



Minutes of the Ordinary Council Meeting held on Wednesday 24 July 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); Greg Martin (Communications and Marketing Manager); James Ngoroyemoto (Manager Governance and Administration); Tailah Jensen (Governance Administration Officer/Minute Taker)

Other Officers Present (Partial Attendance):

Craig Turner (Director Commercial Businesses); Peter Shuttlewood (Executive Manager Procurement, Property and Fleet); Billie Davis (Senior Commercial Officer Aviation and Tourism)

The meeting commenced at 9.00am

The meeting adjourned for morning tea at 10.34am

The meeting reconvened from morning tea at 10.57am

The meeting closed at 12.19pm

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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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Elite Athlete Presentations were held and the Mayor provided the recipients with certificates.

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 Special Meeting and Ordinary Council Meeting held on 26 June 2024 are provided for Councils review and confirmation.

OFFICER'S RECOMMENDATION

That Council:

1. Confirms the Minutes of the Special Meeting held on 26 June 2024; and
2. Confirms the Minutes of the Ordinary Meeting held on 26 June 2024.

RESOLUTION OM2024/07/24.1

Moved By: CR R COLLINS (MAYOR)

Seconded By: CR M WRIGHT

That Council confirms the Minutes of the Special Meeting held on 26 June 2024 subject to amending page 10 of the budget minutes to remove the words 'by six percent' to avoid confusion over waste charges increases.

MEETING DETAILS

The motion was Carried 7 / 0.

CARRIED

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**RESOLUTION OM2024/07/24.2**

**Moved By: CR J FINLAY**

**Seconded By: CR M WRIGHT**

**That Council Confirms the Minutes of the Ordinary Meeting held on 26 June 2024.**

**MEETING DETAILS**

The motion was Carried 7 / 0.

**CARRIED**

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4 BUSINESS ARISING

There was 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 / PRESENTATIONS**

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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**9 QUESTIONS FROM THE PUBLIC GALLERY**

There were no public questions submitted during this meeting.

## 10 COMMITTEES REPORTS

There were no committee reports for this meeting.

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11 OFFICERS REPORTS

11.1 - 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 a tabled report for Councils consideration.

OFFICER'S RECOMMENDATION

That Council takes off the table report 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 (**Attachment A**), tabled at Council Ordinary Council Meeting held on 29 April 2024 for Council Consideration.

RESOLUTION OM2024/07/24.3

Moved By: CR R COLLINS (MAYOR)

That Council takes off the table report 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 (**Attachment A**), tabled at Council Ordinary Council Meeting held on 29 April 2024 for Council Consideration.

MEETING DETAILS

The motion was Carried 7 / 0.

CARRIED

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## RESOLUTION OM2024/07/24.4

Moved By: CR M WRIGHT

Seconded By: CR G SIMPSON

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 gravel strip on the shoulder of Mine Street is required. The strip is to commence from the newly constructed access on Mine Street south for a length of 20 metres.*

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. The facility can operate outside of these hours in emergency circumstances or for the safety & wellbeing of drivers / operators. Noise levels should be kept to a minimum.*

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. Any additional vehicles parked on site must not 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.

### 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:

- The conditions reflect the reasonable use of the premises acknowledging its remote location.

### MEETING DETAILS

The motion was Carried 5 / 2.

CARRIED

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11.2 - 20240157 - Development Application for Development Permit for Reconfiguration of a Lot - One (1) Lot into Two (2) Lots - 2184 Crystal Brook Road, Crystal Brook - 7RP733396 - Bredl Plumbing C/- Veris

PURPOSE

To assess the development application for a two lot rural subdivision and seek Council's determination.

OFFICER'S RECOMMENDATION

That Council refuse the application for Development Application for Development Permit for Reconfiguration of a Lot – One (1) Lot into Two (2) Lots, made by Bredl Plumbing, on L: 7 RP: 733396 T: N1076/239 and located at 2184 Crystal Brook Road Crystal Brook, 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 B land.
2. The proposal is not consistent with the Mackay, Isaac and Whitsunday 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.

RESOLUTION OM2024/07/24.5

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 Two (2) Lots, made by Bredl Plumbing, on L: 7 RP: 733396 T: N1076/239 and located at 2184 Crystal Brook Road Crystal Brook, subject to the conditions outlined in Attachment 1.

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
Plan of Proposed	veris	402706 PP-01	24/01/2024

Subdivision of Lot 7 on RP733396 Crystal Brook Road		Rev. A	
Land Suitability Assessment for On-site Wastewater Treatment and Effluent Disposal	CQ Soil Testing	CQ24617 Ver. A	05/02/2024

- 1.2 The developer is to comply with the Department of State Development, Manufacturing, Infrastructure and Planning's conditions as outlined in the Department's correspondence dated 12 April 2024.
- 1.3 The following further development permits are required prior to commencement of work on site or commencement of the use:
 - Operational Works:

- 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.

CLEARING, LANDSCAPING AND FENCING

- 2.1 Any vegetation removed must be disposed of to the requirements of the Council. Transplanting, chipping or removal from site are the preferred solutions.
- 2.2 All vegetative waste cleared as part of the development of the site is to be either:
 - a) stored neatly on site and shredded within sixty (60) days of clearing; or
 - b) removed off the site to an approved disposal location.
- 2.3 Any pruning works must be in accordance with AS 4373-1996 – Pruning of Amenity Tree.
- 2.4 No invasive plants (Biosecurity Act, 2014) or declared local pests (Local Law no.3) shall be planted on the site or allowed to invade the site and the site must be managed and maintained to exclude weeds.
- 2.5 To reduce the spread of weeds, all earthmoving equipment shall be free of soil and seed before being taken to the work site and again on completion of the project.

WATER INFRASTRUCTURE

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

ON SITE EFFLUENT DISPOSAL

- 4.1 At future building application stage, the applicant is to Design and Construct an on-site sewerage treatment system to Proposed Lot 2. Such work must be in accordance with Queensland Plumbing and Wastewater code. The applicant will be required to supply a detailed site-specific Wastewater Report at building stage for Proposed Lot 2 that complies with AS 1547:2012 and the Queensland Plumbing and Wastewater Code Version 1:2019. The Effluent Feasibility Study by CQ Soil Testing dated 05/02/2024 be noted at future building stage.

STORMWATER AND FLOODING

- 5.1 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).
- 5.2 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.
- 5.3 All habitable dwellings must be constructed to a level not less than 300mm above the Q100 flood level for the developed site.

ELECTRICITY AND TELECOMMUNICATIONS

- 6.1 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.

ENVIRONMENTAL MANAGEMENT PLAN (EMP)

- 7.1 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.
- 7.2 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.
- 7.3 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.
- 7.4 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.

MAINTENANCE VALUATION

- 8.1 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.

MISCELLANEOUS

- 9.1 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

- 9.2 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.
- 9.3 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.
- 9.4 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 Crystal Brook Road or adjoining land unless written permission from the owner of that land and Council is provided.
- 9.5 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.

ADVISORY NOTES

10.1 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.

10.2 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.

10.3 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.

10.4 Noise During Construction and Noise in General

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

10.5 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.

10.6 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 Crystalbrook Road.
2. There were no submissions lodged against the development.

MEETING DETAILS

The motion was Carried 6 / 1.

CARRIED

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**11.3 - 20240012 - Development Application for Development Permit for Material Change of Use - Short Term Accommodation - 52 Trader Crescent, Cannonvale - 204SP276373 - M Kurpiewski C/-Wynne Planning and Development Pty Ltd**

**PURPOSE**

To present the assessment of the development application for a Short-Term Accommodation (STA) at 52 Trader Crescent, 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 M Kurpiewski, on 52 Trader Crescent, Cannonvale and located at L: 204 SP: 276373, subject to conditions outlined in **Attachment 3**.

**RESOLUTION OM2024/07/24.6**

Moved By: **CR C BAUMAN**

Seconded By: **CR J CLIFFORD**

That Council refuse the Development Permit for Material Change of Use – Short-Term Accommodation, made by M Kurpiewski, on 52 Trader Crescent, Cannonvale and located at L: 204 SP: 276373.

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

**MEETING DETAILS**

The motion was Carried 5 / 2.

**CARRIED**

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11.4 - 20230889 - Request for Minor Change to Development Permit for Reconfiguration of a Lot for One (1) Lot into Six (6) Lots & Access - 159 Wrights Road, Strathdickie - Chalkies QLD Pty Ltd as TTE (and others) C/- Locus Surveys

PURPOSE

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

OFFICER'S RECOMMENDATION

That Council refuse the Minor Change request to the Development Permit for Reconfiguration of a Lot for One (1) Lot into Six (6) Lots and Access Easement at 159 Wrights Road Strathdickie.

RESOLUTION OM2024/07/24.7

Moved By: CR J COLLINS

Seconded By: CR J FINLAY

That Council refuse the Minor Change request to the Development Permit for Reconfiguration of a Lot for One (1) Lot into Six (6) Lots and Access Easement at 159 Wrights Road Strathdickie.

MEETING DETAILS

The motion was Carried 6 / 1.

CARRIED

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## **11.5 - Donation Requests Approved Under \$2,000 - June 2024**

### **PURPOSE**

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

### **OFFICER'S RECOMMENDATION**

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

- a) ESA International Alpha Epsilon Branch Proserpine – 60<sup>th</sup> Anniversary Celebration - \$200
- b) Girudala Community Cooperative Society – NAIDOC Week Family Fun Day - \$660
- c) Bowen Netball Association – Annual Club Carnival - \$1,000
- d) Collinsville State High School P&C – 2024 Bacon Busters - \$1,000
- e) Bowen Chamber of Commerce – Thanks Doc! Commemorative Event - \$1,000
- f) Ronald McDonald House Charities North – V8 Experience Raffle at Don River Dash - \$2,000

### **RESOLUTION OM2024/07/24.8**

**Moved By: CR J FINLAY**

**Seconded By: CR M WRIGHT**

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

- a) **ESA International Alpha Epsilon Branch Proserpine – 60<sup>th</sup> Anniversary Celebration - \$200**
- b) **Girudala Community Cooperative Society – NAIDOC Week Family Fun Day - \$660**
- c) **Bowen Netball Association – Annual Club Carnival - \$1,000**
- d) **Collinsville State High School P&C – 2024 Bacon Busters - \$1,000**
- e) **Bowen Chamber of Commerce – Thanks Doc! Commemorative Event - \$1,000**
- f) **Ronald McDonald House Charities North – V8 Experience Raffle at Don River Dash - \$2,000**

### **MEETING DETAILS**

The motion was Carried 7 / 0.

**CARRIED**

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Councillors were advised by the CEO in considering this report that no conflicts of interest would arise for this report as council is simply noting decisions that have been made by Council officers under delegation.

11.6 - Trust Fund Policy

PURPOSE

For endorsement of the guiding principles contained in Council's Trust Fund Policy.

OFFICER'S RECOMMENDATION

That Council adopt the attached Trust Fund Policy and administer its Trust Fund in accordance with the guiding principles contained in the Policy and relevant legislative requirements in the Local Government Regulation 2012.

RESOLUTION OM2024/07/24.9

Moved By: CR M WRIGHT

Seconded By: CR G SIMPSON

That Council adopt the attached Trust Fund Policy and administer its Trust Fund in accordance with the guiding principles contained in the Policy and relevant legislative requirements in the Local Government Regulation 2012.

MEETING DETAILS

The motion was Carried 7 / 0.

CARRIED

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## **11.7 - Local Government Association of Queensland 2024 Motions and Annual Conference and Annual General Meeting Attendance**

### **PURPOSE**

To present Council's motions for submission to the Local Government Association Queensland (LGAQ) Annual Conference for potential inclusion in the 2024 Business Papers and nominate Councillors to attend the LGAQ 2024 Annual Conference.

### **OFFICER'S RECOMMENDATION**

That Council:

1. Submits the following motions to the Local Government Association of Queensland Annual Conference to be considered for inclusion in the Annual General Meeting (AGM):
  - a. The LGAQ works with the state government to identify within the financial management or financial sustainability guidelines where and how asset management practices can be utilised to identify and not replace assets and chose not to fund these replacements.
  - b. The LGAQ establish a communication and engagement protocol with the Department of Energy and Climate to ensure that there is more open and collaborative engagement with Councils and communities on key renewable energy initiatives to help connect more renewable energy sources and move it to where it's needed across the state.
  - c. The LGAQ works with the state government to advocate for a legislation review on gifts and benefits and conflicts of interest to allow for consistent application of these provisions across the three levels of government.
2. Appoint the following Councillors to attend the Local Government Association of Queensland Annual Conference 2024 to be held from 21 October to 23 October 2024:
  - a. Mayor Ry Collins
  - b. Deputy Mayor Michelle Wright
  - c. Councillors xxx

### **RESOLUTION OM2024/07/24.10**

**Moved By: CR M WRIGHT**

**Seconded By: CR J CLIFFORD**

That Council:

1. Submits the following motions to the Local Government Association of Queensland Annual Conference to be considered for inclusion in the Annual General Meeting (AGM):
  - a. The LGAQ works with the state government to identify within the financial management or financial sustainability guidelines where and how asset management practices can be utilised to identify and not replace assets and chose not to fund these replacements.

- b. The LGAQ establish a communication and engagement protocol with the Department of Energy and Climate to ensure that there is more open and collaborative engagement with Councils and communities on key renewable energy initiatives to help connect more renewable energy sources and move it to where it's needed across the state.
  - c. The LGAQ works with the state government to advocate for a legislation review on gifts and benefits and conflicts of interest to allow for consistent application of these provisions across the three levels of government.
- 2. Appoint the following Councillors to attend the Local Government Association of Queensland Annual Conference 2024 to be held from 21 October to 23 October 2024:
  - a. Mayor Ry Collins
  - b. Deputy Mayor Michelle Wright
  - c. Councillor Jan Clifford

#### **MEETING DETAILS**

The motion was Carried 7 / 0.

**CARRIED**

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11.8 - Coastal Leaders Forum

PURPOSE

To seek endorsement of the nomination for Councillors to attend the Coastal Leaders Forum 2024 in Townsville from 5-6 August 2024.

OFFICER'S RECOMMENDATION

That Council nominates Councillor Bauman to attend the Coastal Leaders Forum 2024 in Townsville from 5-6 August 2024.

RESOLUTION OM2024/07/24.11

Moved By: CR R COLLINS (MAYOR)

Seconded By: CR J CLIFFORD

That Council nominates Mayor Ry Collins and Councillor Clay Bauman to attend the Coastal Leaders Forum 2024 in Townsville from 5-6 August 2024.

MEETING DETAILS

The motion was Carried 7 / 0.

CARRIED

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## 11.9 - ALGWA State Conference 2024 Attendance

### PURPOSE

To inform council of the upcoming Australian Local Government Women's Association (ALGWA) Queensland State Conference 2024 on the 26<sup>th</sup> and 27<sup>th</sup> August 2024, and submit the request from Councillor Jan Clifford seeking to be nominated to attend the conference.

### OFFICER'S RECOMMENDATION

That Council nominate Councillor Jan Clifford to attend ALGWA Queensland State Conference 2024 to be held on the 26<sup>th</sup> and 27<sup>th</sup> August 2024 in Brisbane.

### RESOLUTION OM2024/07/24.12

Moved By: CR M WRIGHT

Seconded By: CR R COLLINS (MAYOR)

That Council nominate Councillor Jan Clifford to attend ALGWA Queensland State Conference 2024 to be held on the 26<sup>th</sup> and 27<sup>th</sup> August 2024 in Brisbane.

### MEETING DETAILS

The motion was Carried 6 / 1.

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 Interim Unaudited Financial Statements 2023/24 for the period ended 30 June 2024.

RESOLUTION OM2024/07/24.13

Moved By: CR J FINLAY

Seconded By: CR J CLIFFORD

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

MEETING DETAILS

The motion was Carried 7 / 0.

CARRIED

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## 12 LATE REPORT ITEMS

Mayor Ry Collins advised the meeting of two late reports as per the supplementary agenda which would be addressed in the confidential section of this meeting.

## 13 CONFIDENTIAL MATTERS

Cr Simpson declared a prescribed conflict of interest in item 13.6 and advised the meeting that he would leave the meeting and not participate in the discussion or voting matter.

Cr Finlay declared a prescribed conflict of interest in item 13.6 and advised the meeting that he would leave the meeting and not participate in the discussion or voting on this matter.

Cr Finlay declared a prescribed conflict of interest in item 13.1 and advised the meeting that he would leave the meeting and not participate in the discussion or voting on this matter.

Note - Cr Clifford is the nominated delegate to attend the Whitsunday Sport Park Meetings.

### PROCEDURAL MOTION - CLOSURE OF MEETING (CONFIDENTIAL SESSION) OM2024/07/24.14

Moved by: CR G SIMPSON

Seconded by: CR J CLIFFORD

That Council close the meeting to the public at 9.59am 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:

#### 13.1 500.2023.0083 - Flagstaff Hill Cafe and Convention Centre Tender/EOI

- *(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.*

#### 13.2 Flagstaff Hill Cafe Tender

- *(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.*

#### 13.3 Sub-Lease - Shute Harbour Marine Terminal - Island Transfers Pty Ltd

- *(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.*

#### 13.4 Road Closure Request - Stone Island Holdings

- (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.*

### **13.5 Audit and Risk Committee Independent Members Appointment**

- (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.*

### **13.6 Whitsunday SportsPark Loan**

- (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**

During closed session Cr Finlay left the meeting at 10.01am in accordance with his conflict of interest in item 13.1 and did not participate in the discussions on this matter. Cr Finlay returned to the meeting at 10.06am.

The meeting adjourned for the purposes of morning tea at 10.34am.

The meeting reconvened from morning tea at 10.57am.

During closed session Cr Finlay left the meeting at 11.22am in accordance with his conflict of interest in item 13.6 and did not participate in the discussions on this matter.

During closed session Cr Simpson left the meeting at 11.22am in accordance with his conflict of interest in item 13.6 and did not participate in the discussions on this matter.

Cr Finlay and Cr Simpson returned to the meeting at 12.03pm.

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PROCEDURAL MOTION - REOPEN MEETING OM2024/07/24.15

Moved by: CR C BAUMAN

Seconded by: CR J CLIFFORD

That Council reopen the meeting to the general public at 12.03am.

MEETING DETAILS:

The motion was Carried 7 / 0

CARRIED

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Cr Finlay declared a prescribed conflict of interest in item 13.1 regarding 500.2023.0083 - Flagstaff Hill Cafe and Convention Centre Tender/EOI as defined by section 150EI of the *Local Government Act 2009*, due to the following:

The nature of the councillor's relationship with the entity: The applicant is a client of the company which Cr Finlay works.

Entity's Interest in the Matter: Applicant is a close associate.

Nature of councillor's relationship with close associate: Applicant is a client of SBB Partners & Cr Finlay is manager of the company.

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 12.04pm.

### **13.1 - 500.2023.0083 - Flagstaff Hill Cafe and Convention Centre Tender/EOI**

#### **CONFIDENTIAL**

#### ***S254J Local Government Regulation 2012 - Closed Meetings***

- (1) *A local government may resolve that all or part of a meeting of the local government be closed to the public.*
- (3) *However, a local government or a committee of a local government may make a resolution about a local government meeting under subsection (1) or (2) only if its councillors or members consider it necessary to close the meeting to discuss one or more of the following matters—*
  - (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.*

#### **RESOLUTION OM2024/07/24.16**

**Moved By: CR J CLIFFORD**

**Seconded By: CR M WRIGHT**

**That Council formally withdraw the Tender 500.2023.0083 and close the Expression of Interest process for the lease of the Flagstaff Café and Convention Centre and advise the unsuccessful parties.**

#### **MEETING DETAILS**

The motion was Carried 6 / 0.

**CARRIED**

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Cr Finlay returned to the meeting at 12.04pm.

13.2 - Flagstaff Hill Cafe Tender

CONFIDENTIAL

S254J Local Government Regulation 2012 - Closed Meetings

- (1) *A local government may resolve that all or part of a meeting of the local government be closed to the public.*
- (3) *However, a local government or a committee of a local government may make a resolution about a local government meeting under subsection (1) or (2) only if its councillors or members consider it necessary to close the meeting to discuss one or more of the following matters—*
 - (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.*

RESOLUTION OM2024/07/24.17

Moved By: CR J FINLAY

Seconded By: CR M WRIGHT

That Council authorise the Chief Executive Officer to undertake Option 1 (New Tender Process with Marketing Strategy for the lease over the Café) and Kitchen only within the Report being a new tender process with a marketing strategy, aimed at advertising the opportunity to lease the Café and Kitchen only of the Flagstaff Hill Facility, targeted at specific food and beverage publications and websites including amending the previous tender documents to cater to more hospitality-based readers.

MEETING DETAILS

The motion was Carried 7 / 0.

CARRIED

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### 13.3 - Sub-Lease - Shute Harbour Marine Terminal - Island Transfers Pty Ltd

#### CONFIDENTIAL

#### **S254J Local Government Regulation 2012 - Closed Meetings**

- (1) *A local government may resolve that all or part of a meeting of the local government be closed to the public.*
- (3) *However, a local government or a committee of a local government may make a resolution about a local government meeting under subsection (1) or (2) only if its councillors or members consider it necessary to close the meeting to discuss one or more of the following matters—*
  - (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.*

#### **RESOLUTION OM2024/07/24.18**

**Moved By: CR J CLIFFORD**

**Seconded By: CR M WRIGHT**

**That Council authorise the Chief Executive Officer to execute a sub-lease over part of land (C3 and B8) at Lot 297 on SP184769 known as the Shute Harbour Marine Terminal to Island Transfers Pty Ltd for a term of 5 years in accordance with Section 236(1)(c)(iii) of the Local Government Regulation 2012.**

#### **MEETING DETAILS**

The motion was Carried 7 / 0.

**CARRIED**

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13.4 - Road Closure Request - Stone Island Holdings

CONFIDENTIAL

S254J Local Government Regulation 2012 - Closed Meetings

- (1) *A local government may resolve that all or part of a meeting of the local government be closed to the public.*
- (3) *However, a local government or a committee of a local government may make a resolution about a local government meeting under subsection (1) or (2) only if its councillors or members consider it necessary to close the meeting to discuss one or more of the following matters—*
 - (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.*

RESOLUTION OM2024/07/24.19

Moved By: CR J CLIFFORD

Seconded By: CR C BAUMAN

That Council does not agree to the partial road closure of approximately 177m2 of Margaret Reynolds Drive Bowen.

MEETING DETAILS

The motion was Carried 6 / 1.

CARRIED

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### 13.5 - Audit and Risk Committee Independent Members Appointment

#### CONFIDENTIAL

#### **S254J Local Government Regulation 2012 - Closed Meetings**

- (1) *A local government may resolve that all or part of a meeting of the local government be closed to the public.*
- (3) *However, a local government or a committee of a local government may make a resolution about a local government meeting under subsection (1) or (2) only if its councillors or members consider it necessary to close the meeting to discuss one or more of the following matters—*
  - (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.*

#### **RESOLUTION OM2024/07/24.20**

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

**Seconded By: CR J COLLINS**

**That Council appoint Mr Peter Sheville and Ms Mary Goodwin as Independent External Members of Council's Audit and Risk Committee, in accordance with the Audit and Risk Committee Charter.**

#### **MEETING DETAILS**

The motion was Carried 7 / 0.

**CARRIED**

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Cr Finlay declared a prescribed conflict of interest in item 13.6 regarding Whitsunday SportsPark Loan as defined by section 150EI of the *Local Government Act 2009*, due to the following:

The nature of the councillor's relationship with the entity: An executive of the applicant has a business relationship with the company Cr Finlay works for.

Entity's Interest in the Matter: Applicant is a close associate.

Nature of councillor's relationship with close associate: An executive of the applicant has a business relationship with SBB Partners which Cr Finlay is manager off.

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 12.10pm.

Cr Simpson declared a prescribed conflict of interest in item 13.6 regarding Whitsunday SportsPark Loan as defined by section 150EI of the *Local Government Act 2009*, due to the following:

Nature of the Conflict of Interest: The Chairperson of the SportsPark Committee has another business (Eclipse Financial Planning) that Cr Simpson is a client of.

The name of the party: Eclipse Financial Planning

The nature of the relationship of the party to the Councillor: Cr Simpson is a client of Eclipse Financial Planning.

The nature of the party's interests in the matter: Chairperson of the Sportspark Committee is requesting to lease the land.

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 12.10pm.

13.6 - Whitsunday Sports Park Loan

CONFIDENTIAL

S254J Local Government Regulation 2012 - Closed Meetings

- (1) *A local government may resolve that all or part of a meeting of the local government be closed to the public.*
- (3) *However, a local government or a committee of a local government may make a resolution about a local government meeting under subsection (1) or (2) only if its councillors or members consider it necessary to close the meeting to discuss one or more of the following matters—*
 - (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.*

RESOLUTION OM2024/07/24.21

Moved By: CR J CLIFFORD

Seconded By: CR M WRIGHT

That Council accept the proposal to pay \$250,000 in final settlement of the outstanding loan from Whitsunday Sportspark Ltd as proposed by their financing partner, to allow the club to commence operations.

MEETING DETAILS

The motion was Carried 3 / 2.

CARRIED

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Cr Simpson and Cr Finlay returned to the meeting at 12.12pm.

**14 MATTERS OF IMPORTANCE**

**RESOLUTION OM2024/07/24.22**

**Moved By: CR M WRIGHT**

**Seconded By: CR J FINLAY**

**That a report be brought back to Council's November 2024 Meeting in respect of resolution OM2022/09/28.20 reviewing the Road Register Policy and any other relevant associated policies and the consideration of changes for the inclusion of Johnny Cake Road to the road register.**

**MEETING DETAILS**

The motion was Carried 7 / 0.

**CARRIED**

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Cr Collins requested action to be undertaken regarding the street lighting in Proserpine, particularly from the Proserpine River Bridge to the Proserpine Tyrepower shop.

The Meeting closed at 12.19pm.

Confirmed as a true and correct recording this 28 August 2024.

**Cr Ry Collins
MAYOR**