



# **Minutes of the Ordinary Council Meeting held on Wednesday 8 March 2023 at Council Chambers, 83-85 Main Street, Proserpine**

*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 and Michael Brunker

**Council Officers Present:**

Warren Bunker (Chief Executive Officer); Julie Wright (Director Community Services); Shane Neville (Acting Director Development Services); Jason Bradshaw (Director Corporate Services); Adam Hagy (Director Infrastructure Services); Greg Martin (Communications and Marketing Manager); Tailah Jensen (Governance Administration Officer/Minute Taker); James Ngoroyemoto (Manager, Governance and Administration); Rebekah Sinclair (Governance and Legal Coordinator)

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

James McEvoy-Bowe (Senior Planning); Peter Shuttlewood (Executive Manager Procurement, Property & Fleet)

**Meeting Schedule:**

The meeting commenced at 9.00am

The meeting adjourned for morning tea at 9.49am

The meeting reconvened from morning tea at 10.19am

The meeting closed at 11.32am

Whitsunday Regional Council  
**Minutes of the Ordinary Council Meeting** held at  
**Council Chambers, 83-85 Main Street, Proserpine** on  
**Wednesday 8 March 2023** commencing at **9:00 AM**

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

There were no apologies/leaves of absence requests for this meeting.

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## **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 OM2023/03/08.1**

**Moved By: CR J CLIFFORD**

**Seconded By: CR M BRUNKER**

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

#### **MEETING DETAILS**

The motion was Carried 7 / 0.

**CARRIED**

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## **3 DECLARATIONS OF INTEREST**

There were no declarations made during this meeting.

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## **4 MAYORAL MINUTE**

There was no mayoral minute for this meeting.

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<b>23 February</b>	<ul style="list-style-type: none"> <li>• I travelled to Airlie Beach to attend the Monthly Board Meeting for Tourism Whitsundays.</li> <li>• Following on from this I met with a rate payer and in Airlie Beach; and later that evening I attended the Tourism Whitsundays Networking Event for February 2023</li> </ul>
<b>24 February</b>	<ul style="list-style-type: none"> <li>• I travelled to Collinsville along with Director Infrastructure Services and Councillor Michelle Wright to a community meeting with ratepayers to discuss Tondara Road; before travelling to Airlie Beach for a site inspection with Tourism Whitsunday's CEO Rick Hamilton.</li> </ul>
<b>25 February</b>	<ul style="list-style-type: none"> <li>• I was honoured to attend and provide the Welcome Speech for the Proserpine Orchid and Foliage 60 years celebration.</li> </ul>
<b>27 February</b>	<ul style="list-style-type: none"> <li>• We welcomed our new CEO Warren Bunker and attended internal meetings across the organisation.</li> </ul>
<b>28 February</b>	<ul style="list-style-type: none"> <li>• I met with the Officer in Charge of the Proserpine Police Station - Sergeant Mark Flynn; before travelling to Mackay with the Director Infrastructure Services to chair the Whitsunday Regional Roads and Transport Group Board Meeting.</li> <li>• That afternoon I travelled back to Proserpine where I met with the Local Girl Guides before attending the Farewell celebrations for Sue Connors who is standing down after 30 years of service with the Proserpine SES.</li> </ul>
<b>1 March</b>	<ul style="list-style-type: none"> <li>• I travelled to Dingo Beach Community Centre where Council held our first Community Catch Up for 2023 in the Gloucester area. Then I travelled to Proserpine to attend a short Briefing Session, before flying to Brisbane for the two-day LGAQ Queensland Climate Resilient Council Symposium with Cr Jan Clifford and returned to the Whitsunday's on Friday 3<sup>rd</sup> March.</li> </ul>
<b>4 March</b>	<ul style="list-style-type: none"> <li>• I attended the Zonta Club of the Whitsundays International Women's Day 2023 function at Coral Sea Marina.</li> </ul>
<b>6 March</b>	<ul style="list-style-type: none"> <li>• Joined a Teams meeting with Cr Clay Bauman to discuss concerns with a ratepayer.</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 22 February 2023 are provided for Councils review and confirmation.

**OFFICER'S RECOMMENDATION**

That Council confirms the Minutes of the Ordinary Meeting held on 22 February 2023.

**RESOLUTION OM2023/03/08.2**

Moved By: CR C BAUMAN

Seconded By: CR J CLIFFORD

That Council confirms the Minutes of the Ordinary Meeting held on 22 February 2023.

**MEETING DETAILS**

The motion was Carried 7 / 0.

**CARRIED**

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## 7 BUSINESS ARISING

Cr Clifford advised the meeting the following:

Mayor and Councillors,

I would like to acknowledge that my behaviour did not align with the code of conduct for Councillors in the matters that Council has found to be inappropriate conduct in how I approached and addressed the matter. It is important to note that I bear no malice in this matter, never have and never will. Rather, as an experienced Councillor and representative of my Division, I take it as part of my duties to ensure all matters of contention or concern are correct and properly represented and examined. Thank you again, for allowing me the opportunity to publicly address all involved.

### RESOLUTION OM2023/03/08.3

**Moved By: CR J COLLINS**

**Seconded By: CR C BAUMAN**

**That Council acknowledge and receive the statement made by Councillor Clifford.**

### MEETING DETAILS

The motion was Carried 6 / 0.

*Cr Clifford did not participate in the voting on this matter.*

**CARRIED**

## 8 DEPUTATIONS

There were no deputations for this meeting.

## 9 PETITIONS

There were no petitions submitted for this meeting.

## 10 NOTICES OF MOTION

There were no notice of motions for this meeting.

## 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 Office of the Mayor and CEO

#### 13.1.1 - Councillor Conduct Investigation - Councillor Bruner

##### PURPOSE

To provide the findings of an independent investigation report on allegations made by an external party regarding Councillor Mike Bruner's alleged inappropriate conduct, for Council to make a final determination.

##### FOR COUNCIL CONSIDERATION

That Council resolve as follows:

1. Pursuant to sections 150AG(1)(a) and 150K(1) of the *Local Government Act 2009* (Qld), and the Councillor Facility and Expenses Policy Part 2.2, that Councillor Bruner [#has/has not] engaged in inappropriate conduct.

If Council resolves that Councillor Bruner has engaged in inappropriate conduct, that Council further resolve as follows:

2. Pursuant to sections 150AG(1)(b) and 150AH of the *Local Government 2009*, that Council [#take no action/take the following action] against Councillor Mike Bruner [#insert further action pursuant to section 150AH if applicable].

Whether or not Council resolves that Councillor Bruner has engaged in inappropriate conduct, and whatever action it decides to take, must be recorded in the Councillor Conduct Register.

Council further resolve as follows:

3. To direct the CEO to update the Councillor Conduct Register to appropriately reflect the decision of Council in accordance with section 150DY of the *Local Government Act 2009*.

Note, if Council resolves to take disciplinary action against Councillor Bruner, pursuant to section 150AH of the *Local Government Act 2009*, it may make 1 or more of the orders set out in section 150AH(1)(b). It may consider any previous inappropriate conduct of the councillor and any allegation made in the investigation that was admitted, or not challenged, and that Council is reasonably satisfied is true. The below disciplinary action guideline may assist:

| Order                                                                                                                           | First instance<br>engaging in<br>inappropriate<br>conduct | Second<br>instance<br>engaging in<br>inappropriate<br>conduct | Third instance<br>engaging in<br>inappropriate<br>conduct |
|---------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------|---------------------------------------------------------------|-----------------------------------------------------------|
| No action be taken against the councillor                                                                                       | ✓                                                         |                                                               |                                                           |
| The councillor makes a public admission that the councillor has engaged in inappropriate conduct                                | ✓*                                                        | ✓*                                                            | ✓*                                                        |
| A reprimand be recorded against the councillor for the conduct                                                                  | ✓#                                                        | ✓#                                                            | ✓#                                                        |
| The councillor attends training or counselling addressing the councillor's conduct                                              | ✓#                                                        | ✓#                                                            | ✓#                                                        |
| The councillor be excluded from a stated local government meeting                                                               |                                                           | ✓                                                             | ✓                                                         |
| The councillor is removed or must resign from a position representing the local government, other than the office of councillor |                                                           |                                                               | ✓                                                         |
| If the councillor engages in the same type of conduct again, it will be treated as misconduct                                   | ✓^                                                        | ✓                                                             |                                                           |
| The councillor reimburses the local government for some of the costs arising from the councillor's inappropriate conduct**      |                                                           | ✓                                                             | ✓                                                         |

\*May be appropriate where there is heightened or particular public interest in the type of conduct or the subject matter relating to the conduct

# May be particularly appropriate where the conduct involves bullying or harassment or making inappropriate comments about another person

^ For more serious and deliberate inappropriate conduct by an experienced councillor

\*\* Costs arising from the councillor's inappropriate conduct includes investigative costs, legal costs, and support costs.

During the meeting Mayor Hall advised the following:

*I believe that Cr Brunker has a prescribed conflict of interest in this matter, since Cr Brunker is the subject of the allegations in this report. Therefore, I would be requesting Cr Brunker to leave the room when Council discusses and decides this matter.*

*Any investigation of suspected inappropriate conduct of a Councillor/s must be carried out in accordance with natural justice. "Natural justice" or procedural fairness, refers to three key principles:*

- the person being investigated has a chance to have his or her say before adverse formal findings are made and before any adverse action is taken (fair hearing)*
- the investigator(s) should be objective and impartial (absence of bias), and*
- any action taken is based on evidence (not suspicion or speculation).*

*I would like to offer this opportunity to Councillor Brunker, if he would like to be heard prior to leaving the meeting because of his conflict.*

Mayor Hall offered Cr Brunner the opportunity to be heard prior to leaving the meeting because of their conflict.

Cr Brunner advised the following:

*First of all, I would like to sincerely apologise for the actions that have been brought to this Council, unbelievable as they are, they are technically right and I certainly apologise because leading up to this, besides the Facebook post from the Bowen Independent I certainly believe in the pub test and people would come up to me and say 'What have you done' and I said well I expect to do 5 years in Etna Creek (Prison) for what I have done and they said 'have you murdered someone?' and I said no - 'You broke into cars, broke into houses, assault' - no. I had a Facebook page that was titled acting Mayoral candidate and I had a Council email address on that Facebook page. And they start laughing, they said 'your joking'. I said no, under the rules your not allowed to do that and I said with my knowledge of building Facebook pages, I should have checked and not realising that a resource or an asset of Council is an email address - I should have done something about it. So for that I am very apologetic to the Councillors for that.*

*I am also embarrassed, I am embarrassed for the failed Mayoral candidate who's lodged this complaint because not only being rejected by the community - to think that the only thing you can do through the whole Mayoral race is to look around and try and sling some mud on someone and hit the jackpot thinking this is Watergate and we are going to bring down not only Council, but the State Government - I don't know. But I am embarrassed that someone and then to double down and bring up a situation where we've had a national tragedy within this region and to suggest that I was trying to make some sort of political advantage out of this is just absolutely disgraceful. We had...I am not even going to mention the incident but to raise that is just an absolute disgrace and the person who's lodged that should hold his head in shame.*

*Also I am angry about the cost, this particular investigation has cost over ten thousand dollars and I could only wish that it comes out of the division that the person complained from. It might give me a little bit more justice. I am hoping that this Council learns something from this particular event and I think that the previous CEO might have been retiring, didn't want the hassles and called in some investigators. Now my interview of all but about five minutes I think it was, with the investigators, they couldn't even show me, I took their word on it but my email was on the Facebook page because all they had was a screenshot from the complainant so they couldn't even show me - it wasn't on the front of the Facebook page, you had to go into it. So again, I am not a big Facebook builder, user or whatever, so I took their word for it.*

*So, our Policy does say that the CEO has the right, when they are frivolous, simplistic, and not worth the paper they are written on, the CEO has the option to email the unaffected Councillors and ask for their advice, that's our Policy. And then we would just go back and say this is ridiculous. Absolutely ridiculous. So again, I hope that the next time something as simplistic as this comes up, that we don't spend ten thousand dollars on such an investigation because that could have been a couple hundred meters, I'm harassing the Director about some footpaths at Mullers Lagoon, that could have been a couple hundred meters of concrete to go around Mullers Lagoon that the public is going to get a bit of use out of. Because again, the pub test - I particularly go into the pubs and ask the people their opinion. And this accusation, although technically right, is absolutely laughable. Absolutely laughable. And then when we say, when we tell the people in the pub that we have spent ten thousand dollars to get to this situation, I will carry the heavy cross for the next, you know, for the rest of my life for doing this. Using that wrong email. But I tell you what, there is a financial cost to Council that is more important and that's what I am, that's why I am so apologetic about as well. To me, if we had such a thing as a tea lady in Council, if she come*

*up to me and said 'you know you got your email on the Facebook page'. I would have taken it down. There's simple mistakes that we make and I think, yourself (to Mayor Hall) was caught up with your Declaration of Interest about the political donation to your declaring that, its a simple mistake that can be made and that's all this was. So at the end of the day, I'll cop it on the chin and I'll take it from there, so that is my explanation and certainly again apologetic, embarrassed and angry.*

Mayor Hall advised Cr Brunner he should leave the room as per his Conflict of Interest.

Cr Brunner left the meeting at 9.19am and did not take part in any discussion or voting on the following matters.

#### **RESOLUTION OM2023/03/08.4**

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

**Seconded By: CR G SIMPSON**

**That Council resolve pursuant to sections 150AG(1)(a) and 150K(1) of the *Local Government Act 2009* (Qld), and the Councillor Facility and Expenses Policy Part 2.2, that Cr Michael Brunner has engaged in inappropriate conduct.**

#### **MEETING DETAILS**

The motion was Carried 4 / 2.

**CARRIED**

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#### **RESOLUTION OM2023/03/08.5**

**Moved By: CR C BAUMAN**

**Seconded By: CR J HALL (MAYOR)**

**That Council resolve pursuant to sections 150AG(1)(b) and 150AH of the *Local Government 2009*, that Council take the following action against Cr Michael Brunner:**

- a) The Councillor reimburses the local government \$500.00 for some of the costs arising from the Councillor's inappropriate conduct.**
- b) The Councillor attends training or counselling addressing the Councillor's conduct.**
- c) Note the public apology made by Cr Michael Brunner made in his statement.**

#### **MEETING DETAILS**

The motion was Carried 4 / 2.

Cr Wright called for a division:

For the motion – Cr Bauman, Cr Clifford, Cr Hall, Cr Simpson

Against the motion – Cr Collins, Cr Wright

**CARRIED**

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**RESOLUTION OM2023/03/08.6**

**Moved By: CR J CLIFFORD**

**Seconded By: CR G SIMPSON**

**That Council direct the Chief Executive Officer to update the Councillor Conduct Register to appropriately reflect the decision of Council in accordance with section 150DY of the *Local Government Act 2009*.**

**MEETING DETAILS**

The motion was Carried 5 / 1.

**CARRIED**

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*Cr Brunker returned to the meeting at 9.42am.*

*Mayor Hall advised Cr Brunker of the outcomes of the decision made by Council.*

### **13.2.1 - Lease - Part of Land - Lot 277 Kelsey Creek Road, Kelsey Creek - Proserpine State High School**

#### **PURPOSE**

Proserpine State High School has advised Council that they wish to renew their lease and continue their use of part of the land for agricultural studies at Lot 277 Kelsey Creek Road, Kelsey Creek also known as the Kelsey Creek Landfill.

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

That Council authorise the Chief Executive Officer to enter into negotiations and execute a five (5) year peppercorn lease with the State of Queensland represented as the Department of Education (Proserpine State School) for part of the land being Lease C on Lot 277 on SP113325 in accordance with Section 236(b) and (c)(iii) of the Local Government Regulation 2012.

#### **RESOLUTION OM2023/03/08.7**

**Moved By: CR J COLLINS**

**Seconded By: CR J CLIFFORD**

**That Council authorise the Chief Executive Officer to enter into negotiations and execute a five (5) year peppercorn lease with the State of Queensland represented as the Department of Education (Proserpine State School) for part of the land being Lease C on Lot 277 on SP113325 in accordance with Section 236(b) and (c)(iii) of the Local Government Regulation 2012.**

#### **MEETING DETAILS**

The motion was Carried 7 / 0.

**CARRIED**

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### **13.2.2 - Trustee Lease - Lot 38 Thurso Road, Bowen Lot 38 on HR1253 - SJ & DM Norman**

#### **PURPOSE**

The current lessee's of Lot 38 Thurso Road, Bowen have advised Council that they wish to renew their trustee lease that is due to expire on the 30 April 2023.

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

That Council authorise the Chief Executive Officer to enter into negotiations and execute a whole of land trustee lease over Lot 38 on HR1253, Thurso Road, Bowen with SJ & DM Norman for a 10-year term in accordance with Section 236(1)(c)(iii) of the Local Government Regulation 2012.

#### **RESOLUTION**

**Moved By: CR M WRIGHT**

**That Council authorise the Chief Executive Officer to enter into negotiations and execute a whole of land trustee lease over Lot 38 on HR1253, Thurso Road, Bowen with SJ & DM Norman for a 10-year term in accordance with Section 236(1)(c)(iii) of the Local Government Regulation 2012.**

#### **PROCEDURAL MOTION - DEFER ITEM OM2023/03/08.8**

**Moved by: CR J CLIFFORD**

**That the item be deferred to the closed session for the purposes of discussing financial issues.**

#### **MEETING DETAILS:**

The procedural motion was Carried 7 / 0

**CARRIED**

*To discuss the commercial terms associated with the lease in the report, Council will need to refer to Section 254J 3(g) of the Local Government Regulation 2012 for further detailed discussion.*

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#### **PROCEDURAL MOTION - ADJOURNMENT OM2023/03/08.9**

**Moved by: CR J CLIFFORD**

**Seconded by: CR C BAUMAN**

**That the meeting be adjourned for the purpose of morning tea at 9.49am.**

#### **MEETING DETAILS:**

The procedural motion was Carried 7 / 0

**CARRIED**

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*Presentations were made at morning tea for Elite Athletes.*

**PROCEDURAL MOTION - RECONVENE OM2023/03/08.10**

**Moved by: CR J CLIFFORD**

**Seconded by: CR G SIMPSON**

**That the meeting be reconvened from morning tea at 10.19am.**

**MEETING DETAILS:**

The procedural motion was Carried 7 / 0

**CARRIED**

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**13.2.3 - Local Government Remuneration Commission – Determination of Levels of Remuneration for Mayors, Deputy Mayors and Councillors**

**PURPOSE**

To inform Council of the Local Government Remuneration Commission review and for Council to decide on recommended maximum remuneration levels for mayors, deputy mayors and councillors commencing 1 July 2023.

**OFFICER'S RECOMMENDATION**

That Council adopts the recommendations from the Local Government Remuneration Commission for Category 3 Councils for the maximum remuneration levels for the Mayor, Deputy Mayor and Councillors for the period commencing 1 July 2023.

*The Mayor sought to move an amendment to the motion to separate the role of Mayor to not receive any increase in remuneration.*

**RESOLUTION OM2023/03/08.11**

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

**Seconded By: CR G SIMPSON**

**That Council:**

- 1. Resolves to adopt the recommendations from the Local Government Remuneration Commission for Category 3 Councils for the maximum remuneration levels, Deputy Mayor and Councillors for the period commencing 1 July 2023.**
- 2. Resolves not to adopt the recommendations from the Local Government Remuneration Commission for Category 3 Councils for the maximum remuneration levels for the Mayor and retain the current remuneration level.**

**MEETING DETAILS**

The motion was Carried 6 / 1.

**CARRIED**

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### 13.2.4 - Unconfirmed Minutes - Audit and Risk Committee Meeting

#### PURPOSE

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.

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.

#### OFFICER'S RECOMMENDATION

That Council endorse the Unconfirmed Minutes of the Audit & Risk Committee Meeting held on 21 February 2023.

#### RESOLUTION OM2023/03/08.12

Moved By: CR J CLIFFORD

Seconded By: CR G SIMPSON

That Council endorse the Unconfirmed Minutes of the Audit & Risk Committee Meeting held on 21 February 2023.

#### MEETING DETAILS

*Director Corporate Services, Jason Bradshaw apologised and advised that Cr Clifford will be included in the attendees list within the Unconfirmed Audit and Risk Committee Minutes. The changes will be applied accordingly.*

The motion was Carried 7 / 0.

**CARRIED**

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### 13.2.5 - Update to Community Catch-up Dates

#### PURPOSE

The purpose of this report is for Council to consider updating the proposed Community Catch-up locations and dates.

#### OFFICER'S RECOMMENDATION

That Council adopts the following locations for Community Catch-up meetings for the remaining of 2023 calendar year.

1. Mt Coolon
2. Collinsville
3. Conway and Wilson Beach
4. Scottsville
5. Airlie Beach/Shute Harbour
6. Gumlu and Cape Upstart
7. Cannonvale
8. Bowen
9. Proserpine

#### RESOLUTION OM2023/03/08.13

Moved By: CR M WRIGHT

Seconded By: CR J CLIFFORD

That Council adopts the following locations for Community Catch-up meetings for the remaining of 2023 calendar year.

1. Mt Coolon
2. Collinsville
3. Conway and Wilson Beach
4. Scottsville
5. Airlie Beach/Shute Harbour
6. Gumlu and Cape Upstart
7. Cannonvale
8. Bowen
9. Proserpine

#### MEETING DETAILS

*Cr Wright requested some changes to the Community Catch-up locations to be switched around. Director Corporate Services, Jason Bradshaw advised that this will be taken offline and the schedule reviewed to reflect the requested changes accordingly.*

The motion was carried 7/0.

**CARRIED**

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**13.3.1 - 20220715 - Development Permit for Reconfiguration of a Lot (Staged) & Staged Material Change of Use (Warehouse & Ancillary uses & Caretakers Accommodation) - 82 Shute Harbour Road, Cannonvale - Middle Pond Pty Ltd C/- Vision Survey (QLD)**

**PURPOSE**

To present the assessment of the development application.

**OFFICER'S RECOMMENDATION**

That Council part approve, and part refuse the Development Application for Reconfiguration of a Lot in Stages & Material Change of Use for Warehouse (Self Storage Facility) and Ancillary Showroom, Shop, Office and Caretakers Accommodation (Staged), made by Middle Pond Pty Ltd, on Lot 1 RP737399 and Lot 4 RP737339 and located at 82 Shute Harbour Road, Cannonvale, as follows:

Part A.

Approve the Reconfiguration of a Lot in Stages, subject to the conditions in Attachment 2.

Part B.

Refuse the Material Change of Use for Warehouse (Self Storage Facility) and Ancillary Showroom, Shop, Office and Caretakers Accommodation (Staged), for the following reasons:

- The proposal conflicts with the intent of the State Planning Policy (SPP) for Liveable Communities and Housing.
- The proposal conflicts with the Whitsunday Regional Council Planning Scheme 2017(3.7), as follows:
  - Strategic Intent – Liveable Communities and Housing
  - Low medium density zone code
- An overriding community need has not been demonstrated.
- The proposal has a significant impact on the supply of land suitable for higher density developments to meet the needs of low to moderate income households.

**RESOLUTION OM2023/03/08.14**

**Moved By: CR G SIMPSON**

**Seconded By: CR J COLLINS**

**That Council part approve, and part refuse the Development Application for Reconfiguration of a Lot in Stages & Material Change of Use for Warehouse (Self Storage Facility) and Ancillary Showroom, Shop, Office and Caretakers Accommodation (Staged), made by Middle Pond Pty Ltd, on Lot 1 RP737399 and Lot 4 RP737339 and located at 82 Shute Harbour Road, Cannonvale, as follows:**

**Part A.**

**Approve the Reconfiguration of a Lot in Stages, subject to the conditions in Attachment 2.**

**Part B.**

**Refuse the Material Change of Use for Warehouse (Self Storage Facility) and Ancillary Showroom, Shop, Office and Caretakers Accommodation (Staged), for the following reasons:**

- **The proposal conflicts with the intent of the State Planning Policy (SPP) for Liveable Communities and Housing.**
- **The proposal conflicts with the Whitsunday Regional Council Planning Scheme 2017(3.7), as follows:**
  - **Strategic Intent – Liveable Communities and Housing**
  - **Low medium density zone code**
- **An overriding community need has not been demonstrated.**
- **The proposal has a significant impact on the supply of land suitable for higher density developments to meet the needs of low to moderate income households.**

**MEETING DETAILS**

The motion was Carried 7 / 0.

**CARRIED**

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### 13.4.1 - Sponsorship Request - Miles Wood

#### PURPOSE

Council to consider a request for sponsorship assistance for Miles Wood to compete in the North American Blokart Association National Championships held in Lake Ivanpah, Nevada and 2024 World Blokart Championships.

#### OFFICER'S RECOMMENDATION

That Council approve a cash sponsorship of \$3,000 to assist Miles Wood compete in the North American Blokart Association National Championships held in Lake Ivanpah, Nevada and 2024 World Blokart Championships.

#### RESOLUTION OM2023/03/08.15

Moved By: CR M BRUNKER

Seconded By: CR J CLIFFORD

That Council approve a cash sponsorship of \$3,000 to assist Miles Wood compete in the North American Blokart Association National Championships held in Lake Ivanpah, Nevada and 2024 World Blokart Championships.

#### MEETING DETAILS

The motion was Carried 7 / 0.

**CARRIED**

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### **13.4.2 - Sponsorship Request - Weetalaba Campdraft**

#### **PURPOSE**

Council to consider a request for sponsorship from the Weetalaba Campdraft Association Inc. for the Campdraft event to be held on 26, 27 and 28 May 2023.

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

That Council approve a sponsorship of \$2,000 to assist with the success of the Weetalaba Campdraft Association.

#### **RESOLUTION OM2023/03/08.16**

**Moved By: CR M WRIGHT**

**Seconded By: CR C BAUMAN**

**That Council approve a sponsorship of \$2,000 to assist with the success of the Weetalaba Campdraft Association.**

#### **MEETING DETAILS**

The motion was Carried 7 / 0.

**CARRIED**

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### 13.4.3 - National Sorry Day Tree Proposal - Feros Care

#### PURPOSE

Council to consider a proposal from Feros Care seeking approval to install a permanent fabricated commemorative tree and plaque for the First Nations People at the Front Beach, Bowen.

#### OFFICER'S RECOMMENDATION

That Council approve the proposal to install a permanent fabricated tree and plaque at the Front Beach in Bowen, to commemorate the First Nations People and National Sorry Day.

#### RESOLUTION OM2023/03/08.17

Moved By: CR M WRIGHT

Seconded By: CR J CLIFFORD

That Council approve the proposal to install a permanent fabricated tree and plaque at the Front Beach in Bowen, to commemorate the First Nations People and National Sorry Day.

#### MEETING DETAILS

The motion was Carried 7 / 0.

**CARRIED**

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#### 13.4.4 - Donation on Council Fees February 2023

##### PURPOSE

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

##### OFFICER'S RECOMMENDATION

That Council approve the donation on Council fees for the following applicants.

1. Little Diggers Day Care – Trade Waste Disposal Fee - \$104
2. Whitsunday Running Club Inc. – Class 3 Event Application - \$415
3. Whitsunday Counselling and Support Inc. – Class 3 Event Application - \$415
4. Whitsunday Running Club Inc. – Class 2 Event Application - \$691
5. Bowen RSL Sub-Branch – Class 2 Event Application - \$691

##### RESOLUTION OM2023/03/08.18

Moved By: CR J CLIFFORD

Seconded By: CR M WRIGHT

That Council approve the donation on Council fees for the following applicants.

1. Little Diggers Day Care – Trade Waste Disposal Fee - \$104
2. Whitsunday Running Club Inc. – Class 3 Event Application - \$415
3. Whitsunday Counselling and Support Inc. – Class 3 Event Application - \$415
4. Whitsunday Running Club Inc. – Class 2 Event Application - \$691
5. Bowen RSL Sub-Branch – Class 2 Event Application - \$691

##### MEETING DETAILS

The motion was Carried 7 / 0.

CARRIED

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### 13.4.5 - Sport & Recreation Club Grants - March 2023

#### PURPOSE

For Council to consider the payment of the Sport & Recreation Club Grants for March 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. Proserpine Golf Club Inc – Band 1 - \$5,500
2. Bowen Touch Football Association Inc. – Band 2 - \$3,000
3. Proserpine Veteran Golfers Inc. – Band 3 - \$1,500
4. Collinsville Scottville Amateur Swimming Club Inc. - Band 4 - \$1,000
5. Bowen Collinsville Lapidary Club Inc. - Band 4 - \$1,000
6. Bowen Collinsville Rifle Club Inc. - Band 4 - \$1,000

#### RESOLUTION OM2023/03/08.19

Moved By: CR G SIMPSON

Seconded By: CR J HALL (MAYOR)

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

1. Proserpine Golf Club Inc – Band 1 - \$5,500
2. Bowen Touch Football Association Inc. – Band 2 - \$3,000
3. Proserpine Veteran Golfers Inc. – Band 3 - \$1,500
4. Collinsville Scottville Amateur Swimming Club Inc. - Band 4 - \$1,000
5. Bowen Collinsville Lapidary Club Inc. - Band 4 - \$1,000
6. Bowen Collinsville Rifle Club Inc. - Band 4 - \$1,000

#### MEETING DETAILS

The motion was Carried 7 / 0.

**CARRIED**

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### 13.4.6 - Community Services Monthly Report - February 2023

#### PURPOSE

The purpose of the report is to set out an account of statistics pertaining to the functions of each branch within the Community Services Directorate for the month of February 2023.

#### OFFICER'S RECOMMENDATION

That Council receive the Community Services Monthly Report for February 2023.

#### RESOLUTION OM2023/03/08.20

Moved By: CR J CLIFFORD

Seconded By: CR M WRIGHT

That Council receive the Community Services Monthly Report for February 2023.

#### MEETING DETAILS

The motion was Carried 7 / 0.

CARRIED

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### 14 MATTERS OF IMPORTANCE

#### MATTERS OF IMPORTANCE – TOLLINGTON ROAD DRAIN FLOOD STUDY

#### RESOLUTION OM2023/03/08.21

Moved By: CR M WRIGHT

Seconded By: CR M BRUNKER

That a report be brought back to Council regarding the review of the Tollington Road drain and further information be provided on the flood study within that area.

#### MEETING DETAILS

The motion was Carried 7 / 0.

CARRIED

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Further Matters of Importance (No resolution required):

- Cr Wright - Update on Tondara Road Grading and plan moving forward
- Cr Brunker - Fallen Light Pole at Collinsville Rugby League
- Cr Bauman - Follow up on CRM

**PROCEDURAL MOTION - CLOSURE OF MEETING (CONFIDENTIAL SESSION)  
OM2023/03/08.22**

**Moved by: CR J CLIFFORD**

**Seconded by: CR J COLLINS**

**That Council close the meeting to the public at 11.18am in accordance with Section 254J of the Local Government Regulations 2012 for closed meetings, for the purpose of discussing the following item and the reasons for going into closed session:**

**13.2.2 - Trustee Lease – Lot 38 Thurso Road, Bowen Lot 38 on HR1253 – SJ & DM Norman.**

(g) negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interests of the local government.

**MEETING DETAILS:**

The procedural motion was Carried 7 / 0

**CARRIED**

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**PROCEDURAL MOTION - REOPEN MEETING OM2023/03/08.23**

**Moved by: CR J CLIFFORD**

**Seconded by: CR C BAUMAN**

**That Council reopen the meeting to the general public at 11.30am.**

**MEETING DETAILS:**

The motion was Carried 7 / 0

**CARRIED**

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**RESOLUTION OM2023/03/08.24**

**Moved By: CR M WRIGHT**

**Seconded By: CR J CLIFFORD**

**That Council authorise the Chief Executive Officer to enter into negotiations and execute a whole of land trustee lease over Lot 38 on HR1253, Thurso Road, Bowen with SJ & DM Norman for a 10-year term in accordance with Section 236(1)(c)(iii) of the Local Government Regulation 2012.**

**MEETING DETAILS**

The motion was Carried 7 / 0.

**CARRIED**

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**15 LATE REPORT ITEMS**

There were no late report items for this meeting.

**16 CLOSURE OF MEETING**

The Meeting closed at 11.32am

Confirmed as a true and correct recording this 22 March 2023

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**Cr Julie Hall  
MAYOR**