



# **Minutes of the Ordinary Council Meeting held on Wednesday 26 April 2023 at Council Chambers, 67 Herbert Street, Bowen**

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

**Councillors Present:**

Julie Hall (Mayor/Chair), Jan Clifford, Clay Bauman, John Collins, Michelle Wright, Gary Simpson (Deputy Mayor) and Michael Brunker

**Council Officers Present:**

Warren Bunker (Chief Executive Officer); Julie Wright (Director Community Services); Neil McGaffin (Director Development Services); James Ngoroyemoto (Acting Director Corporate Services); Adam Hagy (Director Infrastructure Services); Greg Martin (Communications and Marketing Manager); Tailah Jensen (Governance Administration Officer/Minute Taker)

**Other Officers Present (Partial Attendance):**

Leah Bradley (Manager Financial Services)

**Meeting Schedule:**

The meeting commenced at 9.07am

The meeting adjourned for morning tea at 10.24am

The meeting reconvened from morning tea at 10.47am

The meeting closed at 11.21am

Whitsunday Regional Council  
**Minutes of the Ordinary Council Meeting held at  
Council Chambers, 67 Herbert Street, Bowen on  
Wednesday 26 April 2023 commencing at 9:00 AM**

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## **1 APOLOGIES/LEAVE OF ABSENCE**

This item on the agenda allows Council the opportunity to receive apologies/leave of absence from Councillors unable to attend the meeting.

## **2 CONDOLENCES**

### **2.1 - Condolences Report**

#### **PURPOSE**

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

#### **OFFICER'S RECOMMENDATION**

That Council observe one (1) minute's silence for the recently deceased.

#### **RESOLUTION OM2023/04/26.1**

**Moved By: CR J CLIFFORD**

**Seconded By: CR C BAUMAN**

**That Council observe one (1) minute's silence for the recently deceased.**

#### **MEETING DETAILS**

The motion was Carried 7 / 0.

**CARRIED**

## **3 DECLARATIONS OF INTEREST**

There were no declarations made during this meeting.

#### 4 MAYORAL MINUTE

As it was Anzac Day yesterday, I would like to use my Mayoral Minute today to take a moment to acknowledge and pay tribute to our Anzacs.

We remember and reflect on their courage, their sacrifice, and their unwavering commitment to defend our values, our freedoms, our way of life, and our country.

Amongst the brave souls who have fought for our country were men and women from Bowen, Proserpine, Airlie Beach, Collinsville, and the rural areas in our region.

As we remember those who have fallen, we also pay tribute to the families left behind.

We recognise the sacrifices they have made, the pain they have endured, and the strength they have shown in carrying on a legacy of their loved ones.

Let us not only use Anzac day but every day, to reaffirm our commitment to peace and to working towards a world free from conflict.

In closing, I want to say to all our servicemen and women, past and present, thank you for your service and dedication to our country.

Lest we forget.

|                               |                                                                                                                                                                                                                                                                                                                                                                |
|-------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Wednesday<br/>12 April</b> | <ul style="list-style-type: none"> <li>• Council Meeting, in Proserpine</li> <li>• That evening attended Bowen Chamber of Commerce meeting</li> </ul>                                                                                                                                                                                                          |
| <b>Thursday<br/>13 April</b>  | <ul style="list-style-type: none"> <li>• Met with customer regarding affordable housing</li> <li>• Internal meetings, in Proserpine</li> <li>• Catch up with CEO</li> <li>• Met with Cruise Whitsundays, in Airlie Beach</li> </ul>                                                                                                                            |
| <b>Friday<br/>14 April</b>    | <ul style="list-style-type: none"> <li>• Met with Bowen Pipeline Company for an update</li> <li>• Internal meetings, in Bowen</li> </ul>                                                                                                                                                                                                                       |
| <b>Saturday<br/>15 April</b>  | <ul style="list-style-type: none"> <li>• Attended the Get Active Bowen morning held at the Bowen Foreshore</li> </ul>                                                                                                                                                                                                                                          |
| <b>Monday<br/>17 April</b>    | <ul style="list-style-type: none"> <li>• Catch up with CEO</li> <li>• Attended Economic Development Advisory Group meeting, in Bowen</li> <li>• Met with Irene Leard and Colin McLennan from Jangga Operations, in Bowen</li> </ul>                                                                                                                            |
| <b>Tuesday<br/>18 April</b>   | <ul style="list-style-type: none"> <li>• Travelled to Brisbane</li> <li>• Met with Minister for Transport and Main Roads, Mark Bailey MP</li> <li>• Met with Queensland Reconstruction Authority CEO Jake Ellwood, Jimmy Scott &amp; Giovanni Rapana</li> </ul>                                                                                                |
| <b>Wednesday<br/>19 April</b> | <ul style="list-style-type: none"> <li>• Attended briefing session via teams</li> </ul>                                                                                                                                                                                                                                                                        |
| <b>Thursday<br/>20 April</b>  | <ul style="list-style-type: none"> <li>• Travelled to Toowoomba</li> <li>• Met with Kellie Banditt, General Manager of Toowoomba Wellcamp Airport. Along with Craig Turner, Council's COO Whitsunday Coast Airport was given a tour of their airport including their freight facilities and discussed potential international freight opportunities</li> </ul> |
| <b>Friday<br/>21 April</b>    | <ul style="list-style-type: none"> <li>• Travelled from Toowoomba to Whitsunday Coast Airport on Bonza's first flight for this route with Director of Wagner Corporation Dennis Wagner, Bonza COO Carlie Povey and WCA COO Craig Turner</li> </ul>                                                                                                             |
| <b>Monday<br/>24 April</b>    | <ul style="list-style-type: none"> <li>• Met ratepayers along with Cr Michelle Wright, in Bowen</li> <li>• Attended Bowen State High School ANZAC Day Ceremony</li> <li>• Internal meetings, in Bowen</li> </ul>                                                                                                                                               |
| <b>Tuesday<br/>25 April</b>   | <ul style="list-style-type: none"> <li>• Attended ANZAC Day Dawn Service in Cannonvale</li> <li>• Attended Bowen's ANZAC Day Main Service</li> <li>• Met with Senator Gerard Rennick who was in Bowen attending the ANZAC Day events</li> </ul>                                                                                                                |

## 6.1 - Confirmation of Minutes

### 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 Council Meeting held on 12 April 2023 are provided for Councils review and confirmation.

### OFFICER'S RECOMMENDATION

That Council confirms the Minutes of the Ordinary Meeting held on 12 April 2023.

### RESOLUTION OM2023/04/26.2

Moved By: CR J COLLINS

Seconded By: CR M WRIGHT

That Council confirms the Minutes of the Ordinary Meeting held on 12 April 2023.

### MEETING DETAILS

The motion was Carried 7 / 0.

**CARRIED**

### 7 BUSINESS ARISING

There were no business arising matters for this meeting.

### 8 DEPUTATIONS

There were no deputations for this meeting.

### 9 PETITIONS

There were no petitions submitted for this meeting.



**10.1 - Notices of Motion - Off Leash Area Proposal****PURPOSE**

In response to being contacted by numerous people I would like to put forward the following for consideration at the next OCM.

**COUNCILLORS RECOMMENDATION**

That for a trial period of six (6) months WRC trial an off leash area between the hours of 0530 and 0830 on New Beach or Boathaven Beach excluding the Stinger Net Area plus 10 metres either side of the Net at all times.

**RESOLUTION OM2023/04/26.3**

Moved By: CR J CLIFFORD

Seconded By: CR C BAUMAN

That for a trial period of three (3) months WRC trial an off leash area between the hours of 0530 and 0830 on New Beach or Boathaven Beach excluding the Stinger Net Area plus 10 metres either side of the Net at all times.

Furthermore, that a report be brought back to Council on the options.

**MEETING DETAILS**

The motion was Carried 5 / 2.

**CARRIED**

**11 QUESTIONS ON NOTICE**

There were no questions taken on notice for this meeting.

**12 QUESTIONS FROM THE PUBLIC GALLERY**

There were no public questions submitted during this meeting.

## **13 OFFICERS REPORTS**

### **13.1 Corporate Services**

#### **13.1.1 - Finance Report - FY 2022-23 Period ending March 2023**

##### **PURPOSE**

To inform Council of the current financial performance and position for the period to 31 March 2023.

##### **OFFICER'S RECOMMENDATION**

That Council receive the Financial Report, Capital Delivery Report and Unaudited Financial Statements 2022/23 for the period ended 31 March 2023.

##### **RESOLUTION OM2023/04/26.4**

**Moved By: CR M BRUNKER**

**Seconded By: CR G SIMPSON**

**That Council receive the Financial Report, Capital Delivery Report and Unaudited Financial Statements 2022/23 for the period ended 31 March 2023.**

##### **MEETING DETAILS**

The motion was Carried 7 / 0.

**CARRIED**

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### 13.1.2 - Corporate Services Monthly Report - March 2023

#### PURPOSE

To provide an overview the Corporate Services Directorate for the month of March 2023.

#### OFFICER'S RECOMMENDATION

That Council receive the Corporate Services Monthly Report for March 2023.

#### RESOLUTION OM2023/04/26.5

Moved By: CR M WRIGHT

Seconded By: CR J CLIFFORD

That Council receive the Corporate Services Monthly Report for March 2023.

#### MEETING DETAILS

The motion was Carried 7 / 0.

**CARRIED**

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**13.2.1 - 20221171 - Development Application for Development Permit for Material Change of Use - Short Term Accommodation - 20 Stewart Drive, Cannonvale - Angela Gilbert C/- Wynne Planning & Development**

**PURPOSE**

To present the assessment of the development application.

**OFFICER'S RECOMMENDATION**

That Council approve the Development Application for Development Permit for Material Change of Use – Short-Term Accommodation, made by A K Gilbert and J Meyers C/- Wynne Planning & Development Pty Ltd, on L: 33 RP: 721970 and located at 20 Stewart Drive, Cannonvale, subject to the conditions outlined in Attachment 1.

*Cr Collins moved the motion and Cr Simpson seconded the original motion. Mr Bauman indicated his interest in moving an alternative to refuse the recommendation. The Chief Executive Officer advised the original motion was moved at the previous meeting with the item being lost which leaves no motion on the table. Therefore, the alternative motion was moved by Cr Bauman and seconded by Cr Clifford.*

**RESOLUTION OM2023/04/26.6**

**Moved By: CR C BAUMAN**

**Seconded By: CR J CLIFFORD**

**That Council refuse the Development Application for Development Permit for Material Change of Use – Short Term Accommodation, made by AK Gilbert and J Meyers on L: 33 RP: 721970 and located at 20 Stewart Drive Cannonvale, for the following reasons:**

- 1. The development does not comply with Whitsunday planning Scheme V3.9, Strategic Intent, Purpose and overall outcomes of the Low density residential zone code and the Transport and parking code.**
- 2. The number of existing Short-term accommodation uses in the Low density residential zone area far outweighs the available dwellings for long-term residents.**
- 3. Conditions of approval cannot be imposed to address the non-compliances.**

Reason for Decision:

In terms of section 254H(2) of the *Local Government Regulation, 2012*, and section 63(2)(f)(ii) of the *Planning Act, 2016*, Council's reasons for not adopting the recommendations or advice are as follows:

1. Conflict with the Whitsunday planning Scheme V3.9, Strategic Intent, Purpose and Overall outcomes of the Low density residential zone code and the layout and design of on-site parking and access required by the Transport and parking code.
2. Planning Act 2016 section 45(5)(b) "other relevant matters" such as the extreme current shortage of long-term accommodation available.
3. Development does not promote certainty or maintain a high level of residential amenity for existing and future residents of the area.
4. A submission was received against the development.
5. Conditions of approval cannot manage these impacts to an acceptable level.

6. The number of existing Short Term Accommodation uses in the area have reached the limit relative to the number of available dwelling houses predominantly supported by the code.

## MEETING DETAILS

The motion was Carried 5 / 2.

**CARRIED**

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### **13.2.2 - 20221150 - Development Application for Development Permit for Material Change of Use for Short Term Accommodation - 25 Blackcurrant Drive, Hydeaway Bay - WG & KL Reid C/- Wynne Planning & Development**

## PURPOSE

To present the assessment of the development application.

## OFFICER'S RECOMMENDATION

That Council approve the Development Application for Development Permit for Material Change of Use – Short Term Accommodation, made by W G Reid & K L Reid C/- Wynne Planning & Development, on L: 237 RP: 746321 and located at 25 Blackcurrant Drive Hydeaway Bay, subject to the conditions outlined in Attachment 1.

## RESOLUTION OM2023/04/26.7

**Moved By: CR C BAUMAN**

**Seconded By: CR J CLIFFORD**

**That Council refuse the Development Application for Development Permit for Material Change of Use - Short Term Accommodation, made by WG & KL Reid on L: 237 RP: 746321 and located at 25 Blackcurrant Drive, for the following reasons:**

- 1. The development does not comply with Whitsunday planning Scheme V3.9, Strategic Intent and Purpose, overall outcomes and Performance outcomes of the Low density residential zone code.**
- 2. The number of existing Short-term accommodation uses in the Low density residential zone area far outweighs the available dwellings for long-term residents.**
- 3. Conditions of approval cannot be imposed to address the non-compliances.**

### Reasons for Decision:

In terms of section 254H(2) of the *Local Government Regulation, 2012*, and section 63(2)(f)(ii) of the *Planning Act, 2016*, Council's reasons for not adopting the recommendations or advice are as follows:

1. Conflict with the Whitsunday planning Scheme V3.9, Strategic Intent and the Purpose and overall outcomes of the Low density residential zone code.
2. Planning Act 2016 section 45(5)(b) "other relevant matters" such as the extreme current shortage of long-term accommodation available.
3. Development does not promote certainty or maintain a high level of residential amenity for existing or future residents of the area.
4. A submission was received against the development.
5. Conditions of approval cannot manage these impacts to an acceptable level.

6. The number of existing Short Term Accommodation uses in the area have reached the limit relative to the number of available dwelling houses predominantly supported by the code.
7. The proposal is not what is sought by the Strategic framework for Hydeaway Bay.

#### **MEETING DETAILS**

The motion was Carried 4 / 3.

**CARRIED**

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#### **13.2.3 - 20210936 - Development Application for Development Permit for Material Change of Use - Transport Depot - Lauriston Street, Bowen - KHJ Group Pty Ltd**

#### **PURPOSE**

To present the assessment of the development application.

#### **OFFICER'S RECOMMENDATION**

That Council approve the application for Development Permit for Material Change of Use of Premises - Transport Depot, made by KHJ Group Pty Ltd, on L: 3 RP: 705162 and located at Lauriston Street Delta, subject to the conditions outlined in Attachment 1.

#### **RESOLUTION OM2023/04/26.8**

**Moved By: CR M WRIGHT**

**Seconded By: CR J COLLINS**

**That the item lay on the table pending further information to be provided.**

#### **MEETING DETAILS**

The motion was Carried 7 / 0.

**CARRIED**

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#### **PROCEDURAL MOTION - ADJOURNMENT OM2023/04/26.9**

**Moved by: CR J HALL (MAYOR)**

**Seconded by: CR J CLIFFORD**

**That the meeting be adjourned for the purpose of morning tea at 10.24am.**

#### **MEETING DETAILS:**

The procedural motion was Carried 7 / 0

**CARRIED**

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#### **PROCEDURAL MOTION - RECONVENE OM2023/04/26.10**

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Moved by: CR J HALL (MAYOR)

Seconded by: CR J CLIFFORD

That the meeting be reconvened from morning tea at 10.47am.

#### MEETING DETAILS:

The procedural motion was Carried 7 / 0

CARRIED

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**13.2.4 - 20220875 - Development Application for Development Permit for Reconfiguration of a Lot - One (1) Lot into Three (3) Lots & Access Easement - 465 Gregory Cannon Valley Road, Strathdickie - Dilges C/- Veris**

#### PURPOSE

To present the assessment of the development application.

#### OFFICER'S RECOMMENDATION

That Council refuse the Development Application for Development Permit for Reconfiguration of a Lot - One (1) Lot into Three (3) Lots & Access Easement, made by C Dilges C/- Veris, on L: 2 RP: 746305 and located at 465 Gregory Cannon Valley Road, Gregory River, for the following reasons:

1. The proposal is not consistent with the State Planning Policy in respect of fragmentation and alienation of Agricultural Land Classification (ALC) Class A and Class B land.
2. The proposal is not consistent with the Mackay, Isaac and Whitsunday Regional Plan in respect of rural residential development in an area which is not identified as a rural living area, compromising the intent of the regional plan to protect productive agricultural land.
3. There has been no demonstration that an overriding community need exists for the proposed development.
4. The proposal conflicts with the Whitsunday Regional Council Planning Scheme 2017 and cannot be conditioned to comply. Specifically:
  - a. The proposal is unable to comply with the Liveable Communities and Housing and Economic Growth themes of the Strategic Intent.
  - b. The Rural Zone is the correct zone for this site, being the default zone for the majority of the planning scheme area which is not included in an urban zone.
  - b. The predicted demand and supply of rural residential land within the planning scheme area was modelled by the Whitsunday Regional Council Urban Growth Study and adequate land is zoned to accommodate predicted demand.
  - c. The proposal is not consistent with the Rural Zone Code, which specifies a minimum lot size of 100 hectares.
  - d. The proposal is not consistent with the Agricultural Land Overlay, which does not support fragmentation of land.

## RESOLUTION OM2023/04/26.11

Moved By: CR G SIMPSON

Seconded By: CR M WRIGHT

That Council approve the Development Application for Development Permit for Reconfiguration of a lot – One (1) Lot into Three (3) Lots & Access Easement, made by C Dilges on L: 2 RP: 746305 and located at 465 Gregory Cannon Valley Road, Gregory River, subject to the following conditions:

### 1.0 ADMINISTRATION

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

| Plan/Document Name                | Prepared By | Plan Number         | Dated      |
|-----------------------------------|-------------|---------------------|------------|
| Proposal Plan                     | Veris       | 402103 PP-01 Rev. C | 27/01/2023 |
| Engineering Infrastructure Report | Mosaic      | 22-0026.R01         | 25/01/2023 |

1.2 The applicant is to comply with the Department of State Development, Infrastructure, Local Government and Planning's conditions as outlined in the Department's correspondence dated 3 November 2022.

1.3 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 and
  2. Erosion and Sediment Control

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

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

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

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

### 2.0 CLEARING, LANDSCAPING AND FENCING

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

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

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

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.

### **3.0 WATER INFRASTRUCTURE**

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

### **4.0 ON-SITE EFFLUENT DISPOSAL**

- 4.1 Prior to the submission of any operational works application, the applicant is to provide an On- Site Wastewater Management Report for proposed new Lots 1 and 2. The report is to identify, on the scaled Proposal Plan of Survey, Recommendations on treatment type, location and size of disposal envelopes, design calculations, schematic cross section of proposed disposal area and mandated buffers. The report is to contain all relevant information as required by Appendix C of AS/NZS1547:2012
- 4.2 At future building application stage, the applicant is to Design and Construct an on-site sewerage treatment system to proposed Lot 32. Such work must be in accordance with Councils Planning Scheme applicable at the time and Queensland Plumbing and Wastewater code. The applicant will be required to supply a detailed site-specific Wastewater Report at building stage that complies with AS 1547:2012 and the Queensland Plumbing and Wastewater Code Version 1:2019.

### **5.0 ACCESS AND PARKING**

- 5.1 A Development Permit for Operational Works (Internal Access) shall be obtained prior to commencement of work on site. Any application for Operational Works (Internal Access) must be accompanied by engineering design drawings, including calculations and certifications of the design, demonstrating compliance with Council's Development Manual (current at the time of development) and this Decision Notice.
- 5.2 The applicant must design, construct and maintain the internal access from Gregory Cannon Valley Road reserve to the property access for proposed Lot 2 approximately 440 meters to a gravel standard and 5.5 meters wide so as to comply as a minimum with the levels, dimensions and specifications as shown on Councils Standard Drawing RS-056 and Whitsunday Regional Councils Development manual standard DG 1.17 and DG 1.30 Access to Allotments, prior to the signing of the Plan of Survey.
- 5.3 The applicant must design, construct and maintain the internal access for the proposed gravel driveway from the new access to proposed Lot 1, to the property access for proposed Lot 3 approximately 140 meters to a gravel standard and 5.5 meters wide so as to comply as a minimum with the levels, dimensions and specifications as shown in the Whitsunday Regional Councils Development manual standard DG 1.17 and DG 1.30 Access to Allotments, prior to the signing of the Plan of Survey.
- 5.4 The applicant must design, construct and maintain the internal access for the proposed gravel driveway extension to the property access for proposed Lot 2 approximately 75 meters to a gravel standard and 3 meters wide so as to comply as a minimum with the levels, dimensions and specifications as shown on Councils Standard Drawing RS-056 and Whitsunday Regional Councils Development manual standard DG 1.17 and DG 1.30 Access to Allotments and Mosaic drawing SKC001, prior to the signing of the Plan of Survey.
- 5.4 The documentation for the proposed Access Easement must include statements with regard to ownership and responsibility for future construction and ongoing maintenance requirements of the access within the Easement.

### **6.0 STORMWATER AND FLOODING**

- 6.1 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.
- 6.2 All stormwater drainage works must be designed and constructed in accordance with the Queensland Urban Drainage Manual current at the time of development and Council's Development Manual (or equivalent replacement document current at the time of development).
- 6.3 All habitable dwellings must be constructed to a level not less than 300mm above the Q100 flood level for the developed site.
- 6.4 Easements must be provided over all land assessed to be below the Q100 level of immunity.
- 6.5 Easement documentation must be provided free of cost to Council.
- 7.0 **ELECTRICITY AND TELECOMMUNICATIONS**
- 7.1 Provide electricity and telecommunications connection to the proposed development to the requirements of the relevant authority. The application must submit to Council, either:
- (a) a certificate of supply demonstrating that existing low-voltage electricity supply is available to the newly created lots; or
  - (b) a certificate of supply that the applicant has entered into an agreement with the authorized electricity supplier, Ergon, to provide electricity services to the newly created lots, payment has been received and the connection will be completed at a date in the future.
- If low-voltage electricity supply is unavailable to the newly created lots then the applicant must provide a certificate of supply of the proposed electricity connection date to all future property owners prior to entering into a contract of sale for the newly created lots prior to sealing of the Survey Plan.
- 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 for Stages 2 and 3. The Erosion Prevention and Sediment Control Plan must be prepared in accordance with Council's Development Manual and 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).
- 8.2 Discharges of water pollutants, wastewater or stormwater from the site must not cause measurable levels of water pollutants in the receiving waters to fall outside the acceptable ranges specified in the 'Australian Water Quality Guidelines for Fresh and Marine Waters', ANZECC 2000.
- 8.3 No visible emissions of dust must occur beyond the boundaries of the site during earthworks and construction activities on the site. If, at any time during the earthworks and construction activities the dust emissions exceed the levels specified above, all dust generating activities must cease until the corrective actions have been implemented to reduce dust emissions to acceptable levels or wind conditions are such that acceptable levels are achieved.
- 8.4 The applicant must ensure that when undertaking any on-site or external works, including any filling and extraction, appropriate dust control measures are implemented in accordance with the Environmental Protection Act 1994 and complies with the relevant air quality objectives defined in the Environmental Protection (Air) Policy 2008.
- 9.0 **GEOTECHNICAL**
- 9.1 Prior to the submission of any operational works application, the applicant must provide to Council a site-specific Landslide Hazard (Geotechnical) Assessment Report in accordance with PSP SC6.5 (Natural hazards) for Lot 2 RP746305.
- 10.0 **MAINTENANCE VALUATION**

10.1 The applicant must pay to Council a maintenance valuation fee per lot at the time of sealing of the survey plan at the rate applicable at the time of payment. The current rate is \$39.00 per lot.

11.0 **MISCELLANEOUS**

11.1 If any item of cultural heritage is identified during site works, all work must cease and the relevant State Agency must be notified. Work can resume only after State Agency clearance is obtained.

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](http://www.datsip.qld.gov.au)

11.2 Any alteration necessary to electricity, telephone, water mains, sewerage mains, and/or public utility installations resulting from the development or in connection with the development, must be at full cost to the developer.

11.3 Any building materials, equipment and the like must be appropriately tied down, placed indoors and secured on site at the time of preparation for cyclone events. The on site supervisor is to ensure that all contractors/employees take the necessary steps to secure the construction site in the event of a cyclone.

11.4 All construction materials, waste, waste skips, machinery and contractors' vehicles must be located and stored or parked within the site. No storage of materials, parking of construction machinery or contractors' vehicles will be permitted in Gregory Cannon Valley Road or adjoining land unless written permission from the owner of that land and Council is provided.

11.5 It is the developer's responsibility for the full rectification of any damage caused to neighbouring public infrastructure (such as footpaths, driveways, fences, gardens, trees and the like) caused by contractors, including clean up of any litter or waste that is a result of the subject development.

12.0 **ADVISORY NOTES**

12.1 **Hours of work**

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

12.2 **Dust Control**

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

12.3 **Sedimentation Control**

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

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

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

12.5 **General Safety of Public During Construction**

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

It is the principal contractor's responsibility to ensure compliance with the Work Health and Safety Act 2011. It states that the principal contractor is obliged on a

construction workplace to ensure that work activities at the workplace prevent or minimise risks to the health and safety of the public at or near the workplace during the work.

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

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

Reason for Decision:

In terms of section 254H(2) of the Local Government Regulation, 2012, and section 63(2)(f)(ii) of the Planning Act, 2016, Council's reasons for not adopting the recommendations or advice are as follows:

1. There is existing fragmentation of the rural land in proximity to the subject site.
2. The land is suitable for rural residential living.

**MEETING DETAILS**

The motion was Carried 4 / 3.

Mayor Hall called for a Division.

For the motion: Cr Brunner, Cr Collins, Cr Simpson, Cr Wright

Against the motion: Cr Clifford, Cr Bauman, Mayor Hall

**CARRIED**

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**13.2.5 - 20221037 - Development Permit for Material Change of Use for High Impact Industry (Concrete Batching) - 153A Main Street, Proserpine - Proserpine Rural Recycling C/- Vision Surveys (QLD)**

**PURPOSE**

To present the assessment of the development application.

**OFFICER'S RECOMMENDATION**

That Council approve the Development Application for Development Permit for High Impact Industry – Concrete Batching, made by P J Tilley on 153A Main Street Proserpine and located at L: 5 SP: 237711, L: 3 SP: 264124, L: 17 SP: 253093 T: EMT H, subject to the conditions outlined in Attachment 1.

**RESOLUTION OM2023/04/26.12**

**Moved By: CR J COLLINS**

**Seconded By: CR J CLIFFORD**

That Council approve the Development Application for Development Permit for High Impact Industry – Concrete Batching, made by P J Tilley on 153A Main Street Proserpine and located at L: 5 SP: 237711, L: 3 SP: 264124, L: 17 SP: 253093 T: EMT H, subject to the conditions outlined in Attachment 1.

**MEETING DETAILS**

The motion was Carried 7 / 0.

**CARRIED**

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### **13.3.1 - Donation - Merinda State School - 125th Anniversary Celebration**

#### **PURPOSE**

Council to consider a request for donation to the Merinda State School P&C Association for their 125<sup>th</sup> Anniversary Celebrations.

#### **OFFICER'S RECOMMENDATION**

That Council approve a donation of \$5,000 to assist the Merinda State School P&C Association for their 125<sup>th</sup> Anniversary Celebrations to be held on the 22 July 2023.

#### **RESOLUTION OM2023/04/26.13**

Moved By: CR M WRIGHT

Seconded By: CR G SIMPSON

That Council approve a donation of \$5,000 to assist the Merinda State School P&C Association for their 125<sup>th</sup> Anniversary Celebrations to be held on the 22 July 2023.

#### **MEETING DETAILS**

The motion was Carried 7 / 0.

**CARRIED**

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### **13.3.2 - Sponsorship Request - Whitsunday Cruisin Car Club Inc**

#### **PURPOSE**

Council to consider a request for sponsorship from Whitsunday Cruisin Car Club Inc to assist with their annual event to be held on Saturday 27 May 2023.

#### **OFFICER'S RECOMMENDATION**

That Council approve sponsorship of \$1,000 to assist the Cruisin Whitsunday Show and Shine organisers with their annual event to be held Saturday 27 May 2023.

#### **RESOLUTION OM2023/04/26.14**

**Moved By: CR J CLIFFORD**

**Seconded By: CR J COLLINS**

**That Council approve sponsorship of \$1,000 to assist the Cruisin Whitsunday Show and Shine organisers with their annual event to be held Saturday 27 May 2023.**

#### **MEETING DETAILS**

The motion was Carried 7 / 0.

**CARRIED**

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### **13.3.3 - Sponsorship Request - 2023 Horsepower Heroes Whitsundays**

#### **PURPOSE**

Council to consider a request for sponsorship from Horsepower Heroes to assist with their annual event to be held on Saturday 15 July 2023.

#### **OFFICER'S RECOMMENDATION**

That Council approve sponsorship of \$3,500 to assist Horsepower Heroes event organisers with their annual event to be held on Saturday 15 July 2023.

#### **RESOLUTION OM2023/04/26.15**

**Moved By: CR G SIMPSON**

**Seconded By: CR J CLIFFORD**

**That Council approve sponsorship of \$3,500 to assist Horsepower Heroes event organisers with their annual event to be held on Saturday 15 July 2023.**

#### **MEETING DETAILS**

The motion was Carried 7 / 0.

**CARRIED**

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### 13.3.4 - Financial Support for a Junior Elite Athlete - 26 April 2023

#### PURPOSE

For Council to consider the applications for Financial Support for a Junior Elite Athlete.

#### OFFICER'S RECOMMENDATION

That Council approve financial support for the following applicants:

- a) Lola Boorman – U13 Junior Nissan State Age Event (Netball) - \$250
- b) Ruby Henry – U13 Junior Nissan State Age Event (Netball) - \$250
- c) Maali Bradley - U13 Junior Nissan State Age Event (Netball) - \$250
- d) Holly Perrin – NQ 13-19yrs Swimming State Championships - \$250
- e) Harrison Squires – Australian 13 Boys Representative Futsal Team - \$2,000

#### RESOLUTION OM2023/04/26.16

Moved By: CR M WRIGHT

Seconded By: CR J CLIFFORD

That Council approve financial support for the following applicants:

- a) Lola Boorman – U13 Junior Nissan State Age Event (Netball) - \$250
- b) Ruby Henry – U13 Junior Nissan State Age Event (Netball) - \$250
- c) Maali Bradley - U13 Junior Nissan State Age Event (Netball) - \$250
- d) Holly Perrin – NQ 13-19yrs Swimming State Championships - \$250
- e) Harrison Squires – Australian 13 Boys Representative Futsal Team - \$2,000

#### MEETING DETAILS

The motion was Carried 7 / 0.

**CARRIED**

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### 13.3.5 - Sport & Recreation Club Grants - 26 April 2023

#### PURPOSE

For Council to consider the payment of the Sport & Recreation Club Grants for April 2023 in accordance with Council's Sport & Recreation Grant Guidelines.

#### OFFICER'S RECOMMENDATION

That Council approve the payment of a Sport & Recreation Club Grants to the following recipients:

1. Whitsunday Automotive and Restoration Club Inc. - Band 2 - \$1,500
2. Whitsunday Triathlon Club Inc – Band 3 - \$1,000
3. Bowen Breakers Basketball Inc. – Band 4 - \$1,000
4. Whitsunday Coast 4x4 Club Inc. - Band 4 - \$1,000

#### RESOLUTION OM2023/04/26.17

Moved By: CR M WRIGHT

Seconded By: CR G SIMPSON

That Council approve the payment of a Sport & Recreation Club Grants to the following recipients:

1. Whitsunday Automotive and Restoration Club Inc. - Band 2 - \$1,500
2. Whitsunday Triathlon Club Inc – Band 3 - \$1,000
3. Bowen Breakers Basketball Inc. – Band 4 - \$1,000
4. Whitsunday Coast 4x4 Club Inc. - Band 4 - \$1,000

#### MEETING DETAILS

The motion was Carried 7 / 0.

CARRIED

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**14 MATTERS OF IMPORTANCE**

**MATTERS OF IMPORTANCE – SHORT TERM ACCOMODATION**

**RESOLUTION OM2023/04/26.18**

**Moved By: CR J CLIFFORD**

**Seconded By: CR C BAUMAN**

**That a report be brought back to Council regarding the actual numbers of Short Term Accommodation within the region.**

**MEETING DETAILS**

The motion was Carried 7 / 0.

**CARRIED**

**Matters of Importance (no resolution required):**

Cr Brunker - Slashing Roads (Collinsville Road)

Cr Collins - Pool Blankets in Proserpine

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***The meeting closed at 11.21am***

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Confirmed as a true and correct recording this 10 May 2023

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**Cr Julie Hall  
MAYOR**