had significant impact to the extent that some existing land uses are no longer applicable and do not reflect the current and future needs of our community. As such, a detailed review of land use planning across the region is required.

8 DELIVERY OF THE CORPORATE PLAN

Council's Organisational Structure is the framework by which it delivers all its plans, decisions, services and functions.

Each Directorate has determined objectives that align with the strategic direction of this Corporate Plan. This will enable the connecting of the Corporate Plan to Council's Annual Operational Plan and other sub-plans that are developed and in doing so allow for delivery.

The Organisational Structure, Directorate Objectives and functions are as follows:



Directorate:

OFFICE OF THE MAYOR AND THE CHIEF EXECUTIVE OFFICER

KEY FUNCTIONS	**Organisational Leadership**
	Advocacy
	Human Resources and Safety
	Aviation and Tourism
	Communication and Media
OBJECTIVES	1. Through strong and open leadership, develop an organisation with a culture of respect, accountability and community service.
	2. Advocate for the community on issues of regional importance.
	3. Manage the human resource function in a fair and consistent manner and ensure safety is a key pillar of the organisation's culture.
	4. Manage the aviation and tourism activities of the region as the gateway to the Whitsundays
	5. Ensure WRC openly communicates with and promotes the communities of the Whitsunday Region

Directorate:

INFRASTRUCTURE SERVICES

KEY FUNCTIONS	**Disaster Management**
	Roads and Drainage
	Parks and Gardens
	Capital Projects
	Disaster Recovery
	Quarry
	Water Services / Waste Services
	Workshops
OBJECTIVES	1. Improve Council's asset management planning maturity and develop long term financial plans for all asset classes which are financially affordable over the long term.
	2. Provide great customer experience and service.
	3. Improve our transport network with a focus on road safety and renewal of ageing infrastructure.
	4. Maintain a high level of preparedness, capability, and responsiveness to respond to, and recovery from, natural disasters that impact on our local communities and infrastructure.
	5. Provide reliable, safe, secure, environmentally responsible, and affordable water and waste services.
	6. Provide a fantastic experience for our community and visitors when using our open spaces, natural features, and facilities.

DELIVERY OF THE CORPORATE PLAN CONTINUED

Directorate:

CORPORATE SERVICES

KEY FUNCTIONS	**Finance**
	Governance and Administration
	Innovation &Technology
	Procurement and Property
	Fleet
OBJECTIVES	1. Lead and improve the organisation's procurement, property and fleet functions across the organisation, including managing the centralised and specialised services to enable and achieve the operational and long-term objectives of Council. 2. Manage Council's property and building assets to ensure optimal community outcomes. 3. Maximise the organisation's financial performance, achieving a high level of customer service, productivity and efficiency through strategic direction, expert advice and leadership. 4. Integrate asset management practices into the long-term financial planning to ensure sustainable service delivery for current and future generations. 5. Lead the organisation's Information Technology, Communication, Geospatial Information Systems (GIS) and Records Management functions, providing strategic and operational direction to ensure optimal community outcomes. 6. Seek and develop business solutions through engaging with the organisation and external stakeholders to provide ICT solutions that are fit for purpose, durable and ensure the best use of limited resources. 7. Lead and coordinate of the organisation's corporate governance and risk management, in addition to the delivery of efficient and customer focused administration support for the organisation to ensure high levels of performance and compliance. 8. Support the organisation in ensuring appropriate compliance with legislation and to support the elected council in its decision-making processes and obligations as a local government.

Directorate:

COMMUNITY SERVICES

KEY FUNCTIONS	**Community Development and Libraries**
	Customer Service
	Aquatic Facilities / Caravan Parks
	Environmental Health & Local Laws
	Natural Resource Management & Climate
	Cultural Heritage
OBJECTIVES	1. Facilitate, foster and encourage region wide activities and programs that engage our community. 2. Provide high quality recreational facilities that are well utilised by the local community and visitors alike. 3. Provide fun, welcoming spaces that connect and engage the community through a variety of innovative resources, programs and activities. 4. Drive well designed customer service by providing a proactive and responsive customer service culture across the organisation. 5. Connect with Traditional Owners within the region to recognise and support each group's rights and interests. 6. Research and assist in the current and future protection of the region's natural environment. 7. Protect community health and safety, biosecurity, and amenity within the region by providing community education and administrative services.

DELIVERY OF THE CORPORATE PLAN CONTINUED

Directorate:

DEVELOPMENT SERVICES

KEY FUNCTIONS	**Planning**
	Development Assessment
	Strategic Planning
	Building and Plumbing
OBJECTIVES	1. To support business units across Council in the delivery of their objectives through enabling access to grants and funding
	2. Provide advocacy and partnerships with government, community and business interests through effective stakeholder engagement
	3. Strengthen and grow our business and community to attract investment that aligns to WRC endorsed plans and strategies
	4. Process all statutory applications within statutory timeframes
	5. Monitor development and land use to ensure compliance with statutory requirements and development conditions.
	6. Develop and maintain a local government infrastructure plan that aligns with Council's Asset Management Plans and Long term Financial Forecast in compliance with State Interests
	7. Provide a consistent and transparent strategic framework and direction for the development industry and community.
	8. Deliver a plan for the development industry and community around trunk infrastructure provision.

9 OUR BUSINESS ACTIVITIES

Whilst Council does not operate any "significant business activities" in accordance with s43 of the Local Government Act 2009, it does however undertake some activities that are considered commercial.
Such activities are operated with the aim of maximising return and minimising any community service obligation or financial subsidisation. Where possible, these activities are operated on a cost neutral basis with "full cost pricing approach" and "user pay principles" applied.

SHUTE HARBOUR MARINE TERMINAL

The Shute Harbour Marine Terminal is the gateway to the Whitsunday Tourist Islands. Extensively damaged in March 2017 by tropical cyclone Debbie, the facility is now undergoing a re-build and is schedule for opening in late 2021. The rebuilt complex includes a new passenger terminal with ticketing, baggage handling, retail, office and café space, a fuel facility, finger pontoons, a range of craft berthing options, car parking, recreational fishing platform and public boat ramp.

FOXDALE QUARRY

Foxdale Quarry supplies material for domestic and commercial purposes. The Quarry's products are quality controlled by Council's own National Association of Testing Authorities (NATA) certified testing laboratory that ensures compliance to required product specification.

OUR BUSINESS ACTIVITIES

WATER SUPPLY & SEWERAGE SERVICES

This business unit provides potable water to the water supply areas within the region. The business unit also collected waste water (sewage) from the sewerage service areas and treats collected sewage in keeping with license and environmental requirements before disposing of the treated effluent. Council also recycles some of this treated effluent for use in public spaces and sporting facilities such as golf courses.

Waste Services
This business unit provides waste collection, recycling and waste disposal services to the serviced area within the region. Its aim is to become a sustainable, low waste region in which human health and the environment are protected from the impact of waste while providing long term sustainable waste management solutions to the community that enhance resource recovery and recycling outcomes.

WHITSUNDAY COAST AIRPORT

The Whitsunday Coast Airport services a significant range of air traffic from all phases of commercial, public and private enterprises. The current terminal facility caters for in excess of 250,000 passengers per annum. The runway length of over 2073 metres is the longest in the Whitsunday region, with room for further growth to in excess of 3000 metres. The facility currently has the capacity to service aircraft up to 767 – 300 ER / A330 – 300 size.

10 PERFORMANCE MEASUREMENT

Council will apply a quadruple bottom line methodology for measuring its progress in achieving its Vision for the region.

A quadruple bottom line methodology requires performance to be measured against the following pillars:

FINANCIAL	ENVIRONMENTAL	SOCIAL	GOVERNANCE
When making decisions we ensure that we are aware of all immediate costs and long-term financial implications. We strive to always operate within budget and aim for financial sustainability.	We will consider as part of our planning, decision making and activities any matter that may cause immediate or long-term environmental impacts. In addition, we also progressively look for opportunity to improve and deliver environmental benefits in the way we operate.	We will consider the social aspects of our decisions and activities to ensure that the various needs and requirements that exist in our diverse community are met.	We will ensure that we undertake all our operations in a transparent, accountable and ethical manner and in line with our policies and procedures.

Specific performance indicators consistent with the quadruple bottom line methodology will be determined per function as part of Council's Annual Operational Plan development.

Whitsunday Regional Council

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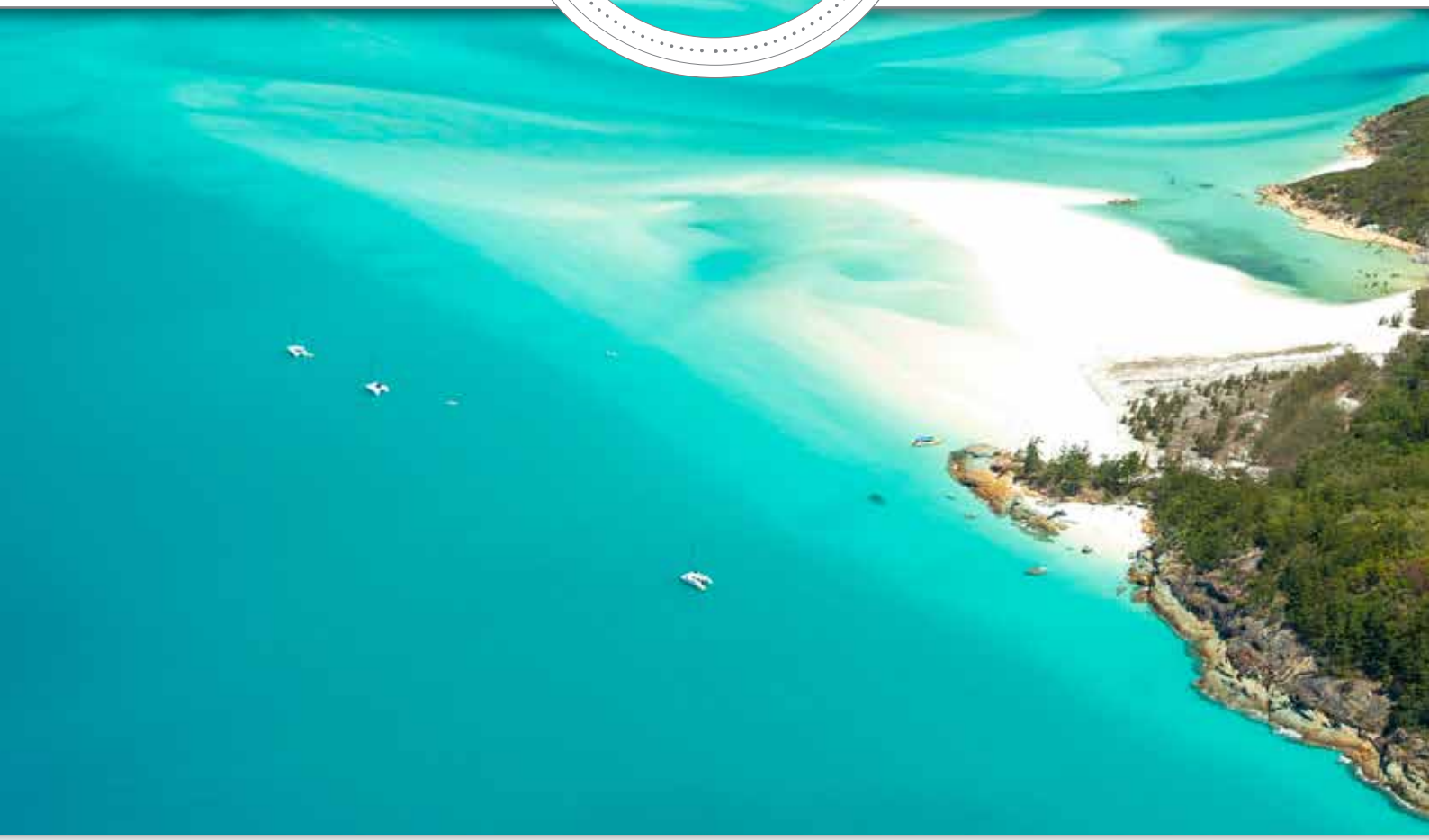
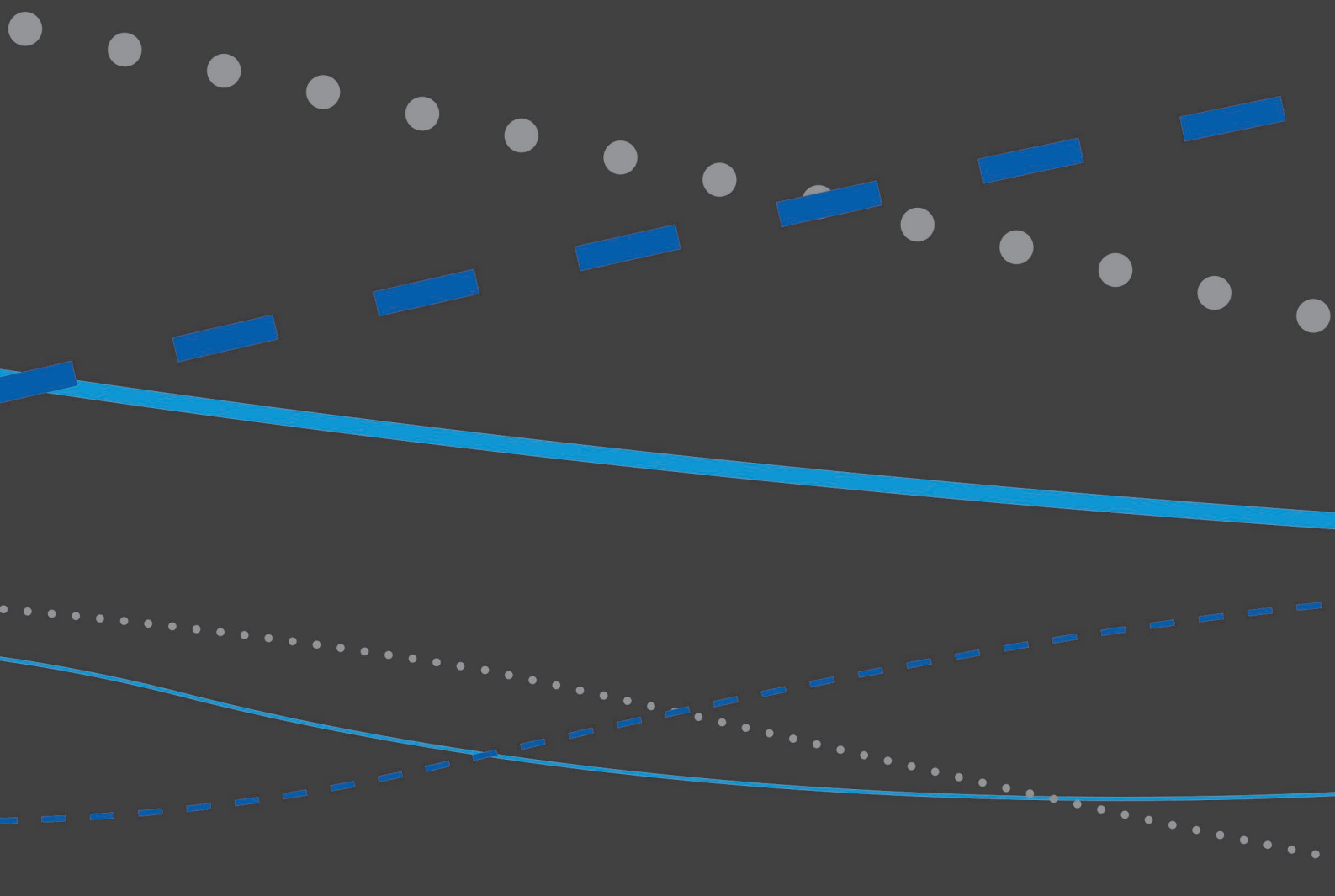


Whitsunday Regional Council

Corporate Plan 2021

Community Engagement Plan

Date: 2 March 2021



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Document History

Title	Version No.	Date	Author	Reviewer	Approved by
Report	1.0	2 Mar 2021	Joanne Vlismas	Lisa Maher; Greg Martin;	Rod Ferguson

Whitsunday Regional Council

1. Introduction

1.1 Background

Whitsunday Regional Council (WRC) will be looking for feedback from residents on a Draft Corporate Plan for 2021-2026.

The Corporate Plan is WRC's key document which outlines the organisation's strategic agenda over a five-year period. It fits within an integrated Planning and Reporting Framework which spans from long-term strategic planning (10 years +) to short-term operational planning (1 to 5 years).

The Corporate Plan details the desired outcomes for each Directorate and through projects and initiatives identified in the document as Key Focus Areas. It translates our community's vision for the Whitsunday Region into measurable strategies and outcomes.

It is important to capture community input and feedback during the development of the Corporate Plan, to ensure there is community support for the actions and resource planning outlined in the draft document.

Inviting the community along on the journey is an important way to engage residents in these crucial governance activities. Good governance is a vital component of achieving the organisation's mission which is 'to provide engaged, accountable, proactive and unified leadership that is focused on delivering sustainable outcomes'.

This Communication Plan outlines the communication processes, methods and action plan to engage with the community on this project.

1.2 Purpose and Aim of the Community Engagement Plan

This Community Engagement Plan will support the project to ensure all communication activities are appropriate, consistent, and delivered in a timely manner. It outlines key messages and objectives and aims to increase participation by the community during the engagement process. This plan identifies and defines the roles of persons involved in this project, formally defining who should be given specific information, when information will be delivered and what communication channels will be used to deliver the information.

This Plan sets the communications framework for this project and will serve as a guide for internal and external communications throughout the life of the project. This will be a live document and will be reviewed and updated as required.

1.3 Communication Objectives

Open and transparent communication and stakeholder management plays a key role in enabling effective engagement. The key objectives of this Plan are to:

- Ensure a transparent and open process where all affected residents and key stakeholders are provided with information in a consistent and timely manner;
- Identify and manage communication issues and risks throughout the project;
- Enhance stakeholder and community awareness, understanding and confidence by following best-practice communication and engagement principles.

1.4 Communication Objectives by Project Phase

The project will have several clear phases and communication objectives, outlined below:

Table 1 Communication Objectives

Project Milestones	Indicative Timing	Level of Engagement	Communication Objectives
1. Community Engagement Plan developed	Feb-Mar 2021	Involve	To engage with internal stakeholders during the planning process and develop a communications and engagement strategy.
2. Prepare Consultation materials	Early Mar 2021	Involve	To prepare materials for the consultation and/or engagement process, and gain relevant approvals.
3. Launch Community Consultation	Mid Mar 2021	Consult	To inform and engage with all directly affected residents and key stakeholders and undertake engagement activities.
4. Close Community Consultation and prepare Consultation Report	Early Apr 2021	Inform	To inform the community that consultation has closed and prepare the Consultation Report and Summary.
5. Close the Loop – Report back to the community	Late April 2021	Inform	To provide all participants with a copy of the Consultation Summary and publish this document on the website.

1.5 Communication Principles

Several key consultation principles have been developed, summarised in Table 2 below:

Table 2 - Summary of Consultation Principles

Principles
1. Integrity and transparency – Engagement involves trust and transparency. Council will carefully consider and accurately portray the community's role in decision-making.
2. Respect – Council will facilitate a safe and respectful consultation environment that values individual opinions and input. Council values the contributions made and time given and will facilitate consultation processes that respect all participants and their contributions.
3. Inclusive – Council will use a range of opportunities and techniques to encourage the participation and awareness of all people who may be affected by the outcome of this process.
4. Informative – Effective engagement will ensure all parties understand the relevant legal, statutory, strategic and local context of this project and the process being undertaken.
5. Well planned – Engagement requires informed judgement and planning in its approach and implementation in order to be effective, practical and suitably resourced.
6. Meaningful – The community will have opportunities to participate in engagement processes in relation to project constraints, the scope of influence, and Council's decision-making process.

7.	**Closing the loop** – Providing feedback is important in maintaining an open and transparent process. Council needs to ensure the community understand the reasons for the final decision.

2. Stakeholder Identification

A stakeholder is defined as any individual, group of individuals, organisation or political entity with an interest in the outcome of a decision. They may be, or perceive that they may be, affected directly or indirectly by the outcome of a decision. To ensure the best outcome when communicating, stakeholders must be identified and level of engagement determined.

2.1 Level of Stakeholder Participation

To ensure the best results from this engagement process, a series of participation levels has been determined, based on the International Association of Public Participation (IAP2) guidelines. Based on the levels of engagement, outlined below in Table 3, Council will:

- **Inform** the wider community throughout every phase of the project; and
- **Consult and involve** key stakeholders and affected residents.

Table 3 – IAP2 Public Participation Spectrum

IAP2'S PUBLIC PARTICIPATION SPECTRUM

The IAP2 Federation has developed the Spectrum to help groups define the public's role in any public participation process. The IAP2 Spectrum is quickly becoming an international standard.

INCREASING IMPACT ON THE DECISION

	INFORM	CONSULT	INVOLVE	COLLABORATE	EMPOWER
PUBLIC PARTICIPATION GOAL	To provide the public with balanced and objective information to assist them in understanding the problem, alternatives, opportunities and/or solutions.	To obtain public feedback on analysis, alternatives and/or decisions.	To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.	To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution.	To place final decision making in the hands of the public.
PROMISE TO THE PUBLIC	We will keep you informed.	We will keep you informed, listen to and acknowledge concerns and aspirations, and provide feedback on how public input influenced the decision. We will seek your feedback on drafts and proposals.	We will work with you to ensure that your concerns and aspirations are directly reflected in the alternatives developed and provide feedback on how public input influenced the decision.	We will work together with you to formulate solutions and incorporate your advice and recommendations into the decisions to the maximum extent possible.	We will implement what you decide.

2.2 Stakeholder Analysis

A summary list of potential stakeholders has been developed below, demonstrating the level of consultation and communication methods best suited to each stakeholder group.

Table 4 - Project stakeholders and level of consultation

Stakeholder Category	Representative/Member	Level of consultation
Local Government		
Whitsunday Regional Council executive leadership	Mayor, CEO & Councillors Communications & Marketing	Involve
Key Stakeholders		
Whitsunday Chamber of Commerce	Allan Milostic	Consult
Bowen Chamber of Commerce	Bruce Hedditch	Consult
Bowen Collinsville Enterprise	Paul McLaughlin	Consult
Collinsville Community Association	Heather Brown	Consult
Collinsville Connect	Sue Clarke	Consult
Proserpine Chamber of Commerce	Bob Bogie	Consult
Proserpine Progress Association	Tracey Cameron	Consult
Tourism Whitsundays	Tash Wheeler	Consult
Bowen Tourism & Business	Christin Short	Consult
Bowen Gumlu Growers	Cherry Emerick	Consult
Canegrowers Proserpine	Michael Porter	Consult
Greater Whitsunday Communities	Dorne Wallace	Consult
Whitsunday Ratepayers Association	Tony Moscato	Consult
Whitsunday Region Ratepayers	Shauna O'Shannessy	Consult
Proserpine Indigenous Ref Group	Maree Tobin	Consult
Girudala Community Co-op Society	Michelle Hooke	Consult
Bygerrah Ngaro Aboriginal Corp	Peter Pryor	Consult
Juru Enterprises	Carly Tubini	Consult
General Community		
Wider public	All Whitsunday region residents	Consult

3. Roles and Responsibilities

The project team's roles and responsibilities have been outlined below in Table 5:

Table 5 – Roles and Responsibilities

Project Team Roles	Responsibilities
Whitsunday Regional Council	
Project Manager (External Consultant)	Manage and coordinate the project's deliverables, keep project phases on track and budget.
Executive Project Director (Rod Ferguson)	Approve all major planning and communications strategies prior to implementation. Act as media spokesperson when the Mayor is unavailable.
Communications & Marketing Support (Lisa Maher)	Coordinate graphic design and prepare Foreword for the Corporate Plan document. Attend project meetings.
Communications & Marketing Support (Joanne Vlismas)	Prepare strategy to communicate with key stakeholders and residents, coordinate engagement activities and prepare engagement reporting.
Communications & Marketing Manager (Greg Martin)	Manage all media enquiries and issues which may arise, act as liaison between Councillors and the Project Team, approve all media and external communications.

4. Identify Risks of Poor Communication

A communication risk or issue is any aspect, impact or result of a project that has potential to raise concerns or objections from stakeholders and adversely affect the progress and effectiveness of the project. Several potential risks may be associated with this project due to existing community concerns. These potential risks will require management throughout the communication process, and have been identified below in a risk assessment table:

Table 6 – Risk Assessment

Identified Risk	Level of Impact (High, Medium, Low)	Mitigation Method
Lack of interest from the community in the development of the Corporate Plan.	High – As the document is a high-level strategic plan it is expected there will be little interest or understanding from the general community.	Explain the benefits of the Plan in every update to the community; encourage awareness as an outcome. Promote the consultation process widely via WRC's communications channels and focus our strategy by engaging directly with key stakeholders (who are more likely to have input).
Lack of support for the actions and/or vision outlined in the draft Corporate Plan.	Low – It is expected there will be general support for the strategic vision outlined in the Plan, based on previous experiences.	Explain the benefits of the Plan in every update to the community; encourage awareness as an outcome.

5. Communication Strategy

The Plan has been broken down into several different elements, enabling council to appropriately inform and engage with the regional community. The key elements of this section include communication management, communication tools, and an Action Plan.

5.1 Communication Management

5.1.1 Communication Protocol and Media Spokesperson

The following protocols will be followed throughout the consultation process:

- All media enquiries will be directed through Council's Communications & Marketing Manager and the Project Director.
- The Whitsunday Regional Council Mayor will be the key spokesperson for any media statements or releases; if the Mayor is not available, the Project Director will be media spokesperson for the project.
- All other enquiries will be directed to the Project Manager who will notify the Communications & Marketing Manager, if necessary.
- All formal external communication materials will be reviewed and approved by the Project Manager, Project Director, and the Communications & Marketing Manager.
- All incoming communication to Council from external stakeholders and the responses to these enquiries will be recorded and tracked using Enterprise Content Management (ECM) and

Customer Request Management (CRM). Key information to be recorded will include name of person, contact details, query, action required, response and any other comments required.

5.2 Internal Communication Tools

Please note a separate Internal Communications Plan has been developed which outlines the strategy for communicating with staff.

The following tools will be used to facilitate effective communication within the project team to respond to and manage potential issues with the community:

- Email/phone updates
- Regular project team meetings

5.3 External Communication Tools

The following engagement tools will be used during the consultation process:

- Your Say Whitsunday online engagement website
- Direct emails to key stakeholders
- Whitsunday Regional Council website and homepage banner
- Media & Social Media Releases
- Our Whitsunday Community Update in the local papers

5.3.1 Your Say Whitsunday online engagement website

The draft Corporate Plan will be available online during the consultation period on WRC's engagement platform Your Say Whitsunday. Online tools and information such as FAQs and feedback tools will be available here throughout the project.

5.3.2 Direct emails to key stakeholders

A direct email will be sent to all key stakeholders identified within this Plan, to inform and engage with those who are most likely to provide feedback within the community.

5.3.3 Whitsunday Regional Council website and homepage banner

All current consultations will be listed on the WRC website under the 'Have Your Say' page, with links back to the dedicated Your Say Whitsunday project page. A banner will be prepared for the website homepage, further promoting the consultation process.

5.3.4 Media & Social Media Releases

Media releases will be used at strategic points throughout the project stages, announcing important milestones and information. Any media releases to be newsworthy and relevant.

Council's social media platforms, Facebook, Twitter and Youtube, will be used to distribute information to the public throughout the duration of the project. Social media is a great tool for engaging with the wider community and encourages sharing of information.

5.3.5 Our Whitsunday Community Update

Our Whitsunday Community Update is a dedicated page in the local newspapers every month for Council to share news and information with the community.

5.4 Key Messages

The following key messages have been drafted to communicate about the project, and will be updated regularly with new information as required:

- A draft Corporate Plan has been prepared which outlines the strategic vision and actions for Whitsunday Regional Council for 2021-2026.
- In addition to our usual services, we have identified several key focus areas for the next five years, which will align with key objectives for each department that feed into our annual operational plans.
- We are looking for feedback on the draft Corporate Plan and encourage all residents to visit Your Say Whitsunday to have your say.
- The Plan will be available for viewing at our online engagement space Your Say Whitsunday for three weeks from Thursday 11 March to 5pm, Thursday 1 April 2021.
- Residents can also complete a feedback form in person at any of our Customer Service Centres across the Whitsunday region.
- All feedback received will be considered during the finalisation of this important strategic document.

6. Action Plan

An Action Plan has been developed to provide a consistent structure to developing and implementing the communication strategy (**Table 7** below). This Action Plan will continue to be reviewed and updated as the project progresses.

Table 7 – Communications Action Plan

Step		Timing	Aim	Objective	How
1	Community Engagement Plan developed	Mar 2021	Develop a Community Engagement plan	To engage with internal stakeholders during the planning process	▪ Meetings with project team
2	Prepare Communications / Consultation Materials	Early Mar 2021	Prepare engaging, easy-to-understand key messages and materials for distribution	To provide clear, consistent and engaging communications	▪ Your Say Whitsunday page ▪ Website banner ▪ Media materials ▪
3	Launch Community Consultation	Mid Mar 2021	Engage and inform affected residents, businesses and key stakeholders	To provide opportunities for affected stakeholders and residents to get involved and give feedback	▪ Media & Social Media release ▪ Email to key stakeholders ▪ Web update ▪ Our Whitsunday newspaper article
4	Close Consultation and prepare Consultation Report	Early April 2021	Analyse feedback results and prepare the Consultation Report and one-page Summary	To advise affected stakeholders and residents that consultation has closed and reporting is underway	▪ Web updates
5	Close the Loop – report back to the community	Late April 2021	Report back to the community by publishing the Consultation Summary	To inform participants and key stakeholders about the key results and outcomes of the consultation process	▪ Web updates ▪ Social media ▪ Direct emails to Participants and Affected Stakeholders

7. Feedback and Integration

7.1 Next steps

Community Engagement materials will now be developed in preparation for the consultation activities to commence in mid-March 2021.

At each phase of community engagement, key stakeholders and the public will be advised of next steps by email, web update, media release and social media posts.

It is recommended that stakeholder and community engagement continue throughout each project phase, from planning and design through to construction. This Plan will continue to be updated to reflect ongoing community engagement.

7.2 Feedback

Key Stakeholders and consultation participants will be contacted after the project is completed to advise them of the outcome and confirm their feedback, by distributing a copy of the Consultation Summary by email. The Consultation Summary is a one-page document which outlines the key results of the engagement process and indicates the next steps for the project.

Closing the loop with participants is one of the most important steps of an effective community engagement process. Once the community sees an outcome from the engagement process, they become more engaged and involved in future decision-making.

13. Corporate Services

13.6 SUB-LEASE TO WHITSUNDAY REGIONAL COUNCIL - LOT 310 ON SP198022 - WORKS FOR QUEENSLAND PROJECT

AUTHOR: Billie Davis – Senior Commercial Officer

RESPONSIBLE OFFICER: Peter Shuttlewood – Executive Manager Procurement, Property & Fleet

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OFFICER'S RECOMMENDATION

That Council authorise the Chief Executive Officer to:

a) Surrender the sub-lease with the State of Queensland (represented by Department of Transport and Main Roads) over part of the land at Lot 310 on SP198022 'Lease Area 1' – Perpetual Lease No. 217248; and

b) Enter into negotiations and execute a Sub-Lease as the Lessee with the State of Queensland (represented by Department of Transport and Main Roads) over part of the land at Lot 310 on SP198022 known as Henry Darwen Park 'Lease Area 1' and 'Lease Area 2' for the proposed facility upgrades in accordance with Works for Queensland funding.

The following report has been submitted for inclusion into Council's Ordinary Meeting to be held on 10 March 2021.

SUMMARY

The State of Queensland (represented by Department of Transport and Main Roads) 'TMR' are the owner of the land at Lot 310 on SP198022, known as Henry Darwen Park.

Whitsunday Regional Council currently holds a sub-lease with TMR over part of the land at Lot 310 on SP198022 that Council has installed community benefit facilities such as park benches, bubblers etc. It has been approved under Works of Queensland to extend the upgrades to the park.

PURPOSE

Council has installed community benefit facilities such as park benches, bubblers etc. in Henry Darwen Park and as part of Stage 3 of the upgrade of the Park funded by Works for Queensland a sub-lease over more of the land is required to be entered into. Lease Area 2 in the attached plan has been identified and is suitable for Council to install more facilities at this site.

BACKGROUND

As part of previous Works of Queensland projects, Lease Area 1 in the attached plan was identified and a sub-lease was entered into by Council with TMR to obtain land tenure to complete the project requirements. More Works of Queensland funding has been sourced for the further upgrade to Henry Darwen Park and Lease Area 2 will be utilised to install more community benefit facilities.

The sub-lease that was entered into for Lease Area 1 has a term of only 10 years, with the sub-lease for Lease Area 2 to be brought in line with that sub-lease making the expiry 14 April 2029. This period of time remaining is not a realistic timeframe for Council to invest in the

installation of infrastructure on this Site. Discussions with TMR have been held to surrender the sub-lease for Lease Area 1 and have one sub-lease for both areas and for a 20-year term which will cover the projected life of the infrastructure.

TMR have agreed to the surrender of the existing sub-lease and entering into a new sub-lease over the two areas for a 20-year term at a peppercorn rate.

STATUTORY/COMPLIANCE MATTERS

Local Government Regulation 2012
Land Act 1994

ANALYSIS

Surrendering the sub-lease for Lease Area 1 and entering into a new sub-lease with TMR over both areas is recommended to ensure that Council holds appropriate tenure of the land and guaranteeing Council maintains control of the infrastructure being installed under the Works for Queensland program.

The proposed upgrades will include:

- Extension of irrigation system
- Continuation of the concrete path from Lease Area 1
- Replas Bollards that will run along the concrete path to prevent car access to thew parkland

STRATEGIC IMPACTS

Strategic – ensuring that Council controlled assets/land are being managed in accordance with the permitted use of the land and Council's obligations are being satisfied.

Financial – the sub-lease will be at a peppercorn rate, therefore will not be a cost to Council.

Community – providing community benefits to the Whitsunday Region.

CONSULTATION

Jason Bradshaw – Director Corporate Services
Adam Hagy – Acting Director Engineering Services
Mark Callaghan – Manager Parks and Gardens

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.

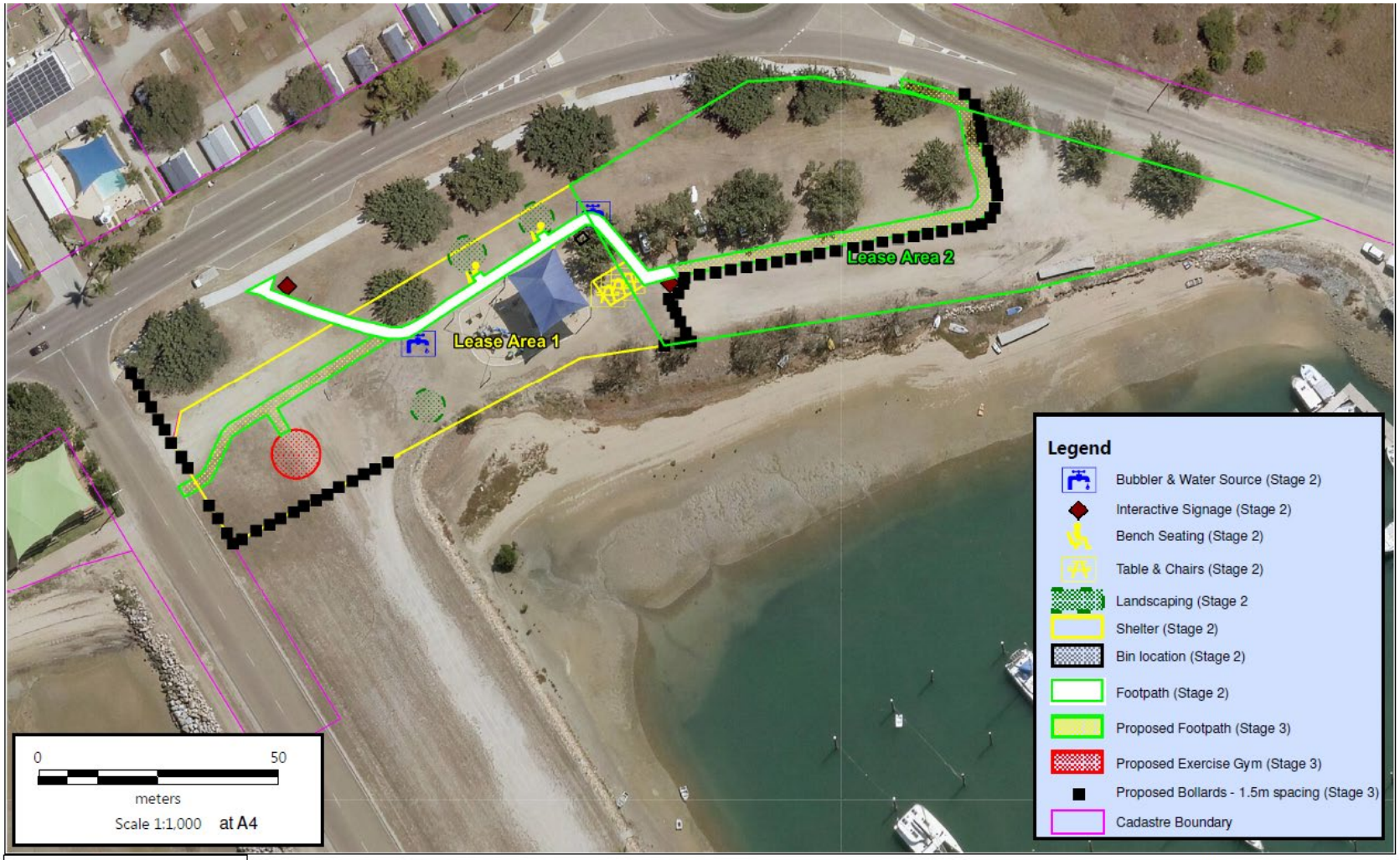
CONCLUSION

Entering into a sub-lease with TMR over both areas to ensure adequate tenure of the land is recommended allowing Council to deliver community facilities in accordance with funding received from Works for Queensland.

ATTACHMENTS

Attachment 1 – Site Map

Attachment 1 – Site Map



Whitsunday Regional Council

Henry Darwen Park
Stage 3 - Proposed Facility Upgrades

This map is a representation of the information currently held by Whitsunday Regional Council and contains data extracted 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 Mines. © The State of Queensland (Dept of Natural Resources and Mines). No liability accepted for any loss or damage that may arise from the use of or reliance on this data.

Whitsunday Regional Council

14. Development Services

14.1 20180816 – CHANGE REPRESENTATIONS – DEVELOPMENT APPLICATION FOR PRELIMINARY APPROVAL FOR VARIATION APPROVAL PURSUANT TO SECTION 50 OF THE PLANNING ACT 2016; DEVELOPMENT PERMIT FOR RECONFIGURATION OF A LOT; DEVELOPMENT PERMITS FOR MATERIAL CHANGE OF USE (VARIOUS USES); AND OPERATIONAL WORKS FOR BULK EARTHWORKS, BRUCE HIGHWAY, MOUNT GORDON, MCDONALD CLOSE & OCEAN VIEW DRIVE, BOWEN, HOMELAND PROPERTY DEVELOPMENTS PTY LTD

AUTHOR: Matthew Twomey – Senior Development Assessment Officer

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RESPONSIBLE OFFICER: Neil McGaffin – Director Development Services

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OFFICER'S RECOMMENDATION

That Council;

a) **Part approve and part refuse the Change Representations for Variation Approval pursuant to Section 50 of the Planning Act 2016 made by Homeland Property Developments Pty Ltd (Whitsunday Paradise) and received on 26 November 2020, for the development known as Whitsunday Paradise as approved by Council on 28 October 2020, as detailed in Attachment 1.**

b) **Decline the alternative proposal received via email from Homeland Property Development Pty Ltd on 17 February 2021 for cost sharing arrangements for water and sewer infrastructure.**

The following report has been submitted for inclusion into Council's Ordinary Council Meeting to be held on 10 March 2021.

SUMMARY

On 28 October 2020 Council approved the above development application subject to conditions. On 26 November 2020 the applicant lodged submissions in support of a requested Negotiated Decision Notice. On 30 October 2020 the applicant suspended the 20 business day appeal period, which enables the applicant to negotiate with Council and retain appeal rights at the end of the negotiation process.

The applicant's representations for a negotiated decision included 304 separate items. The representations can be grouped into three categories:

a) Changes which do not affect Council's policies or requirements
b) Changes which seek a departure from Council's policies or requirements
c) Changes proposed to be dealt with by an Infrastructure Agreement (29 items)

On 15 February 2021 Council received a draft Infrastructure Agreement from the applicant, which dealt with the construction of water and sewerage infrastructure but did not deal with all of the representations referred to by the applicant.

On 24 February 2021 Council resolved not to enter into the submitted Infrastructure Agreement.

On 17 February 2021, the applicant made an alternative proposal (via email) similar to the first draft Infrastructure Agreement with the difference being a change in sewer offsets to 30% in place of the original 100%. This offer has been confirmed through an Infrastructure Agreement received on 3 March 2021.

It is recommended that the alternative proposal not be agreed to.

This report deals with all of the 304 submissions made by the applicant. The majority of submissions which do not affect Council's policies or requirements are supported (mostly wording changes). Matters which seek a departure from Councils policies and requirements relating to the width of dedicated collector status roads and staging of bulk earthworks are supported. The remainder of issues are not supported and will require adherence to Council's policies and other industry standards.

PURPOSE

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

BACKGROUND

On 28 October 2020, Council decided the application subject to conditions. On 24 February 2021, Council declined an offer to enter into an Infrastructure Agreement.

STATUTORY/COMPLIANCE MATTERS

Planning Act 2016

ANALYSIS

On 26 November 2020, the applicant submitted representations seeking to change matters in the development approval. The applicant's representations included 304 separate items. The representations can be grouped into three categories:

a) Changes which do not affect Council's policies or requirements

b) Changes which seek a departure from Council's policies or requirements

c) Changes proposed to be dealt with by an Infrastructure Agreement (29 items)

<u>Draft Infrastructure Agreement</u>

On 15 February 2021 Council received a draft Infrastructure Agreement, prepared by Corrs Chambers Westgarth, from the applicant, forming part of the Negotiated Decision Notice request material. The draft Infrastructure Agreement detailed a list of infrastructure works items related to the provision of water supply, sewerage and the de-commissioning of the on-site sewage treatment plant. The draft infrastructure agreement proposed that Council would off-set the cost of construction of these works against future infrastructure charges payments as follows:

- 100% of the costs of providing the water infrastructure items listed
- 100% of the cost of providing the sewerage infrastructure items listed
- 100% of the cost of decommissioning the on-site sewage treatment plant.

On 24 February 2021, Council resolved not to enter into an Infrastructure Agreement on the terms of the draft Infrastructure Agreement.

Revised Infrastructure Agreement

On 3 March 2021, the applicant provided a revised draft Infrastructure Agreement **(Attachment 2)**. The offer is that Council off-set the cost of construction of the listed infrastructure works items and land, against future infrastructure charges payments as follows:

- 100% of the costs of providing the water infrastructure items listed
- 30% of the cost of providing the sewerage infrastructure items listed
- 100% of the cost of decommissioning the on-site sewage treatment plant.

The water and sewerage infrastructure required to service the Whitsunday Paradise development has been assessed to be non-trunk infrastructure, not entitling the developer to an offset against the levied charges. Council is advised that there is no legal requirement for Council to contribute to the infrastructure charges by way of a refund. Additionally, it is not within the interests of Council or the community to provide the reduction sought. Infrastructure charges contributions are essential for Council's ability to fund identified trunk infrastructure for the betterment of the community.

The applicant has not provided any information to justify why Council has liability for the infrastructure offset requested. The developer has not provided information to support the water and sewer infrastructure being classified as trunk infrastructure.

For the reasons outlined above, the conditions imposed relating to water and sewer should be maintained. Those conditions reflect the non-trunk infrastructure status of the water and sewer items. Those conditions have a proper planning purpose and are authorised by section 65(1) and 45 of the *Planning Act 2016*.

Balance of the submissions

This report discusses all of the submissions received from the applicant on 26 November 2020 in **Attachment 1**. These are summarised as follows:

Water

The conditions of approval require the applicant to provide a 2Ml water reservoir and associated pipe infrastructure to service the first stage of the development, increasing ultimately to a 10Ml water reservoir to service the completed estate. The applicant seeks to delete conditions relating to the construction of a 2ML and 10ML water reservoir as it considers this infrastructure to be trunk infrastructure. The applicant has requested to enter into an Infrastructure Agreement with Council on the basis that the works constitute trunk infrastructure and that Council re-imburse the costs through non-payment of future infrastructure charges. On 24 February 2021, Council resolved to decline the offer to enter into an Infrastructure Agreement.

The applicant has made an alternative offer, but in relation to the cost of water infrastructure, is on the same terms as the draft Infrastructure Agreement. On this basis, it is recommended that Council maintain the conditions imposed in the Decision Notice in relation to water infrastructure as there is a proper planning purpose for doing so and such conditions are authorised by sections 65(1) and 145 of the *Planning Act 2016*.

Sewer

The conditions of approval require the applicant to decommission the existing private sewer treatment facility and design and construct sewer infrastructure that will connect the proposed development and all existing allotments of the estate to Council's reticulated sewerage system. The works are considered to be non-trunk infrastructure, serving only the development. The applicant has requested to enter into an Infrastructure Agreement with Council on the basis that the works constitute trunk infrastructure and that Council re-imburse the costs through non-payment of future infrastructure charges. On 24 February 2021, Council resolved to decline the offer to enter into an Infrastructure Agreement.

The applicant has made an alternative proposal, which proposes that the works associated with transporting effluent to the Bowen sewage treatment plant constitute trunk infrastructure and that Council re-imburse 30% of the costs through non-payment of future infrastructure charges.

The alternative proposal also proposes that all of the costs associated with decommissioning the on-site sewage treatment plant be re-imbursed by Council through non-payment of future infrastructure charges. This is not supported. The applicant 'inherited' the existing on-site treatment plant by way of the continuing effect of an earlier development condition. The condition obligates the applicant to continue to service until 80% of the lots in the earlier stages have houses built and occupied. This figure has not been reached.

It is recommended that Council maintain the conditions imposed in the Decision Notice in relation to sewer infrastructure and the de-commissioning of the on-site sewage treatment plant as there is a proper planning purpose for doing so and such conditions are authorised by sections 65(1) and 145 of the *Planning Act 2016*.

Road upgrades

The conditions of approval require the applicant to upgrade Adelaide Point Road to ensure Q100 storm surge and flooding immunity is achieved. These works are considered to be non-trunk infrastructure. The applicant seeks to delete conditions requiring the upgrade of Adelaide Point Road as it considers this infrastructure to be trunk infrastructure. The applicant's representations refer to a request to enter into an Infrastructure Agreement with Council for the works associated with the required Adelaide Point Road. A draft Infrastructure Agreement that addresses this issue has not been provided for the consideration of Council.

As Council has no detail upon which to consider this request, it is recommended Council maintain the conditions imposed for Adelaide Point Road as there is a proper planning purpose for doing so and such conditions are authorised by sections 65(1) and 145 of the *Planning Act 2016*.

Open space/parks

The conditions of approval require that proposed Lot 39 be created for open space but that it be retained in private ownership. This land has been approved as part of the Whitsunday Paradise concept plan as an open space precinct. The applicant seeks to delete the condition requiring the proposed Lot 39 to be retained in private ownership as it considers this infrastructure to constitute trunk infrastructure. The applicant's representations refer to a request to enter into an Infrastructure Agreement for the dedication of proposed Lot 39 as open space/park. A draft infrastructure Agreement that addresses this issue has not been provided for the consideration of Council.

Council retains a discretion as to whether it would impose a condition to require the dedication of proposed Lot 39. This is not considered appropriate, particularly as the developer seeks

approval for a material change of use for Sport and Recreation for proposed Lot 39 with the approved plans showing an oval, clubhouse, play area and car parking area. A condition which requires the dedication of a lot into public ownership in circumstances where the developer has sought specific approval to develop it in a particular way for a sport and recreation purpose is considered to be an unreasonable imposition on the development. If the developer ultimately develops the Sport and Recreation facility as proposed, then Council, at some stage in the future, may wish to re-visit whether such a facility ought best to be gin public ownership and negotiate with the owner of that proposed lot. However, this is considered premature at the present time. The non-dedication of proposed Lot 39 will not, of itself, trigger any shortfall in the provision of open space and recreation land within the locality. On the contrary, the intended use of that lot as approved will add to the provision of recreation and open space even if it is owned and maintained under private ownership. There will also likely be a substantial and ongoing maintenance burden for Council with respect to such a facility if it is dedicated to Council and this has not been fully costed.

As Council has no detail upon which to consider this request, it is recommended Council resolves to maintain the conditions imposed for Lot 39.

Road width requirements

The conditions require the development to comply with the current version of the Development Manual. This requires collector roads to have a dedicated road width of 20m, as opposed to the 16m proposed in the application. The applicant seeks to amend conditions relating to roadworks to allow the roads to be designed and constructed in accordance with Council's superseded Development Manual which was in force when the development application was submitted. A technical note has been provided by the applicant prepared by Geleon Civil Engineering on 15 February 2021. The technical note provides detailed calculation of the anticipated daily traffic generation at ultimate development. The findings of the technical note are summarised as follows:

- under the current proposed plan of development, there are 36 roads currently classified as Collector Streets.
- the estimated daily traffic volumes range in these roads varies from a low 110 vehicles per day to a high of 2,144 vehicles per day.
- of the 36 roads, 29 roads (or 80%) have daily traffic volumes less than 499 vehicles per day, which is the maximum permissible traffic generation for an Access Street.
- of the 36 roads, only 7 roads (or 20%) meet or exceed the warrant for a Collector Street classification based on the estimated daily traffic volumes.

Based on these findings, the consultant traffic engineer advises that the proposed roadway carriageway widths will sufficiently cater for the expected daily traffic volumes and will not impact on traffic and transport-related operations or safety of the internal road network.

It is recommended that the relevant conditions be changed as requested.

Bulk earthworks delivery

The conditions of approval limit the extent of bulk earthworks to each substage. The applicant requests that bulk earthworks be carried out as per an amended bulk earthworks plan to be completed in three (3) stages. The applicant has presented a series of technical reasons to support the proposed staging.

It is recommended Council supports this request.
A detailed assessment of the proposed changes is contained within **Attachment 1**.

Where to from here?

For matters relating to a dispute about whether infrastructure is 'trunk' or 'non-trunk', the *Planning Act, 2016* enables an applicant to apply to Council to 'convert' non-trunk infrastructure to trunk infrastructure under Council's Adopted Infrastructure Charges Resolution (AICR). This application must be made before any construction work on the relevant infrastructure commences and within one year after the development approval takes effect. Council's decision is appealable to the Planning and Environment Court.

Conditions not related to trunk/non-trunk infrastructure can also be appealed following the receipt of Council's decision on the Negotiated Decision Notice request. The applicant's appeal period has been suspended, enabling the lodgement of an appeal to the Planning and Environment Court.

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 applicable infrastructure charges to be levied upon all items applied for within the development application total $6,260,483.00.

Risk Management Implications - The developer may appeal the conditions imposed by Council in the Planning & Environment Court.

Strategic Impacts – The site is identified in the Whitsunday Regional Council Planning Scheme for urban development. The choice to proceed with the development rests with the developer.

CONSULTATION

Neil McGaffin – Director Development Services
Doug Mackay – Manager Development Assessment
Shane Neville – Manager Strategic Planning
Various officers in the Infrastructure Services Directorate

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 part approves and part refuses that change representations per the assessment provided in Attachment 1. Furthermore, that Council refuses the alternative proposal for cost sharing of the provision of infrastructure items.

ATTACHMENTS

Attachment 1 – Assessment of Proposed Changes

PART A – PRELIMINARY APPROVAL						
ITEM	**SUB ITEM**	**EXISTING CONDITION**	**APPLICANT PROPOSED AMENDED CONDITION**	**APPLCIANT COMMENT**	**COUNCIL COMMNET**	**COUNCIL RECOMMENDATION**
2.0 Concurrence Agency Conditions	2.1	The applicant is to comply with the Queensland Treasury conditions as outlined in the Department's correspondence dated 9 July 2020.	The applicant is to comply with the Queensland Treasury conditions as outlined in the Department's Referral Agency Response	The condition is requested to be amended to remove reference to the date of the correspondence. This is to avoid the circumstance of triggering an unnecessary change application to Council to update the referenced correspondence date should a revised Referral Agency response be issued.	Condition 2.1 is a standard condition applied to all development approvals with the referral agency response included with Attachment 1 – Part 2 of the Decision Notice. However, in the interests of the assisting the developer Council considers the requested change minor and inconsequential.	Approve.
6.0 Staging	6.1	The development is to be completed in accordance with the staging nominated within the Concept Master Plan.	The development is to be completed in accordance with the staging nominated within the Concept Master Plan or as otherwise approved by Council.	The condition is requested to be amended to allow for flexibility with the delivery of stages through the development. This is due to changes in the property market that may necessitate the delivery of a stage ahead of one originally planned to commence prior.	Council 6.1 requires the development to be completed in accordance with the staging plan provided by the applicant. Should the applicant wish to make a change to the staging of the development this is required to be undertaken via a change application so as the nature of the change per the Planning Act 2016 and impact upon infrastructure and associated items may be properly determined.	Refused.
7.0 Water Infrastructure	7.2	<u>Stage 3</u> Prior to sealing the first plan of survey for Stage 3, the applicant must construct a minimum 2ML (megalitre) reservoir no higher than RL80.0 meters top water level, in accordance with the requirements of the Whitsunday Regional Council Development Manual. Connection to the reservoir must be via a DN450mm water main connected to Council's Bulk Supply Water Main. The applicant must provide a minimum 10 metre easement at no cost to Council for the full length of the DN450mm water main.	The Infrastructure Agreement entitled Whitsunday Paradise Infrastructure Agreement 20XX between the Whitsunday Regional Council and Homeland Property Developments Pty Ltd executed on XX XX 20XX, must be complied with.	It is requested that Condition 7.2 be deleted and replaced with the proposed condition to reflect an executed infrastructure agreement. As detailed in the Representations report, the water infrastructure is considered to be trunk infrastructure. As such, the entire cost of the design and construction of the sewer infrastructure should not be entirely borne by the applicant. Thus, the applicant proposes to enter into an infrastructure agreement with Council to address the cost sharing of this infrastructure.	Condition 7.2 requires the developer to provide the minimum water storage requirement for the site for Stage 3 in accordance with the relevant standards. A draft infrastructure agreement has been considered and declined by Council. Further discussion is within the Officers Report.	Refused.
	7.3	<u>Stages 4, 5, 6, 7, 8, 9,10</u> A detailed water network analysis (prepared at no cost to Council) must be undertaken and submitted with any application for Reconfiguring a Lot to demonstrate the proposed demand can be adequately serviced by the reticulated water network. Should the capacity of the 2ML reservoir be exceed the applicant at its cost is to provide additional storage.	To be deleted	This condition is requested to be deleted as this aspect will be addressed through an infrastructure agreement. As such, the proposed amendment to condition 7.2 will address this requirement.	Condition 7.3 requires the developer to undertake necessary network analysis to determine the point upon which additional water storage is required. A draft infrastructure agreement has been considered and declined by Council. Further discussion is within the Officers Report.	Refused.

PART A – PRELIMINARY APPROVAL						
ITEM	**SUB ITEM**	**EXISTING CONDITION**	**APPLICANT PROPOSED AMENDED CONDITION**	**APPLCIANT COMMENT**	**COUNCIL COMMNET**	**COUNCIL RECOMMENDATION**
	7.4	Ultimate Development Upon ultimate development, the applicant must construct a 10ML (megalitre) reservoir no higher than RL80.0 meters top water level, in accordance with the requirements of the Whitsunday Regional Council Development Manual. Connection to the reservoir must be via a second DN450mm water main connected to Council's Bulk Supply Water Main. The applicant must provide a minimum 10 metre easement at no cost to Council for the full length of the DN450mm water main.	To be deleted	This condition is requested to be deleted as this aspect will be addressed through an infrastructure agreement. As such, the proposed amendment to condition 7.2 will address this requirement.	Condition 7.4 requires the developer to provide the necessary water storage requirement for the site for Ultimate Development in accordance with the relevant standards. A draft infrastructure agreement has been considered and declined by Council. Further discussion is within the Officers Report.	Refused.
8.0 Sewerage Infrastructure	8.1	All lots created as a result of an approval for Reconfiguring a Lot or Material Change of Use are to be connected to Council's Sewerage Infrastructure. Detailed design drawings must be provided with any application for Reconfiguring a Lot or Material Change of Use demonstrating compliance with Council's Development Manual (current at time of development).	All lots created as a result of an approval for Reconfiguring a Lot or Material Change of Use are to be connected to Council's Sewerage Infrastructure. Preliminary design drawings must be provided with any application for Reconfiguring a Lot or Material Change of Use demonstrating compliance with Council's Development Manual (current at time of development).	The condition is requested to be amended to state Preliminary design drawings as opposed to Detailed design drawings. This amendment is requested because detailed design drawings at ROL/MCU stage is an onerous requirement on the applicant. Preliminary design drawings provide a sufficient level of detail for Council to undertake their assessment at MCU/ROL phase. This is widely accepted by local governments across Queensland. Detailed design drawings are provided as part of an Operational Works application as this permit authorizes construction of works. Thus, it is onerous required for detailed design	Condition 8.1 requires the developer to provide detailed design drawings upon lodgment of future Reconfiguration of a Lot or Material Change of Use application. It is acknowledged that very detailed engineering designs will be submitted at Operational Works stage, but Council requires enough information at DA stage to ensure that no irreversible situations will be created.	Refused.
	8.2	Stage 3 Prior to the sealing the first plan of survey for Stage 3, the applicant must connect all existing lots as shown on Concept Master Plan Dated February 2020 Rev 01 and all proposed lots in Stage 3 to Council's reticulated sewer network via a DN225mm rising main in accordance with the requirements of Section DG 6 Sewerage System of the Whitsunday Regional Council Development Manual.	The Infrastructure Agreement entitled Whitsunday Paradise Infrastructure Agreement 20XX between the Whitsunday Regional Council and Homeland Property Developments Pty Ltd executed on XX XX 20XX, must be complied with.	It is requested that Condition 8.2 be deleted and replaced with the proposed condition to reflect an executed infrastructure agreement. As detailed in the Representations report, the sewer infrastructure is considered to be trunk infrastructure. As such, the entire cost of the design and construction of the sewer infrastructure should not be entirely borne by the applicant. Thus, the applicant proposes to enter into an infrastructure agreement with Council to address the cost sharing of this infrastructure.	Condition 8.2 requires the developer to provide sewerage connection to all proposed lots within Stage 3 and all existing lots within Whitsunday Paradise which will be impacted by the developer's decision to remove the existing Sewerage Treatment Plant on site. A draft infrastructure agreement has been considered and declined by Council. Further discussion is within the Officers Report.	Refused.

PART A – PRELIMINARY APPROVAL						
ITEM	**SUB ITEM**	**EXISTING CONDITION**	**APPLICANT PROPOSED AMENDED CONDITION**	**APPLCIANT COMMENT**	**COUNCIL COMMNET**	**COUNCIL RECOMMENDATION**
	8.3	Stage 3 Prior to sealing the first plan of survey for Stage 3, the applicant must construct an adequately sized sewer pump station on the subject land to service all flows from the existing lots as shown on Concept Master Plan Dated February 2020 Rev 01 and all proposed lots in Stage 3, in accordance with Section DG 6 Sewerage System of the Whitsunday Regional Council Development Manual.	To be deleted	This condition is requested to be deleted as this aspect will be addressed through an infrastructure agreement. As such, the proposed amendment to condition 8.2 will address this requirement.	Condition 8.3 requires the developer to provide sewage pump station to cater for all proposed lots within Stage 3 and all existing lots within Whitsunday Paradise which will be impacted by the developer's decision to remove the existing Sewerage Treatment Plant on site. A draft infrastructure agreement has been considered and declined by Council. Further discussion is within the Officers Report.	Refused.
	8.4	Stage 3 All sewage pump station switchboards must be constructed in accordance with the requirements of the Construction Specification for Electrical Switchboards section of the Whitsunday Regional Council Development Manual.	To be deleted	This condition is requested to be deleted as this aspect will be addressed through an infrastructure agreement. As such, the proposed amendment to condition 8.2 will address this requirement.	Condition 8.4 requires the developer to construct the sewage pump station in accordance with relevant standards. A draft infrastructure agreement has been considered and declined by Council. Further discussion is within the Officers Report.	Refused.
	8.5	Stage 3 A detailed sewerage reticulation network analysis (prepared at no cost to Council) must be undertaken and submitted as part of the first Operational Works permit, to determine: a) The impact of the proposed development on the existing sewerage reticulation network in Bowen from the connection point at Sewer Pump Station No. 13 to Lot 186 B6624 Pump Station No. 1; and b) The extent and timing of any external works which will be required to be undertaken to ensure the Bowen reticulated sewerage network has capacity to accommodate the development prior to the establishment of the sewer network connection.	To be deleted	This condition is requested to be deleted as this aspect will be addressed through an infrastructure agreement. As such, the proposed amendment to condition 8.2 will address this requirement.	Condition 8.5 requires the developer to carry out a network analysis on the existing sewerage reticulation network in Bowen which the developer proposed to connect into. The condition is required as a result of this information not being provided within the application material. A draft infrastructure agreement has been considered and declined by Council. Further discussion is within the Officers Report.	Refused.
	8.6	Stage 3	To be deleted	This condition is requested to be deleted as this aspect will be addressed through an	Condition 8.6 requires the developer to upgrade the existing sewerage reticulation	Refused.

PART A – PRELIMINARY APPROVAL						
ITEM	**SUB ITEM**	**EXISTING CONDITION**	**APPLICANT PROPOSED AMENDED CONDITION**	**APPLCIANT COMMENT**	**COUNCIL COMMNET**	**COUNCIL RECOMMENDATION**
		If as a result of the network analysis it is determined that works are required to upgrade the Bowen reticulated sewerage network, to accommodate the additional demand on the existing system by the development, then such work must be carried out at the applicant's cost prior to the connection of the site into the Bowen reticulated sewerage network.		infrastructure agreement. As such, the proposed amendment to condition 8.2 will address this requirement.	network in Bowen should the network analysis determine upgrades are necessary to cater for the demands of the development on the system at no cost to Council. A draft infrastructure agreement has been considered and declined by Council. Further discussion is within the Officers Report.	
	8.8	Stage 3 Prior to the sealing of the first plan of survey or commencement of operational works (whichever occurs first), the applicant shall decommission the existing onsite Sewerage Treatment Plant.	To be deleted	This condition is requested to be deleted as this aspect will be addressed through an infrastructure agreement. As such, the proposed amendment to condition 8.2 will address this requirement.	Condition 8.8 is required to facilitate the removal of the onsite Sewerage Treatment Plant by the developer. A draft infrastructure agreement has been considered and declined by Council. Further discussion is within the Officers Report.	Refused.
	8.9	Stage 3 The applicant is to provide to Council a Decommission and Remediation Management Plan, which is to include a Contaminated Land Assessment and temporary effluent disposal solution with the first operational works application.	To be deleted	This condition is requested to be deleted as this aspect will be addressed through an infrastructure agreement. As such, the proposed amendment to condition 8.2 will address this requirement.	Condition 8.9 is required to facilitate the removal of the onsite Sewerage Treatment Plant by the developer. A draft infrastructure agreement has been considered and declined by Council. Further discussion is within the Officers Report.	Refused.
	8.10	Stages 4, 5, 6, 7, 8, 9, 10 A detailed sewerage reticulation network analysis (prepared at no cost to Council) must be undertaken and submitted with any application for Reconfiguring a Lot, to determine: a) The impact of the proposed development on the existing sewerage reticulation network in Bowen from the connection point at Sewer Pump Station No. 13 to Lot 186 B6624 Pump Station No. 1; b) If the proposed demand can be adequately serviced by the sewer pump station and DN225 rising main constructed in Stage 3; and	To be deleted	This condition is requested to be deleted as this aspect will be addressed through an infrastructure agreement. As such, the proposed amendment to condition 8.2 will address this requirement.	Condition 8.10 requires the developer to carry out a network analysis on the existing sewerage reticulation network in Bowen which the developer proposed to connect into as the development loads increase on the network and the infrastructure built by the developer for Stage 3. The condition is required as a result of this information not being provided within the application material. A draft infrastructure agreement has been considered and declined by Council. Further discussion is within the Officers Report.	Refused.

PART A – PRELIMINARY APPROVAL						
ITEM	**SUB ITEM**	**EXISTING CONDITION**	**APPLICANT PROPOSED AMENDED CONDITION**	**APPLCIANT COMMENT**	**COUNCIL COMMNET**	**COUNCIL RECOMMENDATION**
		c) The extent and timing of any external works which will be required to be undertaken to ensure the Bowen reticulated sewerage network has capacity to accommodate the development.				
	8.11	Stages 4, 5, 6, 7, 8, 9, 10 If as a result of the network analysis it is determined that works are required to upgrade the Bowen reticulated sewerage network, to accommodate the additional demand on the existing system by the development, then such work must be carried out at the applicant's cost prior to the connection of the site into the Bowen reticulated sewerage network.	To be deleted	This condition is requested to be deleted as this aspect will be addressed through an infrastructure agreement. As such, the proposed amendment to condition 8.2 will address this requirement.	Condition 8.11 requires the developer to upgrade the existing sewerage reticulation network in Bowen should the network analysis determine upgrades are necessary to cater for the demands of the development on the system per condition 8.10 at no cost to Council. A draft infrastructure agreement has been considered and declined by Council. Further discussions is within the Officers Report.	Refused.
	8.12	Ultimate Development Upon ultimate development, the applicant must connect all existing Stage 1 lots as shown on Concept Master Plan Dated February 2020 Rev 01 and all proposed lots in to Council's reticulated sewer network via a DN225mm and DN300mm rising main in accordance with the requirements of Section DG 6 Sewerage System of the Whitsunday Regional Council Development Manual.	To be deleted	This condition is requested to be deleted as this aspect will be addressed through an infrastructure agreement. As such, the proposed amendment to condition 8.2 will address this requirement.	Condition 8.12 requires the developer to provide sewerage connection to all proposed lots within Ultimate Development and all existing lots within Whitsunday Paradise which will be impacted by the developer's decision to remove the existing Sewerage Treatment Plant on site. A draft infrastructure agreement has been considered and declined by Council. Further discussion is within the Officers Report.	Refused.
	8.13	The applicant must construct an adequately sized sewer pump station on the subject land to service all flows from the existing Stage 1 lots as shown on Concept Master Plan Dated February 2020 Rev 01 and all proposed lots, in accordance with the requirements of Section DG 6 Sewerage System of the Whitsunday Regional Council Development Manual.	To be deleted	This condition is requested to be deleted as this aspect will be addressed through an infrastructure agreement. As such, the proposed amendment to condition 8.2 will address this requirement.	Condition 8.13 requires the developer to provide sewage pump station to cater for all proposed lots within Ultimate Development and all existing lots within Whitsunday Paradise which will be impacted by the developer's decision to remove the existing Sewerage Treatment Plant on site. A draft infrastructure agreement has been considered and declined by Council. Further discussion is in the Officers Report.	Refused.
	8.14	All sewage pump station switchboards must be constructed in accordance with the	To be deleted	This condition is requested to be deleted as this aspect will be addressed through an infrastructure agreement. As such, the	Condition 8.14 requires the developer to construct the sewage pump station in accordance with relevant standards. A draft	Refused.

PART A – PRELIMINARY APPROVAL						
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		requirements of the Construction Specification for Electrical Switchboards section of the Whitsunday Regional Council Development Manual.		proposed amendment to condition 8.2 will address this requirement.	infrastructure agreement has been considered and declined by Council. Further discussion is within the Officers Report.	
	8.15	The applicant must provide in accordance with the requirements of Section DG 6 Sewerage System of the Whitsunday Regional Council Development Manual a non-corrosive pipe installed for the length of sewer to the next downstream manhole and will require the provision of an inert lining to all internal surfaces of all rising main discharge manholes	To be deleted	This condition is requested to be deleted as this aspect will be addressed through an infrastructure agreement. As such, the proposed amendment to condition 8.2 will address this requirement.	Condition 8.15 requires the developer to provide sewerage infrastructure in accordance with relevant standards. A draft infrastructure agreement has been considered and declined by Council. Further discussion is within the Officers Report.	Refused.
9.0 Access and Parking	9.1	All accesses, driveways, circulation roads, aisles, parking bays and maneuvering areas must be designed and constructed as to comply with Council's Development Manual (current at the time of development) and with the criteria described in AS2890 and AS1426.	All accesses, driveways, circulation roads, aisles, parking bays and maneuvering areas must be designed and constructed as to comply with Council's Development Manual (v1.3 dated 21/07/17) and with the criteria described in AS2890 and AS1426.	As detailed in the Representations report, the roads were designed to accord with the Development Manual in effect at the time the application was lodged. The condition as it currently stands will have a significant impact on the overall development. This is due to the road reserve widths for Collector Streets increasing from 16m to 20m. It is noted that the increase in road reserve widths is of no benefit as the pavement widths for the 16m and 20m roads remains at 7.5m. As such, the condition is requested to be amended to reflect Council's superseded Development Manual to allow the development roads to accord with the previous road width standards.	Condition 9.1 applies to the provision of accesses, driveways, circulation roads, aisles, parking bays and maneuvering areas of works internal to a site. The condition does not apply to roadworks (i.e. the width of roadways). Assessment of the request regarding roadworks is within condition 11.1.	Refused.
10.0 Stormwater and Flooding	10.1	All lots created as a result of an approval for Reconfiguring a Lot or Material Change of Use must be provided with a lawful point of discharge. Detailed design drawings must be provided with any application for Reconfiguring a Lot or Material Change of Use demonstrating compliance with Council's Development Manual (current at the time of	All lots created as a result of an approval for Reconfiguring a Lot or Material Change of Use must be provided with a lawful point of discharge. Preliminary design drawings must be provided with any application for Reconfiguring a Lot or Material Change of Use demonstrating compliance with Council's Development Manual (current at the time of development)	The condition is requested to be amended to state Preliminary design drawings as opposed to Detailed design drawings. This amendment is requested because detailed design drawings at ROL/MCU stage is an onerous requirement on the applicant. Preliminary design drawings provide a sufficient level of detail for Council to undertake their assessment at MCU/ROL phase. This is widely accepted by local governments across Queensland.	Condition 10.1 requires the developer to provide detailed design drawings upon lodgment of future Reconfiguration of a Lot or Material Change of Use application. Council has requested detailed design drawings on the basis of the stormwater proposal of the developer. To ensure adequate detail is provided to Council to adequately determine the suitability of this design future detail than preliminary design is required. This is a standard practice of Council.	Refused.

PART A – PRELIMINARY APPROVAL						
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		development) and the Queensland Urban Drainage Manual (QUDM).	and the Queensland Urban Drainage Manual (QUDM).	Detailed design drawings are provided as part of an Operational Works application as this permit authorizes construction of works. Thus, it is onerous required for detailed design		
11.0 Roadworks	11.1	All roadworks must be designed and constructed as to comply with Council's Development Manual (current at the time of development) and the Queensland Urban Drainage Manual (QUDM). Detailed design drawings must be provided with any application for Reconfiguring a Lot or Material Change of Use demonstrating compliance.	All roadworks must be designed and constructed as to comply with Council's Development Manual ((v1.3 dated 21/07/17)) and the Queensland Urban Drainage Manual (QUDM). Preliminary design drawings must be provided with any application for Reconfiguring a Lot or Material Change of Use demonstrating compliance.	The condition is requested to be amended to state Preliminary design drawings as opposed to Detailed design drawings. It is also sought to amend the condition to reflect the version of the Development Manual in effect at the time the application was lodged. This amendment is requested because detailed design drawings at ROL/MCU stage is an onerous requirement on the applicant. Preliminary design drawings provide a sufficient level of detail for Council to undertake their assessment at MCU/ROL phase. This is widely accepted by local governments across Queensland. Detailed design drawings are provided as part of an Operational Works application as this permit authorizes construction of works. Thus, it is onerous required for detailed design As detailed in the Representations report, the roads were designed to accord with the Development Manual in effect at the time the application was lodged. The condition as it currently stands will have a significant impact on the overall development. This is due to the road reserve widths for Collector Streets increasing from 16m to 20m. It is noted that the increase in road reserve widths is of no benefit as the pavement widths for the 16m and 20m roads remains at 7.5m. As such, the condition is requested to be amended to reflect Council's superseded Development Manual to allow the development roads to accord with the previous road width standards.	Condition 11.1 requires road reserve widths to be in accordance with the current development manual. A technical note has been provided by the applicant prepared by Geleon Civil Engineering on 15 February 2021. The technical note was based upon a calculation of the anticipated daily traffic generation by Ultimate Development. The findings of the technical note support the applicants request for all roadworks to be designed and constructed as to comply with Council's Development Manual ((v1.3 dated 21/07/17)) and the Queensland Urban Drainage Manual (QUDM). The use of preliminary design drawings is supported as areas where additional detail is required is conditioned elsewhere by Council.	Approved.
	11.2	Adelaide Point Road must be upgraded to ensure Q100 storm surge and flooding immunity is	The Infrastructure Agreement entitled Whitsunday Paradise Infrastructure Agreement 20XX between the Whitsunday Regional Council and Homeland Property Developments	It is requested that Condition 11.2 be deleted and replaced with the proposed condition to reflect an executed infrastructure agreement.	Condition 11.2 requires Adelaide Point Road to be upgraded to Q100 immunity as detailed in the Stormwater Management Plan prepared by Planit Consulting. An infrastructure agreement has not been	Refused.

PART A – PRELIMINARY APPROVAL						
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		achieved prior to sealing the first plan of survey of Stage 6.	Pty Ltd executed on XX XX 20XX, must be complied with.	As detailed in the Representations report, Adelaide Point Road is considered to be trunk infrastructure. As such, the entire cost of the design and construction for the upgrade of Adelaide Point Road should not be entirely borne by the applicant. Thus, the applicant proposes to enter into an infrastructure agreement with Council to address the cost sharing of this infrastructure.	provided to Council regarding this matter. Further discussion is in the Officers Report.	
13.0 Open Space	13.1	Proposed Lot 39 is to be owned and maintained as a freehold allotment under private ownership.	The Infrastructure Agreement entitled Whitsunday Paradise Infrastructure Agreement 20XX between the Whitsunday Regional Council and Homeland Property Developments Pty Ltd executed on XX XX 20XX, must be complied with.	It is requested that Condition 13.2 be deleted and replaced with the proposed condition to reflect an executed infrastructure agreement. As detailed in the Representations report, Adelaide Point Road is considered to be trunk infrastructure. As such, the entire cost of the design and construction for the upgrade of Adelaide Point Road should not be entirely borne by the applicant. Thus, the applicant proposes to enter into an infrastructure agreement with Council to address the cost sharing of this infrastructure.	Condition 13.1has been provided to require the developer to maintain ownership of the proposed open space Lot 39. The condition has been imposed to enable the developer to construct an open space sports field which is in excess of the requirements of Council as applied for in the material change of use application for proposed Lot 39. An infrastructure agreement has not been provided to Council regarding this matter. Further discussion is within the Officers Report.	Refused.
14.0 Bulk Earthworks	14.1	Bulk earthworks are limited to generally conform with the relevant substage footprint or adjacent area to achieve a suitable interface.	To be deleted	This condition is requested to be deleted from the Preliminary Approval condition set. It is considered to be too restrictive on the future stages of the development and it would be more appropriate to apply the condition to an ROL and/or OPW application for the applicable stage.	Condition 14.1 has been provided to limit the scope of earthworks. The condition is required to override the development material provided by the applicant. The applicant has provided an amended staging plan for earthworks which is acceptable to Council. Deleting the condition is acceptable based on the approved plan being included in the development permit for bulk earthworks.	Approved.
	14.2	Retaining walls are constructed in accordance with Council's Development Manual (current at the time of development).	Retaining walls are constructed in accordance with Council's Development Manual (current at the time of development) or as otherwise approved by Council.	It is requested to amend the condition to state 'or as otherwise approved by Council'. The amendment allows for an opportunity for an alternative to the Development design manual to be proposed as part of a Development Permit application in the event a specified design outcome in the Development Manual cannot be achieved as a result of constraints on the site.	Condition 14.2 has been provided to require compliance with relevant standards. In the interests of assisting the developer with minor variations in design the proposed wording is acceptable.	Approved.

PART A – PRELIMINARY APPROVAL						
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15.0 Local Activity Centre Precinct Infrastructure	15.2	At any time, the Council's corresponding infrastructure network is altered, the private infrastructure must be altered to be commensurate with Council's network, at no cost to Council.	To be deleted	The condition is requested to be deleted as it is not reasonable nor relevant and should therefore be deleted. Infrastructure will be constructed in accordance with relevant standards/specifications at the time of installations. Accordingly, it is not the responsibility of the lot owner to alter internal infrastructure if Council alter their external infrastructure.	Condition 15.2 is a standard condition applied to developments which propose private infrastructure (i.e. water/sewer infrastructure). The condition is imposed to ensure the safe and efficient use of this infrastructure at such time future infrastructure upgrades occur. It will not be practical for private infrastructure, which is connected to Council's network, not to be upgraded at such time.	Refused.
	15.3	The internal car park for proposed Lots 1 and 2 must be constructed in full prior to the commencement of the first change of use for the Lots.	To be deleted	The condition is requested to be deleted as it is considered the condition is more relevant to a Development Permit for a Material Change of Use as opposed to a Preliminary Approval that does not authorize works to occur. Additionally, it may prohibit alternative development options to the site should an alternative development permit within the local activity precinct centre be sought.	Condition 15.3 is required to ensure the necessary car parking rate and safe and efficient car parking layout is provided prior to the commence of use of either allotment. The condition is a requirement of the design proposed by the applicant.	Refused.
	15.4	The internal car park for proposed Lots 3 and 4 must be constructed in full prior to the commencement of the first change of use for the Lots.	To be deleted	The condition is requested to be deleted as it is considered the condition is more relevant to a Development Permit for a Material Change of Use as opposed to a Preliminary Approval that does not authorize works to occur. Additionally, it may prohibit alternative development options to the site should an alternative development permit within the local activity precinct centre be sought.	Condition 15.3 is required to ensure the necessary car parking rate and safe and efficient car parking layout is provided prior to the commence of use of either allotment. The condition is a requirement of the design proposed by the applicant.	Refused.
	15.5	The internal car park for proposed Lots 5 and 6 must be constructed in full prior to the commencement of the first change of use for the Lots.	To be deleted	The condition is requested to be deleted as it is considered the condition is more relevant to a Development Permit for a Material Change of Use as opposed to a Preliminary Approval that does not authorize works to occur. Additionally, it may prohibit alternative development options to the site should an alternative development permit within the local activity precinct centre be sought.	Condition 15.3 is required to ensure the necessary car parking rate and safe and efficient car parking layout is provided prior to the commence of use of either allotment. The condition is a requirement of the design proposed by the applicant.	Refused.
16.0 Miscellaneous	16.2	Any alteration necessary to electricity, telephone, water mains, sewerage mains, and/or public utility installations resulting from the	To be deleted	The condition is requested to be deleted as it is considered the condition is more relevant to a Development Permit for MCU, ROL or	Condition 16.2 is a standard condition. The condition sets the framework that any works required to existing infrastructure to accommodate development under the	Refused.

PART A – PRELIMINARY APPROVAL						
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		development or in connection with the development, must be at full cost to the developer.		OPW) as opposed to a Preliminary Approval that does not authorize works to occur.	preliminary approval is undertaken at full cost to the developer.	
17.0 Advisory Notes	17.1	Development infrastructure required to be provided in implementing this development approval is non-trunk development infrastructure as described under section 145 of the Planning Act 2016.	To be deleted	It is requested that Condition 17.1 be deleted as the applicant seeks to enter into an infrastructure agreement with Council as it is considered that works relating to water, sewer and roads have a trunk function.	Condition 17.1 is required to be applied in accordance with the Planning Act 2016.	Refused.
	17.3	The Council and its officers make no representations and provide no warranties as to the accuracy of the information contained in the application including its supporting material provided to it by the applicant. The Council and its officers rely upon the applicant concerning the accuracy and completeness of the application and its supporting material and accept the application and its supporting material as constituting a representation by the applicant as to its accuracy and completeness. In so far as the application and its supporting material may be incomplete and/or inaccurate giving rise to any claim by a third party the applicant agrees to indemnity and save the Council harmless in respect of any claim so arising.	To be deleted	This condition is requested to be deleted as it is unnecessary.	Condition 17.3 is required to indemnify Council against any claim in respect to the completeness and accuracy of the supporting material provided to Council by a third party.	Refused.

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<tr><th colspan="5">PART B – RECONFIGURATION OF A LOT</th><th></th></tr>
<tr><th>ITEM</th><th>SUB ITEM</th><th>EXISTING CONDITION</th><th>APPLICANT PROPOSED AMENDED CONDITION</th><th>APPLICANT COMMENT</th><th>COUNCIL COMMENT</th><th>COUNCIL RECOMMENDATION</th></tr>
<tr>
<td>1.0 Administration</td>
<td>1.1</td>
<td>1.1 The approved development must be completed and maintained generally in accordance with the approved drawings and documents:
<table>
<tr><th>Plan / Document Name</th><th>Prepared by</th><th>Plan Number</th><th>Dated</th></tr>
<tr><td>Lot Masterplan - Title Page & Drawing Schedule</td><td>Planit Consulting Pty Ltd</td><td>001 Rev 04</td><td>19/08/20</td></tr>
<tr><td>Existing Cadastre</td><td>Planit Consulting Pty Ltd</td><td>004 Rev 02</td><td>22/06/20</td></tr>
<tr><td>Engineering Assessment – Stage 3 Residential Development</td><td>Planit Consulting Pty Ltd</td><td>J5530 – EA01-RevE Ver E</td><td>01/09/2020</td></tr>
<tr><td>Engineering Assessment – Stage 3 Commercial Precinct</td><td>Planit Consulting Pty Ltd</td><td>J5529-EA01-REVD Ver D</td><td>01/09/2020</td></tr>
<tr><td>Stormwater Management Plan Stage 3</td><td>Planit Consulting Pty Ltd</td><td>J5529-S3-SMP_3</td><td>01/09/2020</td></tr>
<tr><td>Traffic Impact Assessment – Commercial Precinct</td><td>Planit Consulting Pty Ltd</td><td>J5529-TIA01 Ver D</td><td>01/09/2020</td></tr>
<tr><td>Cover Sheet and Locality Plan</td><td>Planit Consulting Pty Ltd</td><td>0001 Rev F</td><td>31/08/20</td></tr>
<tr><td>GENERAL NOTES AND EXISTING SITE LAYOUT PLAN</td><td>Planit Consulting Pty Ltd</td><td>0010 Rev E</td><td>27/08/20</td></tr>
<tr><td>TREE CLEARING PLAN</td><td>Planit Consulting Pty Ltd</td><td>0020 Rev B</td><td>27/08/20</td></tr>
<tr><td>BULK EARTHWORKS LAYOUT KEY PLAN</td><td>Planit Consulting Pty Ltd</td><td>0200 Rev F</td><td>27/08/20</td></tr>
<tr><td>ROADWORKS LAYOUT KEY PLAN</td><td>Planit Consulting Pty Ltd</td><td>0300 Rev E</td><td>31/08/20</td></tr>
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<tr><td>Stage 3.1 – Lot Masterplan – Stage 1</td><td>Planit Consulting Pty Ltd</td><td>100 Rev 04</td><td>19/08/20</td></tr>
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<tr><td>Stage 3.2 – Lot Masterplan – Stage 2</td><td>Planit Consulting Pty Ltd</td><td>200 Rev 04</td><td>19/08/20</td></tr>
<tr><td>Stage 3.2 – Lot Masterplan – Stage 2</td><td>Planit Consulting Pty Ltd</td><td>201 Rev 05</td><td>26/11/20</td></tr>
<tr><td>Stage 3.2 – Lot Masterplan – Stage 2</td><td>Planit Consulting Pty Ltd</td><td>202 Rev 02</td><td>26/11/20</td></tr>
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<td>The condition is requested to be amended to reflect all plans as being approved as we are seeking to delete condition 1.2.

The plans relevant plans (201, 202, 501 and 502) have been updated to include the requested amendment in condition 1.2 to encompass the car park within the easement on Lot 5 and 6.

It is also sought to amend the plan and document reference table to:
• Include reference to the Hydraulic Impact Assessment report (which was referred to and formed an attachment of the referenced approved stormwater management plan); and
• Remove reference to the TIA as it is listed in the table twice.</td>
<td>Condition 1.1 has been provided to require the development to be carried out generally in accordance with the approved plans of development. The representations made are supported based on the assessment within 1.2.</td>
<td>Approved.</td>
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PART B – RECONFIGURATION OF A LOT													
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		TYPICAL ROAD CROSS SECTIONS	Planit Consulting Pty Ltd	0310 Rev E	31/08/20	Stage 3.4 – Lot Masterplan – Stage 4	Planit Consulting Pty Ltd	400 Rev 04	19/08/20				
		MAIN STREET TYPICAL CROSS SECTIONS - SHOPPING CENTRE PRECINCT	Planit Consulting Pty Ltd	0311 Rev E	31/08/20	Stage 3.4 – Lot Masterplan – Stage 4	Planit Consulting Pty Ltd	401 Rev 04	19/08/20				
		SEDIMENT AND EROSION CONTROL LAYOUT PLAN - SHEET 1	Planit Consulting Pty Ltd	0100 Rev F	27/08/20	Stage 3.5 – Lot Masterplan – Stage 5	Planit Consulting Pty Ltd	500 Rev 04	19/08/20				
		SEDIMENT AND EROSION CONTROL LAYOUT PLAN - SHEET 2	Planit Consulting Pty Ltd	0101 Rev F	31/08/20	Stage 3.5 – Lot Masterplan – Stage 5	Planit Consulting Pty Ltd	501 Rev 05	26/11/20				
		SEDIMENT AND EROSION CONTROL LAYOUT PLAN - SHEET 3	Planit Consulting Pty Ltd	0102 Rev F	27/08/20	Stage 3.5 – Lot Masterplan – Stage 5	Planit Consulting Pty Ltd	502 Rev 02	26/11/20				
		SEDIMENT AND EROSION CONTROL NOTES AND DETAILS	Planit Consulting Pty Ltd	0110 Rev E	27/08/20	Stage 3.6 - – Lot Masterplan – Stage 6	Planit Consulting Pty Ltd	600 Rev 04	19/08/20				
		CATCHMENT & BASIN LOCATION PLAN	Planit Consulting Pty Ltd	SK020 Rev C	24/06/20	Stage 3.6 – Lot Masterplan – Stage 6	Planit Consulting Pty Ltd	601 Rev 04	19/08/20				
		TREATMENT TRAIN - CATCHMENT PLAN	Planit Consulting Pty Ltd	APP_C3 Rev B		Stage 3.7 – Lot Masterplan – Stage 7	Planit Consulting Pty Ltd	700 Rev 04	19/08/20				
		Bioretention Basin Typical Details	Planit Consulting Pty Ltd	SK05 Rev A	13/02/19	Stage 3.7 – Lot Masterplan – Stage 7	Planit Consulting Pty Ltd	701 Rev 04	19/08/20				
		Basin 1, 9 & 10 Detailed Layout Plan	Planit Consulting Pty Ltd	SK029 Rev B	15/02/19	Engineering Assessment – Stage 3 Residential Development	Planit Consulting Pty Ltd	J5530 – EA01-RevE Ver E	01/09/2020				
		Basin 1, 9 & 10 Sections	Planit Consulting Pty Ltd	SK030 Rev B	15/02/19	Engineering Assessment – Stage 3 Commercial Precinct	Planit Consulting Pty Ltd	J5529-EA01-REVD Ver D	01/09/2020				
						Stormwater Management Plan Stage 3	Planit Consulting Pty Ltd	J5529-S3-SMP_3	01/09/2020				

PART B – RECONFIGURATION OF A LOT											
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		Basin 2 Detailed Layout Plan	Planit Consulting Pty Ltd	SK031 Rev B	15/02/19	Traffic Impact Assessment – Commercial Precinct	Planit Consulting Pty Ltd	J5529-TIA01 Ver D	01/09/2020			
		Basin 2 Sections	Planit Consulting Pty Ltd	SK032 Rev B	15/02/19	Cover Sheet and Locality Plan	Planit Consulting Pty Ltd	0001 Rev F	31/08/20			
		Preliminary Stormwater Network Layout	Planit Consulting Pty Ltd	SK045 Rev D	27/08/20	GENERAL NOTES AND EXISTING SITE LAYOUT PLAN	Planit Consulting Pty Ltd	0010 Rev E	27/08/20			
		PROPOSED STORMWATER QUALITY TREATMENT PLAN - COMMERCIAL PRECINCT	Planit Consulting Pty Ltd	SK021 Rev E	27/08/20	TREE CLEARING PLAN	Planit Consulting Pty Ltd	0020 Rev B	27/08/20			
		Whitsunday Paradise Stage 3 - Statement of Landscape Intent	Planit Consulting Pty Ltd		2020	BULK EARTHWORKS LAYOUT KEY PLAN	Planit Consulting Pty Ltd	0200 Rev F	27/08/20			
		Sewer Servicing Report	Planit Consulting Pty Ltd	J5525-RPT002-Rev03	June 2020	ROADWORKS LAYOUT KEY PLAN	Planit Consulting Pty Ltd	0300 Rev E	31/08/20			
		INDEX AND LOCALITY PLAN	Planit Consulting Pty Ltd	J5525 – 0001 Rev C	17/07/20	TYPICAL ROAD CROSS SECTIONS	Planit Consulting Pty Ltd	0310 Rev E	31/08/20			
		SEWER SERVICING PLANS – OVERALL LAYOUT	Planit Consulting Pty Ltd	J5525 – 0100 Rev C	17/07/20	MAIN STREET TYPICAL CROSS SECTIONS - SHOPPING CENTRE PRECINCT	Planit Consulting Pty Ltd	0311 Rev E	31/08/20			
		SEWER SERVICING PLANS – LAYOUT SHEET 1 OF 4	Planit Consulting Pty Ltd	J5525 – 0101 Rev C	17/07/20	SEDIMENT AND EROSION CONTROL LAYOUT PLAN - SHEET 1	Planit Consulting Pty Ltd	0100 Rev F	27/08/20			
		SEWER SERVICING PLANS – LAYOUT SHEET 2 OF 4	Planit Consulting Pty Ltd	J5525 – 0102 Rev C	17/07/20	SEDIMENT AND EROSION CONTROL LAYOUT PLAN - SHEET 2	Planit Consulting Pty Ltd	0101 Rev F	31/08/20			
		SEWER SERVICING PLANS – LAYOUT SHEET 3 OF 4	Planit Consulting Pty Ltd	J5525 – 0103 Rev C	17/07/20	SEDIMENT AND EROSION CONTROL LAYOUT PLAN - SHEET 3	Planit Consulting Pty Ltd	0102 Rev F	27/08/20			
						SEDIMENT AND EROSION	Planit Consulting Pty Ltd	0110 Rev E	27/08/20			

PART B – RECONFIGURATION OF A LOT											
ITEM	**SUB ITEM**	**EXISTING CONDITION**				**APPLICANT PROPOSED AMENDED CONDITION**				**APPLICANT COMMENT**	**COUNCIL COMMENT**	**COUNCIL RECOMMENDATION**
		SEWER SERVICING PLANS – LAYOUT SHEET 4 OF 4	Planit Consulting Pty Ltd	J5525 – 0104 Rev C	17/07/20	CONTROL NOTES AND DETAILS						
		SEWER SERVICING PLANS – ULTIMATE SYSTEM CONFIGURATION	Planit Consulting Pty Ltd	J5525 – 0110 Rev C	17/07/20	CATCHMENT & BASIN LOCATION PLAN	Planit Consulting Pty Ltd	SK020 Rev C	24/06/20			
		Water Supply Servicing Report	Planit Consulting Pty Ltd	J5525-RPT01-Rev03	June 2020	TREATMENT TRAIN - CATCHMENT PLAN	Planit Consulting Pty Ltd	APP_C3 Rev B				
		WATER SERVICING PLANS - OVERALL LAYOUT	Planit Consulting Pty Ltd	J5525 – 0200 Rev C	17/07/20	Bioretention Basin Typical Details	Planit Consulting Pty Ltd	SK05 Rev A	13/02/19			
		WATER SERVICING PLANS - LAYOUT SHEET 1 OF 4	Planit Consulting Pty Ltd	J5525 – 0201 Rev C	17/07/20	Basin 1, 9 & 10 Detailed Layout Plan	Planit Consulting Pty Ltd	SK029 Rev B	15/02/19			
		WATER SERVICING PLANS - LAYOUT SHEET 2 OF 4	Planit Consulting Pty Ltd	J5525 – 0202 Rev C	17/07/20	Basin 1, 9 & 10 Sections	Planit Consulting Pty Ltd	SK030 Rev B	15/02/19			
		WATER SERVICING PLANS - LAYOUT SHEET 3 OF 4	Planit Consulting Pty Ltd	J5525 – 0203 Rev C	17/07/20	Basin 2 Detailed Layout Plan	Planit Consulting Pty Ltd	SK031 Rev B	15/02/19			
		WATER SERVICING PLANS - LAYOUT SHEET 4 OF 4	Planit Consulting Pty Ltd	J5525 – 0204 Rev C	17/07/20	Basin 2 Sections	Planit Consulting Pty Ltd	SK032 Rev B	15/02/19			
		SEWER RISING MAIN SERVICING PLANS - OVERALL LAYOUT	Planit Consulting Pty Ltd	J5525 – 0300 Rev C	17/07/20	Preliminary Stormwater Network Layout	Planit Consulting Pty Ltd	SK045 Rev D	27/08/20			
		Open Space Management Plan	Planit Consulting Pty Ltd	Version 1.1	03.03.2020	PROPOSED STORMWATER QUALITY TREATMENT PLAN - COMMERCIAL PRECINCT	Planit Consulting Pty Ltd	SK021 Rev E	27/08/20			
		Traffic Impact Assessment	Planit Consulting Pty Ltd	J5529-TIA01	September 2020	Whitsunday Paradise Stage 3 - Statement of Landscape Intent	Planit Consulting Pty Ltd		2020			
						Sewer Servicing Report	Planit Consulting Pty Ltd	J5525-RPT002-Rev03	June 2020			
						INDEX AND LOCALITY PLAN	Planit Consulting Pty Ltd	J5525 – 0001 Rev C	17/07/20			

PART B – RECONFIGURATION OF A LOT								
ITEM	**SUB ITEM**	**EXISTING CONDITION**	**APPLICANT PROPOSED AMENDED CONDITION**				**APPLICANT COMMENT**	**COUNCIL COMMENT**	**COUNCIL RECOMMENDATION**
			SEWER SERVICING PLANS – OVERALL LAYOUT	Planit Consulting Pty Ltd	J5525 – 0100 Rev C	17/07/20			
			SEWER SERVICING PLANS – LAYOUT SHEET 1 OF 4	Planit Consulting Pty Ltd	J5525 – 0101 Rev C	17/07/20			
			SEWER SERVICING PLANS – LAYOUT SHEET 2 OF 4	Planit Consulting Pty Ltd	J5525 – 0102 Rev C	17/07/20			
			SEWER SERVICING PLANS – LAYOUT SHEET 3 OF 4	Planit Consulting Pty Ltd	J5525 – 0103 Rev C	17/07/20			
			SEWER SERVICING PLANS – LAYOUT SHEET 4 OF 4	Planit Consulting Pty Ltd	J5525 – 0104 Rev C	17/07/20			
			SEWER SERVICING PLANS – ULTIMATE SYSTEM CONFIGURATION	Planit Consulting Pty Ltd	J5525 – 0110 Rev C	17/07/20			
			Water Supply Servicing Report	Planit Consulting Pty Ltd	J5525-RPT01-Rev03	June 2020			
			WATER SERVICING PLANS - OVERALL LAYOUT	Planit Consulting Pty Ltd	J5525 – 0200 Rev C	17/07/20			
			WATER SERVICING PLANS - LAYOUT SHEET 1 OF 4	Planit Consulting Pty Ltd	J5525 – 0201 Rev C	17/07/20			
			WATER SERVICING PLANS - LAYOUT SHEET 2 OF 4	Planit Consulting Pty Ltd	J5525 – 0202 Rev C	17/07/20			

<table>
<tr><th colspan="6">PART B – RECONFIGURATION OF A LOT</th><th></th></tr>
<tr><th>ITEM</th><th>SUB ITEM</th><th>EXISTING CONDITION</th><th>APPLICANT PROPOSED AMENDED CONDITION</th><th>APPLICANT COMMENT</th><th>COUNCIL COMMENT</th><th>COUNCIL RECOMMENDATION</th></tr>
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<tr><td>WATER SERVICING PLANS - LAYOUT SHEET 3 OF 4</td><td>Planit Consulting Pty Ltd</td><td>J5525 – 0203 Rev C</td><td>17/07/20</td></tr>
<tr><td>WATER SERVICING PLANS - LAYOUT SHEET 4 OF 4</td><td>Planit Consulting Pty Ltd</td><td>J5525 – 0204 Rev C</td><td>17/07/20</td></tr>
<tr><td>SEWER RISING MAIN SERVICING PLANS - OVERALL LAYOUT</td><td>Planit Consulting Pty Ltd</td><td>J5525 – 0300 Rev C</td><td>17/07/20</td></tr>
<tr><td>Open Space Management Plan</td><td>Planit Consulting Pty Ltd</td><td>Version 1.1</td><td>03.03.2020</td></tr>
<tr><td>Hydraulic Impact Assessment</td><td>Burchills Engineering Solutions</td><td>00</td><td>21/09/2018</td></tr>
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<td></td>
<td>1.2</td>
<td>The applicant is to prepare and submit amendments to the plans listed below for confirmation they constitute approved plans for the purposes of this development approval. All amended plans must be submitted (and confirmed by Council) prior to the commencement of any works on site:
<table>
<tr><th>Plan / Document Name</th><th>Prepared by</th><th>Plan Number</th><th>Dated</th></tr>
<tr><td>Stage 3.1 – Lot Masterplan – Stage 1</td><td>Planit Consulting Pty Ltd</td><td>100 Rev 04</td><td>19/08/20</td></tr>
<tr><td>Stage 3.1 – Lot Masterplan – Stage 1</td><td>Planit Consulting Pty Ltd</td><td>101 Rev 04</td><td>19/08/20</td></tr>
<tr><td>Stage 3.1 – Lot Masterplan – Stage 1</td><td>Planit Consulting Pty Ltd</td><td>102 Rev 01</td><td>19/08/20</td></tr>
<tr><td>Stage 3.1 – Lot Masterplan – Stage 1</td><td>Planit Consulting Pty Ltd</td><td>103 Rev 01</td><td>19/08/20</td></tr>
<tr><td>Stage 3.2 – Lot Masterplan – Stage 2</td><td>Planit Consulting Pty Ltd</td><td>200 Rev 04</td><td>19/08/20</td></tr>
</table>
</td>
<td>To be deleted</td>
<td>It is As detailed in the Representations report, the roads were designed to accord with the Development Manual in effect at the time the application was lodged.

The condition as it currently stands will have a significant impact on the overall development. This is due to the road reserve widths for Collector Streets increasing from 16m to 20m.

It is noted that the increase in road reserve widths is of no benefit as the pavement widths for the 16m and 20m roads remains at 7.5m.

As such, the condition is requested to be deleted to allow the development to occur as per the referenced plans.

Additionally, the plans have been amended to reflect the requested amendment to encompass the car park within the easement on Lot 5</td>
<td>Condition 1.2 was provided to require amendments to the plans of development. In the Preliminary Approval assessment upon the receipt of additional information Council is satisfied to apply the road reserve widths of the previous development manual. The amended plans also include the changes requested to the car parking for proposed Lots 5 and 6.</td>
<td>Approved.</td>
</tr>
</table>

PART B – RECONFIGURATION OF A LOT								
ITEM	**SUB ITEM**	**EXISTING CONDITION**				**APPLICANT PROPOSED AMENDED CONDITION**	**APPLICANT COMMENT**	**COUNCIL COMMENT**	**COUNCIL RECOMMENDATION**
		Stage 3.2 – Lot Masterplan – Stage 2	Planit Consulting Pty Ltd	201 Rev 04	19/08/20		and 6. Thus, this amendment is not required.		
		Stage 3.2 – Lot Masterplan – Stage 2	Planit Consulting Pty Ltd	202 Rev 01	19/08/20				
		Stage 3.3 – Lot Masterplan – Stage 3	Planit Consulting Pty Ltd	300 Rev 04	19/08/20				
		Stage 3.3 – Lot Masterplan – Stage 3	Planit Consulting Pty Ltd	301 Rev 04	19/08/20				
		Stage 3.4 – Lot Masterplan – Stage 4	Planit Consulting Pty Ltd	400 Rev 04	19/08/20				
		Stage 3.4 – Lot Masterplan – Stage 4	Planit Consulting Pty Ltd	401 Rev 04	19/08/20				
		Stage 3.5 – Lot Masterplan – Stage 5	Planit Consulting Pty Ltd	500 Rev 04	19/08/20				
		Stage 3.5 – Lot Masterplan – Stage 5	Planit Consulting Pty Ltd	501 Rev 04	19/08/20				
		Stage 3.5 – Lot Masterplan – Stage 5	Planit Consulting Pty Ltd	502 Rev 01	19/08/20				
		Stage 3.6 – Lot Masterplan – Stage 6	Planit Consulting Pty Ltd	600 Rev 04	19/08/20				
		Stage 3.6 – Lot Masterplan – Stage 6	Planit Consulting Pty Ltd	601 Rev 04	19/08/20				
		Stage 3.7 – Lot Masterplan – Stage 7	Planit Consulting Pty Ltd	700 Rev 04	19/08/20				
		Stage 3.7 – Lot Masterplan – Stage 7	Planit Consulting Pty Ltd	701 Rev 04	19/08/20				
		The amended plans must include:							

PART B – RECONFIGURATION OF A LOT						
ITEM	**SUB ITEM**	**EXISTING CONDITION**	**APPLICANT PROPOSED AMENDED CONDITION**	**APPLICANT COMMENT**	**COUNCIL COMMENT**	**COUNCIL RECOMMENDATION**
		a) Amend all road reserve widths to comply with minimums listed in table D1.1 of Council's Development Manual for the road hierarchy nominated in Table 2 of the Engineering Assessment – Stage 3 Residential Development Document No. J5530-EA01-RevE. Note: Proposed lot sizes must not be reduced below 600m2. Note: This is not applicable to private road networks b) realign the proposed property boundary for Proposed Lots 5 and 6 in the commercial precinct to include the carparking within Easements G and H.				
	1.3	The applicant is to comply with the Queensland Treasury conditions as outlined in the Department's correspondence dated 9 July 2020.	The applicant is to comply with the Queensland Treasury conditions as outlined in the Department's Referral Agency Response	The condition is requested to be amended to remove reference to the date of the correspondence. This is to avoid the circumstance of triggering an unnecessary change application to Council to update the referenced correspondence date should a revised Referral Agency response be issued.	Condition 1.3 is a standard condition applied to all development approvals with the referral agency response included with Attachment 1 – Part 2 of the Decision Notice. However, in the interests of the assisting the developer Council considers the requested change minor and inconsequential.	Approve.
4.0 Earthworks	4.1	A Development Permit for Operational Works (Earthworks) must be obtained prior to commencement of work on site for Stage 3.1 for Stage 3.	A Development Permit for Operational Works (Earthworks) must be obtained prior to commencement of earthworks on site for Stage 3.1 for Stage 3.	The condition is sought to be amended to change the word from 'work' to 'earthworks' for clarity purposes.	Council considers the requested change minor and inconsequential.	Approved.
	4.4	No retaining walls will be permitted to be constructed until all sewer and rear of allotment drainage has been installed.	No retaining walls within residential allotments will be permitted to be constructed until all sewer and rear of allotment drainage has been installed.	The condition is requested to be amended to include the words 'residential allotments' for clarity purposes.	Council considers the requested change minor and inconsequential.	Approved.
5.0 Water Infrastructure	5.1	<u>Stage 3.1</u> A Development Permit for Operational Works (Water Infrastructure) must be obtained prior to commencement of work on site for Stage 3.1.	A Development Permit for Operational Works (Water Infrastructure) must be obtained prior to commencement of work for water infrastructure occurs on site for Stage 3.1.	The condition is sought to be amended to the words 'for water infrastructure' for clarity purposes.	Council considers the requested change minor and inconsequential.	Approved.
	5.3	Prior to sealing the first plan of survey for Stage 3, The applicant must construct a minimum 2ML (megalitre) reservoir no higher than RL80.0 meters top water level, in accordance with the requirements of the Whitsunday Regional Council Development Manual. Connection to the reservoir must be via a DN450mm water main connected to Council's Bulk Supply Water Main. The	The Infrastructure Agreement entitled Whitsunday Paradise Infrastructure Agreement 20XX between the Whitsunday Regional Council and Homeland Property Developments Pty Ltd executed on XX XX 20XX, must be complied with.	It is requested that Condition 5.3 be deleted and replaced with the proposed condition to reflect an executed infrastructure agreement. As detailed in the Representations report, the water infrastructure is	Condition 5.3 requires the developer to provide the minimum water storage requirement for the site for Stage 3 in accordance with the relevant standards. A	Refused.

PART B – RECONFIGURATION OF A LOT						
ITEM	**SUB ITEM**	**EXISTING CONDITION**	**APPLICANT PROPOSED AMENDED CONDITION**	**APPLICANT COMMENT**	**COUNCIL COMMENT**	**COUNCIL RECOMMENDATION**
		applicant must provide a minimum 10-meter easement at no cost to Council for the full length of the DN450mm water main.		considered to be trunk infrastructure. As such, the entire cost of the design and construction of the sewer infrastructure should not be entirely borne by the applicant. Thus, the applicant proposes to enter into an infrastructure agreement with Council to address the cost sharing of this infrastructure.	draft infrastructure agreement has been considered and declined by Council.	
	5.8	Stage 3.2 A Development Permit for Operational Works (Water Infrastructure) must be obtained prior to commencement of work on site for Stage 3.2.	A Development Permit for Operational Works (Water Infrastructure) must be obtained prior to commencement of work for water infrastructure occurs on site for Stage 3.2.	The condition is sought to be amended to the words 'for water infrastructure' for clarity purposes.	Council considers the requested change minor and inconsequential.	Approved.
	5.14	Stage 3.3 A Development Permit for Operational Works (Water Infrastructure) must be obtained prior to commencement of work on site for Stage 3.3.	A Development Permit for Operational Works (Water Infrastructure) must be obtained prior to commencement of work for water infrastructure occurs on site for Stage 3.3.	The condition is sought to be amended to the words 'for water infrastructure' for clarity purposes.	Council considers the requested change minor and inconsequential.	Approved.
	5.19	Stage 3.4 A Development Permit for Operational Works (Water Infrastructure) must be obtained prior to commencement of work on site for Stage 3.4.	A Development Permit for Operational Works (Water Infrastructure) must be obtained prior to commencement of work for water infrastructure occurs on site for Stage 3.4.	The condition is sought to be amended to the words 'for water infrastructure' for clarity purposes.	Council considers the requested change minor and inconsequential.	Approved.
	5.24	Stage 3.5 A Development Permit for Operational Works (Water Infrastructure) must be obtained prior to commencement of work on site for Stage 3.5.	A Development Permit for Operational Works (Water Infrastructure) must be obtained prior to commencement of work for water infrastructure occurs on site for Stage 3.5.	The condition is sought to be amended to the words 'for water infrastructure' for clarity purposes.	Council considers the requested change minor and inconsequential.	Approved.
	5.31	Stage 3.6 A Development Permit for Operational Works (Water Infrastructure) must be obtained prior to commencement of work on site for Stage 3.6.	A Development Permit for Operational Works (Water Infrastructure) must be obtained prior to commencement of work for water infrastructure occurs on site for Stage 3.6.	The condition is sought to be amended to include the words 'for water infrastructure' for clarity purposes.	Council considers the requested change minor and inconsequential.	Approved.
	5.36	Stage 3.7 A Development Permit for Operational Works (Water Infrastructure) must be obtained prior to commencement of work on site for Stage 3.7.	A Development Permit for Operational Works (Water Infrastructure) must be obtained prior to commencement of work for water infrastructure for Stage 3.7.	The condition is sought to be amended to the words 'for water infrastructure' for clarity purposes.	Council considers the requested change minor and inconsequential.	Approved.
6.0 Sewerage Infrastructure	6.1	Stage 3.1 Prior to the sealing the first plan of survey for Stage 3 the applicant must connect all existing lots as shown on Concept Master Plan Dated February 2020 Rev 01 and all proposed lots in Stage 3 to Council's reticulated sewer network via a DN225mm rising main in accordance with	The Infrastructure Agreement entitled Whitsunday Paradise Infrastructure Agreement 20XX between the Whitsunday Regional Council and Homeland Property Developments Pty Ltd executed on XX XX 20XX , must be complied with.	It is requested that Condition 6.1 be deleted and replaced with the proposed condition to reflect an executed infrastructure agreement.	Condition 6.1 requires the developer to provide sewerage connection to all proposed lots within Stage 3 and all existing lots within Whitsunday	Approved.

PART B – RECONFIGURATION OF A LOT						
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		the requirements of Section DG 6 Sewerage System of the Whitsunday Regional Council Development Manual.		As detailed in the Representations report, the sewer infrastructure is considered to be trunk infrastructure. As such, the entire cost of the design and construction of the sewer infrastructure should not be entirely borne by the applicant. Thus, the applicant proposes to enter into an infrastructure agreement with Council to address the cost sharing of this infrastructure.	Paradise which will be impacted by the developer's decision to remove the existing Sewerage Treatment Plant on site. A draft infrastructure agreement has been considered and declined by Council.	
	6.2	Stage 3.1 Prior to sealing the first plan of survey for Stage 3 the applicant must construct an adequately sized sewer pump station on the subject land to service all flows from the existing lots as shown on Concept Master Plan Dated February 2020 Rev 01 and all proposed lots in Stage 3, in accordance with Section DG 6 Sewerage System of the Whitsunday Regional Council Development Manual.	To be deleted	This condition is requested to be deleted as this aspect will be addressed through an infrastructure agreement. As such, the proposed amendment to condition 6.1 will address this requirement.	Condition 6.2 requires the developer to provide sewage pump station to cater for all proposed lots within Stage 3 and all existing lots within Whitsunday Paradise which will be impacted by the developer's decision to removed the existing Sewerage Treatment Plant on site. A draft infrastructure agreement has been considered and declined by Council.	Refused.
	6.3	Stage 3.1 All sewage pump station switchboards must be constructed in accordance with the requirements of the Construction Specification for Electrical Switchboards section of the Whitsunday Regional Council Development Manual.	To be deleted	This condition is requested to be deleted as this aspect will be addressed through an infrastructure agreement. As such, the proposed amendment to condition 6.1 will address this requirement.	Condition 6.3 requires the developer to construct the sewage pump station in accordance with relevant standards. A draft infrastructure agreement has been considered and declined by Council.	Refused.
	6.4	Stage 3.1 A detailed sewerage reticulation network analysis (prepared at no cost to Council) must be undertaken and submitted as part of the first Operational Works permit, to determine: a) The impact of the proposed development on the existing sewerage reticulation network in Bowen from the connection point at Sewer Pump Station No. 13 to Lot 186 B6624 Pump Station No. 1; and	To be deleted	This condition is requested to be deleted as this aspect will be addressed through an infrastructure agreement. As such, the proposed amendment to condition 6.1 will address this requirement.	Condition 6.4 requires the developer to carry out a network analysis on the existing sewerage reticulation network in Bowen which the developer proposed to connect into. The condition is required as a result of this information	Refused.

PART B – RECONFIGURATION OF A LOT						
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		b) The extent and timing of any external works which will be required to be undertaken to ensure the Bowen reticulated sewerage network has capacity to accommodate the development prior to the establishment of the sewer network connection.			not being provided within the application material. A draft infrastructure agreement has been considered and declined by Council.	
	6.5	Stage 3.1 If as a result of the network analysis it is determined that works are required to upgrade the Bowen reticulated sewerage network, to accommodate the additional demand on the existing system by the development, then such work must be carried out at the applicant's cost prior to the connection of the site into the Bowen reticulated sewerage network.	To be deleted	This condition is requested to be deleted as this aspect will be addressed through an infrastructure agreement. As such, the proposed amendment to condition 6.1 will address this requirement.	Condition 6.5 requires the developer to upgrade the existing sewerage reticulation network in Bowen should the network analysis determine upgrades are necessary to cater for the demands of the development on the system at no cost to Council. A draft infrastructure agreement has been considered and declined by Council.	Refused.
	6.6	Stage 3.1 The applicant must provide in accordance with Section DG 6 Sewerage System of the Whitsunday Regional Council Development Manual a non-corrosive pipe installed for the length of sewer to the next downstream manhole and will require the provision of an inert lining to all internal surfaces of all rising main discharge manholes.	To be deleted	This condition is requested to be deleted as this aspect will be addressed through an infrastructure agreement. As such, the proposed amendment to condition 6.1 will address this requirement.	Condition 6.6 requires the developer to provide sewage pump station to cater for all proposed lots within Ultimate Development and all existing lots within Whitsunday Paradise which will be impacted by the developer's decision to removed the existing Sewerage Treatment Plant on site. A draft infrastructure agreement has been considered and declined by Council.	Refused.
	6.7	Stage 3.1 Prior to the sealing of the first plan of survey or commencement of operational works (whichever occurs first), the applicant shall decommission the existing onsite Sewerage Treatment Plant.	To be deleted	This condition is requested to be deleted as this aspect will be addressed through an infrastructure agreement. As such, the proposed amendment to condition 6.1 will address this requirement.	Condition 6.7 is required to facilitate the removal of the onsite Sewerage Treatment Plant by the developer. A draft infrastructure agreement has been considered and declined by Council.	Refused.

PART B – RECONFIGURATION OF A LOT						
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	6.8	The applicant is to provide to Council a Decommission and Remediation Management Plan, which is to include a Contaminated Land Assessment and temporary effluent disposal solution with the first operational works application.	To be deleted	This condition is requested to be deleted as this aspect will be addressed through an infrastructure agreement. As such, the proposed amendment to condition 6.1 will address this requirement.	Condition 6.8 is required to facilitate the removal of the onsite Sewerage Treatment Plant by the developer. A draft infrastructure agreement has been considered and declined by Council.	Refused.
	6.12	A Development Permit for Operational Works (Sewer Infrastructure) must be obtained prior to commencement of work on site for Stage 3.1.	A Development Permit for Operational Works (Sewer Infrastructure) must be obtained prior to commencement of work for sewer infrastructure on site for Stage 3.1.	The condition is sought to be amended to include the words 'for sewer infrastructure' for clarity purposes.	Council considers the requested change minor and inconsequential.	Approved.
	6.20	Stage 3.2 A Development Permit for Operational Works (Sewer Infrastructure) must be obtained prior to commencement of work on site for Stage 3.2.	A Development Permit for Operational Works (Sewer Infrastructure) must be obtained prior to commencement of work for sewer infrastructure on site for Stage 3.2.	The condition is sought to be amended to include the words 'for sewer infrastructure' for clarity purposes.	Council considers the requested change minor and inconsequential.	Approved.
	6.27	Stage 3.3 A Development Permit for Operational Works (Sewer Infrastructure) must be obtained prior to commencement of work on site for Stage 3.3.	A Development Permit for Operational Works (Sewer Infrastructure) must be obtained prior to commencement of work for sewer infrastructure on site for Stage 3.3.	The condition is sought to be amended to include the words 'for sewer infrastructure' for clarity purposes.	Council considers the requested change minor and inconsequential.	Approved.
	6.34	Stage 3.4 A Development Permit for Operational Works (Sewer Infrastructure) must be obtained prior to commencement of work on site for Stage 3.4.	A Development Permit for Operational Works (Sewer Infrastructure) must be obtained prior to commencement of work for sewer infrastructure on site for Stage 3.4.	The condition is sought to be amended to include the words 'for sewer infrastructure' for clarity purposes.	Council considers the requested change minor and inconsequential.	Approved.
	6.42	Stage 3.5 A Development Permit for Operational Works (Sewer Infrastructure) must be obtained prior to commencement of work on site for Stage 3.5.	A Development Permit for Operational Works (Sewer Infrastructure) must be obtained prior to commencement of work for sewer infrastructure on site for Stage 3.5.	The condition is sought to be amended to include the words 'for sewer infrastructure' for clarity purposes.	Council considers the requested change minor and inconsequential.	Approved.
	6.49	Stage 3.6 A Development Permit for Operational Works (Sewer Infrastructure) must be obtained prior to commencement of work on site for Stage 3.6.	A Development Permit for Operational Works (Sewer Infrastructure) must be obtained prior to commencement of work for sewer infrastructure on site for Stage 3.6.	The condition is sought to be amended to include the words 'for sewer infrastructure' for clarity purposes.	Council considers the requested change minor and inconsequential.	Approved.
	6.56	Stage 3.7 A Development Permit for Operational Works (Sewer Infrastructure) must be obtained prior to commencement of work on site for Stage 3.7.	A Development Permit for Operational Works (Sewer Infrastructure) must be obtained prior to commencement of work for sewer infrastructure on site for Stage 3.7.	The condition is sought to be amended to include the words 'for sewer infrastructure' for clarity purposes.	Council considers the requested change minor and inconsequential.	Approved.
7.0 Access and Parking	7.1	Stage 3.1	Stage 3.1	The condition is sought to be amended to include the words 'for	Council considers the requested change minor and inconsequential.	Approved.

PART B – RECONFIGURATION OF A LOT						
ITEM	**SUB ITEM**	**EXISTING CONDITION**	**APPLICANT PROPOSED AMENDED CONDITION**	**APPLICANT COMMENT**	**COUNCIL COMMENT**	**COUNCIL RECOMMENDATION**
		A Development Permit for Operational Works (Access and Parking) must be obtained prior to commencement of work on site.	A Development Permit for Operational Works (Access and Parking) must be obtained prior to commencement of work for access and parking on site.	access and parking' for clarity purposes.		
	7.2	Stage 3.1 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.	Stage 3.1 Any application for Operational Works (Access and Parking) must be accompanied by detailed engineering drawings demonstrating compliance with the Whitsunday Regional Council Development Manual (v1.3 dated 21/07/17), Australian Standard AS2890, AS1428 and this Decision Notice.	As detailed in the Representations report, the roads were designed to accord with the Development Manual in effect at the time the application was lodged. The condition as it currently stands will have a significant impact on the overall development. This is due to the road reserve widths for Collector Streets increasing from 16m to 20m. It is noted that the increase in road reserve widths is of no benefit as the pavement widths for the 16m and 20m roads remains at 7.5m. As such, the condition is requested to be amended to reflect Council's superseded Development Manual to allow the development roads to accord with the previous road width standards.	Condition 7.2 applies to the provision of accesses, driveways, circulation roads, aisles, parking bays and maneuvering areas of works internal to a site. The condition does not apply to roadworks (i.e. the width of roadways). Assessment of the request regarding roadworks is within the preliminary approval.	Refused.
	7.3	Stage 3.1 The external access from the pavement of Proposed Road 1 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.	Stage 3.1 The external access from the pavement of Proposed Road 1 to the property boundary must be constructed to comply with the dimensions, gradients and specifications as indicated on Council's Standard Drawings in accordance with Whitsunday Regional Council Development Manual (v1.3 dated 21/07/17) prior to commencement of the use.	As detailed in the Representations report, the roads were designed to accord with the Development Manual in effect at the time the application was lodged. As such, we seek this condition to be amended to reflect the superseded version of the development manual for consistency across the development for road design.	Condition 7.3 applies to the provision of accesses, driveways. The condition does not apply to roadworks (i.e. the width of roadways). Assessment of the request regarding roadworks is within the preliminary approval.	Refused.
	7.4	Stage 3.1 All internal accesses, driveways, circulation roads, aisles, parking bays and maneuvering areas are to be provided generally as indicated on Commercial Precinct Turn Path Stage 3.1 Drawing No J5529-SK049 Rev A and must be designed and constructed so as to comply with the requirements of the Whitsunday Regional Council Development Manual, AS2890 and AS1428.	Stage 3.1 All internal accesses, driveways, circulation roads, aisles, parking bays and maneuvering areas are to be provided generally as indicated on Commercial Precinct Turn Path Stage 3.1 Drawing No J5529-SK049 Rev A and must be designed and constructed so as to comply with the requirements of the Whitsunday Regional Council Development Manual (v1.3 dated 21/07/17), AS2890 and AS1428.	As detailed in the Representations report, the roads were designed to accord with the Development Manual in effect at the time the application was lodged. The condition as it currently stands will have a significant impact on the overall development. This is due to	Condition 7.4 applies to the provision of accesses, driveways, circulation roads, aisles, parking bays and maneuvering areas of works internal to a site. The condition does not apply to roadworks (i.e. the width of roadways). Assessment of the request	Refused.

PART B – RECONFIGURATION OF A LOT						
ITEM	**SUB ITEM**	**EXISTING CONDITION**	**APPLICANT PROPOSED AMENDED CONDITION**	**APPLICANT COMMENT**	**COUNCIL COMMENT**	**COUNCIL RECOMMENDATION**
				the road reserve widths for Collector Streets increasing from 16m to 20m. It is noted that the increase in road reserve widths is of no benefit as the pavement widths for the 16m and 20m roads remains at 7.5m. As such, the condition is requested to be amended to reflect Council's superseded Development Manual to allow the development roads to accord with the previous road width standards.	regarding roadworks is within the preliminary approval.	
	7.6	Prior to signing of the survey plan, 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.	Prior to signing of the survey plan, 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 (v1.3 dated 21/07/17), AS2890 and AS1428.	As detailed in the Representations report, the roads were designed to accord with the Development Manual in effect at the time the application was lodged. The condition as it currently stands will have a significant impact on the overall development. This is due to the road reserve widths for Collector Streets increasing from 16m to 20m. It is noted that the increase in road reserve widths is of no benefit as the pavement widths for the 16m and 20m roads remains at 7.5m. As such, the condition is requested to be amended to reflect Council's superseded Development Manual to allow the development roads to accord with the previous road width standards	Condition 7.5 applies to the provision of accesses, driveways, circulation roads, aisles, parking bays and maneuvering areas of works internal to a site. The condition does not apply to roadworks (i.e. the width of roadways). Assessment of the request regarding roadworks is within the preliminary approval.	Refused
	7.7	<u>Stage 3.3</u> A Development Permit for Operational Works (Access and Parking) must be obtained prior to commencement of work on site.	<u>Stage 3.3</u> A Development Permit for Operational Works (Access and Parking) must be obtained prior to commencement of work for access and parking on site.	The condition is sought to be amended to include the words 'for access and parking' for clarity purposes.	Council considers the requested change minor and inconsequential.	Approved.
	7.8	<u>Stage 3.3</u> 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.	<u>Stage 3.3</u> Any application for Operational Works (Access and Parking) must be accompanied by detailed engineering drawings demonstrating compliance with the Whitsunday Regional Council Development Manual (v1.3 dated 21/07/17), Australian Standard AS2890, AS1428 and this Decision Notice.	As detailed in the Representations report, the roads were designed to accord with the Development Manual in effect at the time the application was lodged. The condition as it currently stands will have a significant impact on the	Condition 7.8 applies to the provision of accesses, driveways, circulation roads, aisles, parking bays and maneuvering areas of works internal to a site. The condition does not	Refused.

PART B – RECONFIGURATION OF A LOT						
ITEM	**SUB ITEM**	**EXISTING CONDITION**	**APPLICANT PROPOSED AMENDED CONDITION**	**APPLICANT COMMENT**	**COUNCIL COMMENT**	**COUNCIL RECOMMENDATION**
				overall development. This is due to the road reserve widths for Collector Streets increasing from 16m to 20m. It is noted that the increase in road reserve widths is of no benefit as the pavement widths for the 16m and 20m roads remains at 7.5m. As such, the condition is requested to be amended to reflect Council's superseded Development Manual to allow the development roads to accord with the previous road width standards.	apply to roadworks (i.e. the width of roadways). Assessment of the request regarding roadworks is within the preliminary approval.	
	7.9	The external access from the pavement of proposed Road 1 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.	The external access from the pavement of proposed Road 1 to the property boundary must be constructed to comply with the dimensions, gradients and specifications as indicated on Council's Standard Drawings in accordance with Whitsunday Regional Council Development Manual (v1.3 dated 21/07/17) prior to commencement of the use.	As detailed in the Representations report, the roads were designed to accord with the Development Manual in effect at the time the application was lodged. As such, we seek this condition to be amended to reflect the superseded version of the development manual for consistency across the development for road design.	Condition 7.9 applies to the provision of accesses, driveways. The condition does not apply to roadworks (i.e. the width of roadways). Assessment of the request regarding roadworks is within the preliminary approval.	Refused.
	7.11	Prior to signing of the survey plan, 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.	Prior to signing of the survey plan, 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 (v1.3 dated 21/07/17), AS2890 and AS1428.	As detailed in the Representations report, the roads were designed to accord with the Development Manual in effect at the time the application was lodged. The condition as it currently stands will have a significant impact on the overall development. This is due to the road reserve widths for Collector Streets increasing from 16m to 20m. It is noted that the increase in road reserve widths is of no benefit as the pavement widths for the 16m and 20m roads remains at 7.5m. As such, the condition is requested to be amended to reflect Council's superseded Development Manual to allow the development roads to	Condition 7.11 applies to the provision of accesses, driveways, circulation roads, aisles, parking bays and maneuvering areas of works internal to a site. The condition does not apply to roadworks (i.e. the width of roadways). Assessment of the request regarding roadworks is within the preliminary approval.	

PART B – RECONFIGURATION OF A LOT						
ITEM	**SUB ITEM**	**EXISTING CONDITION**	**APPLICANT PROPOSED AMENDED CONDITION**	**APPLICANT COMMENT**	**COUNCIL COMMENT**	**COUNCIL RECOMMENDATION**
				accord with the previous road width standards		
	7.12	Stage 3.5 A Development Permit for Operational Works (Access and Parking) must be obtained prior to commencement of work on site.	Stage 3.5 A Development Permit for Operational Works (Access and Parking) must be obtained prior to commencement of work for access and parking on site.	The condition is sought to be amended to include the words 'for access and parking' for clarity purposes.	Council considers the requested change minor and inconsequential.	Approved.
	7.13	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.	Any application for Operational Works (Access and Parking) must be accompanied by detailed engineering drawings demonstrating compliance with the Whitsunday Regional Council Development Manual (v1.3 dated 21/07/17), Australian Standard AS2890, AS1428 and this Decision Notice.	As detailed in the Representations report, the roads were designed to accord with the Development Manual in effect at the time the application was lodged. The condition as it currently stands will have a significant impact on the overall development. This is due to the road reserve widths for Collector Streets increasing from 16m to 20m. It is noted that the increase in road reserve widths is of no benefit as the pavement widths for the 16m and 20m roads remains at 7.5m. As such, the condition is requested to be amended to reflect Council's superseded Development Manual to allow the development roads to accord with the previous road width standards.	Condition 7.13 applies to the provision of accesses, driveways, circulation roads, aisles, parking bays and maneuvering areas of works internal to a site. The condition does not apply to roadworks (i.e. the width of roadways). Assessment of the request regarding roadworks is within the preliminary approval.	
	7.14	The external access from the pavement of Ocean View Drive and Proposed Road 1 to the property boundary must be constructed to comply with the dimensions, gradients and specifications as indicated on Council's Standard Drawings prior to signing of the Plan of Survey.	The external access from the pavement of Proposed Road 1 to the property boundary must be constructed to comply with the dimensions, gradients and specifications as indicated on Council's Standard Drawings in accordance with Whitsunday Regional Council Development Manual (v1.3 dated 21/07/17) prior to commencement of the use.	As detailed in the Representations report, the roads were designed to accord with the Development Manual in effect at the time the application was lodged. As such, we seek this condition to be amended to reflect the superseded version of the development manual for consistency across the development for road design.	Condition 7.14 applies to the provision of accesses, driveways. The condition does not apply to roadworks (i.e. the width of roadways). Assessment of the request regarding roadworks is within the preliminary approval.	Refused.
	7.15	All internal accesses, driveways, circulation roads, aisles, parking bays and maneuvering areas are to be provided generally as indicated on Local Activity Centre Precinct Sequence Plan Rev 3 dated 19/08/2020 and must be	All internal accesses, driveways, circulation roads, aisles, parking bays and maneuvering areas are to be provided generally as indicated on Commercial Precinct Turn Path Stage 3.1 Drawing No J5529-SK049 Rev A and must be	As detailed in the Representations report, the roads were designed to accord with the Development	Condition 7.15 applies to the provision of accesses, driveways, circulation roads, aisles, parking bays	Refused.

PART B – RECONFIGURATION OF A LOT						
ITEM	**SUB ITEM**	**EXISTING CONDITION**	**APPLICANT PROPOSED AMENDED CONDITION**	**APPLICANT COMMENT**	**COUNCIL COMMENT**	**COUNCIL RECOMMENDATION**
		designed and constructed so as to comply with the requirements of the Whitsunday Regional Council Development Manual, AS2890 and AS1428.	designed and constructed so as to comply with the requirements of the Whitsunday Regional Council Development Manual (v1.3 dated 21/07/17), AS2890 and AS1428.	Manual in effect at the time the application was lodged. The condition as it currently stands will have a significant impact on the overall development. This is due to the road reserve widths for Collector Streets increasing from 16m to 20m. It is noted that the increase in road reserve widths is of no benefit as the pavement widths for the 16m and 20m roads remains at 7.5m. As such, the condition is requested to be amended to reflect Council's superseded Development Manual to allow the development roads to accord with the previous road width standards.	and maneuvering areas of works internal to a site. The condition does not apply to roadworks (i.e. the width of roadways). Assessment of the request regarding roadworks is within the preliminary approval.	
	7.16	Prior to signing of the survey plan or 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 maneuvering areas comply with the requirements of the Whitsunday Regional Council Development Manual, AS2890 and AS1428.	Prior to signing of the survey plan, 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 (v1.3 dated 21/07/17), AS2890 and AS1428.	As detailed in the Representations report, the roads were designed to accord with the Development Manual in effect at the time the application was lodged. The condition as it currently stands will have a significant impact on the overall development. This is due to the road reserve widths for Collector Streets increasing from 16m to 20m. It is noted that the increase in road reserve widths is of no benefit as the pavement widths for the 16m and 20m roads remains at 7.5m. As such, the condition is requested to be amended to reflect Council's superseded Development Manual to allow the development roads to accord with the previous road width standards	Condition 7.16 applies to the provision of accesses, driveways, circulation roads, aisles, parking bays and maneuvering areas of works internal to a site. The condition does not apply to roadworks (i.e. the width of roadways). Assessment of the request regarding roadworks is within the preliminary approval.	Refused.
8.0 Stormwater and Flooding	8.1	<u>Stage 3.1</u> A Development Permit for Operational Works (Stormwater Drainage) must be obtained prior to commencement of work on site for Stage 3.1.	<u>Stage 3.1</u> A Development Permit for Operational Works (Stormwater Drainage) must be obtained prior to commencement of work for stormwater drainage on site for Stage 3.1.	The condition is sought to be amended to include the words 'for stormwater drainage' for clarity purposes.	Council considers the requested change minor and inconsequential.	Approved.

PART B – RECONFIGURATION OF A LOT						
ITEM	**SUB ITEM**	**EXISTING CONDITION**	**APPLICANT PROPOSED AMENDED CONDITION**	**APPLICANT COMMENT**	**COUNCIL COMMENT**	**COUNCIL RECOMMENDATION**
	8.7	Stage 3.1 An inter-allotment drainage system must be provided to all allotments where any part of the allotment falls away from the frontage of the roadway or the mid-block finished surface level is less than 600mm above the channel level along the frontage kerb and channel. Easements must be provided over all interallotment drainage systems. The design criteria shall be in accordance with the Queensland Urban Drainage Manual and the Whitsunday Regional Council Development Manual.	Stage 3.1 An inter-allotment drainage system must be provided to all allotments where any part of the allotment falls away from the frontage of the roadway. Easements must be provided over all interallotment drainage systems. The design criteria shall be in accordance with the Queensland Urban Drainage Manual and the Whitsunday Regional Council Development Manual.	Easement containing interallotment drainage infrastructure will be provided where lots fall away from the roadway and designed in accordance with relative standards. Comment regarding 600mm above channel is sought to be removed as designing to this requirement would cause excessive amounts of earthworks and easements and does not add any value to the civil design.	Condition 8.7 is required to ensure the allotments are free draining for stormwater and sewer. The condition applies industry standards which are applied to all developments.	Refused.
	8.8	Stage 3.1 Stormwater connections must be provided to all exiting lots on Fairway drive and will form part of the rear of allotment stormwater drainage for Stage 3.1.	To be deleted	The condition is requested to be deleted as the condition requires works to occur in land that does not form part of the application. Further, the stormwater management plan has accounted for the existing overland flow and proposes rear allotment drainage thus the condition is not necessary nor reasonably required.	Condition 8.8 is required to eliminate stormwater discharging onto downhill properties. The condition is in accordance with section 7.13.4 of QUDM and is applied to all developments where necessary.	Refused.
	8.9	Stage 3.1 All site works must be undertaken to ensure that there is no increase in flood levels and/or flood frequency at all locations either upstream of downstream where existing landowners and/or users are adversely affected by waterway flooding for all events up to and including Q100.	Stage 3.1 All site works must be undertaken to ensure that there are no adverse impacts on the local and regional hydraulic conditions as per the Hydraulic Impact Assessment prepared by Burchills (ver no. 00, dated 21/09/2018)	The condition his sought to be amended to reflect the Hydraulic Impact Assessment report that was prepared for the development.	Condition 8.9 is required to ensure non worsening of flooding as a result of the development. The condition is applied to all development. The findings of Hydraulic Impact Assessment does not satisfy Council that a clear enforceable condition is imposed on a matter which is known to occur during land development.	Refused.
	8.10	Stage 3.1 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	Stage 3.1 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 stormwater Management Plan has been designed generally in accordance with WRC standard and specifications including relevant documentation with MUSIC demonstrating that the quality of stormwater runoff does not	Condition 8.10 requires the developer to comply with industry standards for water quality. The condition is applied to all developments.	Refused.

PART B – RECONFIGURATION OF A LOT						
ITEM	**SUB ITEM**	**EXISTING CONDITION**	**APPLICANT PROPOSED AMENDED CONDITION**	**APPLICANT COMMENT**	**COUNCIL COMMENT**	**COUNCIL RECOMMENDATION**
		the acceptable ranges specified in the 'Australian Water Quality Guidelines for Fresh and Marine Waters', ANZECC 2000.	the acceptable ranges specified in the 'Australian Water Quality Guidelines for Fresh and Marine Waters'.	decrease due to the proposed development in comparison to the pre development. As the stormwater strategy has demonstrated no decrease in quality of stormwater runoff due to the development, the strategy has also demonstrated that runoff from the development will not cause measurable levels of pollutants to the receiving waterways and accordingly this requirement has been met and reference to ANZECC should be removed.		
	8.12	Stage 3.2 A Development Permit for Operational Works (Stormwater Drainage) must be obtained prior to commencement of work on site for Stage 3.2.	Stage 3.2 A Development Permit for Operational Works (Stormwater Drainage) must be obtained prior to commencement of work for stormwater drainage on site for Stage 3.2.	The condition is sought to be amended to include the words 'for stormwater drainage' for clarity purposes.	Council considers the requested change minor and inconsequential.	Approved.
	8.18	Stage 3.2 An inter-allotment drainage system must be provided to all allotments where any part of the allotment falls away from the frontage of the roadway or the mid-block finished surface level is less than 600mm above the channel level along the frontage kerb and channel. Easements must be provided over all interallotment drainage systems. The design criteria shall be in accordance with the Queensland Urban Drainage Manual and the Whitsunday Regional Council Development Manual.	Stage 3.2 An inter-allotment drainage system must be provided to all allotments where any part of the allotment falls away from the frontage of the roadway. Easements must be provided over all interallotment drainage systems. The design criteria shall be in accordance with the Queensland Urban Drainage Manual and the Whitsunday Regional Council Development Manual.	Easement containing interalloment drainage infrastructure will be provided where lots fall away from the roadway and designed in accordance with relative standards. Comment regarding 600mm above channel is sought to be removed as designing to this requirement would cause excessive amounts of earthworks and easements and does not add any value to the civil design.	Condition 8.18 is required to ensure the allotments are free draining for stormwater and sewer. The condition applies industry standards which are applied to all developments.	Refused.
	8.19	Stage 3.2 All site works must be undertaken to ensure that there is no increase in flood levels and/or flood frequency at all locations either upstream of downstream where existing landowners and/or users are adversely affected by waterway flooding for all events up to and including Q100.	Stage 3.2 All site works must be undertaken to ensure that there are no adverse impacts on the local and regional hydraulic conditions as per the Hydraulic Impact Assessment prepared by Burchills (ver no. 00, dated 21/09/2018)	The condition his sought to be amended to reflect the Hydraulic Impact Assessment report that was prepared for the development.	Condition 8.19 is required to ensure non worsening of flooding as a result of the development. The condition is applied to all development. The findings of Hydraulic Impact Assessment does not satisfy Council that a clear enforceable condition is imposed on a	Refused.

PART B – RECONFIGURATION OF A LOT						
ITEM	**SUB ITEM**	**EXISTING CONDITION**	**APPLICANT PROPOSED AMENDED CONDITION**	**APPLICANT COMMENT**	**COUNCIL COMMENT**	**COUNCIL RECOMMENDATION**
					matter which is known to occur during land development.	
	8.20	Stage 3.2 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.	Stage 3.2 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'.	The stormwater Management Plan has been designed generally in accordance with WRC standard and specifications including relevant documentation with MUSIC demonstrating that the quality of stormwater runoff does not decrease due to the proposed development in comparison to the pre development. As the stormwater strategy has demonstrated no decrease in quality of stormwater runoff due to the development, the strategy has also demonstrated that runoff from the development will not cause measurable levels of pollutants to the receiving waterways and accordingly this requirement has been met and reference to ANZECC should be removed.	Condition 8.20 requires the developer to comply with industry standards for water quality. The condition is applied to all developments.	Refused.
	8.21	Prior to signing of Plan of Survey, the applicant must lodge with Council, a design and construction certification prepared by an RPEQ Engineer. The certification must be addressed to Council and must certify that all stormwater drainage works have been constructed in accordance with the requirements of Queensland Urban Drainage Manual, Whitsunday Regional Council Development Manual and this Decision Notice and will not cause adverse effects to adjoining or downstream properties or infrastructure. Stormwater connections must be provided to all exiting lots on Fairway drive and will form part of the rear of allotment stormwater drainage for Stage 3.1.	Prior to signing of Plan of Survey, the applicant must lodge with Council, a design and construction certification prepared by an RPEQ Engineer. The certification must be addressed to Council and must certify that all stormwater drainage works have been constructed in accordance with the requirements of Queensland Urban Drainage Manual, Whitsunday Regional Council Development Manual and this Decision Notice and will not cause adverse effects to adjoining or downstream properties or infrastructure. Existing overland flow from all exiting lots on Fairway drive will form part of the rear of allotment stormwater drainage for Stage 3.1.	The condition is requested to be amended to remove the requirement of providing stormwater connections to all existing lots on Fairway Drive as this requires works to occur in land that does not form part of the application. The stormwater management plan has accounted for the existing overland flow from the allotments in Fairway Drive and proposes rear allotment drainage thus the condition as proposed is not necessary nor reasonably required.	Condition 8.21 is required to eliminate stormwater discharging onto downhill properties. The condition is in accordance with section 7.13.4 of QUDM and is applied to all developments where necessary.	Refused.
	8.22	Stage 3.3 A Development Permit for Operational Works (Stormwater Drainage) must be obtained prior to commencement of work on site for Stage 3.3.	Stage 3.2 A Development Permit for Operational Works (Stormwater Drainage) must be obtained prior to commencement of work for stormwater drainage on site for Stage 3.2.	The condition is sought to be amended to include the words 'for stormwater drainage' for clarity purposes.	Council considers the requested change minor and inconsequential.	Approved.

PART B – RECONFIGURATION OF A LOT						
ITEM	**SUB ITEM**	**EXISTING CONDITION**	**APPLICANT PROPOSED AMENDED CONDITION**	**APPLICANT COMMENT**	**COUNCIL COMMENT**	**COUNCIL RECOMMENDATION**
	8.27	Stage 3.3 An inter-allotment drainage system must be provided to all allotments where any part of the allotment falls away from the frontage of the roadway or the mid-block finished surface level is less than 600mm above the channel level along the frontage kerb and channel. Easements must be provided over all interallotment drainage systems. The design criteria shall be in accordance with the Queensland Urban Drainage Manual and the Whitsunday Regional Council Development Manual.	Stage 3.2 An inter-allotment drainage system must be provided to all allotments where any part of the allotment falls away from the frontage of the roadway. Easements must be provided over all interallotment drainage systems. The design criteria shall be in accordance with the Queensland Urban Drainage Manual and the Whitsunday Regional Council Development Manual.	Easement containing interalloment drainage infrastructure will be provided where lots fall away from the roadway and designed in accordance with relative standards. Comment regarding 600mm above channel is sought to be removed as designing to this requirement would cause excessive amounts of earthworks and easements and does not add any value to the civil design.	Condition 8.27 is required to ensure the allotments are free draining for stormwater and sewer. The condition applies industry standards which are applied to all developments.	Refused.
	8.28	Stormwater connections must be provided to all exiting lots on Fairway drive and will form part of the rear of allotment stormwater drainage for Stage 3.3.	To be deleted	The condition is requested to be deleted as the condition requires works to occur in land that does not form part of the application. Further, the stormwater management plan has accounted for the existing overland flow and proposes rear allotment drainage thus the condition is not necessary nor reasonably required.	Condition 8.28 is required to eliminate stormwater discharging onto downhill properties. The condition is in accordance with section 7.13.4 of QUDM and is applied to all developments where necessary.	Refused.
	8.30	Stage 3.3 All site works must be undertaken to ensure that there is no increase in flood levels and/or flood frequency at all locations either upstream of downstream where existing landowners and/or users are adversely affected by waterway flooding for all events up to and including Q100.	Stage 3.2 All site works must be undertaken to ensure that there are no adverse impacts on the local and regional hydraulic conditions as per the Hydraulic Impact Assessment prepared by Burchills (ver no. 00, dated 21/09/2018)	The condition his sought to be amended to reflect the Hydraulic Impact Assessment report that was prepared for the development.	Condition 8.30 is required to ensure non worsening of flooding as a result of the development. The condition is applied to all development. The findings of Hydraulic Impact Assessment does not satisfy Council that a clear enforceable condition is imposed on a matter which is known to occur during land development.	Refused.
	8.31	Stage 3.3 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	Stage 3.2 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	The stormwater Management Plan has been designed generally in accordance with WRC standard and specifications including relevant documentation with MUSIC	Condition 8.31 requires the developer to comply with industry standards for water quality. The	Refused.

PART B – RECONFIGURATION OF A LOT						
ITEM	**SUB ITEM**	**EXISTING CONDITION**	**APPLICANT PROPOSED AMENDED CONDITION**	**APPLICANT COMMENT**	**COUNCIL COMMENT**	**COUNCIL RECOMMENDATION**
		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.	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'.	demonstrating that the quality of stormwater runoff does not decrease due to the proposed development in comparison to the pre development. As the stormwater strategy has demonstrated no decrease in quality of stormwater runoff due to the development, the strategy has also demonstrated that runoff from the development will not cause measurable levels of pollutants to the receiving waterways and accordingly this requirement has been met and reference to ANZECC should be removed.	condition is applied to all developments.	
	8.33	Stage 3.4 A Development Permit for Operational Works (Stormwater Drainage) must be obtained prior to commencement of work on site for Stage 3.4.	Stage 3.4 A Development Permit for Operational Works (Stormwater Drainage) must be obtained prior to commencement of work for stormwater drainage on site for Stage 3.4.	The condition is sought to be amended to include the words 'for stormwater drainage' for clarity purposes.	Council considers the requested change minor and inconsequential.	Approved.
	8.38	An inter-allotment drainage system must be provided to all allotments where any part of the allotment falls away from the frontage of the roadway or the mid-block finished surface level is less than 600mm above the channel level along the frontage kerb and channel. Easements must be provided over all interallotment drainage systems. The design criteria shall be in accordance with the Queensland Urban Drainage Manual and the Whitsunday Regional Council Development Manual.	Stage 3.4 An inter-allotment drainage system must be provided to all allotments where any part of the allotment falls away from the frontage of the roadway. Easements must be provided over all interallotment drainage systems. The design criteria shall be in accordance with the Queensland Urban Drainage Manual and the Whitsunday Regional Council Development Manual.	Easement containing interallotment drainage infrastructure will be provided where lots fall away from the roadway and designed in accordance with relative standards. Comment regarding 600mm above channel is sought to be removed as designing to this requirement would cause excessive amounts of earthworks and easements and does not add any value to the civil design.	Condition 8.38 is required to ensure the allotments are free draining for stormwater and sewer. The condition applies industry standards which are applied to all developments.	Refused.
	8.39	Stormwater connections must be provided to all exiting lots on Fairway drive and will form part of the rear of allotment stormwater drainage for Stage 3.4.	To be deleted	The condition is requested to be deleted as the condition requires works to occur in land that does not form part of the application. Further, the stormwater management plan has accounted for the existing overland flow and	Condition 8.39 is required to eliminate stormwater discharging onto downhill properties. The condition is in accordance with section 7.13.4 of QUDM and is applied to all developments where necessary.	Refused.

PART B – RECONFIGURATION OF A LOT						
ITEM	**SUB ITEM**	**EXISTING CONDITION**	**APPLICANT PROPOSED AMENDED CONDITION**	**APPLICANT COMMENT**	**COUNCIL COMMENT**	**COUNCIL RECOMMENDATION**
				proposes rear allotment drainage thus the condition is not necessary nor reasonably required.		
	8.40	Stage 3.4 All site works must be undertaken to ensure that there is no increase in flood levels and/or flood frequency at all locations either upstream of downstream where existing landowners and/or users are adversely affected by waterway flooding for all events up to and including Q100.	Stage 3.4 All site works must be undertaken to ensure that there are no adverse impacts on the local and regional hydraulic conditions as per the Hydraulic Impact Assessment prepared by Burchills (ver no. 00, dated 21/09/2018)	The condition his sought to be amended to reflect the Hydraulic Impact Assessment report that was prepared for the development.	Condition 8.40 is required to ensure non worsening of flooding as a result of the development. The condition is applied to all development. The findings of Hydraulic Impact Assessment does not satisfy Council that a clear enforceable condition is imposed on a matter which is known to occur during land development.	Refused.
	8.41	Stage 3.4 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.	Stage 3.4 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'.	The stormwater Management Plan has been designed generally in accordance with WRC standard and specifications including relevant documentation with MUSIC demonstrating that the quality of stormwater runoff does not decrease due to the proposed development in comparison to the pre development. As the stormwater strategy has demonstrated no decrease in quality of stormwater runoff due to the development, the strategy has also demonstrated that runoff from the development will not cause measurable levels of pollutants to the receiving waterways and accordingly this requirement has been met and reference to ANZECC should be removed.	Condition 8.41 requires the developer to comply with industry standards for water quality. The condition is applied to all developments.	Refused.
	8.43	Stage 3.5 A Development Permit for Operational Works (Stormwater Drainage) must be obtained prior to commencement of work on site for Stage 3.5. Any application for Operational Works (Stormwater Drainage) must be accompanied by engineering design drawings, including calculations and certifications of the	Stage 3.5 A Development Permit for Operational Works (Stormwater Drainage) must be obtained prior to commencement of work for stormwater drainage on site for Stage 3.5.	The condition is sought to be amended to include the words 'for stormwater drainage' for clarity purposes.	Council considers the requested change minor and inconsequential.	Approved.

PART B – RECONFIGURATION OF A LOT						
ITEM	**SUB ITEM**	**EXISTING CONDITION**	**APPLICANT PROPOSED AMENDED CONDITION**	**APPLICANT COMMENT**	**COUNCIL COMMENT**	**COUNCIL RECOMMENDATION**
		design, demonstrating compliance with Queensland Urban Drainage Manual, Whitsunday Regional Council's Development Manual and this Decision Notice.		It is also noted that the second paragraph to condition 8.43 is supposed to be its own condition.		
	8.47	An inter-allotment drainage system must be provided to all allotments where any part of the allotment falls away from the frontage of the roadway or the mid-block finished surface level is less than 600mm above the channel level along the frontage kerb and channel. Easements must be provided over all interallotment drainage systems. The design criteria shall be in accordance with the Queensland Urban Drainage Manual and the Whitsunday Regional Council Development Manual.	Stage 3.5 An inter-allotment drainage system must be provided to all allotments where any part of the allotment falls away from the frontage of the roadway. Easements must be provided over all interallotment drainage systems. The design criteria shall be in accordance with the Queensland Urban Drainage Manual and the Whitsunday Regional Council Development Manual.	Easement containing interallotment drainage infrastructure will be provided where lots fall away from the roadway and designed in accordance with relative standards. Comment regarding 600mm above channel is sought to be removed as designing to this requirement would cause excessive amounts of earthworks and easements and does not add any value to the civil design.	Condition 8.47 is required to ensure the allotments are free draining for stormwater and sewer. The condition applies industry standards which are applied to all developments.	Refused
	8.48	Stage 3.5 All site works must be undertaken to ensure that there is no increase in flood levels and/or flood frequency at all locations either upstream of downstream where existing landowners and/or users are adversely affected by waterway flooding for all events up to and including Q100.	Stage 3.5 All site works must be undertaken to ensure that there are no adverse impacts on the local and regional hydraulic conditions as per the Hydraulic Impact Assessment prepared by Burchills (ver no. 00, dated 21/09/2018)	The condition his sought to be amended to reflect the Hydraulic Impact Assessment report that was prepared for the development.	Condition 8.48 is required to ensure non worsening of flooding as a result of the development. The condition is applied to all development. The findings of Hydraulic Impact Assessment does not satisfy Council that a clear enforceable condition is imposed on a matter which is known to occur during land development.	Refused.
	8.49	Stage 3.5 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.	Stage 3.5 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'.	The stormwater Management Plan has been designed generally in accordance with WRC standard and specifications including relevant documentation with MUSIC demonstrating that the quality of stormwater runoff does not decrease due to the proposed development in comparison to the pre development. As the stormwater strategy has demonstrated no decrease in quality of stormwater runoff due to	Condition 8.49 requires the developer to comply with industry standards for water quality. The condition is applied to all developments.	Refused.

PART B – RECONFIGURATION OF A LOT						
ITEM	**SUB ITEM**	**EXISTING CONDITION**	**APPLICANT PROPOSED AMENDED CONDITION**	**APPLICANT COMMENT**	**COUNCIL COMMENT**	**COUNCIL RECOMMENDATION**
				the development, the strategy has also demonstrated that runoff from the development will not cause measurable levels of pollutants to the receiving waterways and accordingly this requirement has been met and reference to ANZECC should be removed.		
	8.51	Stage 3.6 A Development Permit for Operational Works (Stormwater Drainage) must be obtained prior to commencement of work on site for Stage 3.6.	Stage 3.6 A Development Permit for Operational Works (Stormwater Drainage) must be obtained prior to commencement of work for stormwater drainage on site for Stage 3.6.	The condition is sought to be amended to include the words 'for stormwater drainage' for clarity purposes.	Council considers the requested change minor and inconsequential.	Approved.
	8.56	An inter-allotment drainage system must be provided to all allotments where any part of the allotment falls away from the frontage of the roadway or the mid-block finished surface level is less than 600mm above the channel level along the frontage kerb and channel. Easements must be provided over all interallotment drainage systems. The design criteria shall be in accordance with the Queensland Urban Drainage Manual and the Whitsunday Regional Council Development Manual.	Stage 3.6 An inter-allotment drainage system must be provided to all allotments where any part of the allotment falls away from the frontage of the roadway. Easements must be provided over all interallotment drainage systems. The design criteria shall be in accordance with the Queensland Urban Drainage Manual and the Whitsunday Regional Council Development Manual.	Easement containing interallotment drainage infrastructure will be provided where lots fall away from the roadway and designed in accordance with relative standards. Comment regarding 600mm above channel is sought to be removed as designing to this requirement would cause excessive amounts of earthworks and easements and does not add any value to the civil design.	Condition 8.56 is required to ensure the allotments are free draining for stormwater and sewer. The condition applies industry standards which are applied to all developments.	Refused.
	8.57	Stormwater connections must be provided to all exiting lots on Fairway drive and will form part of the rear of allotment stormwater drainage for Stage 3.6.	To be deleted	The condition is requested to be deleted as the condition requires works to occur in land that does not form part of the application. Further, the stormwater management plan has accounted for the existing overland flow and proposes rear allotment drainage thus the condition is not necessary nor reasonably required.	Condition 8.57 is required to eliminate stormwater discharging onto downhill properties. The condition is in accordance with section 7.13.4 of QUDM and is applied to all developments where necessary.	Refused
	8.58	Stage 3.6 All site works must be undertaken to ensure that there is no increase in flood levels and/or flood frequency at all locations either upstream of downstream where existing	Stage 3.6 All site works must be undertaken to ensure that there are no adverse impacts on the local and regional hydraulic conditions as per the Hydraulic Impact Assessment prepared by Burchills (ver no. 00, dated 21/09/2018)	The condition his sought to be amended to reflect the Hydraulic Impact Assessment report that was prepared for the development.	Condition 8.48 is required to ensure non worsening of flooding as a result of the development. The condition is applied to all development. The	Refused.

PART B – RECONFIGURATION OF A LOT						
ITEM	**SUB ITEM**	**EXISTING CONDITION**	**APPLICANT PROPOSED AMENDED CONDITION**	**APPLICANT COMMENT**	**COUNCIL COMMENT**	**COUNCIL RECOMMENDATION**
		landowners and/or users are adversely affected by waterway flooding for all events up to and including Q100.			findings of Hydraulic Impact Assessment does not satisfy Council that a clear enforceable condition is imposed on a matter which is known to occur during land development.	
	8.59	Stage 3.6 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.	Stage 3.6 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'.	The stormwater Management Plan has been designed generally in accordance with WRC standard and specifications including relevant documentation with MUSIC demonstrating that the quality of stormwater runoff does not decrease due to the proposed development in comparison to the pre development. As the stormwater strategy has demonstrated no decrease in quality of stormwater runoff due to the development, the strategy has also demonstrated that runoff from the development will not cause measurable levels of pollutants to the receiving waterways and accordingly this requirement has been met and reference to ANZECC should be removed.	Condition 8.59 requires the developer to comply with industry standards for water quality. The condition is applied to all developments.	Refused.
	8.61	Stage 3.7 A Development Permit for Operational Works (Stormwater Drainage) must be obtained prior to commencement of work on site for Stage 3.7.	Stage 3.7 A Development Permit for Operational Works (Stormwater Drainage) must be obtained prior to commencement of work for stormwater drainage on site for Stage 3.7.	The condition is sought to be amended to include the words 'for stormwater drainage' for clarity purposes.	Council considers the requested change minor and inconsequential.	Approved.
	8.66	An inter-allotment drainage system must be provided to all allotments where any part of the allotment falls away from the frontage of the roadway or the mid-block finished surface level is less than 600mm above the channel level along the frontage kerb and channel. Easements must be provided over all interallotment drainage systems. The design criteria shall be in accordance with the Queensland Urban Drainage Manual and the Whitsunday Regional Council Development Manual.	Stage 3.7 An inter-allotment drainage system must be provided to all allotments where any part of the allotment falls away from the frontage of the roadway. Easements must be provided over all interallotment drainage systems. The design criteria shall be in accordance with the Queensland Urban Drainage Manual and the Whitsunday Regional Council Development Manual.	Easement containing interallotment drainage infrastructure will be provided where lots fall away from the roadway and designed in accordance with relative standards. Comment regarding 600mm above channel is sought to be removed as designing to this requirement would	Condition 8.66 is required to ensure the allotments are free draining for stormwater and sewer. The condition applies industry standards which are applied to all developments.	Refused.

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ITEM	**SUB ITEM**	**EXISTING CONDITION**	**APPLICANT PROPOSED AMENDED CONDITION**	**APPLICANT COMMENT**	**COUNCIL COMMENT**	**COUNCIL RECOMMENDATION**
				cause excessive amounts of earthworks and easements and does not add any value to the civil design.		
	8.67	Stage 3.7 All site works must be undertaken to ensure that there is no increase in flood levels and/or flood frequency at all locations either upstream of downstream where existing landowners and/or users are adversely affected by waterway flooding for all events up to and including Q100.	Stage 3.7 All site works must be undertaken to ensure that there are no adverse impacts on the local and regional hydraulic conditions as per the Hydraulic Impact Assessment prepared by Burchills (ver no. 00, dated 21/09/2018)	The condition his sought to be amended to reflect the Hydraulic Impact Assessment report that was prepared for the development.	Condition 8.67 is required to ensure non worsening of flooding as a result of the development. The condition is applied to all development. The findings of Hydraulic Impact Assessment does not satisfy Council that a clear enforceable condition is imposed on a matter which is known to occur during land development.	Refused.
	8.68	Stage 3.7 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.	Stage 3.7 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'.	The stormwater Management Plan has been designed generally in accordance with WRC standard and specifications including relevant documentation with MUSIC demonstrating that the quality of stormwater runoff does not decrease due to the proposed development in comparison to the pre development. As the stormwater strategy has demonstrated no decrease in quality of stormwater runoff due to the development, the strategy has also demonstrated that runoff from the development will not cause measurable levels of pollutants to the receiving waterways and accordingly this requirement has been met and reference to ANZECC should be removed.	Condition 8.68 requires the developer to comply with industry standards for water quality. The condition is applied to all developments.	Refused.
9.0 Roadworks	9.1	Stage 3.1 A Development Permit for Operational Works (Roadworks) must be obtained prior to commencement of work on site for Stage 3.1.	Stage 3.1 A Development Permit for Operational Works (Roadworks) must be obtained prior to commencement of work for roadworks on site for Stage 3.1.	The condition is sought to be amended to include the words 'for roadworks' for clarity purposes.	Council considers the requested change minor and inconsequential.	Approved.
	9.2	Any application for Operational Works (Roadworks) must be accompanied by detailed engineering design	Any application for Operational Works (Roadworks) must be accompanied by detailed engineering design	As detailed in the Representations report, the roads were designed to	Condition 9.2 requires road reserve widths to be	Approved.

PART B – RECONFIGURATION OF A LOT						
ITEM	**SUB ITEM**	**EXISTING CONDITION**	**APPLICANT PROPOSED AMENDED CONDITION**	**APPLICANT COMMENT**	**COUNCIL COMMENT**	**COUNCIL RECOMMENDATION**
		drawings, including calculations and certifications of the design, demonstrating compliance with Queensland Urban Drainage Manual, Whitsunday Regional Council's Development Manual and this Decision Notice.	drawings, including calculations and certifications of the design, demonstrating compliance with Queensland Urban Drainage Manual, Whitsunday Regional Council Development Manual (v1.3 dated 21/07/17) and this Decision Notice.	accord with the Development Manual in effect at the time the application was lodged. The condition as it currently stands will have a significant impact on the overall development. This is due to the road reserve widths for Collector Streets increasing from 16m to 20m. It is noted that the increase in road reserve widths is of no benefit as the pavement widths for the 16m and 20m roads remains at 7.5m. As such, the condition is requested to be amended to reflect Council's superseded Development Manual to allow the development roads to accord with the previous road width standards	in accordance with the current development manual. A technical note has been provided by the applicant prepared by Geleon Civil Engineering on 15 February 2021. The technical note was based upon a calculation of the anticipated daily traffic generation by Ultimate Development. The findings of the technical note support the applicants request for all roadworks to be designed and constructed as to comply with Council's Development Manual ((v1.3 dated 21/07/17)) and the Queensland Urban Drainage Manual (QUDM). The use of preliminary design drawings is supported as areas where additional detail is required is conditioned elsewhere by Council.	
	9.3	<u>Stage 3.1</u> Prior to signing of Plan of Survey the applicant must design and construct the proposed roads as indicated on Lot Masterplan Stage 3.1 Drawing No X0000_101 and 102 or 100 Rev 4 dated 19/08/2020 in accordance with the criteria and specifications in the Whitsunday Regional Council Development Manual. Road 2 Sub Arterial Road Reserve Width – 26m Pavement Width - 2 x 5.5 metre carriageway and 5.0 metre median Edge Treatment - Kerb and Channel Surface - Asphalt	<u>Stage 3.1</u> Prior to signing of Plan of Survey the applicant must design and construct the proposed roads as indicated on Lot Masterplan Stage 3.1 Drawing No X0000_101 and 102 or 100 Rev 4 dated 19/08/2020 in accordance with the criteria and specifications in the Whitsunday Regional Council Development Manual (v1.3 dated 21/07/17).	As detailed in the Representations report, the roads were designed to accord with the Development Manual in effect at the time the application was lodged. The condition as it currently stands will have a significant impact on the overall development. This is due to the road reserve widths for Collector Streets increasing from 16m to 20m. It is noted that the increase in road reserve widths is of no benefit as the pavement widths for the 16m and 20m roads remains at 7.5m.	Condition 9.3 requires road reserve widths to be in accordance with the current development manual. A technical note has been provided by the applicant prepared by Geleon Civil Engineering on 15 February 2021. The technical note was based upon a calculation of the anticipated daily traffic generation by Ultimate Development. The findings of the technical	Approved.

PART B – RECONFIGURATION OF A LOT						
ITEM	**SUB ITEM**	**EXISTING CONDITION**	**APPLICANT PROPOSED AMENDED CONDITION**	**APPLICANT COMMENT**	**COUNCIL COMMENT**	**COUNCIL RECOMMENDATION**
		Verge Width - 5.0m Road 1 Trunk Collector Road Reserve Width - 24.0m Pavement Width - 10.0m Edge Treatment - Kerb and Channel Surface - Asphalt Roads 3, 4 and 5 Collector Streets Road Reserve Width – 20m Pavement Width - 7.5m Edge Treatment - Kerb and Channel Surface - Asphalt Verge Width - 5.0m		As such, the condition is requested to be amended to reflect Council's superseded Development Manual to allow the development roads to accord with the previous road width standards	note support the applicants request for all roadworks to be designed and constructed as to comply with Council's Development Manual ((v1.3 dated 21/07/17)) and the Queensland Urban Drainage Manual (QUDM). The use of preliminary design drawings is supported as areas where additional detail is required is conditioned elsewhere by Council.	
	9.4	<u>Stage 3.1</u> All proposed streets must be designed to meet as a minimum requirement the Street and Road Hierarchy as shown in Table D1.1 of the Whitsunday Regional Council Development Manual.	<u>Stage 3.1</u> All proposed streets must be designed to meet as a minimum requirement the Street and Road Hierarchy as shown in Table D1.1 of the Whitsunday Regional Council Development Manual (v1.3 dated 21/07/17).	As detailed in the Representations report, the roads were designed to accord with the Development Manual in effect at the time the application was lodged. The condition as it currently stands will have a significant impact on the overall development. This is due to the road reserve widths for Collector Streets increasing from 16m to 20m. It is noted that the increase in road reserve widths is of no benefit as the pavement widths for the 16m and 20m roads remains at 7.5m. As such, the condition is requested to be amended to reflect Council's superseded Development Manual to allow the development roads to accord with the previous road width standards	Condition 9.4 requires road reserve widths to be in accordance with the current development manual. A technical note has been provided by the applicant prepared by Geleon Civil Engineering on 15 February 2021. The technical note was based upon a calculation of the anticipated daily traffic generation by Ultimate Development. The findings of the technical note support the applicants request for all roadworks to be designed and constructed as to comply with Council's Development Manual ((v1.3 dated 21/07/17)) and the Queensland Urban Drainage Manual (QUDM). The use of preliminary design drawings is supported as areas where additional	Approved.

PART B – RECONFIGURATION OF A LOT						
ITEM	**SUB ITEM**	**EXISTING CONDITION**	**APPLICANT PROPOSED AMENDED CONDITION**	**APPLICANT COMMENT**	**COUNCIL COMMENT**	**COUNCIL RECOMMENDATION**
					detail is required is conditioned elsewhere by Council.	
	9.7	Stage 3.1 A minimum 1.5-metre-wide concrete footpath including tactile indicators in accordance with AS1428.4 must be provided for the full frontage of all proposed internal streets.	Stage 3.1 A minimum 2.0-metre-wide concrete footpath including tactile indicators in accordance with AS1428.4 must be provided for the full frontage on one side of the proposed internal streets.	The condition is sought to be amended the requirement for a 1.5m path on both sides of the streets is over and beyond the requirements of the superseded and current Development Manual. As such, the condition is requested to be amended to reflect a 2.0m path requirement on only one side of the proposed internal streets.	Condition 9.7 requires the installation of a pedestrian footpath network to meets the needs of the development and foster a walkable neighborhood. Under the superseded development manual Road 2 requires a 2.5m wide path on each sides of the reserve. roads 3 & 4 require a 1.5m wide path on both sides Road 1 requires a 2.0m wide path on each sides of the reserve. as per table D1.3 in the superseded manual.	Refused.
	9.10	Stage 3.1 Street trees must be established in all new road reserve's and be incorporated into Raingarden tree pits as part of the Whitsunday Regional Council Stormwater Quality Guideline.	To be deleted	The condition is requested to be deleted as it is extremely onerous on the applicant. Further, the submitted stormwater management plan, already demonstrates that the development achieves the relevant water quality requirements. Thus the condition is not relevant nor reasonably required.	Condition 9.10 requires the developer to provide an attractive streetscape in accordance with the water quality objectives of an adopted Council policy. Section D9 of the superseded development manual maintains the requirement for street trees as conditioned.	Refused.
	9.11	Stage 3.1 Sealed temporary turnaround areas to be provided on all proposed road at the stage boundary in accordance with the requirements of the Whitsunday Regional Council Development Manual.	Stage 3.1 Sealed temporary turnaround areas to be provided on all proposed road at the stage boundary in accordance with the requirements of the Whitsunday Regional Council Development Manual (v1.3 dated 21/07/17).	As detailed in the Representations report, the roads were designed to accord with the Development Manual in effect at the time the application was lodged. As such, we seek this condition to be amended to reflect the superseded version of the development manual for consistency across the development for road design.	Condition 9.11 requires road reserve widths to be in accordance with the current development manual. A technical note has been provided by the applicant prepared by Geleon Civil Engineering on 15 February 2021. The technical note was based upon a	Approved.

PART B – RECONFIGURATION OF A LOT						
ITEM	**SUB ITEM**	**EXISTING CONDITION**	**APPLICANT PROPOSED AMENDED CONDITION**	**APPLICANT COMMENT**	**COUNCIL COMMENT**	**COUNCIL RECOMMENDATION**
					calculation of the anticipated daily traffic generation by Ultimate Development. The findings of the technical note support the applicants request for all roadworks to be designed and constructed as to comply with Council's Development Manual ((v1.3 dated 21/07/17)) and the Queensland Urban Drainage Manual (QUDM). The use of preliminary design drawings is supported as areas where additional detail is required is conditioned elsewhere by Council.	
	9.12	Stage 3.1 Prior to signing of Plan of Survey, the applicant must lodge with Council, a design and construction certification prepared by an RPEQ Engineer. The certification must be addressed to Council and must certify that all works have been constructed in accordance with the requirements of Queensland Urban Drainage Manual, Whitsunday Regional Council Development Manual and this Decision Notice.	Stage 3.1 Prior to signing of Plan of Survey, the applicant must lodge with Council, a design and construction certification prepared by an RPEQ Engineer. The certification must be addressed to Council and must certify that all works have been constructed in accordance with the requirements of Queensland Urban Drainage Manual, Whitsunday Regional Council Development Manual (v1.3 dated 21/07/17) and this Decision Notice.	As detailed in the Representations report, the roads were designed to accord with the Development Manual in effect at the time the application was lodged. The condition as it currently stands will have a significant impact on the overall development. This is due to the road reserve widths for Collector Streets increasing from 16m to 20m. It is noted that the increase in road reserve widths is of no benefit as the pavement widths for the 16m and 20m roads remains at 7.5m. As such, the condition is requested to be amended to reflect Council's superseded Development Manual to allow the development roads to accord with the previous road width standards	Condition 9.12 requires road reserve widths to be in accordance with the current development manual. A technical note has been provided by the applicant prepared by Geleon Civil Engineering on 15 February 2021. The technical note was based upon a calculation of the anticipated daily traffic generation by Ultimate Development. The findings of the technical note support the applicants request for all roadworks to be designed and constructed as to comply with Council's Development Manual ((v1.3 dated 21/07/17)) and the Queensland	Approved.

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ITEM	**SUB ITEM**	**EXISTING CONDITION**	**APPLICANT PROPOSED AMENDED CONDITION**	**APPLICANT COMMENT**	**COUNCIL COMMENT**	**COUNCIL RECOMMENDATION**
					Urban Drainage Manual (QUDM). The use of preliminary design drawings is supported as areas where additional detail is required is conditioned elsewhere by Council.	
	9.13	Stage 3.2 A Development Permit for Operational Works (Roadworks) must be obtained prior to commencement of work on site for Stage 3.2.	Stage 3.2 A Development Permit for Operational Works (Roadworks) must be obtained prior to commencement of work for roadworks on site for Stage 3.1.	The condition is sought to be amended to include the words 'for roadworks' for clarity purposes.	Council considers the requested change minor and inconsequential.	Approved.
	9.14	Any application for Operational Works (Roadworks) must be accompanied by detailed engineering design drawings, including calculations and certifications of the design, demonstrating compliance with Queensland Urban Drainage Manual, Whitsunday Regional Council's Development Manual and this Decision Notice.	Any application for Operational Works (Roadworks) must be accompanied by detailed engineering design drawings, including calculations and certifications of the design, demonstrating compliance with Queensland Urban Drainage Manual, Whitsunday Regional Council Development Manual (v1.3 dated 21/07/17) and this Decision Notice.	As detailed in the Representations report, the roads were designed to accord with the Development Manual in effect at the time the application was lodged. The condition as it currently stands will have a significant impact on the overall development. This is due to the road reserve widths for Collector Streets increasing from 16m to 20m. It is noted that the increase in road reserve widths is of no benefit as the pavement widths for the 16m and 20m roads remains at 7.5m. As such, the condition is requested to be amended to reflect Council's superseded Development Manual to allow the development roads to accord with the previous road width standards	Condition 9.14 requires road reserve widths to be in accordance with the current development manual. A technical note has been provided by the applicant prepared by Geleon Civil Engineering on 15 February 2021. The technical note was based upon a calculation of the anticipated daily traffic generation by Ultimate Development. The findings of the technical note support the applicants request for all roadworks to be designed and constructed as to comply with Council's Development Manual ((v1.3 dated 21/07/17)) and the Queensland Urban Drainage Manual (QUDM). The use of preliminary design drawings is supported as areas where additional detail is required is conditioned elsewhere by Council.	Approved.

PART B – RECONFIGURATION OF A LOT						
ITEM	**SUB ITEM**	**EXISTING CONDITION**	**APPLICANT PROPOSED AMENDED CONDITION**	**APPLICANT COMMENT**	**COUNCIL COMMENT**	**COUNCIL RECOMMENDATION**
	9.15	Stage 3.2 Prior to signing of Plan of Survey the applicant must design and construct the proposed roads as indicated on Lot Masterplan Stage 3.2 Drawing No X0000_201 Rev 4 dated 19/08/2020 in accordance with the criteria and specifications in the Whitsunday Regional Council Development Manual. Road 2 Sub Arterial Road Reserve Width – 26m Pavement Width - 2 x 5.5 metre carriageway and 5.0 metre median Edge Treatment - Kerb and Channel Surface - Asphalt Verge Width - 5.0m Road 1 Trunk Collector Road Reserve Width - 24.0m Pavement Width - 10.0m Edge Treatment - Kerb and Channel Surface - Asphalt Road 5 Collector Street Road Reserve Width – 20m Pavement Width - 7.5m Edge Treatment - Kerb and Channel Surface - Asphalt Verge Width - 5.0m	Stage 3.2 Prior to signing of Plan of Survey the applicant must design and construct the proposed roads as indicated on Lot Masterplan Stage 3.1 Drawing No X0000_101 and 102 or 100 Rev 4 dated 19/08/2020 in accordance with the criteria and specifications in the Whitsunday Regional Council Development Manual (v1.3 dated 21/07/17).	As detailed in the Representations report, the roads were designed to accord with the Development Manual in effect at the time the application was lodged. The condition as it currently stands will have a significant impact on the overall development. This is due to the road reserve widths for Collector Streets increasing from 16m to 20m. It is noted that the increase in road reserve widths is of no benefit as the pavement widths for the 16m and 20m roads remains at 7.5m. As such, the condition is requested to be amended to reflect Council's superseded Development Manual to allow the development roads to accord with the previous road width standards	Condition 9.15 requires road reserve widths to be in accordance with the current development manual. A technical note has been provided by the applicant prepared by Geleon Civil Engineering on 15 February 2021. The technical note was based upon a calculation of the anticipated daily traffic generation by Ultimate Development. The findings of the technical note support the applicants request for all roadworks to be designed and constructed as to comply with Council's Development Manual ((v1.3 dated 21/07/17)) and the Queensland Urban Drainage Manual (QUDM). The use of preliminary design drawings is supported as areas where additional detail is required is conditioned elsewhere by Council.	Approved.
	9.16	Stage 3.2 All proposed streets must be designed to meet as a minimum requirement the Street and Road Hierarchy as shown in Table D1.1 of the Whitsunday Regional Council Development Manual.	Stage 3.2 All proposed streets must be designed to meet as a minimum requirement the Street and Road Hierarchy as shown in Table D1.1 of the Whitsunday Regional Council Development Manual (v1.3 dated 21/07/17).	As detailed in the Representations report, the roads were designed to accord with the Development Manual in effect at the time the application was lodged. The condition as it currently stands will have a significant impact on the overall development. This is due to the road reserve widths for Collector Streets increasing from 16m to 20m. It is noted that the increase in road reserve widths is of no benefit as the	Condition 9.16 requires road reserve widths to be in accordance with the current development manual. A technical note has been provided by the applicant prepared by Geleon Civil Engineering on 15 February 2021. The technical note was based upon a calculation of the anticipated daily traffic generation by Ultimate	Approved.

PART B – RECONFIGURATION OF A LOT						
ITEM	**SUB ITEM**	**EXISTING CONDITION**	**APPLICANT PROPOSED AMENDED CONDITION**	**APPLICANT COMMENT**	**COUNCIL COMMENT**	**COUNCIL RECOMMENDATION**
				pavement widths for the 16m and 20m roads remains at 7.5m. As such, the condition is requested to be amended to reflect Council's superseded Development Manual to allow the development roads to accord with the previous road width standards	Development. The findings of the technical note support the applicants request for all roadworks to be designed and constructed as to comply with Council's Development Manual ((v1.3 dated 21/07/17)) and the Queensland Urban Drainage Manual (QUDM). The use of preliminary design drawings is supported as areas where additional detail is required is conditioned elsewhere by Council.	
	9.18	Stage 3.2 A minimum 1.5-metre-wide concrete footpath including tactile indicators in accordance with AS1428.4 must be provided for the full frontage of all proposed internal streets.	Stage 3.2 A minimum 2.0-metre-wide concrete footpath including tactile indicators in accordance with AS1428.4 must be provided for the full frontage on one side of the proposed internal streets.	The condition is sought to be amended the requirement for a 1.5m path on both sides of the streets is over and beyond the requirements of the superseded and current Development Manual. As such, the condition is requested to be amended to reflect a 2.0m path requirement on only one side of the proposed internal streets.	Condition 9.18 requires the installation of a pedestrian footpath network to meets the needs of the development and foster a walkable neighborhood. Under the superseded development manual Road 2 requires a 2.5m wide path on each sides of the reserve. roads 3 & 4 require a 1.5m wide path on both sides Road 1 requires a 2.0m wide path on each sides of the reserve. as per table D1.3 in the superseded manual.	Refused.
	9.21	Stage 3.2 Street trees must be established in all new road reserve's and be incorporated into Raingarden tree pits as part of the Whitsunday Regional Council Stormwater Quality Guideline.	To be deleted	The condition is requested to be deleted as it is extremely onerous on the applicant. Further, the submitted stormwater management plan, already demonstrates that the development achieves the relevant	Condition 9.21 requires the developer to provide an attractive streetscape in accordance with the water quality objectives of an adopted Council policy. Section D9 of the superseded development manual	Refused.

PART B – RECONFIGURATION OF A LOT						
ITEM	**SUB ITEM**	**EXISTING CONDITION**	**APPLICANT PROPOSED AMENDED CONDITION**	**APPLICANT COMMENT**	**COUNCIL COMMENT**	**COUNCIL RECOMMENDATION**
				water quality requirements. Thus the condition is not relevant nor reasonably required.	maintains the requirement for street trees as conditioned.	
	9.22	Stage 3.2 Sealed temporary turnaround areas to be provided on all proposed road at the stage boundary in accordance with the requirements of the Whitsunday Regional Council Development Manual.	Stage 3.2 Sealed temporary turnaround areas to be provided on all proposed road at the stage boundary in accordance with the requirements of the Whitsunday Regional Council Development Manual (v1.3 dated 21/07/17).	As detailed in the Representations report, the roads were designed to accord with the Development Manual in effect at the time the application was lodged. As such, we seek this condition to be amended to reflect the superseded version of the development manual for consistency across the development for road design.	Condition 9.22 requires road reserve widths to be in accordance with the current development manual. A technical note has been provided by the applicant prepared by Geleon Civil Engineering on 15 February 2021. The technical note was based upon a calculation of the anticipated daily traffic generation by Ultimate Development. The findings of the technical note support the applicants request for all roadworks to be designed and constructed as to comply with Council's Development Manual ((v1.3 dated 21/07/17)) and the Queensland Urban Drainage Manual (QUDM). The use of preliminary design drawings is supported as areas where additional detail is required is conditioned elsewhere by Council.	Approved.
	9.23	Stage 3.2 Prior to signing of Plan of Survey, the applicant must lodge with Council, a design and construction certification prepared by an RPEQ Engineer. The certification must be addressed to Council and must certify that all works have been constructed in accordance with the requirements of Queensland Urban Drainage Manual, Whitsunday Regional Council Development Manual and this Decision Notice.	Stage 3.2 Prior to signing of Plan of Survey, the applicant must lodge with Council, a design and construction certification prepared by an RPEQ Engineer. The certification must be addressed to Council and must certify that all works have been constructed in accordance with the requirements of Queensland Urban Drainage Manual, Whitsunday Regional Council Development Manual (v1.3 dated 21/07/17) and this Decision Notice.	As detailed in the Representations report, the roads were designed to accord with the Development Manual in effect at the time the application was lodged. The condition as it currently stands will have a significant impact on the overall development. This is due to	Condition 9.23 requires road reserve widths to be in accordance with the current development manual. A technical note has been provided by the applicant prepared by Geleon Civil Engineering on 15 February 2021. The	Approved.

PART B – RECONFIGURATION OF A LOT						
ITEM	**SUB ITEM**	**EXISTING CONDITION**	**APPLICANT PROPOSED AMENDED CONDITION**	**APPLICANT COMMENT**	**COUNCIL COMMENT**	**COUNCIL RECOMMENDATION**
				the road reserve widths for Collector Streets increasing from 16m to 20m. It is noted that the increase in road reserve widths is of no benefit as the pavement widths for the 16m and 20m roads remains at 7.5m. As such, the condition is requested to be amended to reflect Council's superseded Development Manual to allow the development roads to accord with the previous road width standards	technical note was based upon a calculation of the anticipated daily traffic generation by Ultimate Development. The findings of the technical note support the applicants request for all roadworks to be designed and constructed as to comply with Council's Development Manual ((v1.3 dated 21/07/17)) and the Queensland Urban Drainage Manual (QUDM). The use of preliminary design drawings is supported as areas where additional detail is required is conditioned elsewhere by Council.	
	9.24	Stage 3.3 A Development Permit for Operational Works (Roadworks) must be obtained prior to commencement of work on site for Stage 3.3.	Stage 3.3 A Development Permit for Operational Works (Roadworks) must be obtained prior to commencement of work for roadworks on site for Stage 3.1.	The condition is sought to be amended to include the words 'for roadworks' for clarity purposes.	Council considers the requested change minor and inconsequential.	Approved.
	9.25	Any application for Operational Works (Roadworks) must be accompanied by detailed engineering design drawings, including calculations and certifications of the design, demonstrating compliance with Queensland Urban Drainage Manual, Whitsunday Regional Council's Development Manual and this Decision Notice.	Any application for Operational Works (Roadworks) must be accompanied by detailed engineering design drawings, including calculations and certifications of the design, demonstrating compliance with Queensland Urban Drainage Manual, Whitsunday Regional Council Development Manual (v1.3 dated 21/07/17) and this Decision Notice.	As detailed in the Representations report, the roads were designed to accord with the Development Manual in effect at the time the application was lodged. The condition as it currently stands will have a significant impact on the overall development. This is due to the road reserve widths for Collector Streets increasing from 16m to 20m. It is noted that the increase in road reserve widths is of no benefit as the pavement widths for the 16m and 20m roads remains at 7.5m. As such, the condition is requested to be amended to reflect Council's superseded Development Manual	Condition 9.25 requires road reserve widths to be in accordance with the current development manual. A technical note has been provided by the applicant prepared by Geleon Civil Engineering on 15 February 2021. The technical note was based upon a calculation of the anticipated daily traffic generation by Ultimate Development. The findings of the technical note support the applicants request for all	Approved.

PART B – RECONFIGURATION OF A LOT						
ITEM	**SUB ITEM**	**EXISTING CONDITION**	**APPLICANT PROPOSED AMENDED CONDITION**	**APPLICANT COMMENT**	**COUNCIL COMMENT**	**COUNCIL RECOMMENDATION**
				to allow the development roads to accord with the previous road width standards	roadworks to be designed and constructed as to comply with Council's Development Manual ((v1.3 dated 21/07/17)) and the Queensland Urban Drainage Manual (QUDM). The use of preliminary design drawings is supported as areas where additional detail is required is conditioned elsewhere by Council.	
	9.26	Stage 3.3 Prior to signing of Plan of Survey the applicant must design and construct the proposed roads as indicated on Lot Masterplan Stage 3.3 Drawing No X0000_301 Rev 4 dated 19/08/2020 in accordance with the criteria and specifications in the Whitsunday Regional Council Development Manual. Road 4 Collector Street Road Reserve Width – 20m Pavement Width - 7.5m Edge Treatment - Kerb and Channel Surface - Asphalt Verge Width - 5.0m	Stage 3.3 Prior to signing of Plan of Survey the applicant must design and construct the proposed roads as indicated on Lot Masterplan Stage 3.1 Drawing No X0000_101 and 102 or 100 Rev 4 dated 19/08/2020 in accordance with the criteria and specifications in the Whitsunday Regional Council Development Manual (v1.3 dated 21/07/17).	As detailed in the Representations report, the roads were designed to accord with the Development Manual in effect at the time the application was lodged. The condition as it currently stands will have a significant impact on the overall development. This is due to the road reserve widths for Collector Streets increasing from 16m to 20m. It is noted that the increase in road reserve widths is of no benefit as the pavement widths for the 16m and 20m roads remains at 7.5m. As such, the condition is requested to be amended to reflect Council's superseded Development Manual to allow the development roads to accord with the previous road width standards	Condition 9.26 requires road reserve widths to be in accordance with the current development manual. A technical note has been provided by the applicant prepared by Geleon Civil Engineering on 15 February 2021. The technical note was based upon a calculation of the anticipated daily traffic generation by Ultimate Development. The findings of the technical note support the applicants request for all roadworks to be designed and constructed as to comply with Council's Development Manual ((v1.3 dated 21/07/17)) and the Queensland Urban Drainage Manual (QUDM). The use of preliminary design drawings is supported as areas where additional detail is required is	Approved.

PART B – RECONFIGURATION OF A LOT						
ITEM	**SUB ITEM**	**EXISTING CONDITION**	**APPLICANT PROPOSED AMENDED CONDITION**	**APPLICANT COMMENT**	**COUNCIL COMMENT**	**COUNCIL RECOMMENDATION**
					conditioned elsewhere by Council.	
	9.16	Stage 3.3 All proposed streets must be designed to meet as a minimum requirement the Street and Road Hierarchy as shown in Table D1.1 of the Whitsunday Regional Council Development Manual.	Stage 3.3 All proposed streets must be designed to meet as a minimum requirement the Street and Road Hierarchy as shown in Table D1.1 of the Whitsunday Regional Council Development Manual (v1.3 dated 21/07/17).	As detailed in the Representations report, the roads were designed to accord with the Development Manual in effect at the time the application was lodged. The condition as it currently stands will have a significant impact on the overall development. This is due to the road reserve widths for Collector Streets increasing from 16m to 20m. It is noted that the increase in road reserve widths is of no benefit as the pavement widths for the 16m and 20m roads remains at 7.5m. As such, the condition is requested to be amended to reflect Council's superseded Development Manual to allow the development roads to accord with the previous road width standards	Condition 9.16 requires road reserve widths to be in accordance with the current development manual. A technical note has been provided by the applicant prepared by Geleon Civil Engineering on 15 February 2021. The technical note was based upon a calculation of the anticipated daily traffic generation by Ultimate Development. The findings of the technical note support the applicants request for all roadworks to be designed and constructed as to comply with Council's Development Manual ((v1.3 dated 21/07/17)) and the Queensland Urban Drainage Manual (QUDM). The use of preliminary design drawings is supported as areas where additional detail is required is conditioned elsewhere by Council.	Approved.
	9.18	Stage 3.3 A minimum 1.5-metre-wide concrete footpath including tactile indicators in accordance with AS1428.4 must be provided for the full frontage of all proposed internal streets.	Stage 3.3 A minimum 2.0-metre-wide concrete footpath including tactile indicators in accordance with AS1428.4 must be provided for the full frontage on one side of the proposed internal streets.	The condition is sought to be amended the requirement for a 1.5m path on both sides of the streets is over and beyond the requirements of the superseded and current Development Manual. As such, the condition is requested to be amended to reflect a 2.0m	Condition 9.18 requires the installation of a pedestrian footpath network to meets the needs of the development and foster a walkable neighborhood. Under the superseded development manual Road 2 requires a 2.5m wide path on each sides	Refused.

PART B – RECONFIGURATION OF A LOT						
ITEM	**SUB ITEM**	**EXISTING CONDITION**	**APPLICANT PROPOSED AMENDED CONDITION**	**APPLICANT COMMENT**	**COUNCIL COMMENT**	**COUNCIL RECOMMENDATION**
				path requirement on only one side of the proposed internal streets.	of the reserve. roads 3 & 4 require a 1.5m wide path on both sides Road 1 requires a 2.0m wide path on each sides of the reserve. as per table D1.3 in the superseded manual.	
	9.21	Stage 3.3 Street trees must be established in all new road reserve's and be incorporated into Raingarden tree pits as part of the Whitsunday Regional Council Stormwater Quality Guideline.	To be deleted	The condition is requested to be deleted as it is extremely onerous on the applicant. Further, the submitted stormwater management plan, already demonstrates that the development achieves the relevant water quality requirements. Thus the condition is not relevant nor reasonably required.	Condition 9.21 requires the developer to provide an attractive streetscape in accordance with the water quality objectives of an adopted Council policy. Section D9 of the superseded development manual maintains the requirement for street trees as conditioned.	Refused.
	9.22	Stage 3.3 Sealed temporary turnaround areas to be provided on all proposed road at the stage boundary in accordance with the requirements of the Whitsunday Regional Council Development Manual.	Stage 3.3 Sealed temporary turnaround areas to be provided on all proposed road at the stage boundary in accordance with the requirements of the Whitsunday Regional Council Development Manual (v1.3 dated 21/07/17).	As detailed in the Representations report, the roads were designed to accord with the Development Manual in effect at the time the application was lodged. As such, we seek this condition to be amended to reflect the superseded version of the development manual for consistency across the development for road design.	Condition 9.22 requires road reserve widths to be in accordance with the current development manual. A technical note has been provided by the applicant prepared by Geleon Civil Engineering on 15 February 2021. The technical note was based upon a calculation of the anticipated daily traffic generation by Ultimate Development. The findings of the technical note support the applicants request for all roadworks to be designed and constructed as to comply with Council's Development Manual ((v1.3 dated 21/07/17)) and the Queensland Urban Drainage Manual	Approved.

PART B – RECONFIGURATION OF A LOT						
ITEM	**SUB ITEM**	**EXISTING CONDITION**	**APPLICANT PROPOSED AMENDED CONDITION**	**APPLICANT COMMENT**	**COUNCIL COMMENT**	**COUNCIL RECOMMENDATION**
					(QUDM). The use of preliminary design drawings is supported as areas where additional detail is required is conditioned elsewhere by Council.	
	9.23	Stage 3.3 Prior to signing of Plan of Survey, the applicant must lodge with Council, a design and construction certification prepared by an RPEQ Engineer. The certification must be addressed to Council and must certify that all works have been constructed in accordance with the requirements of Queensland Urban Drainage Manual, Whitsunday Regional Council Development Manual and this Decision Notice.	Stage 3.3 Prior to signing of Plan of Survey, the applicant must lodge with Council, a design and construction certification prepared by an RPEQ Engineer. The certification must be addressed to Council and must certify that all works have been constructed in accordance with the requirements of Queensland Urban Drainage Manual, Whitsunday Regional Council Development Manual (v1.3 dated 21/07/17) and this Decision Notice.	As detailed in the Representations report, the roads were designed to accord with the Development Manual in effect at the time the application was lodged. The condition as it currently stands will have a significant impact on the overall development. This is due to the road reserve widths for Collector Streets increasing from 16m to 20m. It is noted that the increase in road reserve widths is of no benefit as the pavement widths for the 16m and 20m roads remains at 7.5m. As such, the condition is requested to be amended to reflect Council's superseded Development Manual to allow the development roads to accord with the previous road width standards	Condition 9.23 requires road reserve widths to be in accordance with the current development manual. A technical note has been provided by the applicant prepared by Geleon Civil Engineering on 15 February 2021. The technical note was based upon a calculation of the anticipated daily traffic generation by Ultimate Development. The findings of the technical note support the applicants request for all roadworks to be designed and constructed as to comply with Council's Development Manual ((v1.3 dated 21/07/17)) and the Queensland Urban Drainage Manual (QUDM). The use of preliminary design drawings is supported as areas where additional detail is required is conditioned elsewhere by Council.	Approved.
	9.24	Stage 3.4 A Development Permit for Operational Works (Roadworks) must be obtained prior to commencement of work on site for Stage 3.4.	Stage 3.4 A Development Permit for Operational Works (Roadworks) must be obtained prior to commencement of work for roadworks on site for Stage 3.1.	The condition is sought to be amended to include the words 'for roadworks' for clarity purposes.	Council considers the requested change minor and inconsequential.	Approved.

PART B – RECONFIGURATION OF A LOT						
ITEM	**SUB ITEM**	**EXISTING CONDITION**	**APPLICANT PROPOSED AMENDED CONDITION**	**APPLICANT COMMENT**	**COUNCIL COMMENT**	**COUNCIL RECOMMENDATION**
	9.25	Any application for Operational Works (Roadworks) must be accompanied by detailed engineering design drawings, including calculations and certifications of the design, demonstrating compliance with Queensland Urban Drainage Manual, Whitsunday Regional Council's Development Manual and this Decision Notice.	Any application for Operational Works (Roadworks) must be accompanied by detailed engineering design drawings, including calculations and certifications of the design, demonstrating compliance with Queensland Urban Drainage Manual, Whitsunday Regional Council Development Manual (v1.3 dated 21/07/17) and this Decision Notice.	As detailed in the Representations report, the roads were designed to accord with the Development Manual in effect at the time the application was lodged. The condition as it currently stands will have a significant impact on the overall development. This is due to the road reserve widths for Collector Streets increasing from 16m to 20m. It is noted that the increase in road reserve widths is of no benefit as the pavement widths for the 16m and 20m roads remains at 7.5m. As such, the condition is requested to be amended to reflect Council's superseded Development Manual to allow the development roads to accord with the previous road width standards	Condition 9.25 requires road reserve widths to be in accordance with the current development manual. A technical note has been provided by the applicant prepared by Geleon Civil Engineering on 15 February 2021. The technical note was based upon a calculation of the anticipated daily traffic generation by Ultimate Development. The findings of the technical note support the applicants request for all roadworks to be designed and constructed as to comply with Council's Development Manual ((v1.3 dated 21/07/17)) and the Queensland Urban Drainage Manual (QUDM). The use of preliminary design drawings is supported as areas where additional detail is required is conditioned elsewhere by Council.	
	9.26	Stage 3.4 Prior to signing of Plan of Survey the applicant must design and construct the proposed roads as indicated on Lot Masterplan Stage 3.4 Drawing No X0000_401 Rev 4 dated 19/08/2020 in accordance with the criteria and specifications in the Whitsunday Regional Council Development Manual. Road 4 and 5 Collector Street Road Reserve Width – 20m Pavement Width - 7.5m Edge Treatment - Kerb and Channel	Stage 3.4 Prior to signing of Plan of Survey the applicant must design and construct the proposed roads as indicated on Lot Masterplan Stage 3.1 Drawing No X0000_101 and 102 or 100 Rev 4 dated 19/08/2020 in accordance with the criteria and specifications in the Whitsunday Regional Council Development Manual (v1.3 dated 21/07/17).	As detailed in the Representations report, the roads were designed to accord with the Development Manual in effect at the time the application was lodged. The condition as it currently stands will have a significant impact on the overall development. This is due to the road reserve widths for Collector Streets increasing from 16m to 20m. It is noted that the increase in road reserve widths is of no benefit as the	Condition 9.26 requires road reserve widths to be in accordance with the current development manual. A technical note has been provided by the applicant prepared by Geleon Civil Engineering on 15 February 2021. The technical note was based upon a calculation of the anticipated daily traffic generation by Ultimate	Approved.

PART B – RECONFIGURATION OF A LOT						
ITEM	**SUB ITEM**	**EXISTING CONDITION**	**APPLICANT PROPOSED AMENDED CONDITION**	**APPLICANT COMMENT**	**COUNCIL COMMENT**	**COUNCIL RECOMMENDATION**
		Surface - Asphalt Verge Width - 5.0m <u>Road 6 Access Street</u> Road Reserve Width – 15m Pavement Width - 6.0m Edge Treatment - Kerb and Channel Surface - Asphalt Verge Width - 4.5m		pavement widths for the 16m and 20m roads remains at 7.5m. As such, the condition is requested to be amended to reflect Council's superseded Development Manual to allow the development roads to accord with the previous road width standards	Development. The findings of the technical note support the applicants request for all roadworks to be designed and constructed as to comply with Council's Development Manual ((v1.3 dated 21/07/17)) and the Queensland Urban Drainage Manual (QUDM). The use of preliminary design drawings is supported as areas where additional detail is required is conditioned elsewhere by Council.	
	9.27	<u>Stage 3.4</u> All proposed streets must be designed to meet as a minimum requirement the Street and Road Hierarchy as shown in Table D1.1 of the Whitsunday Regional Council Development Manual.	<u>Stage 3.4</u> All proposed streets must be designed to meet as a minimum requirement the Street and Road Hierarchy as shown in Table D1.1 of the Whitsunday Regional Council Development Manual (v1.3 dated 21/07/17).	As detailed in the Representations report, the roads were designed to accord with the Development Manual in effect at the time the application was lodged. The condition as it currently stands will have a significant impact on the overall development. This is due to the road reserve widths for Collector Streets increasing from 16m to 20m. It is noted that the increase in road reserve widths is of no benefit as the pavement widths for the 16m and 20m roads remains at 7.5m. As such, the condition is requested to be amended to reflect Council's superseded Development Manual to allow the development roads to accord with the previous road width standards	Condition 9.27 requires road reserve widths to be in accordance with the current development manual. A technical note has been provided by the applicant prepared by Geleon Civil Engineering on 15 February 2021. The technical note was based upon a calculation of the anticipated daily traffic generation by Ultimate Development. The findings of the technical note support the applicants request for all roadworks to be designed and constructed as to comply with Council's Development Manual ((v1.3 dated 21/07/17)) and the Queensland Urban Drainage Manual (QUDM). The use of preliminary design	Approved.

PART B – RECONFIGURATION OF A LOT						
ITEM	**SUB ITEM**	**EXISTING CONDITION**	**APPLICANT PROPOSED AMENDED CONDITION**	**APPLICANT COMMENT**	**COUNCIL COMMENT**	**COUNCIL RECOMMENDATION**
					drawings is supported as areas where additional detail is required is conditioned elsewhere by Council.	
	9.29	Stage 3.4 A minimum 1.5-metre-wide concrete footpath including tactile indicators in accordance with AS1428.4 must be provided for the full frontage of all proposed internal streets.	Stage 3.4 A minimum 2.0-metre-wide concrete footpath including tactile indicators in accordance with AS1428.4 must be provided for the full frontage on one side of the proposed internal streets.	The condition is sought to be amended the requirement for a 1.5m path on both sides of the streets is over and beyond the requirements of the superseded and current Development Manual. As such, the condition is requested to be amended to reflect a 2.0m path requirement on only one side of the proposed internal streets.	Condition 9.29 requires the installation of a pedestrian footpath network to meets the needs of the development and foster a walkable neighborhood. Under the superseded development manual Road 2 requires a 2.5m wide path on each sides of the reserve. roads 3 & 4 require a 1.5m wide path on both sides Road 1 requires a 2.0m wide path on each sides of the reserve. as per table D1.3 in the superseded manual.	Refused.
	9.32	Stage 3.4 Street trees must be established in all new road reserve's and be incorporated into Raingarden tree pits as part of the Whitsunday Regional Council Stormwater Quality Guideline.	To be deleted	The condition is requested to be deleted as it is extremely onerous on the applicant. Further, the submitted stormwater management plan, already demonstrates that the development achieves the relevant water quality requirements. Thus the condition is not relevant nor reasonably required.	Condition 9.32 requires the developer to provide an attractive streetscape in accordance with the water quality objectives of an adopted Council policy. Section D9 of the superseded development manual maintains the requirement for street trees as conditioned.	Refused.
	9.33	Stage 3.4 Sealed temporary turnaround areas to be provided on all proposed road at the stage boundary in accordance with the requirements of the Whitsunday Regional Council Development Manual.	Stage 3.4 Sealed temporary turnaround areas to be provided on all proposed road at the stage boundary in accordance with the requirements of the Whitsunday Regional Council Development Manual (v1.3 dated 21/07/17).	As detailed in the Representations report, the roads were designed to accord with the Development Manual in effect at the time the application was lodged. As such, we seek this condition to be amended to reflect the superseded version of the development manual	Condition 9.33 requires road reserve widths to be in accordance with the current development manual. A technical note has been provided by the applicant prepared by Geleon Civil Engineering on 15 February 2021. The	Approved.

PART B – RECONFIGURATION OF A LOT						
ITEM	**SUB ITEM**	**EXISTING CONDITION**	**APPLICANT PROPOSED AMENDED CONDITION**	**APPLICANT COMMENT**	**COUNCIL COMMENT**	**COUNCIL RECOMMENDATION**
				for consistency across the development for road design.	technical note was based upon a calculation of the anticipated daily traffic generation by Ultimate Development. The findings of the technical note support the applicants request for all roadworks to be designed and constructed as to comply with Council's Development Manual ((v1.3 dated 21/07/17)) and the Queensland Urban Drainage Manual (QUDM). The use of preliminary design drawings is supported as areas where additional detail is required is conditioned elsewhere by Council.	
	9.34	Stage 3.4 Prior to signing of Plan of Survey, the applicant must lodge with Council, a design and construction certification prepared by an RPEQ Engineer. The certification must be addressed to Council and must certify that all works have been constructed in accordance with the requirements of Queensland Urban Drainage Manual, Whitsunday Regional Council Development Manual and this Decision Notice.	Stage 3.4 Prior to signing of Plan of Survey, the applicant must lodge with Council, a design and construction certification prepared by an RPEQ Engineer. The certification must be addressed to Council and must certify that all works have been constructed in accordance with the requirements of Queensland Urban Drainage Manual, Whitsunday Regional Council Development Manual (v1.3 dated 21/07/17) and this Decision Notice.	As detailed in the Representations report, the roads were designed to accord with the Development Manual in effect at the time the application was lodged. The condition as it currently stands will have a significant impact on the overall development. This is due to the road reserve widths for Collector Streets increasing from 16m to 20m. It is noted that the increase in road reserve widths is of no benefit as the pavement widths for the 16m and 20m roads remains at 7.5m. As such, the condition is requested to be amended to reflect Council's superseded Development Manual to allow the development roads to accord with the previous road width standards	Condition 9.34 requires road reserve widths to be in accordance with the current development manual. A technical note has been provided by the applicant prepared by Geleon Civil Engineering on 15 February 2021. The technical note was based upon a calculation of the anticipated daily traffic generation by Ultimate Development. The findings of the technical note support the applicants request for all roadworks to be designed and constructed as to comply with Council's Development Manual	Approved.

PART B – RECONFIGURATION OF A LOT						
ITEM	**SUB ITEM**	**EXISTING CONDITION**	**APPLICANT PROPOSED AMENDED CONDITION**	**APPLICANT COMMENT**	**COUNCIL COMMENT**	**COUNCIL RECOMMENDATION**
					((v1.3 dated 21/07/17)) and the Queensland Urban Drainage Manual (QUDM). The use of preliminary design drawings is supported as areas where additional detail is required is conditioned elsewhere by Council.	
	9.35	Stage 3.6 A Development Permit for Operational Works (Roadworks) must be obtained prior to commencement of work on site for Stage 3.6.	Stage 3.6 A Development Permit for Operational Works (Roadworks) must be obtained prior to commencement of work for roadworks on site for Stage 3.1.	The condition is sought to be amended to include the words 'for roadworks' for clarity purposes.	Council considers the requested change minor and inconsequential.	Approved.
	9.36	Any application for Operational Works (Roadworks) must be accompanied by detailed engineering design drawings, including calculations and certifications of the design, demonstrating compliance with Queensland Urban Drainage Manual, Whitsunday Regional Council's Development Manual and this Decision Notice.	Any application for Operational Works (Roadworks) must be accompanied by detailed engineering design drawings, including calculations and certifications of the design, demonstrating compliance with Queensland Urban Drainage Manual, Whitsunday Regional Council Development Manual (v1.3 dated 21/07/17) and this Decision Notice.	As detailed in the Representations report, the roads were designed to accord with the Development Manual in effect at the time the application was lodged. The condition as it currently stands will have a significant impact on the overall development. This is due to the road reserve widths for Collector Streets increasing from 16m to 20m. It is noted that the increase in road reserve widths is of no benefit as the pavement widths for the 16m and 20m roads remains at 7.5m. As such, the condition is requested to be amended to reflect Council's superseded Development Manual to allow the development roads to accord with the previous road width standards	Condition 9.36 requires road reserve widths to be in accordance with the current development manual. A technical note has been provided by the applicant prepared by Geleon Civil Engineering on 15 February 2021. The technical note was based upon a calculation of the anticipated daily traffic generation by Ultimate Development. The findings of the technical note support the applicants request for all roadworks to be designed and constructed as to comply with Council's Development Manual ((v1.3 dated 21/07/17)) and the Queensland Urban Drainage Manual (QUDM). The use of preliminary design drawings is supported as areas where additional detail is required is	Approved.

PART B – RECONFIGURATION OF A LOT						
ITEM	**SUB ITEM**	**EXISTING CONDITION**	**APPLICANT PROPOSED AMENDED CONDITION**	**APPLICANT COMMENT**	**COUNCIL COMMENT**	**COUNCIL RECOMMENDATION**
					conditioned elsewhere by Council.	
	9.37	Stage 3.6 Prior to signing of Plan of Survey the applicant must design and construct the proposed roads as indicated on Lot Masterplan Stage 3.6 Drawing No X0000_601 Rev 4 dated 19/08/2020 in accordance with the criteria and specifications in the Whitsunday Regional Council Development Manual. Road 9 Trunk Collector Road Reserve Width - 24.0m Pavement Width - 10.0m Edge Treatment - Kerb and Channel Surface - Asphalt Road 4 & 8 Collector Street Road Reserve Width – 20m Pavement Width - 7.5m Edge Treatment - Kerb and Channel Surface - Asphalt Verge Width - 5.0m Road 7 Access Street Road Reserve Width – 15m Pavement Width - 6.0m Edge Treatment - Kerb and Channel Surface - Asphalt Verge Width - 4.5m	Stage 3.6 Prior to signing of Plan of Survey the applicant must design and construct the proposed roads as indicated on Lot Masterplan Stage 3.1 Drawing No X0000_101 and 102 or 100 Rev 4 dated 19/08/2020 in accordance with the criteria and specifications in the Whitsunday Regional Council Development Manual (v1.3 dated 21/07/17).	As detailed in the Representations report, the roads were designed to accord with the Development Manual in effect at the time the application was lodged. The condition as it currently stands will have a significant impact on the overall development. This is due to the road reserve widths for Collector Streets increasing from 16m to 20m. It is noted that the increase in road reserve widths is of no benefit as the pavement widths for the 16m and 20m roads remains at 7.5m. As such, the condition is requested to be amended to reflect Council's superseded Development Manual to allow the development roads to accord with the previous road width standards	Condition 9.37 requires road reserve widths to be in accordance with the current development manual. A technical note has been provided by the applicant prepared by Geleon Civil Engineering on 15 February 2021. The technical note was based upon a calculation of the anticipated daily traffic generation by Ultimate Development. The findings of the technical note support the applicants request for all roadworks to be designed and constructed as to comply with Council's Development Manual ((v1.3 dated 21/07/17)) and the Queensland Urban Drainage Manual (QUDM). The use of preliminary design drawings is supported as areas where additional detail is required is conditioned elsewhere by Council.	Approved.
	9.38	Stage 3.6 All proposed streets must be designed to meet as a minimum requirement the Street and Road Hierarchy as shown in Table D1.1 of the Whitsunday Regional Council Development Manual.	Stage 3.6 All proposed streets must be designed to meet as a minimum requirement the Street and Road Hierarchy as shown in Table D1.1 of the Whitsunday Regional Council Development Manual (v1.3 dated 21/07/17).	As detailed in the Representations report, the roads were designed to accord with the Development Manual in effect at the time the application was lodged. The condition as it currently stands will have a significant impact on the overall development. This is due to the road reserve widths for Collector Streets increasing from 16m to 20m.	Condition 9.38 requires road reserve widths to be in accordance with the current development manual. A technical note has been provided by the applicant prepared by Geleon Civil Engineering on 15 February 2021. The technical note was based upon a	Approved.

PART B – RECONFIGURATION OF A LOT						
ITEM	**SUB ITEM**	**EXISTING CONDITION**	**APPLICANT PROPOSED AMENDED CONDITION**	**APPLICANT COMMENT**	**COUNCIL COMMENT**	**COUNCIL RECOMMENDATION**
				It is noted that the increase in road reserve widths is of no benefit as the pavement widths for the 16m and 20m roads remains at 7.5m. As such, the condition is requested to be amended to reflect Council's superseded Development Manual to allow the development roads to accord with the previous road width standards	calculation of the anticipated daily traffic generation by Ultimate Development. The findings of the technical note support the applicants request for all roadworks to be designed and constructed as to comply with Council's Development Manual ((v1.3 dated 21/07/17)) and the Queensland Urban Drainage Manual (QUDM). The use of preliminary design drawings is supported as areas where additional detail is required is conditioned elsewhere by Council.	
	9.40	Stage 3.6 A minimum 1.5-metre-wide concrete footpath including tactile indicators in accordance with AS1428.4 must be provided for the full frontage of all proposed internal streets.	Stage 3.6 A minimum 2.0-metre-wide concrete footpath including tactile indicators in accordance with AS1428.4 must be provided for the full frontage on one side of the proposed internal streets.	The condition is sought to be amended the requirement for a 1.5m path on both sides of the streets is over and beyond the requirements of the superseded and current Development Manual. As such, the condition is requested to be amended to reflect a 2.0m path requirement on only one side of the proposed internal streets.	Condition 9.40 requires the installation of a pedestrian footpath network to meets the needs of the development and foster a walkable neighborhood. Under the superseded development manual Road 2 requires a 2.5m wide path on each sides of the reserve. roads 3 & 4 require a 1.5m wide path on both sides Road 1 requires a 2.0m wide path on each sides of the reserve. as per table D1.3 in the superseded manual.	Refused.
	9.43	Stage 3.6 Street trees must be established in all new road reserve's and be incorporated into Raingarden tree pits as part of the Whitsunday Regional Council Stormwater Quality Guideline.	To be deleted	The condition is requested to be deleted as it is extremely onerous on the applicant.	Condition 9.43 requires the developer to provide an attractive streetscape in accordance with the water quality objectives of an adopted Council	Refused.

PART B – RECONFIGURATION OF A LOT						
ITEM	**SUB ITEM**	**EXISTING CONDITION**	**APPLICANT PROPOSED AMENDED CONDITION**	**APPLICANT COMMENT**	**COUNCIL COMMENT**	**COUNCIL RECOMMENDATION**
				Further, the submitted stormwater management plan, already demonstrates that the development achieves the relevant water quality requirements. Thus the condition is not relevant nor reasonably required.	policy. Section D9 of the superseded development manual maintains the requirement for street trees as conditioned.	
	9.44	Stage 3.6 Sealed temporary turnaround areas to be provided on all proposed road at the stage boundary in accordance with the requirements of the Whitsunday Regional Council Development Manual.	Stage 3.6 Sealed temporary turnaround areas to be provided on all proposed road at the stage boundary in accordance with the requirements of the Whitsunday Regional Council Development Manual (v1.3 dated 21/07/17).	As detailed in the Representations report, the roads were designed to accord with the Development Manual in effect at the time the application was lodged. As such, we seek this condition to be amended to reflect the superseded version of the development manual for consistency across the development for road design.	Condition 9.44 requires road reserve widths to be in accordance with the current development manual. A technical note has been provided by the applicant prepared by Geleon Civil Engineering on 15 February 2021. The technical note was based upon a calculation of the anticipated daily traffic generation by Ultimate Development. The findings of the technical note support the applicants request for all roadworks to be designed and constructed as to comply with Council's Development Manual ((v1.3 dated 21/07/17)) and the Queensland Urban Drainage Manual (QUDM). The use of preliminary design drawings is supported as areas where additional detail is required is conditioned elsewhere by Council.	Approved.
	9.45	Stage 3.6 Prior to signing of Plan of Survey, the applicant must lodge with Council, a design and construction certification prepared by an RPEQ Engineer. The certification must be addressed to Council and must certify that all works have	Stage 3.6 Prior to signing of Plan of Survey, the applicant must lodge with Council, a design and construction certification prepared by an RPEQ Engineer. The certification must be addressed to Council and must certify that all works have	As detailed in the Representations report, the roads were designed to accord with the Development Manual in effect at the time the application was lodged.	Condition 9.45 requires road reserve widths to be in accordance with the current development manual. A technical note	Approved.

PART B – RECONFIGURATION OF A LOT						
ITEM	**SUB ITEM**	**EXISTING CONDITION**	**APPLICANT PROPOSED AMENDED CONDITION**	**APPLICANT COMMENT**	**COUNCIL COMMENT**	**COUNCIL RECOMMENDATION**
		been constructed in accordance with the requirements of Queensland Urban Drainage Manual, Whitsunday Regional Council Development Manual and this Decision Notice.	been constructed in accordance with the requirements of Queensland Urban Drainage Manual, Whitsunday Regional Council Development Manual (v1.3 dated 21/07/17) and this Decision Notice.	The condition as it currently stands will have a significant impact on the overall development. This is due to the road reserve widths for Collector Streets increasing from 16m to 20m. It is noted that the increase in road reserve widths is of no benefit as the pavement widths for the 16m and 20m roads remains at 7.5m. As such, the condition is requested to be amended to reflect Council's superseded Development Manual to allow the development roads to accord with the previous road width standards	has been provided by the applicant prepared by Geleon Civil Engineering on 15 February 2021. The technical note was based upon a calculation of the anticipated daily traffic generation by Ultimate Development. The findings of the technical note support the applicants request for all roadworks to be designed and constructed as to comply with Council's Development Manual ((v1.3 dated 21/07/17)) and the Queensland Urban Drainage Manual (QUDM). The use of preliminary design drawings is supported as areas where additional detail is required is conditioned elsewhere by Council.	
	9.46	Stage 3.7 A Development Permit for Operational Works (Roadworks) must be obtained prior to commencement of work on site for Stage 3.7.	Stage 3.7 A Development Permit for Operational Works (Roadworks) must be obtained prior to commencement of work for roadworks on site for Stage 3.1.	The condition is sought to be amended to include the words 'for roadworks' for clarity purposes.	Council considers the requested change minor and inconsequential.	Approved.
	9.47	Any application for Operational Works (Roadworks) must be accompanied by detailed engineering design drawings, including calculations and certifications of the design, demonstrating compliance with Queensland Urban Drainage Manual, Whitsunday Regional Council's Development Manual and this Decision Notice.	Any application for Operational Works (Roadworks) must be accompanied by detailed engineering design drawings, including calculations and certifications of the design, demonstrating compliance with Queensland Urban Drainage Manual, Whitsunday Regional Council Development Manual (v1.3 dated 21/07/17) and this Decision Notice.	As detailed in the Representations report, the roads were designed to accord with the Development Manual in effect at the time the application was lodged. The condition as it currently stands will have a significant impact on the overall development. This is due to the road reserve widths for Collector Streets increasing from 16m to 20m. It is noted that the increase in road reserve widths is of no benefit as the	Condition 9.47 requires road reserve widths to be in accordance with the current development manual. A technical note has been provided by the applicant prepared by Geleon Civil Engineering on 15 February 2021. The technical note was based upon a calculation of the anticipated daily traffic generation by Ultimate	Approved.

PART B – RECONFIGURATION OF A LOT						
ITEM	**SUB ITEM**	**EXISTING CONDITION**	**APPLICANT PROPOSED AMENDED CONDITION**	**APPLICANT COMMENT**	**COUNCIL COMMENT**	**COUNCIL RECOMMENDATION**
				pavement widths for the 16m and 20m roads remains at 7.5m. As such, the condition is requested to be amended to reflect Council's superseded Development Manual to allow the development roads to accord with the previous road width standards	Development. The findings of the technical note support the applicants request for all roadworks to be designed and constructed as to comply with Council's Development Manual ((v1.3 dated 21/07/17)) and the Queensland Urban Drainage Manual (QUDM). The use of preliminary design drawings is supported as areas where additional detail is required is conditioned elsewhere by Council.	
	9.48	Stage 3.7 Prior to signing of Plan of Survey the applicant must design and construct the proposed roads as indicated on Lot Masterplan Stage 3.7 Drawing No X0000_701 Rev 4 dated 19/08/2020 in accordance with the criteria and specifications in the Whitsunday Regional Council Development Manual. Road 2 Sub Arterial Road Reserve Width – 26m Pavement Width - 2 x 5.5 metre carriageway and 5.0 metre median Edge Treatment - Kerb and Channel Surface - Asphalt Verge - 5.0m Road 9 Trunk Collector Road Reserve Width - 24.0m Pavement Width - 10.0m Edge Treatment - Kerb and Channel Surface - Asphalt Road 5 & 8 Collector Street Road Reserve Width – 20m Pavement Width - 7.5m	Stage 3.7 Prior to signing of Plan of Survey the applicant must design and construct the proposed roads as indicated on Lot Masterplan Stage 3.1 Drawing No X0000_101 and 102 or 100 Rev 4 dated 19/08/2020 in accordance with the criteria and specifications in the Whitsunday Regional Council Development Manual (v1.3 dated 21/07/17).	As detailed in the Representations report, the roads were designed to accord with the Development Manual in effect at the time the application was lodged. The condition as it currently stands will have a significant impact on the overall development. This is due to the road reserve widths for Collector Streets increasing from 16m to 20m. It is noted that the increase in road reserve widths is of no benefit as the pavement widths for the 16m and 20m roads remains at 7.5m. As such, the condition is requested to be amended to reflect Council's superseded Development Manual to allow the development roads to accord with the previous road width standards	Condition 9.48 requires road reserve widths to be in accordance with the current development manual. A technical note has been provided by the applicant prepared by Geleon Civil Engineering on 15 February 2021. The technical note was based upon a calculation of the anticipated daily traffic generation by Ultimate Development. The findings of the technical note support the applicants request for all roadworks to be designed and constructed as to comply with Council's Development Manual ((v1.3 dated 21/07/17)) and the Queensland Urban Drainage Manual (QUDM). The use of preliminary design	Approved.

PART B – RECONFIGURATION OF A LOT						
ITEM	**SUB ITEM**	**EXISTING CONDITION**	**APPLICANT PROPOSED AMENDED CONDITION**	**APPLICANT COMMENT**	**COUNCIL COMMENT**	**COUNCIL RECOMMENDATION**
		Edge Treatment - Kerb and Channel Surface - Asphalt Verge Width - 5.0m <u>Road 7 Access Street</u> Road Reserve Width – 15m Pavement Width - 6.0m Edge Treatment - Kerb and Channel Surface - Asphalt Verge Width - 4.5m			drawings is supported as areas where additional detail is required is conditioned elsewhere by Council.	
	9.49	<u>Stage 3.7</u> All proposed streets must be designed to meet as a minimum requirement the Street and Road Hierarchy as shown in Table D1.1 of the Whitsunday Regional Council Development Manual.	<u>Stage 3.7</u> All proposed streets must be designed to meet as a minimum requirement the Street and Road Hierarchy as shown in Table D1.1 of the Whitsunday Regional Council Development Manual (v1.3 dated 21/07/17).	As detailed in the Representations report, the roads were designed to accord with the Development Manual in effect at the time the application was lodged. The condition as it currently stands will have a significant impact on the overall development. This is due to the road reserve widths for Collector Streets increasing from 16m to 20m. It is noted that the increase in road reserve widths is of no benefit as the pavement widths for the 16m and 20m roads remains at 7.5m. As such, the condition is requested to be amended to reflect Council's superseded Development Manual to allow the development roads to accord with the previous road width standards	Condition 9.49 requires road reserve widths to be in accordance with the current development manual. A technical note has been provided by the applicant prepared by Geleon Civil Engineering on 15 February 2021. The technical note was based upon a calculation of the anticipated daily traffic generation by Ultimate Development. The findings of the technical note support the applicants request for all roadworks to be designed and constructed as to comply with Council's Development Manual ((v1.3 dated 21/07/17)) and the Queensland Urban Drainage Manual (QUDM). The use of preliminary design drawings is supported as areas where additional detail is required is conditioned elsewhere by Council.	Approved.

PART B – RECONFIGURATION OF A LOT						
ITEM	**SUB ITEM**	**EXISTING CONDITION**	**APPLICANT PROPOSED AMENDED CONDITION**	**APPLICANT COMMENT**	**COUNCIL COMMENT**	**COUNCIL RECOMMENDATION**
	9.50	Stage 3.7 Street lighting is to be provided in accordance with the requirements of Section DG9.8 & 9.9 of the Whitsunday Regional Council Development Manual.	Stage 3.7 Street lighting is to be provided in accordance with the requirements of Section DG9.8 & 9.9 of the Whitsunday Regional Council Development Manual (v1.3 dated 21/07/17).	As detailed in the Representations report, the roads were designed to accord with the Development Manual in effect at the time the application was lodged. As such, we seek this condition to be amended to reflect the superseded version of the development manual for consistency across the development for road design.	Condition 9.50 requires street lighting to be provided in accordance with relevant standards. The superseded development manual sufficiently reflects this requirement.	Approved.
	9.51	Stage 3.7 A minimum 1.5-metre-wide concrete footpath including tactile indicators in accordance with AS1428.4 must be provided for the full frontage of all proposed internal streets.	Stage 3.7 A minimum 2.0-metre-wide concrete footpath including tactile indicators in accordance with AS1428.4 must be provided for the full frontage on one side of the proposed internal streets.	The condition is sought to be amended the requirement for a 1.5m path on both sides of the streets is over and beyond the requirements of the superseded and current Development Manual. As such, the condition is requested to be amended to reflect a 2.0m path requirement on only one side of the proposed internal streets.	Condition 9.51 requires the installation of a pedestrian footpath network to meets the needs of the development and foster a walkable neighborhood. Under the superseded development manual Road 2 requires a 2.5m wide path on each sides of the reserve. roads 3 & 4 require a 1.5m wide path on both sides Road 1 requires a 2.0m wide path on each sides of the reserve. as per table D1.3 in the superseded manual.	Refused.
	9.54	Stage 3.7 Street trees must be established in all new road reserve's and be incorporated into Raingarden tree pits as part of the Whitsunday Regional Council Stormwater Quality Guideline.	To be deleted	The condition is requested to be deleted as it is extremely onerous on the applicant. Further, the submitted stormwater management plan, already demonstrates that the development achieves the relevant water quality requirements. Thus the condition is not relevant nor reasonably required.	Condition 9.54 requires the developer to provide an attractive streetscape in accordance with the water quality objectives of an adopted Council policy. Section D9 of the superseded development manual maintains the requirement for street trees as conditioned.	Refused.
	9.55	Sealed temporary turnaround areas to be provided on all proposed road at the stage boundary in accordance with	Stage 3.7 Sealed temporary turnaround areas to be provided on all proposed road at the stage boundary in accordance with	As detailed in the Representations report, the roads were designed to accord with the Development	Condition 9.55 requires road reserve widths to be in accordance with the	Approved.

PART B – RECONFIGURATION OF A LOT						
ITEM	**SUB ITEM**	**EXISTING CONDITION**	**APPLICANT PROPOSED AMENDED CONDITION**	**APPLICANT COMMENT**	**COUNCIL COMMENT**	**COUNCIL RECOMMENDATION**
		the requirements of the Whitsunday Regional Council Development Manual.	the requirements of the Whitsunday Regional Council Development Manual (v1.3 dated 21/07/17).	Manual in effect at the time the application was lodged. As such, we seek this condition to be amended to reflect the superseded version of the development manual for consistency across the development for road design.	current development manual. A technical note has been provided by the applicant prepared by Geleon Civil Engineering on 15 February 2021. The technical note was based upon a calculation of the anticipated daily traffic generation by Ultimate Development. The findings of the technical note support the applicants request for all roadworks to be designed and constructed as to comply with Council's Development Manual ((v1.3 dated 21/07/17)) and the Queensland Urban Drainage Manual (QUDM). The use of preliminary design drawings is supported as areas where additional detail is required is conditioned elsewhere by Council.	
	9.56	Stage 3.7 Prior to signing of Plan of Survey, the applicant must lodge with Council, a design and construction certification prepared by an RPEQ Engineer. The certification must be addressed to Council and must certify that all works have been constructed in accordance with the requirements of Queensland Urban Drainage Manual, Whitsunday Regional Council Development Manual and this Decision Notice.	Stage 3.7 Prior to signing of Plan of Survey, the applicant must lodge with Council, a design and construction certification prepared by an RPEQ Engineer. The certification must be addressed to Council and must certify that all works have been constructed in accordance with the requirements of Queensland Urban Drainage Manual, Whitsunday Regional Council Development Manual (v1.3 dated 21/07/17) and this Decision Notice.	As detailed in the Representations report, the roads were designed to accord with the Development Manual in effect at the time the application was lodged. The condition as it currently stands will have a significant impact on the overall development. This is due to the road reserve widths for Collector Streets increasing from 16m to 20m. It is noted that the increase in road reserve widths is of no benefit as the pavement widths for the 16m and 20m roads remains at 7.5m. As such, the condition is requested to be amended to reflect Council's	Condition 9.56 requires road reserve widths to be in accordance with the current development manual. A technical note has been provided by the applicant prepared by Geleon Civil Engineering on 15 February 2021. The technical note was based upon a calculation of the anticipated daily traffic generation by Ultimate Development. The findings of the technical note support the	Approved.

PART B – RECONFIGURATION OF A LOT						
ITEM	**SUB ITEM**	**EXISTING CONDITION**	**APPLICANT PROPOSED AMENDED CONDITION**	**APPLICANT COMMENT**	**COUNCIL COMMENT**	**COUNCIL RECOMMENDATION**
				superseded Development Manual to allow the development roads to accord with the previous road width standards	applicants request for all roadworks to be designed and constructed as to comply with Council's Development Manual ((v1.3 dated 21/07/17)) and the Queensland Urban Drainage Manual (QUDM). The use of preliminary design drawings is supported as areas where additional detail is required is conditioned elsewhere by Council.	
	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.	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'.	The stormwater Management Plan has been designed generally in accordance with WRC standard and specifications including relevant documentation with MUSIC demonstrating that the quality of stormwater runoff does not decrease due to the proposed development in comparison to the pre development. As the stormwater strategy has demonstrated no decrease in quality of stormwater runoff due to the development, the strategy has also demonstrated that runoff from the development will not cause measurable levels of pollutants to the receiving waterways and accordingly this requirement has been met and reference to ANZECC should be removed.	Condition 10.5 requires the developer to comply with industry standards for water quality. The condition is applied to all developments.	Refused.
	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.	Ensure all practical efforts are made to minimise dust generation during construction as to not cause a nuisance beyond the boundaries of 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.	The condition is requested to be amended as the wording of the condition is onerous and impractical.	Condition 10.6 requires the developer to ensure dust is adequately managed during construction. The condition is standard condition imposed on all development within the region.	Refused.

PART B – RECONFIGURATION OF A LOT						
ITEM	**SUB ITEM**	**EXISTING CONDITION**	**APPLICANT PROPOSED AMENDED CONDITION**	**APPLICANT COMMENT**	**COUNCIL COMMENT**	**COUNCIL RECOMMENDATION**
13.0 Miscellaneous	13.2	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.	To be deleted	The condition is not clear or certain and is ambiguous. IT is also considered to not be reasonable nor relevant and should be deleted.	Condition 13.2 is a standard condition. The condition requires that any works required to existing infrastructure to accommodate development under the development permit is undertaken at full cost to the developer.	Refused.
14.0 Advisory Notes	14.6	Development infrastructure required to be provided in implementing this development approval is non-trunk development infrastructure as described under section 145 of the Planning Act 2016.	To be deleted	It is requested that Condition 14.6 be deleted as the applicant seeks to enter into an infrastructure agreement with Council as it is considered that works relating to water, sewer and roads have a trunk function.	Condition 14.6 is required to be applied in accordance with the Planning Act 2016.	Refused.

PART C – MATERIAL CHANGE OF USE – SERVICE STATION & ANCILLARY SHOP & FOOD AND DRINK OUTLET (PROPOSED LOT 1)						
ITEM	**SUB ITEM**	**EXISTING CONDITION**	**APPLCIANT PROPOSED AMENDED CONDITION**	**APPLICANT COMMENT**	**COUNCIL COMMENT**	**COUNCIL RECOMMENDATION**
1.0 Administration	1.2	The applicant is to comply with the Queensland Treasury conditions as outlined in the Department's correspondence dated 9 July 2020.	The applicant is to comply with the Queensland Treasury conditions as outlined in the Department's Referral Agency Response	The condition is requested to be amended to remove reference to the date of the correspondence. This is to avoid the circumstance of triggering an unnecessary change application to Council to update the referenced correspondence date should a revised Referral Agency response be issued.	Condition 1.2 is a standard condition applied to all development approvals with the referral agency response included with Attachment 1 – Part 2 of the Decision Notice. However, in the interests of the assisting the developer Council considers the requested change minor and inconsequential.	Approved.
2.0 Clearing, Landscaping and Fencing	2.3	The applicant shall submit, with the first Operational Works Application, a detailed Landscaping Plan that complies with Planning Scheme Policy SC6.4.2.4.	The applicant shall submit, with the first Operational Works Application (with the exception of Vegetation Clearing), a detailed Landscaping Plan that complies with Planning Scheme Policy SC6.4.2.4.	It is requested to amend the condition to be clear that this condition excludes vegetation clearing.	Condition 2.3 has been imposed to require detailed landscaping plans to be provided. This receipt of these plans is not required prior to vegetation removal.	Approved.
7.0 Water Infrastructure	7.2	A Development Permit for Operational Works (Water Infrastructure) must be obtained prior to commencement of work on site.	A Development Permit for Operational Works (Water Infrastructure) must be obtained prior to commencement of work for water infrastructure occurs on site.	The condition is sought to be amended to the words 'for water infrastructure' for clarity purposes.	Council considers the requested change minor and inconsequential.	Approved.
8.0 Sewerage Infrastructure	8.2	A Development Permit for Operational Works (Sewer Infrastructure) must be obtained prior to commencement of work on site.	A Development Permit for Operational Works (Water Infrastructure) must be obtained prior to commencement of work for sewer infrastructure occurs on site.	The condition is sought to be amended to the words 'for sewer infrastructure' for clarity purposes.	Council considers the requested change minor and inconsequential.	Approved.
9.0 Access and Parking	9.1	A Development Permit for Operational Works (Access and Parking) must be obtained prior to commencement of work on site.	A Development Permit for Operational Works (Access and Parking) must be obtained prior to commencement of work for access and parking on site.	The condition is sought to be amended to include the words 'for access and parking' for clarity purposes.	Council considers the requested change minor and inconsequential.	Approved.
	9.2	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.	Any application for Operational Works (Access and Parking) must be accompanied by detailed engineering drawings demonstrating compliance with the Whitsunday Regional Council Development Manual (v1.3 dated 21/07/17), Australian Standard AS2890, AS1428 and this Decision Notice.	As detailed in the Representations report, the roads were designed to accord with the Development Manual in effect at the time the application was lodged. As such, we seek this condition to be amended to reflect the superseded version of the development manual for consistency across the development for road design.	Condition 9.2 applies to the provision of accesses, driveways, circulation roads, aisles, parking bays and maneuvering areas of works internal to a site. The condition does not apply to roadworks (i.e. the width of roadways). Assessment of the request regarding roadworks is within the preliminary approval.	Refused.
	9.3	The external access from the pavement of Proposed Road 1 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.	The external access from the pavement of Proposed Road 1 to the property boundary must be constructed to comply with the dimensions, gradients and specifications as indicated on Council's Standard Drawings in accordance with Whitsunday Regional Council Development Manual (v1.3 dated 21/07/17) prior to commencement of the use.	As detailed in the Representations report, the roads were designed to accord with the Development Manual in effect at the time the application was lodged. As such, we seek this condition to be amended to reflect the superseded version of the development manual for consistency across the development for road design.	Condition 9.3 applies to the provision of accesses, driveways, circulation roads, aisles, parking bays and maneuvering areas of works internal to a site. The condition does not apply to roadworks (i.e. the width of roadways). Assessment of the request regarding roadworks is within the preliminary approval.	Refused.

PART C – MATERIAL CHANGE OF USE – SERVICE STATION & ANCILLARY SHOP & FOOD AND DRINK OUTLET (PROPOSED LOT 1)						
ITEM	**SUB ITEM**	**EXISTING CONDITION**	**APPLCIANT PROPOSED AMENDED CONDITION**	**APPLICANT COMMENT**	**COUNCIL COMMENT**	**COUNCIL RECOMMENDATION**
	9.4	All internal accesses, driveways, circulation roads, aisles, parking bays and maneuvering areas are to be provided generally as indicated on Commercial Precinct Car Park Dimensions Drawing No J5529-SK053 Rev A and must be designed and constructed so as to comply with the requirements of the Whitsunday Regional Council Development Manual, AS2890 and AS1428.	All internal accesses, driveways, circulation roads, aisles, parking bays and maneuvering areas are to be provided generally as indicated on Commercial Precinct Car Park Dimensions Drawing No J5529-SK053 Rev A and must be designed and constructed so as to comply with the requirements of the Whitsunday Regional Council Development Manual (v1.3 dated 21/07/17), AS2890 and AS1428.	As detailed in the Representations report, the roads were designed to accord with the Development Manual in effect at the time the application was lodged. As such, we seek this condition to be amended to reflect the superseded version of the development manual for consistency across the development for road design	Condition 9.4 applies to the provision of accesses, driveways, circulation roads, aisles, parking bays and maneuvering areas of works internal to a site. The condition does not apply to roadworks (i.e. the width of roadways). Assessment of the request regarding roadworks is within the preliminary approval.	Refused.
	9.8	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.	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 (v1.3 dated 21/07/17), AS2890 and AS1428.	As detailed in the Representations report, the roads were designed to accord with the Development Manual in effect at the time the application was lodged. As such, we seek this condition to be amended to reflect the superseded version of the development manual for consistency across the development for road design	Condition 9.8 applies to the provision of accesses, driveways, circulation roads, aisles, parking bays and maneuvering areas of works internal to a site. The condition does not apply to roadworks (i.e. the width of roadways). Assessment of the request regarding roadworks is within the preliminary approval.	Refused.
10.0 Stormwater and Flooding	10.1	A Development Permit for Operational Works (Stormwater Drainage) must be obtained prior to commencement of work on site.	A Development Permit for Operational Works (Stormwater Drainage) must be obtained prior to commencement of work for stormwater drainage on site.	The condition is sought to be amended to include the words 'for stormwater drainage' for clarity purposes.	Council considers the requested change minor and inconsequential.	Approved.
	10.10	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.	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.	The condition is proposed to be amended to remove comment regarding uncontrolled discharge within the site as this could be interpreted as sheet flow off lots into the road reserve.	Condition 10.10 requires the developer to comply with relevant standards. The interpretation of the condition is per QUDM.	Refused.
	10.11	All site works must be undertaken to ensure that there is no increase in flood levels and/or flood frequency at all locations either upstream of downstream where existing landowners and/or users are adversely affected by waterway flooding for all events up to and including Q100.	All site works must be undertaken to ensure that there are no adverse impacts on the local and regional hydraulic conditions as per the Hydraulic Impact Assessment prepared by Burchills (ver no. 00, dated 21/09/2018)	The condition his sought to be amended to reflect the Hydraulic Impact Assessment report that was prepared for the development.	Condition 10.11 is required to ensure non worsening of flooding as a result of the development. The condition is applied to all development. The findings of Hydraulic Impact Assessment does not satisfy Council that a clear enforceable condition is imposed on a matter which is known to occur during land development.	Refused.

PART C – MATERIAL CHANGE OF USE – SERVICE STATION & ANCILLARY SHOP & FOOD AND DRINK OUTLET (PROPOSED LOT 1)						
ITEM	**SUB ITEM**	**EXISTING CONDITION**	**APPLCIANT PROPOSED AMENDED CONDITION**	**APPLICANT COMMENT**	**COUNCIL COMMENT**	**COUNCIL RECOMMENDATION**
	10.12	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.	<u>Stage 3.1</u> 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'.	The stormwater Management Plan has been designed generally in accordance with WRC standard and specifications including relevant documentation with MUSIC demonstrating that the quality of stormwater runoff does not decrease due to the proposed development in comparison to the pre development. As the stormwater strategy has demonstrated no decrease in quality of stormwater runoff due to the development, the strategy has also demonstrated that runoff from the development will not cause measurable levels of pollutants to the receiving waterways and accordingly this requirement has been met and reference to ANZECC should be removed.	Condition 10.12 requires the developer to comply with industry standards for water quality. The condition is applied to all developments.	Refused.
11.0 Environmental Management Plan (EMP)	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.	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'.	The stormwater Management Plan has been designed generally in accordance with WRC standard and specifications including relevant documentation with MUSIC demonstrating that the quality of stormwater runoff does not decrease due to the proposed development in comparison to the pre development. As the stormwater strategy has demonstrated no decrease in quality of stormwater runoff due to the development, the strategy has also demonstrated that runoff from the development will not cause measurable levels of pollutants to the receiving waterways and accordingly this requirement has been met and reference to ANZECC should be removed.	Condition 11.5 requires the developer to comply with industry standards for water quality. The condition is applied to all developments.	Refused.
	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	Ensure all practical efforts are made to minimise dust generation during construction as to not cause a nuisance beyond the boundaries of 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	The condition is requested to be amended as the wording of the condition is onerous and impractical.	Condition 11.6 requires the developer to ensure dust is adequately managed during construction. The condition is standard condition imposed on all development within the region.	Refused.

PART C – MATERIAL CHANGE OF USE – SERVICE STATION & ANCILLARY SHOP & FOOD AND DRINK OUTLET (PROPOSED LOT 1)						
ITEM	**SUB ITEM**	**EXISTING CONDITION**	**APPLCIANT PROPOSED AMENDED CONDITION**	**APPLICANT COMMENT**	**COUNCIL COMMENT**	**COUNCIL RECOMMENDATION**
		reduce dust emissions to acceptable levels or wind conditions are such that acceptable levels are achieved.	acceptable levels or wind conditions are such that acceptable levels are achieved.			
15.0 Miscellaneous	15.2	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.	To be deleted	The condition is not clear or certain and is ambiguous. IT is also considered to not be reasonable nor relevant and should be deleted.	Condition 15.2 is a standard condition. The condition requires that any works required to existing infrastructure to accommodate development under the development permit is undertaken at full cost to the developer.	Refused.

PART D – MATERIAL CHANGE OF USE – FOOD & DRINK OUTLET x2 (PROPOSED LOT 2)						
ITEM	**SUB ITEM**	**EXISTING CONDITION**	**PROPOSED AMENDED CONDITION**	**COMMENT**	**COUNCIL COMMNET**	**COUNCIL RECOMMENDATION**
1.0 Administration	1.2	The applicant is to comply with the Queensland Treasury conditions as outlined in the Department's correspondence dated 9 July 2020.	The applicant is to comply with the Queensland Treasury conditions as outlined in the Department's Referral Agency Response	The condition is requested to be amended to remove reference to the date of the correspondence. This is to avoid the circumstance of triggering an unnecessary change application to Council to update the referenced correspondence date should a revised Referral Agency response be issued.	Condition 1.2 is a standard condition applied to all development approvals with the referral agency response included with Attachment 1 – Part 2 of the Decision Notice. However, in the interests of the assisting the developer Council considers the requested change minor and inconsequential.	Approved.
2.0 Clearing, Landscaping and Fencing	2.3	The applicant shall submit, with the first Operational Works Application, a detailed Landscaping Plan that complies with Planning Scheme Policy SC6.4.2.4.	The applicant shall submit, with the first Operational Works Application (with the exception of Vegetation Clearing), a detailed Landscaping Plan that complies with Planning Scheme Policy SC6.4.2.4.	It is requested to amend the condition to be clear that this condition excludes vegetation clearing.	Condition 2.3 has been imposed to require detailed landscaping plans to be provided. This receipt of these plans is not required prior to vegetation removal.	Approved.
6.0 Water Infrastructure	6.2	A Development Permit for Operational Works (Water Infrastructure) must be obtained prior to commencement of work on site.	A Development Permit for Operational Works (Water Infrastructure) must be obtained prior to commencement of work for water infrastructure occurs on site.	The condition is sought to be amended to the words 'for water infrastructure' for clarity purposes.	Council considers the requested change minor and inconsequential.	Approved.
7.0 Sewerage Infrastructure	7.2	A Development Permit for Operational Works (Sewer Infrastructure) must be obtained prior to commencement of work on site.	A Development Permit for Operational Works (Water Infrastructure) must be obtained prior to commencement of work for sewer infrastructure occurs on site.	The condition is sought to be amended to the words 'for sewer infrastructure' for clarity purposes.	Council considers the requested change minor and inconsequential.	Approved.
8.0 Access and Parking	8.1	A Development Permit for Operational Works (Access and Parking) must be obtained prior to commencement of work on site.	A Development Permit for Operational Works (Access and Parking) must be obtained prior to commencement of work for access and parking on site.	The condition is sought to be amended to include the words 'for access and parking' for clarity purposes.	Council considers the requested change minor and inconsequential.	Approved.
	8.2	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.	Any application for Operational Works (Access and Parking) must be accompanied by detailed engineering drawings demonstrating compliance with the Whitsunday Regional Council Development Manual (v1.3 dated 21/07/17), Australian Standard AS2890, AS1428 and this Decision Notice.	As detailed in the Representations report, the roads were designed to accord with the Development Manual in effect at the time the application was lodged. As such, we seek this condition to be amended to reflect the superseded version of the development manual for consistency across the development for road design.	Condition 8.2 applies to the provision of accesses, driveways, circulation roads, aisles, parking bays and maneuvering areas of works internal to a site. The condition does not apply to roadworks (i.e. the width of roadways). Assessment of the request regarding roadworks is within the preliminary approval.	Refused.
	8.3	The external access from the pavement of Proposed Road 1 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.	The external access from the pavement of Proposed Road 1 to the property boundary must be constructed to comply with the dimensions, gradients and specifications as indicated on Council's Standard Drawings in accordance with Whitsunday Regional Council Development Manual (v1.3 dated 21/07/17) prior to commencement of the use.	As detailed in the Representations report, the roads were designed to accord with the Development Manual in effect at the time the application was lodged. As such, we seek this condition to be amended to reflect the superseded version of the development manual for consistency across the development for road design.	Condition 8.3 applies to the provision of accesses, driveways, circulation roads, aisles, parking bays and maneuvering areas of works internal to a site. The condition does not apply to roadworks (i.e. the width of roadways). Assessment of the request regarding roadworks is within the preliminary approval.	Refused.

PART D – MATERIAL CHANGE OF USE – FOOD & DRINK OUTLET x2 (PROPOSED LOT 2)						
ITEM	**SUB ITEM**	**EXISTING CONDITION**	**PROPOSED AMENDED CONDITION**	**COMMENT**	**COUNCIL COMMNET**	**COUNCIL RECOMMENDATION**
	8.4	All internal accesses, driveways, circulation roads, aisles, parking bays and maneuvering areas are to be provided generally as indicated on Commercial Precinct Car Park Dimensions Drawing No J5529-SK053 Rev A and must be designed and constructed so as to comply with the requirements of the Whitsunday Regional Council Development Manual, AS2890 and AS1428.	All internal accesses, driveways, circulation roads, aisles, parking bays and maneuvering areas are to be provided generally as indicated on Commercial Precinct Car Park Dimensions Drawing No J5529-SK053 Rev A and must be designed and constructed so as to comply with the requirements of the Whitsunday Regional Council Development Manual (v1.3 dated 21/07/17), AS2890 and AS1428.	As detailed in the Representations report, the roads were designed to accord with the Development Manual in effect at the time the application was lodged. As such, we seek this condition to be amended to reflect the superseded version of the development manual for consistency across the development for road design	Condition 8.4 applies to the provision of accesses, driveways, circulation roads, aisles, parking bays and maneuvering areas of works internal to a site. The condition does not apply to roadworks (i.e. the width of roadways). Assessment of the request regarding roadworks is within the preliminary approval.	Refused.
	8.8	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.	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 (v1.3 dated 21/07/17), AS2890 and AS1428.	As detailed in the Representations report, the roads were designed to accord with the Development Manual in effect at the time the application was lodged. As such, we seek this condition to be amended to reflect the superseded version of the development manual for consistency across the development for road design	Condition 8.8 applies to the provision of accesses, driveways, circulation roads, aisles, parking bays and maneuvering areas of works internal to a site. The condition does not apply to roadworks (i.e. the width of roadways). Assessment of the request regarding roadworks is within the preliminary approval.	Refused.
9.0 Stormwater and Flooding	9.1	A Development Permit for Operational Works (Stormwater Drainage) must be obtained prior to commencement of work on site.	A Development Permit for Operational Works (Stormwater Drainage) must be obtained prior to commencement of work for stormwater drainage on site.	The condition is sought to be amended to include the words 'for stormwater drainage' for clarity purposes.	Council considers the requested change minor and inconsequential.	Approved.
	9.10	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.	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.	The condition is proposed to be amended to remove comment regarding uncontrolled discharge within the site as this could be interpreted as sheet flow off lots into the road reserve	Condition 9.10 requires the developer to comply with relevant standards. The interpretation of the condition is per QUDM.	Refused.
	9.11	All site works must be undertaken to ensure that there is no increase in flood levels and/or flood frequency at all locations either upstream of downstream where existing landowners and/or users are adversely affected by waterway flooding for all events up to and including Q100.	All site works must be undertaken to ensure that there are no adverse impacts on the local and regional hydraulic conditions as per the Hydraulic Impact Assessment prepared by Burchills (ver no. 00, dated 21/09/2018)	The condition his sought to be amended to reflect the Hydraulic Impact Assessment report that was prepared for the development.	Condition 9.11 is required to ensure non worsening of flooding as a result of the development. The condition is applied to all development. The findings of Hydraulic Impact Assessment does not satisfy Council that a clear enforceable condition is imposed on a matter which is known to occur during land development.	Refused.

PART D – MATERIAL CHANGE OF USE – FOOD & DRINK OUTLET x2 (PROPOSED LOT 2)						
ITEM	**SUB ITEM**	**EXISTING CONDITION**	**PROPOSED AMENDED CONDITION**	**COMMENT**	**COUNCIL COMMNET**	**COUNCIL RECOMMENDATION**
	9.12	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.	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'.	The stormwater Management Plan has been designed generally in accordance with WRC standard and specifications including relevant documentation with MUSIC demonstrating that the quality of stormwater runoff does not decrease due to the proposed development in comparison to the pre development. As the stormwater strategy has demonstrated no decrease in quality of stormwater runoff due to the development, the strategy has also demonstrated that runoff from the development will not cause measurable levels of pollutants to the receiving waterways and accordingly this requirement has been met and reference to ANZECC should be removed.	Condition 9.12 requires the developer to comply with industry standards for water quality. The condition is applied to all developments.	Refused.
10.0 Environmental Management Plan (EMP)	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.	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'.	The stormwater Management Plan has been designed generally in accordance with WRC standard and specifications including relevant documentation with MUSIC demonstrating that the quality of stormwater runoff does not decrease due to the proposed development in comparison to the pre development. As the stormwater strategy has demonstrated no decrease in quality of stormwater runoff due to the development, the strategy has also demonstrated that runoff from the development will not cause measurable levels of pollutants to the receiving waterways and accordingly this requirement has been met and reference to ANZECC should be removed.	Condition 10.5 requires the developer to comply with industry standards for water quality. The condition is applied to all developments.	Refused.
	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.	Ensure all practical efforts are made to minimise dust generation during construction as to not cause a nuisance beyond the boundaries of 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.	The condition is requested to be amended as the wording of the condition is onerous and impractical.	Condition 10.6 requires the developer to ensure dust is adequately managed during construction. The condition is standard condition imposed on all development within the region.	Refused.

PART D – MATERIAL CHANGE OF USE – FOOD & DRINK OUTLET x2 (PROPOSED LOT 2)						
ITEM	**SUB ITEM**	**EXISTING CONDITION**	**PROPOSED AMENDED CONDITION**	**COMMENT**	**COUNCIL COMMNET**	**COUNCIL RECOMMENDATION**
14.0 Miscellaneous	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.	To be deleted	The condition is not clear or certain and is ambiguous. IT is also considered to not be reasonable nor relevant and should be deleted.	Condition 14.2 is a standard condition. The condition requires that any works required to existing infrastructure to accommodate development under the development permit is undertaken at full cost to the developer.	Refused.

Note -

In addition to the above amendments, it is also requested that Council includes a condition to the reflect the approved operational hours as proposed within the development application being 6am – 10pm / 7 days.

PART E – MATERIAL CHANGE OF USE – OUTDOOR SPORT AND RECREATION (PROPOSED LOT 39)						
ITEM	**SUB ITEM**	**EXISTING CONDITION**	**APPLICANT PROPOSED AMENDED CONDITION**	**APPLICANT COMMENT**	**COUNCIL COMMENT**	**COUNCIL RECOMMENDATION**
1.0 Administration	1.2	The applicant is to comply with the Queensland Treasury conditions as outlined in the Department's correspondence dated 9 July 2020.	The applicant is to comply with the Queensland Treasury conditions as outlined in the Department's Referral Agency Response	The condition is requested to be amended to remove reference to the date of the correspondence. This is to avoid the circumstance of triggering an unnecessary change application to Council to update the referenced correspondence date should a revised Referral Agency response be issued.	Condition 1.2 is a standard condition applied to all development approvals with the referral agency response included with Attachment 1 – Part 2 of the Decision Notice. However, in the interests of the assisting the developer Council considers the requested change minor and inconsequential.	Approved.
2.0 Clearing, Landscaping and Fencing	2.3	The applicant shall submit, with the first Operational Works Application, a detailed Landscaping Plan that complies with Planning Scheme Policy SC6.4.2.4.	The applicant shall submit, with the first Operational Works Application (with the exception of Vegetation Clearing), a detailed Landscaping Plan that complies with Planning Scheme Policy SC6.4.2.4.	It is requested to amend the condition to be clear that this condition excludes vegetation clearing.	Condition 2.3 has been imposed to require detailed landscaping plans to be provided. This receipt of these plans is not required prior to vegetation removal.	Approved.
6.0 Water Infrastructure	6.2	A Development Permit for Operational Works (Water Infrastructure) must be obtained prior to commencement of work on site.	A Development Permit for Operational Works (Water Infrastructure) must be obtained prior to commencement of work for water infrastructure occurs on site.	The condition is sought to be amended to the words 'for water infrastructure' for clarity purposes.	Council considers the requested change minor and inconsequential.	Approved.
7.0 Sewerage Infrastructure	7.2	A Development Permit for Operational Works (Sewer Infrastructure) must be obtained prior to commencement of work on site.	A Development Permit for Operational Works (Water Infrastructure) must be obtained prior to commencement of work for sewer infrastructure occurs on site.	The condition is sought to be amended to the words 'for sewer infrastructure' for clarity purposes.	Council considers the requested change minor and inconsequential.	Approved.
8.0 Access and Parking	8.1	A Development Permit for Operational Works (Access and Parking) must be obtained prior to commencement of work on site.	A Development Permit for Operational Works (Access and Parking) must be obtained prior to commencement of work for access and parking on site.	The condition is sought to be amended to include the words 'for access and parking' for clarity purposes.	Council considers the requested change minor and inconsequential.	Approved.
	8.2	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.	Any application for Operational Works (Access and Parking) must be accompanied by detailed engineering drawings demonstrating compliance with the Whitsunday Regional Council Development Manual (v1.3 dated 21/07/17), Australian Standard AS2890, AS1428 and this Decision Notice.	As detailed in the Representations report, the roads were designed to accord with the Development Manual in effect at the time the application was lodged. As such, we seek this condition to be amended to reflect the superseded version of the development manual for consistency across the development for road design.	Condition 8.2 applies to the provision of accesses, driveways, circulation roads, aisles, parking bays and maneuvering areas of works internal to a site. The condition does not apply to roadworks (i.e. the width of roadways). Assessment of the request regarding roadworks is within the preliminary approval.	Refused.
	8.3	The external access from the pavement of Proposed Road 1 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.	The external access from the pavement of Proposed Road 1 to the property boundary must be constructed to comply with the dimensions, gradients and specifications as indicated on Council's Standard Drawings in accordance with Whitsunday Regional Council	As detailed in the Representations report, the roads were designed to accord with the Development Manual in effect at the time the application was lodged. As such, we seek this condition to be amended to reflect the superseded version	Condition 8.3 applies to the provision of accesses, driveways, circulation roads, aisles, parking bays and maneuvering areas of works internal to a site. The condition does not apply to roadworks (i.e. the width of roadways). Assessment	Refused.

PART E – MATERIAL CHANGE OF USE – OUTDOOR SPORT AND RECREATION (PROPOSED LOT 39)						
ITEM	**SUB ITEM**	**EXISTING CONDITION**	**APPLICANT PROPOSED AMENDED CONDITION**	**APPLICANT COMMENT**	**COUNCIL COMMENT**	**COUNCIL RECOMMENDATION**
			Development Manual (v1.3 dated 21/07/17) prior to commencement of the use.	of the development manual for consistency across the development for road design.	of the request regarding roadworks is within the preliminary approval.	
	8.4	All internal accesses, driveways, circulation roads, aisles, parking bays and maneuvering areas are to be provided generally as indicated on Commercial Precinct Car Park Dimensions Drawing No J5529-SK053 Rev A and must be designed and constructed so as to comply with the requirements of the Whitsunday Regional Council Development Manual, AS2890 and AS1428.	All internal accesses, driveways, circulation roads, aisles, parking bays and maneuvering areas are to be provided generally as indicated on Commercial Precinct Car Park Dimensions Drawing No J5529-SK053 Rev A and must be designed and constructed so as to comply with the requirements of the Whitsunday Regional Council Development Manual (v1.3 dated 21/07/17), AS2890 and AS1428.	As detailed in the Representations report, the roads were designed to accord with the Development Manual in effect at the time the application was lodged. As such, we seek this condition to be amended to reflect the superseded version of the development manual for consistency across the development for road design	Condition 8.4 applies to the provision of accesses, driveways, circulation roads, aisles, parking bays and maneuvering areas of works internal to a site. The condition does not apply to roadworks (i.e. the width of roadways). Assessment of the request regarding roadworks is within the preliminary approval.	Refused.
	8.8	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.	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 (v1.3 dated 21/07/17), AS2890 and AS1428.	As detailed in the Representations report, the roads were designed to accord with the Development Manual in effect at the time the application was lodged. As such, we seek this condition to be amended to reflect the superseded version of the development manual for consistency across the development for road design	Condition 9.8 applies to the provision of accesses, driveways, circulation roads, aisles, parking bays and maneuvering areas of works internal to a site. The condition does not apply to roadworks (i.e. the width of roadways). Assessment of the request regarding roadworks is within the preliminary approval.	Refused.
9.0 Stormwater and Flooding	9.1	A Development Permit for Operational Works (Stormwater Drainage) must be obtained prior to commencement of work on site.	A Development Permit for Operational Works (Stormwater Drainage) must be obtained prior to commencement of work for stormwater drainage on site.	The condition is sought to be amended to include the words 'for stormwater drainage' for clarity purposes.	Council considers the requested change minor and inconsequential.	Refused.
	9.10	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.	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.	The condition is proposed to be amended to remove comment regarding uncontrolled discharge within the site as this could be interpreted as sheet flow off lots into the road reserve	Condition 9.10 requires the developer to comply with relevant standards. The interpretation of the condition is per QUDM.	Refused.
	9.11	All site works must be undertaken to ensure that there is no increase in flood levels and/or flood frequency at all locations either upstream of downstream where existing landowners and/or users are adversely affected by	All site works must be undertaken to ensure that there are no adverse impacts on the local and regional hydraulic conditions as per the Hydraulic Impact Assessment prepared by Burchills (ver no. 00, dated 21/09/2018)	The condition his sought to be amended to reflect the Hydraulic Impact Assessment report that was prepared for the development.	Condition 9.11 is required to ensure non worsening of flooding as a result of the development. The condition is applied to all development. The findings of Hydraulic Impact Assessment does not satisfy Council that a clear enforceable condition is imposed on a matter which is	Refused.

PART E – MATERIAL CHANGE OF USE – OUTDOOR SPORT AND RECREATION (PROPOSED LOT 39)						
ITEM	**SUB ITEM**	**EXISTING CONDITION**	**APPLICANT PROPOSED AMENDED CONDITION**	**APPLICANT COMMENT**	**COUNCIL COMMENT**	**COUNCIL RECOMMENDATION**
		waterway flooding for all events up to and including Q100.			known to occur during land development.	
	9.12	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.	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'.	The stormwater Management Plan has been designed generally in accordance with WRC standard and specifications including relevant documentation with MUSIC demonstrating that the quality of stormwater runoff does not decrease due to the proposed development in comparison to the pre development. As the stormwater strategy has demonstrated no decrease in quality of stormwater runoff due to the development, the strategy has also demonstrated that runoff from the development will not cause measurable levels of pollutants to the receiving waterways and accordingly this requirement has been met and reference to ANZECC should be removed.	Condition 9.12 requires the developer to comply with industry standards for water quality. The condition is applied to all developments.	Refused.
10.0 Environmental Management Plan (EMP)	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.	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'.	The stormwater Management Plan has been designed generally in accordance with WRC standard and specifications including relevant documentation with MUSIC demonstrating that the quality of stormwater runoff does not decrease due to the proposed development in comparison to the pre development. As the stormwater strategy has demonstrated no decrease in quality of stormwater runoff due to the development, the strategy has also demonstrated that runoff from the development will not cause measurable levels of pollutants to the receiving waterways and accordingly this requirement has been met and reference to ANZECC should be removed.	Condition 10.5 requires the developer to comply with industry standards for water quality. The condition is applied to all developments.	Refused.
	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	Ensure all practical efforts are made to minimise dust generation during construction as to not cause a nuisance beyond the boundaries of 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	The condition is requested to be amended as the wording of the condition is onerous and impractical.	Condition 10.6 requires the developer to ensure dust is adequately managed during construction. The condition is standard condition imposed on all development within the region.	Refused.

PART E – MATERIAL CHANGE OF USE – OUTDOOR SPORT AND RECREATION (PROPOSED LOT 39)						
ITEM	**SUB ITEM**	**EXISTING CONDITION**	**APPLICANT PROPOSED AMENDED CONDITION**	**APPLICANT COMMENT**	**COUNCIL COMMENT**	**COUNCIL RECOMMENDATION**
		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.	corrective actions have been implemented to reduce dust emissions to acceptable levels or wind conditions are such that acceptable levels are achieved.			
14.0 Miscellaneous	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.	To be deleted	The condition is not clear or certain and is ambiguous. IT is also considered to not be reasonable nor relevant and should be deleted.	Condition 14.2 is a standard condition. The condition requires that any works required to existing infrastructure to accommodate development under the development permit is undertaken at full cost to the developer.	Refused.

PART F – MATERIAL CHANGE OF USE – HOTEL (PROPOSED LOT 38)						
ITEM	**SUB ITEM**	**EXISTING CONDITION**	**APPLICANT PROPOSED AMENDED CONDITION**	**APPLICANT COMMENT**	**COUNCIL COMMENT**	**COUNCIL RECOMMENDATION**
1.0 Administration	1.2	The applicant is to comply with the Queensland Treasury conditions as outlined in the Department's correspondence dated 9 July 2020.	The applicant is to comply with the Queensland Treasury conditions as outlined in the Department's Referral Agency Response	The condition is requested to be amended to remove reference to the date of the correspondence. This is to avoid the circumstance of triggering an unnecessary change application to Council to update the referenced correspondence date should a revised Referral Agency response be issued.	Condition 1.2 is a standard condition applied to all development approvals with the referral agency response included with Attachment 1 – Part 2 of the Decision Notice. However, in the interests of the assisting the developer Council considers the requested change minor and inconsequential.	Approved.
2.0 Clearing, Landscaping and Fencing	2.3	The applicant shall submit, with the first Operational Works Application, a detailed Landscaping Plan that complies with Planning Scheme Policy SC6.4.2.4.	The applicant shall submit, with the first Operational Works Application (with the exception of Vegetation Clearing), a detailed Landscaping Plan that complies with Planning Scheme Policy SC6.4.2.4.	It is requested to amend the condition to be clear that this condition excludes vegetation clearing.	Condition 2.3 has been imposed to require detailed landscaping plans to be provided. This receipt of these plans is not required prior to vegetation removal.	Approved.
6.0 Water Infrastructure	6.2	A Development Permit for Operational Works (Water Infrastructure) must be obtained prior to commencement of work on site.	A Development Permit for Operational Works (Water Infrastructure) must be obtained prior to commencement of work for water infrastructure occurs on site.	The condition is sought to be amended to the words 'for water infrastructure' for clarity purposes.	Council considers the requested change minor and inconsequential.	Approved.
7.0 Sewerage Infrastructure	7.2	A Development Permit for Operational Works (Sewer Infrastructure) must be obtained prior to commencement of work on site.	A Development Permit for Operational Works (Water Infrastructure) must be obtained prior to commencement of work for sewer infrastructure occurs on site.	The condition is sought to be amended to the words 'for sewer infrastructure' for clarity purposes.	Council considers the requested change minor and inconsequential.	Approved.
8.0 Access and Parking	8.1	A Development Permit for Operational Works (Access and Parking) must be obtained prior to commencement of work on site.	A Development Permit for Operational Works (Access and Parking) must be obtained prior to commencement of work for access and parking on site.	The condition is sought to be amended to include the words 'for access and parking' for clarity purposes.	Council considers the requested change minor and inconsequential.	Approved.
	8.2	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.	Any application for Operational Works (Access and Parking) must be accompanied by detailed engineering drawings demonstrating compliance with the Whitsunday Regional Council Development Manual (v1.3 dated 21/07/17), Australian Standard AS2890, AS1428 and this Decision Notice.	As detailed in the Representations report, the roads were designed to accord with the Development Manual in effect at the time the application was lodged. As such, we seek this condition to be amended to reflect the superseded version of the development manual for consistency across the development for road design.	Condition 8.2 applies to the provision of accesses, driveways, circulation roads, aisles, parking bays and maneuvering areas of works internal to a site. The condition does not apply to roadworks (i.e. the width of roadways). Assessment of the request regarding roadworks is within the preliminary approval.	Refused.
	8.3	The external access from the pavement of Proposed Road 1 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.	The external access from the pavement of Proposed Road 1 to the property boundary must be constructed to comply with the dimensions, gradients and specifications as indicated on Council's Standard Drawings in accordance with Whitsunday Regional Council Development Manual (v1.3 dated 21/07/17) prior to commencement of the use.	As detailed in the Representations report, the roads were designed to accord with the Development Manual in effect at the time the application was lodged. As such, we seek this condition to be amended to reflect the superseded version of the development manual for consistency across the development for road design.	Condition 8.3 applies to the provision of accesses, driveways, circulation roads, aisles, parking bays and maneuvering areas of works internal to a site. The condition does not apply to roadworks (i.e. the width of roadways). Assessment of the request	Refused.

PART F – MATERIAL CHANGE OF USE – HOTEL (PROPOSED LOT 38)						
ITEM	**SUB ITEM**	**EXISTING CONDITION**	**APPLICANT PROPOSED AMENDED CONDITION**	**APPLICANT COMMENT**	**COUNCIL COMMENT**	**COUNCIL RECOMMENDATION**
					regarding roadworks is within the preliminary approval.	
	8.4	All internal accesses, driveways, circulation roads, aisles, parking bays and maneuvering areas are to be provided generally as indicated on Commercial Precinct Car Park Dimensions Drawing No J5529-SK053 Rev A and must be designed and constructed so as to comply with the requirements of the Whitsunday Regional Council Development Manual, AS2890 and AS1428.	All internal accesses, driveways, circulation roads, aisles, parking bays and maneuvering areas are to be provided generally as indicated on Commercial Precinct Car Park Dimensions Drawing No J5529-SK053 Rev A and must be designed and constructed so as to comply with the requirements of the Whitsunday Regional Council Development Manual (v1.3 dated 21/07/17), AS2890 and AS1428.	As detailed in the Representations report, the roads were designed to accord with the Development Manual in effect at the time the application was lodged. As such, we seek this condition to be amended to reflect the superseded version of the development manual for consistency across the development for road design	Condition 8.4 applies to the provision of accesses, driveways, circulation roads, aisles, parking bays and maneuvering areas of works internal to a site. The condition does not apply to roadworks (i.e. the width of roadways). Assessment of the request regarding roadworks is within the preliminary approval.	Refused.
	8.8	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.	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 (v1.3 dated 21/07/17), AS2890 and AS1428.	As detailed in the Representations report, the roads were designed to accord with the Development Manual in effect at the time the application was lodged. As such, we seek this condition to be amended to reflect the superseded version of the development manual for consistency across the development for road design	Condition 8.8 applies to the provision of accesses, driveways, circulation roads, aisles, parking bays and maneuvering areas of works internal to a site. The condition does not apply to roadworks (i.e. the width of roadways). Assessment of the request regarding roadworks is within the preliminary approval.	Refused.
9.0 Stormwater and Flooding	9.1	A Development Permit for Operational Works (Stormwater Drainage) must be obtained prior to commencement of work on site.	A Development Permit for Operational Works (Stormwater Drainage) must be obtained prior to commencement of work for stormwater drainage on site.	The condition is sought to be amended to include the words 'for stormwater drainage' for clarity purposes.	Council considers the requested change minor and inconsequential.	Approved.
	9.10	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.	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.	The condition is proposed to be amended to remove comment regarding uncontrolled discharge within the site as this could be interpreted as sheet flow off lots into the road reserve	Condition 10.10 requires the developer to comply with relevant standards. The interpretation of the condition is per QUDM.	Refused.
	9.11	All site works must be undertaken to ensure that there is no increase in flood levels and/or flood frequency at all locations either upstream of downstream where existing landowners and/or users are adversely	All site works must be undertaken to ensure that there are no adverse impacts on the local and regional hydraulic conditions as per the Hydraulic Impact Assessment prepared by Burchills (ver no. 00, dated 21/09/2018)	The condition his sought to be amended to reflect the Hydraulic Impact Assessment report that was prepared for the development.	Condition 9.11 is required to ensure non worsening of flooding as a result of the development. The condition is applied to all development. The findings of Hydraulic Impact Assessment does not satisfy Council that a clear enforceable condition is	Refused.

PART F – MATERIAL CHANGE OF USE – HOTEL (PROPOSED LOT 38)						
ITEM	**SUB ITEM**	**EXISTING CONDITION**	**APPLICANT PROPOSED AMENDED CONDITION**	**APPLICANT COMMENT**	**COUNCIL COMMENT**	**COUNCIL RECOMMENDATION**
		affected by waterway flooding for all events up to and including Q100.			imposed on a matter which is known to occur during land development.	
	9.12	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.	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'.	The stormwater Management Plan has been designed generally in accordance with WRC standard and specifications including relevant documentation with MUSIC demonstrating that the quality of stormwater runoff does not decrease due to the proposed development in comparison to the pre development. As the stormwater strategy has demonstrated no decrease in quality of stormwater runoff due to the development, the strategy has also demonstrated that runoff from the development will not cause measurable levels of pollutants to the receiving waterways and accordingly this requirement has been met and reference to ANZECC should be removed.	Condition 9.12 requires the developer to comply with industry standards for water quality. The condition is applied to all developments.	Refused.
10.0 Environmental Management Plan (EMP)	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.	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'.	The stormwater Management Plan has been designed generally in accordance with WRC standard and specifications including relevant documentation with MUSIC demonstrating that the quality of stormwater runoff does not decrease due to the proposed development in comparison to the pre development. As the stormwater strategy has demonstrated no decrease in quality of stormwater runoff due to the development, the strategy has also demonstrated that runoff from the development will not cause measurable levels of pollutants to the receiving waterways and accordingly this requirement has been met and reference to ANZECC should be removed.	Condition 11.5 requires the developer to comply with industry standards for water quality. The condition is applied to all developments.	Refused.
	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	Ensure all practical efforts are made to minimise dust generation during construction as to not cause a nuisance beyond the boundaries of 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	The condition is requested to be amended as the wording of the condition is onerous and impractical.	Condition 10.6 requires the developer to ensure dust is adequately managed during construction. The condition is standard condition imposed on all development within the region.	Refused.

PART F – MATERIAL CHANGE OF USE – HOTEL (PROPOSED LOT 38)						
ITEM	**SUB ITEM**	**EXISTING CONDITION**	**APPLICANT PROPOSED AMENDED CONDITION**	**APPLICANT COMMENT**	**COUNCIL COMMENT**	**COUNCIL RECOMMENDATION**
		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.	have been implemented to reduce dust emissions to acceptable levels or wind conditions are such that acceptable levels are achieved.			
14.0 Miscellaneous	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.	To be deleted	The condition is not clear or certain and is ambiguous. IT is also considered to not be reasonable nor relevant and should be deleted.	Condition 14.2 is a standard condition. The condition requires that any works required to existing infrastructure to accommodate development under the development permit is undertaken at full cost to the developer.	Refused.

Note -

In addition to the above amendments, it is also requested that Council includes a condition to the reflect the approved operational hours as proposed within the development application being 10am – 12am / 7 days.

PART G – MATERIAL CHANGE OF USE – SHOPPING CENTRE (SHOP x2, SUPERMARKET AND FOOD AND DRINK OUTLET) (PROPOSED LOT 3)						
ITEM	**SUB ITEM**	**EXISTING CONDITION**	**APPLICANT PROPOSED AMENDED CONDITION**	**APPLICANT COMMENT**	**COUNCIL COMMNET**	**COUNCIL RECOMMENDATION**
1.0 Administration	1.2	The applicant is to comply with the Queensland Treasury conditions as outlined in the Department's correspondence dated 9 July 2020.	The applicant is to comply with the Queensland Treasury conditions as outlined in the Department's Referral Agency Response	The condition is requested to be amended to remove reference to the date of the correspondence. This is to avoid the circumstance of triggering an unnecessary change application to Council to update the referenced correspondence date should a revised Referral Agency response be issued.	Condition 1.2 is a standard condition applied to all development approvals with the referral agency response included with Attachment 1 – Part 2 of the Decision Notice. However, in the interests of the assisting the developer Council considers the requested change minor and inconsequential.	Approved.
2.0 Clearing, Landscaping and Fencing	2.3	The applicant shall submit, with the Operational Works Application, a detailed Landscaping Plan that complies with Planning Scheme Policy SC6.4.2.4.	The applicant shall submit, with the first Operational Works Application (with the exception of Vegetation Clearing), a detailed Landscaping Plan that complies with Planning Scheme Policy SC6.4.2.4.	It is requested to amend the condition to state 'first' operational works application and to be clear that this condition excludes vegetation clearing.	Condition 2.3 has been imposed to require detailed landscaping plans to be provided. This receipt of these plans is not required prior to vegetation removal.	Approved.
6.0 Water Infrastructure	6.2	A Development Permit for Operational Works (Water Infrastructure) must be obtained prior to commencement of work on site.	A Development Permit for Operational Works (Water Infrastructure) must be obtained prior to commencement of work for water infrastructure occurs on site.	The condition is sought to be amended to the words 'for water infrastructure' for clarity purposes.	Council considers the requested change minor and inconsequential.	Approved.
7.0 Sewerage Infrastructure	7.3	A Development Permit for Operational Works (Sewer Infrastructure) must be obtained prior to commencement of work on site.	A Development Permit for Operational Works (Water Infrastructure) must be obtained prior to commencement of work for sewer infrastructure occurs on site.	The condition is sought to be amended to the words 'for sewer infrastructure' for clarity purposes.	Council considers the requested change minor and inconsequential.	Approved.
8.0 Access and Parking	8.1	A Development Permit for Operational Works (Access and Parking) must be obtained prior to commencement of work on site.	A Development Permit for Operational Works (Access and Parking) must be obtained prior to commencement of work for access and parking on site.	The condition is sought to be amended to include the words 'for access and parking' for clarity purposes.	Council considers the requested change minor and inconsequential.	Approved.
	8.2	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.	Any application for Operational Works (Access and Parking) must be accompanied by detailed engineering drawings demonstrating compliance with the Whitsunday Regional Council Development Manual (v1.3 dated 21/07/17), Australian Standard AS2890, AS1428 and this Decision Notice.	As detailed in the Representations report, the roads were designed to accord with the Development Manual in effect at the time the application was lodged. As such, we seek this condition to be amended to reflect the superseded version of the development manual for consistency across the development for road design.	Condition 8.2 applies to the provision of accesses, driveways, circulation roads, aisles, parking bays and maneuvering areas of works internal to a site. The condition does not apply to roadworks (i.e. the width of roadways). Assessment of the request regarding roadworks is within the preliminary approval.	Refused.
	8.3	The external access from the pavement of Proposed Road 1 to the property boundary must be constructed to comply with the dimensions, gradients and specifications as indicated on Council's	The external access from the pavement of Proposed Road 1 to the property boundary must be constructed to comply with the dimensions, gradients and specifications as indicated on Council's Standard Drawings in accordance with Whitsunday Regional	As detailed in the Representations report, the roads were designed to accord with the Development Manual in effect at the time the application was lodged.	Condition 8.3 applies to the provision of accesses, driveways, circulation roads, aisles, parking bays and maneuvering areas of works internal to a site. The condition does not apply to roadworks (i.e. the width of roadways). Assessment	Refused.

PART G – MATERIAL CHANGE OF USE – SHOPPING CENTRE (SHOP x2, SUPERMARKET AND FOOD AND DRINK OUTLET) (PROPOSED LOT 3)						
ITEM	**SUB ITEM**	**EXISTING CONDITION**	**APPLICANT PROPOSED AMENDED CONDITION**	**APPLICANT COMMENT**	**COUNCIL COMMNET**	**COUNCIL RECOMMENDATION**
		Standard Drawings prior to commencement of the use.	Council Development Manual (v1.3 dated 21/07/17) prior to commencement of the use.	As such, we seek this condition to be amended to reflect the superseded version of the development manual for consistency across the development for road design.	of the request regarding roadworks is within the preliminary approval.	
	8.4	All internal accesses, driveways, circulation roads, aisles, parking bays and maneuvering areas are to be provided generally as indicated on Commercial Precinct Car Park Dimensions Drawing No J5529-SK053 Rev A and must be designed and constructed so as to comply with the requirements of the Whitsunday Regional Council Development Manual, AS2890 and AS1428.	All internal accesses, driveways, circulation roads, aisles, parking bays and maneuvering areas are to be provided generally as indicated on Commercial Precinct Car Park Dimensions Drawing No J5529-SK053 Rev A and must be designed and constructed so as to comply with the requirements of the Whitsunday Regional Council Development Manual (v1.3 dated 21/07/17), AS2890 and AS1428.	As detailed in the Representations report, the roads were designed to accord with the Development Manual in effect at the time the application was lodged. As such, we seek this condition to be amended to reflect the superseded version of the development manual for consistency across the development for road design	Condition 8.4 applies to the provision of accesses, driveways, circulation roads, aisles, parking bays and maneuvering areas of works internal to a site. The condition does not apply to roadworks (i.e. the width of roadways). Assessment of the request regarding roadworks is within the preliminary approval.	Refused.
	8.8	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.	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 (v1.3 dated 21/07/17), AS2890 and AS1428.	As detailed in the Representations report, the roads were designed to accord with the Development Manual in effect at the time the application was lodged. As such, we seek this condition to be amended to reflect the superseded version of the development manual for consistency across the development for road design	Condition 8.8 applies to the provision of accesses, driveways, circulation roads, aisles, parking bays and maneuvering areas of works internal to a site. The condition does not apply to roadworks (i.e. the width of roadways). Assessment of the request regarding roadworks is within the preliminary approval.	Refused.
9.0 Stormwater and Flooding	9.1	A Development Permit for Operational Works (Stormwater Drainage) must be obtained prior to commencement of work on site.	A Development Permit for Operational Works (Stormwater Drainage) must be obtained prior to commencement of work for stormwater drainage on site.	The condition is sought to be amended to include the words 'for stormwater drainage' for clarity purposes.	Council considers the requested change minor and inconsequential.	Approved.
	9.10	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.	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.	The condition is proposed to be amended to remove comment regarding uncontrolled discharge within the site as this could be interpreted as sheet flow off lots into the road reserve	Condition 10.10 requires the developer to comply with relevant standards. The interpretation of the condition is per QUDM.	Refused.
	9.11	All site works must be undertaken to ensure that there is no increase in flood levels and/or flood frequency at all locations either upstream of downstream where existing landowners and/or users are adversely affected by waterway	All site works must be undertaken to ensure that there are no adverse impacts on the local and regional hydraulic conditions as per the Hydraulic Impact Assessment prepared by Burchills (ver no. 00, dated 21/09/2018)	The condition his sought to be amended to reflect the Hydraulic Impact Assessment report that was prepared for the development.	Condition 10.11 is required to ensure non worsening of flooding as a result of the development. The condition is applied to all development. The findings of Hydraulic Impact Assessment does not satisfy Council that a clear enforceable	Refused.

PART G – MATERIAL CHANGE OF USE – SHOPPING CENTRE (SHOP x2, SUPERMARKET AND FOOD AND DRINK OUTLET) (PROPOSED LOT 3)						
ITEM	**SUB ITEM**	**EXISTING CONDITION**	**APPLICANT PROPOSED AMENDED CONDITION**	**APPLICANT COMMENT**	**COUNCIL COMMNET**	**COUNCIL RECOMMENDATION**
		flooding for all events up to and including Q100.			condition is imposed on a matter which is known to occur during land development.	
	9.12	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.	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'.	The stormwater Management Plan has been designed generally in accordance with WRC standard and specifications including relevant documentation with MUSIC demonstrating that the quality of stormwater runoff does not decrease due to the proposed development in comparison to the pre development. As the stormwater strategy has demonstrated no decrease in quality of stormwater runoff due to the development, the strategy has also demonstrated that runoff from the development will not cause measurable levels of pollutants to the receiving waterways and accordingly this requirement has been met and reference to ANZECC should be removed.	Condition 10.12 requires the developer to comply with industry standards for water quality. The condition is applied to all developments.	Refused.
10.0 Environmental Management Plan (EMP)	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.	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'.	The stormwater Management Plan has been designed generally in accordance with WRC standard and specifications including relevant documentation with MUSIC demonstrating that the quality of stormwater runoff does not decrease due to the proposed development in comparison to the pre development. As the stormwater strategy has demonstrated no decrease in quality of stormwater runoff due to the development, the strategy has also demonstrated that runoff from the development will not cause measurable levels of pollutants to the receiving waterways and accordingly this requirement has been met and reference to ANZECC should be removed.	Condition 11.5 requires the developer to comply with industry standards for water quality. The condition is applied to all developments.	Refused.

PART G – MATERIAL CHANGE OF USE – SHOPPING CENTRE (SHOP x2, SUPERMARKET AND FOOD AND DRINK OUTLET) (PROPOSED LOT 3)						
ITEM	**SUB ITEM**	**EXISTING CONDITION**	**APPLICANT PROPOSED AMENDED CONDITION**	**APPLICANT COMMENT**	**COUNCIL COMMNET**	**COUNCIL RECOMMENDATION**
	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.	Ensure all practical efforts are made to minimise dust generation during construction as to not cause a nuisance beyond the boundaries of 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.	The condition is requested to be amended as the wording of the condition is onerous and impractical.	Condition 10.6 requires the developer to ensure dust is adequately managed during construction. The condition is standard condition imposed on all development within the region.	Refused.
14.0 Miscellaneous	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.	To be deleted	The condition is not clear or certain and is ambiguous. IT is also considered to not be reasonable nor relevant and should be deleted.	Condition 14.2 is a standard condition. The condition requires that any works required to existing infrastructure to accommodate development under the development permit is undertaken at full cost to the developer.	Refused.

Note -

In addition to the above amendments, it is also requested that Council includes a condition to the reflect the approved operational hours as proposed within the development application being 6am – 10pm / 7 days.

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PART H – MATERIAL CHANGE OF USE – CHILD CARE CENTRE (PROPOSED LOT 4)						
ITEM	**SUB ITEM**	**EXISTING CONDITION**	**APPLICANT PROPOSED AMENDED CONDITION**	**APPLICANT COMMENT**	**COUNCIL COMMENT**	**COUNCIL RECOMMENDATION**
1.0 Administration	1.2	The applicant is to comply with the Queensland Treasury conditions as outlined in the Department's correspondence dated 9 July 2020.	The applicant is to comply with the Queensland Treasury conditions as outlined in the Department's Referral Agency Response	The condition is requested to be amended to remove reference to the date of the correspondence. This is to avoid the circumstance of triggering an unnecessary change application to Council to update the referenced correspondence date should a revised Referral Agency response be issued.	Condition 1.2 is a standard condition applied to all development approvals with the referral agency response included with Attachment 1 – Part 2 of the Decision Notice. However, in the interests of the assisting the developer Council considers the requested change minor and inconsequential.	Approved.
2.0 Clearing, Landscaping and Fencing	2.3	The applicant shall submit, with the Operational Works Application, a detailed Landscaping Plan that complies with Planning Scheme Policy SC6.4.2.4.	The applicant shall submit, with the first Operational Works Application (with the exception of Vegetation Clearing), a detailed Landscaping Plan that complies with Planning Scheme Policy SC6.4.2.4.	It is requested to amend the condition to state 'first' operational works application and to be clear that this condition excludes vegetation clearing.	Condition 2.3 has been imposed to require detailed landscaping plans to be provided. This receipt of these plans is not required prior to vegetation removal.	Approved.
6.0 Water Infrastructure	6.2	A Development Permit for Operational Works (Water Infrastructure) must be obtained prior to commencement of work on site.	A Development Permit for Operational Works (Water Infrastructure) must be obtained prior to commencement of work for water infrastructure occurs on site.	The condition is sought to be amended to the words 'for water infrastructure' for clarity purposes.	Council considers the requested change minor and inconsequential.	Approved.
7.0 Sewerage Infrastructure	7.3	A Development Permit for Operational Works (Sewer Infrastructure) must be obtained prior to commencement of work on site.	A Development Permit for Operational Works (Water Infrastructure) must be obtained prior to commencement of work for sewer infrastructure occurs on site.	The condition is sought to be amended to the words 'for sewer infrastructure' for clarity purposes.	Council considers the requested change minor and inconsequential.	Approved.
8.0 Access and Parking	8.1	A Development Permit for Operational Works (Access and Parking) must be obtained prior to commencement of work on site.	A Development Permit for Operational Works (Access and Parking) must be obtained prior to commencement of work for access and parking on site.	The condition is sought to be amended to include the words 'for access and parking' for clarity purposes.	Council considers the requested change minor and inconsequential.	Approved.
	8.2	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.	Any application for Operational Works (Access and Parking) must be accompanied by detailed engineering drawings demonstrating compliance with the Whitsunday Regional Council Development Manual (v1.3 dated 21/07/17), Australian Standard AS2890, AS1428 and this Decision Notice.	As detailed in the Representations report, the roads were designed to accord with the Development Manual in effect at the time the application was lodged. As such, we seek this condition to be amended to reflect the superseded version of the development manual for consistency across the development for road design.	Condition 8.2 applies to the provision of accesses, driveways, circulation roads, aisles, parking bays and maneuvering areas of works internal to a site. The condition does not apply to roadworks (i.e. the width of roadways). Assessment of the request regarding roadworks is within the preliminary approval.	Refused.
	8.3	The external access from the pavement of Proposed Road 1 to	The external access from the pavement of Proposed Road 1 to the property boundary	As detailed in the Representations report, the roads were designed to accord with	Condition 8.3 applies to the provision of accesses, driveways,	Refused.

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PART H – MATERIAL CHANGE OF USE – CHILD CARE CENTRE (PROPOSED LOT 4)						
ITEM	**SUB ITEM**	**EXISTING CONDITION**	**APPLICANT PROPOSED AMENDED CONDITION**	**APPLICANT COMMENT**	**COUNCIL COMMENT**	**COUNCIL RECOMMENDATION**
		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.	must be constructed to comply with the dimensions, gradients and specifications as indicated on Council's Standard Drawings in accordance with Whitsunday Regional Council Development Manual (v1.3 dated 21/07/17) prior to commencement of the use.	the Development Manual in effect at the time the application was lodged. As such, we seek this condition to be amended to reflect the superseded version of the development manual for consistency across the development for road design.	circulation roads, aisles, parking bays and maneuvering areas of works internal to a site. The condition does not apply to roadworks (i.e. the width of roadways). Assessment of the request regarding roadworks is within the preliminary approval.	
	8.4	All internal accesses, driveways, circulation roads, aisles, parking bays and maneuvering areas are to be provided generally as indicated on Commercial Precinct Car Park Dimensions Drawing No J5529-SK053 Rev A and must be designed and constructed so as to comply with the requirements of the Whitsunday Regional Council Development Manual, AS2890 and AS1428.	All internal accesses, driveways, circulation roads, aisles, parking bays and maneuvering areas are to be provided generally as indicated on Commercial Precinct Car Park Dimensions Drawing No J5529-SK053 Rev A and must be designed and constructed so as to comply with the requirements of the Whitsunday Regional Council Development Manual (v1.3 dated 21/07/17), AS2890 and AS1428.	As detailed in the Representations report, the roads were designed to accord with the Development Manual in effect at the time the application was lodged. As such, we seek this condition to be amended to reflect the superseded version of the development manual for consistency across the development for road design	Condition 8.4 applies to the provision of accesses, driveways, circulation roads, aisles, parking bays and maneuvering areas of works internal to a site. The condition does not apply to roadworks (i.e. the width of roadways). Assessment of the request regarding roadworks is within the preliminary approval.	Refused.
	8.8	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.	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 (v1.3 dated 21/07/17), AS2890 and AS1428.	As detailed in the Representations report, the roads were designed to accord with the Development Manual in effect at the time the application was lodged. As such, we seek this condition to be amended to reflect the superseded version of the development manual for consistency across the development for road design	Condition 8.8 applies to the provision of accesses, driveways, circulation roads, aisles, parking bays and maneuvering areas of works internal to a site. The condition does not apply to roadworks (i.e. the width of roadways). Assessment of the request regarding roadworks is within the preliminary approval.	Refused.
9.0 Stormwater and Flooding	9.1	A Development Permit for Operational Works (Stormwater Drainage) must be obtained prior to commencement of work on site.	A Development Permit for Operational Works (Stormwater Drainage) must be obtained prior to commencement of work for stormwater drainage on site.	The condition is sought to be amended to include the words 'for stormwater drainage' for clarity purposes.	Council considers the requested change minor and inconsequential.	Approved.
	9.10	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	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.	The condition is proposed to be amended to remove comment regarding uncontrolled discharge within the site as this could be interpreted as sheet flow off lots into the road reserve	Condition 10.10 requires the developer to comply with relevant standards. The interpretation of the condition is per QUDM.	Refused.

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PART H – MATERIAL CHANGE OF USE – CHILD CARE CENTRE (PROPOSED LOT 4)						
ITEM	**SUB ITEM**	**EXISTING CONDITION**	**APPLICANT PROPOSED AMENDED CONDITION**	**APPLICANT COMMENT**	**COUNCIL COMMENT**	**COUNCIL RECOMMENDATION**
		uncontrolled discharge will be permitted within the developed site.				
	9.11	All site works must be undertaken to ensure that there is no increase in flood levels and/or flood frequency at all locations either upstream of downstream where existing landowners and/or users are adversely affected by waterway flooding for all events up to and including Q100.	All site works must be undertaken to ensure that there are no adverse impacts on the local and regional hydraulic conditions as per the Hydraulic Impact Assessment prepared by Burchills (ver no. 00, dated 21/09/2018)	The condition his sought to be amended to reflect the Hydraulic Impact Assessment report that was prepared for the development.	Condition 9.11 is required to ensure non worsening of flooding as a result of the development. The condition is applied to all development. The findings of Hydraulic Impact Assessment does not satisfy Council that a clear enforceable condition is imposed on a matter which is known to occur during land development.	Refused.
	9.12	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.	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'.	The stormwater Management Plan has been designed generally in accordance with WRC standard and specifications including relevant documentation with MUSIC demonstrating that the quality of stormwater runoff does not decrease due to the proposed development in comparison to the pre development. As the stormwater strategy has demonstrated no decrease in quality of stormwater runoff due to the development, the strategy has also demonstrated that runoff from the development will not cause measurable levels of pollutants to the receiving waterways and accordingly this requirement has been met and reference to ANZECC should be removed.	Condition 9.12 requires the developer to comply with industry standards for water quality. The condition is applied to all developments.	Refused.
10.0 Environmental Management Plan (EMP)	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.	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'.	The stormwater Management Plan has been designed generally in accordance with WRC standard and specifications including relevant documentation with MUSIC demonstrating that the quality of stormwater runoff does not decrease due to the proposed development in comparison to the pre development. As the stormwater strategy has demonstrated no decrease in quality of stormwater runoff due to the development, the strategy has also	Condition 10.5 requires the developer to comply with industry standards for water quality. The condition is applied to all developments.	Refused.

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PART H – MATERIAL CHANGE OF USE – CHILD CARE CENTRE (PROPOSED LOT 4)						
ITEM	**SUB ITEM**	**EXISTING CONDITION**	**APPLICANT PROPOSED AMENDED CONDITION**	**APPLICANT COMMENT**	**COUNCIL COMMENT**	**COUNCIL RECOMMENDATION**
				demonstrated that runoff from the development will not cause measurable levels of pollutants to the receiving waterways and accordingly this requirement has been met and reference to ANZECC should be removed.		
	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.	Ensure all practical efforts are made to minimise dust generation during construction as to not cause a nuisance beyond the boundaries of 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.	The condition is requested to be amended as the wording of the condition is onerous and impractical.	Condition 10.6 requires the developer to ensure dust is adequately managed during construction. The condition is standard condition imposed on all development within the region.	Refused.
14.0 Miscellaneous	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.	To be deleted	The condition is not clear or certain and is ambiguous. IT is also considered to not be reasonable nor relevant and should be deleted.	Condition 14.2 is a standard condition. The condition requires that any works required to existing infrastructure to accommodate development under the development permit is undertaken at full cost to the developer.	Refused.

Note -

In addition to the above amendments, it is also requested that Council includes a condition to the reflect the approved operational hours as proposed within the development application being 6am – 10pm / 7 days.

PART I – MATERIAL CHANGE OF USE - HEALTH CARE SERVICES (PROPOSED LOT 5)						
ITEM	**SUB ITEM**	**EXISTING CONDITION**	**APPLICANT PROPOSED AMENDED CONDITION**	**APPLICANT COMMENT**	**COUNCIL COMMENT**	**COUNCIL RECOMMENDATION**
1.0 Administration	1.2	The applicant is to comply with the Queensland Treasury conditions as outlined in the Department's correspondence dated 9 July 2020.	The applicant is to comply with the Queensland Treasury conditions as outlined in the Department's Referral Agency Response	The condition is requested to be amended to remove reference to the date of the correspondence. This is to avoid the circumstance of triggering an unnecessary change application to Council to update the referenced correspondence date should a revised Referral Agency response be issued.	Condition 1.2 is a standard condition applied to all development approvals with the referral agency response included with Attachment 1 – Part 2 of the Decision Notice. However, in the interests of the assisting the developer Council considers the requested change minor and inconsequential.	Approved.
2.0 Clearing, Landscaping and Fencing	2.3	The applicant shall submit, with the Operational Works Application, a detailed Landscaping Plan that complies with Planning Scheme Policy SC6.4.2.4.	The applicant shall submit, with the first Operational Works Application (with the exception of Vegetation Clearing), a detailed Landscaping Plan that complies with Planning Scheme Policy SC6.4.2.4.	It is requested to amend the condition to state 'first' operational works application and to be clear that this condition excludes vegetation clearing.	Condition 2.3 has been imposed to require detailed landscaping plans to be provided. This receipt of these plans is not required prior to vegetation removal.	Approved.
6.0 Water Infrastructure	6.2	A Development Permit for Operational Works (Water Infrastructure) must be obtained prior to commencement of work on site.	A Development Permit for Operational Works (Water Infrastructure) must be obtained prior to commencement of work for water infrastructure occurs on site.	The condition is sought to be amended to the words 'for water infrastructure' for clarity purposes.	Council considers the requested change minor and inconsequential.	Approved.
7.0 Sewerage Infrastructure	7.3	A Development Permit for Operational Works (Sewer Infrastructure) must be obtained prior to commencement of work on site.	A Development Permit for Operational Works (Water Infrastructure) must be obtained prior to commencement of work for sewer infrastructure occurs on site.	The condition is sought to be amended to the words 'for sewer infrastructure' for clarity purposes.	Council considers the requested change minor and inconsequential.	Approved.
8.0 Access and Parking	8.1	A Development Permit for Operational Works (Access and Parking) must be obtained prior to commencement of work on site.	A Development Permit for Operational Works (Access and Parking) must be obtained prior to commencement of work for access and parking on site.	The condition is sought to be amended to include the words 'for access and parking' for clarity purposes.	Council considers the requested change minor and inconsequential.	Approved.
	8.2	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.	Any application for Operational Works (Access and Parking) must be accompanied by detailed engineering drawings demonstrating compliance with the Whitsunday Regional Council Development Manual (v1.3 dated 21/07/17), Australian Standard AS2890, AS1428 and this Decision Notice.	As detailed in the Representations report, the roads were designed to accord with the Development Manual in effect at the time the application was lodged. As such, we seek this condition to be amended to reflect the superseded version of the development manual for consistency across the development for road design.	Condition 8.2 applies to the provision of accesses, driveways, circulation roads, aisles, parking bays and maneuvering areas of works internal to a site. The condition does not apply to roadworks (i.e. the width of roadways). Assessment of the request regarding roadworks is within the preliminary approval.	Refused.
	8.3	The external access from the pavement of Proposed Road 1 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.	The external access from the pavement of Proposed Road 1 to the property boundary must be constructed to comply with the dimensions, gradients and specifications as indicated on Council's Standard Drawings in accordance with Whitsunday Regional Council Development Manual (v1.3 dated 21/07/17) prior to commencement of the use.	As detailed in the Representations report, the roads were designed to accord with the Development Manual in effect at the time the application was lodged. As such, we seek this condition to be amended to reflect the superseded version of the development manual for consistency across the development for road design.	Condition 8.3 applies to the provision of accesses, driveways, circulation roads, aisles, parking bays and maneuvering areas of works internal to a site. The condition does not apply to roadworks (i.e. the width of roadways). Assessment of the request regarding roadworks is within the preliminary approval.	Refused.

PART I – MATERIAL CHANGE OF USE - HEALTH CARE SERVICES (PROPOSED LOT 5)						
ITEM	**SUB ITEM**	**EXISTING CONDITION**	**APPLICANT PROPOSED AMENDED CONDITION**	**APPLICANT COMMENT**	**COUNCIL COMMENT**	**COUNCIL RECOMMENDATION**
	8.4	All internal accesses, driveways, circulation roads, aisles, parking bays and maneuvering areas are to be provided generally as indicated on Commercial Precinct Car Park Dimensions Drawing No J5529-SK053 Rev A and must be designed and constructed so as to comply with the requirements of the Whitsunday Regional Council Development Manual, AS2890 and AS1428.	All internal accesses, driveways, circulation roads, aisles, parking bays and maneuvering areas are to be provided generally as indicated on Commercial Precinct Car Park Dimensions Drawing No J5529-SK053 Rev A and must be designed and constructed so as to comply with the requirements of the Whitsunday Regional Council Development Manual (v1.3 dated 21/07/17), AS2890 and AS1428.	As detailed in the Representations report, the roads were designed to accord with the Development Manual in effect at the time the application was lodged. As such, we seek this condition to be amended to reflect the superseded version of the development manual for consistency across the development for road design	Condition 8.4 applies to the provision of accesses, driveways, circulation roads, aisles, parking bays and maneuvering areas of works internal to a site. The condition does not apply to roadworks (i.e. the width of roadways). Assessment of the request regarding roadworks is within the preliminary approval.	Refused.
	8.8	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.	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 (v1.3 dated 21/07/17), AS2890 and AS1428.	As detailed in the Representations report, the roads were designed to accord with the Development Manual in effect at the time the application was lodged. As such, we seek this condition to be amended to reflect the superseded version of the development manual for consistency across the development for road design	Condition 8.8 applies to the provision of accesses, driveways, circulation roads, aisles, parking bays and maneuvering areas of works internal to a site. The condition does not apply to roadworks (i.e. the width of roadways). Assessment of the request regarding roadworks is within the preliminary approval.	Refused.
9.0 Stormwater and Flooding	9.1	A Development Permit for Operational Works (Stormwater Drainage) must be obtained prior to commencement of work on site.	A Development Permit for Operational Works (Stormwater Drainage) must be obtained prior to commencement of work for stormwater drainage on site.	The condition is sought to be amended to include the words 'for stormwater drainage' for clarity purposes.	Council considers the requested change minor and inconsequential.	Approved.
	9.10	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.	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.	The condition is proposed to be amended to remove comment regarding uncontrolled discharge within the site as this could be interpreted as sheet flow off lots into the road reserve	Condition 9.10 requires the developer to comply with relevant standards. The interpretation of the condition is per QUDM.	Refused.
	9.11	All site works must be undertaken to ensure that there is no increase in flood levels and/or flood frequency at all locations either upstream of downstream where existing landowners and/or users are adversely affected by waterway flooding for all events up to and including Q100.	All site works must be undertaken to ensure that there are no adverse impacts on the local and regional hydraulic conditions as per the Hydraulic Impact Assessment prepared by Burchills (ver no. 00, dated 21/09/2018)	The condition his sought to be amended to reflect the Hydraulic Impact Assessment report that was prepared for the development.	Condition 9.11 is required to ensure non worsening of flooding as a result of the development. The condition is applied to all development. The findings of Hydraulic Impact Assessment does not satisfy Council that a clear enforceable condition is imposed on a matter which is known to occur during land development.	Refused.
	9.12	Stormwater for the development must include gross pollutant traps, or other appropriate water quality	Stormwater for the development must include gross pollutant traps, or other appropriate water quality measures, within the system	The stormwater Management Plan has been designed generally in accordance with WRC standard	Condition 9.12 requires the developer to comply with industry standards for	Refused.

PART I – MATERIAL CHANGE OF USE - HEALTH CARE SERVICES (PROPOSED LOT 5)						
ITEM	**SUB ITEM**	**EXISTING CONDITION**	**APPLICANT PROPOSED AMENDED CONDITION**	**APPLICANT COMMENT**	**COUNCIL COMMENT**	**COUNCIL RECOMMENDATION**
		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.	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'.	and specifications including relevant documentation with MUSIC demonstrating that the quality of stormwater runoff does not decrease due to the proposed development in comparison to the pre development. As the stormwater strategy has demonstrated no decrease in quality of stormwater runoff due to the development, the strategy has also demonstrated that runoff from the development will not cause measurable levels of pollutants to the receiving waterways and accordingly this requirement has been met and reference to ANZECC should be removed.	water quality. The condition is applied to all developments.	
10.0 Environmental Management Plan (EMP)	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.	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'.	The stormwater Management Plan has been designed generally in accordance with WRC standard and specifications including relevant documentation with MUSIC demonstrating that the quality of stormwater runoff does not decrease due to the proposed development in comparison to the pre development. As the stormwater strategy has demonstrated no decrease in quality of stormwater runoff due to the development, the strategy has also demonstrated that runoff from the development will not cause measurable levels of pollutants to the receiving waterways and accordingly this requirement has been met and reference to ANZECC should be removed.	Condition 10.5 requires the developer to comply with industry standards for water quality. The condition is applied to all developments.	Refused.
	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	Ensure all practical efforts are made to minimise dust generation during construction as to not cause a nuisance beyond the boundaries of 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.	The condition is requested to be amended as the wording of the condition is onerous and impractical.	Condition 10.6 requires the developer to ensure dust is adequately managed during construction. The condition is standard condition imposed on all development within the region.	Refused.

PART I – MATERIAL CHANGE OF USE - HEALTH CARE SERVICES (PROPOSED LOT 5)						
ITEM	**SUB ITEM**	**EXISTING CONDITION**	**APPLICANT PROPOSED AMENDED CONDITION**	**APPLICANT COMMENT**	**COUNCIL COMMENT**	**COUNCIL RECOMMENDATION**
		implemented to reduce dust emissions to acceptable levels or wind conditions are such that acceptable levels are achieved.				
14.0 Miscellaneous	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.	To be deleted	The condition is not clear or certain and is ambiguous. IT is also considered to not be reasonable nor relevant and should be deleted.	Condition 14.2 is a standard condition. The condition requires that any works required to existing infrastructure to accommodate development under the development permit is undertaken at full cost to the developer.	Refused.

Note -

In addition to the above amendments, it is also requested that Council includes a condition to the reflect the approved operational hours as proposed within the development application being 6am – 10pm / 7 days.

PART J – MATERIAL CHANGE OF USE – SHOP x3 AND FOOD & DRINK OUTLET (PROPOSED LOT 6)						
ITEM	**SUB ITEM**	**EXISTING CONDITION**	**APPLICANT PROPOSED AMENDED CONDITION**	**APPLICANT COMMENT**	**COUNCIL COMMENT**	**COUNCIL RECOMMENDATION**
1.0 Administration	1.2	The applicant is to comply with the Queensland Treasury conditions as outlined in the Department's correspondence dated 9 July 2020.	The applicant is to comply with the Queensland Treasury conditions as outlined in the Department's Referral Agency Response	The condition is requested to be amended to remove reference to the date of the correspondence. This is to avoid the circumstance of triggering an unnecessary change application to Council to update the referenced correspondence date should a revised Referral Agency response be issued.	Condition 1.2 is a standard condition applied to all development approvals with the referral agency response included with Attachment 1 – Part 2 of the Decision Notice. However, in the interests of the assisting the developer Council considers the requested change minor and inconsequential.	Approved.
2.0 Clearing, Landscaping and Fencing	2.3	The applicant shall submit, with the Operational Works Application, a detailed Landscaping Plan that complies with Planning Scheme Policy SC6.4.2.4.	The applicant shall submit, with the first Operational Works Application (with the exception of Vegetation Clearing), a detailed Landscaping Plan that complies with Planning Scheme Policy SC6.4.2.4.	It is requested to amend the condition to state 'first' operational works application and to be clear that this condition excludes vegetation clearing.	Condition 2.3 has been imposed to require detailed landscaping plans to be provided. This receipt of these plans is not required prior to vegetation removal.	Approved.
6.0 Water Infrastructure	6.2	A Development Permit for Operational Works (Water Infrastructure) must be obtained prior to commencement of work on site.	A Development Permit for Operational Works (Water Infrastructure) must be obtained prior to commencement of work for water infrastructure occurs on site.	The condition is sought to be amended to the words 'for water infrastructure' for clarity purposes.	Council considers the requested change minor and inconsequential.	Approved.
7.0 Sewerage Infrastructure	7.3	A Development Permit for Operational Works (Sewer Infrastructure) must be obtained prior to commencement of work on site.	A Development Permit for Operational Works (Water Infrastructure) must be obtained prior to commencement of work for sewer infrastructure occurs on site.	The condition is sought to be amended to the words 'for sewer infrastructure' for clarity purposes.	Council considers the requested change minor and inconsequential.	Approved.
8.0 Access and Parking	8.1	A Development Permit for Operational Works (Access and Parking) must be obtained prior to commencement of work on site.	A Development Permit for Operational Works (Access and Parking) must be obtained prior to commencement of work for access and parking on site.	The condition is sought to be amended to include the words 'for access and parking' for clarity purposes.	Council considers the requested change minor and inconsequential.	Approved.
	8.2	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.	Any application for Operational Works (Access and Parking) must be accompanied by detailed engineering drawings demonstrating compliance with the Whitsunday Regional Council Development Manual (v1.3 dated 21/07/17), Australian Standard AS2890, AS1428 and this Decision Notice.	As detailed in the Representations report, the roads were designed to accord with the Development Manual in effect at the time the application was lodged. As such, we seek this condition to be amended to reflect the superseded version of the development manual for consistency across the development for road design.	Condition 8.2 applies to the provision of accesses, driveways, circulation roads, aisles, parking bays and maneuvering areas of works internal to a site. The condition does not apply to roadworks (i.e. the width of roadways). Assessment of the request regarding roadworks is within the preliminary approval.	Refused.

	8.3	The external access from the pavement of Proposed Road 1 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.	The external access from the pavement of Proposed Road 1 to the property boundary must be constructed to comply with the dimensions, gradients and specifications as indicated on Council's Standard Drawings in accordance with Whitsunday Regional Council Development Manual (v1.3 dated 21/07/17) prior to commencement of the use.	As detailed in the Representations report, the roads were designed to accord with the Development Manual in effect at the time the application was lodged. As such, we seek this condition to be amended to reflect the superseded version of the development manual for consistency across the development for road design.	Condition 8.3 applies to the provision of accesses, driveways, circulation roads, aisles, parking bays and maneuvering areas of works internal to a site. The condition does not apply to roadworks (i.e. the width of roadways). Assessment of the request regarding roadworks is within the preliminary approval.	Refused.
	8.4	All internal accesses, driveways, circulation roads, aisles, parking bays and maneuvering areas are to be provided generally as indicated on Commercial Precinct Car Park Dimensions Drawing No J5529-SK053 Rev A and must be designed and constructed so as to comply with the requirements of the Whitsunday Regional Council Development Manual, AS2890 and AS1428.	All internal accesses, driveways, circulation roads, aisles, parking bays and maneuvering areas are to be provided generally as indicated on Commercial Precinct Car Park Dimensions Drawing No J5529-SK053 Rev A and must be designed and constructed so as to comply with the requirements of the Whitsunday Regional Council Development Manual (v1.3 dated 21/07/17), AS2890 and AS1428.	As detailed in the Representations report, the roads were designed to accord with the Development Manual in effect at the time the application was lodged. As such, we seek this condition to be amended to reflect the superseded version of the development manual for consistency across the development for road design	Condition 8.4 applies to the provision of accesses, driveways, circulation roads, aisles, parking bays and maneuvering areas of works internal to a site. The condition does not apply to roadworks (i.e. the width of roadways). Assessment of the request regarding roadworks is within the preliminary approval.	Refused.
	8.8	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.	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 (v1.3 dated 21/07/17), AS2890 and AS1428.	As detailed in the Representations report, the roads were designed to accord with the Development Manual in effect at the time the application was lodged. As such, we seek this condition to be amended to reflect the superseded version of the development manual for consistency across the development for road design	Condition 8.8 applies to the provision of accesses, driveways, circulation roads, aisles, parking bays and maneuvering areas of works internal to a site. The condition does not apply to roadworks (i.e. the width of roadways). Assessment of the request regarding roadworks is within the preliminary approval.	Refused.
9.0 Stormwater and Flooding	9.1	A Development Permit for Operational Works (Stormwater Drainage) must be obtained prior to commencement of work on site.	A Development Permit for Operational Works (Stormwater Drainage) must be obtained prior to commencement of work for stormwater drainage on site.	The condition is sought to be amended to include the words 'for stormwater drainage' for clarity purposes.	Council considers the requested change minor and inconsequential.	Approved.
	9.10	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	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.	The condition is proposed to be amended to remove comment regarding uncontrolled discharge within the site as this could be interpreted as sheet flow off lots into the road reserve	Condition 10.10 requires the developer to comply with relevant standards. The interpretation of the condition is per QUDM.	Refused.

		discharge will be permitted within the developed site.				
	9.11	All site works must be undertaken to ensure that there is no increase in flood levels and/or flood frequency at all locations either upstream of downstream where existing landowners and/or users are adversely affected by waterway flooding for all events up to and including Q100.	All site works must be undertaken to ensure that there are no adverse impacts on the local and regional hydraulic conditions as per the Hydraulic Impact Assessment prepared by Burchills (ver no. 00, dated 21/09/2018)	The condition his sought to be amended to reflect the Hydraulic Impact Assessment report that was prepared for the development.	Condition 9.11 is required to ensure non worsening of flooding as a result of the development. The condition is applied to all development. The findings of Hydraulic Impact Assessment does not satisfy Council that a clear enforceable condition is imposed on a matter which is known to occur during land development.	Refused.
	9.12	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.	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'.	The stormwater Management Plan has been designed generally in accordance with WRC standard and specifications including relevant documentation with MUSIC demonstrating that the quality of stormwater runoff does not decrease due to the proposed development in comparison to the pre development. As the stormwater strategy has demonstrated no decrease in quality of stormwater runoff due to the development, the strategy has also demonstrated that runoff from the development will not cause measurable levels of pollutants to the receiving waterways and accordingly this requirement has been met and reference to ANZECC should be removed.	Condition 10.12 requires the developer to comply with industry standards for water quality. The condition is applied to all developments.	Refused.
10.0 Environmental Management Plan (EMP)	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.	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'.	The stormwater Management Plan has been designed generally in accordance with WRC standard and specifications including relevant documentation with MUSIC demonstrating that the quality of stormwater runoff does not decrease due to the proposed development in comparison to the pre development. As the stormwater strategy has demonstrated no decrease in quality of stormwater runoff due to the development, the strategy has also demonstrated that runoff from the development will not cause measurable levels of pollutants to the receiving waterways and accordingly this requirement has been met and reference to ANZECC should be removed.	Condition 10.5 requires the developer to comply with industry standards for water quality. The condition is applied to all developments.	Refused.

	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.	Ensure all practical efforts are made to minimise dust generation during construction as to not cause a nuisance beyond the boundaries of 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.	The condition is requested to be amended as the wording of the condition is onerous and impractical.	Condition 10.6 requires the developer to ensure dust is adequately managed during construction. The condition is standard condition imposed on all development within the region.	Refused.
14.0 Miscellaneous	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.	To be deleted	The condition is not clear or certain and is ambiguous. IT is also considered to not be reasonable nor relevant and should be deleted.	Condition 15.2 is a standard condition. The condition requires that any works required to existing infrastructure to accommodate development under the development permit is undertaken at full cost to the developer.	Refused.

Note -

In addition to the above amendments, it is also requested that Council includes a condition to the reflect the approved operational hours as proposed within the development application being 6am – 10pm / 7 days.

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<table>
<tr><th colspan="6">PART J – MATERIAL CHANGE OF USE – SHOP x3 AND FOOD & DRINK OUTLET (PROPOSED LOT 6)</th></tr>
<tr><th>ITEM</th><th>SUB ITEM</th><th>EXISTING CONDITION</th><th>APPLICANT PROPOSED AMENDED CONDITION</th><th>APPLICANT COMMENT</th><th>COUNCIL COMMENT</th><th>COUNCIL RECOMMEDNATION</th></tr>
<tr>
<td>1.0 Administration</td>
<td>1.1</td>
<td>The approved development must be completed and maintained generally in accordance with the approved drawings and documents:
<table>
<tr><th>Plan / Document Name</th><th>Prepared by</th><th>Plan Number</th><th>Dated</th></tr>
<tr><td>COVER SHEET & LOCALITY PLAN</td><td>Planit Consulting Pty Ltd</td><td>0001 Rev F</td><td>31/08/20</td></tr>
<tr><td>GENERAL NOTES AND EXISTING SITE LAYOUT PLAN</td><td>Planit Consulting Pty Ltd</td><td>0010 Rev E</td><td>27/08/20</td></tr>
<tr><td>TREE CLEARING PLAN</td><td>Planit Consulting Pty Ltd</td><td>0020 Rev B</td><td>27/08/20</td></tr>
<tr><td>SEDIMENT AND EROSION CONTROL LAYOUT PLAN - SHEET 1</td><td>Planit Consulting Pty Ltd</td><td>0100 Rev F</td><td>27/08/20</td></tr>
<tr><td>SEDIMENT AND EROSION CONTROL LAYOUT PLAN - SHEET 2</td><td>Planit Consulting Pty Ltd</td><td>0101 Rev F</td><td>31/08/20</td></tr>
<tr><td>SEDIMENT AND EROSION CONTROL LAYOUT PLAN - SHEET 3</td><td>Planit Consulting Pty Ltd</td><td>0102 Rev F</td><td>27/08/20</td></tr>
<tr><td>SEDIMENT AND EROSION CONTROL</td><td>Planit Consulting Pty Ltd</td><td>0110 Rev E</td><td>27/08/20</td></tr>
</table>
</td>
<td>The approved development must be completed and maintained generally in accordance with the approved drawings and documents:
<table>
<tr><th>Plan / Document Name</th><th>Prepared by</th><th>Plan Number</th><th>Dated</th></tr>
<tr><td>Earthworks Staging Plan</td><td>Planit Consulting Pty Ltd</td><td>0030 Rev E</td><td>26/11/20</td></tr>
<tr><td>COVER SHEET & LOCALITY PLAN</td><td>Planit Consulting Pty Ltd</td><td>0001 Rev F</td><td>31/08/20</td></tr>
<tr><td>GENERAL NOTES AND EXISTING SITE LAYOUT PLAN</td><td>Planit Consulting Pty Ltd</td><td>0010 Rev E</td><td>27/08/20</td></tr>
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<tr><td>SEDIMENT AND EROSION CONTROL LAYOUT PLAN - SHEET 2</td><td>Planit Consulting Pty Ltd</td><td>0101 Rev F</td><td>31/08/20</td></tr>
<tr><td>SEDIMENT AND EROSION CONTROL LAYOUT PLAN - SHEET 3</td><td>Planit Consulting Pty Ltd</td><td>0102 Rev F</td><td>27/08/20</td></tr>
</table>
</td>
<td>The condition is requested to be amended to reflect the proposed bulk earthworks staging plan and to remove the subdivision stage plans.

Please note that the bulk earth works plan set will need to be updated to reflect the proposed staging. These plans will be issued in due course, thus plan references for the bulk earthworks will need to be amended to reflect the updated plan set.</td>
<td>Condition 1.1 has been provided to limit the scope of earthworks in accordance with approved drawings. The applicant has provided an amended staging plan for earthworks which is acceptable to Council.</td>
<td>Approved</td>
</tr>
</table>

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PART J – MATERIAL CHANGE OF USE – SHOP x3 AND FOOD & DRINK OUTLET (PROPOSED LOT 6)											
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		NOTES AND DETAILS				*SEDIMENT AND EROSION CONTROL NOTES AND DETAILS*	*Planit Consulting Pty Ltd*	*0110 Rev E*	*27/08/20*			
		BULK EARTHWORKS LAYOUT KEY PLAN	*Planit Consulting Pty Ltd*	*0200 Rev F*	*27/08/20*	*BULK EARTHWORKS LAYOUT KEY PLAN*	*Planit Consulting Pty Ltd*	*0200 Rev F*	*27/08/20*			
		BULK EARTHWORKS LAYOUT PLAN - SHEET 1	*Planit Consulting Pty Ltd*	*0201 Rev F*	*27/08/20*	*BULK EARTHWORKS LAYOUT PLAN - SHEET 1*	*Planit Consulting Pty Ltd*	*0201 Rev F*	*27/08/20*			
		BULK EARTHWORKS LAYOUT PLAN - SHEET 2	*Planit Consulting Pty Ltd*	*0202 Rev F*	*27/08/20*	*BULK EARTHWORKS LAYOUT PLAN - SHEET 2*	*Planit Consulting Pty Ltd*	*0202 Rev F*	*27/08/20*			
		BULK EARTHWORKS LAYOUT PLAN - SHEET 3	*Planit Consulting Pty Ltd*	*0203 Rev F*	*27/08/20*	*BULK EARTHWORKS LAYOUT PLAN - SHEET 3*	*Planit Consulting Pty Ltd*	*0203 Rev F*	*27/08/20*			
		BULK EARTHWORKS LAYOUT PLAN - SHEET 4	*Planit Consulting Pty Ltd*	*0204 Rev F*	*27/08/20*	*BULK EARTHWORKS LAYOUT PLAN - SHEET 4*	*Planit Consulting Pty Ltd*	*0204 Rev F*	*27/08/20*			
		BULK EARTHWORKS LAYOUT PLAN - SHEET 5	*Planit Consulting Pty Ltd*	*0205 Rev F*	*27/08/20*	*BULK EARTHWORKS LAYOUT PLAN - SHEET 5*	*Planit Consulting Pty Ltd*	*0205 Rev F*	*27/08/20*			
		BULK EARTHWORKS LAYOUT PLAN - SHEET 6	*Planit Consulting Pty Ltd*	*0206 Rev F*	*27/08/20*	*BULK EARTHWORKS LAYOUT PLAN - SHEET 6*	*Planit Consulting Pty Ltd*	*0206 Rev F*	*27/08/20*			
		BULK EARTHWORKS CUT-FILL DEPTHS 1.0m INTERVALS - SHEET 1	*Planit Consulting Pty Ltd*	*0210 Rev F*	*27/08/20*	*BULK EARTHWORKS CUT-FILL DEPTHS*	*Planit Consulting Pty Ltd*	*0210 Rev F*	*27/08/20*			

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PART J – MATERIAL CHANGE OF USE – SHOP x3 AND FOOD & DRINK OUTLET (PROPOSED LOT 6)									
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		BULK EARTHWORKS CUT-FILL DEPTHS 1.0m INTERVALS - SHEET 2	*Planit Consulting Pty Ltd*	*0211 Rev F*	*27/08/20*	*1.0m INTERVALS - SHEET 1*						
		BULK EARTHWORKS CUT-FILL DEPTHS 1.0m INTERVALS - SHEET 3	*Planit Consulting Pty Ltd*	*0212 Rev F*	*27/08/20*	*BULK EARTHWORKS CUT-FILL DEPTHS 1.0m INTERVALS - SHEET 2*	*Planit Consulting Pty Ltd*	*0211 Rev F*	*27/08/20*			
		BULK EARTHWORKS SECTIONS - SHEET 1	*Planit Consulting Pty Ltd*	*0220 Rev C*	*24/02/20*	*BULK EARTHWORKS CUT-FILL DEPTHS 1.0m INTERVALS - SHEET 3*	*Planit Consulting Pty Ltd*	*0212 Rev F*	*27/08/20*			
		BULK EARTHWORKS SECTIONS - SHEET 2	*Planit Consulting Pty Ltd*	*0221 Rev C*	*24/02/20*	*BULK EARTHWORKS SECTIONS - SHEET 1*	*Planit Consulting Pty Ltd*	*0220 Rev C*	*24/02/20*			
		BULK EARTHWORKS NOTES AND DETAILS	*Planit Consulting Pty Ltd*	*0230 Rev D*	*14/07/20*	*BULK EARTHWORKS SECTIONS - SHEET 2*	*Planit Consulting Pty Ltd*	*0221 Rev C*	*24/02/20*			
		ROADWORKS LAYOUT KEY PLAN	*Planit Consulting Pty Ltd*	*0300 Rev E*	*31/08/20*	*BULK EARTHWORKS NOTES AND DETAILS*	*Planit Consulting Pty Ltd*	*0230 Rev D*	*14/07/20*			
		ROADWORKS PLAN - SHEET 1 OF 5	*Planit Consulting Pty Ltd*	*0301 Rev E*	*27/08/20*	*ROADWORKS LAYOUT KEY PLAN*	*Planit Consulting Pty Ltd*	*0300 Rev E*	*31/08/20*			
		ROADWORKS PLAN - SHEET 2 OF 5	*Planit Consulting Pty Ltd*	*0302 Rev E*	*27/08/20*	*ROADWORKS PLAN - SHEET 1 OF 5*	*Planit Consulting Pty Ltd*	*0301 Rev E*	*27/08/20*			
		ROADWORKS PLAN - SHEET 3 OF 5	*Planit Consulting Pty Ltd*	*0303 Rev E*	*27/08/20*	*ROADWORKS PLAN - SHEET 2 OF 5*	*Planit Consulting Pty Ltd*	*0302 Rev E*	*27/08/20*			
						ROADWORKS PLAN - SHEET 3 OF 5	*Planit Consulting Pty Ltd*	*0303 Rev E*	*27/08/20*			

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PART J – MATERIAL CHANGE OF USE – SHOP x3 AND FOOD & DRINK OUTLET (PROPOSED LOT 6)											
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		ROADWORKS PLAN - SHEET 4 OF 5	*Planit Consulting Pty Ltd*	*0304 Rev E*	*27/08/20*	*ROADWORKS PLAN - SHEET 4 OF 5*	*Planit Consulting Pty Ltd*	*0304 Rev E*	*27/08/20*			
		ROADWORKS PLAN - SHEET 5 OF 5	*Planit Consulting Pty Ltd*	*0305 Rev E*	*27/08/20*	*ROADWORKS PLAN - SHEET 5 OF 5*	*Planit Consulting Pty Ltd*	*0305 Rev E*	*27/08/20*			
		TYPICAL ROAD CROSS SECTIONS	*Planit Consulting Pty Ltd*	*0310 Rev E*	*31/08/20*	*TYPICAL ROAD CROSS SECTIONS*	*Planit Consulting Pty Ltd*	*0310 Rev E*	*31/08/20*			
		MAIN STREET TYPICAL CROSS SECTIONS - SHOPPING CENTRE PRECINCT	*Planit Consulting Pty Ltd*	*0311 Rev E*	*31/08/20*	*MAIN STREET TYPICAL CROSS SECTIONS - SHOPPING CENTRE PRECINCT*	*Planit Consulting Pty Ltd*	*0311 Rev E*	*31/08/20*			
		Geotechnical Investigation Whitsunday Paradise Residential Development – Stages 2 and 3	***Butler Partners***	***018-160B***	***22 February 2019***	***Geotechnical Investigation Whitsunday Paradise Residential Development – Stages 2 and 3***	***Butler Partners***	***018-160B***	***22 February 2019***			
		Lot Masterplan – Stage 1	***Planit Consulting Pty Ltd***	***No X0000_100 Rev 4***	***19/08/2020***							
		Lot Masterplan – Stage 2	***Planit Consulting Pty Ltd***	***No X0000_201 Rev 4***	***19/08/2020***							
		Lot Masterplan – Stage 3	***Planit Consulting Pty Ltd***	***X0000_301 Rev 4***	***19/08/2020***							
		Lot Masterplan – Stage 4	***Planit Consulting Pty Ltd***	***No X0000_401 Rev 4***	***19/08/2020***							

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		Lot Master Plan – Stage 6 — ***Planit Consulting Pty Ltd*** — ***X0000_601 Rev 4*** — ***19/08/2020*** ***Lot Masterplan – Stage 7*** — ***Planit Consulting Pty Ltd*** — ***X0000_701 Rev 4*** — ***19/08/2020***				
3.0 Earthworks	3.1	Bulk earthworks for Stage 3.1 are limited to the stage boundaries as shown on drawing Lot Masterplan Drawing No X0000_100 Rev 4. No works external to the boundaries of this stage will be permitted.	Bulk earthworks for Phase 1 are limited to the stage boundaries as shown on drawing Earthworks Staging Plan No 0030 Rev A date 26/11/2020. No works external to the boundaries of this stage will be permitted.	The condition is requested to be amended to reflect the proposed Earthworks staging plan as opposed to limiting earthworks to each individual substage. As detailed in the representations report, limiting earth works to each individual substage will have a significant impact on the delivery of the development and result in amenity impacts. Further, the condition as it currently stands would result in excessive amounts of importing and exporting of material. It would be beneficial to source material onsite and move around the site to achieve a cut fill balance as per the overall design. (i.e. carry out earthworks in areas of cut and move material to areas of fill). This reduces the risk of	Condition 3.1 has been provided to limit the scope of earthworks. The applicant has provided an amended staging plan for earthworks which is acceptable to Council.	Approved

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				importing unsuitable soil/plant species. The revised staging of the earthworks allows for a reduced scale of earthworks to occur at anyone time and will allow a more efficient delivery of construction works to minimize impacts on the surrounding and future residents as the development progresses.		
	3.2	Bulk earthworks for Stage 3.2 are limited to the stage boundaries as shown on drawing Lot Masterplan Drawing No X0000_201 Rev 4. No works external to the boundaries of this stage will be permitted.	Bulk earthworks for Phase 2 are limited to the stage boundaries as shown on drawing Earthworks Staging Plan No 0030 Rev A date 26/11/2020. No works external to the boundaries of this stage will be permitted.	The condition is requested to be amended to reflect the proposed Earthworks staging plan as opposed to limiting earthworks to each individual substage. As detailed in the representations report, limiting earth works to each individual substage will have a significant impact on the delivery of the development and result in amenity impacts. Further, the condition as it currently stands would result in excessive amounts of importing and exporting of material. It would be beneficial to source material onsite and move around the site to achieve a cut fill balance as per the overall design. (i.e. carry out earthworks in areas of cut and move material to areas of fill). This reduces the risk of	Condition 3.2 has been provided to limit the scope of earthworks. The applicant has provided an amended staging plan for earthworks which is acceptable to Council.	Approved.

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PART J – MATERIAL CHANGE OF USE – SHOP x3 AND FOOD & DRINK OUTLET (PROPOSED LOT 6)						
ITEM	**SUB ITEM**	**EXISTING CONDITION**	**APPLICANT PROPOSED AMENDED CONDITION**	**APPLICANT COMMENT**	**COUNCIL COMMENT**	**COUNCIL RECOMMEDNATION**
				importing unsuitable soil/plant species. The revised staging of the earthworks allows for a reduced scale of earthworks to occur at anyone time and will allow a more efficient delivery of construction works to minimize impacts on the surrounding and future residents as the development progresses.		
	3.3	Bulk earthworks for Stage 3.3 are limited to the stage boundaries as shown on drawing Lot Masterplan Drawing No X0000_301 Rev 4. No works external to the boundaries of this stage will be permitted.	Bulk earthworks for Phase 3 are limited to the stage boundaries as shown on drawing Earthworks Staging Plan No 0030 Rev A date 26/11/2020. No works external to the boundaries of this stage will be permitted.	The condition is requested to be amended to reflect the proposed Earthworks staging plan as opposed to limiting earthworks to each individual substage. As detailed in the representations report, limiting earth works to each individual substage will have a significant impact on the delivery of the development and result in amenity impacts. Further, the condition as it currently stands would result in excessive amounts of importing and exporting of material. It would be beneficial to source material onsite and move around the site to achieve a cut fill balance as per the overall design. (i.e. carry out earthworks in areas of cut and move material to areas of fill). This reduces the risk of	Condition 3.3 has been provided to limit the scope of earthworks. The applicant has provided an amended staging plan for earthworks which is acceptable to Council.	Approved.

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PART J – MATERIAL CHANGE OF USE – SHOP x3 AND FOOD & DRINK OUTLET (PROPOSED LOT 6)						
ITEM	**SUB ITEM**	**EXISTING CONDITION**	**APPLICANT PROPOSED AMENDED CONDITION**	**APPLICANT COMMENT**	**COUNCIL COMMENT**	**COUNCIL RECOMMEDNATION**
				importing unsuitable soil/plant species. The revised staging of the earthworks allows for a reduced scale of earthworks to occur at anyone time and will allow a more efficient delivery of construction works to minimize impacts on the surrounding and future residents as the development progresses.		
	3.4	Bulk earthworks for Stage 3.4 are limited to the stage boundaries as shown on drawing Lot Masterplan Drawing No X0000_401 Rev 4. No works external to the boundaries of this stage will be permitted.	To be deleted	The condition is requested ot be deleted as the proposed amended conditions above provide an alternative limitation on earthworks as per the proposed staging plan.	The condition is no longer required.	Approved.
	3.5	Bulk earthworks for Stage 3.6 are limited to the stage boundaries as shown on drawing Lot Masterplan Drawing No X0000_601 Rev 4. No works external to the boundaries of this stage will be permitted.	To be deleted	The condition is requested ot be deleted as the proposed amended conditions above provide an alternative limitation on earthworks as per the proposed staging plan.	The condition is no longer required.	Approved.
	3.6	Bulk earthworks for Stage 3.7 are limited to the stage boundaries as shown on drawing Lot Masterplan Drawing No X0000_701 Rev 4. No works external to the boundaries of this stage will be permitted.	To be deleted	The condition is requested ot be deleted as the proposed amended conditions above provide an alternative limitation on earthworks as per the proposed staging plan.	The condition is no longer required.	Approved.
4.0 Erosion and	4.4	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	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	The stormwater Management Plan has been designed generally in	Condition 4.4 requires the developer to comply with industry standards for water	Refused.

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PART J – MATERIAL CHANGE OF USE – SHOP x3 AND FOOD & DRINK OUTLET (PROPOSED LOT 6)						
ITEM	**SUB ITEM**	**EXISTING CONDITION**	**APPLICANT PROPOSED AMENDED CONDITION**	**APPLICANT COMMENT**	**COUNCIL COMMENT**	**COUNCIL RECOMMEDNATION**
Sediment Control		acceptable ranges specified in the 'Australian Water Quality Guidelines for Fresh and Marine Waters', ANZECC 2000.	acceptable ranges specified in the 'Australian Water Quality Guidelines for Fresh and Marine Waters'.	accordance with WRC standard and specifications including relevant documentation with MUSIC demonstrating that the quality of stormwater runoff does not decrease due to the proposed development in comparison to the pre development. As the stormwater strategy has demonstrated no decrease in quality of stormwater runoff due to the development, the strategy has also demonstrated that runoff from the development will not cause measurable levels of pollutants to the receiving waterways and accordingly this requirement has been met and reference to ANZECC should be removed.	quality. The condition is applied to all developments.	
	4.5	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.	Ensure all practical efforts are made to minimise dust generation during construction as to not cause a nuisance beyond the boundaries of 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.	The condition is requested to be amended as the wording of the condition is onerous and impractical.	Condition 4.5 requires the developer to ensure dust is adequately managed during construction. The condition is standard condition imposed on all development within the region.	Refused.

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Homeland Property Developments Pty Ltd

Whitsunday Regional Council

Infrastructure Agreement

Whitsunday Paradise Development – Local Government Infrastructure

draft

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Date

Parties

Homeland Property Developments Pty Ltd (**Developer**)

Whitsunday Regional Council (**Council**)

Background

A The Developer intends to carry out the Development on the Land.

B The Developer is the Owner of the Land.

C The Development will require the provision of Infrastructure Contributions for water and sewerage infrastructure.

D The Developer and the Council have agreed to execute this document to record their agreement about the Infrastructure Contributions in relation to water and sewerage infrastructure.

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Agreed terms

1 Commencement

1.1 Commencement

This document commences on the date when the last party executes this document, which is to be recorded by that party in **Item 1** at the time of execution.

1.2 Condition precedent

Despite clause 1.1, the Developer is not required to comply with the Developer Obligations unless and until such time as the Development Approval has taken effect and the Developer acts on the Development Approval.

2 Infrastructure agreement

2.1 Purpose of this document

The purpose of this document is to establish the parties' rights and obligations in relation to the Infrastructure Contributions identified in the ICS.

2.2 Application of Planning Act

This document is an infrastructure agreement under the Planning Act and, in particular, under sections 67 and 158 of the Planning Act.

2.3 Agreement to bind successors in title

(a) The Developer Obligations will not be affected by a change in the ownership of the whole or any part of the Land, other than in accordance with **clause 8** or **clause 2.6**.

(b) It is the intention of the parties that the Developer Obligations will attach to the Land and be binding on the Owner and the Owner's successors in title, in accordance with section 155 of the Planning Act.

2.4 No fetter

Nothing in this document fetters the rights, powers, authorities, functions or discretions of Council, any other Approval Authority or any other government agency under the provisions of any Law.

2.5 Relationship with other documents

Nothing in this document precludes Council, any other Approval Authority, or any other government agency, from requiring infrastructure contributions under a condition of, or levying infrastructure charges in relation to, a development approval in relation to the Development.

2.6 Release of Developed Lots

(a) Despite any other provision of this document, a Developed Lot is released from the Developer Obligations from the time the Developed Lot is created.

(b) If a Lot to which clause 2.6(a) applies ceases to be a Developed Lot, the Developer Obligations will apply to the Lot.

2.7 Adverse change to planning instrument

The Developer Obligations do not depend on development entitlements that may be affected by a change to a planning instrument.

2.8 No Appeal rights

The parties must not commence any Claim in relation to a condition of a development approval requiring compliance with this document.

3 Parties' obligations

3.1 Developer's obligations

The Developer must:

(a) provide the Infrastructure Contributions in accordance with the ICS; and

(b) otherwise comply with the terms of this document.

3.2 Landowner's obligations

(a) Subject to **clause 2.6**, the Landowner must comply with the Developer Obligations (including all obligations in **clause 3.1**).

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(b) The obligations of the Landowner under this document continue and remain in force and effect, even if the Landowner ceases to be the Owner of the Land, unless and until **clause 8** or **clause 2.6** is satisfied.

(c) For the avoidance of doubt, if there are multiple Landowners, a reference in this document to the Landowner is a reference to each Landowner jointly and severally.

3.3 Council's obligations

Council must:

(a) accept any Infrastructure Contribution provided to it in accordance with this document;

(b) provide to the Developer, in accordance with the Developer's instructions, an offset against infrastructure charges for the Development to the Value of the following Infrastructure Contributions:

(i) the Value of the Land Contribution and associated access for water infrastructure in item 1.2 of the ICS; and

(ii) the Value of the Work Contribution for water infrastructure in item 1.1 of the ICS; and

(iii) 30% of the Value of the Work Contributions for sewer infrastructure in items 2.1, 2.2, 2.3, 2.4, 2.5 and 2.6 of the ICS; and

(c) otherwise comply with the terms of this document.

4 Infrastructure Contributions to comply

4.1 Infrastructure Contributions to comply generally

An Infrastructure Contribution must be provided in accordance with the ICS.

4.2 Land Contributions to comply

A Land Contribution must be provided in a state fit for the purpose the Land Contribution is being given.

4.3 Requirement to obtain Approvals

The Developer must, in providing any Infrastructure Contribution:

(a) apply for and obtain from an Approval Authority any and all necessary Approvals to provide the Infrastructure Contribution; and

(b) subject to section 157 of the Planning Act, to the extent that it applies, comply with, and provide the Infrastructure Contribution in accordance with, any and all relevant Approvals.

5 Value of Infrastructure Contributions

5.1 Value of Financial Contributions

The Value of a Financial Contribution is the monetary sum at the time of payment.

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5.2 Value of Land Contributions

The Value of a Land Contribution is:

(a) the "value" of the land within the meaning of the *Land Valuation Act 2010* (Qld); and

(b) the cost of the transfer of the land, including the cost of survey, taxes, legal and registration.

5.3 Value of Works Contributions

(a) The Value of a Works Contribution is to be the total cost of the completed works that directly relate to that Works Contribution, including:

(i) project management, planning, design, construction, and construction management costs;

(ii) survey and site investigation costs; and

(iii) any application fees for any Approvals required for the Works Contribution.

(b) Where the Developer is required to establish the Value of a Works Contribution, it must provide to Council a report prepared by an independent and suitably qualified RPEQ that certifies the value having regard to **clause 5.3(a)**.

(c) Within 20 Business Days of receiving a report from the Developer under **clause 5.3(b)**, Council must consider the report and provide a Notice to the Developer stating either

(i) that Council accepts the value stated in the report as the Value of the Works Contribution; or

(ii) that Council does not accept the value stated in the report as the Value of the Works Contribution and:

(A) the reasons why Council does not accept that value; and

(B) the value that Council considers is the Value of the Works Contribution.

(d) If Council provides a Notice under **clause 5.3(c)(i)**, the value stated in the report provided by the Developer is taken to be the Value of the Works Contribution.

(e) If Council provides a Notice under **clause 5.3(c)(ii)**, the Developer must either:

(i) provide a Notice to Council confirming that the Developer accepts the value stated in Council's Notice as the Value of the Works Contribution; or

(ii) provide a Dispute Notice to Council.

(f) If the Developer provides a Notice under **clause 5.3(e)(i)**, the value stated in Council's Notice is deemed to be the Value of the Works Contribution.

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6 On Maintenance and Off Maintenance

6.1 On Maintenance

(a) Within 10 Business Days of the Developer being satisfied that a Works Contribution has reached Completion, the Developer must provide a Notice to Council which includes:

(i) a statement that construction of the Works Contribution has reached Completion;

(ii) a certificate from a RPEQ or suitably qualified and experienced person that the Works Contribution has been constructed in accordance with this document and any relevant Approval;

(iii) 'as-constructed' plans of the Works Contribution; and

(iv) a request for the Works Contribution to be accepted as On Maintenance; and

(v) a receipt showing payment of the required Maintenance Security.

(b) Following receipt of a Notice referred to in **clause 6.1(a)**, Council may undertake an inspection of the Works Contribution for the purpose of determining whether the Works Contribution should be accepted as On Maintenance.

(c) Within 10 Business Days of receipt of the Notice referred to in **clause 6.1(a)**, Council must:

(i) consider the Notice; and

(ii) provide Notice to the Developer stating either:

(A) that the Works Contribution is accepted as On Maintenance; or

(B) the reasons that Council does not consider that the Works Contribution should be accepted as On Maintenance.

(d) If the Developer is notified in accordance with **clause 6.1(c)(ii)(B)** above:

(i) the Developer must:

(A) remedy any relevant defect; and

(B) once remedied, resubmit the Notice under **clause 6.1(a)**; and

(ii) within 10 Business Days of receiving the re-submitted Notice under **clause 6.1(a)**, Council must:

(A) consider the re-submitted Notice; and

(B) either confirm in writing to the Developer:

(1) that it is satisfied that the Works Contribution should be accepted as On Maintenance; or

(2) that it is not satisfied that the Works Contribution is On Maintenance along with the reasons as to why the action taken to remedy the defect is unsatisfactory.

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(e) Council's consideration of the Notice given under **clause 6.1(a)** is limited to a consideration of whether the Works Contribution has been completed in accordance with the Developer Obligations and any relevant Approval.

(f) If the Developer is notified under **clause 6.1(d)(ii)(B)(2)**, any party may give a Dispute Notice for the purposes of **clause 10.2**.

(g) If the Council does not respond to a Notice (or resubmitted Notice) provided by the Developer under **clause 6.1(a)**, the Developer may give Council a Notice that the Developer intends that **clause 6.1(h)** apply to deem the Works Contribution to be On Maintenance.

(h) If Council does not respond to a Notice provided by the Developer under **clause 6.1(g)** within 10 Business Days of receiving the Notice, Council Council is taken to have confirmed that the Works Contribution is On Maintenance.

(i) The Works Contribution will have reached On Maintenance on:

(i) the date that Council confirms, or is taken to have confirmed under **clause 6.1(h)**, that the Works Contribution is On-Maintenance; or

(ii) if a Dispute Notice is given, once it is determined that the Works Contribution is On Maintenance through the dispute resolution process in **clause 9.1**.

6.2 Maintenance of Works Contribution

The Developer, at its own cost, must maintain any Works Contribution provided by the Developer for the duration of the Maintenance Period, including rectification of any defects arising from the design or construction of the Works Contribution.

6.3 Off Maintenance

(a) At the end of the Maintenance Period for a Works Contribution, the Developer must provide to Council a Notice which includes:

(i) a certificate from a RPEQ that any and all known defects in the Works Contribution have been repaired; and

(ii) a request that Council confirm that the Works Contribution be accepted as Off Maintenance.

(b) Following receipt of the Notice referred to in **clause 6.3(a)**, Council may undertake an inspection of the Works Contribution for the purpose of determining whether the Works Contribution should be accepted as Off Maintenance, and the Developer must allow Council entry onto the Land for that purpose.

(c) Within 10 Business Days of receipt of the Notice referred to in **clause 6.3(a)**, Council must:

(i) consider the Notice; and

(ii) confirm in writing to the Developer either:

(A) that the Works Contribution is Off Maintenance; or

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(B) the reasons that Council does not consider that the Works Contribution is Off Maintenance.

(d) If the Developer is notified in accordance with **clause 6.3(c)(ii)(B)**:

(i) the Developer must:

(A) remedy any relevant defect; and

(B) once remedied, resubmit the Notice; and

(ii) within 15 Business Days of receiving the re-submitted Notice, Council must:

(A) consider the re-submitted Notice; and

(B) either confirm in writing to the Developer:

(1) That it is satisfied that the Works Contribution is Off Maintenance; or

(2) That it is not satisfied that the Works Contribution is Off Maintenance along with the reasons why.

(e) If the Developer is notified in accordance with **clause 6.3(d)(ii)(B)(2)**, the Notice provided by Council will be a Dispute Notice for the purposes of **clause 10.2**.

(f) If Council does not respond to the Notice provided by the Developer in accordance with **clause 6.3(a)** or **6.3(d)(i)(B)**, a party may give a Dispute Notice for the purposes of **clause 10.2**.

(g) The Works Contribution will be Off Maintenance on the date that Council confirms that the Works Contribution is Off Maintenance or, if a Dispute Notice is given, once it is determined that the Works Contribution is Off Maintenance through the dispute resolution process in **clause 9.1**.

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7 Maintenance Security

7.1 Requirement for Maintenance Security

Prior to any Works Contribution being accepted as On Maintenance, the Developer must provide to Council a Maintenance Security for the Works Contribution.

7.2 Calculation of Maintenance Security

The value of any Maintenance Security is to be 5% of the Value of the Works Contribution.

7.3 Calling on Maintenance Security

(a) Council may call on a Maintenance Security if the Developer fails to:

(i) maintain a Works Contribution in accordance with **clause 6.2**; or

(ii) remedy a defect in a Works Contribution in accordance with **clause 6.1(d)(i)** or **clause 6.3(d)(i)**.

(b) If Council calls on a Maintenance Security, it may only apply the Maintenance Security to the following purposes:

(i) remedying a defect in the Works Contribution; and

(ii) any administrative costs incurred by Council in remedying the defect, or in calling on the Maintenance Security.

7.4 Release of Maintenance Security

Council must release a Maintenance Security, to the extent it has not been applied under **clause 7.3(b)**, to the Developer within 10 Business Days of the later of:

(a) the date on which the Works Contribution reaches Off Maintenance; or

(b) the date that all defects identified during the Maintenance Period have been remedied.

8 Proposed transfers of land

8.1 Restriction on the right to sell the Land

Subject to **clause 8.4**, Landowner must not sell or transfer the whole or any part of the Land unless the Landowner has first obtained:

(a) written consent from the proposed transferee that this agreement will continue to attach to the relevant part of the Land; and

(b) written consent from Council to the proposed transferee becoming subject to the Landowner's obligations under **clause 3.2**.

8.2 No unreasonable refusal of consent

Council must not refuse to give its consent under **clause 8.1** unless Council has a reasonable concern that the proposed transferee will not, or will be unable to, comply with the Landowner's obligations under **clause 3.2**..

8.3 Landowner to remain liable

In the event of the whole or any part of the Land being sold or transferred other than in accordance with **clause 8.1**, the Landowner (immediately prior to the sale or transfer) must perform and fulfil each of its obligations under this document that have not been performed and fulfilled immediately or at such other time as Council stipulates in a Notice, even if the time otherwise appointed for the performance and fulfilment of that obligation has not yet then arrived.

8.4 Not to apply to Developed Lots

This clause does not apply to the sale or transfer of Developed Lots.

9 Default

9.1 Giving of Default Notice

If a party considers that another party has defaulted in respect of an obligation under this document, that party (ie the non-defaulting party) may give a Default Notice to the party considered to be in default:

(a) specifying the default in reasonable detail; and

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(b) requesting the defaulting party to rectify the default within a reasonable period specified in the Default Notice.

9.2 Failure to comply with Default Notice

If a party receives a Default Notice and fails to comply with the Default Notice, the party that gave the Default Notice may (without limiting any of its rights) recover from the defaulting party as a liquidated debt the money it expends in giving the Default Notice.

9.3 Effect of Default Notice

(a) If a Dispute Notice is given in relation to a default the subject of a Default Notice, there is no obligation to comply with the Default Notice until the dispute is resolved under **clause 10** or finally decided by a Court.

(b) The giving of a Default Notice does not stay the effect of this document.

(c) A default by one party does not prevent the other party from continuing to exercise any rights, or comply with any obligations, under this document.

(d) A default in relation to a joint obligation of the parties does not prevent any party from continuing to exercise any rights or comply with any obligations under this document.

10 Disputes

10.1 Application of clause

This **clause 9.1** applies to any dispute between the parties to this document (including in relation to prior conduct of the parties or the interpretation of this document) but does not:

(a) apply to disputes over debts; or

(b) prevent a party from applying to a court for urgent injunctive or declaratory relief.

10.2 Dispute Notices

If a dispute arises between the parties to this document, a party may give a Dispute Notice to the other party:

(a) identifying the dispute and the facts relied on in relation to the dispute; and

(b) stating either that:

(i) the parties are required to meet within 5 Business Days; or

(ii) a written response to the Dispute Notice is required from the other party within 10 Business Days.

10.3 Disputes about Default Notices

If a dispute relates to the issuing of a Default Notice, the resolution of the dispute must determine:

(a) whether the Default Notice must be complied with; and

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(b) if the Default Notice must be complied with, the timeframe in which the Default Notice must be complied with; and

10.4 Initial meeting or correspondence

(a) If a Dispute Notice is given under **clause 10.2(b)(i)**, the parties must meet, within 5 Business Days after the date the Dispute Notice is given, at Bowen, Queensland at least once to discuss the dispute including the possible resolution of the dispute.

(b) If a Dispute Notice is given under **clause 10.2(b)(ii)**, the recipient party must respond in writing to the Dispute Notice within 10 Business Days.

10.5 Mediation

(a) If a meeting or written response under **clause 10.5** fails to resolve the dispute, the parties may agree to refer the dispute to mediation.

(b) If the parties agree to refer the dispute to mediation, then the parties must either:

(i) appoint a mediator by agreement; or

(ii) if the parties are unable, within 5 Business Days of agreeing to refer the dispute to mediation, agree on a mediator to be appointed, request the President of the Queensland Law Society to make the appointment.

10.6 Determination

(a) If any dispute notified under **clause 10.2** is not resolved within the following periods, the parties may agree, within 5 Business Days after that time period ends, to refer the dispute to an independent, appropriately qualified referee for determination:

(i) if the dispute was not referred to mediation – within 15 Business Days after the date the Dispute Notice was given; or

(ii) if the dispute was referred to mediation – within 30 Business Days after the date the Dispute Notice was given.

(b) If the parties agree to refer the dispute to a referee determination, then the parties must either:

(i) appoint a referee by agreement; or

(ii) if the parties are unable, within 5 Business Days of agreeing to refer the dispute to a referee determination, agree on a referee to be appointed, request the President of the Queensland Law Society to make the appointment.

(c) In determining the dispute, the referee must:

(i) determine the process for resolution of the dispute, including whether a conference must be held and whether written submissions must be provided;

(ii) act fairly and impartially, and conduct the process in accordance with the requirements of procedural fairness;

(iii) act as an expert, not an arbitrator;

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(iv) act expeditiously to attempt to achieve a resolution for the parties in the most cost effective manner; and

(v) make the determination according to law and to reflect the intent of this document.

(d) The determination of a referee must:

(i) be in writing;

(ii) be given to both parties; and

(iii) contain a full statement of the reasons for the determination.

(e) If a referee has not provided a determination within 50 Business Days of the date the Dispute Notice was given, a party may do either or both of the following:

(i) apply to a court for resolution of the dispute; or

(ii) notify the other party that it will not be bound by the referee's determination.

(f) If a party does not, within 20 Business Days after a referee's determination is given, apply to a court to overturn or vary the determination, the determination will be final and binding on the parties.

10.7 Court proceedings for unresolved dispute

A party must not apply to a court for the resolution of a dispute unless the dispute is not resolved within:

(a) if the dispute is not referred to mediation – 15 Business Days after the date the Dispute Notice is given;

(b) if the dispute is referred to mediation, and is not referred to determination – 30 Business Days after the date the Dispute Notice is given; or

(c) if the dispute is referred to determination – in accordance with **clause 10.6(e)**.

10.8 Costs of dispute

(a) The parties must share equally all costs of any mediator or referee appointed in relation to a dispute**.**

(b) However, each party must pay its own costs in connection with resolving the dispute.

11 Notices

11.1 Giving Notices

(a) A Notice relating to this document:

(i) may be given by an Authorised Person of, or the solicitors for, the relevant party;

(ii) must be in writing; and

(iii) must, subject to **clause 11.1(b)**, be:

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(A) left at the address of the addressee in Australia stated in **Schedule 1**;

(B) sent by prepaid ordinary post to the address of the addressee in Australia stated in **Schedule 1**;

(C) sent by facsimile to the facsimile number of the addressee in Australia stated in **Schedule 1**; or

(D) sent by email to the email address of the addressee stated in **Schedule 1**.

(b) A party may change their address, facsimile number or email address for the giving of Notices at any time by giving Notice to the other parties.

11.2 Receiving Notices

(a) Unless a later time is specified in it, a Notice takes effect from the earlier of the time that it is actually received, or that it is taken to be received.

(b) A Notice delivered by hand is taken to be received:

(i) if delivered by 5.00pm on a Business Day – on that Business Day; or

(ii) otherwise – on the next Business Day.

(c) A Notice delivered by post is taken to be received on the day when, it in the ordinary course of post, it would have been delivered.

(d) A Notice sent by facsimile is taken to be received:

(i) if the transmission report produced by the machine from which the facsimile was sent indicates that the facsimile was sent in its entirety to the recipient's facsimile number by 5.00pm on a Business Day – on that Business Day; or

(ii) otherwise – on the next Business Day.

(e) A Notice sent by email is taken to be received:

(i) if the email is sent by 5.00pm on a Business Day, and the sender does not receive a computer-generated report indicating that the email was not successfully sent – on that Business Day; or

(ii) otherwise – on the next Business Day.

11.3 Other matters

(a) This **clause 11** is in addition to the methods of service of notices set out in the *Property Law Act 1974* (Qld).

(b) A party who receives a Notice is not obliged to enquire as to the authority of a person who purports to sign the Notice on behalf of a party.

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12 GST

12.1 Construction

In this **clause 12**:

(a) unless there is a contrary indication, words and expressions which are not defined in this document but which have a defined meaning in the GST Law have the same meaning as in the GST Law;

(b) **GST Law** has the same meaning given to that expression in the *A New Tax System (Goods and Services Tax) Act 1999* (Cth) or, if that Act does not exist for any reason, means any Act imposing or relating to the imposition or administration of a goods and services tax in Australia and any regulation made under that Act; and

(c) references to GST payable and input tax credit entitlements include:

(i) notional GST payable by, and notional input tax credit entitlements of the Commonwealth, a State or a Territory (including a government, government body, authority, agency or instrumentality of the Commonwealth, a State or a Territory); and

(ii) GST payable by, and the input tax credit entitlements of, the representative member of a GST group of which the entity is a member.

12.2 Consideration GST exclusive

Unless otherwise expressly stated, all consideration, whether monetary or non-monetary, payable or to be provided under or in connection with this document is exclusive of GST (**GST-exclusive consideration**).

12.3 Payment of GST

If GST is payable on any supply made by:

(a) a party; or

(b) an entity that is taken under the GST Law to make the supply by reason of the capacity in which a party acts,

(**Supplier**) under or in connection with this document, the recipient of the supply, or the party providing the consideration for the supply, must pay to the Supplier an amount equal to the GST payable on the supply.

12.4 Timing of GST payment

The amount referred to in **clause 12.3** must be paid in addition to and at the same time and in the same manner (without any set-off or deduction) that the GST-exclusive consideration for the supply is payable or to be provided.

12.5 Tax invoice

The Supplier must deliver a tax invoice or an adjustment note to the recipient of a taxable supply before the Supplier is entitled to payment of an amount under **clause 12.3**.

12.6 Adjustment event

If an adjustment event arises in respect of a supply made by a Supplier under or in connection with this document, any amount that is payable under

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clause 12.3 will be calculated or recalculated to reflect the adjustment event and a payment will be made by the recipient to the Supplier or by the Supplier to the recipient as the case requires.

12.7 Reimbursements

(a) Where a party is required under or in connection with this document to pay for, reimburse or contribute to any expense, loss, liability or outgoing suffered or incurred by another party or indemnify another party in relation to such an expense, loss, liability or outgoing (**Reimbursable Expense**), the amount required to be paid, reimbursed or contributed by the first party will be reduced by the amount of any input tax credits to which the other party is entitled in respect of the Reimbursable Expense.

(b) This **clause 12.7** does not limit the application of **clause 12.3**, if appropriate, to the Reimbursable Expense as reduced in accordance with **clause 12.7(a)**.

12.8 No merger

This **clause 12** does not merge on the completion, rescission or other termination of this document or on the transfer of any property supplied under this document.

13 General

13.1 Payment of costs

Each party must pay its own legal and other costs and expenses of negotiating, preparing, executing and performing its obligations under this document.

13.2 Duty

All duty and registration fees payable on this document, or on any instruments of transfer, agreements or other documents referred to in or contemplated by this document, must be paid by the Developer.

13.3 Amendment of this document

(a) The parties may at any time agree to vary the terms of this document except this clause.

(b) No modification, variation or amendment of this document is of any force or effect unless it:

(i) is in the form of a deed executed by the parties; and

(ii) complies with the requirements of the Planning Act.

13.4 Waiver and exercise of rights

A single or partial exercise or waiver by a party of a right relating to this document does not prevent any other exercise of that right or the exercise of any other right.

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13.5 Rights cumulative

Except as expressly stated otherwise in this document, the rights of a party under this document are cumulative and are in addition to any other rights of that party.

13.6 Consents

Except as expressly stated otherwise in this document, a party may conditionally or unconditionally give or withhold any consent to be given under this document and is not obliged to give its reasons for doing so.

13.7 Further steps

Each party must promptly do whatever any other party reasonably requires of it to give effect to this document and to perform its obligations under it.

13.8 Governing law and jurisdiction

(a) This document is governed by and is to be construed in accordance with the laws applicable in Queensland.

(b) Each party irrevocably and unconditionally submits to the non-exclusive jurisdiction of the courts exercising jurisdiction in Queensland and any courts which have jurisdiction to hear appeals from any of those courts and waives any right to object to any proceedings being brought in those courts.

13.9 Assignment

(a) A party must not assign or deal with any right under this document without the prior written consent of the other parties.

(b) Any purported dealing in breach of this clause is of no effect.

13.10 Liability

An obligation of two or more persons binds them separately and together.

13.11 Entire understanding

(a) This document contains the entire understanding between the parties as to the subject matter of this document.

(b) All previous negotiations, understandings, representations, warranties, memoranda or commitments concerning the subject matter of this document are merged in and superseded by this document and are of no effect. No party is liable to any other party in respect of those matters.

(c) No oral explanation or information provided by any party to another:

(i) affects the meaning or interpretation of this document; or

(ii) constitutes any collateral agreement, warranty or understanding between any of the parties.

13.12 Relationship of parties

This document is not intended to create a partnership, joint venture or agency relationship between the parties.

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13.13 Force Majeure

(a) If a party is unable, by reason of any event of Force Majeure, to carry out its obligations under this document (other than obligation to pay any monetary amount), that party must give a Notice to the other parties advising of the event of Force Majeure under as soon as reasonably practicable after the event of Force Majeure.

(b) A Notice under **clause 13.13(a)** must:

(i) specify the obligations that the party is unable to perform;

(ii) fully describe the event of Force Majeure;

(iii) include an estimate of the time during which the event of Force Majeure will continue; and

(iv) specify the measures proposed to be adopted to remedy or abate the event of Force Majeure.

(c) If a party gives a Notice advising of an event of Force Majeure, that party's obligations that cannot be performed will be suspended during the period for which the event of Force Majeure or its effect extends, provided the party has taken all reasonable steps to remove the Force Majeure or ameliorate its effects.

(d) If an obligation is suspended by reason of Force Majeure under this **clause 13.13**, any obligations that are contingent on that obligation are also suspended during the period for which the event of Force Majeure or its effects extends, provided the party has taken all reasonable steps to remove the Force Majeure or ameliorate its effects.

13.14 Effect of execution

This document is not binding on any party unless it has been duly executed by each person named as a party to this document.

13.15 Deed

This document is a deed. Factors which might suggest otherwise are to be disregarded.

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14 Definitions and construction

14.1 Definitions

In this document these terms have the following meanings:

Term	Definition
Approval	A consent, permit, licence, certificate, authorisation, notice or approval under a law, or that is required under or in relation to this document.
Approval Authority	An entity or body with relevant power or authority to issue an Approval.
Authorised Person	The following: (a) for the Developer – any person Notified in writing as an authorised person by the Developer; (b) for Council – Council's chief executive officer and any lawful delegate thereof.
Business Day	The meaning given to "business day" in the *Acts Interpretation Act 1954* (Qld), for Council's local government area.
Claim	An allegation, debt, cause of action, liability claim, proceeding, appeal, suit or demand of any nature at law or otherwise, whether present or future, fixed or unascertained, actual or contingent. This includes any legal proceeding in the Planning and Environment Court or Supreme Court of Queensland.
Commencement Date	The date the last party executes this document, which is to be recorded in **Item 1**.
Completion	The stage in the provision of a Works Contribution by the Developer when the Works Contribution is complete, other than for a minor omission or minor defect which: (a) is not essential; (b) does not prevent the Works Contribution from being reasonably capable of being used for its intended purpose; and (c) the rectification of which will not prejudice the convenient use of the Works Contribution.

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Developed Lot	A Lot that is: (a) created from the Land by the registration of a Plan of Subdivision approved by Council under section 50 of the *Land Title Act 1994* (Qld); (b) in its intended ultimate form for use in accordance with the Development Approval; (c) not intended to be the subject of a further development application for a material change of use of premises (other than for a "Dwelling house" as defined in the Planning Scheme) or for reconfiguring a lot; and (d) not intended to remain in the ownership of the Developer.
Developer	The person described in **Item 2**.
Developer Obligations	The obligations of the Developer under this document.
Development	The proposed development of the Land generally in accordance with the Development Approval.
Development Application	The development application made by the Developer to the Council in June 2018, being an application for Preliminary Approval for a Variation Approval pursuant to section 50 of the Planning Act 2016 and a Development Permits for Material Change of Use for a Food and Drink Outlet, Hotel, Outdoor Sport and Recreation, Service Station and Shopping Centre including a Child Care Centre, Food and Drink Outlet, Health Care Services and Shop; Reconfiguring of a Lot – 3 into 240 Lot Subdivision, Drainage Reserve, Park, Road, and Access Easements; and Operational Works for Excavating or Filling and Preliminary Approval for Excavating or Filling (Impact Assessable).
Development Approval	The approval by the Council of the Development Application.
Dispute Notice	A Notice given by one party to the other under **clause 10.2**.
Council	The entity described in **Item 3**.
Financial Contribution	The payment of a monetary amount for infrastructure.

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Force majeure	Any of the following: (a) damage by fire, pandemic, explosion, earthquake, lightning, storm, war, flood, civil commotion or act of God; (b) legal proceedings (actual or threatened); (c) bad weather; (d) industrial disputes; or (e) a combination of these or any other cause, matter or thing beyond the control of the affected party.
ICS	The infrastructure contribution schedule in **Schedule 3**.
Infrastructure Contribution	A contribution for infrastructure, including: (a) a Financial Contribution; (b) a Land Contribution; and (c) a Works Contribution.
Item	An item in **Schedule 1**.
Land	The land described in **Item 4**.
Land Contribution	The provision of land (including any interest in, or licence over, land) for infrastructure.
Landowner	The Owner of the Land as at the Commencement Date and any successors in title for the Land or any part of the Land.
Law	Any statute, regulation or subordinate legislation of the Commonwealth, the State of Queensland, or any local or other government in force in the State of Queensland, irrespective of where enacted.
Lot	The meaning given in the *Land Title Act 1994* (Qld).
Maintenance Period	A period of 12 months after a Works Contribution reaches On Maintenance during which the Developer must maintain the Works Contribution and remedy any defects in the Works Contribution in accordance with this document.
Maintenance Security	A Security provided under **clause 7**.
Notice	Any certificate, demand or notice to be given by a party under this document.
Off Maintenance	The stage in the provision of a Works Contribution when the Works Contribution reaches Off Maintenance in accordance with **clause 6.3**

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On Maintenance	The stage in the provision of a Works Contribution when the Works Contribution reaches On Maintenance in accordance with **clause 6.1**.
Owner	The meaning given in the Planning Act, for an owner of land.
Plan	A map or plan in **Schedule 2**.
Planning Act	The *Planning Act 2016* (Qld).
Planning Scheme	Whitsunday Planning Scheme 2017
Plan of Subdivision	The meaning given in the *Land Title Act 1994* (Qld).
Proposed Transferee	A person to whom any part of the Land is proposed to be sold or transferred.
RPEQ	An engineer registered as a Registered Professional Engineer of Queensland with the Board of Professional Engineers in accordance with the *Professional Engineers Act 2002* (Qld).
Security	Either: (a) money; (b) an unconditional, irrevocable bank guarantee obtained by the Developer in favour of the Council from an authorised deposit-taking institution within the meaning of the *Banking Act 1959* (Cth); (c) an unconditional, irrevocable insurance policy obtained by the Developer in favour of the Council from an insurance company that is authorised under the *Insurance Act 1973* (Cth) to carry on insurance business and registered by the Australian Prudential Regulatory Authority; or (d) any other form of security that is accepted in writing by Council.
Value	The value of an Infrastructure Contribution determined in accordance with **clause 5**.
Works Contribution	The undertaking of works for infrastructure, including any materials or services required for that infrastructure.

14.2 Construction

Unless expressed to the contrary, in this document:

(a) words in the singular include the plural and vice versa;

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(b) any gender includes the other genders;

(c) if a word or phrase is defined, its other grammatical forms have corresponding meanings;

(d) “includes” means includes without limitation;

(e) no rule of construction will apply to the disadvantage of a party because that party drafted, put forward or would benefit from any term;

(f) a reference to:

(i) a person includes a partnership, joint venture, unincorporated association, corporation, entity and a government agency;

(ii) a person includes the person’s legal personal representatives, successors, assigns and persons substituted by novation;

(iii) any legislation includes subordinate legislation under it and includes that legislation and subordinate legislation as modified or replaced;

(iv) an obligation includes a warranty or representation and a reference to a failure to comply with an obligation includes a breach of warranty or representation;

(v) a right includes a benefit, remedy, discretion or power;

(vi) time is to local time in the Council’s local government area;

(vii) “$” or “dollars” is a reference to Australian currency;

(viii) this or any other document includes the document as novated, varied or replaced and despite any change in the identity of the parties;

(ix) writing includes:

(A) any mode of representing or reproducing words in tangible and permanently visible form, including fax transmission; and

(B) words created or stored in any electronic medium and retrievable in perceivable form.

(x) this document includes all schedules and annexures to it;

(xi) a clause, schedule or annexure is a reference to a clause, schedule or annexure, as the case may be, of this document; and

(xii) in the ICS, an “item” is to an item in the ICS;

(g) a term that is used, but not defined in, this document, will, unless the context otherwise requires, have the meaning given to it by (in the following descending order):

(i) the Planning Act; or

(ii) its ordinary meaning;

(h) if the date on or by which any act must be done under this document is not a Business Day, the act must be done on or by the next Business Day; and

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(i) headings do not affect the interpretation of this document.

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Schedule 1

Agreement Details

Item	Description	Details
1	**Commencement Date**	
	Date	*[to be inserted above by the last party to execute this document]*
2	**Developer**	
	Name	Homeland Property Developments Pty Ltd ACN 609 399 233
	Address	Level 2, 29 Elkhorn Avenue Surfers Paradise QLD 4217
	Postal address	As above
	Phone	0433 620 840
	Email	blake.thomas@greatrewards.com.au
3	**Council**	
	Name	Whitsunday Regional Council
	Address	83 – 85 Main Street Proserpine QLD 4800
	Postal address	PO Box 104 Proserpine QLD 4800
	Phone	[insert]
	Email	[insert]
4	**Land**	
	Address	Ocean View Drive, Bruce Highway and McDonald Close, Bowen, Queensland
	Lot and plan description	Lot 900 on SP225370; Lot 1 and Lot 2 on SP172275; Lot 902 on SP212269; Lot 958 and Lot 959 on SP194473; and Lot 15 on SP194473.

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Schedule 2

Plans

No.	Description
1	Concept Master Plan dated February 2020 Rev 1

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Plan 1 –
[insert]

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Schedule 3

Infrastructure Contribution Schedule (ICS)

Column 1 Item	Column 2 Infrastructure Contribution	Column 3 Description of Infrastructure Contribution	Column 4 Timing of provision of Infrastructure Contribution	Column 5 Provider of Infrastructure Contribution	Column 6 Recipient of Infrastructure Contribution
1	**Water infrastructure**				
1.1	Works Contribution for water reservoir	Provision of a Works Contribution: (a) at no cost to the Council; (b) comprising a 12ML (megalitre) reservoir, consistent with the infrastructure identified as Water reservoir W8 in the Council's Local Government Infrastructure Plan version 1.6, and constructed; (i) no higher than RL80.0 metres top water level; (ii) in accordance with the requirements of the Whitsunday Regional Council Development Manual; (iii) with connection to the reservoir via a DN450mm water main connected to Council's Bulk Supply Water Main; and (c) generally located [insert] on **Plan [insert]**.	The Works Contribution must be provided: (a) prior to, or at the same time as, the registration of the first Plan of Subdivision for Stage 3 of the Development after the Commencement Date; or (b) as agreed between the parties.	Developer	Council
1.2	Land Contribution for water reservoir easement	Provision of a Land Contribution: (a) at no cost to Council; (b) comprising ……; (c) comprising a minimum 10 metre easement for the full length of the DN450mm water main; and (d) in the locations shown on **Plan [insert]**.	The Land Contribution must be provided: (a) prior to, or at the same time as, the registration of the first Plan of Subdivision for Stage 3 of the Development after the Commencement Date; or (b) as agreed between the parties.	Developer	Council
2	**Sewer infrastructure**				
2.1	Works Contribution for sewer connection – Stage 3	Provision of a Works Contribution: (a) at no cost to the Council; (b) comprising connection of all existing lots as shown on [Concept Master Plan dated February 2020 Rev 1] and all proposed lots in Stage 3 to Council's reticulated water network: (i) via a DN225mm rising main; (ii) in accordance with the requirements of Section DG 6 Sewerage System of the Whitsunday Regional Council Development Manual; and (c) generally located [insert] on **Plan 1**.	The Works Contribution must be provided: (a) prior to, or at the same time as, the registration of the first Plan of Subdivision for Stage 3 of the Development after the Commencement Date; or (b) as agreed between the parties.	Developer	Council

Column 1 Item	Column 2 Infrastructure Contribution	Column 3 Description of Infrastructure Contribution	Column 4 Timing of provision of Infrastructure Contribution	Column 5 Provider of Infrastructure Contribution	Column 6 Recipient of Infrastructure Contribution
2.2	Works Contribution for pump station – Stage 3	Provision of a Works Contribution: (a) at no cost to the Council; (b) comprising construction of a sewer pump station on the Land: (i) adequately sized to service all flows from the existing lots as shown on [Concept Master Plan dated February 2020 Rev 1] and all proposed lots in Stage 3; (ii) in accordance with the requirements of Section DG 6 Sewerage System of the Whitsunday Regional Council Development Manual; (iii) with all pump station switchboards constructed in accordance with the requirements of the Construction Specification for Electrical Switchboards section of the Whitsunday Regional Council Development Manual; and (c) generally located [insert] on **Plan 1**.	The Works Contribution must be provided: (a) prior to, or at the same time as, the registration of the first Plan of Subdivision for Stage 3 of the Development after the Commencement Date; or (b) as agreed between the parties.	Developer	Council
2.3	Works Contribution for sewer connection – ultimate development	Provision of a Works Contribution: (a) at no cost to the Council; (b) comprising connection of all existing Stage 1 lots as shown on [Concept Master Plan dated February 2020 Rev 1] and all proposed lots to Council's reticulated water network: (i) via a DN225mm and DN300mm rising main; (ii) in accordance with the requirements of Section DG 6 Sewerage System of the Whitsunday Regional Council Development Manual; and (c) generally located [insert] on **Plan 1**.	The Works Contribution must be provided: (a) upon completion of the Development; or (b) as agreed between the parties.	Developer	Council
2.4	Works Contribution for pump station – ultimate development	Provision of a Works Contribution: (a) at no cost to the Council; (b) comprising construction of a sewer pump station on the Land: (i) adequately sized to service all flows from the existing Stage 1 lots as shown on [Concept Master Plan dated February 2020 Rev 1] and all proposed lots; (ii) in accordance with the requirements of Section DG 6 Sewerage System of the Whitsunday Regional Council Development Manual; (iii) with all pump station switchboards constructed in accordance with the requirements of the Construction Specification for Electrical Switchboards section of the Whitsunday Regional Council Development Manual; and (c) generally located [insert] on **Plan 1**.	The Works Contribution must be provided: (a) upon completion of the Development; or (b) as agreed between the parties.	Developer	Council

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Column 1 Item	Column 2 Infrastructure Contribution	Column 3 Description of Infrastructure Contribution	Column 4 Timing of provision of Infrastructure Contribution	Column 5 Provider of Infrastructure Contribution	Column 6 Recipient of Infrastructure Contribution
2.5	Works Contribution for pipe installation	Provision of a Works Contribution: (a) at no cost to the Council; and (b) comprising construction of a non-corrosive pipe: (i) installed for the length of the sewer to the next downstream manhole; (ii) including provision of an inert lining to all internal surfaces of all rising main discharge manholes; and (iii) in accordance with the requirements of section DG 6 Sewerage System of the Whitsunday Regional Council Development Manual.	The Works Contribution must be provided: (a) upon completion of the Development; or (b) as agreed between the parties.	Developer	Council
2.6	Works Contribution for decommissioning of sewerage treatment plant	Provision of a Works Contribution: (c) at no cost to the Council; and (d) comprising decommissioning of the existing onsite sewerage treatment plant.	The Works Contribution must be provided: (a) prior to the first of: (i) the registration of the first Plan of Subdivision for the Development after the Commencement Date; or (ii) commencement of operational works; or (b) as agreed between the parties.		

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Execution

Executed as a deed

Executed by **Homeland Property Developments Pty Ltd ACN 609 399 233**)))	
.....	.....
Company Secretary/Director	Director
.....	.....
Name of Company Secretary/Director (print)	Name of Director (print)
Executed for and on behalf of the **Whitsunday Regional Council** in the presence of:)))	
.....	.....
Authorised person	Witness
.....	.....
Name of authorised person (print)	Name of witness (print)

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14. Development Services

14.2 FUNDING OPPORTUNITY: NORTH QUEENSLAND (NQ) ECONOMIC DIVERSIFICATION GRANTS EOI

AUTHOR: Elouise Lamb – Project Officer Economic Development and Major Grants

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RESPONSIBLE OFFICER: Neil McGaffin – Director Development Services

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OFFICER'S RECOMMENDATION

That Council resolves to support a submission to the North Queensland (NQ) Economic Diversification Grants EOI seeking $250k for the *Whitsunday Coast Airport (WCA) – Domestic & International Freight Project Implementation* and, in the event the funding application is successful, support a $40k cash and $30k in-kind co-contribution.

The following report has been submitted for inclusion into Council's Ordinary Meeting to be held on 10 March 2021.

SUMMARY

The North Queensland (NQ) Economic Diversification Grants EOI is open and as an activated region from the 2019 Monsoon Trough Event, Council have been invited to apply.

The Whitsunday Coast Airport (WCA) – Domestic & International Freight Project Implementation activity has been identified by Council for submission as it would provide new and improved freight processes and infrastructure. The project seeks to provide new economic opportunities for agriculture, tourism and small business through improved market access, freight efficiencies and new business creation.

PURPOSE

To provide information to Council on the opportunity to apply for funds from the NQ Economic Diversification Grants to help the region adapt and transform in an ever-changing environment.

BACKGROUND

There is no previous Council decision relating to this matter.

STATUTORY/COMPLIANCE MATTERS

Submissions Close: 19 March 2021
Projects must be complete within 2 years.

ANALYSIS

The NQ Economic Diversification grants are a competitive grant opportunity for projects that support emerging industries, expand small-scale industries or add value for existing industries and their supply chains to generate economic and employment opportunities.

There is a total $9M in funding available for projects in the identified 14 Local Government Areas that were activated for the Monsoon Trough Event (25/1/19- 14/2/19).

The two streams available for funding are projects related to agriculture and its value chain and non-agricultural related projects. There is no set amount of funding allocated to either stream.

Funding available: $10,000 - $500,000
A financial or in-kind co-contribution is required.

Council was invited to identify upcoming operational or capital projects that may fit the criteria. The following project was identified as potentially eligible and is recommended for submission:

Project Name	Whitsunday Coast Airport (WCA) – Domestic & International Freight Project Implementation
Project Summary	Project Cost $320k Project includes the engagement of consultant to provide support to WCA Airport to implement outcomes from the proposed freight strategy. The freight strategy is intended to look at opportunities to enable commercial and agricultural air freight. Stage 1 will target network development with Brisbane West Airport (Toowoomba) and on-connections to International Freight networks via Wellcamp Airports existing Singapore Airlines service 3 times a week. The project would be for 6-12 months and include costs for salaries and new equipment to best enable new freight network establishment. Benefits include improved market access, freight efficiencies and new business creation. WRC contribution $40k cash and $30k in-kind.

STRATEGIC IMPACTS

Financial Implications – The funding program does require a co-contribution by Council. Funding contribution for the WCA project is in the current operational budget.

Corporate Plan Alignment:
- OUTCOME 3.1 – Our built environment is well planned, effectively managed and protects our region's heritage and character
- OUTCOME 3.3 – Our region is accessible and connected
- OUTCOME 3.4 – Our infrastructure supports our region's current and future needs

CONSULTATION

- Neil McGaffin – Director Development Services
- Matthew Fanning – Director Infrastructure Services
- Jessica Cristaudo – Coordinator Transport Planning & Assets
- Donna Foster – Economic Development Coordinator
- Sandra Black – Disaster Management Coordinator
- Scott Hardy – Coordinator Natural Resource Management & Climate
- Scott Wilkinson – Manager Innovation and Technology
- Peter Shuttlewood – Executive Manager Procurement, Property & Fleet
- Troy Pettiford – Chief Operating Officer Whitsunday Water
- Craig Turner – Chief Operating Officer – Aviation & Tourism

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 North Queensland (NQ) Economic Diversification Grants provides an opportunity for Council to deliver projects and programs that provide new economic opportunities for the Whitsundays.

ATTACHMENTS

N/A

14. Development Services

14.3 20101141 & 20160488 - REQUEST FOR EXTENSION OF CURRENCY PERIOD - DEVELOPMENT PERMIT FOR RECONFIGURATION OF A LOT - ONE (1) LOT INTO SEVENTEEN (17) LOTS; AND DEVELOPMENT PERMIT FOR OPERATIONAL WORKS, 141 TELFORD ROAD STRATHDICKIE, G F CHALLONER

AUTHOR: Matthew Twomey – Senior Development Assessment Officer

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RESPONSIBLE OFFICER: Neil McGaffin – Director Development Services

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OFFICER'S RECOMMENDATION

That Council resolve to approve the request for an extension of currency period of the Development Permit for Reconfiguration of a Lot - One (1) Lot into Seventeen (17) Lots; and Development Permit for Operational Works lodged by Vision Surveys on behalf of G F Challoner on land described as L: 46 SP: 198041, 141 Telford Road Strathdickie to 17 August 2021.

The following report has been submitted for inclusion into Council's Ordinary Meeting to be held on 10 March 2021.

SUMMARY

The applicant has requested a five (5) month extension to two (2) current approvals. The applicant has taken significant steps to complete the development with site works significantly advanced for Stage 1. Based on the applicant's representations and the site works completed to date, the development will likely proceed should an additional five (5) month extension be granted. On this basis, the request is recommended for approval.

PURPOSE

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

BACKGROUND

Council at its Meeting of 12 August 2020 resolved that Council adopt following policy position in relation to applications for Extension of the Currency Period of Development Permits contained in **Attachment 3**.

STATUTORY/COMPLIANCE MATTERS

Sections 86 and 87 of the Planning Act 2016

ANALYIS

Council approved the application for subdivision on 17 September 2012. Two extensions of the currency period have been granted by Council since approval. The subsequent related operational works approval was issued by Council on 27 September 2016. One extension of the currency period has been issued by Council since approval.

<u>Request</u>

On 29 April 2020, pursuant to section 86 of the *Planning Act 2016*, Council received a request to extend the currency period of both Development Approvals for two (2) years to 17 September 2022. Prior to Council deciding the request the approvals were subject to the six (6) month COVID extension issued by the Minister for Planning, taking the currency period of the approval to 17 March 2021 and 16 March 2021 respectively. Subsequent discussions with the applicant resulted in the commencement of site works and a revised request was made to Council on 15 February 2021 for a five-month extension to 17 August 2021. The applicant's representations are included as **Attachment 4**.

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 site, subject to this application, has been zoned rural under the Whitsunday Regional Council Planning Scheme 2017 which was adopted mid-2017; and is identified on the following overlays:

- Agriculture land
- Bushfire hazard
- Environmental significance
- Landslide hazard.

If the application were to be re-lodged today, the proposal would require the lodgment of an impact assessable development application, including a period of public notification of 15 business days.

The subdivision approval requires the applicant to obtain subsequent operational works approval. The applicant has obtained this approval from Council.

Correspondence has been provided by the applicant's consulting engineering which provides the current construction status **Attachment 4**. Based on these representations it is considered the development has significantly commenced construction and will likely be completed within the requested period of five (5) months. The development is therefore considered to achieve consistency with Council's adopted policy position.

Council granted the development approval mid-2016 and required payment of development contributions totalling $66,484.00. Payment of the developer contributions has not been made to Council to date. As required by the Planning Act 2016, the developer contributions have been recalculated under the Infrastructure Charges Resolution (No. 1) 2020 totalling $207,959.68, a difference of $141,475.58. Upon approval an Infrastructure Charges Notice will be issued.

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 – Developer contributions total $207,959.68.

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.

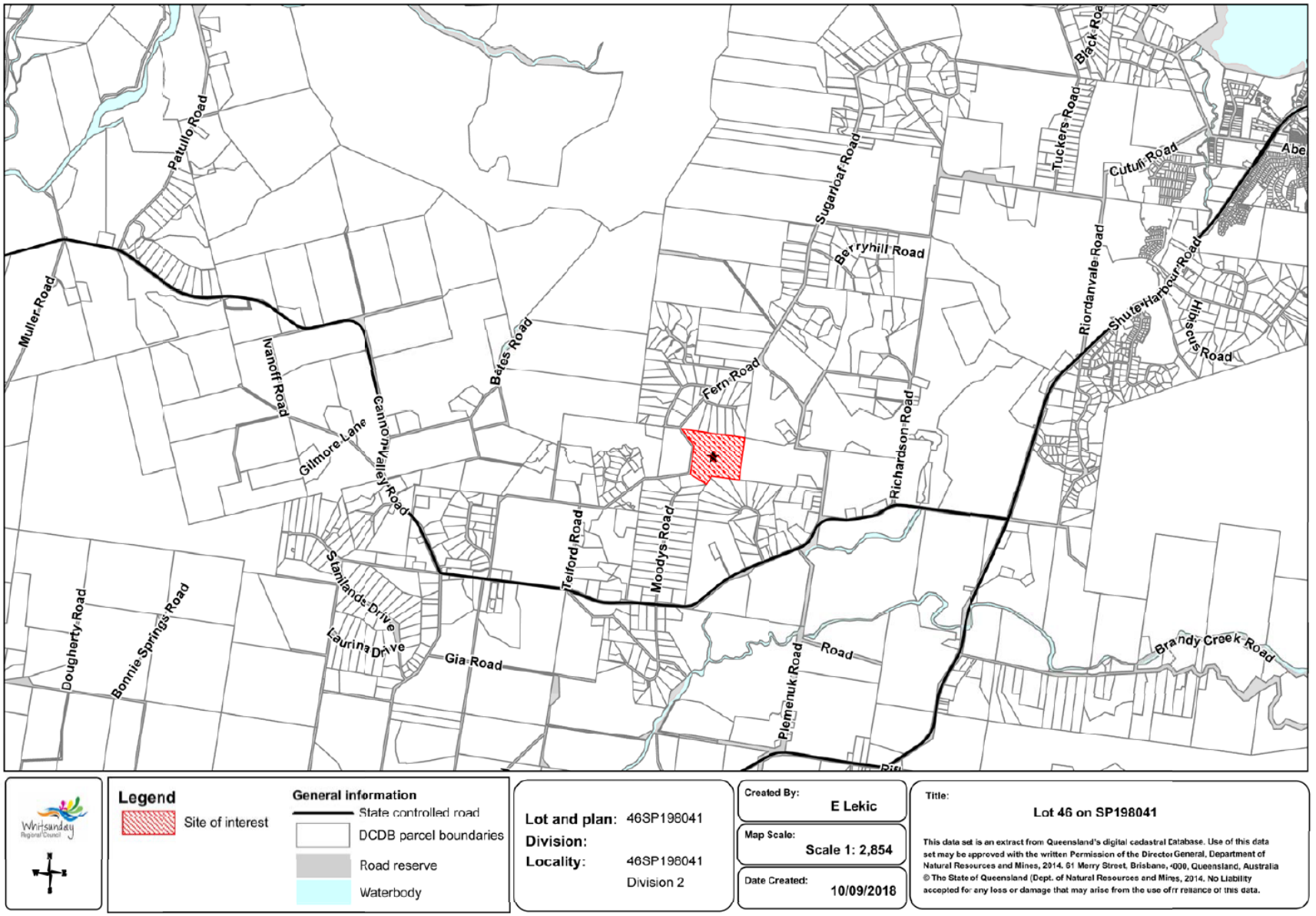
CONCLUSION

The applicant has requested an extension of the relevant period until 17 August 2021 - a period of five (5) months for both approvals. It is recommended that Council approve the request for an extension of the relevant periods on the grounds outlined above.

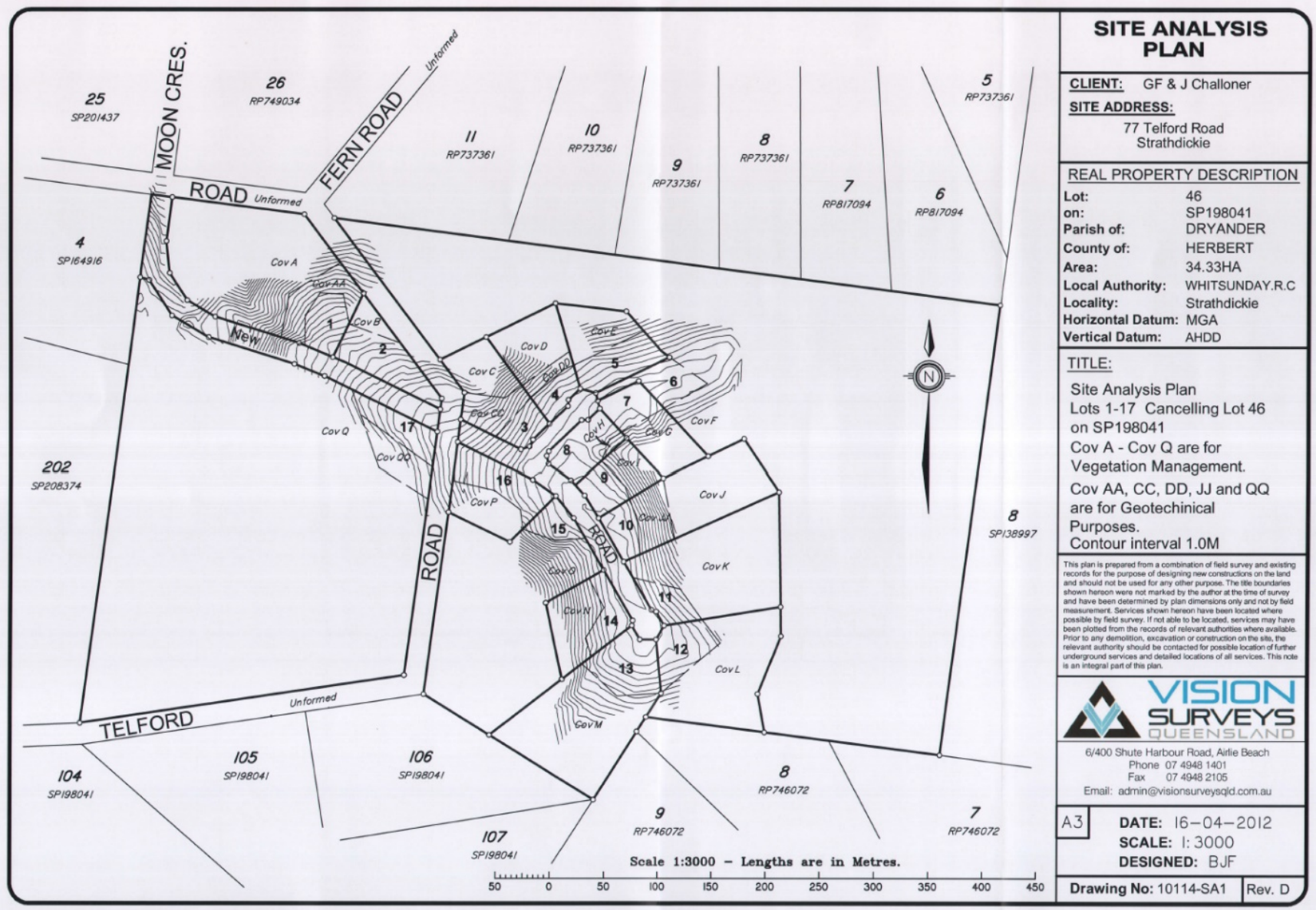
ATTACHMENTS

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

VISION SURVEYS

Surveying | Town Planning | Environment | Urban Design

Council Ref: 2010-1141
Our Ref: 16380 ROL
Contact: Andrea Henderson

16 February 2021

The Assessment Manager
Whitsunday Regional Council
PO Box 104
PROSERPINE QLD 4800

Via: info@whitsundayrc.qld.gov.au

RE: ADDITIONAL REPRESENTATIONS

REQUEST FOR AN EXTENSION APPLICATION OF AN EXISTING APPROVAL FOR RECONFIGURATION OF A LOT – ONE (1) LOT INTO SEVENTEEN (17) LOTS – 141 TELFORD ROAD, STRATHDICKIE – LOT 46 ON SP198041

Vision Surveys (QLD) Pty Ltd [VSQ] act on behalf of the applicant, George F. Challoner, in lodgement of a request for an Extension Application of an existing approval pursuant to s. 86 of the *Planning Act 2016* for a Development Permit for Reconfiguration of a Lot – one (1) lot into seventeen (17) lots at 141 Telford Road, Strathdickie, formally described as Lot 46 on SP198041 (Council ref: 20101141).

We refer to previous correspondence in relation to the above-mentioned request and we subsequently note that Council's decision making period was extended to 17 March 2021 for this request.

To provide further justification for an extension of the lapse date of the permit, we hereby provide the following additional information:

- Since Council's advice on 31 August 2020 that the lapse date of this approval had been extended by virtue of the Extension Notice by Minister for Infrastructure and Planning, the Honourable Cameron Dick MP to 17 March 2021, the operational works have substantially commenced on site. During the construction works, significant areas of rock has been encountered and this, combined with heavy rains, has resulted in a delay in finalizing construction. We also understand that Trevor Glasson, the consulting engineer, is actively working with Council to achieve minor design changes, due to the rock, to allow the works to be finalized.
- It is estimated that an additional 4-8 weeks is required to complete the operational works and have the works accepted "on maintenance" by Council. Trevor Glasson will be writing to Council providing a work program for the completion of the Stage 1 works.
- Survey works for the formal Plan of Subdivision has commenced and progressed significantly. The formal survey as well as the "As Constructed" survey cannot be finalised until the operational works have been completed.
- It is estimated that another 4 weeks is required to complete the "As Constructed" survey and Plan of Subdivision, once the operational works have been completed.
- The covenant document for the lots in Stage 1 has been prepared by our client's solicitor and a copy is attached for your information.

It is submitted that the request for an extension to the currency period demonstrates consistency with Council's adopted policy for Requests for Extension of Time - Development Permits, in particular Principles 3b & 4 as set out below.

- ***3b - for a reconfiguration application, a subsequent operational works application has been lodged with Council.***

  COMPLIES - Development Permit of Operational Works - DA20160488 has been obtained. Furthermore, a Development Permit for Operational Works - DA20200926 for the Stage 2 and 3 civil construction works has

also been obtained. The Stage 1 work has substantially commenced and is expected that these operational works will be completed in 1-2 months' time, with another month required for the works to be accepted "on maintenance" by Council.

- ***4 - generally currency periods will not exceed a total of 10 years unless exceptional circumstances can be demonstrated, or for stage developments***

  DA 20101141 is a staged approval. Stage 1 will be completed in about 3 months, as outlined above, with new Titles released shortly thereafter. The Negotiated Decision Notice was issued 17 September 2012, demonstrating that the permit, although for a staged development, is still within the 10 year timeframe.

  COMPLIES – a further extension of the currency period will not result in the currency period exceeding 10 years from the date of issue of the approval.

We request that Council extend the currency period taking the above representations into consideration. We do acknowledge that a five (5) month extension is appropriate, allowing sufficient time for the Stage 1 works to be completed, accepted "on maintenance" and the Subdivision Plan submitted to Council for approval.

We look forward to receiving a 'Notice of Decision on request to extend the relevant period' in due course.

Yours faithfully,

A. Henderson

Andrea Henderson
Town Planner
Vision Surveys (QLD) Pty Ltd
07 4948 3781

VISION SURVEYS

Surveying | Town Planning | Environment | Urban Design

Council Ref: 20160488
Our Ref: 16380
Contact: Andrea Henderson

16 February 2021

The Assessment Manager
Whitsunday Regional Council
PO Box 104
PROSERPINE QLD 4800

Via: info@whitsundayrc.qld.gov.au

RE: ADDITIONAL REPRESENTATIONS

REQUEST FOR AN EXTENSION APPLICATION OF AN EXISTING APPROVAL FOR OPERATIONAL WORKS – ROADWORKS; DRAINAGE; STORMWATER; EARTHWORKS; EXTERNAL ACCESS AND EROSION AND SEDIMENT CONTROL – 141 TELFORD ROAD, STRATHDICKIE – LOT 46 ON SP198041

Vision Surveys (QLD) Pty Ltd [VSQ] act on behalf of the applicant, George F. Challoner, in lodgement of a request for an Extension Application of an existing approval pursuant to s. 86 of the *Planning Act 2016* for a Development Permit for Operational Works – Roadworks; Drainage; Stormwater; Earthworks; External Access and Erosion and Sediment Control at 141 Telford Road, Strathdickie formally described as Lot 46 on SP198041 (Council ref: 20160488).

We refer to previous correspondence in relation to the above-mentioned request and we subsequently note that Council's decision making period was extended to 17 March 2021.

To provide further justification for an extension of the lapse date of the permit, we hereby provide the following:

- Since Council's advice on 31 August 2020 that the lapse date of this approval had been extended by virtue of the Extension Notice by Minister for Infrastructure and Planning, the Honourable Cameron Dick MP to 26 March 2021, the operational works have substantially commenced on site. During the construction works, significant areas of rock has been encountered and this, combined with heavy rains, has resulted in a delay in finalizing construction. We also understand that Trevor Glasson, the consulting engineer, is actively working with Council to achieve minor design changes, due to the rock, to allow the works to be finalized.
- It is estimated that approximately 4-8 weeks is required to complete the operational works and have the works accepted "on maintenance" by Council. Trevor Glasson will be writing to Council providing a work program for the completion of the Stage 1 works;
- Survey works for the formal Plan of Subdivision under DA20101141 has commenced and progressed significantly. The formal survey as well as the "As Constructed" survey cannot be finalised until the operational works have been completed;

It is submitted that the request for an extension to the currency period demonstrate consistency with Council's adopted policy for Requests for Extension of Time - Development Permits in particular Principles 3c & 4 as set out below.

- ***3c - for an operational works application, the work has substantially commenced and is expected to be finalised within 6 months.***

  COMPLIES – the operational work has substantially commenced and it is expected that the Stage 1 operational works will be completed in 1-2 months' time, with another month required for the works to be accepted "on maintenance" by Council.

- ***4 - generally currency periods will not exceed a total of 10 years unless exceptional circumstances can be demonstrated, or for stage developments***

- DA20101141 is a staged approval. The development permit for Operational Works (DA20160488), the subject

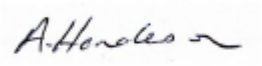
of this further extension request, was obtained on 27 September 2016 and is still within the 10 year timeframe.

COMPLIES – a further extension of the currency period will not result in the currency period exceeding 10 years from the date of issue of the approval.

We request that Council extend the currency period taking the above representations into consideration. We do acknowledge that a five (5) month extension is appropriate to the operational works application, taking into account any delays as a result of the seasonal wet weather.

We look forward to receiving a 'Notice of Decision on request to extend the relevant period' in due course.

Yours faithfully,



Andrea Henderson
Town Planner
Vision Surveys (QLD) Pty Ltd
07 4948 3781

15 February 2021

Trevor Glasson Consulting Services

ABN 57 660 976 891

Address 10049 Bruce Highway, Bloomsbury
PO Box 983, Proserpine QLD 4800

Mobile 0432 323 823
Email trevor.glasson@bigpond.com

The Chief Executive Officer
Whitsunday Regional Council
PO Box 104
PROSERPINE QLD 4800

Attention: Tony Gatton

Dear Sir

Operational Works Application - 3 Lot Rural Residential Subdivision
Moon Crescent Stage 1
Moon Crescent, Sugarloaf (Lot 46 SP198041)
Ref 2010 1141 (DA) and 2016 0488 (OW)

Further to our meeting on site last Thursday 11 February 2021 with Matt Twomey and yourself, I set out below the current construction status, and the anticipated completion of the roadworks for Stage 1.

As observed on site, the road embankment and excavation from Ch 0 to Ch160 has reached its final subgrade level, and similarly from Ch 240 to Ch 300. The section in between is where the extensive rock outcrop is present, and has taken sometime using a "Rock Breaker Hammer" to chisel the way through.

A decision has now been made to carry out a "Blast" of the rock, and based on the necessary notifications, the "blast" will occur on Wednesday 17 February.

The balance of the excavation between Ch 160 to Ch 240 will occur later this week, and subgrade preparation early the following week 22 to 24 February.

I anticipate (weather permitting) that the whole road will be ready for "subgrade proof roll" on the 26 February, and the pavement gravels commence being placed, compacted during the following week the 1st through to the 5th March.

Final surface proof roll Wednesday the 10th March, and bitumen surfacing the following day.

I trust that the above provides you with some confidence as to the completion by the middle of March 2021.

Yours Faithfully

Trevor Glasson (RPEQ 5396)

14. Development Services

14.4 20130712 - REQUEST FOR EXTENSION OF CURRENCY PERIOD - DEVELOPMENT APPLICATION FOR DEVELOPMENT PERMIT FOR A RECONFIGURATION OF A LOT - ONE (1) LOT INTO TWO (2) LOTS, 101 RAINFOREST CLOSE SUGARLOAF, DATVIL PTY LTD

AUTHOR: James McEvoy-Bowe – Planner

RESPONSIBLE OFFICER: Neil McGaffin – Director Development Services

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OFFICER'S RECOMMENDATION

That Council resolve to approve the request for an extension of currency period of the Development Permit for a Reconfiguration of a Lot - One (1) Lot into Two (2) Lots lodged by Datvil Pty Ltd on land described as L: 7 SP: 168481, 101 Rainforest Close SUGARLOAF.

The following report has been submitted for inclusion into Council's Ordinary Meeting to be held on 10 March 2021.

SUMMARY

The applicant has requested a two (2) year extension to the Development Permit. The applicant has taken steps to complete the development, having completed the surveying of the covenant area, completed the driveway access and connecting the site to electricity. Based on the applicant's representations and the very little remainder of conditions to be completed, the development will likely proceed should an additional two (2) year extension be granted. On this basis, the request is recommended for approval.

PURPOSE

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

BACKGROUND

Council at its Meeting of 12 August 2020 resolved that Council adopt following policy position in relation to applications for Extension of the Currency Period of Development Permits contained in **Attachment 3**.

STATUTORY/COMPLIANCE MATTERS

Sections 86 and 87 of the Planning Act 2016.

ANALYIS

Approval History

The Development Permit was given via delegated authority on the 23 July 2014, subject to conditions.

Council granted a first extension on 22 July 2016 to 23 July 2018 and a second extension of time on 25 June 2018 to 23 July 2020.

The Minister for Planning gave an automatic 6-month extension to all live Development Permits due to Covid-19 in early 2020. As a result, the new lapse date for this Development Permit is 23 January 2021.

Request

On 18 January 2021, pursuant to section 86 of the *Planning Act 2016,* Council received a request to extend the currency period of the Development Permit for an additional two (2) years.

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 development approval was granted under the *Whitsunday Shire Planning Scheme 2009* and site was zoned Rural Residential. Since the adoption of the current *Whitsunday Regional Council Planning Scheme 2017*, the site is still zoned Rural Residential. The development is considered to remain consistent with the intent of the zone.

At the time the permit was given, the development application was Code Assessable. If the application were to lapse and be re-lodged under the current Planning Scheme, the level of assessment would remain the same.

Under the current Extension of Time Policy adopted by Council, the applicant is requesting a third extension which requires additional Operational Works Permits to be obtained. This Development Permit did not condition any additional Development Permits and so the applicant has demonstrated their intent to complete the development by having completed all of the 'on-ground' requirements, the remaining item to be completed on the Permit is payment of the infrastructure charges. It is therefore considered the applicant has continued to remain active with the development and is working towards the finalisation of the project.

Council granted the development approval mid-2014 and required payment of development contributions via conditions of approval as the development is located outside of Council's Priority Development Area. The contributions applied were:

- Road Works - $9,800.00 per additional allotment;
- Park and Recreation Facilities - $1,400.00 per additional allotment

This equates to a total contribution per additional allotment of $11,200.00. Council has not received any payments to date.

The following is a breakdown of the Infrastructure Charges for the development as a new Infrastructure Charges Notice is required to be given in accordance with the *Planning Act 2016*. As per the Infrastructure Charges Resolution (No. 1) 2020 the new charges amount to:

Adopted Charge				
Type of Development	Development Category	Demand Unit & Qty	Charge Rate*	Adopted Charge
RAL	Residential	2	$30,226.70	$60,453.40
			Total Adopted Charge	*$60,453.40*
Credit				
Type of Development	Development Category	Demand Unit & Qty	Charge Rate*	Adopted Charge
RAL	Residential	1	$30,226.70	$30,226.70
RAL	Water	30%	$30,226.70	$9,068.00

RAL	Sewer	27%	$30,226.70	$8,161.20
			Total Credit	*$47,455.91*
			Total Levied Charge	$12,997.49

The difference in developer contributions amounts to **$1,797.49.**

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 23 January 2023 - a period of two (2) years. It is recommended that Council approve the request for an extension of the relevant period on the grounds outlined above.

ATTACHMENTS

Attachment 1 – Locality Plan
Attachment 2 – Proposal Plan

Attachment 1 – Locality Plan

Legend

Site of interest

General information

State controlled road

DCDB parcel boundaries

Road reserve

Waterbody

Lot and plan: 7SP168481
Division: Division 2
Locality: Sugarloaf

Created By: E Lekic

Map Scale: Scale 1: 2,854

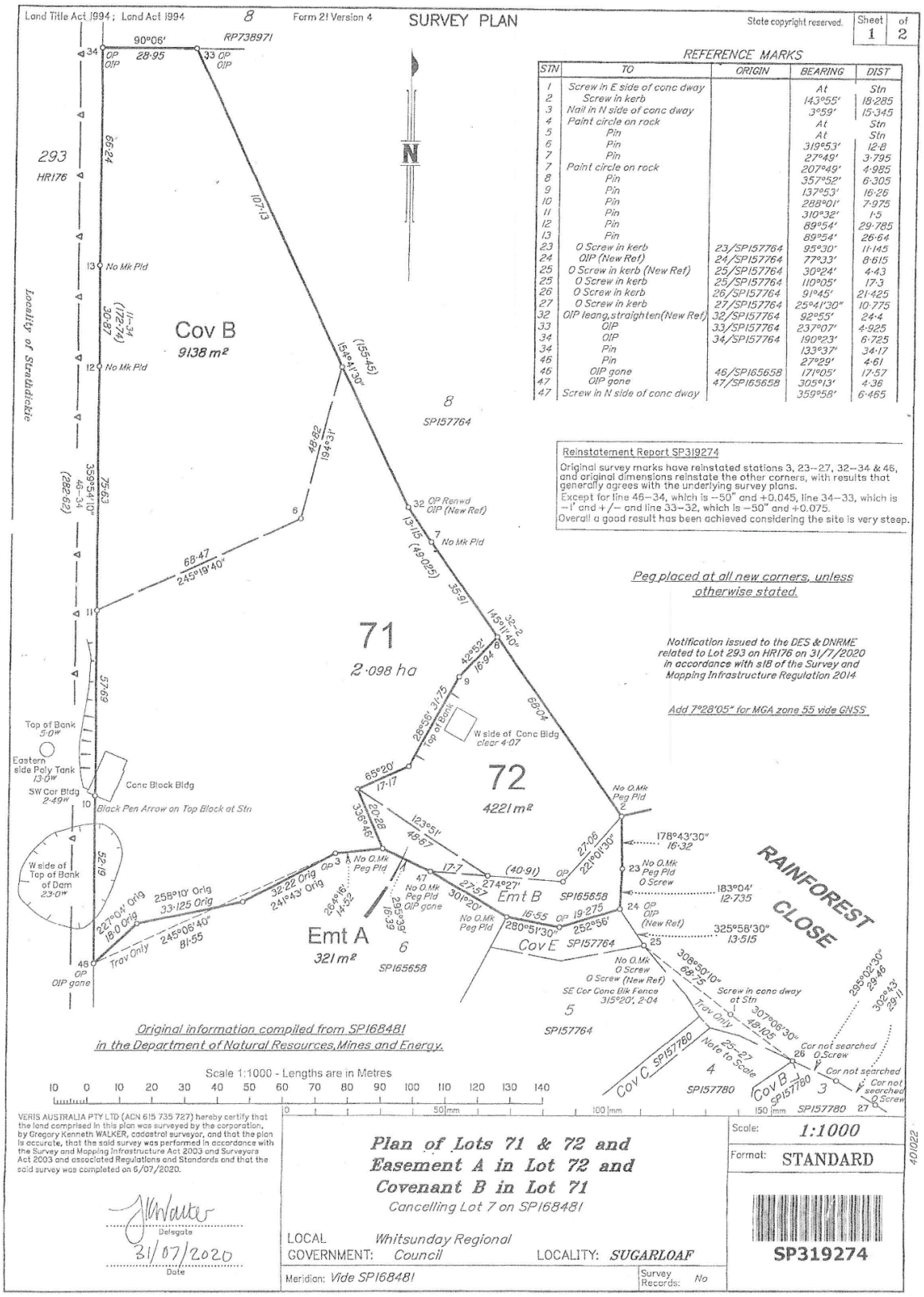
Date Created: 9 July 2018

Title: Lot 7 on SP168481

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 Mines, 2014. 61 Merry Street, Brisbane, 4000, Queensland, Australia © The State of Queensland (Dept. of Natural Resources and Mines, 2014. No Liability accepted for any loss or damage that may arise from the use of rr reliance of this data.

Whitsunday Regional Council

Attachment 2 – Proposal Plan



STN	TO	ORIGIN	BEARING	DIST
1	Screw in E side of conc dway		At	Stn
2	Screw in kerb		143°55'	18·285
3	Nail in N side of conc dway		3°59'	15·345
4	Paint circle on rock		At	Stn
5	Pin		At	Stn
6	Pin		319°53'	12·8
7	Pin		27°49'	3·795
7	Paint circle on rock		207°49'	4·985
8	Pin		357°52'	6·305
9	Pin		137°53'	16·26
10	Pin		288°01'	7·975
11	Pin		310°32'	1·5
12	Pin		89°54'	29·785
13	Pin		89°54'	26·64
23	O Screw in kerb	23/SP157764	95°30'	11·145
24	OIP (New Ref)	24/SP157764	77°33'	8·615
25	O Screw in kerb (New Ref)	25/SP157764	30°24'	4·43
25	O Screw in kerb	25/SP157764	110°05'	17·3
26	O Screw in kerb	26/SP157764	91°45'	21·425
27	O Screw in kerb	27/SP157764	25°41'30"	10·775
32	OIP leang, straighten (New Ref)	32/SP157764	92°55'	24·4
33	OIP	33/SP157764	237°07'	4·925
34	OIP	34/SP157764	190°23'	6·725
34	Pin		133°37'	34·17
46	Pin		27°29'	4·61
46	OIP gone	46/SP165658	171°05'	17·57
47	OIP gone	47/SP165658	305°13'	4·36
47	Screw in N side of conc dway		359°58'	6·465

14. Development Services

14.5 PLANNING SCHEME MAJOR AMENDMENT PACKAGE - HERITAGE AMENDMENTS

AUTHOR: Leonie Meurant – Strategic Planner

RESPONSIBLE OFFICER: Neil McGaffin – Director Development Services

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OFFICER'S RECOMMENDATION

That Council resolve to undertake the following actions within the upcoming Planning Scheme Major Amendment:

(a) remove Hook Island Underwater Observatory, the Proserpine War Memorial and the Palace Hotel from the Local Heritage Register;
(b) notify the owners of the above properties of the removal of the local heritage places during the Public Consultation of the Major Amendment package to the Whitsunday Planning Scheme;
(c) follow the *QLD Heritage Act 1992* process for removal of items from the Local Heritage Register;
(d) amend the Planning Scheme Heritage Overlay Mapping to reflect the removals; and
(e) amend the Heritage Overlay Code, for inclusion within the next major amendment to the Whitsunday Planning Scheme 2017, including any necessary administrative amendments.

The following report has been submitted for inclusion into Council's Ordinary Meeting to be held on 10 March 2021.

SUMMARY

Amendments to the Whitsunday Planning Scheme Heritage overlay code, mapping and subsequently the Local Heritage Register.

PURPOSE

That Council approve Planning Scheme Heritage amendments to be included in the Major Amendment to the Whitsunday Planning Scheme 2017, and to amend the Local Heritage Register through the appropriate process.

BACKGROUND

On the 11 October 2017, Council resolved to make a Major amendment to the Whitsunday Regional Council Planning Scheme 2017. In 2014, Council adopted the Local Heritage Register, to protect places of historical and cultural significance in the area.

STATUTORY/COMPLIANCE MATTERS

Queensland Heritage Act 1992
Planning Act 2016
Planning Regulation 2017
Ministers Guidelines and Rules 2020

ANALYSIS

Amendments are required to the Local Heritage Register, Heritage Overlay Mapping and Heritage Overlay Code as part of the Major amendment to the *Whitsunday Planning Scheme 2017*.

Heritage Register / Overlay Mapping
The Local Heritage Register and Planning Scheme Mapping requires updates due to changed circumstances of three places listed. (**Attachment 2** provides a brief description of each local heritage place.)

1. The Hook Island Underwater Observatory (HIUO) was deemed structurally unsound and was demolished as part of the Hook Island Eco Resort re-development;
2. The Proserpine War Memorial, also known as the Proserpine Cenotaph, is being replaced; and
3. The Palace Hotel (O'Duinns Irish Pub) is in a current state of critical disrepair and is recommended for removal.

All three sites are proposed to be removed from the Heritage Register and Overlay Mapping by undertaking the process for removing a local heritage place set out within the *Queensland Heritage Act 1992*. The process includes:

1. Council resolving to remove the aforementioned heritage places;
2. Notifying the owner of each local heritage place, of the proposal to remove local heritage listing;
3. Publishing a notice in the newspaper circulating in the area of the proposal to remove local heritage listing;
4. Providing 20 business days for the community or landowner to make a submission on the proposal; and
5. Resolving to remove the places from the local heritage register, having regard to any submissions.

The three heritage place cards in the Local Heritage Register will be removed from the active register but remain on the website under 'removed items' to maintain the history of the sites in the public realm.

Heritage Overlay Code
After a review of the Heritage Register, the Planning Scheme Heritage Overlay Code is proposed to be updated to be in accordance with State Planning Policy requirements and more accurate wording. The amendments are set out within **Attachment 2.**

STRATEGIC IMPACTS

The community may object to the removal of the Proserpine War Memorial and Palace Hotel (O'Duinns Irish Pub) from the Local heritage list. Ultimately, a new Proserpine War Memorial under construction may be added to the local heritage register once rebuilt, should Council deem it culturally significant, albeit the heritage listed Memorial has been demolished and its materials will not be re-utilised to justify its ongoing recognition. The Palace Hotel (O'Duinns Irish Pub) is significantly damaged effecting its heritage value. Therefore, removing the heritage listing will make any works an easier application process for the landowner.

The community will be provided opportunity to comment on the proposed heritage places de-listing during the 20 business day public notification period, which will be run concurrently with the Whitsunday Planning Scheme Major Amendment consultation.

CONSULTATION

All amendments to be included within the Major amendment to the Planning Scheme will be consulted upon in accordance with the *Ministers Guidelines and Rules 2020.* The following people were consulted in the development of the changes.

Neil McGaffin - Director Planning & Development
Shane Neville – Manager Strategic Planning
Leonie Meurant – Strategic Planning 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

The amendments to the Planning Scheme and the Local Heritage Register are required to ensure Council documents are up to date with current physical changes to sites in the Region.

ATTACHMENTS

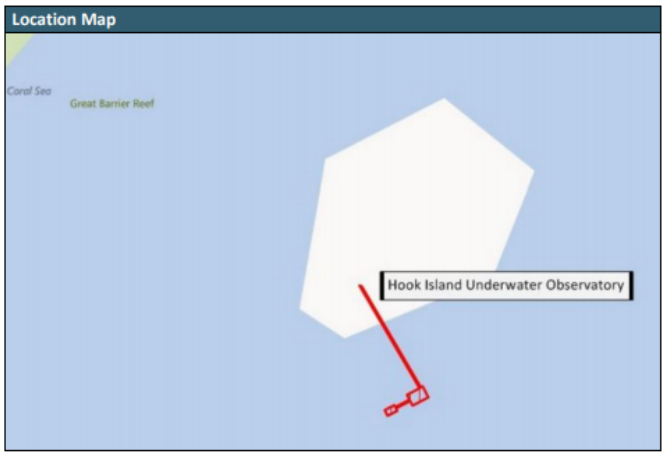
Attachment 1 - Local Heritage Items
Attachment 2 - Heritage Overlay Code Amendments

Attachment 1 - Local Heritage Items

Hook Island Underwater Observatory

Source: Department of Environment and Heritage Protection.

Source: Department of Environment and Heritage Protection.

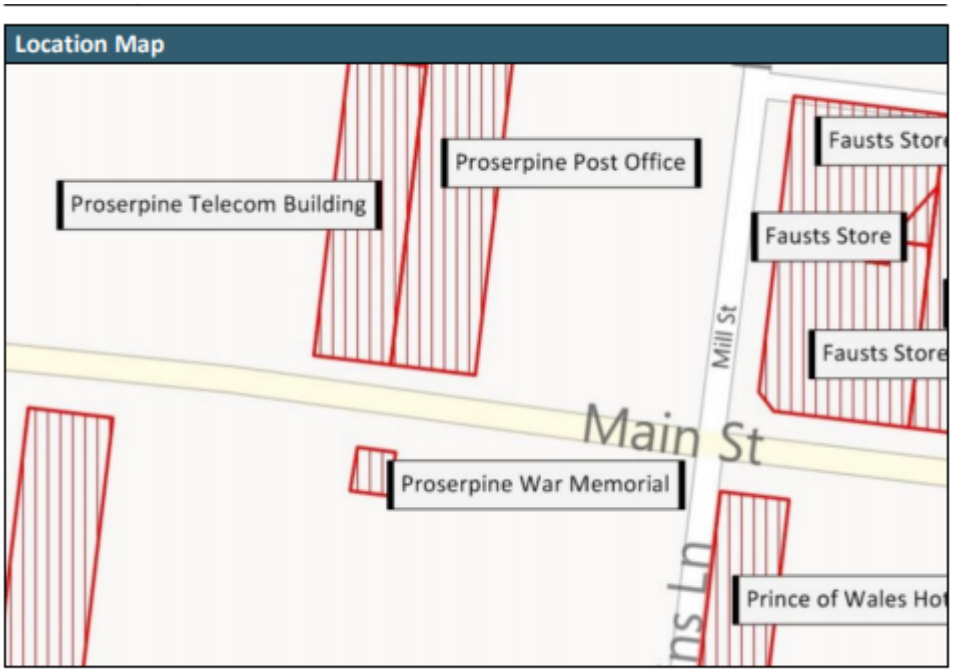


Hook Island Underwater Observatory

The HIUO was a rare example of early reef-based tourism, which was a foundation of the Whitsunday Region. Its demolition was due to safety reasons, not because it was no longer considered to have heritage significance. The approval for the eco resort redevelopment on the island requires a plaque commemorating the HIUO. The demolition of the HIUO necessitates the removal of the item from the Heritage Overlay Mapping in the Planning Scheme Major Amendment.

It is proposed that the Local Heritage Register entry for the HIUO be updated to identify that it has been demolished and the circumstances that required the action.

Proserpine War Memorial



Proserpine War Memorial (Cenotaph)

The cenotaph has been identified for removal from the Overlay in the Planning Scheme, as well as an updated annotation in the Local Heritage Register due to its physical removal and a new memorial being built.

Palace Hotel (O'Duinn's Irish Pub)

Palace Hotel

The Hotel was severely damaged during Cyclone Debbie in 2017 and since that time has stood empty and damaged. Council commissioned the report 'Structural Integrity Engineering Report - 29 – 31 Main Street, Proserpine' by STP Consultants 26 October 2020. This report identified significant damage to the premise and recommended significant remediation. Therefore, it is considered prudent to update the annotation in the Local Heritage Register.

Attachment 2 – Heritage Overlay Code Changes

Heritage overlay code

Editor's Note – This code does not apply to indigenous cultural heritage which is protected under the *Aboriginal Cultural Heritage Act 2003*. In accordance with this legislation, a person who carries out an activity must take all reasonable and practical measures to ensure the activity does not harm Aboriginal cultural heritage ("the cultural heritage duty of care").

Editor's note: Sites included in the Heritage overlay include Queensland and Commonwealth Heritage places. These are governed by their own relevant heritage legislation.

8.1.1.1 Application

This code applies to accepted and assessable development:

(a) subject to the Heritage overlay map contained within Schedule 2 (Mapping); and

(b) identified as requiring assessment against the Heritage overlay code by the tables of assessment in Part 5 (Tables of assessment).

8.1.1.2 Purpose and overall outcomes

(1) The purpose of the Heritage overlay code is to ensure development on a Heritage place is compatible with the cultural heritage significance of the place outlined in the place card.

Editor's Note – Heritage place cards are identified and explained on the Whitsunday Regional Council website under the Local Heritage Register.

(2) The purpose of the Heritage overlay code will be achieved through the following overall outcomes:

(a) the cultural heritage significance of the Heritage place is conserved;

(b) development of the Heritage place is compatible with the cultural heritage significance of the place by:

(i) preventing the demolition or removal of Heritage places, unless there is no prudent and feasible alternative to its demolition or removal; and

(ii) maintaining or encouraging, as far as practical, the appropriate use, or adaptive re-use of Heritage places;

(iii) protecting, as far as practical, the materials and setting of the Heritage place;

(iv) ensuring, as far as practical, development on a Heritage place is compatible with the cultural heritage significance of the place; and

(c) development is compatible with the conservation and management of the cultural heritage significance of the Heritage place.

8.1.1.3 Assessment benchmarks

Table ## Benchmarks for accepted and assessable development

Performance Outcomes		Acceptable Outcomes	
PO1	Development of the Heritage place ~~is:~~ ~~(a) subservient to the features and values of the~~	**AO1.1**	Development: (a) conserves and does not alter, damage, remove or conceal significant features, fabric or contents as described in the physical or

Performance Outcomes		Acceptable Outcomes	
	~~Heritage place; and~~ (b) is compatible with the conservation and management of the cultural heritage significance of the Heritage place; and (c) protects the fabric and setting of the heritage place.		historical significance description of the local heritage place or area, as written in the statements on each Heritage Place card ~~does not alter, remove or conceal significant attributes of the Heritage place~~; or (b) protects, as far as practicable, the fabric and setting of a local heritage place or area; (c) or (d) is minor and necessary to maintain a significant use for the Heritage place. Editors Note: Fabric means all the physical material of the place including elements, fixtures, contents and objects (the Burra Charter 2013).
		AO1.2	Development of the Heritage place is undertaken with reference to the ICOMOS Charter for the conservation of places of cultural heritage (*Burra Charter 2013*). Note – This may be demonstrated by undertaking a Heritage impact assessment report in accordance with PSP SC6.3 (Heritage).
~~**PO2**~~	~~The Heritage place or part of the Heritage place may not be demolished and/or removed unless it can be demonstrated that:~~ ~~(a) there is no prudent or feasible alternative; or~~ ~~(b) the Heritage place, or part of the Heritage place is not of local cultural heritage significance.~~	~~**AO2.1**~~	~~Prior to the demolishing or removal of a Heritage place, it must be demonstrated that:~~ ~~(a) Beyond reasonable doubt there is no prudent or feasible alternative to the demolition, or removal, of part or all of the Heritage place. The proposal must be supported by a report from an appropriate expert; and~~ ~~(b) where the Heritage place or part of the Heritage place is to be demolished or removed, a Heritage management plan outlining the removal/demolition process must be developed by an appropriate expert having regard for the *Burra Charter 2013*.~~ ~~Note – This may be demonstrated by undertaking a Heritage management plan in~~

Performance Outcomes		Acceptable Outcomes	
			~~accordance with PSP SC6.3 (Heritage).~~
~~**PO3**~~	~~Changes to a Heritage place are appropriately managed and documented on the place card of the Heritage place.~~	~~**AO3.1**~~	~~Development is compatible with a Conservation management plan prepared in accordance with the Australian ICOMOS Charter for places of cultural significance (*Burra Charter 2013*).~~
		~~**AO3.2**~~	~~Any development is appropriately documented on the place card of the Heritage place.~~
PO#	The identified archaeological significance or potential archaeological significance of the Heritage place is conserved.	AO#	Where a ground breaking activity is required within the boundary of the Heritage place that has been identified as an archaeological place, a suitably qualified and experienced archaeologist must be appointed to assess the impact of the ground breaking activity on any identified and/or potential archaeological artefacts and features. The archaeologist must develop and, where required by Council, oversee the implementation of an Archaeological management plan that outlines how the project will manage impacts to the archaeological significance and potential of the place. Note – This may be demonstrated by undertaking an Archaeological management plan in accordance with PSP SC6.3 (Heritage).
Alteration of a Heritage Place or Area			
PO#	The Heritage place or part of the Heritage place may not be significantly altered unless it can be demonstrated that: (a) it is not capable of structural repair; or (b) any other relevant considerations.	AO#	Retaining a heritage item must be priority, unless it can be demonstrated that: (a) it is not capable of structural repair; and (b) repair is not feasible having regard to economic or health and safety considerations. Note – Refer to Council's Local Heritage Register Policy for further information regarding removal of a heritage place. Note: This may be demonstrated by undertaking a Heritage impact assessment report in accordance with PSP SC6.3 (Heritage). Note: This may be demonstrated by undertaking a Heritage management plan in accordance with PSP SC6.3 (Heritage).

14. Development Services

14.6 20200071 - DEVELOPMENT APPLICATION FOR MATERIAL CHANGE OF USE FOR MEDICAL CENTRE, FOOD OUTLET AND OFFICE - 1 CARLO DRIVE, CANNONVALE - WYNNE PLANNING & DEVELOPMENT

AUTHOR: Neil McGaffin – Director of Development Services

RESPONSIBLE OFFICER: Neil McGaffin – Director Development Services

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OFFICER'S RECOMMENDATION

That the application for Development Permit for Material Change of Use for Health Care Services, Food & Drink Outlet & Office, made by YPG Industries Pty Ltd as TTE C/- Wynne Planning & Development, on L: 1 RP: 800715 T: N1452/194 and located - 1 Carlo Drive Cannonvale, be approved subject to conditions.

The following report has been submitted for inclusion into Council's Ordinary Council Meeting to be held on 10 March 2021.

SUMMARY

Council is in receipt of a Development Application for Health Care Services, Food and Drink Outlet and Office on a vacant Low-impact Industry allotment at 1 Carlo Drive, Cannonvale (Lot 1 on RP800715). The Health Care Services use will consist of a Medical Centre, Dentist and/or Pharmacy, Pathology and/or Radiology, Physio and/or Optometrist.

The site is connected to Council reticulated services and has an established driveway on to Carlo Drive. The proposed parking area accommodates the required number of car spaces, but the manoeuvring area is insufficient for a heavy rigid vehicle (garbage truck).

Health Care Services require impact assessment in the Low-Impact Industry Zone and are not supported by the Overall Outcomes of the Zone Code. To support the use in this location, the applicant prepared a Needs Analysis which indicated a demand for additional doctors in the region but did not adequately address the loss of industrial zoned land or the provision of appropriately zoned land in the locality. Additionally, the report did not identify an approved medical centre on the adjoining Lot in Paluma Road which is currently at Operational Works stage.

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:	Health Care Services, Food and Drink Outlet, Office
Landowner	YPG Industries Pty Ltd As TTE
Property Address:	1 Carlo Drive, Cannonvale
Property Description:	L: 1 RP: 800715 T: N1452/194
Area of Site:	4151
Planning Scheme Zone:	Low impact industry
Level of assessment	Impact Assessable
Overlays:	Acid Sulfate Soils; Infrastructure – Waste management facility buffer
Existing Use:	Vacant
Existing Approvals:	Nil
Public Notification:	01/10/2020 to 27/10/2020
Submissions received:	Nil
State referrals:	Nil
Infrastructure charges:	A development credit is attached to the site

2. Site Details

2.1. Location (refer to plan in attachment)

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

Low-impact Industry Zone

2.3. Site description

Flat, vacant allotment.

2.4. Access

Access is gained from a constructed crossover from Carlo Drive. No access is proposed from Paluma Road.

2.5. Surrounding uses

North – 3 and 5 Carlo Drive, a mix of offices and industrial uses. Further North (7 Carlo Drive onwards) are all Industrial uses.

East – Porters Mitre 10 and other Industrial Uses on adjoining properties.

South – Whitsunday Plaza, all retail and commercial uses.

West – Low-impact Industrial land with an existing dwelling house.

3. Proposal Details

The proposal is a Material Change of Use (Impact Assessable) application for a Development Permit for Health Care Services, Food and Drink Outlet and Office on a vacant Low-impact Industry allotment at 1 Carlo Drive, Cannonvale (Lot 1 on RP800715). The Health Care Services component of the application consists of various uses including a Medical Centre, Dentist/Pharmacy, Pathology/Radiology, Physio/Optometrist covering approximately 1,067m^2 of the available 1,643m^2 of floor area, with the Offices and Food and Drink Outlet each comprising of 389m^2 and 102m^2 respectively, and 85m^2 for amenities.

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 recommended for refusal due to the following inconsistencies with the Planning Scheme, which cannot be satisfactorily conditioned to comply:

4.1. State Assessment and Referral Agency (SARA)

The application did not trigger any referral 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 direction 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.

4.4. Whitsunday Regional Council Planning Scheme, 2017

4.4.1. Strategic Framework

The proposal does not align with one of the five themes that collectively represent the policy intent of the Planning Scheme, which is explained within the Strategic Intent assessment below.

4.4.2. Strategic Intent

The proposed development does not totally align with the Strategic Outcome for the Liveable Communities and Housing theme. This theme hinges on the regions settlement pattern and signifies that Community (health) uses are to be in accordance with the hierarchy of centres. The proposed development is not located within a Centre Zone. There is vacant, developed land zoned appropriately near the development site.

The findings of the *Urban Growth Study 2014* identified that there was a shortfall industrial land across the planning areas of the Airlie/Cannonvale Study Area. In response to this shortfall identified in 2014, 236ha of industry investigation area was included in the *Whitsunday Regional Council Planning Scheme 2017*, however the majority of this land is provided on the outskirts of Proserpine because of the physical constraints of Cannonvale/Airlie. This means that the remaining, vacant, flat industrial

land in the Cannonvale /Airlie area needs to be protected and developed in accordance with the Low Impact Industry Zone code.

4.4.3. Overlay Codes

4.4.3.1. Acid Sulfate Soils (ASS) Overlay

The site is identified within the Acid Sulfate Soils Overlay. The development can be conditioned to provide an Acid Sulfate Soils Management Plan at building works if ASS were to be identified during preliminary site soil testing.

4.4.3.2. Infrastructure Overlay (Waste management facility buffer)

The development is partially located within the waste management facility buffer due to the waste management facility located within Carlo Drive, approximately 480m to the North. The code specifically is intended to ensure sensitive land uses can be protected where located within the buffer. The development could be conditioned to ensure compliance with the acoustic and air quality design objectives specified in Environmental Protection (Noise & Air) Policies 2020.

4.4.4. Zone Code

4.4.4.1. Low-impact Industry Zone Overall outcomes

The overall outcomes identify the character and types of uses intended in the zone and lists the desired uses as service and industry uses, including non-industrial and business uses that support industrial uses where they do not compromise the long term use of the land for industrial purposes.

The proposal is not a supporting use for industrial activities and may compromise the long term use of the land for industrial purposes. In addition, it may create a 'reverse amenity' effect, whereby the continuing efficient operation of surrounding industrial premises could be affected by the proposed development.

The applicant has submitted a Needs Analysis by Foresight economic consultants in support of an overriding need for a Health Care Services within the Low-impact Industry Zone. The analysis has several shortfalls:

- The analysis does not consider the compatibility of health care uses within the Low-impact Industry Zone.
- Not all suitably zoned land sites have been explored'
- The loss of industrial land has not been adequality assessed against SC6.7.3.2 (1) (a) (ii) and (iv) of the Planning Scheme Policy for Needs Assessment Reporting.
- The analysis has overlooked the Development Permit (20150972) for a Medical Centre and Caretaker's Residence that is currently approved on the neighbouring allotment of 48 Paluma Road, Cannonvale. Council has now received the Operational Works application and assessment is currently ongoing. (It is noted that the development was approved when the allotment was zoned Rural and it has only been since changed to Industry under the current Scheme).

4.4.5. Development Codes

4.4.5.1. Business Activities Code

Business activities to be located within an industrial zone call up specific siting requirements. The applicant acknowledges that the development site is burdened

in a manner that has made it difficult to design the proposal in line with the specific siting requirements.

- A sewer main located along the rear boundary and the inability to gain access from Paluma Road has restricted the design of the site for this proposal and arguably any proposal to be located on this premises.
- In terms of setbacks, the development has a 4m non-compliance with the front boundary.
- Minimal articulation features are proposed on the Southern facing walls (Paluma Road boundary). There are three (3) unbroken elevations between 12 and 15 metres that do not present an attractive façade from Paluma Road, depicting a large blank wall as illustrated in the elevation proposal plans in Attachment 3.

The structure was originally proposed to be single story with a 10m building height but has since been revised to 8.5m. The proposal plans demonstrate articulation in the form of windows and eaves on the North face of the structure adjoining the car park. There are no unbroken elevations greater than 15m wide.

The proposed Health Care uses within an industrial zone creates a potential land-use conflict, particularly in regard environmental management requirements. The proposal may be adversely affected by undesirable visual, noise and odour impacts from surrounding medium impact industry uses. These conflicts were not identified in the supplementary Environmental Health report supplied in the Information Request Response.

4.4.5.2. Landscaping Code

The proposal is considered to be generally consistent with the landscaping code. The final site design manages to incorporate sufficient (590m^2) landscaping throughout the development, mainly along the perimeter/extremities of the site. Importantly, the car parking area provides for 1 shade tree for every 4 car parking spaces. Landscaping will be provided along the frontage of Carlo Drive which would improve the character of the streetscape. If approved, an amended Landscaping Plan in accordance with SC6.4 Landscaping planning scheme policy will be required to be lodged with an operational works application.

4.4.5.3. Infrastructure Code

The proposal is considered to be consistent with the infrastructure code. The site is already connected to Council reticulated water and sewer services and it is likely that there is sufficient capacity for the proposed uses. A Stormwater Quality Management Plan (SQMP) has been provided which demonstrates the proposal achieves the design objectives in line with the requirements of the development code. The SQMP would be required to be expanded to include additional requirements expected at the operational works application stage as per Table 5 of Council's Stormwater Quality Guideline.

4.4.5.4. Transport and Parking Code

Access is proposed from an existing concrete crossover on Carlo Drive located at the Northern end of the site. The car parking arrangement for the falls short by one (1) Small Rigid Vehicle (SRV) space, however the design achieves the required 57 regular parking spaces and 1 ambulance. A breakdown of the car parking ratio is provided in in the Transport and Parking Code assessment later in this report.

The code also stipulates that 1 ambulance space and 1 small rigid vehicle (SRV) space are provided. It is considered that the proposal generally achieves compliance with the code in terms of the number of spaces and the required User Class 3 sizing as per AS2980.1. Two (2) disabled spaces have also been included and comply with AS2890.6. However, the entrance and exit aisle widths are non-compliant with the requirements of AS2890 and could be a safety risk given the high turnover of vehicles that will be generated with the proposed uses.

Swept path templates have been provided in order to demonstrate site circulation for all types of vehicles traversing the site.

The applicant has provided a Storm Water Management Plan for the site which provides an indication that all pollutants generated by the site activities can be managed on-site and in compliance with Council's Stormwater Quality Guideline. An expanded report would need to be provided at Operational Works stage to fully satisfy the requirements of the SPP and Councils Stormwater Quality Guideline.

5. Public Submissions

The development application was placed on public notification between 01/10/2020 and 27/10/2020 in accordance with the relevant provisions of the Planning Act 2016. The Notice of Compliance was received on 05/11/2020. Zero (0) submissions were received during this period of Public Notification.

6. Infrastructure Charges

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

Adopted Charge					
Type of Development	Development Category	Demand Unit & Qty	Charge Rate*		Adopted Charge
MCU	Essential services	1,152m2	$146.70		$168,998.40
MCU	Commercial (retail)	102m2	$188.60		$19,237.20
MCU	Commercial (office)	389m2	$146.70		$57,066.30
			Total Adopted Charge		*$245,301.90*
Credit					
Type of Development	Development Category	Demand Unit & Qty	Charge Rate*	Discount	Total Credit
Existing Lawful Use	Low-impact Industry	4151m2	$146.70	60%	$365,371.02
				Total Credit	*$365,371.02*
				Total Levied Charge	-$120,069.12

The proposed development will not trigger infrastructure charges.

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
Leonie Meurant – Strategic Planner
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 does not comply with the relevant provisions of the planning scheme, but is recommended for approval on the basis that there are other relevant matters:

- The site is located on the edge of the Low Impact Industry zone;
- The site is located and across the road from the Cannonvale Major Centre;
- There are other non-industrial uses in Paluma Road including a school;
- There is an identified need for additional doctors in the area.

ATTACHMENTS

Attachment 1 – Conditions of Approval
Attachment 2 – Locality Plan
Attachment 3 – Zoning Plan
Attachment 4 – Proposal Plans
Attachment 5 – Strategic Planning Memo

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	Louis Jackson Design	1930 – 02.01	16/02/2021
Elevations	Louis Jackson Design	1930 – 03.01	16/02/2021
3D View	Louis Jackson Design	1930 – 04.01	16/02/2021
Engineering Assessment	STP	STP20-0613	13/07/2020
Turning Paths (Sheet 1 of 3)	STP	SKC001	16/02/2021
Turning Paths (Sheet 2 of 3)	STP	SKC002	16/02/2021
Turning Paths (Sheet 3 of 3)	STP	SKC003	16/02/2021
Stormwater Quality Management Plan	Trevor Glasson Consulting Services	1 June 2020 (Rev B)	01/06/2020
Landscape Context	U Plan	191201.10A	01/06/2020
Landscape Context	U Plan	191201.10B	01/06/2020
Landscape Concept	U Plan	191201.20	02/06/2020
Landscape Materials	U Plan	191201.30	02/06/2020
Environmental Health Report	NQ Environmental Health Services	N/A	02/06/2020

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

- Operational Works;
    1. Access and Parking;
    2. Erosion & Sediment Control;
    3. Water Infrastructure; and
    4. Sewerage Infrastructure.
- Plumbing and Drainage Works; and
- 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 the 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 Any pruning works must be in accordance with AS 4373-1996 – Pruning of Amenity Tree.

2.4 No invasive plants (Biosecurity Act, 2014) or declared local pests (Local Law no.3) shall be planted on the site or allowed to invade the site and the site must be managed and maintained to exclude weeds.

2.5 To reduce the spread of weeds, all earthmoving equipment shall be free of soil and seed before being taken to the work site and again on completion of the project.

2.6 Prior to commencement of use, landscaping is to be provided in accordance with the approved landscaping plans.

3.0 BUILDING

3.1 All air-conditioning units are not to be visible from the street or adjoining properties and are to be aesthetically screened.

3.2 Building design, architectural elements and landscaping treatments must block or reduce excessive light and air-conditioning plant noise.

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

3.4 Buildings are to be finished with external building materials and colours to reduce scale and bulk.

4.0 WATER INFRASTRUCTURE

4.1 The development must be connected to Council's water network prior to commencement of the use.

4.2 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 and that the size of the connection will be adequately sized for the proposed building design.

4.3 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 Water Infrastructure works have been designed and constructed according to the conditions of this Decision Notice and the Whitsunday Regional Council Development Manual.

5.0 SEWERAGE INFRASTRUCTURE

5.1 The development must be connected to Council's sewerage network prior to commencement of the use.

5.2 The development must be constructed clear of all existing gravity and/or rising sewer mains on the property and any adjoining properties.

5.3 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, and certifications of the design, demonstrating compliance with Whitsunday Regional Council Development Manual, Queensland Development Code MP1.4 and this Decision Notice.

5.4 Prior to commencement of use on the, the applicant must lodge with Council, a civil engineer's design and construction certification (by an RPEQ engineer). 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 Council's Development Manual.

6.0 ACCESS AND PARKING

6.1 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 engineering drawings and supporting RPEQ engineer report demonstrating compliance with the Whitsunday Regional Council Development Manual, Australian Standard AS2890, AS1428 and this Decision Notice.

6.2 All internal accesses, driveways, circulation roads, aisles, parking bays and manoeuvring areas are to be provided generally as indicated in STP Consultants Report dated 13 July 2020 and must be designed and constructed so as to comply with the requirements of the Whitsunday Regional Council Development Manual, AS2890 and AS1428.

6.3 The external access from the pavement of Carlo Drive 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.

6.4 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.

6.5 A minimum of fifty-five (55) car parking spaces, one (1) SRV and one (1) ambulance space must be provided on-site, prior to the commencement of the use.

7.0 STORMWATER

7.1 Prior to the first Operational Works application being lodged, an expanded Stormwater Quality Management Plan (SQMP) is to be submitted to include additional requirements expected at the operational works application stage as per Table 5 of Council's Stormwater Quality Guideline. The amended SQMP is to include the following:

(a) the recommendations of the endorsed SQMP and any relevant conditions of the development permit; and,

(b) 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;

(c) Include a detailed description of the construction and establishment method to be used as per Section 7 of Council's Stormwater Quality Management Guideline;

(d) Lifecycle and maintenance costs.

7.2 The stormwater quality devices included in the approved Stormwater Quality Management Plan (SQMP) are to be constructed as per the instructions of the manufacturers.

7.3 Prior to the commencement of the use, any proposed stormwater quality devices and supporting infrastructure shall be inspected by the applicants' RPEQ engineer and Council's Officers. Should any stormwater quality devices or supporting infrastructure not be in an acceptable condition, the defects shall be rectified by the applicant, at the applicant's cost.

7.4 A Commissioning Certificate is to be submitted to Council prior to commencement of use. All stormwater quality devices installed under this approval shall be commissioned by a suitably qualified person and a certificate supplied to Council prior to their use.

7.5 At all times, all proprietary devices for stormwater quality are to be maintained as per the instructions of the manufacturers and the approved Stormwater Quality Management plan (SQMP).

7.6 Prior to commencement of the use of the proprietary devices, the applicant must provide a copy of the maintenance contract for any proprietary stormwater treatment device installed on the site. Details of the maintenance contract including maintenance intervals to achieve, minimally, that at least 90% of pollutants will be captured during the inter-maintenance period.

7.7 Prior to commencement of use, an Ocean Protect Storm Filter with a minimum of 8 cartridges is to be installed and in operation.

7.8 The developed flows from the land must be drained to a lawful point of discharge prior to commencement of the use on the site.

7.9 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.

7.10 Prior to the commencement of the use, the applicant must lodge with Council an RPEQ engineer's design and construction certification. The certification must be addressed to Council and must certify that all works have been constructed in accordance with the requirements of Queensland Urban Drainage Manual, Council's Development Manual and this Decision Notice and will not cause adverse effects to adjoining or downstream properties or infrastructure.

8.0 ENVIRONMENTAL MANAGEMENT PLAN (EMP)

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

8.2 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. The plan must be prepared in accordance with Council's Development Manual (current at the time of the development), and the Best Practice Erosion & Sediment Control – November 2008 (IECA White Book). The strategy of the plan must be implemented and maintained for the duration of the operational and building works, and until exposed soil areas are permanently stabilised (e.g. turfed, concreted).

8.3 Discharges of water pollutants, wastewater or stormwater from the site must not cause measurable levels of water pollutants in the receiving waters to fall outside the acceptable ranges specified in the 'Australian Water Quality Guidelines for Fresh and Marine Waters', ANZECC 2000.

8.4 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.

9.0 ENVIRONMENTAL HEALTH

9.1 Visible emissions of dust must not occur beyond the boundaries of the subject site at all times.

9.2 Construction materials, equipment and waste (waste as defined by the *Environmental Protection Act 1994*) resulting from the approved works must be retained wholly within the subject works alignment in accordance with the approved plans. Any waste generated as a result of the works must be disposed only to a facility for waste disposal approved in accordance with the *Environmental Protection Act 1994*.

9.3 The commercial waste must be stored on an imperviously paved area, and suitably drained to the satisfaction of Council's Environmental Health Unit.

9.4 All general waste disposal must be in compliance with the provision of the *Waste Reduction and Recycling Act 2011* and regulation, and the *Environmental Protection Act 1994* and regulation.

9.5 Wastewater and solid waste shall not be released to stormwater, ground water, waterbodies or onto the ground unless all practicable measures have been undertaken to prevent or minimise the release of such wastes or contaminants.

9.6 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 in accordance with the current version of *Australian Standard AS 1940: The Storage and Handling of Flammable and Combustible Liquids*.

9.7 A collection/treatment system shall be provided to remove contaminants resulting from the washing/degreasing of vehicles/plant/equipment.

9.8 The contaminants shall be removed from the premises in a manner which does not give rise to, or to the potential for, environmental harm or environmental nuisance.

9.9 Waste (including sewage), chemicals and litter must be disposed of lawfully in compliance with Chapter 8, Part 3C of the *Environmental Protection Act 1994*, or the requirements of the Great Barrier Reef Marine Park Authority and Maritime Safety Queensland.

10.0 MISCELLANEOUS

10.1 If any item of cultural heritage is identified during site works, all work must cease and the relevant State Agency must be notified. Work can resume only after State Agency clearance is obtained. 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

10.2 Any alteration necessary to electricity, telephone, water mains, sewerage mains, and/or public utility installations resulting from the development or in connection with the development, must be at full cost to the developer.

10.3 Any building materials, equipment and the like must be appropriately tied down, placed indoors and secured on site at the time of preparation for cyclone events. The on-site supervisor is to ensure that all contractors/employees take the necessary steps to secure the construction site in the event of a cyclone.

10.4 All construction materials, waste, waste skips, machinery and contractors' vehicles must be located and stored or parked within the site. No storage of materials, parking of construction

machinery or contractors' vehicles will be permitted in Carlo Drive or adjoining land unless written permission from the owner of that land and Council is provided.

10.5 It is the developer's responsibility for the full rectification of any damage caused to neighbouring public infrastructure (such as footpaths, driveways, fences, gardens, trees and the like) caused by contractors, including clean-up of any litter or waste that is a result of the subject development.

10.6 Any building materials, equipment and the like must be appropriately tied down, placed indoors and secured on site at the time of preparation for cyclone events. The on-site supervisor is to ensure that all contractors/employees take the necessary steps to secure the construction site in the event of a cyclone.

10.7 The applicant must, at no cost to Council, ensure that all reasonable safeguards in and around the works are undertaken and maintained at all times to ensure the safety of the public. Such safeguards include, but are not limited to, erecting and maintaining barricades, guards, fencing and signs (and ensuring removal after completion of works) and watching and flagging traffic.

11.0 ADVISORY NOTES

11.1 Hours of work

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

11.2 Dust Control

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

11.3 Sedimentation Control

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

11.4 Noise During Construction and Noise in General

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

11.5 General Safety of Public During Construction

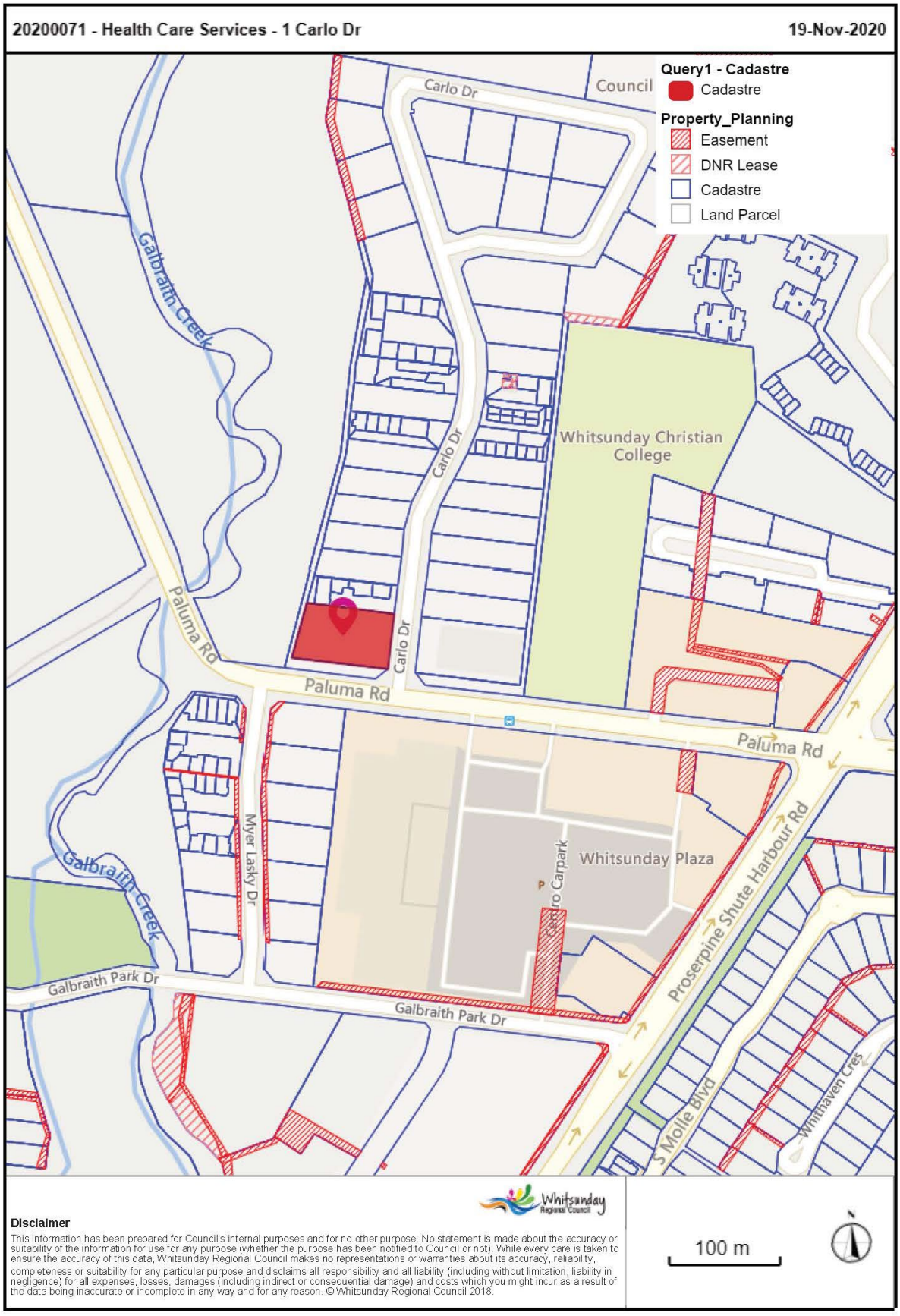
It is the project manager's responsibility to ensure compliance with the Work Health and Safety Act 2011. It states that the project manager is obliged to ensure construction work is planned and managed in a way that prevents or minimises risks to the health and safety of members of the public at or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

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

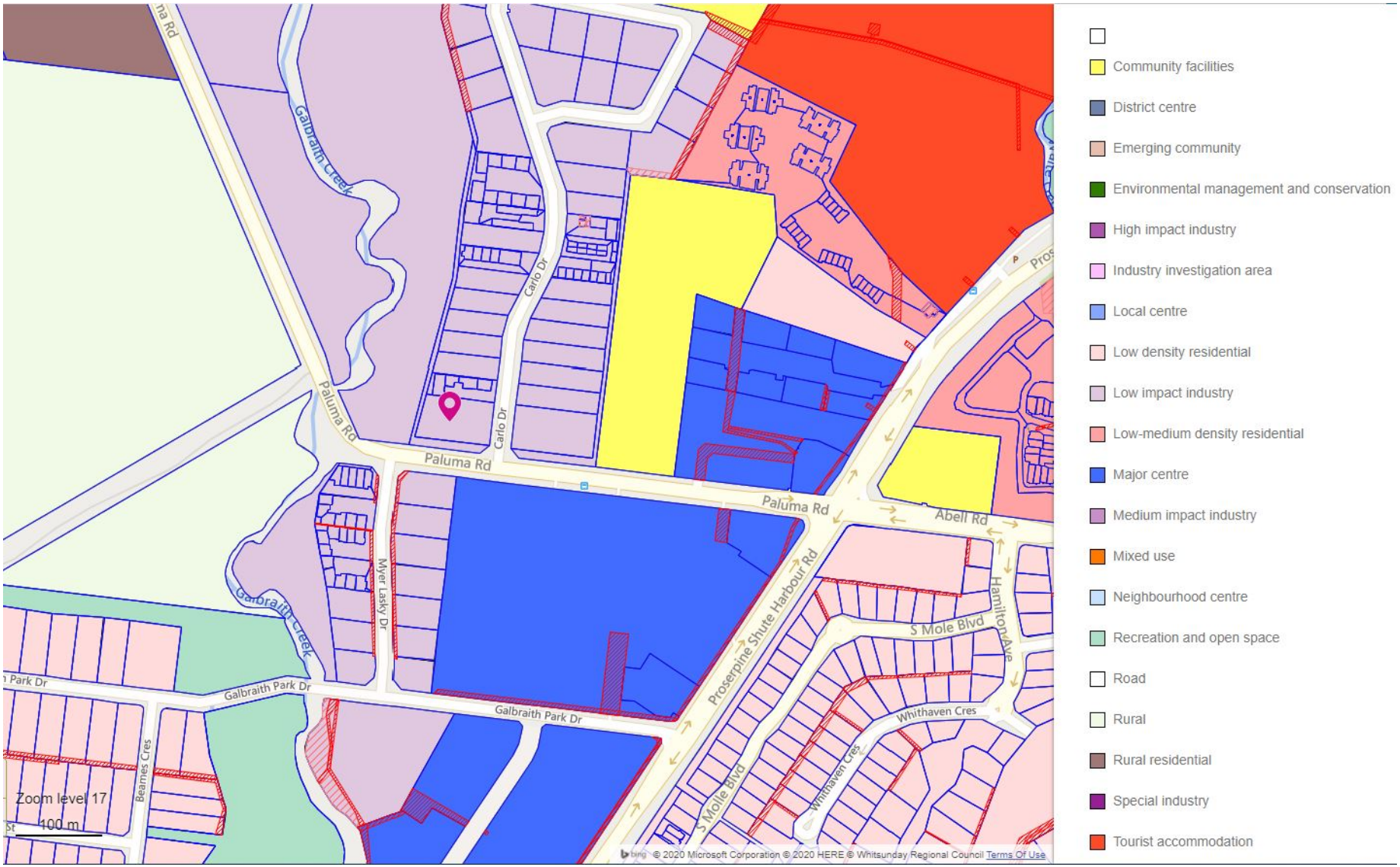
It is the responsibility of the person in control of the workplace to ensure compliance with the Work Health and Safety Act 2011. It states that the person in control of the workplace is obliged to ensure there is appropriate, safe access to and from the workplace for persons other than the person's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

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

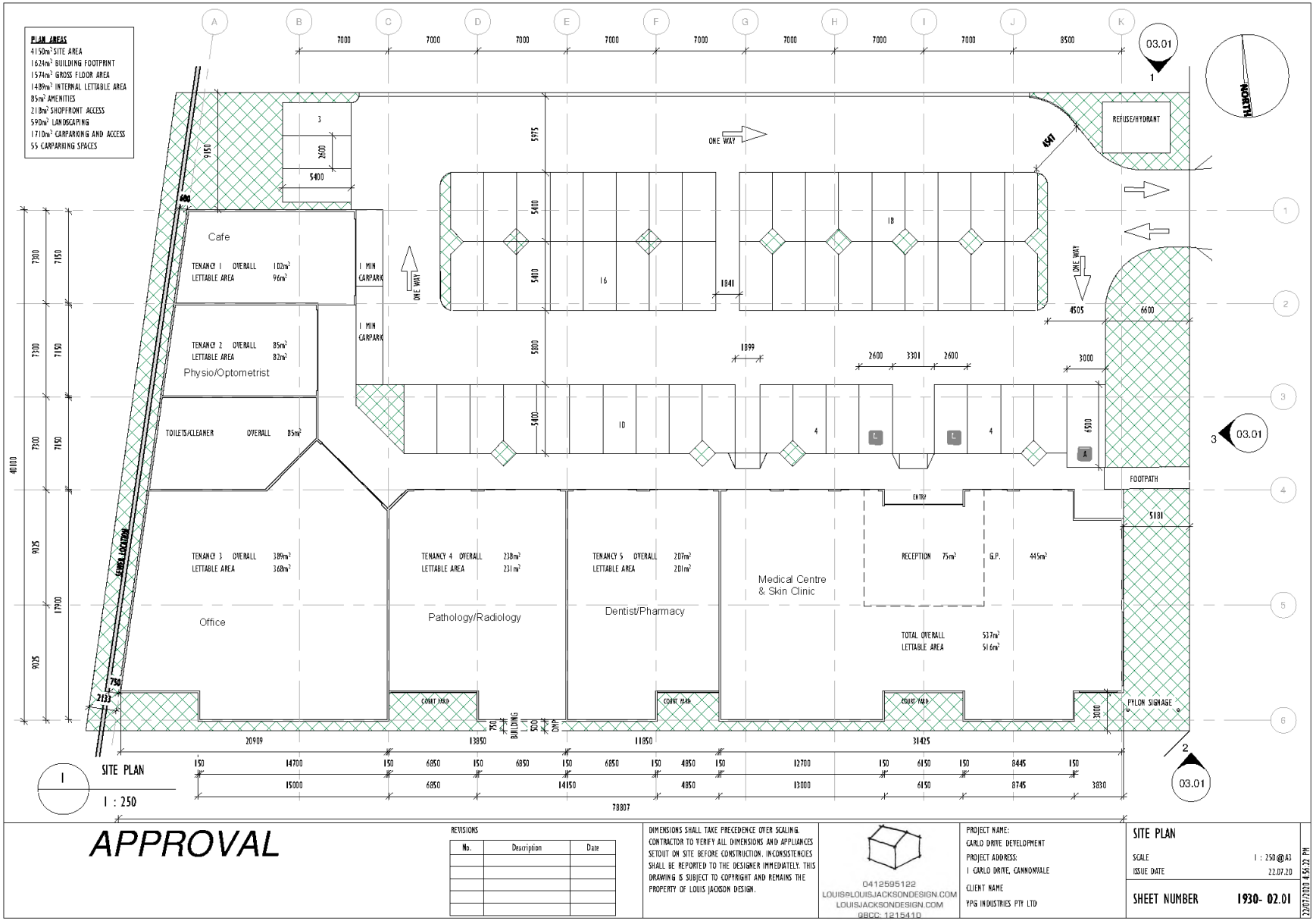
Attachment 2 – Locality Plan

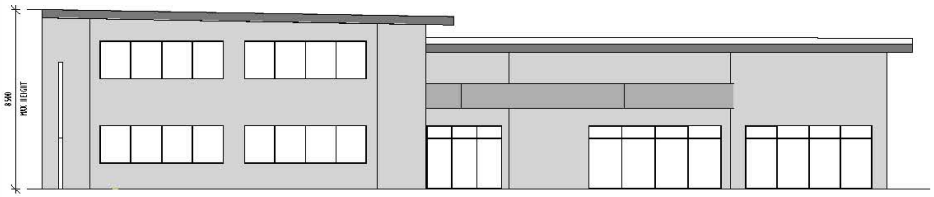


Attachment 3 – Zoning Plan



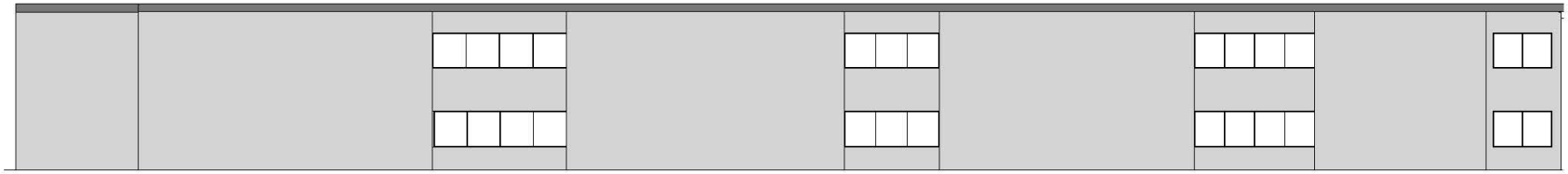
Attachment 4 – Proposal Plans





3 D2.01 EASTERN ELEVATION

1 : 200



2 D2.01 SOUTHERN ELEVATION

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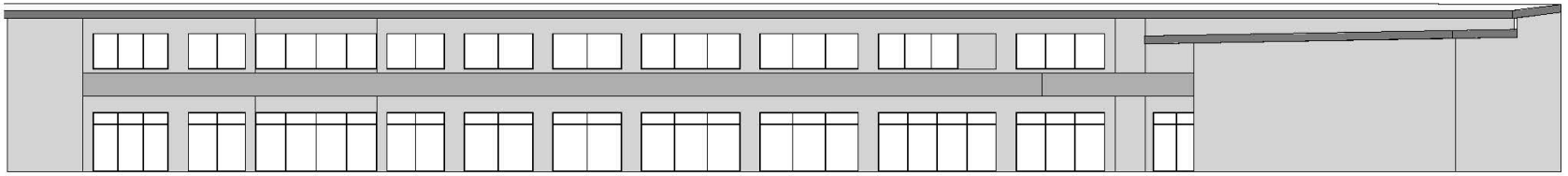

1 D2.01 NORTHERN ELEVATION

1 : 200

APPROVAL

REVISIONS

No.	Description	Date

DIMENSIONS SHALL TAKE PRECEDENCE OVER SCALING. CONTRACTOR TO VERIFY ALL DIMENSIONS AND APPLIANCES SETOUT ON SITE BEFORE CONSTRUCTION. INCONSISTENCIES SHALL BE REPORTED TO THE DESIGNER IMMEDIATELY. THIS DRAWING IS SUBJECT TO COPYRIGHT AND REMAINS THE PROPERTY OF LOUIS JACKSON DESIGN.

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QBCC: 1215410

PROJECT NAME:
CARLO DRIVE DEVELOPMENT
PROJECT ADDRESS:
1 CARLO DRIVE, CANNONVALE
CLIENT NAME
YPG INDUSTRIES PTY LTD

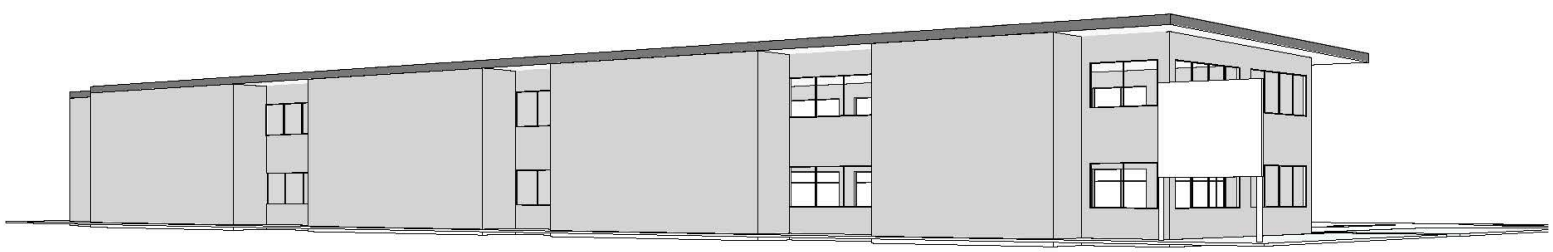
ELEVATIONS

SCALE 1 : 200@A3
ISSUE DATE 22.07.20

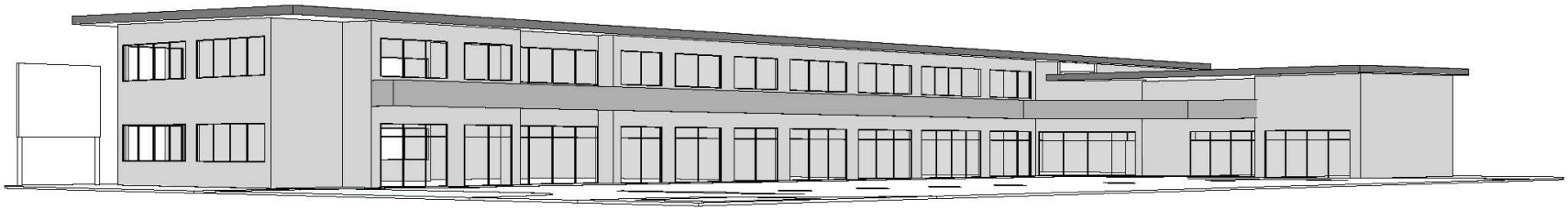
SHEET NUMBER 1930- 03.01

22/07/2020 4:56:32 PM

This is page 299 of the Agenda of Council's Ordinary Meeting to be held on Wednesday 10 March 2021



2 3D VIEW 2



1 3D VIEW 1

APPROVAL

REVISIONS

No.	Description	Date

DIMENSIONS SHALL TAKE PRECEDENCE OVER SCALING. CONTRACTOR TO VERIFY ALL DIMENSIONS AND APPLIANCES SETOUT ON SITE BEFORE CONSTRUCTION. INCONSISTENCIES SHALL BE REPORTED TO THE DESIGNER IMMEDIATELY. THIS DRAWING IS SUBJECT TO COPYRIGHT AND REMAINS THE PROPERTY OF LOUIS JACKSON DESIGN.

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3D VIEW
SCALE @A3
ISSUE DATE 22.07.20
SHEET NUMBER 1930- 04.01

22/07/2020 4:56:23 PM

This is page 300 of the Agenda of Council's Ordinary Meeting to be held on Wednesday 10 March 2021

Attachment 5 – Strategic Planning Referral

The following has been approved by the Strategic Planning Manager.

The application is for a Material Change of Use for Health Care Services or Medical Centre, Food and Drink outlet & Offices in Low Impact Industry Zone at Carlo Drive, Cannonvale. The application is Impact assessable due to the incompatibility of the uses in an Industrial zone.

The Low impact industry zone code (6.2.9), particularly the Purpose and overall outcomes (6.2.9.2), identify the character and types of uses intended in the zone and lists the correct uses being service and impact industry uses, including non-industrial and business uses that support industrial uses where they do not compromise the long term use of the land for industrial purposes. Health Care Services is a community activity, which is not considered small scale, low intensity or a Business activity, this type of use is not anticipated in the zone and would be better suited to the Centre Zone or Mixed Use Zone.

The upcoming Planning Scheme Major Amendment has not considered the site for a zone amendment and the Strategic Planning Branch has no plans to review the zoning of the lot in the foreseeable future.

Approving development in an incompatible zone undermines the Planning Scheme and promotes unorderly development to the detriment of the community. Development should be consistent with Council's long term strategies, including the Planning Scheme, to provide orderly and financially sustainable development throughout the Region.

Needs Analysis Assessment
Comments as follows:

1. *The supply analysis of land zoned for the same or similar purpose is mostly Centre zones, including the Mixed use zone.*

    - *The analysis notes that surrounding uses include only retail goods and services which are low impact. Currently it could mean that a health care service would be similar with the current existing surrounding uses, but it is not compatible with the zone. Low Impact Industry Zone have uses that change frequently, and other uses promoted within Low Impact Industry Zone include Medium Impact Industry. Medium Impact Industry uses usually have associated noises and smells, which could be detrimental to unwell people going to the doctor, examples allowed include spray painting workshops. The use is therefore <u>not compatible</u> with the Zone.*
    - *The reasoning behind the lack of suitable land include either:*
        - *access not constructed, (engineering can overcome this)*
        - *the land being too large, (portions of land can be leased in commercial zones or the land can be subdivided further)*
        - *the function of the area being compromised even through it's a centre zone (the centre zone has a wide range of uses)*
        - *not for sale. (not applicable)*

    These are not relevant reasoning in a Needs Analysis Report. The discarding of land has not been adequality assessed against SC6.7.3.2 (1) (a) (ii) and (iv).
    - *The analysis of suitable land must include the broader locality and has not considered all vacant or underdeveloped land within the SA2 region, specifically in Airlie Beach and Jubilee Pocket.*

2. *Not all options have been explored and those who were have been superficially disregarded. If Harvey Norman are moving out of their current locations, this may provide an opportunity to move in at a similar floor area (GFA) with existing carparking. There is no reason that all of the GFA must be provided on the same site, with many medium sized sites available the same product could be provided in an appropriate zone in multiple buildings.*

For these reasons, Strategic Planning does not believe that the Needs Analysis has provided sufficient grounds for the removal of usable Industrial land for the purposes of an incompatible land use.

It should also be noted that other local consultants have recently made claims that there is a significant lack of available industrial land in the Airlie/Cannonvale area.

Kind regards
Leonie Meurant
Strategic Planner

14. Development Services

14.7 REGION WIDE STORM TIDE AND PERMANENT INUNDATION MAPPING UPDATE

AUTHOR: Jonathan Cutting – Strategic Planner

RESPONSIBLE OFFICER: Neil McGaffin – Director of Development Services

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OFFICER'S RECOMMENDATION

That Council adopt the revised Storm tide and Permanent inundation mapping for use in:

a) **Climate Change Hazard Assessment;**
b) **Development assessment;**
c) **the Planning Scheme Major Amendment Coastal Overlay; and**
d) **Council's online Flood and Storm tide portal, which provides automated levels of inundation on a premise.**

The following report has been submitted for inclusion into Council's Ordinary Meeting to be held on 10 March 2021.

SUMMARY

Update Storm tide and Permanent inundation mapping for the Region coastline.

PURPOSE

Following recent scrutiny, it was identified that the consultant utilised a historic coastline layer to develop the inundation models, which failed to incorporate recent shoreline changes as a result of the Marina construction and natural coastal processes. Revised Storm tide and Permanent inundation mapping has been provided to Council from the consultant to rectify this.

BACKGROUND

On 13 August 2019, Council adopted Region wide Storm tide and Permanent inundation mapping for immediate use in development assessment and incorporation within the respective overlays of the *Whitsunday Planning Scheme 2017* Major Amendment.

STATUTORY/COMPLIANCE MATTERS

Planning Act 2016
Planning Regulation 2017
State Planning Policy 2017
Ministers Guidelines and Rules 2020

ANALYSIS

Generally, the updated storm tide extents have not varied except for around Port of Airlie and Coral Sea Marina. Revised Permanent inundation extents do not vary significantly from existing mapping.

Attachment 1 provides an overview of the differences between the adopted and revised Storm tide mapping.

STRATEGIC IMPACTS

The updated mapping supports Operational Plan 2020/21:

- Item 3.1.1.5, to undertake a Major amendment to the Planning Scheme; and
- Item 3.2.1.4, to develop a Coastal Hazard Adaptation Plan.

Storm tide extents have minor increases in some areas as a result of the amended model. Ultimately, Council must utilise the best available information for strategic planning and climate change hazard assessment. Council must adopt the revised model extents to meet the State Planning Policy, which requires Council to utilise the best available data in its possession. If Council elected to use the outdated mapping, the State would not be able to approve the Whitsunday Planning Scheme Major Amendment through the State Interest Review process.

The online Flood and Storm tide report program has been offline to the general public since October while storm tide and flooding discrepancies in modelling have been investigated. It is intended to re-instate the program once Council adopts the revised Storm tide and Permanent inundation model.

Key landowners that are affected will be notified, such as the Port of Airlie, who are affected by the revision.

Historic developments undertaken at the Port of Airlie affected by the change in levels were constructed to a storm tide height identified by the Port of Airlie Infrastructure agreement and Preliminary approvals, rather than modelling adopted on 13 August 2019. Any mapping data issued by Council includes a disclaimer that states:

> *"All levels shown on this report have been determined from the information available to Council at the date of issue. The levels for a particular property may change if more detailed information becomes available, or changes are made in the method of calculating flood levels".*

CONSULTATION

Revised coastal hazard mapping to be included within the Major amendment to the Planning Scheme will be consulted upon in accordance with the *Ministers Guidelines and Rules 2020.* The following people were consulted in the development of the updated mapping.

- Matthew Barnes – BMT Global (Consultant)
- Neil McGaffin – Director of Development Services
- Shane Neville – Manager of Strategic Planning
- Matthew Twomey – Senior Development Assessment Officer
- Leonie Meurant – Strategic Planner
- Scott Hardy – Coordinator Natural Resource Management and Climate
- Olivia Brodhurst - Climate Change Innovation Hub Coordinator
- Julie Giguere - Environment & Climate 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

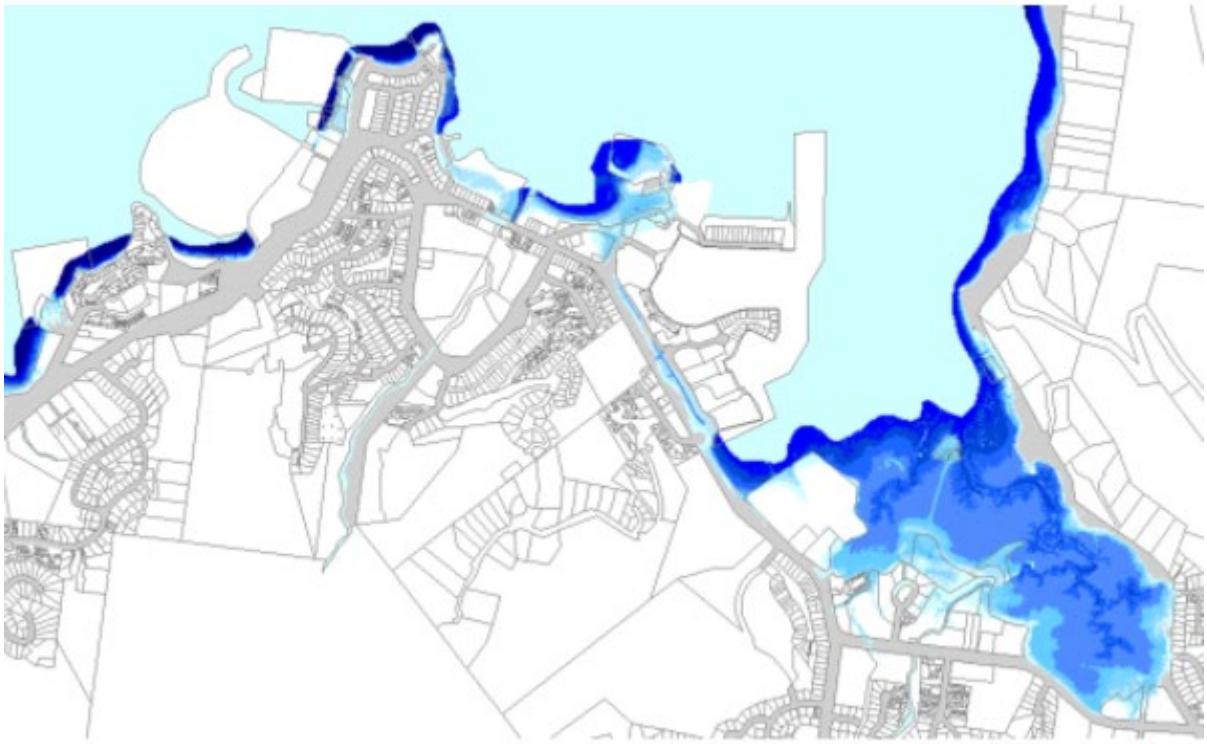
Utilising the best available hazard information will ensure that Council makes the best strategic decisions that maximise community resilience from coastal hazards. Therefore, Council is recommended to adopt the updated Storm tide and Permanent inundation mapping.

ATTACHMENTS

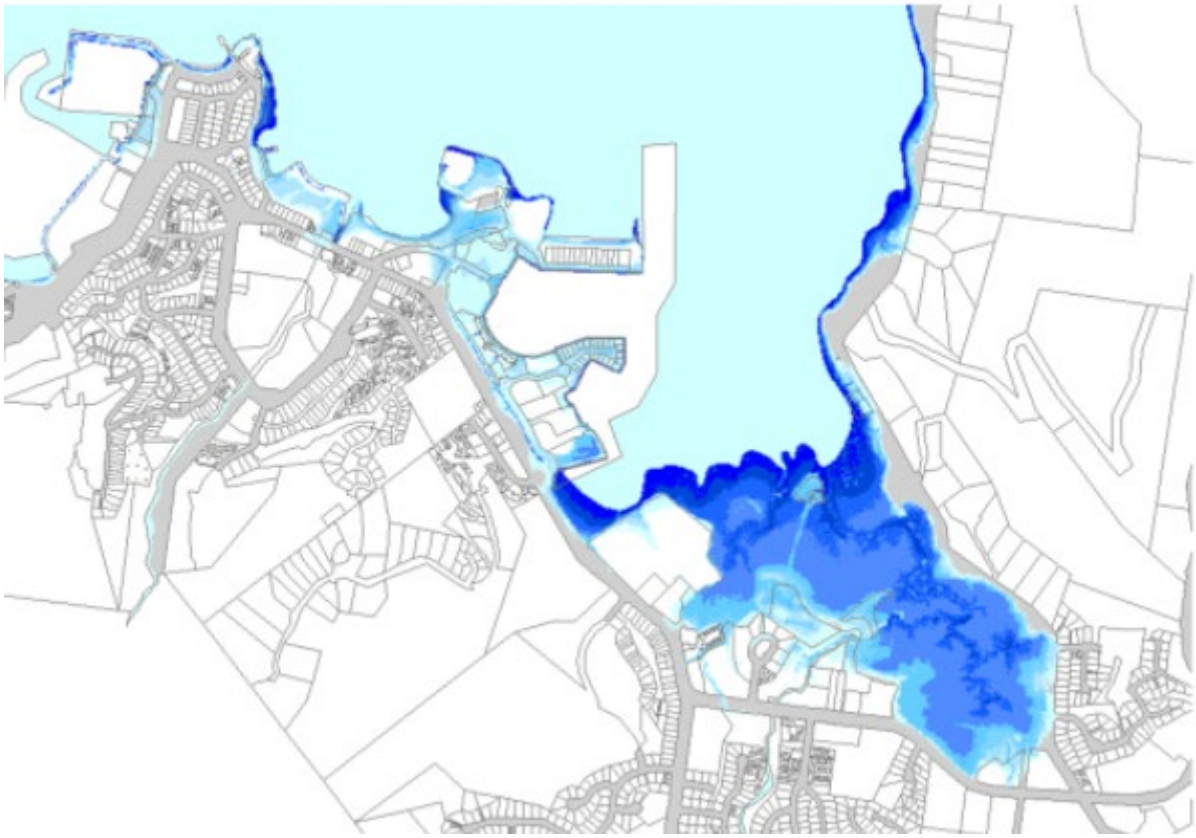
Attachment 1 - Comparison between existing and revised Storm tide mapping

Attachment 1 – Comparison between existing and revised Storm tide mapping

Airlie Beach Existing Storm Tide Mapping

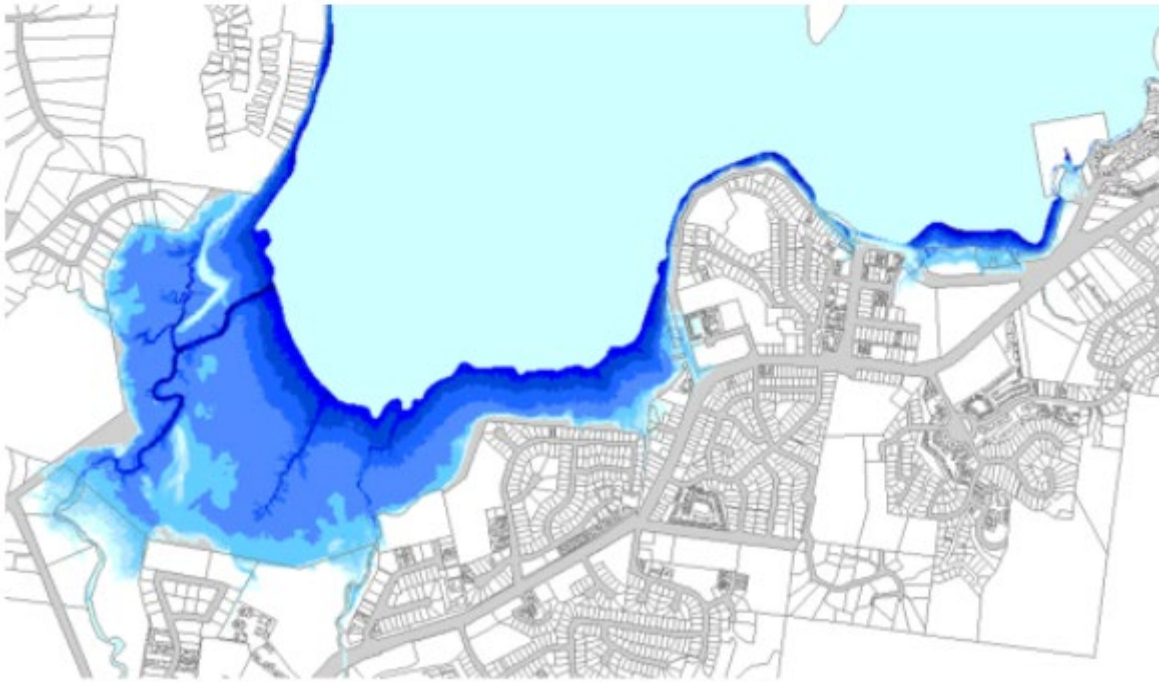


Airlie Beach Revised Storm Tide Mapping

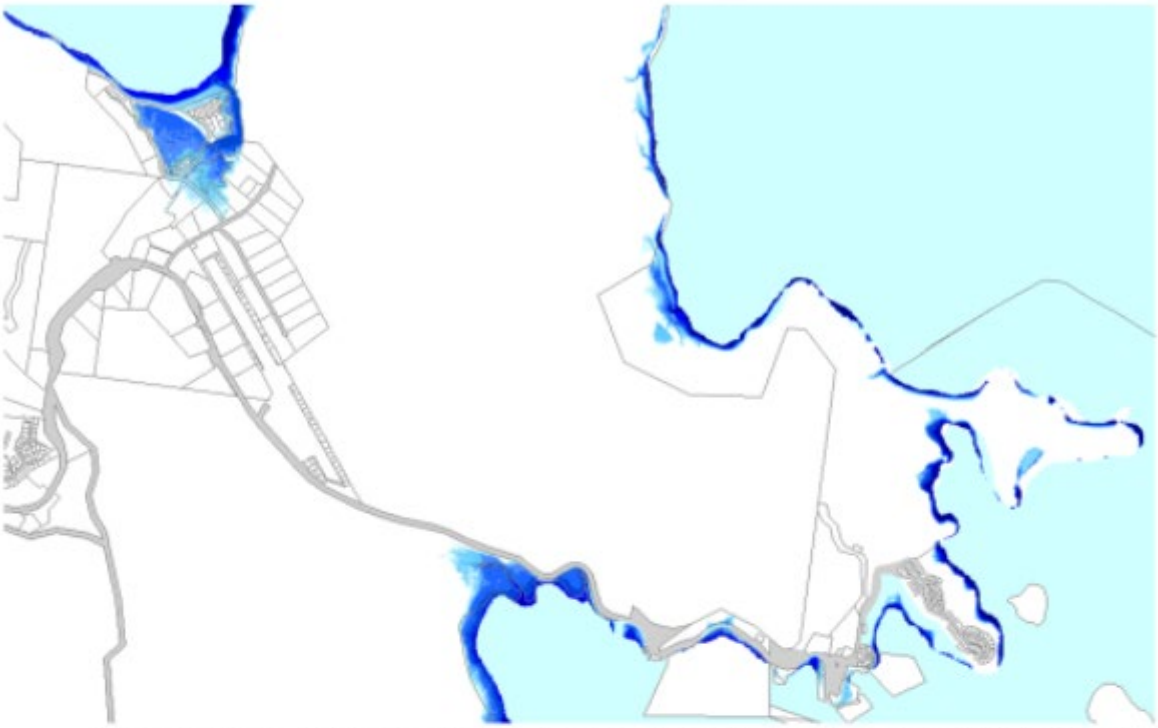


Cannonvale Existing Storm Tide Mapping

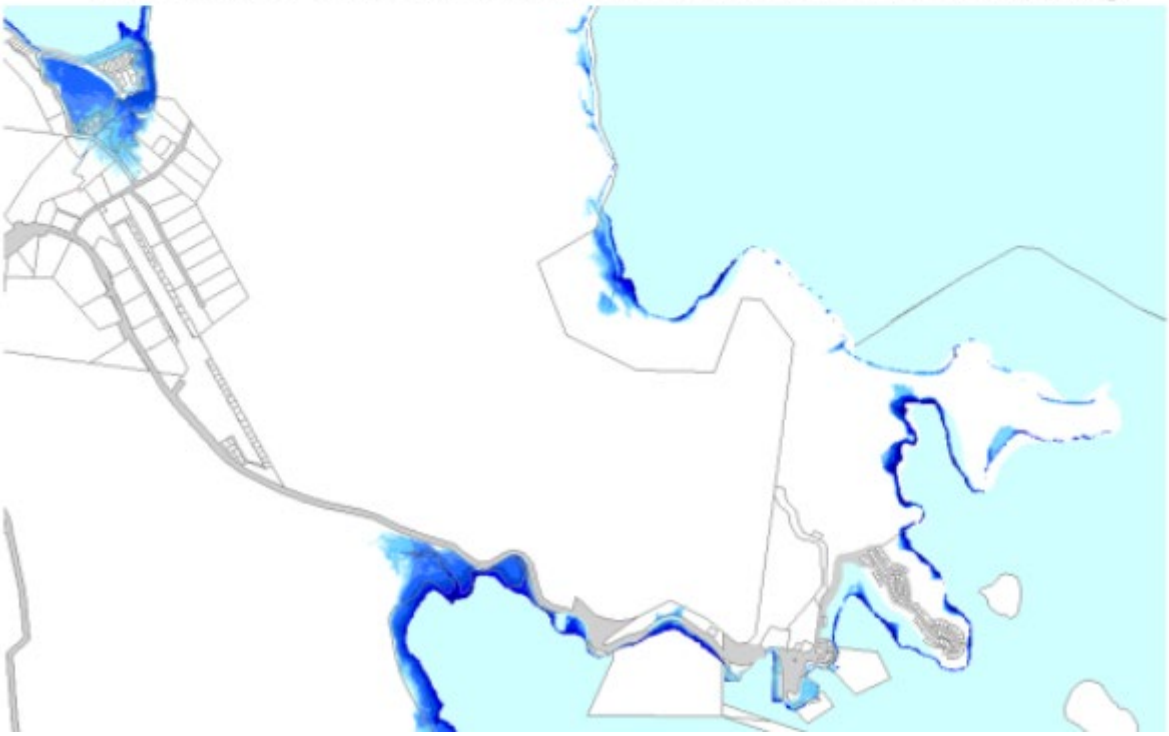
Cannonvale Revised Storm Tide Mapping



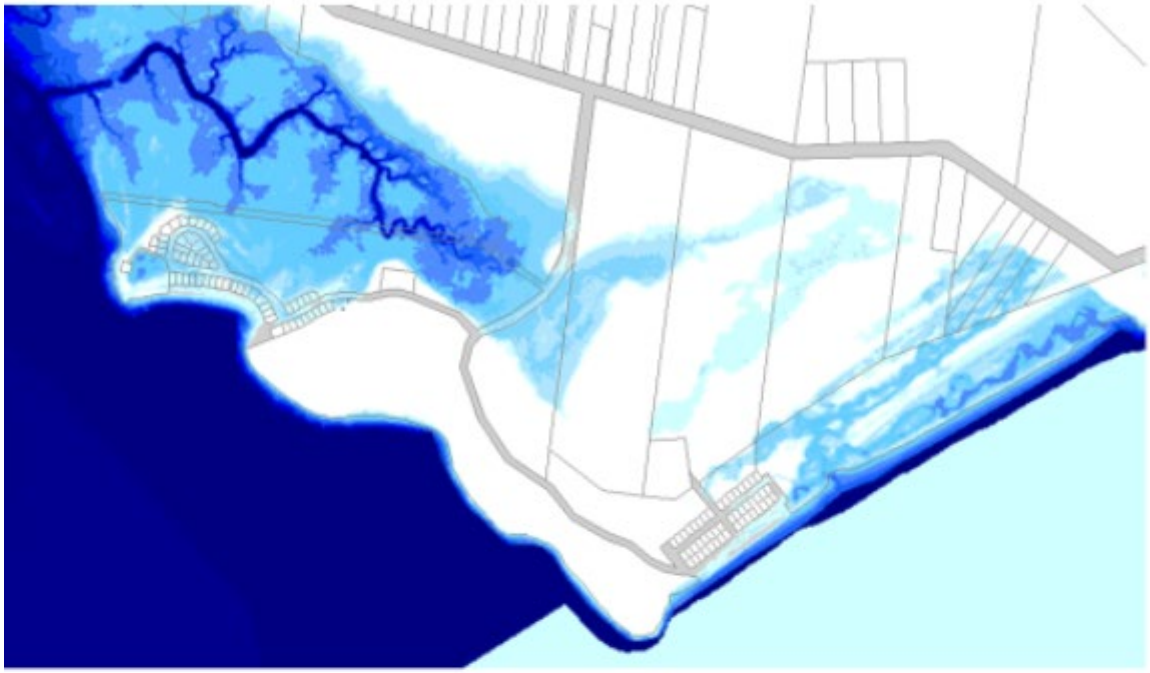
Flametree / Shute Harbour Existing Storm Tide Mapping



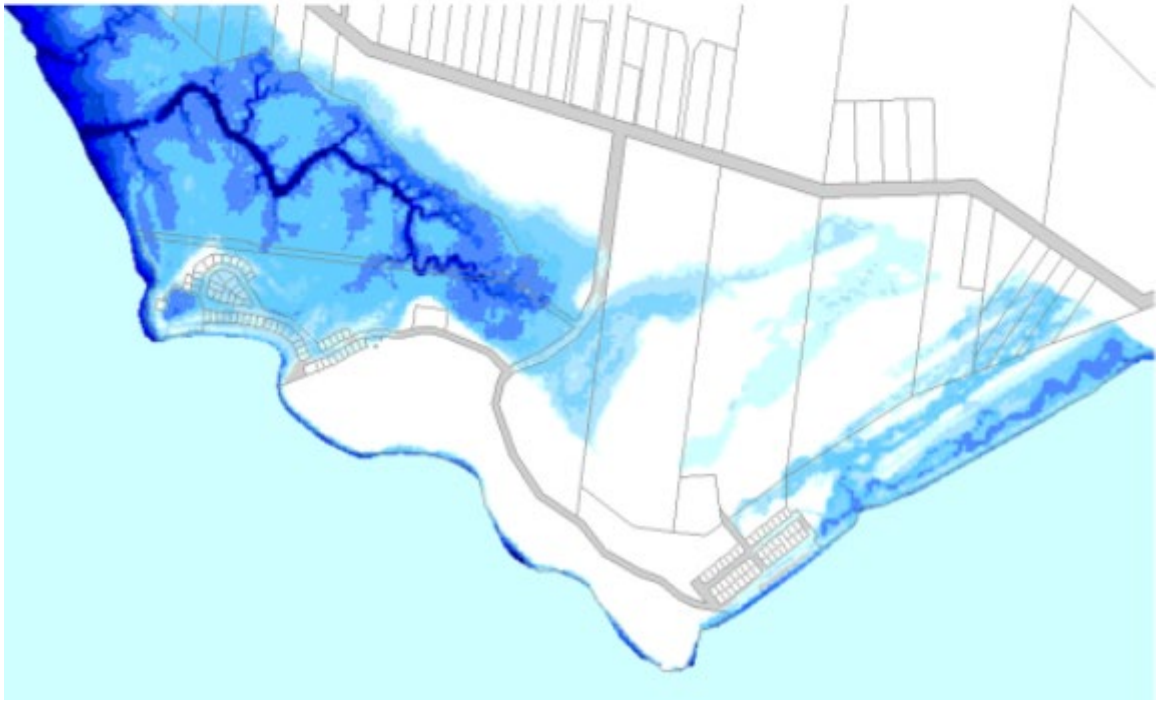
Flametree / Shute Harbour Revised Storm Tide Mapping



Wilson / Conway Beach Existing Storm Tide Mapping



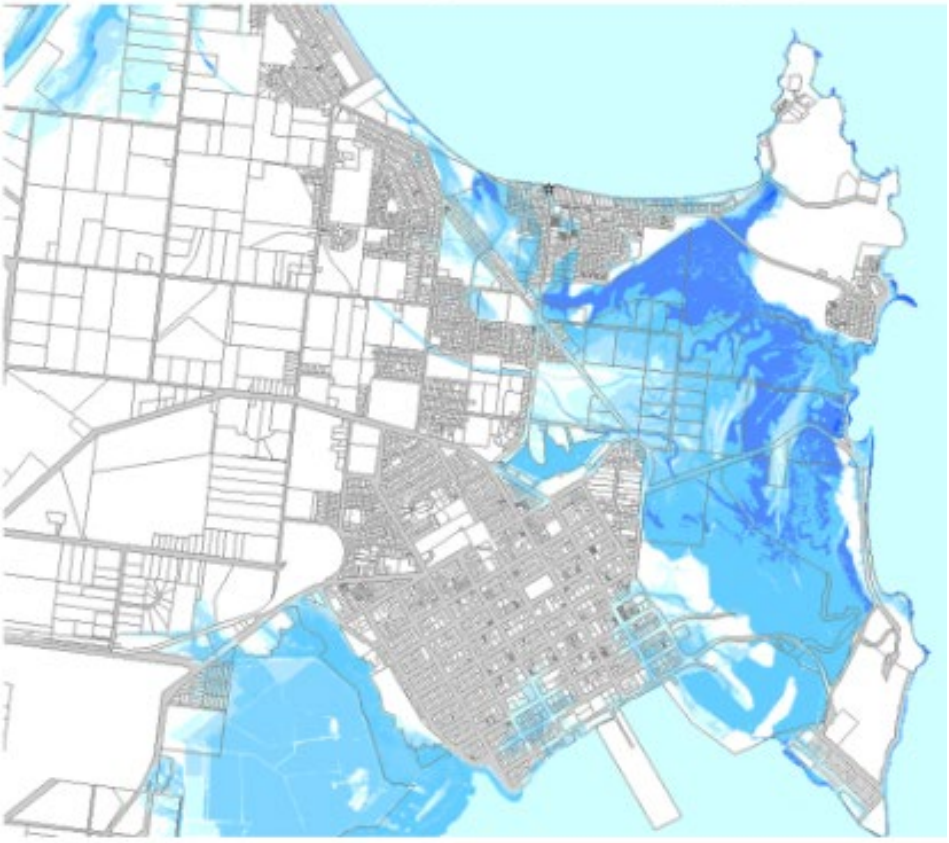
Wilson / Conway Beach Revised Storm Tide Mapping



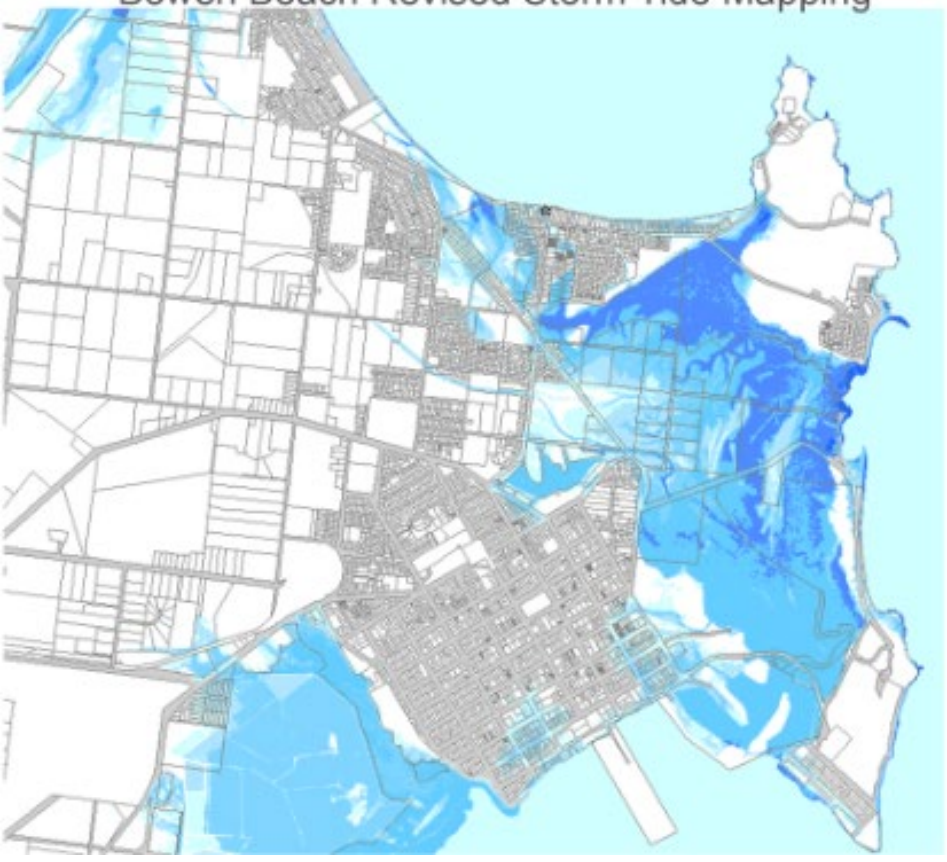
Dingo / Hydeaway Existing Storm Tide Mapping

Dingo / Hydeaway Revised Storm Tide Mapping

Bowen Existing Storm Tide Mapping



Bowen Beach Revised Storm Tide Mapping



14. Development Services

14.8 PLANNING SCHEME MAJOR AMENDMENT PACKAGE PROPOSED ZONE AMENDMENTS ROUND 7

AUTHOR: Leonie Meurant – Strategic Planner

RESPONSIBLE OFFICER: Neil McGaffin – Director of Development Services

OFFICER'S RECOMMENDATION

That Council resolves to:

(a) amend the zones of the following lots:

i. **Lot 105 W9361 Davidson Road Wilson Beach from Recreation and Open Space to Low Density Residential,**

ii. **Lot 106 W9361 Davidson Road Wilson Beach from Low Density Residential to Recreation and Open Space,**

iii. **Lot 311 W9361 Hall Drive Wilson Beach from Recreation and Open Space to Low Density Residential,**

iv. **Lot 103 SP303770 Shingley Drive Airlie Beach to set the zone as Mixed Use,**

v. **Lot 3 SP265779 Shingley Drive Airlie Beach to set the zone as Mixed Use,**

vi. **Lot 2 SP265779 Shingley Drive Airlie Beach to set the zone has Community Facilities, and**

(b) decline the request to rezone the following lot due to the lack of need for further Rural Residential development and the likely negative impact on existing infrastructure:

i. **Lot 1 RP722068 Forestry Road Brandy Creek from Rural to Rural Residential**

(c) Adopt the zone amendments in (a) for inclusion within the next major amendment to the Whitsunday Planning Scheme 2017, including any necessary administrative amendments.

The following report has been submitted for inclusion into Council's Ordinary Meeting to be held on 10 March 2021.

SUMMARY

The Whitsunday Planning Scheme 2017 guides development in the Region. Council Officers are preparing a Major Amendment Package to the Scheme, which includes Proposed Zone Amendments herein.

PURPOSE

Council needs to consider the zone amendments outlined in **Attachment 1,** for inclusion within the next major amendment to the Whitsunday Planning Scheme 2017 (the Scheme).

The requests have been identified by:

- A request from a land owner;
- Recognised administrative errors through Planning Scheme drafting; and
- New lots being created and thus requiring a zone to be attributed to them.

BACKGROUND

The Scheme was adopted on 3 July 2017 and at its Ordinary Meeting, held on 11 October 2017, Council resolved to make a major amendment to the Scheme, which included reviewing zone amendment requests.

STATUTORY/COMPLIANCE MATTERS

Planning Act 2016
Planning Regulation 2017
MGR 2020

ANALYSIS

Attachment 1 identifies proposed zone amendments and the detailed justification.

There are three lots in Wilsons Beach (Lot 105; 106; & 311), which were incorrectly zoned in 2014. Lot 105 (currently zoned Recreation and Open Space) & 106 (currently zoned Low Density Residential) switched zones and should be switched back. Lot 311 was incorrectly zoned to Recreation and Open Space and should be Low Density Residential.

All three lots are significantly impacted by flood, storm tide inundation and coastal erosion and may not be suitable for development. However, this will be up to each land owner to consider. The Coastal Hazard Adaption Strategy (CHAS) aims to identify and respond to these coastal hazards and is due to be completed in April 2021. Future uses of the land may be subject to change dependant on CHAS outcomes, however it is premature to anticipate the strategy's outcomes prior to Council adoption.

Coral Sea Marina has 3 new lots (Lot 2, 3, 103) due to land reclamation, being land originally below the high tide mark, that has been built up through extensive fill. The owner must follow a long process through the State Government before creating the land through the Land Titles office. As the reclaimed land has never had a zone Council must zone the land appropriately, with Mixed Use and Community Facilities recommended.

Lastly, a request for a zone amendment has been received from the landowner of a large rural property in Brandy Creek, requesting a Rural Residential zoning. While there are other examples of Rural Residential uses in the area, the likely trigger of a road upgrade, the potential overdevelopment of the area and the lack of need for additional Rural Residential land until after 2036, it is recommended that the request be refused.

STRATEGIC IMPACTS

Financial implications – N/A

Risk management implications - Provided that Council maintains a consistent approach to the assessment of zone amendment requests, risks (such as the perception of bias) should be mitigated.

Where land is being recommended for a zone amendment and no development approval is in place for a subdivision, (i.e. where no public notification has been undertaken), adjoining owners will be notified of the potential zone amendment as part of the public consultation process.

CONSULTATION

Neil McGaffin - Director Planning & Development

Shane Neville – Manager Strategic Planning
Jonathan Cutting – Strategic Planner

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.

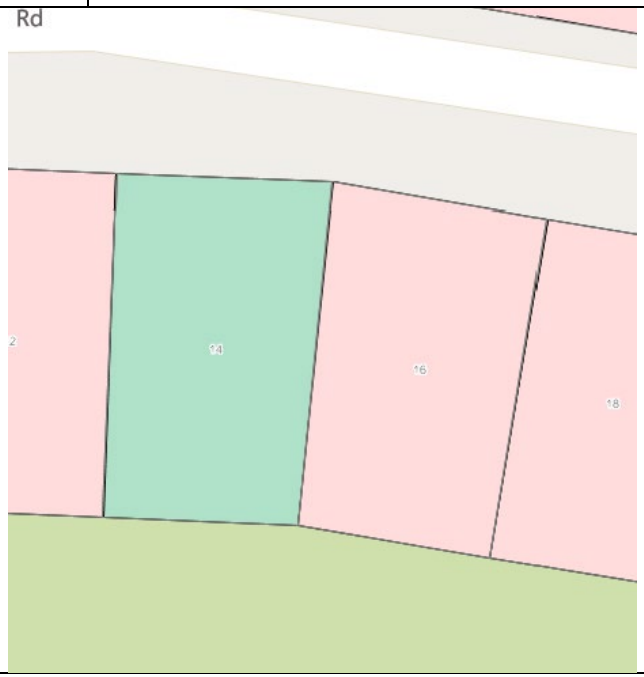
CONCLUSION

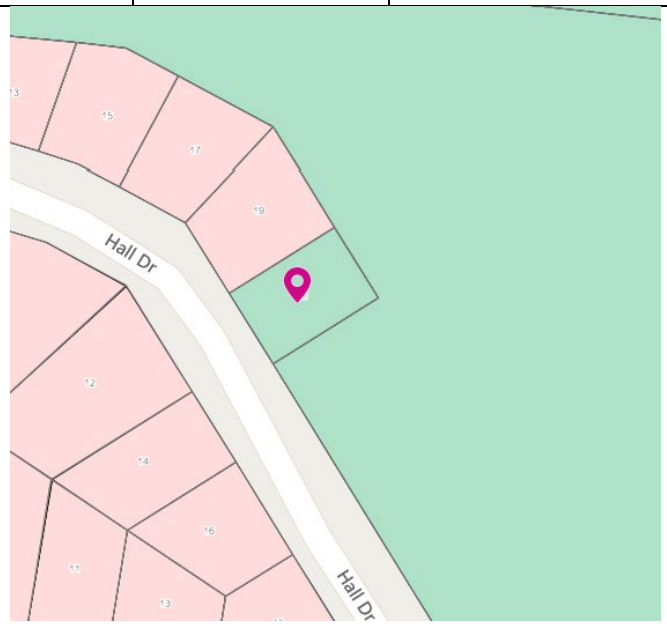
Recommended zone amendments were assessed utilising the aforementioned criteria to ensure consistency and transparent decision making, therefore, it is recommended Council adopt the proposed recommendations as listed for inclusion into the next major amendment to the Scheme as outlined in **Attachment 1**.

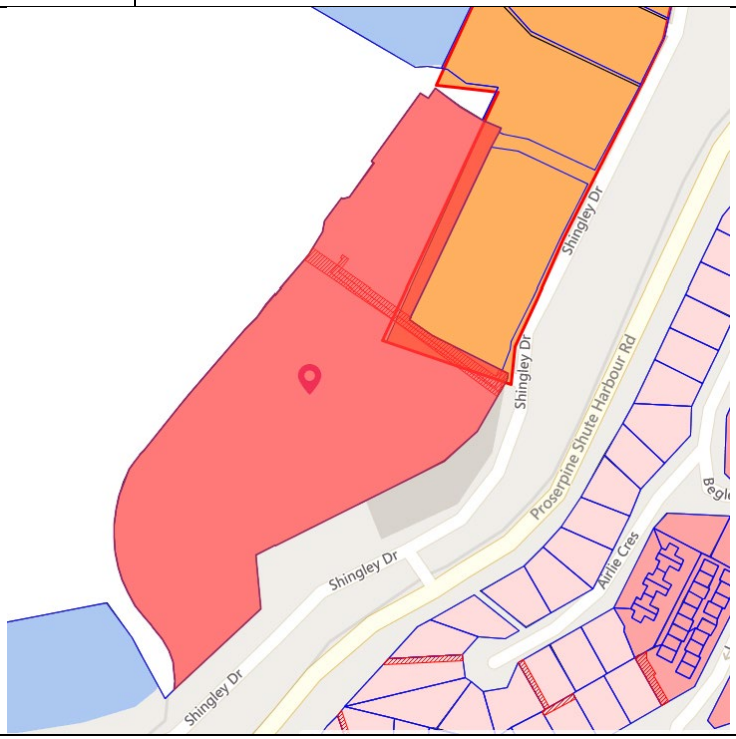
ATTACHMENTS

Attachment 1 – General Zone Amendments

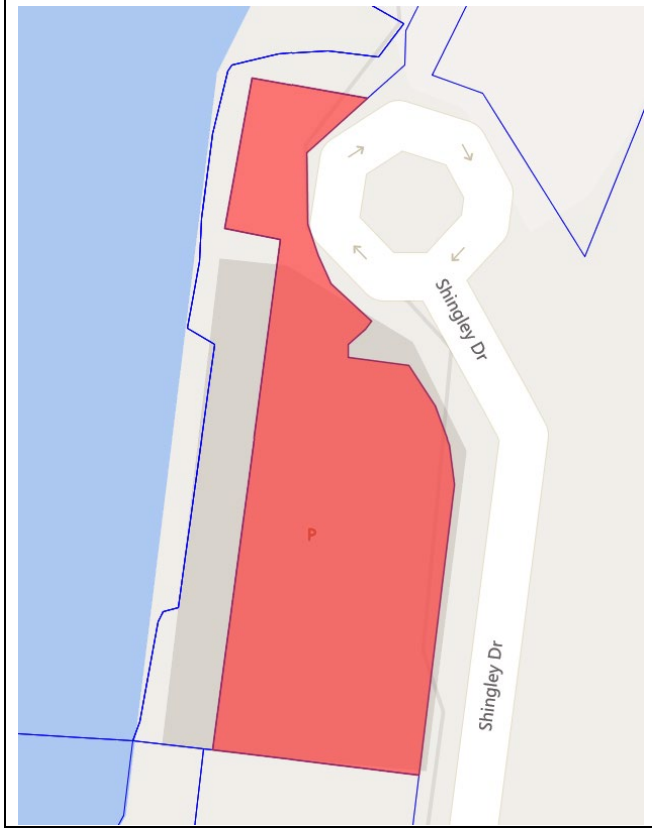
Attachment 1 – General Zone Amendments

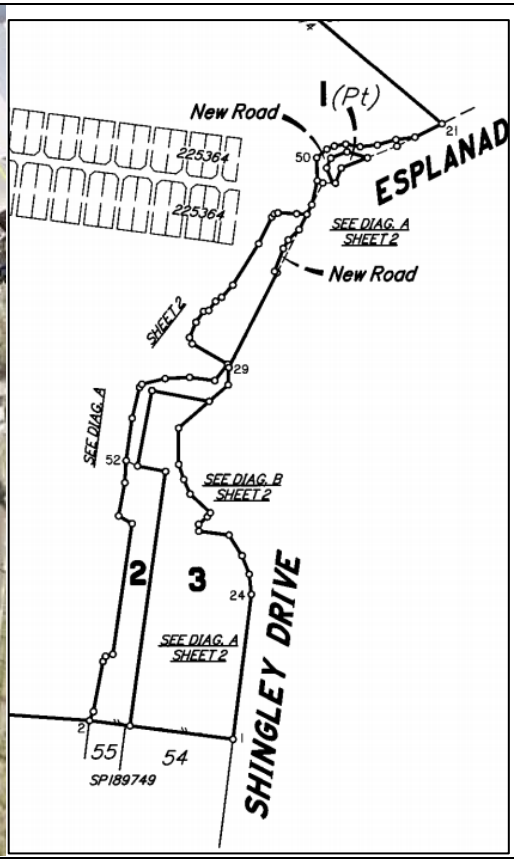
Lot and Plan	Address/Location	Zone Amendments	Recommendation	Justification
105W9361	14 Davison Road, Wilson Beach	Amend zone to **Low Density Residential** from Recreation and Open Space	Approve	1. Whitsunday Planning Scheme 2009, the park (Lot 106) was zoned open space, Lot 105 was residential; 2. Error in creation of maps for current planning scheme and zones were swapped; and 3. Potential risk in zoning Lot 105 to residential as lot is identified in the coastal hazard adaption strategy (CHAS) as having high storm surge, flooding and erosion issues, currently identified in overlay hazard mapping. Future uses of land may be dependant on CHAS outcomes.
106W9361	16 Davison Road Wilson Beach **Council Local Park**	Amend zone to **Recreation and Open Space** from Low Density Residential	Approve	
				

Lot and Plan	Address/Location	Zone Amendments	Recommendation	Justification
311W9361	21 Hall Drive, Wilson Beach	Amend zone to **Low Density Residential** from Recreation and Open Space	Approve	1. Error in creation of maps for current planning scheme and was zoned open space, previously was residential 2. The lot has an existing dwelling 3. Potential risk in zoning Lot 311 to residential as lot is identified in the coastal hazard adaption strategy (CHAS) as having high storm surge, flooding and erosion issues, currently identified in overlay hazard mapping. Future uses of land may be dependant on CHAS outcomes.
				

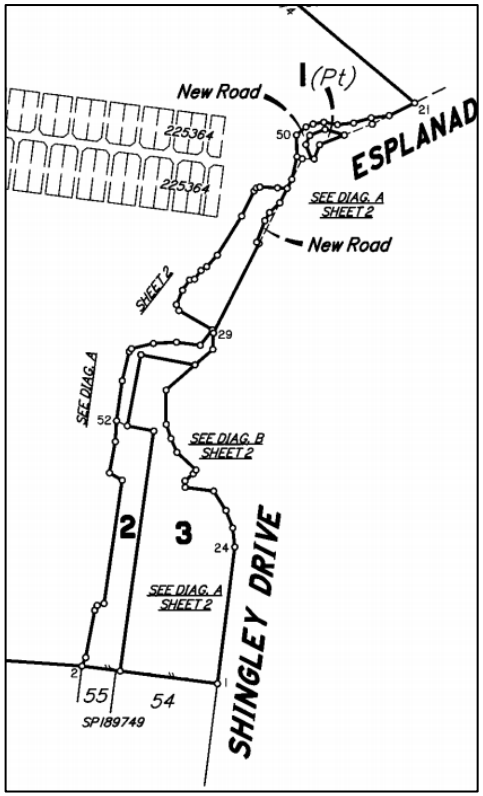
Lot and Plan	Address/Location	Zone Amendments	Recommendation	Justification
103SP303770	Shingley Drive, Airlie Beach	Set zone as **Mixed use**	Approve	1. New lot creation at Coral Sea Marina; 2. Lot has multiple uses onsite, including marina terminal building and carparking, with a vacant area to the south; and 3. Coral Sea Marina is mostly zoned Mixed Use to accommodate the variety of uses and is considered the most appropriate zoning.
				

Lot and Plan	Address/Location	Zone Amendments	Recommendation	Justification
3SP265779	8-12 Shingley Drive, Airlie Beach	Set zone as **Mixed Use**	Approve	1. New lot creation at Coral Sea Marina; 2. Existing uses is the carpark; and 3. Coral Sea Marina mostly zoned Mixed Use to accommodate the variety of uses and is considered the most appropriate zoning.





Lot and Plan	Address/Location	Zone Amendments	Recommendation	Justification
2SP265779	4-6 Shingley Drive, Airlie Beach	Set zone as **Community Facilities**	Approve	1. New lot creation at Coral Sea Marina; and 2. The lot is a lands lease for marine facility and generally used as a walkway bordering the marina



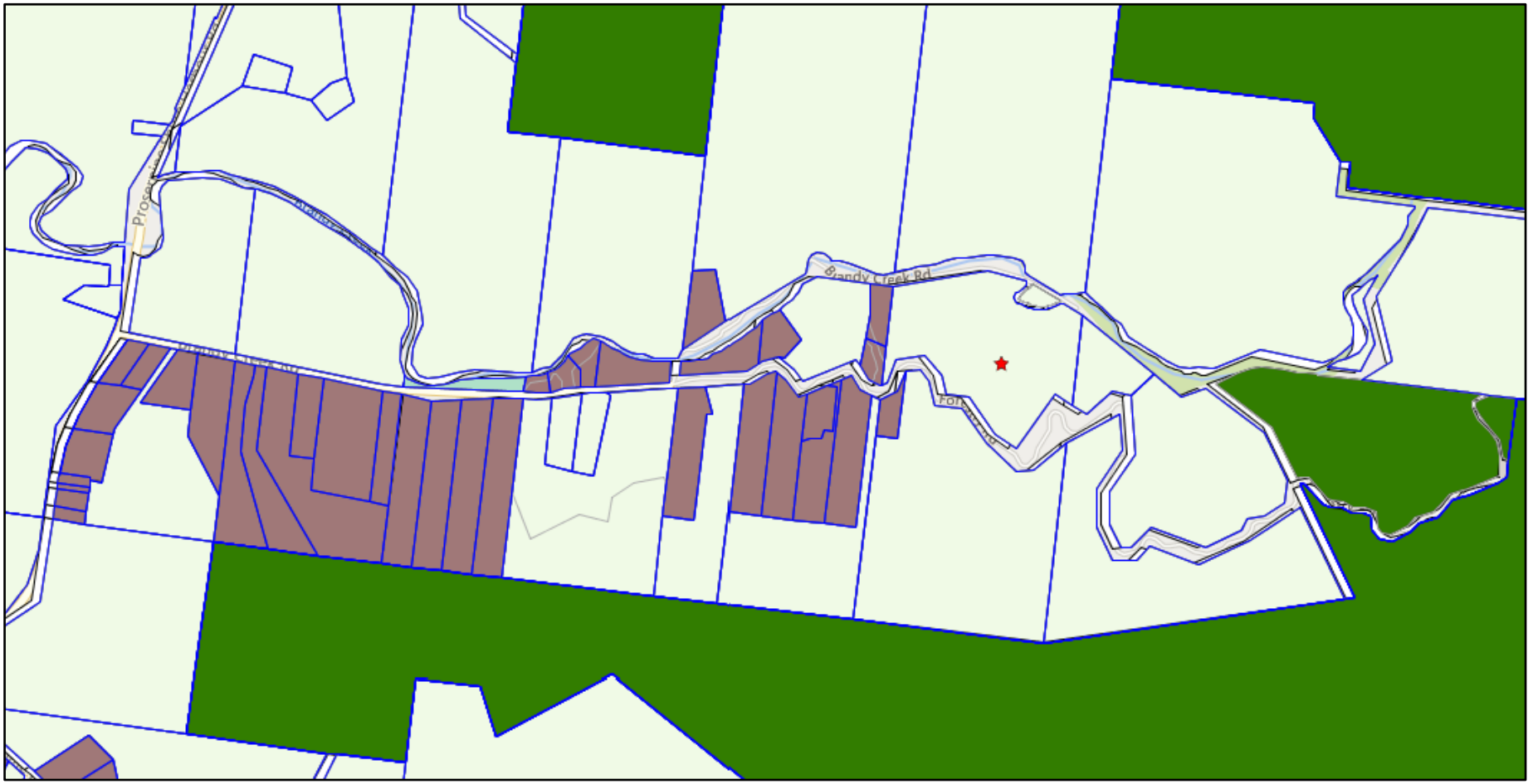
Lot and Plan	Address/Location	Zone Amendments	Recommendation
Lot 1 on RP722068	91 Forestry Road Brandy Creek	Amend zone to **Rural Residential** from Rural	Refuse

Justification

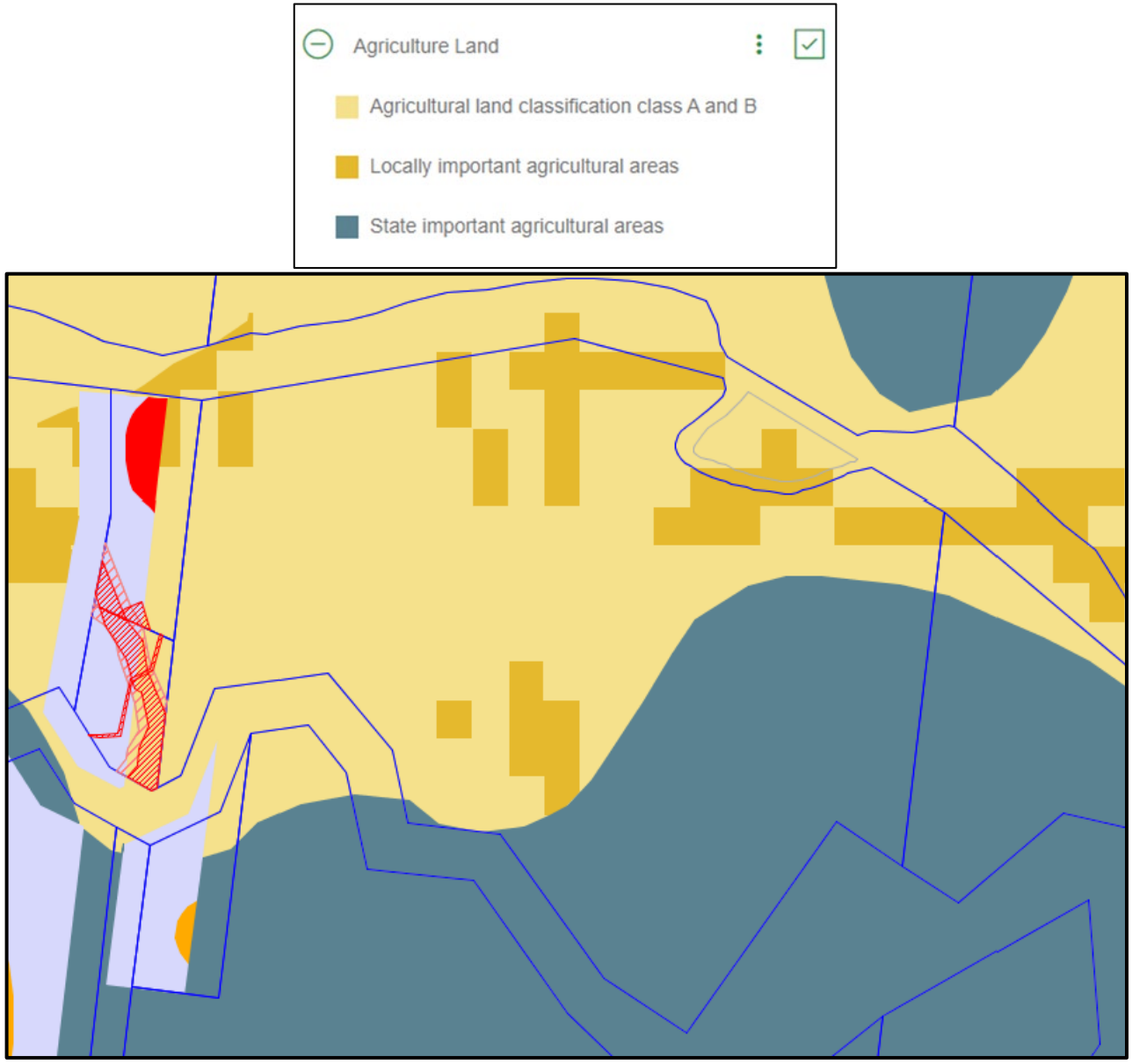
1. A recent Needs Analysis Report given to Council for another Rural to Rural Residential request (Nov 2018) covered the areas of Sugarloaf, Riordanvale and Woodwark. It showed Council had an amount of 130ha of Rural Residential up to 2036 in that area alone, and 51ha of non-constrained land could be subdivided into 87 additional lots, and this number could be increased looking at constrained land. While Brandy Creek was outside the scope of this report, it does show the zone amendment is not a need in the area.
2. The subject area is 21 hectares, a maximum potential of 52 rural residential lots.
3. Undulating lot topography 62.5mAHD to 112.5m AHD.
4. Brandy Creek & Forestry roads are not sealed.
5. Permitting subdivision may place burden on Council to seal roads.
6. Forestry Road has some rural residential lots (see zoning map below).
7. Some vegetation onsite (see Council and State layers).

63
HR108
Road
327
HR1787
Brandy Creek Road
1
SP305195
262
91
1
RP722068
2
SP305195
4
RP864696
80
Forestry Road
82
5
RP864696
2
RP722069

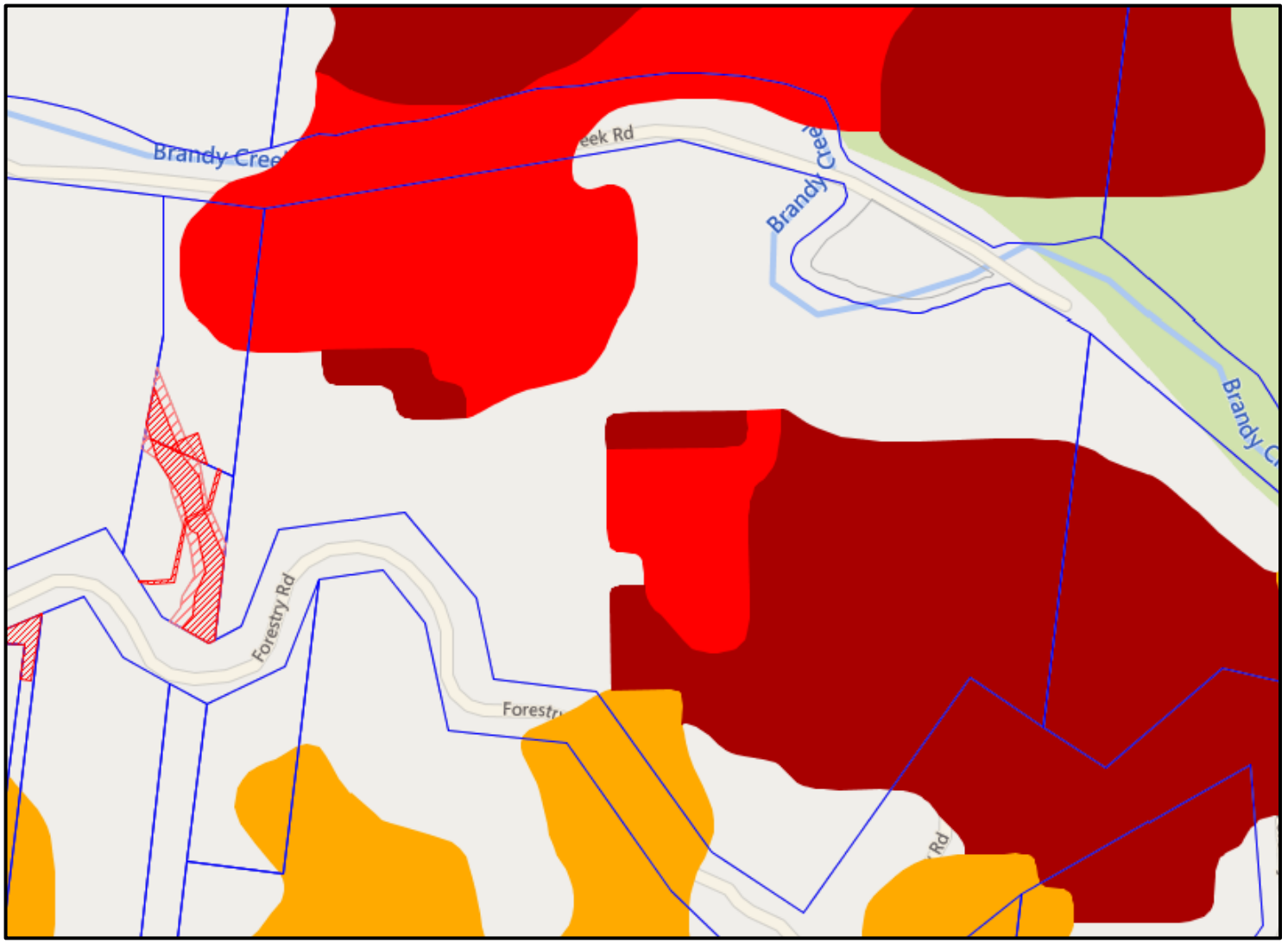
SUBJECT LOT



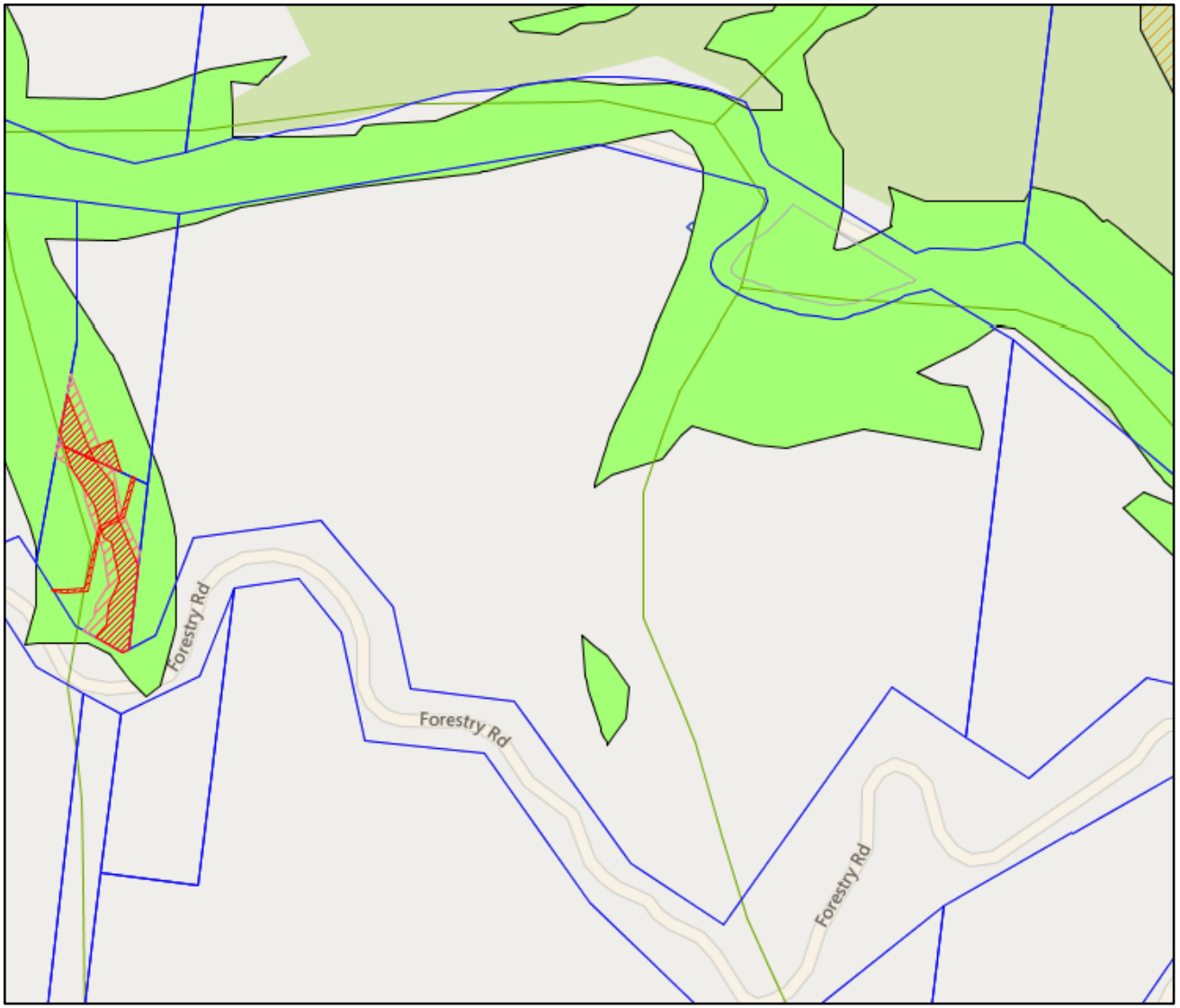
RURAL ZONING



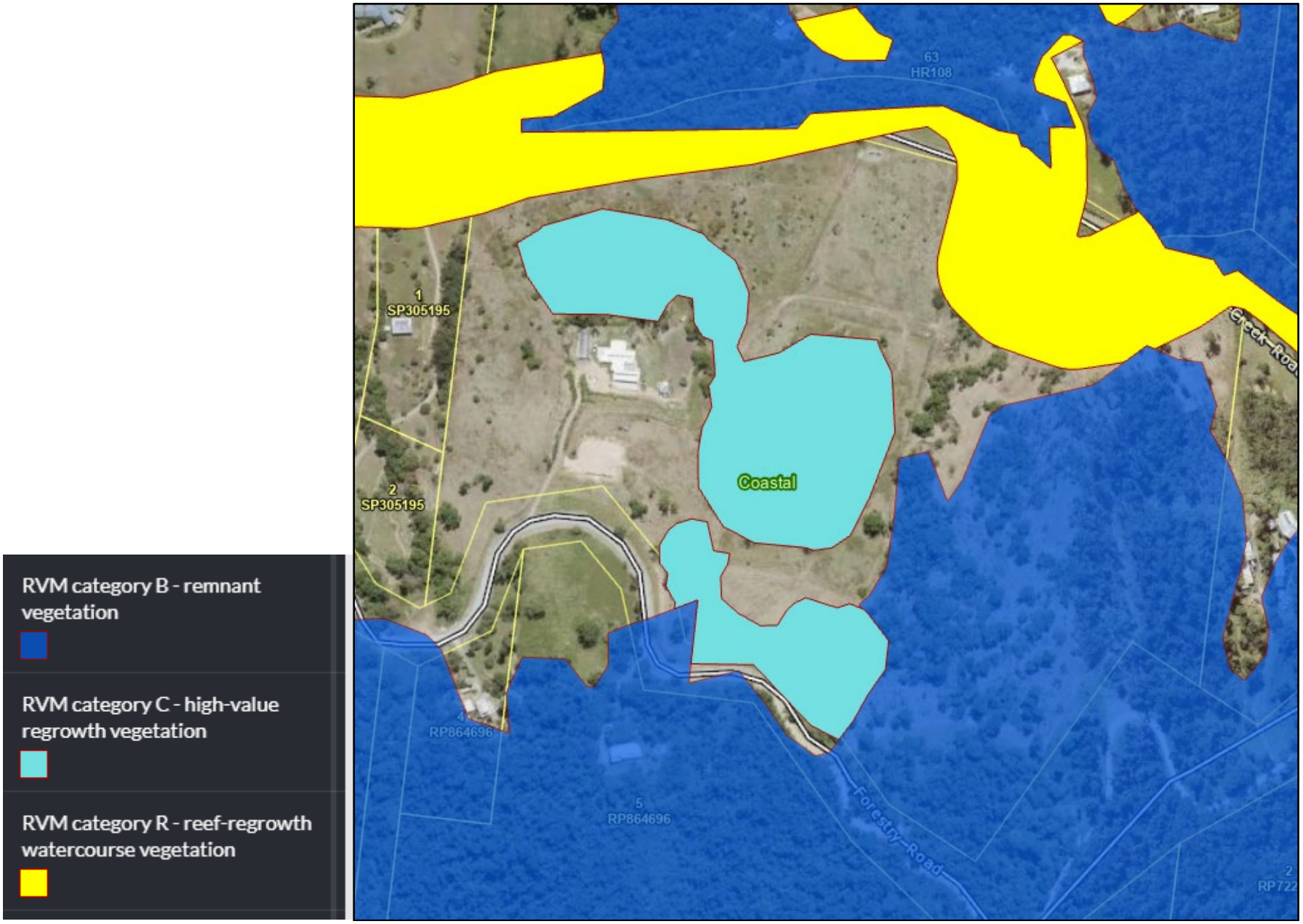
AGRICULTURAL OVERLAY



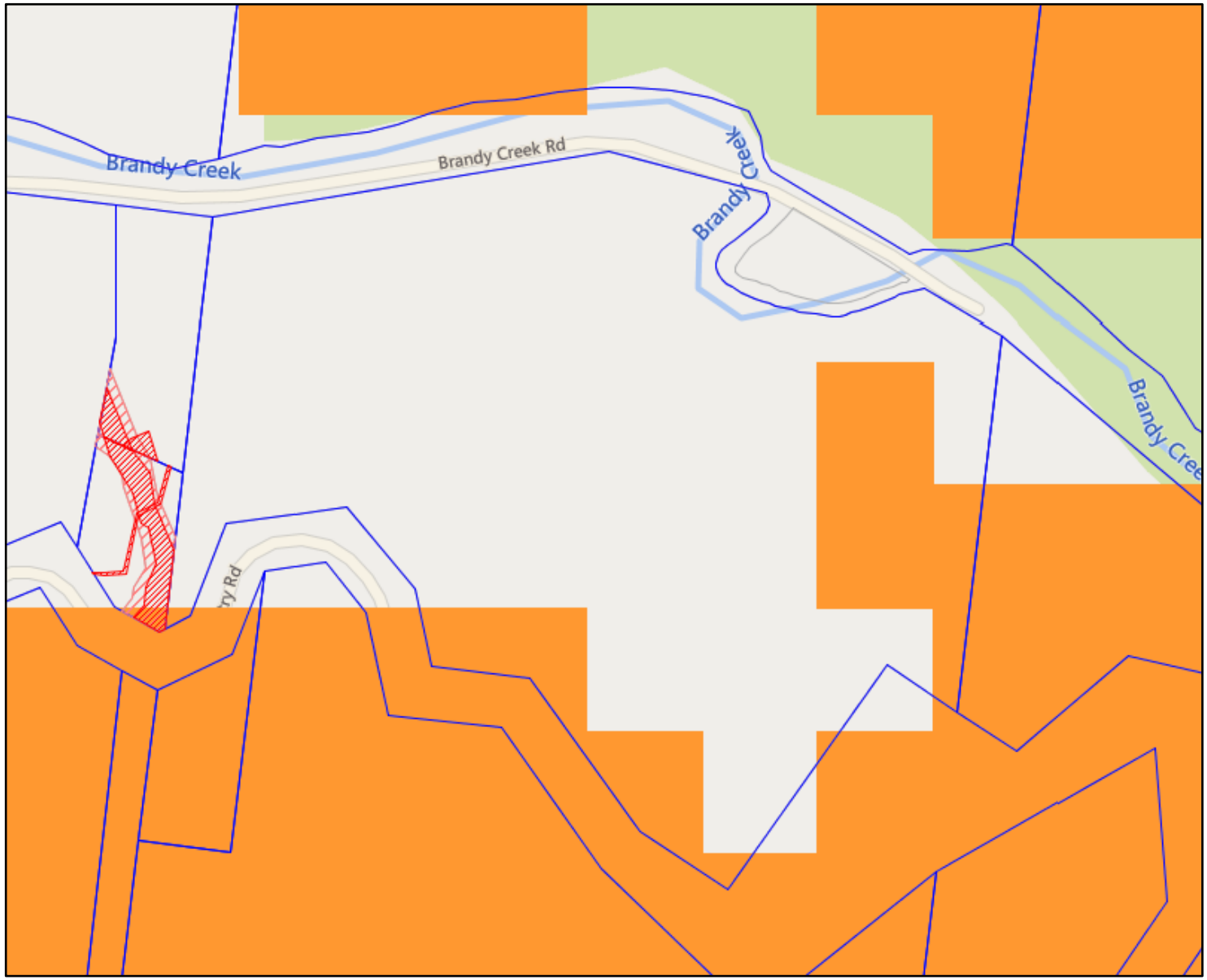
BUSHFIRE OVERLAY



ENVIRONMENTAL SIGNIFICANCE OVERLAY



STATE REGULATED VEGETATION (QLD GLOBE)



LANDSLIDE OVERLAY

14. Development Services

14.9 DEVELOPMENT SERVICES MONTHLY REPORT – FEBRUARY 2021

AUTHOR: Neil McGaffin – Director Development Services

RESPONSIBLE OFFICER: Neil McGaffin – Director Development Services

OFFICER'S RECOMMENDATION

That Council receives the Development Services Monthly Report for December 2020 & January 2021.

The following report has been submitted for inclusion into Council's Ordinary Meeting to be held on 10 March 2021.

SUMMARY

Development Services Monthly Report – February 2021.

PURPOSE

To provide an overview of Whitsunday Regional Council's Development Services Directorate for the 2020/2021 Financial Year, with focus on the month of February 2021.

BACKGROUND

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

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

The Directorates vision is delivered by bringing together the functions of Economic Development, Strategic Land Use and Infrastructure Planning, Development Assessment, Building and Plumbing Assessment and Compliance.

STATUTORY/COMPLIANCE MATTERS

N/A

ANALYSIS

This report represents the activity within the Directorate for the month of February 2021.

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
Emily Reck – Cadet Building Certifier
Donna Foster – Coordinator Economic Development

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 February 2021.

ATTACHMENTS

Attachment 1 - Development Services Monthly Report – February 2021.

Development Services

Strategic Planning
Development Assessment
Building, Plumbing & Compliance
Economic Development

Monthly Report – February 2021

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Operational Activities 5
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Economic Development 12

Directors Report

STRATEGIC PLANNING

In February the Advertising Devices Code and Waste Management Planning Scheme Policy Amendments were presented to Council and gained support for inclusion in the Planning Scheme Major Amendment.

The team participated in the Coastal Hazard Adaption Strategy (CHAS) (Southern region) workshop to assist the Natural Resource Management and Climate team.

Potential Zone Amendments (Round 7), Heritage Overlay Code Amendments and Storm Tide Mapping Correction Amendments were prepared for inclusion in the Planning Scheme Major Amendment. A report of the possible minor amendments to the Planning Scheme was also carried out. These are minor and administrative amendments to the Planning Scheme that do not warrant a full report and generally don't represent a new or changed policy position from Council.

The team continued integrating the approved amendments into the Draft Proposed Planning Scheme Major Amendment and working with our GIS team to complete approved mapping updates.

DEVELOPMENT ASSESSMENT

Considerable resources were directed to processing the negotiated decision notice for Whitsunday Paradise and further information requirements for Port of Airlie and One Whitsunday (new hotel and exhibition facility at Shingley Beach). Additionally, responses to drainage and erosion issues from heavy rains continue in the Cannonvale and Sugarloaf areas in particular.

Recruitment is underway to replace the Planner position and the Development Assessment Administration Officer position which is vacant for a year due to internal secondments.

February saw a significant increase in new subdivision applications: the highest per month in 3 years. Similarly, new operational works applications equalled the highest monthly number in 2020. Two MCU applications were received, still well below the monthly figures for 2019 and 2020 but generation of approvals continued at average monthly levels.

BUILDING, PLUMBING & COMPLIANCE

Building continues to receive regulatory applications even though Council no longer provides a building certification service. The completion of all old Building Approvals continues with building inspections increasing from last month.

Plumbing approvals, applications and inspections are markedly higher than previous months and the same period last year. The only reduction has been in applications requiring further information to be submitted.

The Tassel Prawn Farm has recently completed its 3rd stage development with the completion of a 2000m² feed storage shed, office and amenities. The other building finalised was the processing plant and hatchery.

With the wet weather this month there has been an extensive amount of stormwater complaints. There has also been an increase of compliance complaints received compared to last month.

ECONOMIC DEVELOPMENT

February has been a month of grant preparation for the wider team and meeting stakeholders has been a focus for the Coordinator, together with being the WRC representative for GW3 Regional Partnerships discussions.

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

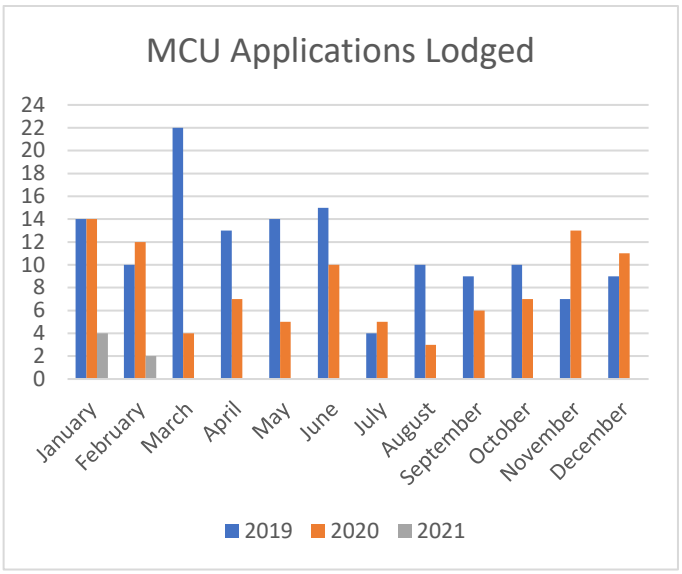
The Strategic Planning Branch is undertaking several projects, including;

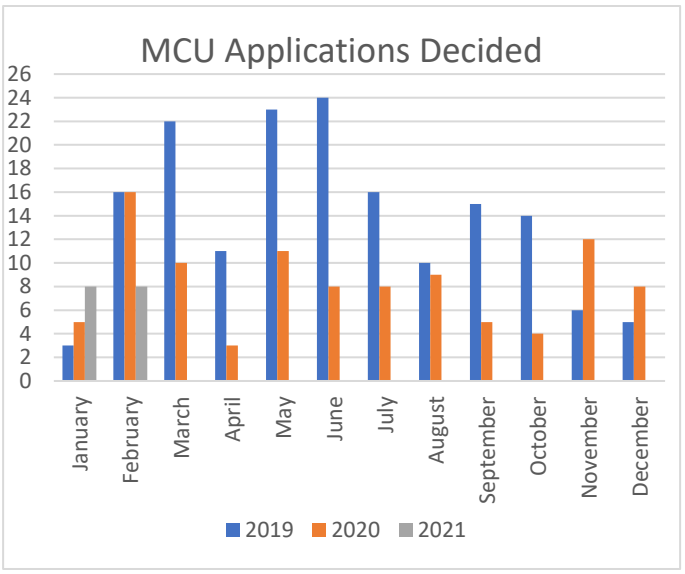
- Continuing Planning Scheme Integration and Review
- Finalisation of the Proserpine Master Plan V2
- Finalisation of the Land Register Lot Review
- Finalisation of the Bowen Master Plan
- Finalisation of the Collinsville Master Plan
- Finalisation of the Interim LGIP Amendment
- Review of the Cannon Valley Growth Strategy
- Review of the Local Heritage Register
- Preparation of the Greater Airlie Beach Area Master Plan
- Preparation of an Airlie Beach Land Management Plan Policy
- Preparation of the Open Space Standards (Development Manual)
- Research Affordable Housing Strategy
- Research Smart City Strategy; and
- Assessment of Façade Improvement Policy Applications.

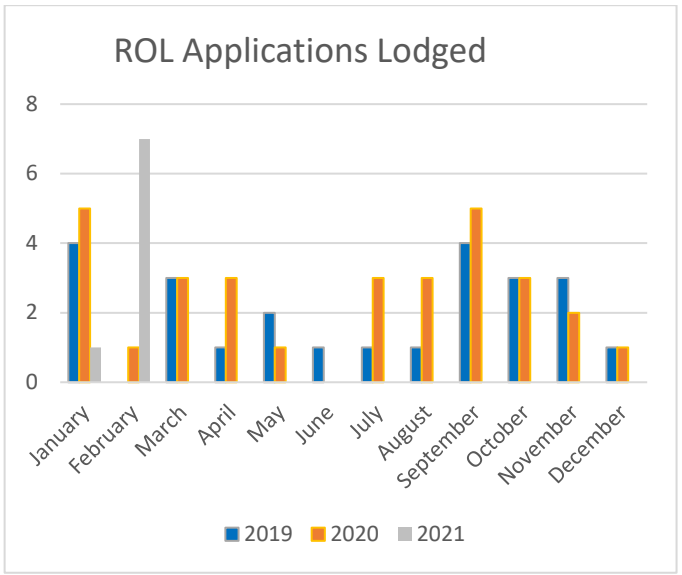
Development Assessment

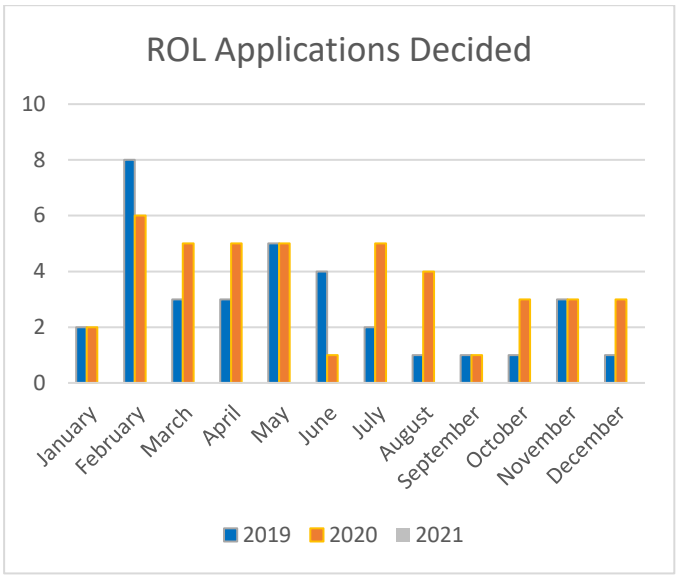
The Development Assessment Unit is responsible for assessing development applications, reviewing referrals for state land, environmental impact statements and other material for coordinated projects, activities, preparing planning and development certificates and inspecting developments for compliance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

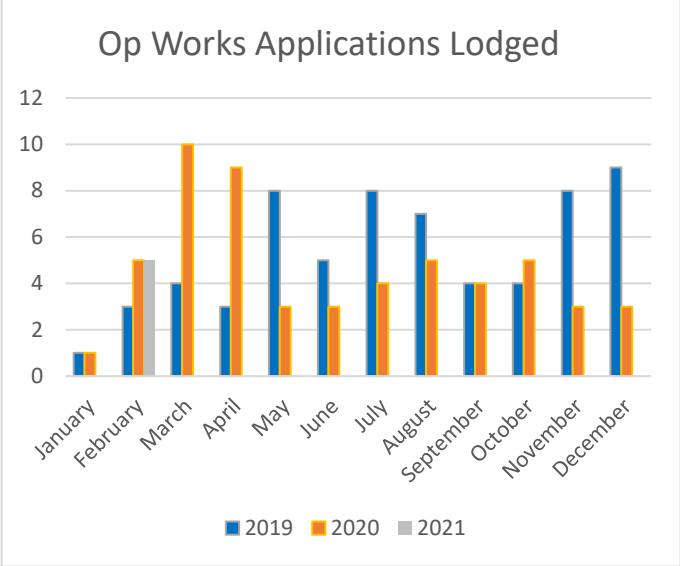
Development Statistics

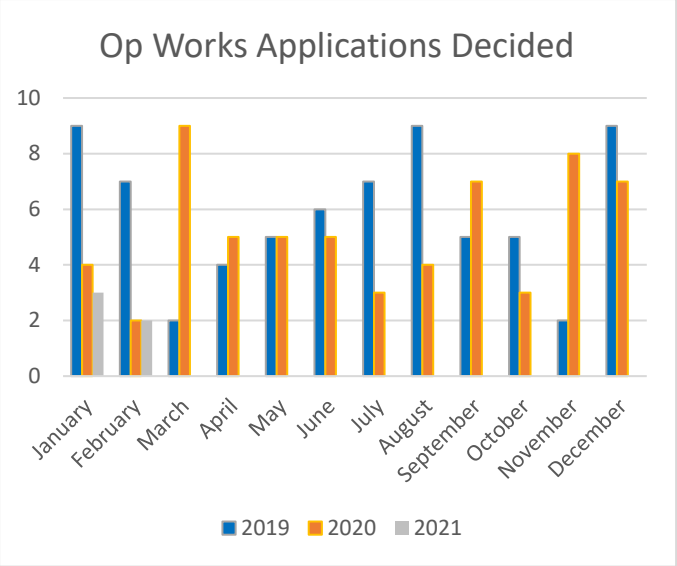


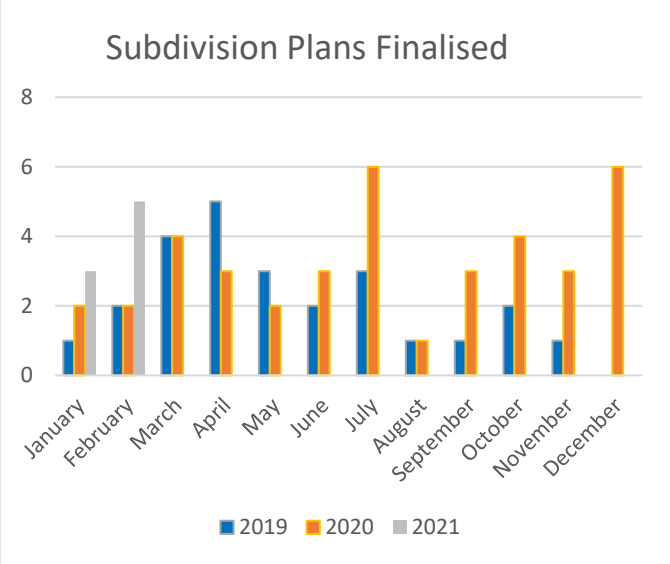












Summary of Applications approved by Council

Application #	Applicant & Location	Approval Details
20190346	Bowen Junior Motorsports Club Inc Woodhouse Road, Bowen	Development Permit for Material Change of Use (Motorsports Facility) & Reconfiguration of a Lot for an Access Easements

Summary of Applications approved under Delegated Authority

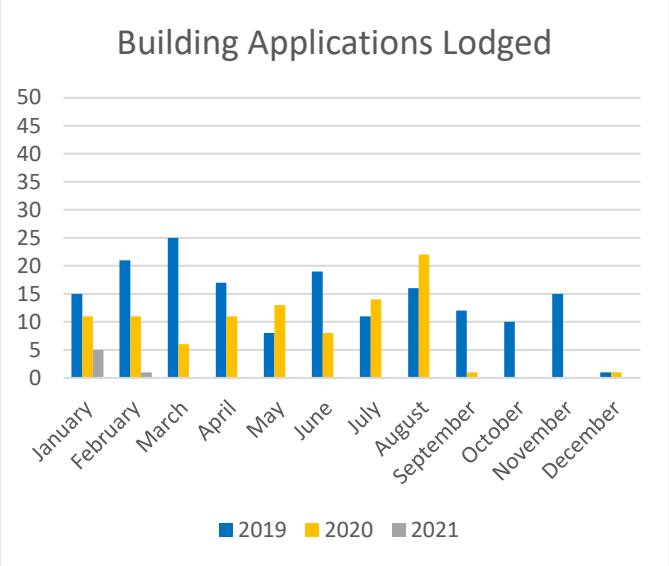
Application #	Applicant & Location	Approval Details
20150080	NEArchitecture Pty Ltd 27 Queens Beach Esplanade, Queens Beach	Request to Extend Development Permit for Material Change of Use (Extension to Existing Dwelling inc Pool & Deck)
20160680	H Ellis 146a Pringle Road, Woodwark	Development Permit for Material Change of Use (Caretakers Residence)
20200312	Krol Iwona Beata 31 Seaview Drive, Airlie Beach	Development Permit for Material Change of Use (Dwelling House)

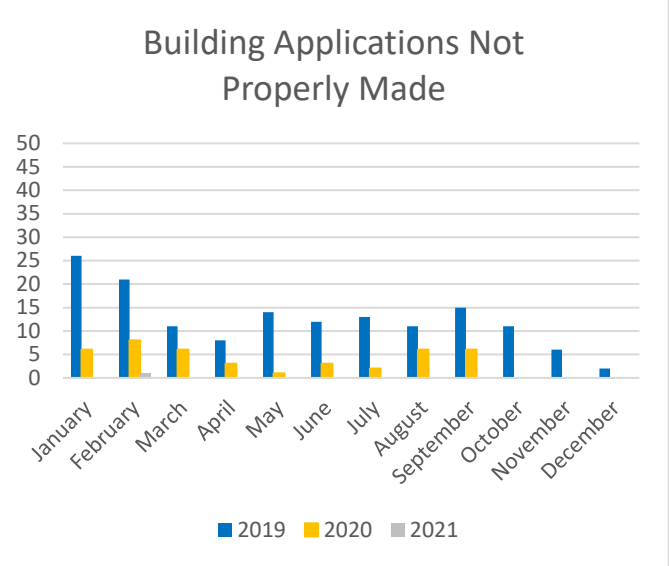
20200658	LJ Schofield 2 Homestead Place, Cannon Valley	Development Permit for Material Change of Use (Front Boundary Setback)
20200896	Vogue Building Designs Strathmore Street, Collinsville	Development Permit for Material Change of Use (Child Care Centre)
20200979	Park Jade Investments Pty Ltd 2623 Shute Harbour Road, Mandalay	Development Permit for Material Change of Use (Child Care Centre)
20201170	Glenn Merrick Constructions Pty Ltd 68 Baxter Ave, Heronvale	Development Permit for Material Change of Use (Dwelling House & Carport)
20210055	Beddaws Pty Ltd Proserpine River, Proserpine	Development Permit for Operational Works (Driveway Access, Earthworks, Stormwater & Erosion Sediment Control)
20210098	ML Coote 181 Paluma Road, Woodwark	Development Permit for Operational Works (Driveway Access & Erosion Sediment Control)

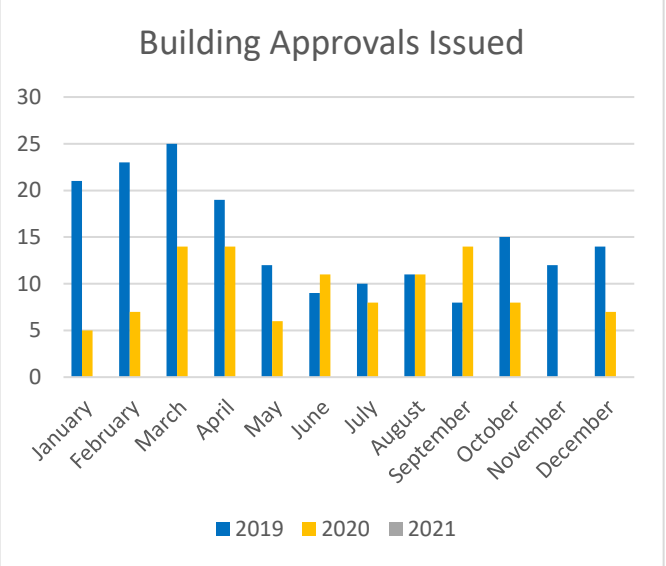
Building, Plumbing & Compliance

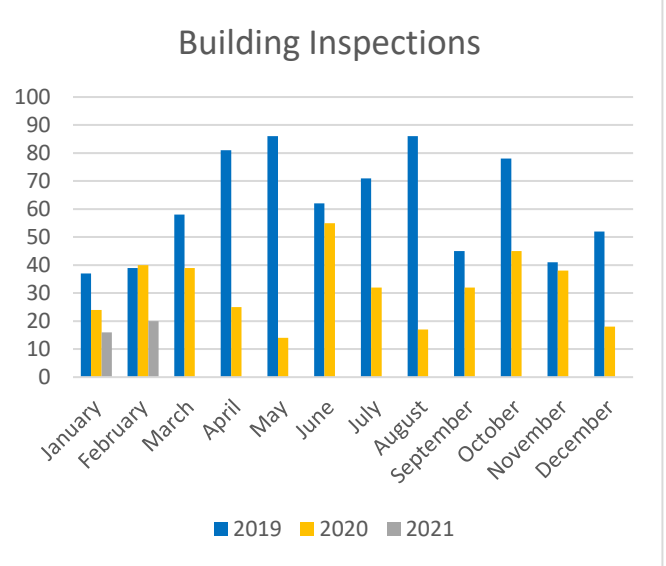
The Building, Plumbing & Compliance branch is responsible for assessing/reviewing building and plumbing applications, developing and maintaining various building and plumbing related policies and registers; carrying out Building regulatory functions; and manage and regulate enforcement and compliance procedures.

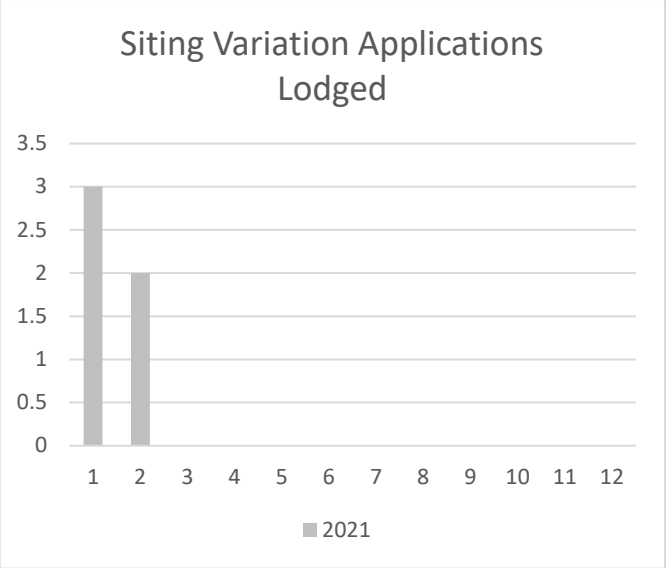
Building, Plumbing & Compliance Statistics







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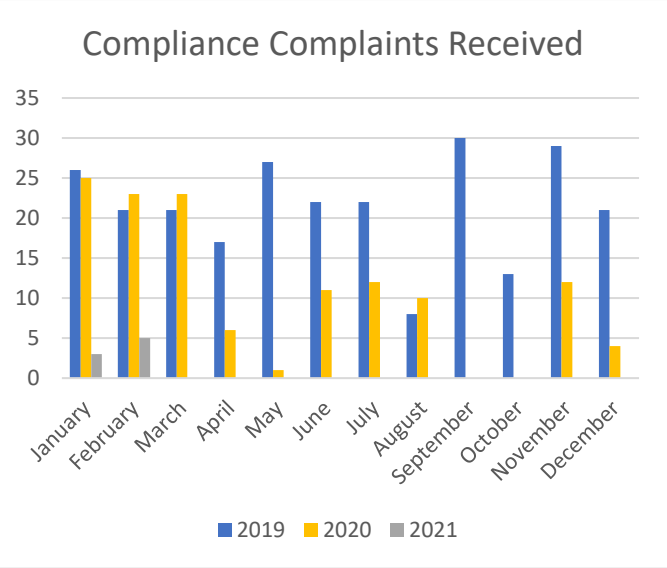
Compliance Complaints Received
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January February March April May June July August September October November December
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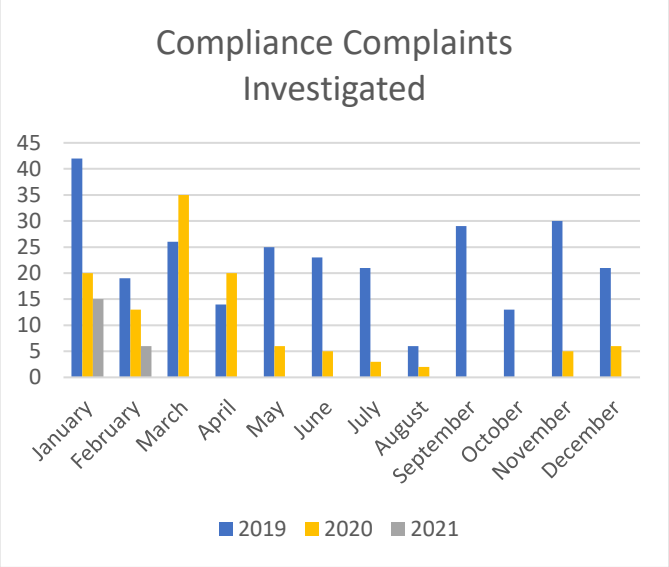
Compliance Complaints Investigated
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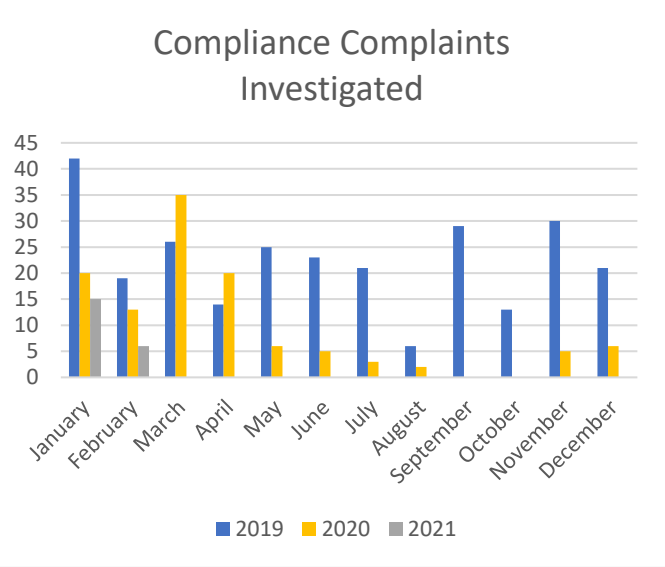
Compliance Complaints Investigated
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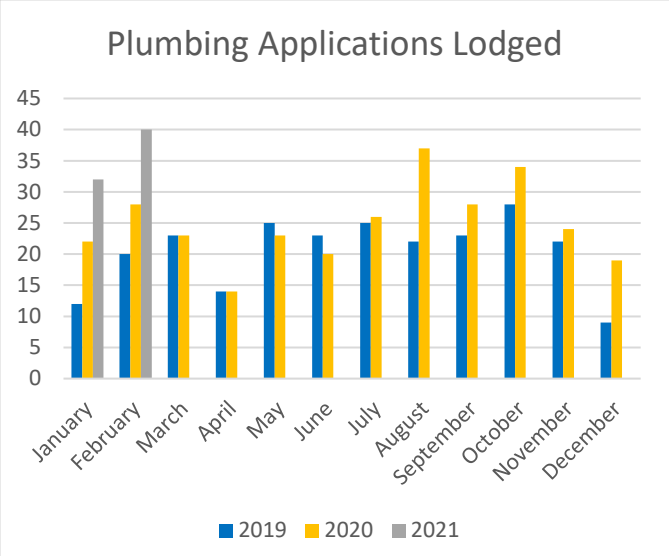
Plumbing Applications Lodged
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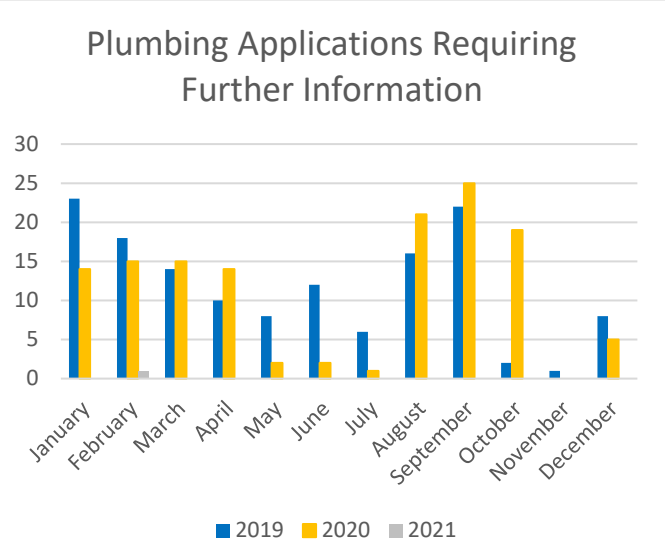
Plumbing Applications Requiring Further Information
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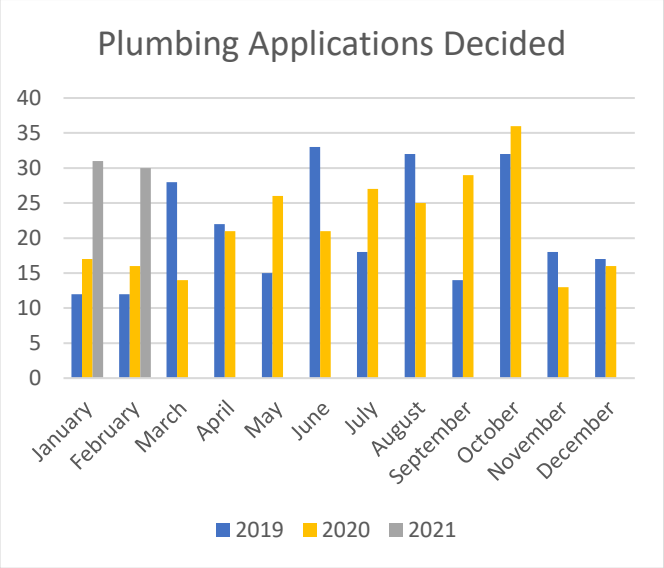
Plumbing Applications Decided
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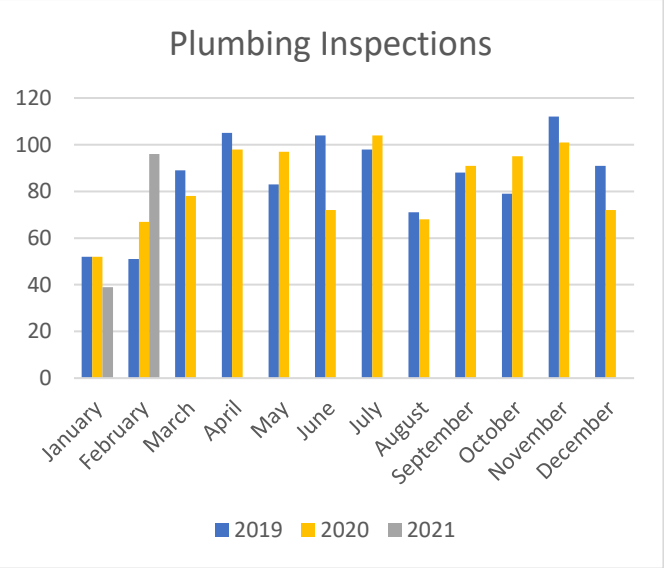
Plumbing Inspections
120
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Economic Development

The Economic development branch undertakes actions that progress the growth and overall prosperity of the region. This includes the provision of support to local businesses, delivery of actions contained within the Economic Development Strategy, stakeholder engagement, facilitation and development of investment enquiries and business cases for targeted investment, advocacy towards issues of regional economic and social importance, and development of research and reports on the economy.

Monthly Highlights

- Launch of Whitsunday Job Board
- Grant writing and preparation support for nine WRC grants in progress.
- Facilitation of workshop to develop a pivot project and grant possibility for operators in the Marine sector.
- Completed the Whitsunday Trails Concept Plan consultation. Over 330 responses received.

Current Projects

- Development of Small Business Plan
- Numerous Grant Applications
- Focussed stakeholder engagement program

Stakeholder Meetings (Co-ordinator)

- Bowen Gumlu Growers
- Bravus (Townsville meeting with wider team)
- BCE (Monthly meeting & Breakfast))
- Bowen Chamber (Monthly meeting)
- Whitsunday Chamber (Committee)
- Department of State Development
- RDA (CEO)
- Tourism Bowen (President & Centre Manager)
- Greater Whitsunday Food Network (Manager)
- Gilmour Space (James Gilmour)
- Trade and Investment Queensland (Director Regions)
- National Flood and Drought Agency
- GRBMPA meeting
- Shiift Consulting
- Coral Sea Marina

Funding Submissions

Program	Project	Amount Requested
Local Roads and Community Infrastructure	Collinsville Water Park	$1,200,000
Local Roads and Community Infrastructure	Bowen Seagulls (Denison Park) sport park irrigation, grandstand and fencing upgrades	$150,000
Local Roads and Community Infrastructure	New Cannonvale Skate Bowl	$300,000

QLD Bushfire Cat C	Collinsville Community Centre – Recovery Hub Establishment	$81,513
QLD Bushfire Cat C	Whitsunday Landholders Rural Fire Safety Training	$50,000
Stronger Communities Programme	Cannonvale Mens Shed	$20,000
Stronger Communities Programme	Collinsville RV Park	$11,000
Stronger Communities Programme	Queens Beach Basketball Lighting	$10,000
Stronger Communities Programme	Mt Coolon Community Centre	$15,200
Flashing School Zone Signs Program (FSZS)	1. Proserpine State School and Proserpine State High School 2. St Mary's Catholic School and Bowen State School 3. St John Bosco Catholic School	NA
Nest to Ocean Turtle Program	Whitsunday Turtle Nesting Protection and Awareness Activation	$83,820
Cycle Network Local Government Grants	Catalina Shared Path	$15,000
Cycle Network Local Government Grants	Scottville Shared Path missing Link	$115,000
Community Drought	Morning Melodies - Collinsville	$8,000
TOTAL		**2,059,533**

Funding Attained - NIL

Unsuccessful Applications – NIL

15. Community Services

15.1 2021 WHITSUNDAY SCHOOLIES

AUTHOR: Elizabeth Youd – Events & Community Sponsorship Officer

RESPONSIBLE OFFICER: Julie Wright – Director Community Services

OFFICER'S RECOMMENDATION

That Council:

a) **relinquish its role as the lead agency of the Whitsunday Schoolies 7 Day Safety Response Program, and**

b) **approve the allocation of the $34,000.00 in trust to the ongoing provision of safety messaging programs until the funds are exhausted.**

The following report has been submitted for inclusion into Council's Ordinary Meeting to be held on 10 March 2021.

SUMMARY

Whitsunday Schoolies Safety Response Program has been held in Airlie Beach each November since 1999, specifically for high school graduates celebrating the completion of high school.

PURPOSE

For Council to consider relinquishing its role as the lead agency of Whitsunday Schoolies 7 Day Safety Response Program.

BACKGROUND

In 2020, major events and festivals across Australia were impacted by the COVID-19 pandemic. The Whitsunday Schoolies Advisory Committee and Council's Elected Members unanimously agreed that it would be too high a risk to the community to run the program in 2020 and was subsequently cancelled. Given that people had already booked accommodation, there was an expectation that school leavers would still visit Airlie Beach to celebrate the end of the school year. The feedback from Red Frogs and QPS, who were in Airlie Beach during the week, suggested 250 to 300 school leavers did stay in Airlie Beach, some 550 fewer than the previous year.

STATUTORY/COMPLIANCE MATTERS

Roadmap to easing Queensland's Restrictions
Industry Framework for COVID Safe Events in Queensland

ANALYSIS

A majority of the Whitsundays Schoolies Advisory Committee believes the 2020 outcome gives cause to roll back the existing program and for Council to relinquish its role as the lead agency. The program could continue in some format, should the State Government's Safer Schoolies Initiative Unit, or other organisation wish to assume control, but without input from Council.

In the event another agency chooses not to manage the program, the Whitsunday Schoolies Advisory Committee recommends that Council provide some level of diversionary activity in 2021. The suggestion is to provide three free movie nights on the foreshore with food vendors on site. The movies will be open to the public and not be publicised as a 'Schoolies' activity but will provide all visitors in that week some free entertainment.

The Advisory Committee also recommended that the amount currently in trust, approximately $34,000.00, be allocated to ongoing safety messaging programs until the funds are exhausted.

Whilst restrictions have eased in Queensland, COVID-19 will continue to be a factor for the planning and management of all events, including the financial impost for ensuring adherence to any restrictions at the time.

Option 1 – Council to agree to relinquish its role as the lead agency in the Whitsundays Schoolie Safety Response Program and approve the ongoing financial support of safety programs.

Option 2 – Council to continue its role in the Whitsundays Schoolies Safety Response Program.

STRATEGIC IMPACTS

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

Strategy 2.2.7 – Promote volunteerism and encourage the participation of volunteers in community activities.

Operational Plan
Action 2.2.7.2 – Facilitate annual Whitsunday Schoolies event.

Financial Implications – The overall costs for services and supplies to host the program is approximately $215,000.00 *(based on 2019 figures).* Should the program continue for 2021 and, a positive COVID-19 case be detected early in the program, it would result in ceasing the program and a potentially significant financial loss to Council.

Risk Management Implications – Should a positive COVID-19 case occur whilst attending Whitsunday Schoolies, the likelihood is the reputation of Airlie Beach as a tourist destination would be significantly impacted thereby affecting the local business providers and the broader economy of the region.

CONSULTATION

Julie Wright – Director Community Services
Rod Cousins – Manager Community Development & Libraries
Whitsunday Schoolies Advisory Committee

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 relinquish its role as the lead agency of the Whitsunday Schoolies 7 Day Safety Response Program.

ATTACHMENTS

N/A

15. Community Services

15.2 REQUEST FOR SPONSORSHIP - 2021 QUEENSLAND LASER STATE TITLES - PORT DENISON SAILING CLUB

AUTHOR: Elizabeth Youd – Events and Community Sponsorship Officer

RESPONSIBLE OFFICER: Julie Wright – Director Community Services

OFFICER'S RECOMMENDATION

That Council approve a sponsorship of $5,000 from budget code JC: 2967.10249 – Community Donations (2967) / Sponsorship (10249), to assist the Port Denison Sailing Club to host the 2021 Laser Queensland Championships to be held from 8-10 April 2021.

The following report has been submitted for inclusion into Council's Ordinary Meeting to be held on 10 March 2021.

SUMMARY

Council is approached from time to time to support events or activities via sponsorship.

PURPOSE

Council to consider a request for sponsorship received from the Port Denison Sailing Club to host the Queensland Laser State Titles from 8-10 April 2021.

BACKGROUND

The Port Denison Sailing Club situated in Bowen have recently been granted the opportunity to host several sailing events in the upcoming months which include:

- Queensland Laser State Titles
- Australian Mid-Winter Windsurfing Championship (12-14 June 2021)
- Blokart Inaugural Mid-Winter Extravaganza (2-4 July 2021)

These racing opportunities hope to attract approximately 150 competitors along with their families to each event, which will have a positive economic benefit to the Whitsundays and allow for exposure of national level racing and demonstrations for our local clubs.

STATUTORY/COMPLIANCE MATTERS

Local Government Act 2009
Local Government Regulation 2012

ANALYSIS

Council has received a request for sponsorship from the organising committee of the Port Denison Sailing Club to host the 2021 Queensland Laser State Titles.

The sponsorship will contribute towards race officials, sailing coaches, safety boat hire, fuel, marina fees and security purposes and Whitsunday Regional Council will be acknowledged as the major sponsor.

Option 1 – That Council approve the sponsorship request for $5,000.00 and support the Port Denison Sailing Club.

Option 2 – That Council decline the sponsorship request.

STRATEGIC IMPACTS

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

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

Operational Plan
Action 2.2.6.1 – Support the Whitsunday community through the facilitation of the community grants and donation programs.

Financial Implications – The funds will be taken from budget code from JC: 2967.10249 – Community Donations (2967) / Sponsorship (10249). YTD Budget remaining $181,136.36.

Risk Management Implications – Reputational Risk - Providing funding support to events post the COVID-19 events will provide an incentive that will increase tourism and assist local business.

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 approve a sponsorship of $5,000 from budget code JC: 2967.10249 – Community Donations (2967) / Sponsorship (10249), to assist the Port Denison Sailing Club to host the 2021 Laser Queensland Championships to be held from 8-10 April 2021.

ATTACHMENTS

Attachment 1 – Request for Sponsorship - Port Denison Sailing Club

Attachment 1 – Request for Sponsorship - Port Denison Sailing Club

1 Thomas Street
Bowen QLD 4805
Incorporation Number: IA56507
ABN: 39 903 464 124
Email: [redacted]

28th February 2021

Elizabeth Youd
Whitsunday Regional Council
67 Herbert Street
Bowen QLD 4805

Dear Elizabeth

Port Denison Sailing Club is excited to have recently been awarded the opportunity to host the Queensland Laser State Titles on the 8th – 10th April 2021.

This event will bring great benefit to Port Denison Sailing Club, regional sailing and the local community. Some keys benefits include, exposing our youth sailors to state and national level racing and demonstrating to Australian Sailing and other sailing associations that Port Denison Sailing Club can successfully hold future state and national level events. This event will be a great economic benefit for the Bowen region as it will bring in over 50 sailors and their families into the region. Data based on previous regattas has shown an average $980 spend per competitor for a three-day regatta on accommodation, food and activities in the hosting city. It is also a fantastic opportunity for families to see all our region has to offer for future travel.

We are submitting a request of sponsorship for $5,000.00 to Whitsunday Regional Council as the Special Projects Grant is currently closed and our events will start prior to next round. This sponsorship will go towards Personnel including a Principal Race Officer, four Race Officials, Sailing Coaches as well as Safety boat hire, fuel, marina fees and security.

Port Denison Sailing Club would also ask your advice on sponsorship of two additional events the club has secured, the Australian Mid-Winter Windsurfing Championship (12th – 14th June 2021) and the Blokart inaugural Mid-Winter Extravaganza (2nd – 4th July 2021) both these events will attract the same competitor numbers and costs.

We would like to thank you in advance for your time to review our request and look forward to the continued support from Whitsunday Regional Council.

If you have any questions, please contact the Port Denison Sailing Club Commodore on [redacted].

Regards,

[redacted]
Commodore
Port Denison Sailing Club

NOTICE of RACE

for

2020 –21 LASER QUEENSLAND CHAMPIONSHIPS

from

8 – 10 APRIL 2021

DIVISIONS

4.7s, Radials and Standard Rigs

CATOGORIES

Junior, Youth, Under 21, Open and Masters

Organizing Authority
Port Denison Sailing Club.

On behalf of
The Queensland Laser Association Inc.

1. RULES

1.1 The regatta will be governed by:

1. the rules as defined in *The Racing Rules of Sailing* (RRS),
2. the Special Regulations of Australian Sailing Inc. (AS) Addendum A - Part 2,
3. the rules and by-laws of the International Laser Class Association (ILCA),

1.2 Change to RRS 63.7 The Notice of Race and the Sailing Instructions:

- If a conflict occurs between the Notice of Race and the Sailing Instructions, the rules of the Sailing Instructions shall prevail.

2. ELIGIBILITY & ENTRY

2.1 The regatta is open to all Laser sailors in accordance with ILCA policy.

2.2 Youth age categories are as follows:

Age	12	13	14	15	16	17	18	19	20
Birth Year	2009	2008	2007	2006	2005	2004	2003	2002	2001
4.7	UNDER 16				UNDER 18				
Radial	UNDER 17					UNDER 19			
Radial Women and Standard Men Under 21									

2.3 Masters categories shall be based on the age of the competitor on 7 April 2021. The minimum age for Master competitors is 35.

2.4 Each competitor shall be a financial member of a District of the ILCA and a yacht or sailing club affiliated with a State or National Authority.

2.5 To constitute a Category a minimum of 5 entries is required in that category.

2.6 Entries shall be made online via https://www.revolutionise.com.au/qldlasers/events/85599/

2.7 The closing date for Entries will be 1 April 2021.

2.8 Late entries may be accepted up to **1130 hours on 8 April 2021** but late entries will incur a late entry surcharge. **No entry will be accepted after this time.**

3. FEES

3.1	Entry Fee	$30
3.2	Late Entry Surcharge	$20

4. MEASUREMENT

It is a competitor's responsibility to ensure that his/her boat and equipment comply with class rules. Measurement and clothing checks may be carried out at any time and a yacht or helmsperson which fails an inspection may be disqualified from ALL races held on the day prior to such inspection. All competitors shall use only one hull, sail, mast and boom, centerboard and rudder during the regatta.

In accordance with ILCA Women's Policy, all female competitors shall display a red diamond on the top of their sail.

5. SCHEDULE OF EVENTS

DATE	ACTIVITY	TIME
Thursday 8 April 2021	Registration	From 0900 - 1130
	Competitors meeting	1145
	Race 1 Race 2	First Warning 1300 Races back to back
	Welcome nibbles	After sailing
Friday 9 April 2021	Races 3, 4 and 5	First Warning 1200 Races back to back
Saturday 10 April 2021	Races 6 and 7	First Warning 1100 Races back to back
	Presentation of prizes & Barbeque	ASAP after Sailing

No Warning Signal for any division will made after 1500hrs on Saturday 10 April 2021.

6. REGISTRATION & SAILING INSTRUCTIONS

All entrants shall complete registration with the Organising Authority. Sailing Instructions will be available at registration; and may be available on the PDSC and QLA websites beforehand.

7. VENUE

7.1 Port Denison Sailing Club is located at 1Thomas Street, Bowen, Queensland, Australia.

7.2 The course area will be on the waters of Port Denison. A map of the sailing area will be available at the venue.

8. COURSES and STARTS

Courses will be trapezoid with Inner and Outer loops which will be described in the sailing instructions.
There will be separate starts for each division

9. SCORING

9.1 The Low Point System of Appendix A will apply.

9.2 Seven (7) races are scheduled, of which three (3) shall be completed to constitute a series.

9.3 When only three or four races can be completed, a boats score shall be the sum of her scores in all races.

9.4 When from five to seven races have been completed, a boat's series score will be the total of her race scores excluding her worst score.

10. SAFETY

Personal flotation devices shall be worn at all times whilst afloat. Such devices shall be in good condition and in accordance with the specifications issued or approved by a national authority or standards organisation and branded in the country of origin or manufacture. ATTENTION IS DRAWN TO RRS Fundamental Rule 1.2.

11. PRIZES

11.1 Cubes, Perpetual Trophies and Prizes will be awarded in all Division Categories where sufficient entries are received. (Refer clause 2.3.)

11.2 Presentation of trophies will commence as soon as practical after completion of the last race.

12. RIGHTS TO USE NAME AND LIKENESS

By participation in an event, a competitor automatically grants to the Organising Authority and the sponsors of the event, the right in perpetuity, to make, use and show, from time to time and at their discretion, any motion pictures, still pictures and live, taped or film television and other reproductions of him/her during the period of the competition for said event in which the competitor participated and in all material related to the said event without compensation.

12. DISCLAIMER

The Queensland Laser Association Inc, Port Denison Sailing Club, their members, officers, officials and committees and all others involved in the management and conduct of this regatta, shall not be liable for any loss of life or property, personal injury or damage caused by or arising from participation in this event. ATTENTION IS DRAWN TO RRS FUNDAMENTAL RULE 3.

Whitsunday Regional Council

13. INSURANCE

All entrants shall have a current Third Party Insurance Policy with a racing cover considered by their insurer as adequate for the risks involved. (Minimum AUD $10 million).

14. FURTHER INFORMATION

For information, please contact:

Queensland Laser Association

[redacted] Email [redacted]

Phone [redacted]

Port Denison sailing Club

[redacted] - email: [redacted]

Phone [redacted]

Charter Boats:

- A limited number of charter boats may be available from Sail27 (Local Laser Dealer). For further information contact [redacted]
- A limited number of charter boats may be available from NB SailSports. For further information regarding NB SailSports charter boats visit www.nbsailsports.com.au

Accommodation: Port Denison Motor Inn is situated right across the road from the sailing club. It is within easy walking distance to hotels, restaurants and shops. Phone [redacted] There are a number of other accommodation options including a caravan park nearby.

Social Functions: The regatta entry fee includes the Welcome Nibbles on Thursday after sailing and a barbeque and prize presentation on Saturday following the conclusion of racing.

Boat Storage: Competitors arriving prior to the commencement of the regatta should contact PDSC to make appropriate arrangements for access and storage.

Trailer Storage: Competitors may store trailers in the designated area in the PDSC car park next to the clubhouse.

15. Community Services

15.3 RADF 2020/21 FUNDING ROUND 3 - NOVEMBER 2020 - FEBRUARY 2021

AUTHOR: Jacqueline Neave – Arts & Community Programs Officer

RESPONSIBLE OFFICER: Julie Wright – Director Community Services

OFFICER'S RECOMMENDATION

That Council:

a) **Receive the minutes from the Regional Arts Development Fund (RADF) Local Committee meeting held on 16 February 2021; and**

b) **Approve the following RADF grants (subject to conditions) for Round 3 from budget code GL: 3640.6405 – Arts & Culture Development (3640) / Donations (6405), as recommended to Council by the RADF Advisory Committee:**

- **Gwada Murals: Martin Jegou – Underwater Reef Scenery Mural Artwork (Part 1) - $5,000.00**
- **Jennifer Horsford – Quilting Workshops and Exhibitions of Works - $6,000.00**
- **Whitsundays Arts Festival: Jess Begun – "Mermaid Dreaming" Large Lantern Making Workshop by Lily Podger - $5,600.00**
- **Proserpine State High School: Corinne Raiteri – Production of School Musical 'We Will Rock You' - $7,900.00**
- **Noosa Film Academy: Andrea Huglin – Red Carpet Screening of Youth Films Produced by Whitsunday Schools in Filmmaking Workshops - $2,000.00.**

The following report has been submitted for inclusion into Council's Ordinary Meeting to be held on 10 March 2021.

SUMMARY

The Regional Arts Development Fund (RADF) is a partnership between Council and the Queensland Government through Arts Queensland which invest in quality arts and cultural experiences by providing four rounds of grant opportunities in a funding period.

PURPOSE

To receive the RADF meeting minutes held on 16 February 2021 and approve the grant funding recommended by the RADF Local Committee.

BACKGROUND

RADF invests in quality arts and cultural experiences across Queensland based on locally determined priorities.

Local Arts and Cultural workers submit applications to Council for funding grants. Applications are assessed by an elected committee against criteria based on program guidelines and priorities identified in each Council's Arts and Cultural Policy.

All projects and activities receiving RADF funding are required to report on their contribution towards RADF 2020/2021 Key Performance Outcomes (KPOs) included in the RADF guidelines.

STATUTORY/COMPLIANCE MATTERS

Local Government Act 2009
Local Government Regulation 2012
LSP_C&ENV_04 - Arts & Culture Policy

ANALYSIS

The 2020/2021 Funding Round 3 closed on Friday, 5 February 2021 for projects commencing after Monday, 15 March 2021.

Martin Jegou: Gwada Murals – Underwater Reef Scenery Mural Artwork (Part 1)

Requested $4,879.00 – Recommendation $5,000.00

The objective of the project is to continue embellishing the Waterson Way fence line.

The RADF Committee's recommendation is to fully fund the application and had no hesitation in rounding the funding up. Commentary from the committee notes that it is a great mural project with the first mural artwork done in Airlie Beach receiving positive reviews online and locally. Although a repeat, feel the project would be an asset to the Whitsundays.

Jennifer Horsford – Quilting Workshops and Exhibitions of Works

Requested $6,000.00 – Recommendation $6,000.00

The objective of the project is to capture the interest of both quilters and painters who wish to advance their techniques and abilities of applying art to more than paper and canvas and quilters who wish to enhance their work with artistic additions through painting on fabric.

The RADF Committee's recommendation is to fully fund the application. Commentary from the committee notes that it is a fantastic opportunity for the attendees to enhance their skills in quilting and creative painting on fabrics that will involve two culturally different groups of painters and sewers, with the workshops culminating in 2 small exhibitions in Bowen and Proserpine/Airlie Beach, and a 2-day large workshop to be held at Camp Kanga.

Whitsundays Arts Festival: Jess Begun – "Mermaid Dreaming" Large Lantern Making Workshop by Lily Podger

Requested $5,600.00 – Recommendation $5,600.00

The objective of the project are workshops held over 14 days to build a large Mermaid Lantern installation blowing "bubbles" into the beautiful fig tree at Fairy Tree Park through collaboration and professional development for local artists by working with highly qualified artist Lily Podger. The new works will be viewed by attendees and attract great media attention during the 3-day festival.

The RADF Committee's recommendation is to fully fund the application. Commentary from the committee notes that the inaugural festival was very successful with outstanding comments by participants and attendees. This festival will see local artists working with Lily

Podger a highly qualified artist building large lantern installations, with the new works created and displayed at the festival.

Proserpine State High School: Corinne Raiteri – Production of School Musical 'We Will Rock You'

Requested $7,900.00 – Recommendation $7,900.00

The objective of the project is to present a musical production that embraces all five strands of the arts: music, drama, dance and visual arts and media. As the familiarity of Queen's songs within an audience will challenge the student's capacity to deliver a performance of a professional standard that meets audience expectation.
The RADF Committee's recommendation is to fully fund the application pending the re-submission of a quote. Commentary from the committee notes that the quote given by Mathew Grice needed further breakdown of the costs involved, as it did not add up to the amount quoted in the application. Other comments were that it is fantastic to see a local school take on this challenging musical and look forward to attending the event. It will also offer the students the opportunity to build their skills, talents, and confidence in a professional environment, and display their talent to a large unknown audience.

Noosa Film Academy Pty Ltd: Andrea Huglin – Red Carpet Screening of Youth Films Produced by Whitsunday Schools in Filmmaking Workshops

Requested $1,929.00 – Recommendation $2,000.00

The objective of the project is to deliver fully funded and in-kind filmmaking workshops and fun competency based one day immersions to inspire students' storytelling voices at 3 local high schools, by becoming part of a professional filmmaking crew, participants learn to produce, act, direct, rig, slate, wire for sound, film and edit short scripted productions.

The RADF Committee's recommendation is to fully fund the application for the Red -Carpet Community Screening event and had no hesitation in rounding the funding up. Commentary from the committee noted that the project will be a wonderful opportunity for students to build their filmmaking skills, and to produce short film for the student's digital resumes with 1-day workshops delivered at Proserpine State High School, Bowen State High School and Collinsville State High School. It is anticipated to increase interschool collaboration that will see 3 short mindful movies creating connectedness and engagement through a Red-Carpet Premier Community Screening event to be held at the Summergarden Cinema in Bowen.

Council has the following options:

Option 1 – That Council receive the minutes and approve payment of the RADF grants for Round 3 for the 2020/2021 funding period.

Option 2 – That Council decline the RADF grants applications.

STRATEGIC IMPACTS

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

Strategy 2.2.3 – Develop systems and promote the funding of local sport and recreation facilities.

Operational Plan
Action 2.2.3.2 – Support the Whitsunday community through the facilitation of community and RADF grants.

Financial Implications – The funding for the support will be taken from budget code GL: 3640.6405 – Arts & Culture Development (3640) / Donations (6405). Outcome reports for all funded Projects/Activities must be submitted by applicants according to the agreed terms of Arts Queensland's Funding Agreement. YTD budget remaining is $54,487.00.

Risk Management Implications – The assistance that RADF provides will ensure Council is portrayed in a positive manner by way of supporting the local community in their pursuit of developing skills, engaging in projects and activities that contribute to the value of arts and culture.

CONSULTATION

Julie Wright – Director Community Services
Rod Cousins – Manager Community Development & Libraries
Regional Arts Development Fund (RADF) Advisory Committee

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 receive the RADF minutes from the meeting of 16 February 2021, and approve the grant applications as proposed by the RADF Local Committee, from budget code GL: 3640.6405.

ATTACHMENTS

Attachment 1 – Regional Arts Development Fund (RADF) Meeting Minutes: 16 February 2021

Attachment 1 – Regional Arts Development Fund (RADF) Meeting Minutes: 16 February 2021

WHITSUNDAY REGIONAL ARTS DEVELOPMENT FUND (RADF) ADVISORY COMMITTEE

Minutes of Meeting – Round 3 – Tuesday 16 February 2021 – Grey Room – Bowen Administration Office

Chair:	Cr Michelle Wright
Present:	Ruth Morton, Marg Tawse via phone, Julie Wright - Director Community Services, Liaison Officer Jacqui Neave, new committee member Shauna O'Shannessy and Jan Knight (B.U.G.S) - visitor
Apologies:	Jess Begun

Meeting commenced: 11am

1	**Minutes of previous meeting**
	✦ **Accepted**
2	**Business arising from minutes**
	✦ **No actions**
3	**Correspondence and news**
	✦ Arts Qld – the Regional Arts Development Fund (RADF) 2021-22 Council application is now open for submissions. The closing date is 4pm, Friday 2 April 2021 ✦ YTD RADF Budget is $54,487.00 ✦ Send out 2020/21 Council Application for Arts Qld to committee
4	**Promotion and advertising**
	✦ Ongoing – RADF strategies, promotions, activities, and resources
5	**Presentations**
	No presentations held
6	**Applications**
	✦ **Gwada Murals - Martin Jegou** **Requested $4,879.00 – Recommendation $5,000.00** The RADF Committee's recommendation is to fund the application and had no hesitation in rounding the funding up, as it is a great mural project. The other mural artwork done on Waterson Way Airlie Beach has been receiving positive reviews online and locally. Although a repeat, feel the project would be an asset to the Whitsundays. ✦ **Jennifer Horsford** **Requested $6,000.00 – Recommended $6,000.00** The RADF Committee's recommendation is to fund the application. Commentary from the committee notes that it is a fantastic opportunity for the attendees to enhance their skills in quilting and creative painting on fabrics that will involve two culturally different groups of painters and sewers, with the workshops culminating in 2 small exhibitions and a 2-day large workshop to be held at Camp Kanga. ✦ **Whitsundays Arts Festival – Jess Begun** **Requested $5,600.00 – Recommended $5,600.00** The RADF Committee's recommendation is to fund the application. Commentary from the committee notes that the inaugural festival was very successful with outstanding comments by participants and attendees. This festival will see local artists working with Lily Podger a highly qualified artist building large lantern installations, with the new works created and displayed at the festival.

	➢ **Proserpine State High School – Corinne Raiteri** **Requested $7,900.00 – Recommended $7,900.00** The RADF Committee's recommendation is to fund the application pending the re-submission of a quote. Commentary notes that the quote given by Mathew Grice needed further breakdown of the costs as it did not add up to the amount quoted in the application. Other comments were that it is fantastic to see a local school take on this challenging musical and look forward to attending the event. It will also offer the students the opportunity to build their skills, talents, and confidence in a professional environment, and display their talent to a large unknown audience. ➢ **Noosa Film Academy Pty Ltd – Andrea Huglin** **Requested $1,929.00 – Recommended $2,000.00** The RADF Committee's recommendation is to fund the application and had no hesitation in rounding the funding up. Commentary from the committee noted that the project will be a wonderful opportunity for students to build their filmmaking skills, and to produce short films for the student's digital resumes with 1-day workshops delivered at Proserpine SHS, Bowen SHS and Collinsville SHS. It is anticipated to increase interschool collaboration that will see 3 short mindful movies creating connectedness and engagement through a Red-Carpet Premier Community Screening Event to be held at the Summergarden Cinema in Bowen. **Total for round 3: $26,500.00**
7	**General business**
	➢ Jan Knight – Bowen Ukulele Group (BUGS) – approved for funding in 2020 but the proposed event had to be postponed due to COVID. Jan gave an update on the new inaugural Bowen B.U.G.S Bluster event to be held in May 2021, with planning going full steam ahead ➢ One new Committee nomination ➢ Shauna O'Shannessy – Welcome and information pack given out ➢ Shauna tabled the idea that with the opening of the new Proserpine Entertainment Centre we stage free events for a week ➢ Surplus for Round 4 closing 7 May 2021 will be $27,987.00 ➢ Arts Qld anticipate close to $0 surplus for the revised Council application due end September 2021 ➢ Discussed the purchase of spotlights for the Bowen Water Tanks – part of the RADF funding project ➢ Ruth tabled information on the Grand Piano that is currently stored at Bowen SHS, that belongs to Bowen branch QLD Arts Council. This is stated on a small plaque situated somewhere on the piano. Suggested Marg take a photo of the piano and plaque to confirm this

Meeting Closed: **12.30pm**

Next meeting: **18 May 2021**

Location: **Proserpine Administration Building – meeting room TBA**

7	**Actions for next meeting**		
1	Spotlights for Bowen Tanks pricing	Jacqui	Advised by Troy Pettiford to contact Darren Trott to discuss options
2	Grand Piano – Bowen SHS - Photos	Marg Tawse	

15. Community Services

15.4 DONATION REQUEST - RATES AND SERVICE CHARGES - BOWEN MEN'S SHED

AUTHOR: Emily Hart – Community Development Officer

RESPONSIBLE OFFICER: Julie Wright – Director Community Services

OFFICER'S RECOMMENDATION

That Council approve:

a) a donation of $863.65 to the Bowen Men's Shed, equivalent to 75% of service charges levied for the second half of the 2020/21 financial year, to be taken from budget code JC: 2967.10086 - Community Donations (2967) / Rates & Services Charges Donations (10086); and

b) the inclusion of the Bowen Men's Shed on Council's Rates and Service Charges Donations Register for future donations.

The following report has been submitted for inclusion into Council's Ordinary Meeting to be held on 10 March 2021.

SUMMARY

The Bowen Men's Shed lease Council land at 5 Sinclair Street (L76 B663) and have applied for a donation on the rates and service charges**.** General Rates charges do not apply to this property.

PURPOSE

For Council to consider a request from the Bowen Men's Shed for a donation on the service charges for the second half of the 2020/21 financial year and for the organisation to be included on Council's Rates and Service Charges Donations Register.

BACKGROUND

As per Council's Donations on Rates & Services Charges for Not for Profit Organisations Policy, the Bowen Men's Shed has requested Council's consideration for a donation of 75% of the service charges applicable.

STATUTORY/COMPLIANCE MATTERS

Local Government Act 2009
LSP_C&ENV_06 - Donation on Rates & Services Charges for Not for Profit Organisations Policy

ANALYSIS

Item	Nett Rates ($)	Donation (%)	Donation ($)
Sewerage – Occupied	845.00	75	633.75
Water Base	295.00	75	221.25
Water Usage	11.55	75	8.65

Total	**$863.65**

Council has the following options:

Option 1 – Council approve the donation request and include the Bowen Men's Shed on Council's Rates and Service Charges Donation register.

Option 2 – Council decline the donation request from the Bowen Men's Shed.

STRATEGIC IMPACTS

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

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

Operational Plan
Action 2.2.6.1 – Support the Whitsunday community through the facilitation of the community grants and donations program.

Financial Implications – The funding for the support will be taken from budget code JC: 2967.10086 - Community Donations (2967) / Rates & Services Charges Donations (10086). YTD budget remaining is $371,000.00.

Risk Management Implications – The financial assistance of organisations will ensure Council is portrayed in a positive manner.

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 approve the donation for the Bowen Men's Shed from budget code JC: 2967.10086 - Community Donations (2967) / Rates & Services Charges Donations (10086) and include the organisation on Council's Rates and Service Charges Donations Register for future donations.

ATTACHMENTS

Attachment 1 – Donation Request for Rates and Service Charges - Bowen Men's Shed

Attachment 1 – Donation Request for Rates and Service Charges - Bowen Men's Shed

Bowen Men's shed
5 Sinclair St, Bowen Qld 4805 Ph
0417162068 ABN: 62 908 535 108
bowen.mens.shed@hotmail.com

[redacted]

Whitsunday Regional Council
Herbert Street
BOWEN. Q. 4805

Reference Bowen Men's Shed Rates Notice. **(L 76 B 663 T LEASE 130239)**

Dear Sir/Madam

I herebly wish to make application of behalf of the Bowen Men's Shed for a rates consession on the abovementioned leased property located at 66 Dalrymple Street Bowen.

The Bowen Men's Shed is a Not For Profit Organizaion that operates from this leased premises and has recently erected at new shed on the site to expand our working envoirment.

If this connession is granted it would alleviate further financial burden on the Bowen Men's Shed.

Your assistance in the matter would be appreciated.

Yours faithfully

[redacted]

(Secretary/Treasurer)

15. Community Services

15.5 DONATION REQUEST - RATES AND SERVICE CHARGES - COLLINSVILLE SCOTTVILLE COMMUNITY KINDERGARTEN

AUTHOR: Emily Hart – Community Development Officer

RESPONSIBLE OFFICER: Julie Wright – Director Community & Environment

OFFICER'S RECOMMENDATION

That Council approve:

a) a donation of $3,012.60 to the Collinsville Scottville Community Kindergarten, equivalent to 100% of the nett General Rate and 75% of the nett Water and Service charges levied for the second half of the 2020/21 financial year, to be taken from budget code JC: 2967.10086 - Community Donations (2967) / Rates & Services Charges Donations (10086); and

b) the inclusion of the Collinsville Scottville Community Kindergarten on Council's Rates and Service Charges Donations Register for future donations.

The following report has been submitted for inclusion into Council's Ordinary Meeting to be held on 10 March 2021.

SUMMARY

The Collinsville Scottville Community Kindergarten is a not for profit organisation located at 37 Ninth Avenue, Scottville (L28;55 MPH 13508) and have applied for a donation on their rates and service charges.

PURPOSE

For Council to consider a request from the Collinsville Scottville Community Kindergarten for a donation on the rates and service charges for the second half of the 2020/21 financial year and for the organisation to be included on Council's Rates and Service Charges Donations Register.

BACKGROUND

As per Council's Donations on Rates & Services Charges for Not for Profit Organisations Policy, the Collinsville Scottville Community Kindergarten has requested Council's consideration for a donation of 100% of nett general rates and 75% of the service charges applicable.

STATUTORY/COMPLIANCE MATTERS

Local Government Act 2009
LSP_C&ENV_06 - Donation on Rates & Services Charges for Not for Profit Organisations Policy

ANALYSIS

Item	Nett Rates ($)	Donation (%)	Donation ($)
General Rates	585.00	100	585.00

Sewerage – Occupied	2,112.50	75	1,584.40
Water Base	757.50	75	568.15
Water Usage	366.70	75	275.05
		Total	**$3,012.60**

Council has the following options:

Option 1 – Council approve the donation request and include the Collinsville Scottville Community Kindergarten on Council's Rates and Service Charges Donation register.

Option 2 – Council decline the donation request from the Collinsville Scottville Community Kindergarten.

STRATEGIC IMPACTS

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

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

Operational Plan
Action 2.2.6.1 – Support the Whitsunday community through the facilitation of the community grants and donations program.

Financial Implications – The funding for the support will be taken from budget code JC: 2967.10086 - Community Donations (2967) / Rates & Services Charges Donations (10086). YTD budget remaining is $371,000.00.

Risk Management Implications – The financial assistance of organisations will ensure Council is portrayed in a positive manner.

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 approve the donation for the Collinsville Scottville Community Kindergarten from budget code JC: 2967.10086 - Community Donations (2967) / Rates & Services Charges Donations (10086), and include the organisation on Council's Rates and Service Charges Donations Register for future donations.

ATTACHMENTS

Attachment 1 – Donation Request for Rates and Service Charges - Collinsville Scottville Community Kindergarten
Attachment 2 – Australian Charities and Not For Profits Commission Certificate - Collinsville Scottville Community Kindergarten

Attachment 1 – Donation Request for Rates and Service Charges - Collinsville Scottville Community Kindergarten

Collinsville and Scottville Community Kindergarten
37-39 Ninth Ave, Scottville
PO Box 112, Collinsville Qld 4804
csc4804@bigpond.com.au
Ph. 4785 5425 fax 4785 6823

26/02/2021

RE: Request for Rates Donation (Assessment Number 1205545)

Dear Whitsunday Regional Council

Collinsville and Scottville Community Kindergarten would like to formally request to alleviate the cost of our annual rates and charges including water consumption.

The Kindergarten is a not-for-profit organisation which is a continual benefit and vital service to the residents of the Collinsville/Scottville Community.

Please find attached our registered details with the Australian Charities and Not-for-profits Commission for your consideration.

Yours Sincerely

[redacted]
Teacher/Director

[redacted]
Administration

Attachment 2 – Australian Charities and Not For Profits Commission Certificate - Collinsville Scottville Community Kindergarten

Australian Government

Australian Charities and Not-for-profits Commission

THIS CERTIFIES THAT

Collinsville & Scottville Community Kindergarten Association Inc

ABN: 99912081670

IS A REGISTERED CHARITY
AND HAS BEEN TRANSFERRED FROM THE

Australian Taxation Office

TO THE

Australian Charities and Not-for-profits Commission

ON THE DATE OF

03/12/2012

CERTIFIED BY

Hon. Dr Gary Johns
Commissioner
Australian Charities and Not-for-profits Commission

Copy only. Original available on request

Whitsunday Regional Council

15. Community Services

15.6 DONATION AND IN-KIND REQUESTS UP TO $2,000.00 - MARCH 2021

AUTHOR: Emily Hart – Community Development Officer

RESPONSIBLE OFFICER: Julie Wright – Director Community Services

OFFICER'S RECOMMENDATION

That Council endorse the Donations and In-Kind support provided for the month of March 2021, from budget code JC: 2967.11074 – Community Donations (2967) / Donations (11074), to the following recipients:

- **Bowen Cancer and Ostomy Support Group – 12 Months Room Hire Fee's - $750.00**
- **Eco Barge Clean Seas Inc. – Skip bin for 2021 Clean Up Australia Day Event - $500.00**
- **North Queensland Legacy Inc. – Bowen Beneficiaries Mid-year Luncheon - $1,500.00**
- **Collinsville Youth Coalition – Clean Up Australia Day & Mural Unveiling Event - $500.00**

The following report has been submitted for inclusion into Council's Ordinary Meeting to be held on 10 March 2021.

SUMMARY

Council is approached by Community groups for donations and in-kind support. Assistance is provided where possible and given funds are available.

PURPOSE

To advise Council of the Donations and In-Kind support up to $2,000.00 provided for the month of March 2021.

BACKGROUND

13.2 2020/05/13.13 DONATION ON COUNCIL FEES - APRIL 2020

Moved by: CR J CLIFFORD
Seconded by: CR M WRIGHT

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.

MEETING DETAILS:
The motion was Carried 7/0 ***CARRIED***

STATUTORY/COMPLIANCE MATTERS

Local Government Act 2009
Local Government Regulation 2012

ANALYSIS

Council receives requests for assistance from community and sporting groups with most requests for amounts not exceeding $2,000.00. In the month of March 2021, the following donations were provided:

Organisation Name	Description	Donation Amount	In-Kind Support Amount
Bowen Cancer and Ostomy Support Group	12 Months Room Hire Fees	$750.00	N/A
Eco Barge Clean Seas Inc.	Skip Bin for 2021 Clean Up Australia Day Event	$500.00	N/A
North Queensland Legacy Inc.	2021 Bowen Beneficiaries Mid-Year Luncheon	$1,500.00	N/A
Collinsville Youth Coalition	Clean Up Australia Day & Mural Unveiling Event	$500.00	N/A
	Total for March 2021	**$3,250.00**	**N/A**

Council has the following options:

Option 1 – That Council endorse the donations and/or in-kind support up to $2,000.00 for March 2021.

Option 2 – That Council does not endorse the donations and/or in-kind support for March 2021.

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
Action 2.2.6.1 – Support the Whitsunday community through the facilitation of the community grants and donations programs.

Financial Implications – The funds will be taken from JC: 2967.11074 – Community Donations (2967) / Donations (11074). YTD budget remaining is $43,000.00.

Risk Management Implications – There is a financial cost to Council, however the assistance provided will support the activities of community and sporting groups in the Whitsunday Region.

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

That Council endorse the Donations and In-kind support provided, from budget code JC: 2967.11074 – Community Donations (2967) / Donations (11074), for the month of March 2021.

ATTACHMENTS

Attachment 1 – Donation Request - Bowen Cancer and Ostomy Support Group
Attachment 2 – Donation Request - Clean Seas Eco Barge
Attachment 3 – Donation Request - North Queensland Legacy Inc.
Attachment 4 – Donation Request - Collinsville Youth Coalition

Attachment 1 – Donation Request - Bowen Cancer and Ostomy Support Group

1/02/2021

[redacted]
Whitsunday Regional Council
PO Box 104
PROSERPINE QLD 4800

Dear [redacted]

RE: Bowen Cancer & Ostomy Support Group

In March 2019 I wrote to Council requesting a donation for room hire to hold a monthly support meeting for individuals and families living in Bowen who have been affected by cancer or who have an Ileostomy or Colostomy.

With Council's kind contribution we have been able to pay for room hire at the Bowen PCYC where the group meets for 2 hours once a month.

Since having this space we have seen the group increase from 12 members to 20 members and we have been able to extend our support to individuals outside of Bowen including Proserpine and Collinsville.

The room has enabled us to accommodate for guest speakers and to hold combined meetings with members of the Mackay Ostomy Support Group which has enabled group members to form connections and supports outside of Bowen.

I write to you today to request a donation of $720.00 to fund room hire for the Bowen Cancer & Ostomy Support Group for a further 12 months.

Should this request be approved, the Bowen Neighbourhood Centre has kindly offered to continue their support in administering this donation.

Thank you for your support.

Yours sincerely,

[redacted]

[redacted]
Social Worker/Group Faciliator

Attachment 2 – Donation Request - Clean Seas Eco Barge

Sent: Wednesday, 10 February 2021 9:21 AM
To: Whitsunday Regional Council <Info@wrc.qld.gov.au>
Cc: [redacted]
Subject: Clean Up Australia Day - Skip Bin required

Dear Whitsunday Regional Council,

As per our other years for Clean UP Australia Day we are teaming up with Mantra Club Croc. Each year we get around 100 volunteers turn up which is amazing support from the community.

We are hoping once again the WRC would be able to supply us a large skip bin in the corner of the Mantra Club Croc Car Park near the road. (Far left side as facing the road).

The skip would need to be delivered a day or two before the event.

The actual day of clean up is Sunday the 7th of March starting at 8.30am.

Please see the link below for any more details needed.

https://www.cleanupaustraliaday.org.au/fundraisers/eco-barge-clean-seas/1604891774

If you can let me know this still will be ok for the WRC to supply a large skip bin would be wonderful.

Kind regards,

[redacted]
Founding Chair

Eco Barge Clean Seas Inc.
Boatyard Rd, Jubilee Pocket Qld 4802
PO Box 50, Airlie Beach, Qld 4802

Attachment 3 – Donation Request - North Queensland Legacy Inc.

[redacted]
[redacted]
Whitsundays Regional Council
67 Herbert Street
Bowen QLD 4805
[redacted]

My name is Michael fry and I am the Northern Queensland Legacy Point of Contact for the Bowen Region. Currently there are approximately 30 widows of serviceman (called beneficiaries) in the Bowen Region that Northern Queensland Legacy cares for.

Every Christmas the Bowen based Beneficiaries have a small Christmas party at one of the local Hotels in Bowen. This is facilitated by Northern Queensland Legacy and is a key event in their social calendar. Additionally, it is key to reducing social isolation to our beneficiaries.

COVID-19 resulted in our Bowen based Beneficiaries being unable to meet for most of 2020. In 2021 Northern QLD Legacy intends to support our Bowen Legatees with a mid-year luncheon and a Christmas function. We see this is an opportunity to improve mental health while maintaining a sense of 'community' among our Beneficiaries.

To enable these two activities to proceed we are a seeking $3000 grant from the Whitsundays Regional Council. This will enable Legacy to proceed with the two functions (at $1500 each).

Could you please advise if you were able to support our request?

Thanks again for your ongoing support

Yours Sincerely

[redacted]

Legatee
Bowen Contact Legatee
[redacted]

9 February 2021

TOWNSVILLE LEGACY INC

135 Charters Towers Road
HERMIT PARK QLD 4812
PO BOX 435
Castletown HYDE PARK 4812
Telephone: 07 47727533
Email: admin@nqlegacy.com.au
www.legacy.com.au
https://www.legacy.com.au/clubs/qld/northern-qld/

Attachment 4 – Donation Request - Collinsville Youth Coalition

Hi [redacted]

Thank you so much for taking the time to speak to me last week. It was so lovely to have a conversation with such a down to earth, country attitude woman!!

Just touching base regarding a couple of the maintenance issues we have at the CYC building that need addressing.

The Fans need replacing both unit and knobs as they will only run on one speed and that is FLAT OUT, so I am a little concerned about safety issues there for the kids.
The light switches and lights need some attention as they make quite a loud electrical click when switched on and a few of them are missing and need replacing and covering. We do like to run one or two black lights for the kids when we have disco nights etc if that is possible also.
The gutters are in need of a clean out as they are leaking quite badly near the centre, however there is a little birds nest here at the moment and there are some babies in it so I am hoping we can be aware of that and keep them safe.
We have a few items that really need moving to the dump also, a few crates and an old BBQ, not sure if this is something that you guys can arrange or if I need to do that part?

Another thing I would love some help with if possible.

GWADA MURAL PROJECT
We are having an event on the 7th March on Clean Up Australia Day. Martin from Gwada Murals is coming to paint a great mural near the Basketball Courts and CYC Building, we are running a clean up Australia day event and then an ART event. A free BBQ for the Kids and Volunteers and some art activities for the community to be involved in and the unveiling of the mural.
Would it be possible to get a donation to help with some of the days activities for the community? We would be hoping for around $500.
And of course I know you have a lot on, but you are certainly invited to attend the event. The formal invite will come by end of week.
Clean up starts at 9am BBQ at 11am and unveiling at 2pm

Hope you've had an awesome weekend and the rest of the week is kind to you.

Look forward to hearing from you.

[redacted]
Collinsville Youth Coalition
Youth Coordinator

15. Community Services

15.7 DECOMMISSIONED CABIN ON SITE 72 - WANGARATTA CARAVAN PARK

AUTHOR: Peter Swann – Contracts Coordinator - Recreation Services

RESPONSIBLE OFFICER: Julie Wright – Director Community Services

OFFICER'S RECOMMENDATION

That Council approves the following in regard to the Cabin on Site 72 at the Wangaratta Caravan Park:

i) the cabin be removed from the site and sold at auction, and

ii) a replacement cabin to be procured and located on Site 72 for future holiday rental.

The following report has been submitted for inclusion into Council's Ordinary Meeting to be held on 10 March 2021.

SUMMARY

Council remove the decommissioned cabin on Site 72, sell at auction and replace with a new cabin at the Wangaratta Caravan Park.

PURPOSE

Council to consider decommissioning the cabin on Site 72 at Wangaratta Caravan Park, sell at auction and replace with a new cabin.

BACKGROUND

Council owns the cabin on Site 72 at the Wangaratta Caravan Park. The cabin was damaged during Cyclone Debbie in 2017.

In early 2020, Council received an enquiry regarding the possible sale of the cabin on Site 72 at the Wangaratta Caravan Park.

STATUTORY/COMPLIANCE MATTERS

Local Government Act 2009
Procurement Policy

ANALYSIS

The cabin on Site 72 was damaged during Cyclone Debbie in 2017. At the time, the cabin was deemed uninhabitable by management and has not been used since the cyclone. The cabin was assessed as part of the insurance claim and included in the payout package, but the funding was allocated elsewhere.

On 27 November 2020, Council Officers inspected the cabin on Site 72. The inspection revealed the cabin is weathered and rusting is evident throughout the cladding. The roof is in disrepair, and no longer waterproof, as a result water enters the interior of the cabin during heavy rain events. The cabin remains unoccupied and decommissioned.

The cabin could be sold as is at a Council auction conducted at the Bowen Depot Impound Yard in conjunction with the Abandoned Vehicles Auction. The transportation of the cabin from Wangaratta Caravan Park to Bowen Depot Impound Yard was quoted $504.00. The purchase price of a new cabin, of similar size and layout, approximately $45,500.00. The expected annual revenue will be $7,489.00.

The cabin could be repaired then used for short term usage. Repairing the cabin will produce a lower up-front cost, but a higher ongoing maintenance cost. It is estimated by Council's Property & Facilities Officer, that the cost of repairs is $28,000.00. The expected annual revenue will also be $7,489.00, but due to the age and condition of the cabin, ongoing maintenance costs are anticipated to be higher.

Council has the following options:

Option 1 – That Council approve the removal and sale of the existing cabin, then the purchase of a new cabin for short term usage.

Option 2 – That Council approve the repair of the existing cabin for short term usage.

Option 3 – That Council approve the removal of the cabin with the site to be used as an additional caravan space.

STRATEGIC IMPACTS

Corporate Plan
Outcome 1.3 – Our organisation is innovative, efficient and financially sustainable.

Strategy 1.3.6 – Maximise commercial benefits to Council's business units and assets.

Operational Plan
Action 1.3.6.5 – Facilitate and manage Wangaratta Caravan Park to a high standard.

Financial Implications – The net initial outlay for the new cabin may be approximately $40,000.00 plus the fees for services connection. There is no budget allocation for the purchase, but the purchase could be done in the next financial year and taken from budget code JC: 1460.11079 - Bowen Caravan Park General Maintenance (1460) / Repair & Replace Caravan Sites (11079).

Risk Management Implications – There is a risk the existing cabin will become a Health and Safety concern if left in its current state.

CONSULTATION

Julie Wright – Director Community Services
Rod Cousins – Manager Community Development & Libraries
Peter Shuttlewood – Executive Manager of Procurement & Assets
Daniel Borgh – Property & Facilities 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 approves the following in regard to the Cabin on Site 72 at the Wangaratta Caravan Park:

i) the cabin be removed from the site and sold at auction, and

ii) a replacement cabin to be procured and located on Site 72 for future holiday rental.

ATTACHMENTS

Attachment 1 – File Note - Site 72 at Wangaratta Caravan Park
Attachment 2 – Quotation for Cabin Removal - Bowen Industrial Hire
Attachment 3 – Quotation for Replacement Cabin - ATCO Structures & Logistics

Attachment 1 – File Note - Site 72 at Wangaratta Caravan Park

File Note

INSPETION DATE AND TIME:	27 November 2020. 12:15 pm
SUBJECT:	Wangaratta Caravan Park – Cabin Located on Site 72
NATURE OF COMMUNICATION:	Response to an Enquiry to purchase – Through the office of the Mayor. Provide a detailed report of the current status and condition of the cabin.
PARTICIPANTS:	Janet De Nava – Administration Support Officer. Peter Swann – Contracts Coordinator. Recreation Services.
VENUE/INSPECTION LOCATION:	66 Golf links Road, Queens Beach Bowen. Cabin Site 72.

PURPOSE OF THE FILE NOTE: Concise summary and report on the condition of the structure. Present options of the cabin.

OVERVIEW
Whitsunday Regional Council is the rightful property owner of the Wangaratta Caravan Park. The park is located on Golf Links Road Bowen. The eastern boundary is shared commonly with the Bowen Golf Club and Course.
The remaining parameters are collective with the Sports Reserve/Skate Park and aligned with Golf Links road which provides vehicle and pedestrian access to the Park.

Provisions and site supplements are as follows:

Structures & Sites	Total	Structures & Sites	Total
Powered Sites	84	Permanent Residents	10
Unpowered Sites	9	Manager Residence	1
Cabins	3	Amenities Blocks	2
Common Area	1	Laundry	2
Swimming Pool	1		

BACKGROUND:
The cabin was constructed by Jamieson Construction – Bruce Jamieson.
The Building Application was submitted in August 1996 by Graeme English. Mr English was the Park Manager and the lessee of the Wangaratta Caravan Park.

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**

Bowen
Cnr Herbert & Powell Streets
Bowen QLD 4805

Proserpine
83-85 Main Street
Proserpine QLD 4800

Collinsville
Cnr Stanley & Conway Streets
Collinsville QLD 4804

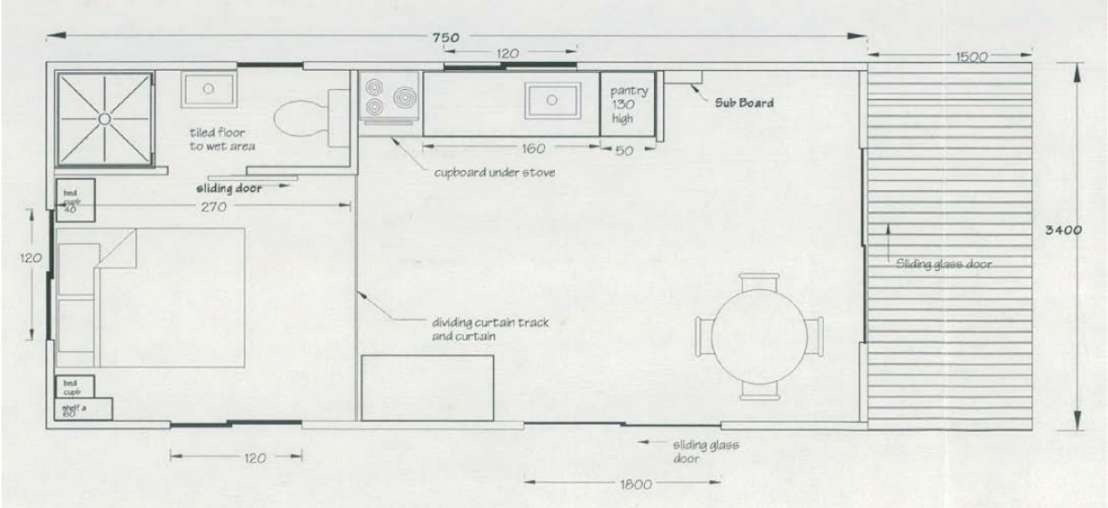
Cannonvale
Shop 23, Whitsunday Plaza
Shute Harbour Road, Cannonvale QLD 4802

File Note

SITE INSPECTION:

The Inspection revealed the following

APPLICANT	Graeme English
OWNER	Devon Colgate
BUILDER	Bruce Jamieson
FULL SITE ADDRESS OF WORK	66 Golf links Road, Queens Beach Bowen.
REAL PROPERTY DESCIPTION	Lot 225 on Plan HR1287
DESCRIPTION OF BUILDING OPERATIONS	New Transportable Park Cabin
ESTIMATED COST	$ 28,000
DETAILS OF AREA	27 Square metres
NUMBER OF BEDROOMS	1
NUMBER OF SHOWER/BASIN/TOILET	1
MATERIALS OF CONSTRUCTION	Frame: C/B Metal Internal Walls: C/B Metal External Wall: C/B Metal Floor: ST Ply Roof Covering: Colorbond
DIMENSIONS	L 7.5 x W 3.4 x H 3.2. Patio: L 1.5 x W 3.4 x H 3.2



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

File Note

Current State of the Cabin. The external is weathered and is evident there is rusting throughout the cladding. The roof is in disrepair and is no longer in a water proof state. During the period of rainfall, the internal is overwhelmed with water. The cabin has been unoccupied and decommissioned since it received damages by Cyclone Debbie in 2017.

Front Exterior

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**

Bowen
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Proserpine QLD 4800

Collinsville
Cnr Stanley & Conway Streets
Collinsville QLD 4804

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

File Note

Rear Patio Exterior

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**

Bowen
Cnr Herbert & Powell Streets
Bowen QLD 4805

Proserpine
83-85 Main Street
Proserpine QLD 4800

Collinsville
Cnr Stanley & Conway Streets
Collinsville QLD 4804

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

File Note

Internal layout.

Internal Sleeping

Kitchenette

Shower

Sink

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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83-85 Main Street
Proserpine QLD 4800

Collinsville
Cnr Stanley & Conway Streets
Collinsville QLD 4804

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

File Note

Ceiling

Floor covering

Lavatory

Peter Swann
Contract Coordinator – Recreation Services

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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Collinsville QLD 4804

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

Attachment 2 – Quotation for Cabin Removal - Bowen Industrial Hire

Bowen Industrial Hire
ABN: 74 894 230 189

Ph: (07) 4786 6566
Fax: (07) 4786 6577
Email: bowen@bowenindustrialhire.com.au

PO Box 466
Bowen, QLD 4805

Estimation: 3084

Date: 18/12/20

Client: Whitsunday Regional Council
Email: Peter.Swann@whitsundayrc.qld.gov.au

Attn: Peter

We have the pleasure in submitting our quote for the supply of services described below at Bowen. Subject to our general conditions of trading and condition of hire, this quotation is valid for 30 days from the date hereof and **depending the availability of materials**. Acceptance of this must be by completion and return your company order with unconditional acceptance of this quotation. This quotation is accurate on information provided to us thus far.

Tilt Tray Hire:

Relocate Site 72 Demountable Building from Wangaratta Caravan Park to WRC Depot with Pilot Escort	$504.00

Client is responsible for the following:

A clear site for collection/delivery.
Adequate ground conditions for loading purposes.
Collection/Delivery is calculated on ordinary hours from Monday to Friday.
Any variation to this will be charged at applicable rate.

Exclusions

GST
Waiting time, disconnection of ALL services and attachments, responsibility of internal fixtures

I trust that this meets your present requirements. If I can be any further assistance please don't hesitate to contact me.

Regards

[redacted]

Attachment 3 – Quotation for Replacement Cabin - ATCO Structures & Logistics

ATCO Structures & Logistics

Living Quarters Price list

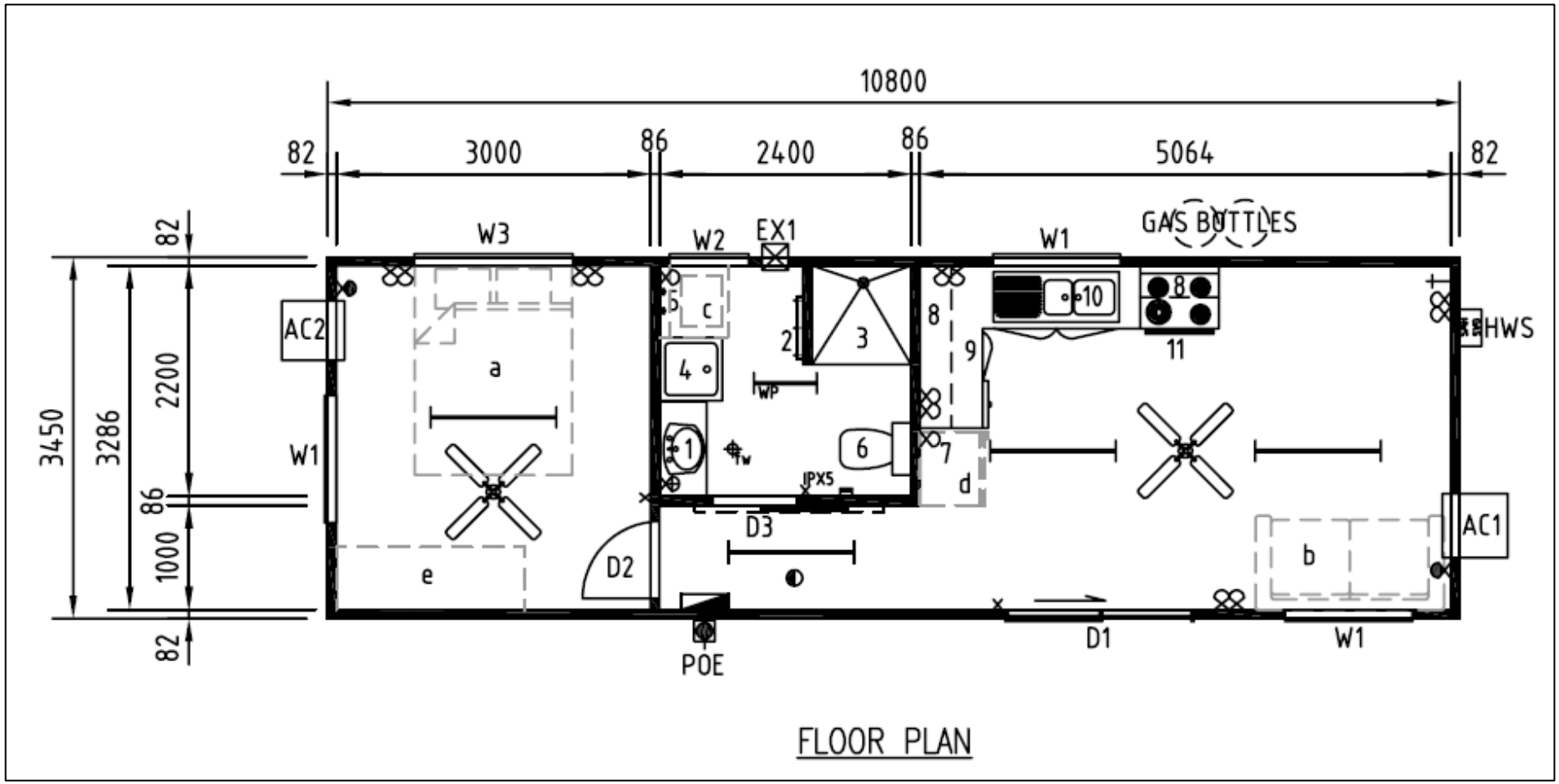
SLQ-001	10.8x3.45 Living Quarters (1) bed	$45,500.00
SLQ-002	13.2x3.45 Living Quarters (2) Bed	$52,500.00
SLQ-003	9.6x6.9 Living Quarters (1) Bed	$70,200.00
SLQ-004	10.8x6.9 Living Quarters (2) Bed	$74,300.00
SLQ-005	12.0x6.9 Living Quarters (2) Bed	$77,500.00
SLQ-006	13.2x6.9 Living Quarters (3) Bed	$90,700.00
SLQ-007	13.2x6.9 Living Quarters(3) Bed	$125,000.00

SLQ-007 building includes gyprock & CFC sheeting

- Pricing is subject to change. (cladding shown is additional)
- Transport and installation charges have not been included in this price
- Price does not include GST.

ATCO Structures & Logistics Pty Ltd
Walkers Complex, Harbour Road
Mackay QLD 4740
Ph 4829 3800

Whitsunday Regional Council



Whitsunday Regional Council

15. Community Services

15.8 POLICY REVIEW – EDUCATION, COMPLIANCE AND ENFORCEMENT POLICY

AUTHOR: Julie Wright – Director Community Services

RESPONSIBLE OFFICER: Julie Wright – Director Community Services

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OFFICER'S RECOMMENDATION

That Council adopt the draft Education, Compliance and Enforcement Policy.

The following report has been submitted for inclusion into Council's Ordinary Meeting to be held on 10 March 2021.

SUMMARY

Council's Education, Compliance and Enforcement Policy (LSP_PD_01) was effective from 14 February 2018 with a review date set for 14 February 2019. The previous policy has been reviewed with an updated version drafted into the current format.

PURPOSE

To review and update Council's Policy on Education, Compliance and Enforcement to maximise voluntary compliance with laws administered by Council.

BACKGROUND

At an Ordinary Meeting held 14 February 2018, Council resolved the following:

12.4 2018/02/14.08 EDUCATION, COMPLIANCE AND ENFORCEMENT MANUAL

Moved by: J CLIFFORD
Seconded by: R PETTERSON

Council resolves to adopt the:
a) Education, compliance and enforcement policy; and
b) Education compliance and enforcement manual.

MEETING DETAILS:
The motion was Carried 6/0 CARRIED

STATUTORY/COMPLIANCE MATTERS

Local Government Act 2009

ANALYSIS

The purpose of this policy is to maximise voluntary compliance with laws administered by Council.

Council applies a number of methods to encourage voluntary compliance with laws which

including education, compliance and enforcement.

When undertaking education, compliance or enforcement actions, Council will ensure that its actions are proportionate to the level of risk and seriousness of the breach; transparent in the actions taken and consistent in decision making.

Where education, compliance or enforcement actions are required, Council will seek to ensure that all actions taken result in a lawful and fair resolution of the matter.

STRATEGIC IMPACTS

Corporate Plan
Outcome 2.1 – Our region is active, healthy, safe and resilient.

Strategy 2.1.3 – Implement, enforce and review community health regulations and standards and deliver a timely and effective response to emerging health issues.

Operational Plan – N/A

Financial Implications – The proposed policy and manual will not have any financial implications on Council.

Risk Management Implications – It is considered the proposed policy and manual will improve Council's reputation via enhanced transparency and consistency across Council in delivering compliance or enforcement.

CONSULTATION

Milton Morsch – Coordinator Environmental Health & Local Laws
Executive Leadership Team

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 proposed Council adopt the revised Education, Compliance and Enforcement Policy to ensure that education, compliance and enforcement activities are consistent with the local government principles set out in the Local Government Act 2009 Section 4 –

(a) transparent and effective processes, and decision-making in the public interest; and
(b) sustainable development and management of assets and infrastructure, and delivery of effective services; and
(c) democratic representation, social inclusion and meaningful community engagement; and
(d) good governance of, and by, local government; and
(e) ethical and legal behaviour of councillors, local government employees and councillor advisors.

ATTACHMENTS

Attachment 1 – Draft Education, Compliance and Enforcement Policy

Attachment 1 – Draft Education, Compliance and Enforcement Policy

Education, Compliance and Enforcement Policy

Community Services

[Policy Number]

COUNCIL POLICY			
Date Adopted by Council		Council Resolution	
Effective Date		Next Review Date	
Responsible Officer(s)		Revokes	

Purpose

The purpose of this policy is to maximise voluntary compliance with laws administered by Council.

1. Council applies a number of methods to encourage voluntary compliance with laws which include:
    a) education, to promote public awareness of the laws it administers and enforces;
    b) compliance, which is achieved by audits and inspections to ensure activities undertaken comply with the law or are rectified to ensure compliance;
    c) enforcement, which is achieved by undertaking enforcement action where appropriate to the nature of an offence in order to:
        i. remedy a contravention of a law;
        ii. impose a penalty or punishment for the contravention of a law.
2. When undertaking education, compliance or enforcement actions, Council will ensure that its actions are:
    a) proportionate, in that action undertaken is proportionate to the level of risk and seriousness of the breach;
    b) transparent, in that:
        i. action taken is fair and impartial;
        ii. the reasons why decisions are made are recorded;
    c) Consistent, in that:
        i. action is taken consistently so as to build public trust and encourage reports about possible unlawful activity;
        ii. decisions made comply with the principles in this policy unless there are demonstrated sufficient grounds to support a departure from those principles.
3. Where education, compliance or enforcement actions are required, Council will seek to ensure that its actions result in the quickest, lowest cost and fair resolution of a matter in the public interest.

Scope

This policy is applicable to all Councillors and employees of Council.

Applicable Legislation

This policy refers to *Local Government Act 2009*.

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Policy Statement

Sources of knowledge of alleged unlawful activity

1. Council receives information about alleged unlawful activity from many sources including members of the public, other government agencies, inspections by Council employees and Councillor referrals.
2. All reports of alleged unlawful activity are to be logged in Council's electronic case management system and actioned in a timely manner by the relevant branch of Council.
3. Council will send an acknowledgement letter to a member of the public who brings an alleged unlawful activity to the Council's knowledge unless that person has advised that they wish to remain anonymous.
4. Council will not usually advise the member of the public of the outcome of any investigation carried out by the Council unless that person advises that they wish to be advised of the outcome. In this case, the Council will advise the member of the public of the outcome of the investigation subject to any information privacy principles which prevent this from occurring.

Investigating alleged Unlawful Activity

1. The purpose of an investigation into an alleged unlawful activity is to:
    a) Determine the cause of the activity.
    b) Determine if the activity involves a contravention of a law.
    c) Gather evidence to the required standard to support any enforcement action which might be undertaken.
2. Not all reports of alleged unlawful activity will require investigation. Prior to carrying out an investigation, Council officers will undertake a desktop assessment to determine whether an investigation is warranted.
3. Factors relevant to the Council not carrying out an investigation are:
    a) There is insufficient information about the alleged unlawful activity and there is not ability to obtain further information, for example because the initial complaint was anonymous.
    b) The alleged unlawful activity is lawful, for example a development approval for the activity has been given by Council.
    c) Council does not have jurisdiction in relation to the alleged unlawful activity, in which case the Council will refer the matter to the relevant authority which holds jurisdiction.
    d) The alleged unlawful activity has previously been investigated by the Council and there is no new material evidence which would be likely to lead to a different determination by the Council in respect of the matter.
    e) The matter the subject of a complaint involves a civil dispute between parties which does not involve the Council.
    f) The complaint is frivolous or vexatious.
    g) Any other relevant matter.
4. If Council decides to not investigate an alleged unlawful activity it will record this decision on the case file together with the reasons for making the decisions.

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Education, Compliance and Enforcement Policy

Community Services

[Policy Number]

Method of Education, Compliance and Enforcement Action

1. If Council determines that education, compliance or enforcement action is appropriate, the Council has a range of actions that it can take which are detailed in the Education, Compliance and Enforcement Manual. The available actions include:
    a) Providing information or advice
    b) Compliance letter
    c) Penalty infringement
    d) Show cause notice
    e) Complaint and summons in the Magistrates Court
    f) Declaration in the Planning and Environment Court
    g) Enforcement order in the Planning and Environment Court
    h) Enforcement order in the Planning and Environment Court
2. Council will conduct a risk assessment in respect of an unlawful activity to determine the appropriate response may vary, Council will usually respond to the assessed level of risk by undertaking education, compliance or enforcement action as follows:

Level of Risk	Education, Compliance or Enforcement Action
Very Low	• Provide information or advice to the alleged offender to educate them about the offence to ensure it does not reoccur.
Low	• Issue a compliance / advice letter. • If the unlawful activity is not rectified, issue a show cause notice and if necessary an enforcement notice.
Moderate	• Issue a penalty infringement notice if an applicable offence under the State Penalties Enforcement Regulation 2014. • Issue a show cause notice and if necessary an enforcement notice if not an applicable offence under the State Penalties Enforcement Regulation 2014
High	• Issue a complaint and summons in the Magistrates Court for matters not involving a development offence under the Planning Act 2016. • Issue a complaint and summons in the Magistrates Court or seek a declaration and enforcement order in the Planning and Environment Court for matters involving a development offence under the Planning Act 2016.
Very High	• Issue a complaint and summons in the Magistrates Court for matters not involving a development offence under the Planning Act 2016. • Issue a complaint and summons in the Magistrates Court or seek a declaration and enforcement order in the Planning and Environment Court for matters involving a development offence under the Planning Act 2016. • If necessary, seek an injunction to prevent future or continuing unlawful activity.

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3. Council will determine the level of risk associated with an unlawful activity by assessing it against the following criteria:

Level of Risk	Applicable Criteria
Very Low	Insignificant breach has occurred. Risk to the environment or life, health or safety. May be easily rectified.
Low	Minor breach has occurred Insignificant risk to the environment or life, health or safety. May be easily rectified
Moderate	Material breach has occurred. Material risk to the environment or life, health or safety. Likely to be rectified without Court Order.
High	Material breach has occurred. Serious risk to the environment or life, health or safety. Requires Court Orders to rectify the breach or impose sanction.
Very High	Material breach has occurred Serious risk to the environment or life, health or safety Requires Court Orders to rectify breach or impose sanction. Requires urgent interlocutory injunction to restrain activity.

4. Education, compliance and enforcement action will be undertaken in accordance with Council's delegations. If no relevant delegation exists, a decision whether to undertake education, compliance or enforcement action will be made by the Council by resolution at a Council meeting.

5. Any alleged unlawful activity involving a high or very high risk will be referred to the Manager Governance and Administration and the Director Community Services for advice prior to education, compliance or enforcement action being undertaken. In the event that the Manager Governance and Administration and the Director Community Services are not available, the matter is to be referred to the Chief Executive Officer.

6. An alleged unlawful activity involving a low or moderate level of risk is not required to be referred to the Director Community Services or Director Development Services prior to education, compliance or enforcement action being undertaken. A copy of any show cause notice, enforcement notice or penalty infringement notice issued, may be forwarded to the Director Community Services or Director Development Services upon request of the Director or if the activity is of a contentious or sensitive nature.

Commencing Legal Proceedings

1. The Council will be guided by legal advice in deciding whether to commence legal proceedings and will consider the following:
   a) Whether there is sufficient evidence to establish a case to the required standard of proof –

The Council considers the decision to take legal proceedings as a serious matter, and as such will only initiate and continue proceedings once it has been established that there is admissible, substantial and reliable evidence to the required standard of proof which is:

i. Beyond a reasonable doubt, for a complaint and summons in the Magistrates Court; and

ii. The balance of probabilities, for a declaration and enforcement order in the Planning and Environment Court.

b) Whether there is a reasonable prospect of success before the relevant court - Given the expense of legal proceedings, the Council will not take legal proceedings unless there is a reasonable prospect of success before a court. In making this assessment, the Council will consider the availability, competence and credibility of the witnesses, the admissibility of the evidence, all possible defences and any other factors which could affect the likelihood of a successful outcome.

c) Whether the public interest warrants legal action being pursued - The principal consideration in deciding whether to commence legal proceedings is whether to do so in the public interest. The Council should therefore consider the following factors when deciding to commence legal proceedings:

i. The availability of any alternatives to legal proceedings

ii. Whether an urgent resolution is required

iii. The possible length and expense of the legal proceedings

iv. Any possible counter-productive outcomes of the legal proceedings

Role of Councillors

1. Councillors should encourage members of the public to report alleged unlawful activity to the Council, either in person, via telephone or via email/written correspondence.
2. Councillors should ensure that any communications with Council employees in relation to an alleged unlawful activity complies with Council's Acceptable Request Guidelines.

Definitions

CEO refers to the Chief Executive Officer of the Whitsunday Regional Council appointed in accordance with the *Local Government Act 2009*. This includes a person acting in his position.

Council refers to the Whitsunday Regional Council

Councillors refers to all Councillors, including the Mayor, of the Council.

Employee refers to any employee, contractor, volunteer etc. of the Council

Director Community Services refers to the Director Community Services of the Council.

Director Development Services refers to the Director Development Services of the Council.

Manager Governance and Administration refers to the Manager Governance and Administration of the Council.

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Related Documents

Education, Compliance and Enforcement Manual.

Human Rights Compatibility Statement

This policy has been assessed as compatible with the Human Rights protected under the *Human Rights Act 2019*.

DRAFT

15. Community Services

15.9 COMMUNITY SERVICES - MONTHLY REPORT - FEBRUARY 2021

AUTHOR: Julie Wright – Director Community Services

RESPONSIBLE OFFICER: Julie Wright – Director Community Services

OFFICER'S RECOMMENDATION

That Council receive the Community Services Monthly Report for February 2021.

The following report has been submitted for inclusion into Council's Ordinary Meeting to be held on 10 March 2021.

SUMMARY

To provide an overview of the Community Services Directorate for the month of February 2021.

PURPOSE

The purpose of the report is to set out an account of statistics pertaining to the functions of each branch within Community Services.

BACKGROUND

The Community 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, environmental, and recreational outcomes for the Whitsundays through services in partnership with stakeholders.

The directorate's vision is delivered by bringing together the functions of Community Development & Libraries, Aquatic Facilities & Caravan Parks, Environmental Health & Local Laws, Natural Resource Management & Climate, Customer Service and Cultural Heritage.

STATUTORY/COMPLIANCE MATTERS

N/A

ANALYSIS

This report provides an overview of Whitsunday Regional Council's Community Services Directorate for the 2020/2021 financial year with particular focus on the month of February 2021.

Option 1 – Receive the Community Services Monthly Report.

Option 2 – Decline the Community Services Monthly Report.

STRATEGIC IMPACTS

Corporate Plan
Outcome 1.1 – Our leadership engages with the community and provides open, accountable, and transparent local government.

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

Operational Plan – N/A

Financial Implications – N/A

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

CONSULTATION

Rod Cousins – Manager Community Development & Libraries
Shane Douglas – Manager Customer Service
Scott Hardy – Coordinator Natural Resource Management & Climate
Milton Morsch – Coordinator Environmental Health & Local Laws
Monique Stevens – Administration Coordinator Community 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

It is recommended that Council receive the Community Services Monthly Report for February 2021.

ATTACHMENTS

Attachment 1 – Community Services Monthly Report - February 2021

Community Services

Community Development & Libraries
Aquatic Facilities & Caravan Parks
Environmental Health & Local Laws
Natural Resource Management & Climate
Customer Service
Cultural Heritage

Monthly Report | February 2021

Director's Report

February 2021 saw the Community Services team undertake a number of events, activities, and projects.

The following are the average monthly occupancy rates at each of Council's Caravan Parks:

- Proserpine Tourist Park – 40.64%, which is a 20.54% increase from February 2020.
- Wangaratta Caravan Park – 18.38%, which is a 1.72% increase from February 2020.

The Region's Libraries monthly attendance and borrowings have increased from February 2020.

- Attendance 8,3293 – 33.75% decrease
- Borrowings 13,491 – 34.2% increase
- e-Library 6,709 – 28% increase

First 5 Forever in library activities increased quite considerably this month as the Early Literacy Champions Special Story time sessions at Bowen, Cannonvale and Collinsville libraries were conducted. The sessions involved the local PCYC champions Sgt Michelle O'Regan and Sgt Billy Li together with farmer Belinda from Stackelroth Farms explaining bees and how important their role is on a farm. The presentation was followed by some fun interactive activities, including honey tasting, an example of a real hive, books about bees, face painting, and singing nursery rhymes such as 5 Little Bees.

The 3 sessions saw a total of 85 attendees and will link in with the planned farm visits next term (photos included in the Library section of this report). The Proserpine Library held a separate session with 30 attendees.

Bowen Library celebrated Library Lovers month with 70 library customers going on a "Blind Date with a Book". Reports received included quite a few comments from library patrons stating how they appreciated the opportunity to read something different.

Cannonvale Library commenced delivery of 2020 Tech Savvy Seniors Queensland Program, postponed due to COVID-19 closures and restrictions. 4 sessions were conducted, covering Introduction to Computers, Introduction to Internet, and Introduction to Smartphone, with a combined total of 20 attendees. The program is a joint initiative of the Queensland Government (led by State Library of Queensland) and Telstra, and aims to develop skills and confidence of older people in using technology for socialising, accessing important services and/or conducting personal business.

Whitsunday Regional Libraries are one of 32 Queensland Local Government Library Services and Indigenous Knowledge Centres that received grant funding for the program. Training sessions will be held across all branches during the coming months.

February also saw the return of after school and Saturday morning children's activities across the libraries. 265 eager participants (167 children and 98 adults) participated in weekly Chess, MakerSpace and Mini Maker sessions at Cannonvale Library during the month. MakerSpace activities included 3D Salt Art, Lego challenge, Newspaper structure including stress test, Oil pastel transfer art, and stained glass dinosaurs.

Customer Requests submitted across the organisation for February 2021 was 1,074 a decrease of 4.4% from January 2021.

Aquatic Facilities totalled 22,848 attendance for January 2021 an overall total decrease from February 2020 of 32% across the region.

- Airlie Lagoon decrease by 52% to 6,820
- Bowen Pool decreased by 12.9% to 7,316
- Collinsville Pool decreased by 22% to 2,381
- Proserpine Pool increased by 19.4% to 6,331

The Bowen Work Camp team contributed a total of 1,047 hours for mowing, landscaping and both Community and Council assistance.

The Community Team received 308 CRM's for January with the Environmental Health and Local Law units receiving 263 complaints/requests for the month.

The Community Services Administration Officers' statistics for February 2021 include the following:

- Correspondence Generated – 939 items
- Civica & ECM Registrations – 1,655 tasks
- 1,627 Telephone Calls (internal and external)

Customer Service saw 2,385 visitors through the service centres, a decrease of 1.5% from February 2020. The main enquiries were Rates Receipting, Water Charges, Infringements and Rates Searches.

Telephone calls received decreased by 11.9% from the previous month to 4,252 calls, with 80.25% resolved at the first point of contact. The After Hours Call Centre fielded 222 calls for the month of February, a decrease of 36.6% from the previous month.

Council's Off-Street Carparks generated $49,102 for the month with 6,601 transactions, a decrease of 46.6% from January 2021.

Julie Wright
Director Community Services

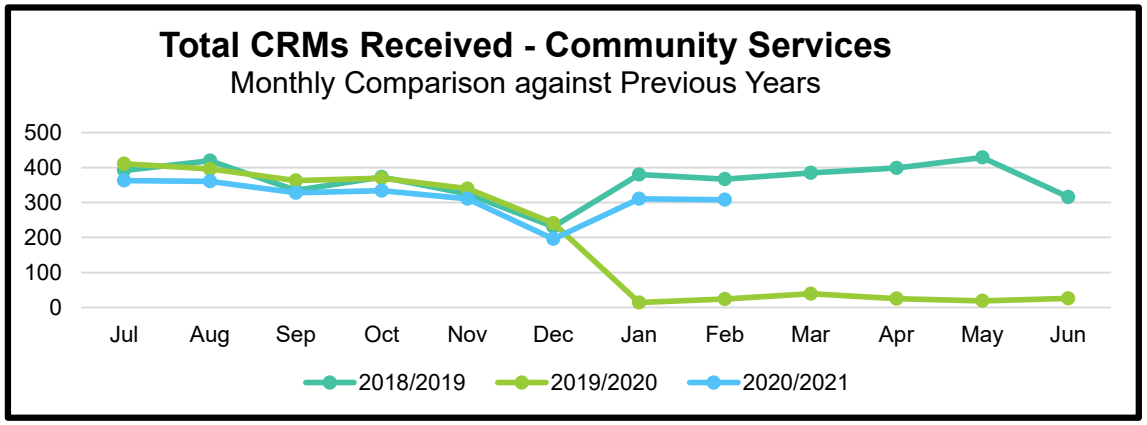
General

The Community 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, environmental, and recreational outcomes for the Whitsundays through services in partnership with stakeholders.

The directorate's vision is delivered by bringing together the functions of Community Development & Libraries, Aquatic Facilities & Caravan Parks, Environmental Health & Local Laws, Natural Resource Management & Climate, Customer Service, Cultural Heritage & Collinsville Independent Living Facility.

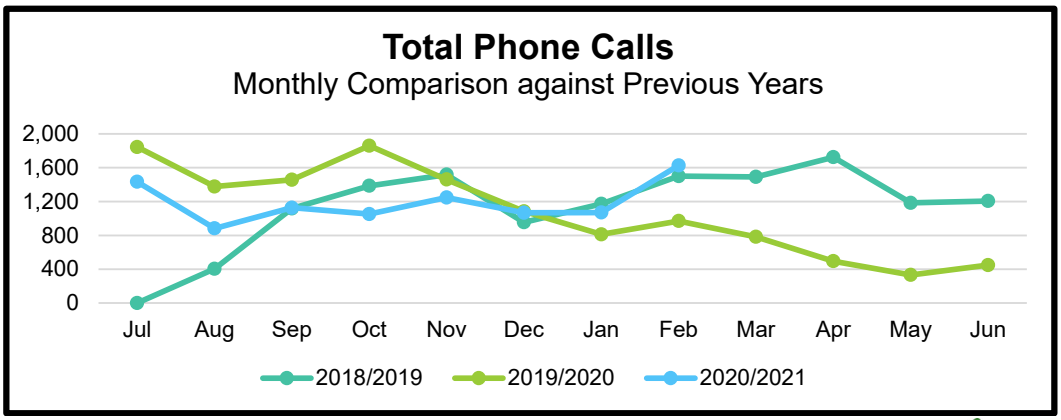
Customer Request Management (CRM)

Service	YTD	Dec	Jan	Feb	Monthly Trend
Community Development					
CRM Received	70	6	5	15	↑
CRM Completed	55	5	3	12	↑
Library Services					
CRM Received	1	0	0	0	–
CRM Completed	1	0	0	0	–
Aquatic Facilities					
CRM Received	25	4	3	3	–
CRM Completed	14	1	2	2	–
Caravan Parks					
CRM Received	7	0	0	1	↑
CRM Completed	4	0	0	0	–
Environmental Health & Local Laws					
CRM Received	2,168	178	284	263	↓
CRM Completed	1,793	148	234	225	↓
Parking					
CRM Received	24	2	5	2	↓
CRM Completed	19	2	5	2	↓
NRM & Climate					
CRM Received	115	4	9	15	↑
CRM Completed	42	2	5	1	↓
Customer Service / E-Services					
CRM Received	102	2	5	9	↑
CRM Completed	90	2	5	6	↑
Total CRMs for Community Services					
CRM Received	2,512	196	311	308	↓
CRM Completed	2,018	160	254	248	↓



Administration Officers

Service	YTD	Dec	Jan	Feb	Monthly Trend
Correspondence Generated	5,903	355	281	939	↑
ECM Task List	5,458	388	451	615	↑
Civica Registers	8,178	725	541	963	↑
Data Input	3,971	290	333	603	↑
CRMs Generated	554	68	107	77	↓
CRMs Closed	514	50	76	127	↑
Phone Calls - Internal	6,462	745	647	1,032	↑
Phone Calls - External	3,046	322	424	595	↑
Phone Calls - Total	9,508	1,067	1,071	1,627	↑
ECM Registering	5,271	476	356	867	↑
Purchase Orders	382	59	36	71	↑
Receipt Invoices	499	66	45	91	↑
Reports	391	35	35	88	↑



Whitsunday Regional Council

Community Development

The Community Development branch is responsible for assessing and acquitting community grants, developing and maintaining various community development related policies and registers, developing, and implementing various community programs such as cultural and recreational programs as well as maintaining various community facilities.

Operations

Service	YTD	Dec	Jan	Feb	Monthly Trend
Grant Applications					
Facility Management - Approved	2	1	0	0	–
Facility Management - Approved ($)	40,000	20,000	0	0	–
Junior Elite Athlete - Approved	1	0	0	0	–
Junior Elite Athlete - Approved ($)	100	0	0	0	–
RADF - Received	7	0	1	3	↑
RADF - Approved	1	1	0	0	–
RADF - Approved ($)	2,465	2,465	0	0	–
RADF - Acquittals	4	0	0	1	↑
Special Projects - Received	9	0	0	3	↑
Special Projects - Approved	9	0	0	4	↑
Special Projects - Approved ($)	108,396	0	0	61,200	↑
Special Projects - Acquittals	4	1	1	1	–
Sport & Rec Club - Received	35	1	3	2	↓
Sport & Rec Club - Approved	36	5	3	1	↓
Sport & Rec Club - Approved ($)	90,500	10,000	7,500	1,500	↓
Donation & Sponsorship Requests					
Donation Requests - Received	30	2	4	10	↑
Donation Requests - Approved	22	2	3	8	↑
Donation Requests - Approved ($)	63,880	2,000	12,000	5,750	↓
Fee Waivers - Approved	15	1	0	3	↑
Fee Waivers - Approved ($)	13,102	200	0	1,990	↑
Sponsorships - Received	6	0	2	3	↑
Sponsorships - Approved	4	0	2	1	↓
Sponsorships - Approved ($)	12,502	0	2	5,000	↑
Sponsorships - Approved (in kind)	10,001	0	1	0	↓
Sponsorships - Acquittals	2	0	1	0	↓
Events					
Council Events - External - Completed	8	0	3	0	↓
Council Events - External - Participants	453	0	337	0	↓
Council Events - Internal - Completed	10	5	0	1	↑
Council Events - Internal - Participants	426	240	0	70	↑

Competition Results for Junior Elite Athlete Recipients:

- No competitions were held this month.

Events:

External:

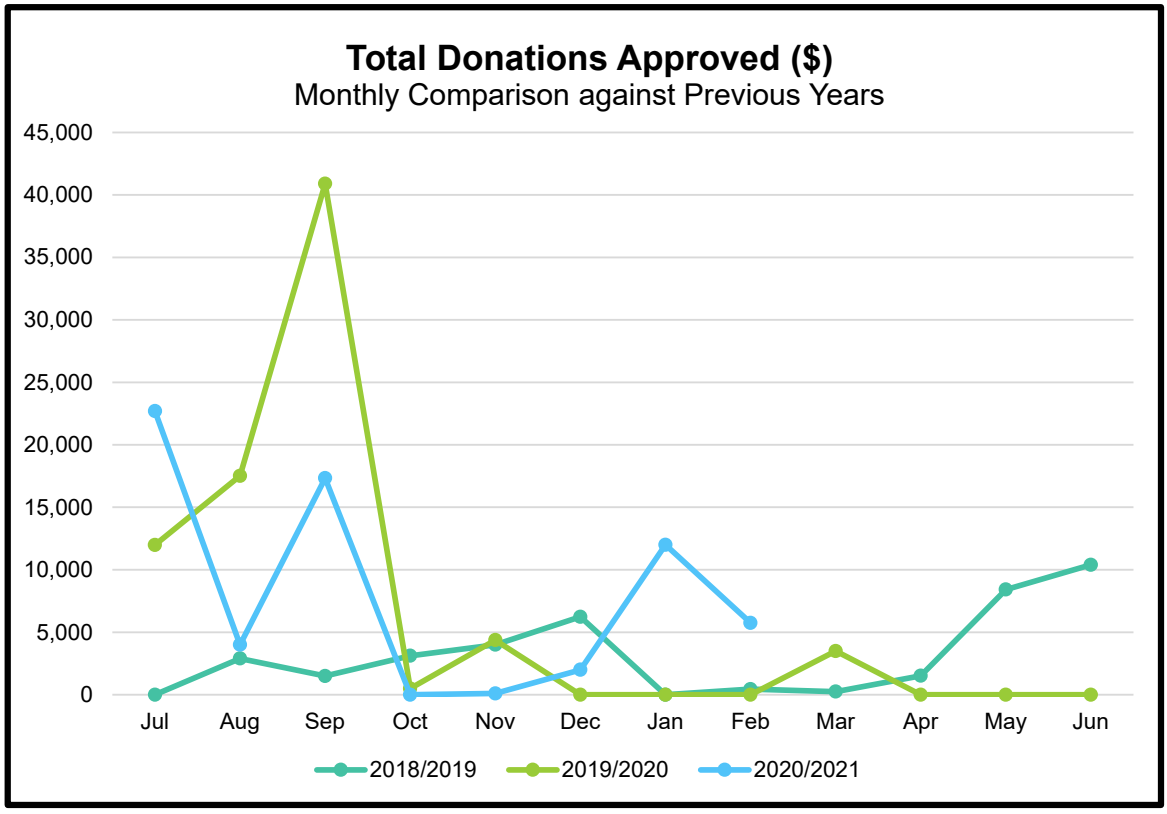
- Nil

Internal:

- On Wednesday, 24 February many Council employees and Councillors wore the colour teal and/or purchased merchandise such as pens, bracelets and ribbons to show their support for Ovarian Cancer Awareness in which more than 1,510 women are diagnosed and around 1,070 women in Australia die from the disease each year.

Special Project Grants Successful Recipients:

- Round 2 closed 5 February 2021 – 4 applications received and approved

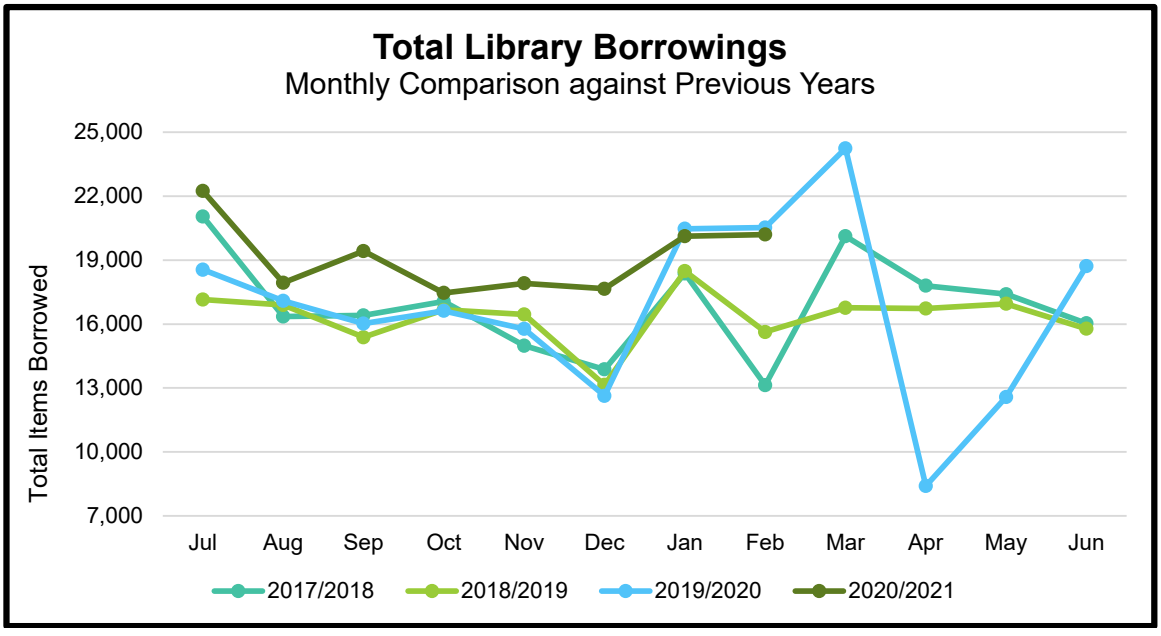


Library Services

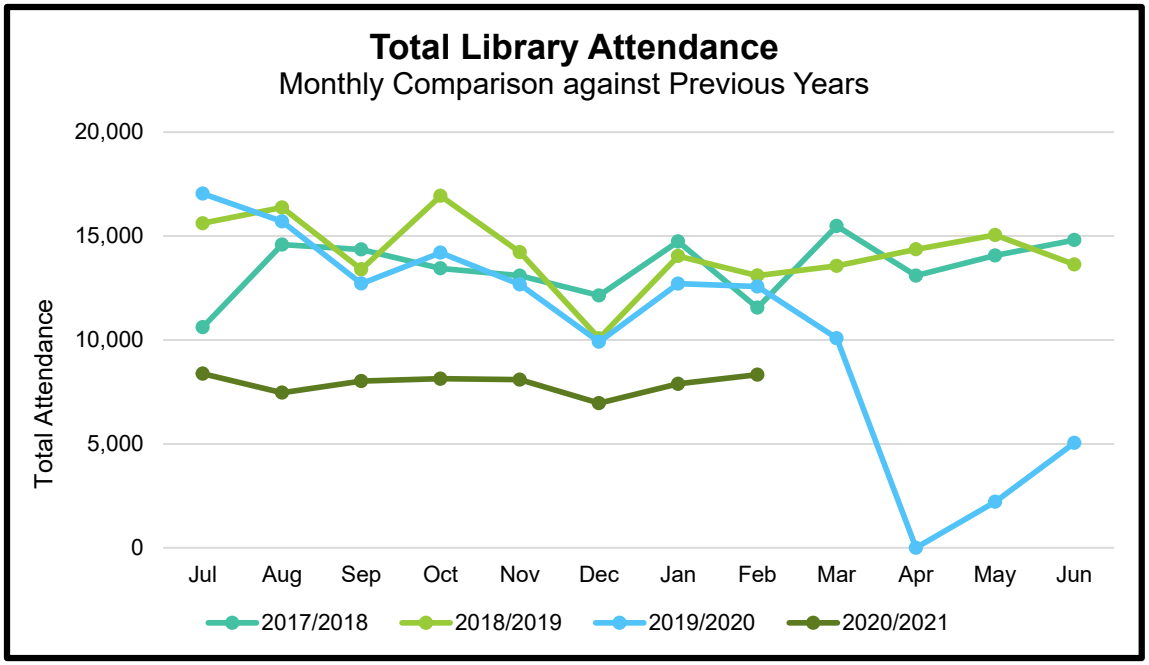
The Library Services branch is responsible for the provision of customer-centric services and resources to meet the information, recreation, cultural and lifelong learning needs of individuals and groups within the Whitsundays. The branch responsibilities include the design and delivery of library programs, promotion and marketing, collection development and maintenance, information/digital literacy opportunities, outreach, and service extension.

Operations

Service	YTD	Dec	Jan	Feb	Monthly Trend
Library Resources Acquired					
Bowen & Collinsville Libraries	1,841	226	185	150	↓
Cannonvale Library	3,278	331	340	356	↓
Proserpine Library	1,703	231	148	154	↑
e-Library	303	8	29	32	↑
Library Resources Borrowed					
Bowen Library	26,742	3,027	3,627	3,395	↓
Cannonvale Library	50,313	5,691	6,816	6,306	↓
Collinsville Library	3,099	416	364	401	↑
Proserpine Library	30,258	3,198	4,013	3,389	↓
e-Library	42,541	5,324	5,304	6,709	↑
Mobile Library	0	0	0	0	–
Library Attendance					
Bowen Library	17,675	1,917	2,327	2,311	↓
Cannonvale Library	26,150	2,798	3,347	3,463	↑
Collinsville Library	4,705	327	316	530	↑
Proserpine Library	14,725	1,913	1,898	2,025	↑



Service	YTD	Dec	Jan	Feb	Monthly Trend
First 5 Forever (F5F)					
Resources - Acquired	361	0	31	3	↓
Resources - Borrowed by Branches	198	27	23	25	↑
Community Partnership Interactions	195	21	2	37	↑
Toolkits Distributed	57	2	5	8	↑
F5F In Library - Activities Held					
Bowen Library	53	6	1	8	↑
Cannonvale Library	73	6	2	12	↑
Collinsville Library	30	3	1	4	↑
Proserpine Library	56	8	2	12	↑
F5F In Library - Activities Attendance					
Bowen Library	437	77	10	147	↑
Cannonvale Library	1,059	110	17	268	↑
Collinsville Library	180	26	0	41	↑
Proserpine Library	568	111	20	193	↑
F5F Community Outreach - Events Held					
Bowen Library	7	1	0	2	↑
Cannonvale Library	10	2	1	1	–
Collinsville Library	1	1	0	0	–
Proserpine Library	21	2	0	1	↑
F5F Community Outreach - Events Attendanc					
Bowen Library	173	19	0	46	↑
Cannonvale Library	304	48	25	0	↓
Collinsville Library	23	23	0	0	–
Proserpine Library	257	19	0	9	↑



Service	YTD	Dec	Jan	Feb	Monthly Trend
In Library Programs - Events Held					
Bowen Library - Adults	19	0	0	19	↑
Bowen Library - Children	20	6	10	4	↓
Cannonvale Library - Adults	20	2	2	6	↑
Cannonvale Library - Children	29	4	13	12	↓
Collinsville Library - Adults	0	0	0	0	–
Collinsville Library - Children	3	1	2	0	↓
Proserpine Library - Adults	30	2	4	5	↑
Proserpine Library - Children	22	4	10	3	↓
In Library Programs - Events Attendance					
Bowen Library - Adults	70	0	0	70	↑
Bowen Library - Children	176	129	41	6	↓
Cannonvale Library - Adults	119	13	12	34	↑
Cannonvale Library - Children	495	107	123	265	↑
Collinsville Library - Adults	0	0	0	0	–
Collinsville Library - Children	8	5	3	0	↓
Proserpine Library - Adults	136	9	15	31	↑
Proserpine Library - Children	214	10	79	16	↓
Community Outreach - Events Held					
Bowen Library - Adults	31	4	3	4	↑
Bowen Library - Children	0	0	0	0	–
Cannonvale Library - Adults	32	3	4	4	–
Cannonvale Library - Children	0	0	0	0	–
Collinsville Library - Adults	0	0	0	0	–
Collinsville Library - Children	0	0	0	0	–
Proserpine Library - Adults	34	4	4	4	–
Proserpine Library - Children	80	0	0	0	–
Community Outreach - Events Attendance					
Bowen Library - Adults	186	24	24	26	↑
Bowen Library - Children	0	0	0	0	–
Cannonvale Library - Adults	212	16	26	28	↑
Cannonvale Library - Children	0	0	0	0	–
Collinsville Library - Adults	0	0	0	0	–
Collinsville Library - Children	0	0	0	0	–
Proserpine Library - Adults	395	46	45	45	–
Proserpine Library - Children	0	0	0	0	–
Public Computer Usage					
Bowen Library	3,305	347	342	410	↑
Cannonvale Library	4,732	479	619	639	↑
Collinsville Library	80	7	8	12	↑
Proserpine Library	2,156	234	226	227	↑

Early Literacy Champions Special Storytime Sessions – Region Wide

PCYC Champions, Sgt Michelle O'Regan and Sgt Billy Li
and farmer Belinda from Stackelroth Farms

Whitsunday Regional Council

Bowen Work Camp

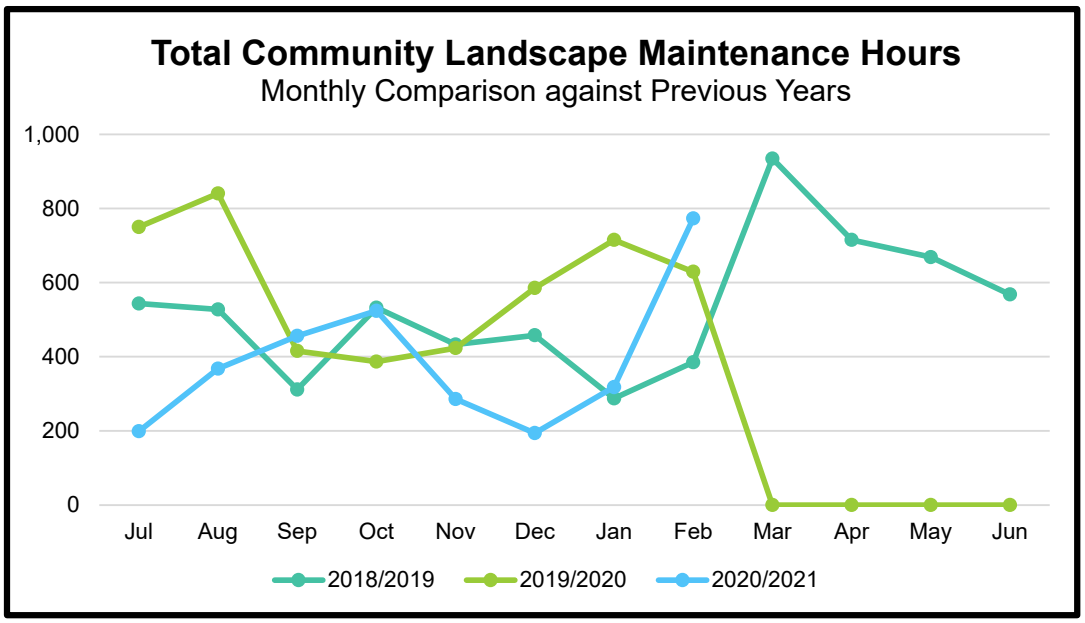
Council partners with Queensland Corrective Services to provide beneficial works projects for the community and rehabilitate offenders with their return to society. They perform a multitude of tasks including maintenance of fences, cemeteries, sportsgrounds and showgrounds, propagation of plants and they also participate in many restoration and general maintenance projects.

Operations

Service	YTD	Dec	Jan	Feb	Monthly Trend
Community Landscape Maintenance Hours	3,118	194	318	773	↑
Community Indoor Tasks Hours	623	70	82	119	↑
New Project Assessment Hours	10	0	0	1	↑
WRC Landscape Maintenance Hours	445	67	106	17	↓
WRC Nursery Maintenance/Propagation Hours	201	18	0	12	↑
WRC Indoor Tasks Hours	111	19	0	29	↑
QCS Compound Duties Hours	1,016	103	104	96	↓

Projects

Project	Status	% Complete	Budget
Bowen River Rodeo – Site Maintenance	Scheduled	50%	✓
Bowen Cricket Pink Stumps Day – Event Setup and Pack Down	Complete	100%	✓
Bowen Childcare & Early Education – Garden Removal and Tidy	Scheduled	0%	✓



Aquatic Facilities & Caravan Parks

The Recreation Services branch is responsible for delivering recreation and youth programs that activate our public and open spaces, supporting recreation groups to secure funding for projects, maintaining Council's caravan parks and aquatic facilities, and master planning for future sport and recreation assets.

Aquatic Facilities – Operations

Service	YTD	Dec	Jan	Feb	Monthly Trend
Airlie Beach Lagoon – Total Users	87,135	19,030	12,710	6,820	↓
Airlie Beach Lagoon – Total Offences	5,137	537	382	416	↑
Pool Attendance – Bowen	42,038	6,955	5,528	7,316	↑
Pool Attendance – Collinsville	14,837	2,721	1,905	2,381	↑
Pool Attendance – Proserpine	39,798	9,742	3,095	6,331	↑

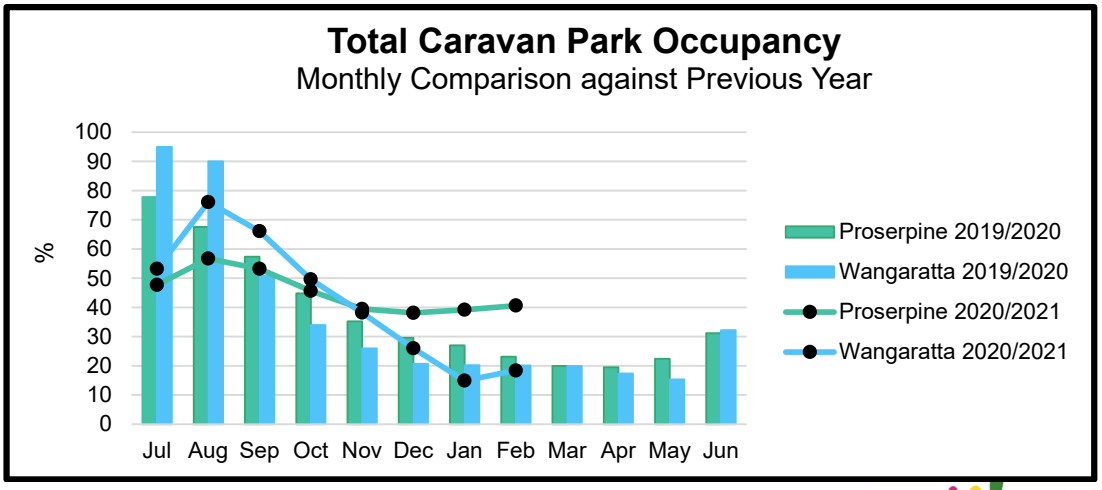
* Please note Pool Attendance statistics include QR Code sign-ins.

Caravan Parks – Operations

Service	YTD	Dec	Jan	Feb	Monthly Trend
Proserpine Tourist Park					
Occupancy (%)	45.1	38.1	39.2	40.6	↑
Revenue ($)	212,819	24,917	20,746	18,657	↓
Accumulated Revenue - Laundry Service ($)	3,253	381	291	622	↑
Wangaratta Caravan Park					
Occupancy (%)	42.8	26.0	14.9	18.3	↑
Revenue ($)	318,463	23,427	11,756	14,269	↑
Accumulated Revenue - Laundry Service ($)	4,254	476	190	134	↓

Caravan Parks Occupancy – Yearly Comparison for February

Service	2018	2019	2020	2021	Yearly Trend
Occupancy (%)					
Proserpine Tourist Park	7.1	19.2	23.1	40.6	↑
Wangaratta Caravan Park	12.6	12.9	20.1	18.3	↓

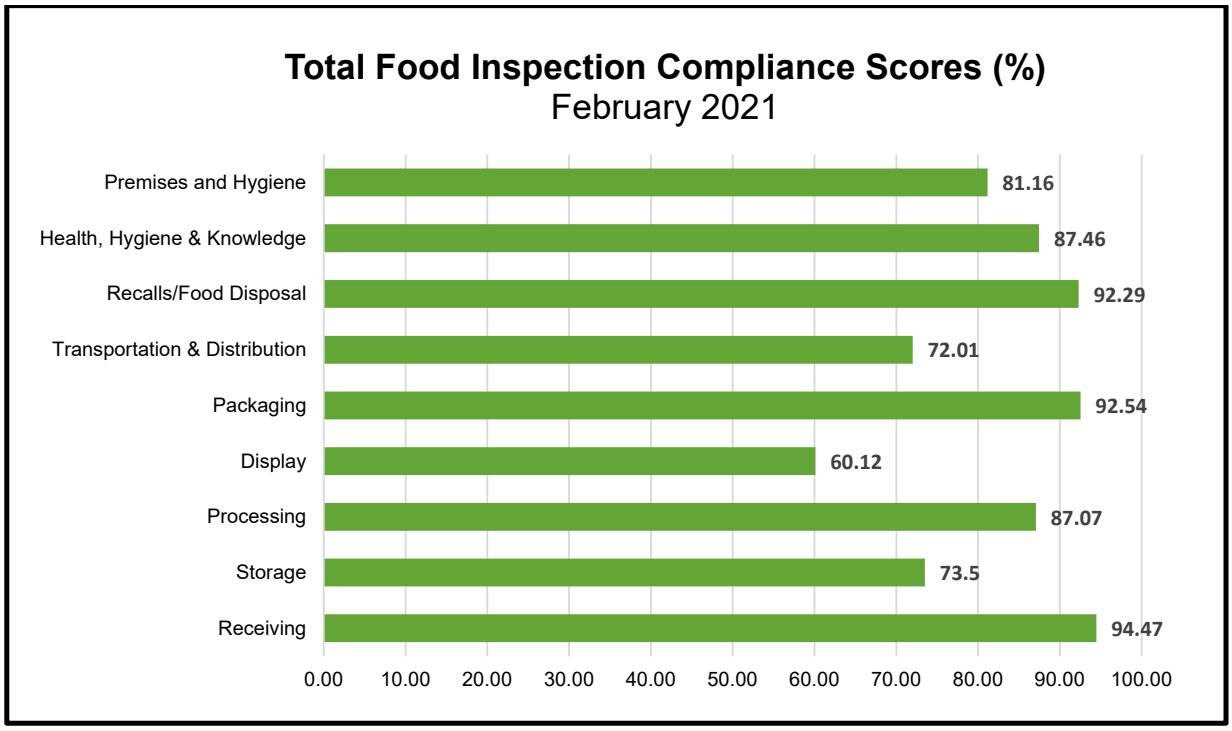


Environmental Health & Local Laws

The Environmental Health & Local Laws branch is responsible for regulation of all local laws and laws associated with Environmental Protection and Public Health. The Environmental Health Unit is responsible for licensing and inspection of food and accommodation premises, assessment of liquor licensing referrals, provides development conditions and the protection of the environment and public health. The Local Laws unit licenses prescribed activities and addresses all breaches of Local Laws including animal control and property compliance involving vegetation, accumulation and temporary homes. Local Laws is also responsible for maintaining the animal impoundment facility, on/off-street car parking compliance and commercial parking operations. The branch is active in development, review and maintenance of related policies and registers.

Environmental Health – Operations

Service	YTD	Dec	Jan	Feb	Monthly Trend
Environmental Health					
Environmental Health – Plan Approval Applications Received	31	4	2	5	↑
Environmental Health Applications Received	41	9	1	5	↑
Food Safety Programs Received	0	0	0	0	–
Liquor Licence Referrals Received	10	1	1	1	–
Food Business - Inspections	268	34	55	51	↓
Food Business - Re-Inspections	73	4	11	29	↑
Food Safety Programs Audit Reports Reviewed	16	3	2	3	↑
Personal Appearance Services - Inspections	5	3	0	0	–
ERAs - Inspections	3	2	0	0	–
Development Applications Referrals Received	11	0	2	1	↓
Accommodation - Inspections	39	4	2	3	↑
Accommodation - Re-inspections	24	0	0	0	–
Erosion Sediment Control - Inspections	4	0	4	0	↓
Complaints Received - Asbestos	7	0	2	1	↓
Complaints Received - Litter & Dumping	3	0	2	0	↓
Complaints Received - EH General	96	9	17	13	↓
Event Application Assessment	7	1	0	3	↑
Food Inspection Compliance Categories					
Receiving (%)	94.03	88.90	95.15	94.47	↓
Storage (%)	78.08	80.17	75.15	73.50	↓
Processing (%)	88.93	82.67	89.29	87.07	↓
Display (%)	77.46	61.61	87.76	60.12	↓
Packaging (%)	92.56	86.84	95.45	92.54	↓
Transportation & Distribution (%)	82.22	75.58	79.55	72.01	↓
Recalls/Food Disposal (%)	93.16	87.18	96.36	92.29	↓
Health, Hygiene & Knowledge (%)	86.74	79.49	88.36	87.46	↓
Premises and Hygiene (%)	80.05	73.90	81.37	81.16	↓

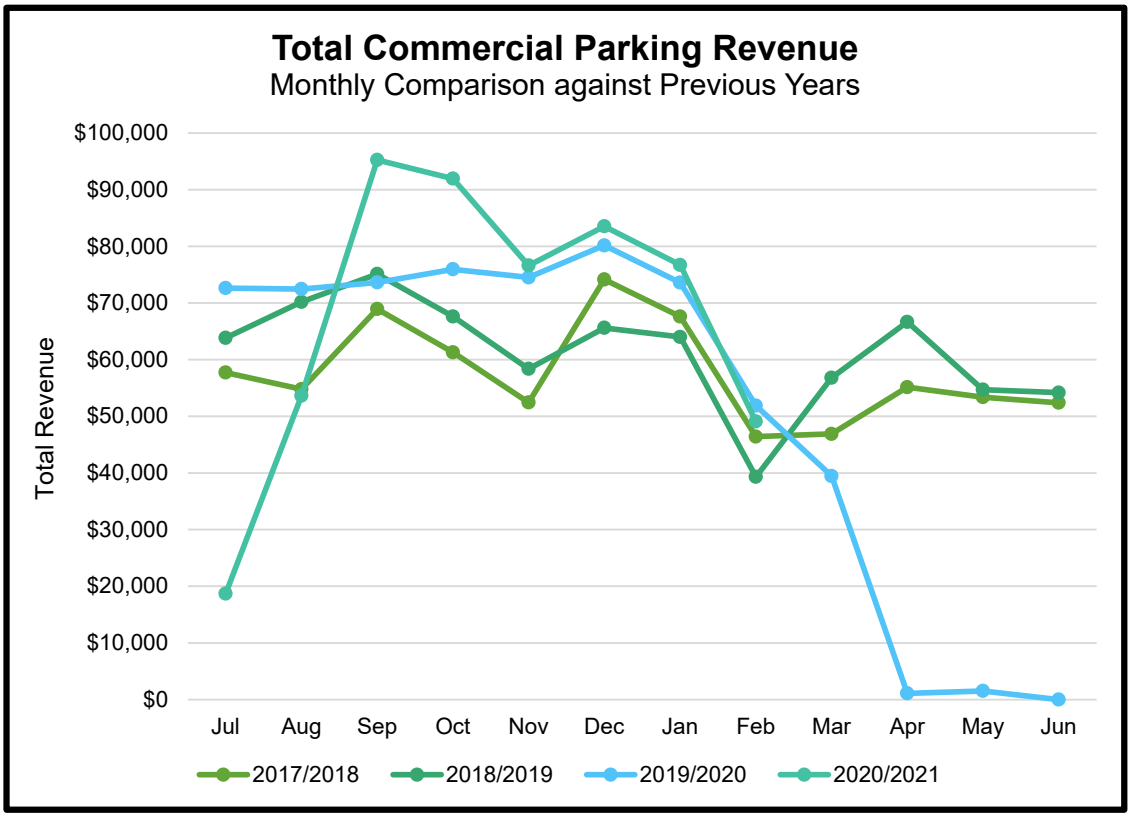


Local Laws – Operations

Service	YTD	Dec	Jan	Feb	Monthly Trend
Local Laws					
Local Law Applications Received	39	9	2	2	–
Complaints Received - Animal Management	751	65	103	65	↓
Complaints Received - Other Local Law	964	73	132	149	↑
Compliance Notices Issued	253	14	37	94	↑
Renewal/Reminder/Final Notices	516	14	34	88	↑
Infringement Responses	1,121	76	72	201	↑
Dog Registrations	4,487	34	27	46	↑
Cat Registrations	545	2	5	3	↓
Parking Infringements - Issued	1,945	173	354	267	↓
Parking Infringements - Waived	296	20	9	43	↑
Other Infringements - Issued	662	40	65	28	↓
Other Infringements - Waived	59	3	8	1	↓
Infringement Reminder Notices Sent	749	0	230	194	↓
COVID-19 Inspections	7,922	768	866	800	↓
Lake Proserpine & RV Park Inspections	8,908	574	621	472	↓

Commercial Parking – Operations

Car Parks	YTD	Dec	Jan	Feb	Monthly Trend
Heart of the Reef Transit Facility					
Occupancy (no.)	0	0	0	0	–
Revenue ($)	0	0	0	0	–
Port of Airlie					
Average Spend ($)	12.51	13.25	12.26	12.45	↑
Tariff (most selected)	24hr ($10)	24hr ($10)	24hr ($10)	24hr ($10)	–
No. of tickets purchased	18,751	2,505	2,662	1,829	↓
Revenue ($)	244,402	33,213	32,624	26,765	↓
Airlie Lagoon Precinct					
Average Spend ($)	3.64	4.42	4.12	3.98	↓
Tariff (most selected)	0-2hr ($3)	0-2hr ($3)	0-2hr ($3)	0-2hr ($3)	–
No. of tickets purchased	40,654	7,032	7,479	3,868	↓
Revenue ($)	170,923	31,096	30,820	15,416	↓
Abell Point Marina					
Average Spend ($)	9.36	10.91	8.94	7.66	↓
Tariff (most selected)	0-2hr ($3)	0-2hr ($3)	0-2hr ($3)	0-2hr ($3)	–
No. of tickets purchased	13,609	1,761	1,483	904	↓
Revenue ($)	130,171	19,222	13,255	6,921	↓



Natural Resource Management & Climate

The Natural Resource Management & Climate 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.

Natural Resource Management – Operations

Service	YTD	Dec	Jan	Feb	Monthly Trend
Complaints Received - Pest & Weed	81	4	8	12	↑
Complaints Received - Environmental	48	2	2	3	↑
Property Pest Management Plan (PPMP) Implemented/Reviewed	27	1	4	6	↑
PPMP Annual Reviews Completed	26	3	1	2	↑
Notices Issued - Biosecurity	9	0	0	0	–
Notices Issued - Penalty Infringement	0	0	0	0	–
Landholder Access - Herbicide Rebate	50	8	9	14	↑
Landholder Access - Mechanical Rebate	1	0	0	0	–
Letters/Emails to Landholders - Weeds	260	21	24	20	↓
Property Visit/Inspections - Weeds	373	17	27	24	↓
Property Visit/Inspections - Feral Animals	11	1	1	0	↓
Feral Animals - Traps Set	2	0	0	0	–
Feral Animals - Trapped	0	0	0	0	–
Aerial Shooting - Flights	15	0	0	0	–
Aerial Shooting - Feral Animals Shot	1,919	0	0	0	–
Properties Baited	23	3	0	0	–
Baits Laid (kg)	3,601	270	0	0	–
Length of Road Reserve Sprayed (km)	314.0	0	0	0	–
No. of Council Lots Sprayed/Inspected	150	0	27	36	↑
Mixed Chemicals Used (L)	7,870	0	1,390	1,520	↑
Pest Workshops	2	0	0	2	↑
Field Days Run/Involved	0	0	0	0	–
Landholder Contacts	12	0	0	3	↑
Project Reports - not to Council	40	0	7	3	↓
Briefing / Council Reports	16	0	2	2	–
Bushfire Hazard Reduction Burns	3	0	0	0	–
Environmental Planning Projects Completed	7	-	-	-	–
DA's Assessed (including RFI & Conditions & Advice) Completed	79	10	6	6	–

Projects

Project	Status	% Complete	Budget	Time
Bushfire Management Program	In Progress	50%	✓	✓
Reef Guardian Council Action Plan	Complete	100%	✓	✓

Climate Hub – Operations

Service	YTD	Dec	Jan	Feb	Monthly Trend
Media Releases	6	0	1	0	↓
Facebook Post Reach	2,596	-	257	817	↑
Facebook Followers	505	-	164	174	↑
Website Unique Visitors	228	-	85	75	↓
Projects Underway	67	10	11	9	↓
Projects in Developments	78	13	13	13	–

Update

Pest Management Projects:

- February was a wet month with some minor progress with the RMPC Declared Weeds Program.
- The Weed Washdown Strategy was finalised and has now been shared with regional stakeholders. Interestingly, QTMR have a few large water tanks available for rural fire fighting which could double as the water tanks for the rural weed washdown facilities.
- High priority mosquito breeding sites have been applied with larvicide.
- The Whitsunday Pest Surveillance program has been finalised and has been shared with Biosecurity Queensland.
- The Qld Feral Animal Initiative Round 4 Grant for the Yellow Crazy Ants is now underway for the next three years worth $136,000.
- Mackay Pest Group and the Burdekin Pest Group met in February.
- Council Officers have met with Biosecurity Queensland staff to further develop the Chinee apple bio-control project.

Other Natural Resource Management Projects:

- The five community Bushfire Management Plans have now been shared with QFES.
- The Bowen-Collinsville Fire Management Group meeting was held in February with priorities for this coming fire season discussed. The priority area for Council is Bowen Hospital Hill and the Whitsunday Paradise area.
- Urban Stormwater Stewardship Program is being developed with draft scorecard being reviewed.
- Coastal Hazard Adaption Strategy (CHAS) – project timeframe developed for final Phase 8.
- Review of Council greenhouse gas emissions is underway.

Environment Projects:

- The Twin Creek Revegetation Project is underway with the tree planting aiming for Sunday, 21 March.
- Frog Rock Foreshore Management Plan is now out for Community Consultation.
- Whitsunday Lake Management Plan in concept stage.
- Dingo Beach – Hydeaway Bay walking track – first step is undertaking the necessary studies – flora and cultural heritage, then development approval.
- Matters of Local Environmental Significance project – concept and project plan stage.
- Offsets – carbon and biodiversity offsets – project plan finalised and in consultation phase.

Climate Hub Projects:

- Whitsunday Water Treatment and Pumping Optimisation (student selected)
- Whitsunday Healthy Heart (WHH) Project
- Climate Ready Biodiversity Mapping

CCAT Projects:

- Nature Based Solutions – trail sites and case studies with James Cook University.
- Nature Based Solutions – review of local governments current experience and case studies.
- Nature Based Solutions – determining effectiveness to protect locations.
- Nature Based Solutions – application and developing indices to apply NBS. This will involve mapping areas NBS suitability.
- Local Government training on Climate risk

Customer Service

The Customer Service branch is responsible for providing excellence to Council's customers and stakeholders in their interactions with Council.

Call Centre – Operations

Service	YTD	Dec	Jan	Feb	Monthly Trend
Business Hours Call Centre					
Calls Received – Total	34,606	2,674	3,271	4,252	↑
Calls Received – 1300 WRC QLD	24,396	1,957	2,532	3,149	↑
Calls Answered	22,139	1,799	2,324	2,889	↑
Calls Overflowed	1,413	114	148	161	↑
Calls Abandoned	521	31	48	58	↑
Calls Abandoned (%)	2.14%	1.59%	1.90%	1.84%	↓
Untracked Calls	323	13	12	41	↑
***ASL - Average Service Level (%)**	82.7%	86.3%	86.0%	84.4%	↓
***ASA - Average Speed of Answer**	20	16	18	20	↑
***AHT - Average Handle Time/Secs**	188	194	197	197	–
After Hours Call Centre					
Calls Received– Total	2.624	534	390	244	↓
Calls Answered– (Charged)	2,325(1,154)	459(223)	350(210)	222(98)	↓
Calls Abandoned (%)	11.13%	14.04%	10.26%	9.02%	↓
***ASL - Average Service Level (%)**	80.9%	79.4%	79.7%	79.1%	↓
***ASA - Average Speed of Answer**	-	24	28	29	↑
***AHT - Average Handle Time/Secs**	-	147	127	119	↓

Customer Transactions

Service	YTD	Dec	Jan	Feb	Monthly Trend
Receipts	94,672	7,010	7,195	13,016	↑
eServices Receipts	2,020	16	99	352	↑
eServices Receipts (%)	2.13%	0.23%	1.38%	2.70%	↑
CRMs	7,805(7334)	680	1,124	1,074	↓
eServices CRMs	64	2	3	4	↑
eServices CRMs (%)	0.82%	0.30%	0.27%	0.37%	↑

Payments:

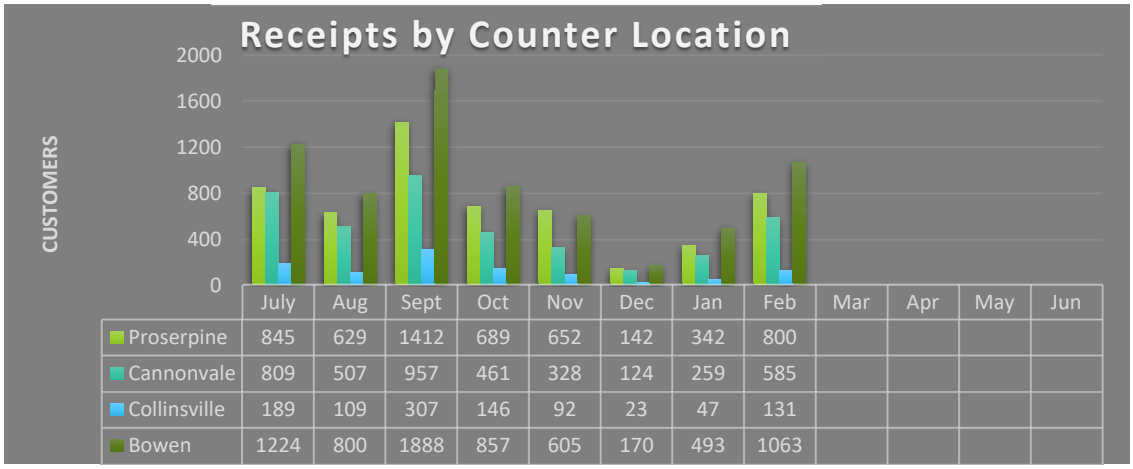
- Total BPay, Austpost, Direct Deposits & EServices payments at **68.20%** of total payments.

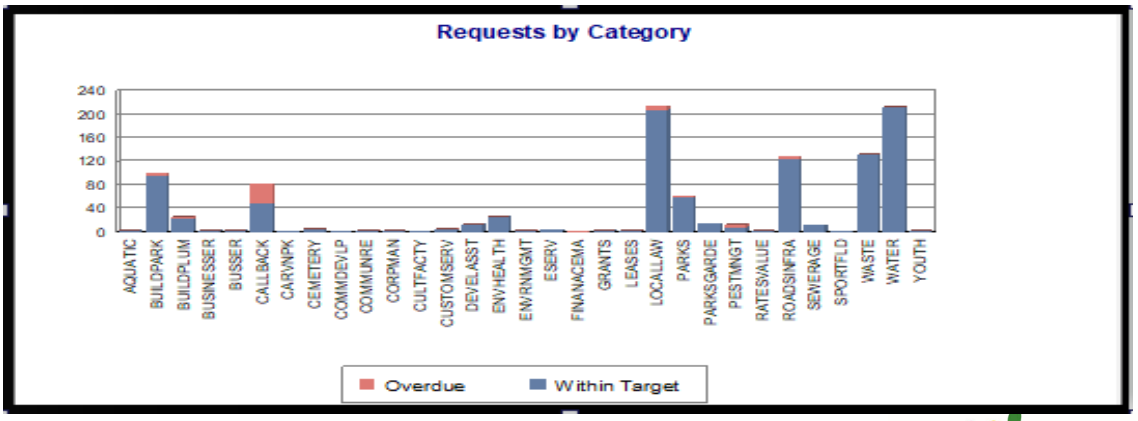
Incoming Calls & Requests:

- CRM completion was **96.7%** (**93.9%** including call backs).
- Total of **2,385** visitors through the service centres.
- WRC Call Statistics at **84.4%** of calls answered in 25 seconds.
- First Point of Contact (FPOC) resolution was at **80.25%** for **February**.

Top Issues

Service	YTD	Dec	Jan	Feb	Monthly Trend
Counter Receipts					
Rates Receipt	4,101	103	108	1,019	↑
Rates Search	1,049	101	128	172	↑
Infringements	882	91	107	104	↓
Water Charges	1,542	19	18	104	↑
New Animal Registrations	697	36	32	51	↑
Telephone (First Point of Contact)					
Rates/Water Billing	2,353	123	205	449	↑
Local Laws/Compliance and Environment	1,460	100	196	212	↑
General Information	1,467	164	188	204	↑
Water/ Sewerage/ Trade Waste	464	44	65	85	↑
Building/Plumbing/Planning/Development	576	44	56	79	↑
After Hours					
Dirty Water	41	0	15	19	↑
Water Supply Issue	257	77	38	15	↓
Wandering Animals	71	10	11	11	–
Sewerage/Septic	21	6	4	3	↓
Parking	47	3	6	3	↓





Whitsunday Regional Council

Cultural Heritage

Our Cultural Heritage includes all the elements of our cultural way of life which have gone before us, and which exist now. Cultural Heritage is an expression of the ways of living developed by a community and passed on from generation to generation, including customs, practices, places, objects, artistic expressions, and values.

Cultural Heritage includes the Reconciliation Act Plan (RAP) for increased recognition of the Indigenous People in the Whitsunday Region and the Indigenous Land Use Agreement (ILUA) sets out activities and communications with all Traditional Owners in the region. The ILUA will ensure Council is compliant and provide the community with knowledge on the Traditional Owners within our region.

Operations

Service	YTD	Dec	Jan	Feb	Monthly Trend
Meetings with Traditional Owners	1	0	0	0	–

Projects

Project	Status	% Complete	Budget	Time
Reconciliation Action Plan (RAP)	In Progress	90%	✓	✓
Indigenous Land Use Agreements (ILUA)	In Progress	80%	✓	✓

16. Infrastructure Services

No agenda items for this section.

17. Matters of Importance

No agenda items for this section.