



Minutes of the Ordinary Council Meeting held on Wednesday 29 May 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:

Ry Collins (Mayor/Chair), Michelle Wright (Deputy Mayor), Jan Clifford, Clay Bauman, John Collins, Gary Simpson and John Finlay

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); Lisa Maher (Senior Communications Officer); James Ngoroyemoto (Manager Governance and Administration); Tailah Jensen (Governance Administration Officer/Minute Taker)

Other Officers Partially Present:

Peter Shuttlewood (Executive Manager Procurement Property and Fleet)

The meeting commenced at 9.00am

The meeting adjourned for morning tea at 10.33am

The meeting reconvened from morning tea at 11.03am

The meeting closed at 2.05pm

The Mayor in opening the meeting acknowledged that it was national reconciliation week and recognised the event held earlier within the Whitsunday Region.

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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

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

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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 April 2024 are provided for Councils review and confirmation.

OFFICER'S RECOMMENDATION

That Council confirms the Minutes of the Ordinary Meeting held on 24 April 2024, subject to amending resolution 2024/04/24.19 to read:-

'That Council provide financial sponsorship for the amount of \$20,000 (ex. GST) to Pacific Action Sports for the Skateboarding Bowl Event being held in the Whitsundays in July 2024'.

RESOLUTION OM2024/05/29.1

Moved By: CR M WRIGHT

Seconded By: CR J CLIFFORD

That Council confirms the Minutes of the Ordinary Meeting held on 24 April 2024, subject to amending resolution 2024/04/24.19 to read:-

'That Council provide financial sponsorship for the amount of \$20,000 (ex. GST) to Pacific Action Sports for the Skateboarding Bowl Event being held in the Whitsundays in July 2024'.

MEETING DETAILS

The motion was Carried 7 / 0.

CARRIED

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#### **4 BUSINESS ARISING**

There was no business arising 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.

## 9 QUESTIONS FROM THE PUBLIC GALLERY

There was one public question received for the 29<sup>th</sup> May 2024 Ordinary Council Meeting which the Chief Executive Officer read out on behalf of Ms Cath Campbell who was unable to attend the meeting.

The Chief Executive Officer also acknowledged the endorsement by the Whitsunday Conservation Council.

### QUESTION

**Name:** Cath Campbell

Dear Mr Collins & Mr Bunker,

I write to express my anger & dismay at the deliberate poisoning of the large fig tree (*Ficus religiosa*) that has occurred at Cannonvale Beach. I urge you to ensure that this type of environmental vandalism is responded to by Council with prompt & consequential actions that will deter future illegal clearing and to publicise these actions widely.

As a resident & rate payer for 20 years, I have sadly observed ongoing and increasing loss of large significant trees with the “advancement” of urban development, to the great detriment of the local environment & community amenity. I request that you introduce to Council a suite of policies & procedures similar to those of many coastal local councils which are implemented to deter and respond to the illegal clearing of large trees and manage native vegetation. I suggest as a reference the Mackay Regional Council's Tree & Vegetation Management Policies as suitable local models.

In response to this recent act of vandalism at Cannonvale Beach, I urge WRC to replant the tree, then install a tall billboard on the road front, explaining why it has been installed, for a 3- to 5 year period or for the time taken for re-vegetation to reach its mature height. This action has proved a success for many coastal councils and has only had to be implemented locally, a small number of times, due to its very effective and widespread deterrent value.

It remains to be explained why the security camera, pointing directly at the tree & other community assets, was not operational. For myself, this raises questions about the value of and justification for, security surveillance and what actual value ratepayers are receiving for the funds invested in this technology and its ongoing monitoring. It would have been of great assistance to have security surveillance records assisting in the identification of the perpetrator of this selfish & malicious act of vandalism.

Can you please provide further advice on the cost of ratepayer investment in and the ongoing operation/monitoring of, WRC's extensive Community Security Surveillance system.

I am unable to attend the next council meeting and request that this letter be read to the meeting on my behalf. I look forward to your response.

Yours sincerely,  
Cath Campbell

*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.*

**10.1 - Audit & Risk Committee Meeting Minutes - 7 May 2024****PURPOSE**

To confirm the Audit and Risk Committee Meeting Minutes held on 7 May 2024.

**OFFICER'S RECOMMENDATION**

That Council endorse the Unconfirmed Minutes of the Audit & Risk Committee Meeting (**Attachment 1**) held on 7 May 2024.

**RESOLUTION OM2024/05/29.2**

Moved By: **CR J CLIFFORD**

Seconded By: **CR M WRIGHT**

**That Council endorse the Unconfirmed Minutes of the Audit & Risk Committee Meeting (Attachment 1) held on 7 May 2024.**

**MEETING DETAILS**

Cr Bauman noted a correction to the Audit Minutes.

The motion was Carried 7 / 0.

**CARRIED**

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11.1 - 2023/24 Operational Plan Q3 Review**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 31st March 2024 (Quarter Three Review).

OFFICER'S RECOMMENDATION

That Council receive the Operational Plan 2023/24 Quarter Three Progress Report for the period to 31 March 2024 (**Attachment 1**).

RESOLUTION OM2024/05/29.3

Moved By: CR J CLIFFORD

Seconded By: CR M WRIGHT

That Council receive the Operational Plan 2023/24 Quarter Three Progress Report for the period to 31 March 2024 (**Attachment 1**).

MEETING DETAILS

The motion was Carried 7 / 0.

CARRIED

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## **11.2 - 20210500 - Development Application for Preliminary Approval (Variation Request) & Development Application for Reconfiguration of a Lot - One (1) into Twelve (12) Lots - Strathdickie Road Strathdickie - 26SP253095 - GAC Stroud C/- Veris**

### **PURPOSE**

To present the assessment of a development application for a twelve (12) lot subdivision in the Rural zone and seek Council's determination.

### **OFFICER'S RECOMMENDATION**

That Council refuse the application for Preliminary Approval (Variation Request) to vary the Whitsunday Regional Council Planning Scheme 2017 & Development Permit for Reconfiguration of a Lot – One Lot into Twelve Lots and Access Easement, made by GAC Stroud Pty Ltd As TTE C/- Veris, on L: 26 SP: 253095 and located at Strathdickie 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, Economic Growth and Safety and Resilience to Hazards 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;
  - f. The proposal is unable to comply with the Flood Hazard Overlay Code, as the development results in an increase to the number of people calculated to be at risk from flooding and an increase in the number of people needing evacuation, supported by a road that is unsuitable for evacuation; and
  - g. The proposal is inconsistent with the Transport & Parking Code, which requires a suitable level of flood immunity for access roads.

### **RESOLUTION OM2024/05/29.4**

**Moved By: CR G SIMPSON**

**Seconded By: CR J FINLAY**

That Council refuse the application for Preliminary Approval (Variation Request) to vary the Whitsunday Regional Council Planning Scheme 2017 & Development Permit for Reconfiguration of a Lot – One Lot into Twelve Lots and Access Easement, made by GAC Stroud Pty Ltd As TTE C/- Veris, on L: 26 SP: 253095 and located at Strathdickie 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, Economic Growth and Safety and Resilience to Hazards 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;
  - f. The proposal is unable to comply with the Flood Hazard Overlay Code, as the development results in an increase to the number of people calculated to be at risk from flooding and an increase in the number of people needing evacuation, supported by a road that is unsuitable for evacuation; and
  - g. The proposal is inconsistent with the Transport & Parking Code, which requires a suitable level of flood immunity for access roads.

## MEETING DETAILS

The motion was Carried 7 / 0.

**CARRIED**

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Cr Bauman declared a declarable conflict of interest in item 11.3 20230270 - Development Application for Development Permit for Reconfiguration of a Lot - One (1) Lot into Thirty-eight (38) Lots, One (1) Balance Lot & One (1) Drainage Reserve Lot -150 Riordanvale Road, Riordanvale -Springvale Developments C/- Veris as defined by section 150EN and 150EQ of the Local Government Act 2009 due to the following:

Details of Interest: Cr Bauman is friends with a submitter to the Development Application.

Nature of relationship with other person: Friends

Name of Related Party: Leo Rodriguez

Nature of related party's interest in this matter: Submitter to Development Application

As a result of this conflict of interest, Cr Bauman advised that he wishes to remain in the meeting to make a decision in relation to this matter as he does not believe a reasonable person could have a perception of bias.

Cr Bauman acknowledged that Councillors must determine, pursuant to section 150ES of the *Local Government Act 2009*, whether Cr Bauman may participate in the decision making, discussion and voting on this matter.

RESOLUTION OM2024/05/29.5

Moved by: CR G SIMPSON

Seconded by: CR M WRIGHT

That Council agree that it is in the public interest that Cr Bauman participates and votes on item 11.3 – 20230270 - Development Application for Development Permit for Reconfiguration of a Lot - One (1) Lot into Thirty-eight (38) Lots, One (1) Balance Lot & One (1) Drainage Reserve Lot -150 Riordanvale Road, Riordanvale -Springvale Developments C/- Veris, because no direct or indirect benefit or loss accrues to Cr Bauman; and therefore it is reasonable that the final decision will be made in the public interest.

MEETING DETAILS:

The motion was Carried 6 / 0.

Cr Bauman did not participate in the voting on this matter.

CARRIED

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Cr Collins declared a declarable conflict of interest in item 11.3 20230270 - Development Application for Development Permit for Reconfiguration of a Lot - One (1) Lot into Thirty-eight (38) Lots, One (1) Balance Lot & One (1) Drainage Reserve Lot -150 Riordanvale Road, Riordanvale -Springvale Developments C/- Veris as defined by section 150EN and 150EQ of the Local Government Act 2009 due to the following:

Details of Interest: Daughter designed the logo and website for Spring Vale Development Pty Ltd

Nature of relationship with other person: Applicant is a client of his daughter.

Name of Related Party: Spring Vale Development Pty Ltd

Nature of related party's interest in this matter: Applicant to Development Application.

As a result of this conflict of interest, Cr Collins advised that he wishes to remain in the meeting to make a decision in relation to this matter as he does not believe a reasonable person could have a perception of bias.

Cr Collins acknowledged that Councillors must determine, pursuant to section 150ES of the *Local Government Act 2009*, whether Cr Collins may participate in the decision making, discussion and voting on this matter.

#### **RESOLUTION OM2024/05/29.6**

**Moved by: CR J CLIFFORD**

**Seconded by: CR M WRIGHT**

**That Council agree that it is in the public interest that Cr Collins participates and votes on item 11.3 – 20230270 - Development Application for Development Permit for Reconfiguration of a Lot - One (1) Lot into Thirty-eight (38) Lots, One (1) Balance Lot & One (1) Drainage Reserve Lot -150 Riordanvale Road, Riordanvale -Springvale Developments C/- Veris, because no direct or indirect benefit or loss accrues to Cr Collins; and therefore it is reasonable that the final decision will be made in the public interest.**

#### **MEETING DETAILS:**

The motion was Carried 6 / 0.

Cr Collins did not participate in the voting on this matter.

**CARRIED**

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11.3 - 20230270 - Development Application for Development Permit for Reconfiguration of a Lot - One (1) Lot into Thirty-eight (38) Lots, One (1) Balance Lot & One (1) Drainage Reserve Lot -150 Riordanvale Road, Riordanvale -Springvale Developments C/- Veris

PURPOSE

To present the assessment of the development application for a thirty-eight (38) lot subdivision and seek Council's determination.

OFFICER'S RECOMMENDATION

That Council approve the Development Application for Development Permit for Reconfiguration of a Lot - One (1) Lot into Thirty-Eight (38) Lots & One (1) Balance Lot & One (1) Drainage Reserve Lot, made by Spring Vale Development Pty Ltd as TTE C/- Veris, on L: 77 SP: 327950 and located at 150 Riordanvale Road Riordanvale, subject to the conditions outlined in **Attachment 2**.

RESOLUTION OM2024/05/29.7

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 Thirty-Eight (38) Lots & One (1) Balance Lot & One (1) Drainage Reserve Lot, made by Spring Vale Development Pty Ltd as TTE C/- Veris, on L: 77 SP: 327950 and located at 150 Riordanvale Road Riordanvale, subject to the conditions outlined in Attachment 2.

MEETING DETAILS

The motion was Carried 7 / 0.

CARRIED

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Cr Simpson declared a declarable conflict of interest in item 11.4 20240021 - Development Application For Development Permit For Material Change Of Use For Short-Term Accommodation – 11 Armitage Avenue, Mandalay – 20SP189772 – Spl & Cst Seet C/- Wynne Planning & Development as defined by section 150EN and 150EQ of the Local Government Act 2009 due to the following:

Details of Interest: Accom Whitsundays have manager rights if the development application is successful, and Cr Simpson uses Accom for a secondary dwelling.

Nature of relationship with other person: Business relationship with Accom Whitsunday.

Name of Related Party: Accom Whitsunday Pty Ltd

Nature of related party's interest in this matter: The Property Manager - Accom Whitsunday are the property managers for a Short-Term Rental property that Cr Simpson owns.

As a result of this conflict of interest, Cr Simpson advised that he wishes to remain in the meeting to make a decision in relation to this matter as he does not believe a reasonable person could have a perception of bias.

Cr Simpson acknowledged that Councillors must determine, pursuant to section 150ES of the *Local Government Act 2009*, whether Cr Simpson may participate in the decision making, discussion and voting on this matter.

#### **RESOLUTION OM2024/05/29.8**

**Moved by: CR J FINLAY**

**Seconded by: CR J CLIFFORD**

**That Council agree that it is in the public interest that Cr Cr Simpson participates and votes on item 11.4 – 20240021 - Development Application For Development Permit For Material Change Of Use For Short-Term Accommodation – 11 Armitage Avenue, Mandalay – 20SP189772 – Spl & Cst Seet C/- Wynne Planning & Development, because no direct or indirect benefit or loss accrues to Cr Simpson; and therefore it is reasonable that the final decision will be made in the public interest.**

#### **MEETING DETAILS:**

The motion was Carried 6 / 0.

Cr Simpson did not participate in the voting on this matter.

**CARRIED**

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11.4 - 20240021 - Development Application For Development Permit For Material Change Of Use For Short-Term Accommodation – 11 Armitage Avenue, Mandalay – 20SP189772 – Spl & Cst Seet C/- Wynne Planning & Development

PURPOSE

To present the assessment of the development application and to seek Council's determination.

OFFICER'S RECOMMENDATION

That Council approve the application for Development Application for Development Permit for Material Change of Use for Short-Term Accommodation, made by C S Seet & S P Seet, on L: 20 SP: 189772 and located at 11 Armitage Avenue Mandalay, subject to the conditions outlined in **Attachment 2**.

RESOLUTION OM2024/05/29.9

Moved By: CR J FINLAY

Seconded By: CR M WRIGHT

That Council approve the application for Development Application for Development Permit for Material Change of Use for Short-Term Accommodation, made by C S Seet & S P Seet, on L: 20 SP: 189772 and located at 11 Armitage Avenue Mandalay, subject to the conditions outlined in Attachment 2.

MEETING DETAILS

The motion was Carried 5 / 2.

CARRIED

Cr Bauman called for a division.

For the motion: Cr Wright, Cr Finlay, Cr Simpson, Mayor Ry Collins, Cr J Collins

Against the motion: Cr Bauman, Cr Clifford

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**11.5 - 20231355 - Development Application for Development Permit for Material Change of Use - Short-Term Accommodation - 3 Jessies Way, Cannonvale - 2SP163579 - A J Freeman JR Shearman C/-Wynne Planning**

**PURPOSE**

To present the assessment of the development application for a short-term accommodation at Jessies Way, Cannonvale, and to seek Council's determination.

**OFFICER'S RECOMMENDATION**

That Council approve the Development Permit for Material Change of Use – Short-Term Accommodation, made by A J Freeman & J R Shearman, on 3 Jessies Way, Cannonvale and located at L: 2 SP: 163579 CTS: COV B, subject to conditions outlined in **Attachment 2**.

**RESOLUTION OM2024/05/29.10**

**Moved By: CR J COLLINS**

**Seconded By: CR M WRIGHT**

**That Council approve the Development Permit for Material Change of Use – Short-Term Accommodation, made by A J Freeman & J R Shearman, on 3 Jessies Way, Cannonvale and located at L: 2 SP: 163579 CTS: COV B, subject to conditions outlined in Attachment 2.**

**MEETING DETAILS**

The motion was Carried 5 / 2.

**CARRIED**

Cr Clifford called for a division.

For the motion: Cr Wright, Cr Finlay, Cr Simpson, Mayor Ry Collins, Cr J Collins

Against the motion: Cr Bauman, Cr Clifford

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Cr Bauman declared a prescribed conflict of interest in item 11.6 regarding 20060232 - Request For Extension Of Currency Period – Development Application For Development Approval, Langford Road, Flametree – Well Smart Funnel Bay Development Pty Ltd C/- Wynne Planning & Development as defined by section 150EI of the *Local Government Act 2009*, due to the following:

Nature of the interest: Cr Bauman has made a submission in relation to this application.

Development Application Details: Development Application 20181026

As a result of this conflict of interest, Cr Bauman advised that he will leave the meeting and take no part in the discussion or decision making of this matter.

Cr Bauman left the meeting at 10.16am.

11.6 - 20060232 - Request For Extension Of Currency Period – Development Application For Development Approval, Langford Road, Flametree – Well Smart Funnel Bay Development Pty Ltd C/- Wynne Planning & Development

PURPOSE

To present the assessment of the request to extend the preliminary approval and to seek Council's determination.

OFFICER'S RECOMMENDATION

That Council approve the request for an extension of the currency period of the Preliminary Approval for Material Change of Use for Mainland Urban Tourist Facility Focus comprising of: One (1) Integrated Eco-Tourism Resort Precinct Including Accommodation Units (172 x Dwelling Units and/or Rooming Units), Hotel (Resort Hotel), Indoor Entertainment (Function Centre), Place of Assembly (Wedding Chapel), Refreshment Premises (Resort Restaurants, Bars and Cafes), Shop (resort Retail); Dwelling House and Ancillary Uses; and One (1) Local Community Facility Precinct (Environmental, Cultural and Interpretive Research Centre) and Ancillary Uses; and Five (5) Holiday Apartment Resort Precincts Including indoor Entertainment (Amenity Centres, Spas and Gymnasiums), Multiple Dwellings (402 x Dwelling Units), Refreshment Premises (Resort Cafes) and Ancillary Uses; and Development Permit for Operational Works (Marine Plants Disturbance), made by Well Smart Funnel Bay Development Pty Ltd C/- Wynne Planning & Development, on Lot 150 HR1308 and Lot 300 on HR1583, Langford Road Flametree to 14 November 2025.

RESOLUTION OM2024/05/29.11

Moved By: **CR G SIMPSON**

Seconded By: **CR J FINLAY**

That Council approve the request for an extension of the currency period of the Preliminary Approval for Material Change of Use for Mainland Urban Tourist Facility Focus comprising of: One (1) Integrated Eco-Tourism Resort Precinct Including Accommodation Units (172 x Dwelling Units and/or Rooming Units), Hotel (Resort Hotel), Indoor Entertainment (Function Centre), Place of Assembly (Wedding Chapel), Refreshment Premises (Resort Restaurants, Bars and Cafes), Shop (resort Retail); Dwelling House and Ancillary Uses; and One (1) Local Community Facility Precinct (Environmental, Cultural and Interpretive Research Centre) and Ancillary Uses; and

Five (5) Holiday Apartment Resort Precincts Including indoor Entertainment (Amenity Centres, Spas and Gymnasiums), Multiple Dwellings (402 x Dwelling Units), Refreshment Premises (Resort Cafes) and Ancillary Uses; and Development Permit for Operational Works (Marine Plants Disturbance), made by Well Smart Funnel Bay Development Pty Ltd C/- Wynne Planning & Development, on Lot 150 HR1308 and Lot 300 on HR1583, Langford Road Flametree to 14 November 2025.

MEETING DETAILS

The motion was Carried 6 / 0.

CARRIED

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Cr Bauman returned to the meeting at 10.23am.

**11.7 - 20220736 - Minor Change Application - Development Permit for Material Change of Use - Transport Depot - Barclay Street, Mount Coolon - 210MPH20088 - Searles Investments (QLD) Pty Ltd C/- Wynne Planning & Development**

**PURPOSE**

To present the assessment of a minor change application and to seek Council's determination.

**OFFICER'S RECOMMENDATION**

That Council:

- (1) approve the application for a Minor Change to the conditions of approval for a Transport Depot at Barclay Street corner Mine Street Mount Coolon, made by Searles Investments (Qld) Pty Ltd As TTE, as follows:

Condition 4.2 now reads as:

- 4.2 *The external access from the pavement of Mine Street to the property boundary must be constructed to a gravel surface prior to commencement of the use. The width of the access is to accommodate the turning movements of the MC Vehicles.*

Condition 5.2 now reads as:

- 5.2 *To facilitate access from the nominated parking area onto Mine Street, a 2-metre-wide protective concrete strip on the shoulder of Mine Street is required. The strip is to cover the newly constructed access on Mine Street and extend south for an additional length of 20 metres after the crossover.*

Condition 8.1 now reads as:

- 8.1 *The hours of operation are limited to 6:00am – 6:30pm Monday to Friday. Vehicles can be kept on the premises over weekends but must remain inactive until Monday 6:00am. The facility may need to operate occasionally outside of these hours and may also include hours between 6.30pm - 6.00am, however occur not more than 2 times a week. Noise levels will be kept to a minimum and will not include the loading or unloading of any vehicles.*

Condition 8.2 now reads as:

- 8.2 *A maximum of five (5) vehicles are permitted to be parked on the premises at any one time. The facility may have additional vehicles parked on site from time to time, however these vehicles are not to be parked within five (5) metres of an adjoining residential use property; and*

- (2) Inform the applicant that if the required plumbing and building approvals are not gained immediately formal compliance action including fines and infringement notices will be issued.

**RESOLUTION**

**Moved By: CR M WRIGHT**

**Seconded By: CR R COLLINS (MAYOR)**

That Council:

- (1) approve the application for a Minor Change to the conditions of approval for a Transport Depot at Barclay Street corner Mine Street Mount Coolon, made by Searles Investments (Qld) Pty Ltd As TTE, as follows:

Condition 4.2 now reads as:

- 4.2 *The external access from the pavement of Mine Street to the property boundary must be constructed to a gravel surface prior to commencement of the use. The width of the access is to accommodate the turning movements of the MC Vehicles.*

Condition 5.2 now reads as:

- 5.2 *To facilitate access from the nominated parking area onto Mine Street, a 2-metre-wide protective concrete strip on the shoulder of Mine Street is required. The strip is to cover the newly constructed access on Mine Street and extend south for an additional length of 20 metres after the crossover.*

Condition 8.1 now reads as:

- 8.1 *The hours of operation are limited to 6:00am – 6:30pm Monday to Friday. Vehicles can be kept on the premises over weekends but must remain inactive until Monday 6:00am. The facility may need to operate occasionally outside of these hours and may also include hours between 6.30pm - 6.00am, however occur not more than 2 times a week. Noise levels will be kept to a minimum and will not include the loading or unloading of any vehicles.*

Condition 8.2 now reads as:

- 8.2 *A maximum of five (5) vehicles are permitted to be parked on the premises at any one time. The facility may have additional vehicles parked on site from time to time, however these vehicles are not to be parked within five (5) metres of an adjoining residential use property; and*

- (2) Inform the applicant that if the required plumbing and building approvals are not gained immediately formal compliance action including fines and infringement notices will be issued.

**PROCEDURAL MOTION - MATTER LIE ON THE TABLE OM2024/05/29.12**

**Moved by: CR R COLLINS (MAYOR)**

**That item 11.7 20220736 - Minor Change Application - Development Permit for Material Change of Use - Transport Depot - Barclay Street, Mount Coolon - 210MPH20088 - Searles Investments (QLD) Pty Ltd C/- Wynne Planning & Development be deferred to a future meeting pending further review of conditions and further discussion.**

#### **MEETING DETAILS:**

The procedural motion was Carried 7 / 0

**CARRIED**

~~~~~  
Meeting adjourned for the purpose of morning tea at 10.33am.

Meeting reconvened from morning tea at 11.03am.

Cr Finlay declared a prescribed conflict of interest in item 11.8 regarding Sport & Recreation Club Grants - May 2024 as defined by section 150EI of the *Local Government Act 2009*, due to the following:

Relationship with the Entity: Some applicants are a client of the company Cr Finlay works for. Business relationship, close associates.

Entity's Interest in the Matter: Applicants to the application.

Nature of Relationship with Close Associate: Applicants are clients of SBB Partners Company which Cr Finlay is the Manager.

As a result of this conflict of interest, Cr Finlay advised that he will leave the meeting and take no part in the discussion or decision making of this matter.

Cr Finlay left the meeting at 11.04am.

11.8 - Sport & Recreation Club Grants - May 2024

PURPOSE

For Council to consider the payment of the Sport & Recreation Club Grants for April 2024 in accordance with Council's Sport & Recreation Grant Guidelines.

OFFICER'S RECOMMENDATION

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

1. Molongle Creek Boat Club Inc. – Band 1 - \$5,500
2. Sporting Shooters Association Bowen Branch Inc. – Band 1 - \$5,500
3. Airlie Beach Football Club Inc. – Band 2 - \$3,000
4. Port Denison Sailing Club Inc. – Band 2 - \$3,000
5. Bowen Football Association Inc. – Band 2 - \$3,000
6. Whitsunday Cruisin' Car Club Inc. – Band 3 - \$1,500
7. Whitsunday Automotive and Restoration Club Inc. – Band 3 - \$1,500
8. Proserpine Bowls Club Inc – Band 4 - \$1,500
9. Bowen Bridge Club Inc. – Band 4 - \$1,000
10. Whitsunday Old Iron Restorers Club Inc. - Band 4 - \$1,000
11. Collinsville Bowling Club Inc. – Band 4 - \$1,000
12. Bowen Collinsville Rifle Club Inc. – Band 4 - \$1,000
13. Whitsunday Coast 4x4 Club Inc. – Band 4 - \$1,000
14. Whitsunday Swimming Club – Band 4 - \$1,000

RESOLUTION OM2024/05/29.13

Moved By: **CR J CLIFFORD**

Seconded By: **CR J COLLINS**

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

1. Molongle Creek Boat Club Inc. – Band 1 - \$5,500
2. Sporting Shooters Association Bowen Branch Inc. – Band 1 - \$5,500
3. Airlie Beach Football Club Inc. – Band 2 - \$3,000
4. Port Denison Sailing Club Inc. – Band 2 - \$3,000
5. Bowen Football Association Inc. – Band 2 - \$3,000
6. Whitsunday Cruisin' Car Club Inc. – Band 3 - \$1,500
7. Whitsunday Automotive and Restoration Club Inc. – Band 3 - \$1,500
8. Proserpine Bowls Club Inc – Band 4 - \$1,500
9. Bowen Bridge Club Inc. – Band 4 - \$1,000
10. Whitsunday Old Iron Restorers Club Inc. - Band 4 - \$1,000
11. Collinsville Bowling Club Inc. – Band 4 - \$1,000
12. Bowen Collinsville Rifle Club Inc. – Band 4 - \$1,000
13. Whitsunday Coast 4x4 Club Inc. – Band 4 - \$1,000
14. Whitsunday Swimming Club – Band 4 - \$1,000

MEETING DETAILS

The motion was Carried 6 / 0.

CARRIED

~~~~~

Cr Finlay returned to the meeting at 11.06am.

Cr Finlay declared a prescribed conflict of interest in item 11.9 regarding Special Projects Grant Applications - Round 3 - February To May 2024 as defined by section 150EI of the *Local Government Act 2009*, due to the following:

Relationship with the Entity: Some applicants are a client of the company Cr Finlay works for. Business relationship, close associates. Cr Finlay is also the treasurer of the Bowen Community Centre.

Entity's Interest in the Matter: Applicants to the grant application.

Nature of Relationship with Close Associate: Applicants are clients of SBB Partners Company which Cr Finlay is the Manager of and is an executive board member (treasurer) of the Bowen Community Council.

As a result of this conflict of interest, Cr Finlay advised that he will leave the meeting and take no part in the discussion or decision making of this matter.

Cr Finlay left the meeting at 11.06am.

## **11.9 - Special Projects Grant Applications - Round 3 - February to May 2024**

### **PURPOSE**

For Council to consider the funding for the Special Projects Grant Applications for Round 3 of the 2023-24 Program.

### **OFFICER'S RECOMMENDATION**

That Council:

1. Approve the payment of Special Project Grant – Round 3, to assist the following recipients:
  - a) Whitsunday Cruisin' Car Club Inc. - \$10,000
  - b) Bowen Community Op-Shop Inc. - \$10,000
  - c) Stella Community Inc. - \$10,000
  - d) Proserpine Rugby League Football Club Inc. - \$9,712
  - e) Mackay Hospital Foundation - \$8,625
  - f) Whitsunday Writers Festival Inc. - \$8,500
  - g) Whitsunday Community & Education Centre - \$6,640
  - h) Whitsunday Community Services Inc. - \$5,520
2. Furthermore, the applicant below be advised they were unsuccessful:
  - a) Great Barrier Reef Festival - \$5,500

### **RESOLUTION OM2024/05/29.14**

**Moved By: CR M WRIGHT**

**Seconded By: CR J CLIFFORD**

**That Council:**



1. Approve the payment of Special Project Grant – Round 3, to assist the following recipients:
  - a) Whitsunday Cruisin' Car Club Inc. - \$10,000
  - b) Bowen Community Op-Shop Inc. - \$10,000
  - c) Stella Community Inc. - \$10,000
  - d) Proserpine Rugby League Football Club Inc. - \$9,712
  - e) Mackay Hospital Foundation - \$8,625
  - f) Whitsunday Writers Festival Inc. - \$8,500
  - g) Whitsunday Community & Education Centre - \$6,640
  - h) Whitsunday Community Services Inc. - \$5,520
2. Furthermore, the applicant below be advised they were unsuccessful:
  - a) Great Barrier Reef Festival - \$5,500

#### **MEETING DETAILS**

The motion was Carried 6 / 0.

**CARRIED**

~~~~~

Cr Finlay returned to the meeting at 11.11am.

11.10 - Donation Requests Approved Under \$2,000 - April 2024

PURPOSE

To advise Council of the donations and in-kind support up to \$2,000 provided for the month of April 2024.

OFFICER'S RECOMMENDATION

That Council note the donations and in-kind support provided for the month of April 2024 to the following recipients:

- a) Proserpine Canegrowers – 2024 Show Cane Exhibition - \$500
- b) Whitsunday Sporting Car Club – NQ Kharnacross Championship (Round 1) - \$500
- c) Merinda State School & Bowen State School – 2024 Challenge Games - \$500
- d) Cannonvale State School P&C – 2024 School Fete - \$1,000
- e) Whitsunday Cruisin' Car Club – 2024 Show and Shine Event - \$1,000
- f) Bowen State High School – F1 in Schools Program - \$1,000
- g) Collinsville Lions Club – Weekly RV Park BBQ's for Travellers - \$1,500
- h) 2024 Weetalaba Campdraft – Weetalaba Campdraft Association Inc. - \$2,000

RESOLUTION OM2024/05/29.15

Moved By: CR J COLLINS

Seconded By: CR G SIMPSON

That Council note the donations and in-kind support provided for the month of April 2024 to the following recipients:

- a) Proserpine Canegrowers – 2024 Show Cane Exhibition - \$500**
- b) Whitsunday Sporting Car Club – NQ Kharnacross Championship (Round 1) - \$500**
- c) Merinda State School & Bowen State School – 2024 Challenge Games - \$500**
- d) Cannonvale State School P&C – 2024 School Fete - \$1,000**
- e) Whitsunday Cruisin' Car Club – 2024 Show and Shine Event - \$1,000**
- f) Bowen State High School – F1 in Schools Program - \$1,000**
- g) Collinsville Lions Club – Weekly RV Park BBQ's for Travellers - \$1,500**
- h) 2024 Weetalaba Campdraft – Weetalaba Campdraft Association Inc. - \$2,000**

MEETING DETAILS

The motion was Carried 7 / 0.

CARRIED

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## 11.11 - Financial Support for Junior Elite Athletes - March/April 2024

### PURPOSE

For Council to consider the applications submitted for Financial Support for Junior Elite Athletes.

### OFFICER'S RECOMMENDATION

That Council approve financial support for:

1. **Harris Delac** who represented North Queensland at the Queensland Schools State Swimming Championships in Brisbane on 29 March 2024 - \$250
2. **Olivia Boyce** who represented North Queensland at the Senior State Age Netball Championship in Brisbane on 6-9 April 2024 - \$250
3. **Karlee Goodin** who competed in the Football Queensland Academy State Carnival on 3 April 2024 - \$250
4. **Byron Goodin** who competed in the Football Queensland Academy State Carnival on 3 April 2024 - \$250
5. **Kayne Higgins** who competed in the Football Queensland Northern Region Junior Carnival in Townsville on 9-12 April 2024 - \$250
6. **Katie Austin** who competed in Queensland State Age Netball Competition in Brisbane on 6-9 April 2024 - \$250
7. **Lola Boorman** who competed in the Queensland Country Netball Carnival in Townsville on 18-19 May 2024 - \$250
8. **Charlee Boorman** who competed in the Queensland Country Netball Carnival in Townsville on 18-19 May 2024 - \$250
9. **Sienna Pannett** who represented North Queensland at the Volleyball State Championships in Caloundra on 11-15 May 2024 - \$250
10. **Holly Perrin** who represented North Queensland at the Queensland Schools State Swimming Championships in Brisbane on 29 March 2024 and also represented North Queensland at the Queensland School Water Polo Championships on 2-5 May 2024 - \$500
11. **Lilian Kelly** who represented Queensland at the Australian Youth Beach Volleyball Championships in Coolangatta on 17 March 2024 - \$500
12. **Tora Delac** who represented North Queensland at the Queensland Schools State Swimming Championships in Brisbane on 29 March 2024 and also represented Queensland at the Australian Age Swimming Championships on the Gold Coast on 9 April 2024 - \$750
13. **Kade Harrison** who represented Australia at the Volleyball Australia National Performance Program in Bangkok on 13-26 April 2024 - \$2,000

### RESOLUTION OM2024/05/29.16

Moved By: CR M WRIGHT

Seconded By: CR G SIMPSON

That Council approve financial support for:

1. **Harris Delac** who represented North Queensland at the Queensland Schools State Swimming Championships in Brisbane on 29 March 2024 - \$250

2. Olivia Boyce who represented North Queensland at the Senior State Age Netball Championship in Brisbane on 6-9 April 2024 - \$250
3. Karlee Goodin who competed in the Football Queensland Academy State Carnival on 3 April 2024 - \$250
4. Byron Goodin who competed in the Football Queensland Academy State Carnival on 3 April 2024 - \$250
5. Kayne Higgins who competed in the Football Queensland Northern Region Junior Carnival in Townsville on 9-12 April 2024 - \$250
6. Katie Austin who competed in Queensland State Age Netball Competition in Brisbane on 6-9 April 2024 - \$250
7. Lola Boorman who competed in the Queensland Country Netball Carnival in Townsville on 18-19 May 2024 - \$250
8. Charlee Boorman who competed in the Queensland Country Netball Carnival in Townsville on 18-19 May 2024 - \$250
9. Sienna Pannett who represented North Queensland at the Volleyball State Championships in Caloundra on 11-15 May 2024 - \$250
10. Holly Perrin who represented North Queensland at the Queensland Schools State Swimming Championships in Brisbane on 29 March 2024 and also represented North Queensland at the Queensland School Water Polo Championships on 2-5 May 2024 - \$500
11. Lilian Kelly who represented Queensland at the Australian Youth Beach Volleyball Championships in Coolangatta on 17 March 2024 - \$500
12. Tora Delac who represented North Queensland at the Queensland Schools State Swimming Championships in Brisbane on 29 March 2024 and also represented Queensland at the Australian Age Swimming Championships on the Gold Coast on 9 April 2024 - \$750
13. Kade Harrison who represented Australia at the Volleyball Australia National Performance Program in Bangkok on 13-26 April 2024 - \$2,000

## MEETING DETAILS

The motion was Carried 7 / 0.

**CARRIED**

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11.12 - In-Kind Sponsorship Request - 2024 Mt Coolon Campdraft - Mt Coolon Campdraft Association Inc.

PURPOSE

That Council approve a request for in-kind sponsorship from the Mt Coolon Campdraft Association Inc. to support the 2024 Mt Coolon Campdraft taking place on 21-23 June.

OFFICER'S RECOMMENDATION

That Council approve an in-kind sponsorship of up to \$7,000 to the Mt Coolon Campdraft Association Inc. to support the 2024 Mt Coolon Campdraft event by providing the following in-kind support:

- a) Delivery, removal and disposal fee's of a 15 meter skip bin to the Mt Coolon Campdraft Arena
- b) A flat drum roller and operator to service the campdraft arena throughout the event.

RESOLUTION OM2024/05/29.17

Moved By: CR M WRIGHT

Seconded By: CR J CLIFFORD

That Council approve an in-kind sponsorship of up to \$7,000 to the Mt Coolon Campdraft Association Inc. to support the 2024 Mt Coolon Campdraft event by providing the following in-kind support:

- a) Delivery, removal and disposal fee's of a 15 meter skip bin to the Mt Coolon Campdraft Arena
- b) A flat drum roller and operator to service the campdraft arena throughout the event.

MEETING DETAILS

The motion was Carried 7 / 0.

CARRIED

~~~~~

## 11.13 - Sponsorship Request - 2024 Whitsunday Show - Proserpine Agricultural Pastoral & Industrial Association

### PURPOSE

For Council to consider a sponsorship request from the Proserpine Agricultural Pastoral & Industrial Association Inc. to assist with the fireworks display at the 2024 Whitsunday Show which will take place on 21-22 June 2024.

### OFFICER'S RECOMMENDATION

That Council approve a cash sponsorship of \$3,000 only to the Proserpine Agricultural Pastoral & Industrial Association Inc. to assist with the fireworks display at the 2024 Whitsunday Show on Friday 21 June.

### RESOLUTION OM2024/05/29.18

Moved By: CR M WRIGHT

Seconded By: CR R COLLINS (MAYOR)

**That Council approve a cash sponsorship of \$3,000 only to the Proserpine Agricultural Pastoral & Industrial Association Inc. to assist with the fireworks display at the 2024 Whitsunday Show on Friday 21 June.**

### MEETING DETAILS

The motion was Carried 7 / 0.

**CARRIED**

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Cr Wright foreshadowed a subsequent motion to provide the Bowen Show with a cash sponsorship of \$3,000 to assist with the fireworks display at the Annual Bowen Show being held on 25 June 2024.

Cr Finlay declared a prescribed conflict of interest in the foreshadowed motion proposed by Cr Wright regarding the Bowen Show receiving a cash sponsorship as defined by section 150EI of the *Local Government Act 2009*, due to the following:

Relationship with the Entity: Bowen Pastoral Agricultural Association receiving the cash sponsorship are a client of the company Cr Finlay works for. Business relationship, close associates.

Entity's Interest in the Matter: Bowen Pastoral Agricultural Association is receiving a cash sponsorship from Whitsunday Regional Council.

Nature of Relationship with Close Associate: Applicants are clients of SBB Partners Company which Cr Finlay is the Manager.

As a result of this conflict of interest, Cr Finlay advised that he will leave the meeting and take no part in the discussion or decision making of this matter.

Cr Finlay left the meeting at 11.18am.

RESOLUTION OM2024/05/29.19

Moved By: CR M WRIGHT

Seconded By: CR J CLIFFORD

That Council approve a cash sponsorship of \$3,000 to the Bowen Pastoral Agricultural Association Inc. to assist with the fireworks display at the 2024 Bowen Show.

MEETING DETAILS

The motion was Carried 6 / 0.

CARRIED

~~~~~

Cr Finlay returned to the meeting at 11.21am.

Cr Clifford declared a declarable conflict of interest in item 11.14 Sponsorship Request - 2024 Great Barrier Reef Festival - Great Barrier Reef Festival Committee as defined by section 150EN and 150EQ of the Local Government Act 2009 due to the following:

Details of Interest: Rotary Airlie Beach Club are a sponsor of the street parade for the Great Barrier Reef Festival and Cr Clifford is the president of the Rotary Club.

Nature of relationship with other person: Cr Clifford is president of the Club

Name of Related Party: Rotary Airlie Beach Club

Nature of related party's interest in this matter: Sponsors for the street parade for the Great Barrier Reef Festival.

As a result of this conflict of interest, Cr Clifford advised that she wishes to remain in the meeting to make a decision in relation to this matter as she does not believe a reasonable person could have a perception of bias.

Cr Clifford acknowledged that Councillors must determine, pursuant to section 150ES of the *Local Government Act 2009*, whether Cr Clifford may participate in the decision making, discussion and voting on this matter.

## **RESOLUTION OM2024/05/29.20**

**Moved by: CR G SIMPSON**

**Seconded by: CR J COLLINS**

**That Council agree that it is in the public interest that Cr Clifford participates and votes on item 11.14 – Sponsorship Request - 2024 Great Barrier Reef Festival - Great Barrier Reef Festival Committee, because no direct or indirect benefit or loss accrues to Cr Clifford; and therefore it is reasonable that the final decision will be made in the public interest.**

### **MEETING DETAILS:**

The motion was Carried 6 / 0

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

**CARRIED**

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11.14 - Sponsorship Request - 2024 Great Barrier Reef Festival - Great Barrier Reef Festival Committee

PURPOSE

For Council to consider a sponsorship request from the Great Barrier Reef Festival committee to assist with the annual Great Barrier Reef Festival event taking place on 1 – 4 August 2024 in Airlie Beach.

OFFICER'S RECOMMENDATION

That Council support the 2024 Great Barrier Reef Festival by providing the below:

- a) \$5,000 cash sponsorship to fund the fireworks display.
- b) Up to \$10,000 in-kind sponsorship to fund the following:
 - Closure of the Lagoon Carpark from Thursday 1 August to Sunday 4 August and the Broadwater Carpark on Saturday 3 August.
 - Provision of a Traffic Management Plan.
 - Road Closure of Main Street Airlie Beach from 7am-7pm on Saturday 3 August.
 - Installation and removal of street banners along Main Street Airlie Beach and at the Whitsunday Coast Airport, including traffic safety control where needed.
 - Provision of 15 waste bins to be delivered on site and removed after the event.

RESOLUTION OM2024/05/29.21

Moved By: **CR J CLIFFORD**

Seconded By: **CR M WRIGHT**

That Council support the 2024 Great Barrier Reef Festival by providing the below:

- a) \$5,000 cash sponsorship to fund the fireworks display.
- b) Up to \$10,000 in-kind sponsorship to fund the following:
 - Closure of the Lagoon Carpark from Thursday 1 August to Sunday 4 August and the Broadwater Carpark on Saturday 3 August.
 - Provision of a Traffic Management Plan.
 - Road Closure of Main Street Airlie Beach from 7am-7pm on Saturday 3 August.
 - Installation and removal of street banners along Main Street Airlie Beach and at the Whitsunday Coast Airport, including traffic safety control where needed.
 - Provision of 15 waste bins to be delivered on site and removed after the event.

MEETING DETAILS

The motion was Carried 7 / 0.

CARRIED


~~~~~

### **11.15 - Sponsorship Request - 2024 Wintersun Tournament - Proserpine Veteran Golfers Club**

#### **PURPOSE**

For Council to consider a request for sponsorship from the Proserpine Veteran Golfers Club to assist them with holding the Wintersun Tournament in August 2024.

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

That Council approve a sponsorship of \$3,000, to assist the Proserpine Veteran Golfers Club in holding the 2024 Wintersun Tournament in August.

#### **RESOLUTION OM2024/05/29.22**

**Moved By: CR J COLLINS**

**Seconded By: CR G SIMPSON**

**That Council approve a sponsorship of \$3,000, to assist the Proserpine Veteran Golfers Club in holding the 2024 Wintersun Tournament in August.**

#### **MEETING DETAILS**

The motion was Carried 7 / 0.

**CARRIED**

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11.16 - Lease - Bowen Aerodrome - Bowen Aero Club Inc.

PURPOSE

For Council to consider a request to enter into a lease at the Bowen Aerodrome.

OFFICER'S RECOMMENDATION

That Council authorise the Chief Executive Officer to enter into negotiations and execute a part of land peppercorn lease over Lot 237 on SP218205, 18793 Bruce Highway, Bowen also known as the Bowen Aerodrome, with the Bowen Aero Club Inc. for a 10-year term in accordance with Section 236(1)(b)(ii) of the Local Government Regulation 2012.

RESOLUTION OM2024/05/29.23

Moved By: CR M WRIGHT

Seconded By: CR J COLLINS

That Council authorise the Chief Executive Officer to enter into negotiations and execute a part of land peppercorn lease over Lot 237 on SP218205, 18793 Bruce Highway, Bowen also known as the Bowen Aerodrome, with the Bowen Aero Club Inc. for a 10-year term in accordance with Section 236(1)(b)(ii) of the Local Government Regulation 2012.

MEETING DETAILS

The motion was Carried 7 / 0.

CARRIED

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## **11.17 - Lease - Whitsunday Coast Airport - Whitsunday Aero Club Inc.**

### **PURPOSE**

For Council to consider a request to renew a lease at the Whitsunday Coast Airport.

### **OFFICER'S RECOMMENDATION**

That Council authorise the Chief Executive Officer to enter into negotiations and execute a part of land (Lease KK) peppercorn lease over Lot 50 on HR808298, Lascelles Avenue, Gunyarra also known as the Whitsunday Coast Airport, with the Whitsunday Aero Club Inc. for a 10-year term in accordance with Section 236(1)(b)(i) and (1)(c)(iii) of the Local Government Regulation 2012.

### **RESOLUTION OM2024/05/29.24**

Moved By: CR J COLLINS

Seconded By: CR J CLIFFORD

That Council authorise the Chief Executive Officer to enter into negotiations and execute a part of land (Lease KK) peppercorn lease over Lot 50 on HR808298, Lascelles Avenue, Gunyarra also known as the Whitsunday Coast Airport, with the Whitsunday Aero Club Inc. for a 10-year term in accordance with Section 236(1)(b)(i) and (1)(c)(iii) of the Local Government Regulation 2012.

### **MEETING DETAILS**

The motion was Carried 7 / 0.

**CARRIED**

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11.18 - Don River Improvement Trust Committee Appointment

PURPOSE

To appoint a Councillor representative to the Don River Improvement Trust Committee

OFFICER'S RECOMMENDATION

That Council appoint Councillor XXX as a member to the Don River Improvement Trust Committee for the remainder of the 2024-2028 council term.

RESOLUTION OM2024/05/29.25

Moved By: CR M WRIGHT

Seconded By: CR J CLIFFORD

That Council appoint Councillor Simpson as a member to the Don River Improvement Trust Committee for the remainder of the 2024-2028 council term.

MEETING DETAILS

The motion was Carried 7 / 0.

CARRIED

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## **11.19 - Australian Local Government Association (ALGA) National General Assembly Conference 2024**

### **PURPOSE**

To seek endorsement of the nomination for Councillors to attend the National General Assembly (NGA) 2024 in Canberra from 2<sup>nd</sup> to 4<sup>th</sup> July 2024.

### **OFFICER'S RECOMMENDATION**

That Council approves Mayor Ry Collins and Councillors XXX to attend the National General Assembly (NGA) 2024 in Canberra from 2<sup>nd</sup> to 4<sup>th</sup> July 2024.

### **RESOLUTION OM2024/05/29.26**

Moved By: CR J COLLINS

Seconded By: CR C BAUMAN

That Council approves Mayor Ry Collins and Councillor Wright to attend the National General Assembly (NGA) 2024 in Canberra from 2<sup>nd</sup> to 4<sup>th</sup> July 2024.

### **MEETING DETAILS**

The motion was Carried 7 / 0.

**CARRIED**

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11.20 - Revenue Policy 2024/25

PURPOSE

To present for adoption the 2024/25 Revenue Policy as required by the Local Government Regulation 2012 (Qld).

OFFICER'S RECOMMENDATION

That Council adopt the Revenue Policy for 2024/25 as presented in accordance with sections 169 and 193 of the Local Government Regulation 2012 (Qld) (**Attachment 1**).

RESOLUTION OM2024/05/29.27

Moved By: CR M WRIGHT

Seconded By: CR J FINLAY

That Council adopt the Revenue Policy for 2024/25 as presented in accordance with sections 169 and 193 of the Local Government Regulation 2012 (Qld) (**Attachment 1**).

Subject to the following amendments following legal advice:

Scope – second dot point to read: -

- all Rates and Charges levied by Council, and the process for making, levying, recovering, and granting concessions for those Rates and Charges.

Paragraph 1.2.2(b) as amended: -

1.2.1.2

Acknowledging the diversity of land uses within the region, and in order to maintain an equitable distribution of rates across such land uses, Council will adopt a differential rating system, in keeping with Chapter 4, Part 5 of the Regulation. Council considers a more equitable outcome can be achieved by a system where land with high economic activity and/or capacity to generate income contributes more in rates than land with lower economic activity and/or capacity to generate income, than would be achieved by a simple, single rate in the dollar, general rating scheme.

Addition of paragraph:

- 1.3 Council will exercise its rate recovery powers under the Act and Regulations having regard to ratepayer cashflows, if appropriate.

MEETING DETAILS

The motion was Carried 7 / 0.

CARRIED

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## 11.21 - Annual Land Valuation - Effective 30 June 2025

### PURPOSE

This report is seeking Council's direction about the offer for a Whole of Region revaluation of land for the upcoming 2025/26 financial year.

### OFFICER'S RECOMMENDATION

That Council accepts the request from the Department of Resources to include the Whitsunday Regional Council local government area as part of the 2025 revaluation program to take effect on 30 June 2025.

### RESOLUTION OM2024/05/29.28

Moved By: CR J FINLAY

Seconded By: CR J COLLINS

That Council accepts the request from the Department of Resources to include the Whitsunday Regional Council local government area as part of the 2025 revaluation program to take effect on 30 June 2025.

### MEETING DETAILS

The motion was Carried 7 / 0.

**CARRIED**

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11.22 - Notification of Water Meter Reading Period

PURPOSE

To obtain a resolution for the declaration of the date for the reading of water meters for the first half of the financial year 2024/25.

OFFICER'S RECOMMENDATION

That Council declare the water meter reading date to be 10th of June 2024 for the commencement of reading the water meters for the billing period.

RESOLUTION OM2024/05/29.29

Moved By: CR J CLIFFORD

Seconded By: CR M WRIGHT

That Council declare the water meter reading date to be 10th of June 2024 for the commencement of reading the water meters for the billing period.

MEETING DETAILS

The motion was Carried 7 / 0.

CARRIED

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## 11.23 - Sole Source Supplier Listing 2024/25

### PURPOSE

To present Council with the updated listing of Sole Suppliers for consideration and approval in accordance with section 235 of the *Local Government Regulation 2012*.

### OFFICER'S RECOMMENDATION

That Council:

- a) Resolves in accordance with section 235(a) and 235(b) of the Local Government Regulation 2012, that it is satisfied that the nominated suppliers listed in **Attachment 1** of the Report are Sole Suppliers and that they be added to the Sole Supplier Register for the 2024/25 financial year; and
- b) Delegates authority to the Chief Executive Officer in accordance with section 257 of the *Local Government Act 2009* to enter into contracts, negotiate, finalise, and execute any and all matters associated with or in relation to Sole Suppliers subject to Council's normal procurement policies and practices.

### RESOLUTION OM2024/05/29.30

Moved By: CR J CLIFFORD

Seconded By: CR J FINLAY

That Council:

- a) Resolves in accordance with section 235(a) and 235(b) of the Local Government Regulation 2012, that it is satisfied that the nominated suppliers listed in Attachment 1 of the Report are Sole Suppliers and that they be added to the Sole Supplier Register for the 2024/25 financial year; and
- b) Delegates authority to the Chief Executive Officer in accordance with section 257 of the *Local Government Act 2009* to enter into contracts, negotiate, finalise, and execute any and all matters associated with or in relation to Sole Suppliers subject to Council's normal procurement policies and practices.

### MEETING DETAILS

The motion was Carried 7 / 0.

CARRIED

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11.24 - Schedule of Fees & Charges 2024/25

PURPOSE

To establish Cost Recovery Fees and Other Charges to be levied for a range of goods and services provided by Council on a user pays basis for the 2024/25 financial year.

OFFICER'S RECOMMENDATION

That Council:

- (a) In accordance with Section 97 of the *Local Government Act 2009 (Qld)*, set the Cost Recovery Fees as detailed in the **Attachment 1**.
- (b) In accordance with Section 262(3)(c) of the *Local Government Act 2009 (Qld)*, set the Other Charges, as detailed in the **Attachment 1**, for the 2024/25 financial year, to be effective from 1 July 2024.
- (c) Delegate the Chief Executive Officer to negotiate fees and charges, other than those that are cost-recovery fees, in accordance with section 257 (1)(b) of the *Local Government Act 2009*.

RESOLUTION OM2024/05/29.31

Moved By: CR J FINLAY

Seconded By: CR M WRIGHT

That Council:

- (a) In accordance with Section 97 of the *Local Government Act 2009 (Qld)*, set the Cost Recovery Fees as detailed in the Attachment 1.
- (b) In accordance with Section 262(3)(c) of the *Local Government Act 2009 (Qld)*, set the Other Charges, as detailed in the Attachment 1, for the 2024/25 financial year, to be effective from 1 July 2024.
- (c) Delegate the Chief Executive Officer to negotiate fees and charges, other than those that are cost-recovery fees, in accordance with section 257 (1)(b) of the *Local Government Act 2009*.

MEETING DETAILS

The motion was Carried 6 / 1.

CARRIED

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## 11.25 - Budget Review 2

### PURPOSE

To review the current budget and make amendments to better reflect the current and forecast financial position of Council and to confirm priorities for capital projects to be delivered in the 2023/24 financial year.

### OFFICER'S RECOMMENDATION

That Council resolve:

- A. In accordance with section 170(3) of the Local Government Regulation 2012, to revise the Whitsunday Regional Council Budget adopted for the financial year 2023/24, as presented in the following statements prepared in accordance with section 169 of the Local Government Regulation 2012:
  - 1) Revised Statement of Comprehensive Income,
  - 2) Revised Statement of Financial Position,
  - 3) Revised Statement of Cash Flows,
  - 4) Revised Statement of Changes in Equity for the financial year 2023/24,
  - 5) The resulting Revised Long-Term Financial Forecast for the financial years 2023/24 through 2032/33, inclusive,
  - 6) The Revised Measures of Financial Sustainability; and
- B. To make the following transfers to and from reserves for the financial year 2023/24:
  - 1) \$1,343,184 from the Infrastructure Reserve to fund capital works projects, and
  - 2) A net transfer of \$9,260,940 from the Capital Works Reserve, as follows:
    - a) \$7,305,044 to the Capital Works Reserve, and
    - b) \$16,565,984 from the Capital Works Reserve to fund capital works projects.
  - 3) A net transfer of \$215,200 from the Strategic Asset Reserve, as follows:
    - c) \$300,000 to the Strategic Asset Reserve, and
    - d) \$515,200 from the Strategic Asset Reserve to fund capital works projects.

### RESOLUTION OM2024/05/29.32

Moved By: CR J CLIFFORD

Seconded By: CR J COLLINS

That Council resolve:

- A. In accordance with section 170(3) of the Local Government Regulation 2012, to revise the Whitsunday Regional Council Budget adopted for the financial year 2023/24, as presented in the following statements prepared in accordance with section 169 of the Local Government Regulation 2012:
  - 1) Revised Statement of Comprehensive Income,
  - 2) Revised Statement of Financial Position,
  - 3) Revised Statement of Cash Flows,
  - 4) Revised Statement of Changes in Equity for the financial year 2023/24,
  - 5) The resulting Revised Long-Term Financial Forecast for the financial years 2023/24 through 2032/33, inclusive,
  - 6) The Revised Measures of Financial Sustainability; and

**B. To make the following transfers to and from reserves for the financial year 2023/24:**

- 1) \$1,343,184 from the Infrastructure Reserve to fund capital works projects, and**
- 2) A net transfer of \$9,260,940 from the Capital Works Reserve, as follows:**
  - a) \$7,305,044 to the Capital Works Reserve, and**
  - b) \$16,565,984 from the Capital Works Reserve to fund capital works projects.**
- 3) A net transfer of \$215,200 from the Strategic Asset Reserve, as follows:**
  - a) \$300,000 to the Strategic Asset Reserve, and**
  - b) \$515,200 from the Strategic Asset Reserve to fund capital works projects.**

## **MEETING DETAILS**

The motion was Carried 7 / 0.

**CARRIED**

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11.26 - 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 30 April 2024.

RESOLUTION OM2024/05/29.33

Moved By: CR J CLIFFORD

Seconded By: CR M WRIGHT

That Council receive the Financial Report, Capital Expenditure Report and the Unaudited Financial Statements 2023/24 for the period ended 30 April 2024.

MEETING DETAILS

The motion was Carried 7 / 0.

CARRIED

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## 12 CONFIDENTIAL MATTERS

Prior to closing the meeting, four conflicts of interests were declared by Cr Finlay, Cr Simpson and Cr Clifford.

Cr Finlay advised the meeting of a prescribed conflict of interest in item 12.2 - Request for Rate Concession and as per section 150EI of the Local Government Act 2009 due to the following:

Relationship with the Entity: Applicant is a client of the company for which Cr Finlay works. Business relationship, close associates.

Entity's Interest in the Matter: Applicant for the Request for Rate Concession in a client.

Nature of Relationship with Close Associate: Applicant is a client of SBB Partners Company which Cr Finlay is the Manager.

As a result of this conflict of interest, Cr Finlay advised that he will leave the meeting and take no part in the discussion or decision making of this matter.

Cr Simpson advised the meeting of a prescribed conflict of interest in item 12.3 - Request for Financial Assistance - Whitsunday Sportspark and as per section 150EI of the *Local Government Act 2009* due to the following:

Relationship with the Entity: The Whitsunday Sportspark Committee chairperson is a business owner of a company that Cr Simpson is a client.

Entity's Interest in the Matter: Whitsunday Sportspark is requesting for financial assistance from Whitsunday Regional Council.

Nature of Relationship with Close Associate: Business relationship - Cr Simpson is a client of Eclipse Financial Planning.

As a result of this conflict of interest, Cr Simpson advised that he will leave the meeting and take no part in the discussion or decision making of this matter.

As a result of this conflict of interest, Cr Simpson advised that he will leave the meeting and take no part in the discussion or decision making of this matter.

Cr Finlay advised the meeting of a prescribed conflict of interest in item 12.3 - Request for Financial Assistance - Whitsunday Sportspark and as per section 150EI of the *Local Government Act 2009* due to the following:

Relationship with the Entity: An executive of applicant has a business relationship with the company that Cr Finlay works.

Entity's Interest in the Matter: Applicant for request for financial assistance - Whitsunday Sportspark.

Nature of Relationship with Close Associate: Business Relationship

As a result of this conflict of interest, Cr Finlay advised that he will leave the meeting and take no part in the discussion or decision making of this matter.

Cr Clifford advised the meeting of a declarable conflict of interest in item 12.3 Request for Financial Assistance -- Whitsunday Sportspark as defined by section 150EN and 150EQ of the *Local Government Act 2009* due to the following:

Details of Interest: Cr Clifford previously has attended the Sportsparks executive meetings and was appointed to the committee by Council but did not hold an executive position.

Nature of relationship with other person: Previously an observer on the Whitsunday Sportspark Committee

Name of Related Party: Whitsunday Sportspark Committee

Nature of related party's interest in this matter: Whitsunday Sportspark is requesting financial assistance from Whitsunday Regional Council.

As a result of this conflict of interest, Cr Clifford advised that she wishes to remain in the meeting to make a decision in relation to this matter as she does not believe a reasonable person could have a perception of bias.

Cr Clifford acknowledged that Councillors must determine, pursuant to section 150ES of the *Local Government Act 2009*, whether Cr Clifford may participate in the decision making, discussion and voting on this matter.

#### **RESOLUTION OM2024/05/29.34**

**Moved by: CR J COLLINS**

**Seconded by: CR M WRIGHT**

**That Council agree that it is in the public interest that Cr Clifford participates and votes on item 12.3 – Request for Financial Assistance - Whitsunday Sportspark,**

because no direct or indirect benefit or loss accrues to Cr Clifford; and therefore it is reasonable that the final decision will be made in the public interest.

**MEETING DETAILS:**

The motion was Carried 4 / 0

Cr Clifford, Cr Finlay and Cr Simpson did not participate in the voting on this matter as a result of their declared conflicts of interests.

**CARRIED**

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**PROCEDURAL MOTION - CLOSURE OF MEETING (CONFIDENTIAL SESSION)
OM2024/05/29.35**

Moved by: CR J CLIFFORD

Seconded by: CR J COLLINS

That Council close the meeting to the public at 12.28pm in accordance with Section 254J of the Local Government Regulations 2012 for closed meetings, for the purpose of discussing the following items and the reasons for going into closed session:

12.1 - 2024/25 Commercial Schedule of Fees & Charges

- *(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.*

12.2 - Request for Rate Concession

- *(d) rating concessions.*

12.3 - Request for Financial Assistance – Whitsunday Sportspark

- *(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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During closed session Cr Finlay left the meeting room at 12.38pm in accordance with his previously declared prescribed conflicts of interests and did not participate in the discussions held on both items 12.2 Request for Rate Concession & 12.3 Request for Financial Assistance - Whitsunday Sportspark.

During closed session Cr Simpson left the meeting room at 12.56pm in accordance with his previously declared prescribed conflict of interest and did not participate in the discussions held on item 12.3 Request for Financial Assistance - Whitsunday Sportspark.

During closed session, the meeting adjourned for the purpose of lunch at 1.20pm.

During closed session, the meeting reconvened from lunch at 1.42pm.

Discussions were continued to be held on items 12.2 & 12.3 with Cr Finlay and Cr Simpson absent from the room due to their conflicts of interests.

Cr Finlay and Cr Simpson both returned to the meeting at 1.51pm.

#### **PROCEDURAL MOTION - REOPEN MEETING OM2024/05/29.36**

**Moved by: CR J CLIFFORD**

**Seconded by: CR M WRIGHT**

**That Council reopen the meeting to the general public at 1.52pm.**

#### **MEETING DETAILS:**

The motion was Carried 6 / 0

**CARRIED**

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12.1 - 2024/25 Commercial Schedule of Fees & Charges

PURPOSE

To establish the commercial confidential Cost Recovery Fees and Other Charges to be levied for a range of goods and services provided by Council on a user pays basis.

RECOMMENDATION

That Council:

- (a) in accordance with Section 262(3)(c) of the *Local Government Act 2009 (Qld)* adopt the Other Charges, as detailed in the Attachments 1 & 2, for the 2024/25 financial year, to be effective from 1 July 2024, and
- (b) Delegate the Chief Executive Officer the authority to vary the Other Charges, where it is beneficial to the interest of Council to do so for the Other Charges contained in Attachments 1 & 2.

RESOLUTION OM2024/05/29.37

Moved By: CR J FINLAY

Seconded By: CR M WRIGHT

That Council:

- (a) in accordance with Section 262(3)(c) of the *Local Government Act 2009 (Qld)* adopt the Other Charges, as detailed in the Attachments 1 & 2, for the 2024/25 financial year, to be effective from 1 July 2024, and
- (b) Delegate the Chief Executive Officer the authority to vary the Other Charges, where it is beneficial to the interest of Council to do so for the Other Charges contained in Attachments 1 & 2.

MEETING DETAILS

The motion was Carried 6 / 1.

CARRIED

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Cr Finlay declared a prescribed conflict of interest in item 12.2 regarding Request for Rate Concession as defined by section 150EI of the *Local Government Act 2009*, due to the following:

Relationship with the Entity: Applicant is a client of the company Cr Finlay works for. Business relationship, close associates.

Entity's Interest in the Matter: Applicants to Request for Rate Concession.

Nature of Relationship with Close Associate: Applicants are clients of SBB Partners Company which Cr Finlay is the Manager.

As a result of this conflict of interest, Cr Finlay advised that he will leave the meeting and take no part in the discussion or decision making of this matter.

Cr Finlay left the meeting at 1.53m.

## **12.2 - Request for Rate Concession**

### **PURPOSE**

That Council consider providing financial assistance to Girudala Housing Cooperative Ltd by authorising a rating concession on relevant properties under Council's Donations on Rates and Charges for Not-for-Profit Organisations Policy.

### **RECOMMENDATION**

That Council does not grant a concession on the outstanding 2023-24 rates and charges for Rate Assessments 1204898, 1203314,1201419,1202486, in this instance and that Council delegates to the Chief Executive Officer to undertake further negotiations on payment arrangements.

### **RESOLUTION OM2024/05/29.38**

**Moved By: CR M WRIGHT**

**Seconded By: CR J CLIFFORD**

**That Council does grant a concession on the outstanding 2023-24 rates and charges for Rate Assessments 1204898, 1203314,1201419,1202486, in this instance and that Council delegates to the Chief Executive Officer to undertake further negotiations on payment arrangements.**

### **MEETING DETAILS**

The motion was Carried 6 / 0.

**CARRIED**

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Cr Finlay returned to the meeting at 1.54pm.

Cr Simpson declared a prescribed conflict of interest in item 12.3 Request for Financial Assistance - Whitsunday Sportspark as defined by section 150EI of the *Local Government Act 2009*, due to the following:

Relationship with the Entity: The Whitsunday Sportspark Committee chairperson is a business owner of a company that Cr Simpson is a client.

Entity's Interest in the Matter: Whitsunday Sportspark is requesting for financial assistance from Whitsunday Regional Council.

Nature of Relationship with Close Associate: Business relationship - Cr Simpson is a client of Eclipse Financial Planning.

As a result of this conflict of interest, Cr Simpson advised that he will leave the meeting and take no part in the discussion or decision making of this matter.

Cr Simpson left the meeting at 1.54pm.

Cr Finlay declared a prescribed conflict of interest in item 12.3 Request for Financial Assistance - Whitsunday Sportspark as defined by section 150EI of the *Local Government Act 2009*, due to the following:

Relationship with the Entity: An executive of the applicant has a business relationship with the company that Cr Finlay works for. Applicant is a close associate.

Entity's Interest in the Matter: Whitsunday Sportspark is seeking financial assistance.

Nature of Relationship with Close Associate: Business relationship, close associate.

As a result of this conflict of interest, Cr Finlay advised that he will leave the meeting and take no part in the discussion or decision making of this matter.

Cr Finlay left the meeting at 1.55pm.

12.3 - Request for Financial Assistance - Whitsunday Sportspark

PURPOSE

To present to Council a request of Council for Financial assistance from the Whitsunday Sportspark Ltd.

RECOMMENDATION

That Council consider the options presented and confirm any proposed actions.

RESOLUTION OM2024/05/29.39

Moved By: CR J CLIFFORD

Seconded By: CR C BAUMAN

That the item be deferred to a future meeting to allow for a presentation from the Whitsunday Sportspark Limited.

MEETING DETAILS

The motion was Carried 5 / 0.

CARRIED

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Cr Finlay and Cr Simpson returned to the meeting at 1.56pm.

#### **13 LATE REPORT ITEMS**

There were no late items for this meeting.

#### **14 MATTERS OF IMPORTANCE**

- ~~~~~
- Cr Wright requested an update on the Ted Cunningham Bridge.
  - Cr Clifford requested an update on the Airlie Beach Main Street Pedestrian Crossing Trial

Director provided a verbal response to both matters raised.

The Meeting closed at 2.05pm.

Confirmed as a true and correct recording this 26 June 2024

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**Cr Ry Collins  
MAYOR**