



# **Minutes of the Ordinary Council Meeting held on Wednesday 28 February 2024 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), Gary Simpson (Deputy Mayor), Jan Clifford, Clay Bauman, John Collins, and Michael Brunker

**Council Officers Present:**

Warren Bunker (Chief Executive Officer); Julie Wright (Director Community Services and Facilitation); Neil McGaffin (Director Regional Strategy and Planning); Jason Bradshaw (Director Corporate Services); Gary Murphy (Director Infrastructure Services); Greg Martin (Communications and Marketing Manager); James Ngoroyemoto (Manager Governance and Administration); Madeleine Bailey (Councillor Support Officer/Minute Taker)

The meeting commenced at 09:01am

The meeting closed at 10:19am

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## 1 APOLOGIES/LEAVE OF ABSENCE

### RESOLUTION OM2024/02/28.1

Moved By: CR M BRUNKER

Seconded By: CR J CLIFFORD

That Council receives the apology from Cr Michelle Wright from 28 February 2024 Ordinary Council Meeting.

### MEETING DETAILS

The motion was Carried 6 / 0.

**CARRIED**

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## 2 CONDOLENCES

Council acknowledged and observed a minute silence for the recently deceased throughout the Whitsunday Region.

Cr Clifford acknowledged the recent passing of Billy Rose. A long standing community member who also served in the Navy for 40 years, and instrumental in the formation of the subbranch of the Airlie Beach RSL. Condolences to Billy's wife Joan and their family.

Cr Brunner acknowledged the recent passing of Sylvia Wilson, passed away peacefully in Brisbane on February 19th. Sylvia and her late husband, Jean Wilson left with a massive legacy in the Bowen community with their donation of Mullers Lagoon Parkland.

Cr Collins acknowledged the recent passing of George Hassledolf. George was 102 years old and lived an amazing life, he was a World War II. George was a founding board member of the Nursing Home, and more recently he has been well known as a patron at the local RSL Branch. Condolences to his family, he was a very popular man around town.

### 3 CONFIRMATION OF MINUTES

#### 3.1 - 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 24 January 2024 are provided for Councils review and confirmation.

##### OFFICER'S RECOMMENDATION

That Council confirms the Minutes of the Ordinary Meeting held on 24 January 2024.

##### RESOLUTION OM2024/02/28.2

Moved By: SIMPSON

Seconded By: COLLINS

That Council confirms the Minutes of the Ordinary Meeting held on 24 January 2024.

##### MEETING DETAILS

The motion was Carried 6/0

**CARRIED**

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#### **4 BUSINESS ARISING**

There were no business arising matters for this meeting.

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#### **5 MAYORAL MINUTE**

There was no mayoral minute for this meeting.

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#### **6 NOTICES OF MOTION**

There were no notice of motions for this meeting.

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#### **7 DEPUTATIONS**

There were no deputations for this meeting.

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#### **8 PETITIONS / QUESTIONS ON NOTICE**

There were no petitions or questions on notice for this meeting.

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*The CEO acknowledged the request from Mr Taylor and invited him to present his public question.*

## **9 QUESTIONS FROM THE PUBLIC GALLERY**

**Name:** Rogin Taylor, Conway Road, Preston

### **QUESTION 1**

Council approved the lease without knowing what the remuneration would be, I and the Whitsunday Ratepayer would like to know what the terms of the lease are, what is the remuneration to Council for the lease and when will the lease expire?

### **QUESTION 2**

What was the enormous cost to Council (ratepayers) for the significant Court preparations by Council staff, daily attendances by Council staff at every Court hearing and for a full legal team from McKays Solicitors plus a Barrister employed by McKays Solicitors to represent Council in Court for five days to pursue an infringement order against Licenced Plumber and Gas fitter Mr Neal, for \$2,757.00 that would be increased to \$34,462.25 if the Infringement order was contested?

As Council lost their case when Magistrate Howard declared there was no wrong doing and there was no case to answer, Mr Neal who represented himself in Court issued an invoice to Council for payment on 29th December 2023. The itemised, detailed invoice is based on the actual hours spent in court, time spent writing counter "submissions" in response to Councils Legal Team, submissions to court, out of pocket expenses incurred and loss of income. The invoice for \$10,539.75 apparently has not progressed in Council for payment. Why has the account has not been paid?

A response will be provided to the customer in due course and included in the next available Ordinary Council Meeting agenda under the business arising section.

## 10 COMMITTEES REPORTS

No Committee Reports were tabled at this Meeting.

**11.1 - 2023/24 Operational Plan Quarter 2 Report****PURPOSE**

The purpose of this report is to present a written assessment of Council's progress towards implementing the annual Operational Plan 2023/24 for the period ending 31<sup>st</sup> December 2023 (Quarter Two review).

**OFFICER'S RECOMMENDATION**

That Council receive the Operational Plan 2023/24 Quarter Two Report.

**RESOLUTION OM2024/02/28.4**

Moved By: CR M BRUNKER

Seconded By: CR J CLIFFORD

That Council receive the Operational Plan 2023/24 Quarter Two Report.

**MEETING DETAILS**

The motion was Carried 6 / 0.

**CARRIED**

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*Cr Simpson declared a perceived conflict of interest in relationship with a home based business, in which Accommodation Whitsunday have management rights.*

## **11.2 - 20231021 - Development Application for Development Permit for Material Change of Use - Short Term Accommodation - Lot 12 119 Botanica Drive, Woodwark - J Walker & M Rogers**

### **PURPOSE**

To present the assessment of the development application.

### **OFFICER'S RECOMMENDATION**

That Council approve the Development Permit for Material Change of Use – Short Term Accommodation, made by Jeffrey Walker and Mark Rogers, on L: 12 SP: 153781 and located at Lot 12 119 Botanica Drive, Woodwark, subject to the conditions outlined in **Attachment 2**.

### **RESOLUTION OM2024/02/28.5**

**Moved By: CR J COLLINS**

**Seconded By: CR M BRUNKER**

**That Council approve the Development Permit for Material Change of Use – Short Term Accommodation, made by Jeffrey Walker and Mark Rogers, on L: 12 SP: 153781 and located at Lot 12 119 Botanica Drive, Woodwark, subject to the conditions outlined in Attachment 2.**

### **MEETING DETAILS**

The motion was Carried 4 / 2.

**CARRIED**

Division

*For the Motion: Mayor Hall, Cr Simpson, Cr Brunker, Cr Collins*

*Against the Motion: Cr Clifford, Cr Bauman*

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**11.3 - 20231200 – Development Permit For Material Change Of Use – Short Term Accommodation – 461b And 461 Sugarloaf Road, Riordanvale – D J Kennedy & R E Kennedy C/- Vision Surveys Qld Pty Ltd**

**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 D J Kennedy & R E Kennedy, located at 461B Sugarloaf Road Riordanvale, subject to the conditions outlined in **Attachment 2**.

**RESOLUTION OM2024/02/28.6**

Moved By: **CR G SIMPSON**

Seconded By: **CR J COLLINS**

That Council approve the Development Application for Development Permit for Material Change of Use – Short Term Accommodation, made by D J Kennedy & R E Kennedy, located at 461B Sugarloaf Road Riordanvale, subject to the conditions outlined in Attachment 2.

**MEETING DETAILS**

The motion was Carried 4 / 2.

**CARRIED**

Division

*For the Motion: Mayor Hall, Cr Simpson, Cr Brunner, Cr Collins*

*Against the Motion: Cr Clifford, Cr Bauman*

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## 11.4 - 20231257 - Development Application for Development Permit for Material Change of Use - Short Term Accommodation - 43 Harbour Ave, Shute Harbour - Z Xie

### PURPOSE

To present the assessment of the development application.

### OFFICER'S RECOMMENDATION

That Council approve the Development Permit for Material Change of Use – Short Term Accommodation, made by Zhijun Xie C/ Wynne Planning & Development, on 43 Harbour Avenue, Shute Harbour and located at L: 31 S: 9464 T: N0716/188, subject to the conditions outlined in **Attachment 2**.

### RESOLUTION OM2024/02/28.7

Moved By: CR G SIMPSON

Seconded By: CR M BRUNKER

That Council approve the Development Permit for Material Change of Use – Short Term Accommodation, made by Zhijun Xie C/ Wynne Planning & Development, on 43 Harbour Avenue, Shute Harbour and located at L: 31 S: 9464 T: N0716/188, subject to the conditions outlined in Attachment 2.

### MEETING DETAILS

The motion was Carried 4 / 2.

**CARRIED**

Division

*For the Motion: Mayor Hall, Cr Simpson, Cr Brunner, Cr Collins*

*Against the Motion: Cr Clifford, Cr Bauman*

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**11.5 - 20231280 – Development Permit For Material Change Of Use – Short Term Accommodation (Backpackers Accommodation) – 22 & 24 Pantall Street, Bowen – 27rp706771 & 28rp706771 – S T Styles & M E Styles**

**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 (Backpacker's Accommodation), made by S T Styles & M E Styles, on L: 28 RP: 706771 and L: 27 RP: 706771 and located at 22-24 Pantall Street, Bowen, subject to the conditions outlined in **Attachment 2**.

**RESOLUTION OM2024/02/28.8**

Moved By: **CR G SIMPSON**

Seconded By: **CR J COLLINS**

That Council approve the Development Application for Development Permit for Material Change of Use – Short Term Accommodation (Backpacker's Accommodation), made by S T Styles & M E Styles, on L: 28 RP: 706771 and L: 27 RP: 706771 and located at 22-24 Pantall Street, Bowen, subject to the conditions outlined in Attachment 2.

**MEETING DETAILS**

The motion was Carried 6 / 0.

**CARRIED**

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**11.6 - 20230764 - Development Application for Development Permit for Material Change of Use for Shop (Liquor Store) - 29-31 Main Street, Proserpine - 17RP724069 - HR Industries 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 for a Shop (Liquor Store), made by HR Industries Pty Ltd C/- Wynne Planning & Development, on L: 17 RP: 724069 and located at 29-31 Main Street Proserpine, subject to the conditions outlined in **Attachment 2**.

**RESOLUTION OM2024/02/28.8**

Moved By: **CR J CLIFFORD**

Seconded By: **CR J COLLINS**

That Council approve the Development Application for Development Permit for Material Change of Use for a Shop (Liquor Store), made by HR Industries Pty Ltd C/- Wynne Planning & Development, on L: 17 RP: 724069 and located at 29-31 Main Street Proserpine, subject to the conditions outlined in Attachment 2.

**MEETING DETAILS**

The motion was Carried 6 / 0.

**CARRIED**

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**11.7 - 20231284 – Development Application for Development Permit for Reconfiguration of a Lot for One (1) Lot Into Three (3) Lots – Lot 302 Wrights Road, Strathdickie – 302SP253598 – RJ & LR Telford C/- Locus Surveys**

**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, made by RJ & LR Telford C/- Locus Surveys, on L: 302 SP: 253598 and located at Lot 302 Wrights Road, Strathdickie, 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 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.
  - c. 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.
  - d. The proposal is not consistent with the Rural Zone Code, which specifies a minimum lot size of 100 hectares.
  - e. The proposal is not consistent with the Agricultural Land Overlay, which does not support fragmentation of land.

*Cr Simpson moved a motion for the development application to be approved.*

**RESOLUTION OM2024/02/28.9**

**Moved By: CR G SIMPSON**

**Seconded By: CR J COLLINS**

**That Council approve the Development Application for Development Permit for Reconfiguration of a Lot for One (1) Lot into Three (3) lots, made by L R Telford & R J**

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**Telford, on L: 302 SP: 253598 and located at Wrights Road STRATHDICKIE, subject to the conditions outlined in Attachment 1.**

## **Attachment 1**

### **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 (Proposed Lots 1, 2 and 3 Cancelling Lot 302 on SP253598)                | Locus Surveys                              | PD-01 Rev. E       | 13/12/2023 |
| House setout on Proposed Lot 1 Proposed Lots 1-3 Cancelling Lot 302 on SP253598    | Locus Surveys                              | SA-01 Rev. A       | 13/12/2023 |
| Land Suitability Assessment for On-site Wastewater Treatment and Effluent Disposal | CQ Soil Testing                            | CQ23946            | 13/10/2023 |
| Engineering Infrastructure Report                                                  | Mosaic Consultants Pty Ltd                 | 23-0050.R01 Rev. 2 | 17/11/2023 |
| Agricultural Assessment Report (Assessment of lot 2 on plan RP733831)              | Independent Agricultural Resources Pty Ltd | N/A                | N/A        |

- 1.2 The applicant is to comply with the Ergon Energy's conditions as outlined in the Ergon Energy's response dated 11 December 2023.

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

- Operational Works:
  - External Access; and
  - Erosion Prevention and Sediment Control.

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

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

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

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- 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 BUILDING**
- 3.1 The applicant will be required to supply a detailed site-specific Landslide hazard (geotechnical) assessment report in accordance with PSP SC6.5 (Natural hazards) prior to sealing the plan of survey.
- 4.0 WATER INFRASTRUCTURE**
- 4.1 Design and construct a potable water supply to Proposed Lot 1, 2 and 3 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.
- 5.0 ON SITE EFFLUENT DISPOSAL**
- 5.1 At future building application stage, the applicant is to Design and Construct an on-site sewerage treatment system to Proposed Lot 1, 2 and 3. Such work must be in accordance with Council's 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 for each lot that complies with AS 1547:2012 and the Queensland Plumbing and Wastewater Code Version 1:2019. The Effluent Feasibility Study by CQ Soil Testing should be noted.
- 6.0 ACCESS AND PARKING**
- 6.1 A Development Permit for Operational Works (External Access) must be obtained prior to commencement of work on site. Any application for Operational Works (External 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.
- 6.2 The applicant must design and reconstruct the existing external access from Wrights Road to Proposed Lot 1 to a minimum of 4 meter-wide and to a sealed standard so as to comply as a minimum with the levels, dimensions and specifications as shown on Council's current Standard Drawing RS-056 and Whitsunday Regional Council's Development manual standard DG 1.17 and DG 1.30 Access to Allotments prior to the signing of the Plan of Survey.
- 6.3 The applicant must design and construct the external access from Wrights Road to the property boundary of Proposed Lot 2 and 3 to a sealed standard so as to comply as a minimum with the levels, dimensions and specifications as shown on Council's Standard Drawing RS-056 and Whitsunday Regional Council's Development manual standard DG 1.17 and DG 1.30 Access to Allotments prior to the signing of the Plan of Survey.

- 6.4 At completion of construction and prior to signing of plan of survey, the Supervising Engineer shall provide certification that all External access works constructed on site comply with Council's Development Manual and this Decision Notice of Approval.

## **7.0 STORMWATER AND FLOODING**

- 7.1 Each allotment to be created must be provided with a lawful point of discharge prior to signing of the Survey Plan.
- 7.2 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 (current at the time of development).
- 7.3 All site works must be undertaken to ensure that there is no increase in flood levels and/or flood frequency at any locations where existing landowners and/or users are adversely affected by waterway flooding for all events up to and including Q100.
- 7.4 All habitable dwellings must be constructed to a level not less than 300mm above the Q100 flood level for the developed site.

## **8.0 ELECTRICITY AND TELECOMMUNICATIONS**

- 8.1 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 signing of the Survey Plan.

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

- 9.1 A Development Permit for Operational Works (Erosion Prevention and Sediment Control) must be obtained prior to commencement of work on site. Erosion prevention and sediment control measures must be established so as to comply with the requirements of the Whitsunday Regional Council Development Manual and the Best Practice Erosion & Sediment Control – November 2008 (IECA White Book) and the requirements of the Environmental Protection Act. The strategy of the plan must be implemented and maintained for the duration of the operational and building works, and until exposed soil areas are permanently stabilized (e.g., turfed, concreted).
- 9.2 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.
- 9.3 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.

- 9.4 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.

#### **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 \$40.50 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 Wrights 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 Regional Planning & 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. Fragmentation of rural land has already occurred on Wrights Road.
2. Sections of the site exceed 15% slope.
3. The Extractive Resources Overlay prevents further subdivision.
4. There were no submissions lodged against the development.

## **MEETING DETAILS**

The motion was Lost 3 / 4

**LOST**

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*With the amendment lost, the officer's recommendation was then moved.*

**RESOLUTION OM2024/02/28.10**

**Moved By: CR G SIMPSON**

**Seconded By: CR J COLLINS**

**That Council refuse the Development Application for Development Permit for Reconfiguration of a Lot – One (1) Lot into Three (3) Lots, made by RJ & LR Telford C/- Locus Surveys, on L: 302 SP: 253598 and located at Lot 302 Wrights Road, Strathdickie, 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 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.**
  - c. 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.**
  - d. The proposal is not consistent with the Rural Zone Code, which specifies a minimum lot size of 100 hectares.**
  - e. The proposal is not consistent with the Agricultural Land Overlay, which does not support fragmentation of land.**

**MEETING DETAILS**

The motion was Carried 4 / 3.

The motion was Carried with the Mayor's casting vote.

**CARRIED**

Division

*For the Motion: Mayor Hall (2), Cr Clifford, Cr Bauman*

*Against the Motion: Cr Simpson, Cr Brunner, Cr Collins*

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**11.8 - 20230890 - Development Permit for Preliminary Approval for Building Works (Height Relaxation) and Material Change of Use for Dual Occupancy and Reconfiguration of a Lot for One (1) Lot into Two (2) Lots - 1-3 Stonehaven Court, Airlie Beach - WPD**

**PURPOSE**

To present the assessment of the development application.

**OFFICER'S RECOMMENDATION**

That Council approve the;

- Development Permit for Material Change of Use for Dual Occupancy; and
- Development Application for Preliminary Approval (Variation Request) for Building Works (Height Relaxation); and
- Reconfiguration of a Lot for One (1) Lot into Two (2) Lots;

Made by KTR Developments Pty Ltd as TTE, on 1-3 Stonehaven Court Airlie Beach, and located at L: 1 SP: 141152 CTS: COV AA and L: 0 SP: 141152, subject to the conditions outlined in **Attachment 1**.

**RESOLUTION OM2024/02/28.11**

**Moved By: CR G SIMPSON**

**Seconded By: CR J COLLINS**

That Council approve the;

- **Development Permit for Material Change of Use for Dual Occupancy; and**
- **Development Application for Preliminary Approval (Variation Request) for Building Works (Height Relaxation); and**
- **Reconfiguration of a Lot for One (1) Lot into Two (2) Lots;**

Made by KTR Developments Pty Ltd as TTE, on 1-3 Stonehaven Court Airlie Beach, and located at L: 1 SP: 141152 CTS: COV AA and L: 0 SP: 141152, subject to the conditions outlined in **Attachment 1**.

**MEETING DETAILS**

The motion was Carried 4 / 2.

**CARRIED**

Division

*For the Motion: Mayor Hall, Cr Simpson, Cr Brunker, Cr Collins*

*Against the Motion: Cr Clifford, Cr Bauman*

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## 11.9 - Queensland Audit Office Report - Local Government 2023

### PURPOSE

To present the Queensland Audit Office (QAO) report on Local Government Audits for 2023.

### OFFICER'S RECOMMENDATION

That Council receive the Queensland Audit Office Report - Local Government 2023 and note the outcomes and assessment from the Annual Audit Report for the Whitsunday Regional Council.

### RESOLUTION OM2024/02/28.12

Moved By: CR J CLIFFORD

Seconded By: CR C BAUMAN

That Council receive the Queensland Audit Office Report - Local Government 2023 and note the outcomes and assessment from the Annual Audit Report for the Whitsunday Regional Council.

### MEETING DETAILS

The motion was Carried 6 / 0.

**CARRIED**

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## 11.10 - Monthly Finance Report

### PURPOSE

To inform Council of the current unaudited financial performance and position for the reporting period.

### OFFICER'S RECOMMENDATION

That Council receive the Financial Report, Capital Expenditure Report and the Unaudited Financial Statements 2023/24 for the period ended 31 January 2024.

### RESOLUTION OM2024/02/28.13

Moved By: CR J CLIFFORD

Seconded By: CR C BAUMAN

That Council receive the Financial Report, Capital Expenditure Report and the Unaudited Financial Statements 2023/24 for the period ended 31 January 2024.

### MEETING DETAILS

The motion was Carried 6 / 0.

**CARRIED**

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## 11.11 - Update to Council Meeting Dates

### PURPOSE

To update the Ordinary Council Meetings for 6<sup>th</sup> March 2024 and 23<sup>rd</sup> October 2024, due to other conflicting arrangements.

### OFFICER'S RECOMMENDATION

That Council:

1. Change Wednesday 6<sup>th</sup> March 2024 Ordinary Council Meeting to Tuesday 5<sup>th</sup> March 2024, and the necessary public notice be given.
2. Change the Wednesday 23<sup>rd</sup> October 2024 to the Wednesday 30<sup>th</sup> October 2024, and the necessary public notice be given.

### RESOLUTION OM2024/02/28.14

Moved By: CR M BRUNKER

Seconded By: CR C BAUMAN

That Council:

1. Change Wednesday 6<sup>th</sup> March 2024 Ordinary Council Meeting to Tuesday 5<sup>th</sup> March 2024, and the necessary public notice be given.
2. Change the Wednesday 23<sup>rd</sup> October 2024 to the Wednesday 30<sup>th</sup> October 2024, and the necessary public notice be given.

### MEETING DETAILS

The motion was Carried 6 / 0.

**CARRIED**

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## 12            **MATTERS OF IMPORTANCE**

At this time in the meeting, Councillors have the opportunity to raise any matters of importance.

**Cr Brunker raised the following matters to be raised with Department of Transport and Main Roads Mackay.**

- Slashing of the Bowen/Collinsville Main Rad (Western section)
- Widening of the road section (2km) on the Bowen/Collinsville Road
- Maintenance of stragglers gully (Collinsville)

**Cr Clifford raised the following matter to be raised.**

- Could an update be provided on the acquisition of the Shute Harbour Boat Ramp.

Mayor Hall acknowledged and welcomed the new Director of Infrastructure, Gary Murphy.

The Meeting closed at 10:19am.

Confirmed as a true and correct recording this 6 March 2024

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**Cr Julie Hall**

**MAYOR**