



Minutes of the Ordinary Council Meeting held on Wednesday 11 May 2022 at Council Chambers, 83-85 Main Street, Proserpine

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

Councillors Present:

Jan Clifford, Al Grundy, John Collins (via teleconference), Michelle Wright, Gary Simpson and Michael Bruncker (Acting Mayor/Chair)

Council notes the chairperson has allowed Cr Collins to attend the meeting by teleconference due to a bereavement within his family.

Council Officers Present:

Rod Ferguson (Chief Executive Officer); Julie Wright (Director Community Services); Neil McGaffin (Director Development Services); Jason Bradshaw (Director Corporate Services); Greg Martin (Communications and Marketing Manager); James Ngoroyemoto (Manager, Governance and Administration); Tailah Jensen (Governance Administration Officer/Minute Taker); Jessica Cristaudo (Coordinator Transport Planning and Assets)

Other Officers Present (Partial Attendance):

Troy Pettiford (Chief Operating Officer Whitsunday Water); Adam Hagy (Director Infrastructure Services); Scott Hardy (Coordinator Natural Resource Management and Climate); Bren Fuller (Land Protection Officer)

Apologies:

Cr Andrew Willcox

Meeting Schedule:

The meeting commenced at 9.00am
The meeting adjourned for morning tea at 10.10am
The meeting reconvened from morning tea at 10.29am
The meeting closed at 11.18am

Note* This meeting was held via teleconference with Councillors, ELT & Staff split up in locations between both Bowen & Proserpine due to the weather conditions.

Whitsunday Regional Council
Minutes of the Ordinary Council Meeting held at
Council Chambers, 83-85 Main Street, Proserpine on
Wednesday 11 May 2022 commencing at **9:00 AM**

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1 APOLOGIES/LEAVE OF ABSENCE

There were apologies/leaves of absence requests for leaves of absence for this meeting.

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## **2 CONDOLENCES**

### **2.1 - Condolences Report**

#### **PURPOSE**

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

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

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

#### **RESOLUTION OM2022/05/11.1**

**Moved By: CR M WRIGHT**

**Seconded By: CR J CLIFFORD**

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

#### **MEETING DETAILS**

The motion was Carried 6 / 0.

**CARRIED**

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3 DECLARATIONS OF INTEREST

Director Development Services, Neil McGaffin advised of a conflict of interest in item 13.3.5 and informed Council that the Manager of Development Assessment will join in the meeting in his absence to answer any questions or concerns.

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## **4 MAYORAL MINUTE**

There was no mayoral minute for this meeting.

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Since my last Council meeting on April 27th, 2022

Wednesday 27 April	• Council Meeting, in Bowen
Thursday 28 April	• Attended Tourism Whitsundays Board meeting, in Cannonvale • That evening, attended Tourism Whitsundays Networking Night
Friday 29 April	• Met with Katter's Australia Party Candidate Ciaron Paterson, in Proserpine • Attended official opening for the Bowen TAFE Agricultural Centre of Excellence and Health Hub • That afternoon, attended official opening of Whitsunday TAFE Student Learning Centre, in Cannonvale
Tuesday 3 May	• Budget meeting, in Proserpine • Attended teleconference with Mackay Hospital and Health Service to discuss the impending closure of Queens Beach Medical Centre
Wednesday 4 May	• Briefing Session, in Proserpine • Attended Whitsunday Counselling & Support Candle Lighting Ceremony to commemorate victims affected by domestic and family violence
Friday 6 May	• Attended Queensland Mayors' teleconference hosted by Deputy Premier to discuss North Queensland Weather Event
Monday 9 May	• Met with office of Deputy Premier and Minister for State Development, Infrastructure, Local Government and Planning to discuss Whitsunday Skyway project • That evening, attended Bowen Collinsville Enterprise meeting via Zoom
Tuesday 10 May	• Attended Audit & Risk Committee meeting, in Proserpine • Chaired WDMG Meeting to discuss Severe Weather Event

Chairperson called on Director Infrastructure Services, Adam Hagy to provide an update on WDMG.

Director Infrastructure Services, Adam Hagy left the meeting at 9.10am.

6.1 - Confirmation of Minutes

PURPOSE

At each Council meeting, the minutes of the previous meeting must be confirmed by the councillors present and signed by the person presiding at the later meeting. The Minutes of Council's Ordinary Council Meeting held on 27 April 2022 are provided for Councils review and confirmation.

OFFICER'S RECOMMENDATION

That Council confirms the Minutes of the Ordinary Meeting held on 27 April 2022.

RESOLUTION OM2022/05/11.2

Moved By: CR G SIMPSON

Seconded By: CR J COLLINS

That Council confirms the Minutes of the Ordinary Meeting held on 27 April 2022.

MEETING DETAILS

The motion was Carried 6 / 0.

CARRIED

7 BUSINESS ARISING

There were no business arising matters for this meeting.

8 DEPUTATIONS

There were no deputations for this meeting.

9 PETITIONS

There were no petitions submitted for this meeting.

10 NOTICES OF MOTION

There were no notice of motions for this meeting.

11 QUESTIONS ON NOTICE

There were no questions taken on notice for this meeting.

QUESTION ONE

Name: Jack Stansfield – Airlie Beach 4802

Question 1:

Mr Acting Mayor and Councillors,

I was relieved to see you previously all asked for further advice before making a decision on the proposed development. I can only believe that comprehensive responses would have shown this is too big a building, on too small a street and that traffic and safety issues would have shown up to be a major issue.

Traffic & Safety

I know firsthand what the traffic is like now turning onto Shute Harbour Road at any time of the day and in particular the delays that occur at the start and finish of the working day. The present cul-de-sac at the end of Shingley Drive is not big enough to allow buses to turn around without reversing. It is not good.

The first traffic study given to the State appears seriously biased. Council recognised this and ask for a corrected one. The State department did not. Even the replacement survey does not take into consideration all of the traffic that will be generated, but still projects more than double the traffic SARA judged our safety on.

While the State awaits further referral from Council before they will re-assess the intersection to Shute Harbour Rd, The Shingley intersection into the link and the rest of Shingley Drive is Council's responsibility to keep myself and other people safe.

I certainly do not see how a diagram that shows I would face the potential of a head on collision with a bus, every day, justifies the developer not having to widen the road to Council's minimum safety width, where the bus could turn without having to cross onto the wrong side of the road.

I note clause 19.2 of today's agenda says "Any alteration necessary to public utility installations resulting from the development or in connection with the development, must be at full cost to the developer" One would hope they have allowed for the road upgrades that would be required if this huge development was approved on our small street.

On the basis of Traffic and Safety issues this proposal should not go ahead.

Height

Height seems pretty self-explanatory; this proposal is over three times the maximum height allowed. Council's own report says "it is critical to the assessment that the green ridgelines are not exceeded from a Sub-regional context" yet the developers own report shows it would still exceed the ridgeline from the view of every one of the 15,000 plus cars that travel Shute Harbour Road every day.

On the basis of height this proposal should not go ahead

In addition to height and traffic, I still see other major areas of concern:

- The many apparent flaws of the Needs Analysis Review by Norling Consultants.
- The Geotechnical reporting contradicting Council's report from 2019.
- and the numerous zoning Breaches of the Whitsunday Planning Scheme.

The Needs Analysis does not even meet the minimum requirements of Council's planning Scheme Policy, yet it has been given the weight to overrule the entire planning scheme. This report is highly speculative, it appears totally bias and even conflicts with a report done by the same consultant, on the same supposed need. On this fact alone, the proposed development should be rejected by all Councillors

Geotechnical

While safety on the roads is obviously of concern, there is still the real risk of landslide on this steep site.

As with the traffic report, the first geotechnical report was deemed inaccurate and yet again, the replacement geotechnical report still appears very questionable.

In 2019, Cardno produced the Whitsunday Landslide Study showing the site as a "MODERATE AND HIGH LANDSLIDE RISK" area. When the same consultants were paid by the developer, they say there is a "VERY LOW RISK". I have to wonder which one to believe.

The inadequacy of the geotechnical report when dealing with real potential for loss of life should cause the proposed development to be rejected by all councillors.

Zoning

This proposal wants to put a 12 storey 46 metre high commercial development in a 4 storey 12 metre high residential zone. Council's own zone code comprises of 32 elements and this development wants to breach nearly every one of them.

Our planning scheme says the proposed development should be rejected and I hope all Councillors agree.

There are other areas of concern but time precludes detailing them.

Urban Sync Town Planners a NQ company prepared and submitted a clearly professional report on behalf of a local company which was submitted in June last year. It has very different conclusions to that of the proposer and the planning department concluding with 6 sound reasons why the proposed development should be rejected.

Therefore, my question to council is: How can this proposed development be approved when it cannot pass muster on every aspect mentioned above?

QUESTION TWO

Name: Phil Bryant – Airlie Beach 4802

Good morning, Mayor and Councillors,

This block of land has already had approval for a more modest development that is in line with the character of the area, and less disruptive. You are being asked to approve a completely different development based on the advice provided to you.

I'm pretty shocked at that advice. I thought the role of the planning dept was to provide impartial advice based on the framework of the local planning scheme.

Instead they have relied on reports provided by **and** paid for by the developer. These reports (apart from being a very dull read) appear to me to be full of holes, inconsistencies, mistruths and do not provide all the information the guidelines stipulate. They seem completely biased, yet appear to have been accepted as good excuse to ignore the local communities wishes **and** ignore the planning scheme.

The traffic report says only a small increase in traffic on a small road already getting busy. Really? A development that is bigger than all the current developments down that road put

together, plus a function centre and three dining establishments. With staffing levels much higher than the neighbours, since its claimed to be a 'premium hotel' yet no dedicated staff parking. The only outcome we could be sure of is that Peak hour traffic would **more than** double.

The visual assessment supplied mostly long distance shots, carefully crafted to hide the true impacts of what we would have to face every day. But just stop and think what will you see as you drive along Shute Harbour road – the main thoroughfare all tourists must travel. A huge 12 storey building towering above the hill. Most will call it an eyesore.

The needs analysis. From what I can see the ONLY justification for ignoring the planning scheme; ignoring the 1000+ submissions made. It makes the case that more tourist accommodation is needed, but does not justify why such a large building is needed. It assumes the economic impact of a code compliant development is zero. This is patently absurd. They state this is because it would mainly occupied by permanent residents, yet elsewhere in the same report they state the adjacent developments are over 50% tourist accommodation.

Another example of the inconsistencies – 422 Shute Harbour Road is rejected because it is too far from the town, yet this development is 3 times further! The matrix assessment is very distorted; an alternative analysis scores a compliant development at **88%** 85% against the proposed development at only **78%-75%**.

Most importantly the report fails to identify any reason why the proposed development cannot be accommodated with-in the Whitsunday Regional Council Planning Scheme 2017. The council owned site at Waterson Way is twice the size and would allow the same number of rooms in half the height, making it code compliant. This, or many other larger blocks of land would be a much better location.

Specifically regarding the height on the 7th of September Council wrote to the developer saying:

"In relation to the height of the building, the information provided does not support a radical departure from the outcomes of the Low-medium Density Zone Code."

yet the revised proposal is still a radical height! 3 times the limit specified in the local planning scheme and I still cannot see any reliable information that supports this height. A report that seems to have been ignored is the one from an independent expert from Urban Sync planning that makes very different conclusions. They clearly state "there are no justifiable planning grounds or demonstrated reasons for the development to be completed at this building height".

Whatever you decide, a court case seems inevitable. But the questionable supplied information and the financial needs of the developer, should not be factors in your decision.

So my question is:

Why are councillors basing their decision upon developer financed reports that are incomplete, inaccurate and do not comply with guidelines.

QUESTION THREE

Name: Clay Bauman – Cannonvale 4802

I am currently in direct discussion with the planning department about specific failures of the Shingley High-rise to meet parking requirements of the planning scheme and safety requirements of the Australian Standards for vehicle access.

I am here today to ask for your consideration of what the planning department calls reasonable.

They have reported to you that this 12 storey high-rise is a “medium density structure”, what does this mean for the rest of our medium density residential zones?

Will it become open slather for high-rises to start going up next door to residential homes?

The planning department is judging the shadows cast from this high-rise on a report, where the shadows are so large, they carry right off the edge of the diagram. So there is no way of knowing the true extent of the effect on neighbours.

Yet it already shows that 6 Shingley Beach Resort apartments will be in shadow by 3pm of an afternoon. These people will go from sunset views to no sunshine at all. Your planning department says this is not unreasonable.

So my question for today is, how many Whitsunday residents and ratepayers have to lose their direct sunlight to a high-rise before our planning scheme would act to protect them?

Please see the attached image for reference.



The “clipped” shadow diagram shows 6 units in total shadow by 3pm of an afternoon.

Planning report says:
“small amounts of overshadowing”
“This is not unreasonable.”



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

13 OFFICERS REPORTS

13.1 Office of the Mayor and CEO

13.1.1 - Whitsunday Coast Airport Signage

PURPOSE

This report outlines the options for the new Whitsunday Coast Airport airside signage.

OFFICER'S RECOMMENDATION

That Council endorse option 2 for the new Whitsunday Coast Airport airside signage design.

RESOLUTION OM2022/05/11.3

Moved By: CR J CLIFFORD

Seconded By: CR M WRIGHT

That Council endorse option 2 for the new Whitsunday Coast Airport airside signage design.

MEETING DETAILS

The motion was Carried 6 / 0.

CARRIED

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### 13.2.1 - Ordinary Council Meeting Action Items - Quarterly Review

#### PURPOSE

To provide Councillors with an update on the action's arising from the Ordinary Council Meetings.

#### OFFICER'S RECOMMENDATION

That Council receives the progress report on the Ordinary Council Meeting Actions to the end of April 2022.

#### RESOLUTION OM2022/05/11.4

Moved By: CR J COLLINS

Seconded By: CR M WRIGHT

**That Council receives the progress report on the Ordinary Council Meeting Actions to the end of April 2022.**

#### MEETING DETAILS

The motion was Carried 6 / 0.

**CARRIED**

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13.2.2 - Operational Plan 2021/22 Q3 Review

PURPOSE

The purpose of this report is to present a written assessment of Council's progress towards implementing the annual Operational Plan 2021/22 for the period ending 31 March 2022 (Quarter Three review).

OFFICER'S RECOMMENDATION

That Council receive the Operational Plan 2021/22 Quarter Three Progress Report.

RESOLUTION OM2022/05/11.5

Moved By: CR M WRIGHT

Seconded By: CR J CLIFFORD

That Council receive the Operational Plan 2021/22 Quarter Three Progress Report.

MEETING DETAILS

The motion was Carried 6 / 0.

CARRIED

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### 13.2.3 - Q3 Budget Review

#### 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 finalised in the 2021/22 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 2021/22, as presented in the following statements prepared in accordance with section 169 of the *Local Government Regulation 2012*:
  - 1) Revised Statement of Comprehensive Income (including the Appropriation Statement),
  - 2) Revised Statement of Financial Position,
  - 3) Revised Statement of Cash Flows,
  - 4) Revised Statement of Capital Funding,
  - 5) Revised Statement of Changes in Equity for the financial year 2021/22,
  - 6) the resulting Revised Long-Term Financial Forecast for the financial years 2021/22 through 2030/31, inclusive,
  - 7) the Revised Measures of Financial Sustainability (see Note 21 Financial Ratios); and
- b) to make the following transfers to and from reserves for the financial year 2021/22:
  - 1) \$ 1,241 from the Insurance Reserve to fund capital works projects, and
  - 2) \$ 434,047 from the Infrastructure Reserve to fund capital works projects, and
  - 3) a net transfer of \$ 3,131,119 from the Capital Works Reserve, as follows:
    - a) \$ 9,776,704 to the Capital Works Reserve, and
    - b) \$ 12,907,823 from the Capital Works Reserve to fund capital works projects.

#### RESOLUTION OM2022/05/11.6

Moved By: CR J COLLINS

Seconded By: CR A GRUNDY

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 2021/22, as presented in the following statements prepared in accordance with section 169 of the *Local Government Regulation 2012*:
  - 1) Revised Statement of Comprehensive Income (including the Appropriation Statement),
  - 2) Revised Statement of Financial Position,
  - 3) Revised Statement of Cash Flows,
  - 4) Revised Statement of Capital Funding,
  - 5) Revised Statement of Changes in Equity for the financial year 2021/22,
  - 6) the resulting Revised Long-Term Financial Forecast for the financial years 2021/22 through 2030/31, inclusive,

- 7) the Revised Measures of Financial Sustainability (see Note 21 Financial Ratios); and
- b) to make the following transfers to and from reserves for the financial year 2021/22:
  - 1) \$ 1,241 from the Insurance Reserve to fund capital works projects, and
  - 2) \$ 434,047 from the Infrastructure Reserve to fund capital works projects, and
  - 3) a net transfer of \$ 3,131,119 from the Capital Works Reserve, as follows:
    - a) \$ 9,776,704 to the Capital Works Reserve, and
    - b) \$ 12,907,823 from the Capital Works Reserve to fund capital works projects.

## MEETING DETAILS

The motion was Carried 6 / 0.

**CARRIED**

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13.2.4 - Electoral Arrangements Structure Review

PURPOSE

To receive the results of the community engagement undertaken for the electoral structure review and consider whether to support the review of the current electoral arrangements for Council and representation prior to the next local government election in 2024.

OFFICER'S RECOMMENDATION

That Council defer any review of the electoral arrangements of the local government area until after the 2024 quadrennial election.

RESOLUTION OM2022/05/11.7

Moved By: CR J CLIFFORD

Seconded By: CR M WRIGHT

That Council defer any review of the electoral arrangements of the local government area until after the 2024 quadrennial election due to the uncertainty in regards to the position of Mayor for Whitsunday Regional Council.

MEETING DETAILS

The motion was Carried 4 / 3.

Noting the chairperson used his casting vote.

Cr Grundy voted against the motion.

CARRIED

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### **13.2.5 - Rate Relief Policy Revision and Supplementary Rates Notices Concession**

#### **PURPOSE**

This report is seeking a Council resolution for the revision of Council's Rate Relief Policy and the approval of hardship application concessions totalling \$5,220.31 for Supplementary Notices issued in December 2021.

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

That Council:

1. Adopts the revised Rate Relief Policy LSP\_CORP\_56; and
2. Approves a concession for the hardship applications received for the Supplementary Notices issued in December 2021 for Assessments:
  - a. Assessment 1105868 - \$728.70
  - b. Assessment 1105880 - \$177.00
  - c. Assessment 1106359 - \$2,027.73
  - d. Assessment 1106360 - \$1,744.26
  - e. Assessment 1301631 - \$542.62

#### **RESOLUTION OM2022/05/11.8**

Moved By: CR J CLIFFORD

Seconded By: CR M WRIGHT

That Council:

1. Adopts the revised Rate Relief Policy LSP\_CORP\_56; and
2. Approves a concession for the hardship applications received for the Supplementary Notices issued in December 2021 for Assessments:
  - a. Assessment 1105868 - \$728.70
  - b. Assessment 1105880 - \$177.00
  - c. Assessment 1106359 - \$2,027.73
  - d. Assessment 1106360 - \$1,744.26
  - e. Assessment 1301631 - \$542.62

#### **MEETING DETAILS**

The motion was Carried 6 / 0.

**CARRIED**

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13.3.1 - Airlie Beach Foreshore Reserves Land Management Plan and Greater Airlie Beach Masterplan Submission Analysis

PURPOSE

This report provides an overview of the Airlie Beach Foreshore Reserves Land Management Plan and Greater Airlie Beach Masterplan consultation and finalisation of each Plan for Council endorsement.

OFFICER'S RECOMMENDATION

That Council:

1. Receive the *Airlie Beach Foreshore Reserves Land Management Plan 2022* and *Greater Airlie Beach Masterplan* Consultation Report and notify submitters of submission responses (Attachment 1).
2. Endorse the *Airlie Beach Foreshore Reserves Land Management Plan 2022* (Attachment 3).
3. Resolve to submit the *Airlie Beach Foreshore Reserves Land Management Plan 2022* to the Department of Resources for final approval.
4. Adopt the *Greater Airlie Beach Masterplan* (Attachment 4).

RESOLUTION OM2022/05/11.9

Moved By: CR G SIMPSON

Seconded By: CR M WRIGHT

That Council:

1. Receive the *Airlie Beach Foreshore Reserves Land Management Plan 2022* and *Greater Airlie Beach Masterplan* Consultation Report and notify submitters of submission responses (Attachment 1).
2. Endorse the *Airlie Beach Foreshore Reserves Land Management Plan 2022* (Attachment 3).
3. Resolve to submit the *Airlie Beach Foreshore Reserves Land Management Plan 2022* to the Department of Resources for final approval.
4. Adopt the *Greater Airlie Beach Masterplan* (Attachment 4).

MEETING DETAILS

The motion was Carried 6 / 0.

CARRIED

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### 13.3.2 - 20211041 - Development Application for Reconfiguration of Lot - One (1) Lot into Four (4) Lots and Access Easement (Staged) - 227 Sugarloaf Road, Sugarloaf - Daniel Property Holdings Pty Ltd C/- Wynne Planning & Development Pty Ltd

#### PURPOSE

To present the assessment of the development application.

#### OFFICER'S RECOMMENDATION

That Council refuse Development Application for Reconfiguration of Lot - One (1) Lot into Four (4) Lots and Access Easement (Staged), made by Daniel Property Holdings Pty Ltd C/- Wynne Planning & Development Pty Ltd, on L: 8 RP: 738971 and located at 227 Sugarloaf Road Sugarloaf.

The application has been assessed against the relevant provisions of the *Planning Act, 2016* and the *Whitsunday Regional Council Planning Scheme, 2017*.

The proposal is recommended for refusal due to the following inconsistencies with the Planning Scheme, which cannot be satisfactorily conditioned to comply:

- a) Suitable access to Development Manual standards cannot be provided;
- b) The proposal is not consistent with the State Planning Policy in respect of fragmentation of Agricultural Land Classification (ALC) Class A and Class B land;
- c) 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;
- d) The proposal conflicts with the Whitsunday Regional Council Planning Scheme 2017 and cannot be conditioned to comply. Specifically:
  - (i) 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;
  - (ii) The predicted demand and supply of rural residential land within the planning scheme area was modelled by the WRC Urban Growth Study and adequate land is zoned to accommodate predicted demand;
  - (iii) The proposal is not consistent with the Rural Zone code, which specifies a minimum lot size of 100 hectares;
  - (iv) The proposal is not consistent with the agricultural land overlay, which does not support fragmentation of land.

## **RESOLUTION OM2022/05/11.10**

**Moved By: CR M WRIGHT**

**Seconded By: CR M BRUNKER**

**That Council approve Development Application for Reconfiguration of Lot - One (1) Lot into Four (4) Lots and Access Easement (Staged), made by Daniel Property Holdings Pty Ltd C/- Wynne Planning & Development Pty Ltd, on L: 8 RP: 738971 and located at 227 Sugarloaf Road Sugarloaf, subject to conditions included as attachment 6.**

Reason for Decision:

1. Not quality agricultural land.
2. Lot 8 RP738971 adjoins land which is zoned and developed for rural residential lots.
3. There are other Rural Residential development along Sugarloaf Road noting a precedent has been set with previous approvals.

### **MEETING DETAILS**

The motion was Carried 4 / 3.

Noting that the chairperson used his casting vote.

**CARRIED**

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PROCEDURAL MOTION - ADJOURNMENT OM2022/05/11.11

Moved by: CR J CLIFFORD

Seconded by: CR M WRIGHT

That the meeting be adjourned for the purpose of morning tea at 10.10am.

MEETING DETAILS:

The procedural motion was Carried 6 / 0.

CARRIED

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**Cr Collins left the meeting at 10.10am.**

## **PROCEDURAL MOTION - RECONVENE OM2022/05/11.12**

**Moved by: CR J CLIFFORD**

**Seconded by: CR M WRIGHT**

**That the meeting be reconvened from morning tea at 10.29am.**

### **MEETING DETAILS:**

The procedural motion was Carried 5 / 0.

**CARRIED**

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13.3.3 - 20210040 - Development Application for Preliminary Approval (Variation Request: Building Works) & Development Permit for Material Change of Use for a Resort Complex - One Whitsunday - 125/131 Shingley Drive, Cannonvale

PURPOSE

To present the assessment of the Development Application.

OFFICER'S RECOMMENDATION

That Council approve the application for Development Application for Preliminary Approval (Variation Request to the Tables of Assessment for Building Works); and Development Permit for Material Change of Use for Resort Complex comprising – Shops, Function Facilities (Function Centre), Food and Drink Outlets, Bars, Indoor and Outdoor Sport and Recreation, One Hundred and Sixty (160) Short Term Accommodation and Multiple Dwelling Units and Ancillary Uses associated with the operation of a Resort Complex, made by One Whitsundays Developments Pty Ltd C/- Wynne Planning & Development, on L: 268 HR: 1060 T: N1149/096, L: 95 HR: 1223 T: N1191/156 and located at 125 Shingley Drive Cannonvale, 131 Shingley Drive Cannonvale, subject to the conditions outlined in Attachment 1.

RESOLUTION OM2022/05/11.13

Moved By: CR M BRUNKER

Seconded By: CR J CLIFFORD

That the item lay on the table pending further updates on the road intersection, road width of Shingley Drive, onsite carparking and allow time to review amended designs proposed by the proponents.

MEETING DETAILS

The motion was Carried 5 / 0.

CARRIED

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### 13.3.4 - Development Services Monthly Report - April 2022

#### PURPOSE

This report presents information relating to the operations of the Development Services Directorate for the month of April 2022.

#### OFFICER'S RECOMMENDATION

That Council notes the Development Services Monthly Report for April 2022.

#### RESOLUTION OM2022/05/11.14

Moved By: CR M WRIGHT

Seconded By: CR G SIMPSON

That Council notes the Development Services Monthly Report for April 2022.

#### MEETING DETAILS

The motion was Carried 5 / 0.

**CARRIED**

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Director Development Services Neil McGaffin left the meeting at 10.38am as per his declaration for a conflict of interest previously made. Manager Development Assessment, Doug Mackay joined the meeting in his absence.

13.3.5 - 20220138 - Development Application for Material Change of Use (Short Term Accommodation) - 21-23 The Cove Road, Airlie Beach - MJ Logan & DJ Drew

PURPOSE

To provide the planning officers assessment.

OFFICER'S RECOMMENDATION

That Council approve the Development Application for Development Permit for Material Change of Use - Short Term Accommodation, made by M J Logan & D J Drew, on L: 10 SP: 260220 and located at 21-23 The Cove Road Airlie Beach, subject to the conditions outlined in Attachment 1.

RESOLUTION OM2022/05/11.15

Moved By: CR G SIMPSON

Seconded By: CR M BRUNKER

That Council approve the Development Application for Development Permit for Material Change of Use - Short Term Accommodation, made by M J Logan & D J Drew, on L: 10 SP: 260220 and located at 21-23 The Cove Road Airlie Beach, subject to the conditions outlined in Attachment 1.

MEETING DETAILS

The motion was Carried 3 / 2.

Cr Clifford voted against the motion.

CARRIED

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### **13.4.1 - Amendment to Local Law & Subordinate Local Law No. 1 (Administration) 2014 - Operation of Short Term Accommodation**

#### **PURPOSE**

To provide Council with an Amending *Whitsunday Regional Council Local Law No.1 (Administration) 2014 & Subordinate Local Law No. 1 (Administration) 2014* to commence the legislative process required change to the Local Law and Subordinate Local Law to include the operation of short-term accommodation as a Prescribed Activity.

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

That Council;

1. consider making the following:
  - a) *Local Law (Amending) Local Law No. 1 (Administration) 2022*, as detailed in Attachment A;
  - b) *Subordinate Local Law (Amending) Subordinate Local Law No. 1 (Administration) 2022*, as detailed in Attachment B, (collectively, the Proposed Local Laws).
2. delegate to the Chief Executive Officer the process and responsibilities to take all steps the Chief Executive Officer considers desirable under Chapter 3 of the *Local Government Act 2009* (Qld), including:
  - a) Consulting with relevant government entities about the overall State interest in the *Local Law (Amending) Local Law No. 1 (Administration) 2022* before proceeding with the making of the Local Law and responding to any requests or requirements of these entities; and
  - b) Consulting with the public about the Proposed Local Laws and conducting a Public Interest Test (PIT) in relation to anti-competitive provisions contained within, with the Proposed Local Laws for at least 21 days (Consultation Period); and
  - c) Considering every submission properly made to Council about the Proposed Local Laws.

#### **RESOLUTION OM2022/05/11.16**

Moved By: **CR M WRIGHT**

Seconded By: **CR J CLIFFORD**

That Council;

1. consider making the following:
  - a) *Local Law (Amending) Local Law No. 1 (Administration) 2022*, as detailed in Attachment A;
  - b) *Subordinate Local Law (Amending) Subordinate Local Law No. 1 (Administration) 2022*, as detailed in Attachment B, (collectively, the Proposed Local Laws).
2. delegate to the Chief Executive Officer the process and responsibilities to take all steps the Chief Executive Officer considers desirable under Chapter 3 of the *Local Government Act 2009* (Qld), including:

- a) Consulting with relevant government entities about the overall State interest in the *Local Law (Amending) Local Law No. 1 (Administration) 2022* before proceeding with the making of the Local Law and responding to any requests or requirements of these entities; and
- b) Consulting with the public about the Proposed Local Laws and conducting a Public Interest Test (PIT) in relation to anti-competitive provisions contained within, with the Proposed Local Laws for at least 21 days (Consultation Period); and
- c) Considering every submission properly made to Council about the Proposed Local Laws.

#### MEETING DETAILS

The motion was Carried 5 / 0.

**CARRIED**

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13.4.2 - Sport & Recreation Clubs Grant - May 2022

PURPOSE

For Council to consider the payment of the Sport & Recreation Clubs Grant for May 2022 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. Sporting Shooters Association of Australia Bowen Branch Inc. – Band 1 - \$5,500
2. Proserpine Taipans Junior Soccer Club Inc. – Band 3 - \$1,500
3. Wangaratta Bowls Club Inc. – Band 4 - \$1,000
4. Collinsville Barebow Hunters Club Inc. – Band 4 - \$1,000

RESOLUTION OM2022/05/11.17

Moved By: CR M WRIGHT

Seconded By: CR J CLIFFORD

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

1. Sporting Shooters Association of Australia Bowen Branch Inc. – Band 1 - \$5,500
2. Proserpine Taipans Junior Soccer Club Inc. – Band 3 - \$1,500
3. Wangaratta Bowls Club Inc. – Band 4 - \$1,000
4. Collinsville Barebow Hunters Club Inc. – Band 4 - \$1,000

MEETING DETAILS

The motion was Carried 5 / 0.

CARRIED

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### 13.4.3 - Financial Support for a Junior Elite Athlete - May 2022

#### PURPOSE

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

#### OFFICER'S RECOMMENDATION

That Council approve financial support for the following recipients:

- Lincoln Thicker – U15 Years North Queensland Championships – Touch Football
- Cooper Fletcher – U15 Years North Queensland Championships – Rugby League

#### RESOLUTION OM2022/05/11.18

Moved By: CR M WRIGHT

Seconded By: CR A GRUNDY

That Council approve financial support for the following recipients:

- Lincoln Thicker – U15 Years North Queensland Championships – Touch Football
- Cooper Fletcher – U15 Years North Queensland Championships – Rugby League

#### MEETING DETAILS

The motion was Carried 5 / 0.

**CARRIED**

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13.4.4 - Whitsunday Aerial Feral Animal Control Program Update

PURPOSE

The purpose of this report is to present a report to Council which provides an update on the outcomes of the Whitsunday Regional Council Feral Animal Aerial Shooting Program for the last 10 years.

OFFICER'S RECOMMENDATION

That Council notes the development of the Project Report titled Whitsunday Feral Animal Aerial Control Program.

RESOLUTION OM2022/05/11.19

Moved By: CR M WRIGHT

Seconded By: CR G SIMPSON

That Council notes the development of the Project Report titled Whitsunday Feral Animal Aerial Control Program.

Furthermore, recognise the contribution and effort made by Bren Fuller to this program.

MEETING DETAILS

The motion was Carried 5 / 0.

CARRIED

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#### **13.4.5 - Community Services Monthly Report - April 2022**

##### **PURPOSE**

The purpose of the report is to set out an account of statistics pertaining to the functions of each branch within the Community Services Directorate for the month of April 2022.

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

That Council receive the Community Services Monthly Report for April 2022.

##### **RESOLUTION OM2022/05/11.20**

Moved By: CR J CLIFFORD

Seconded By: CR M WRIGHT

That Council receive the Community Services Monthly Report for April 2022.

##### **MEETING DETAILS**

The motion was Carried 5 / 0.

**CARRIED**

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13.5 Infrastructure Services

No agenda items for this section.

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#### 14 MATTERS OF IMPORTANCE

No matters of importance were raised at this meeting.

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15 CONFIDENTIAL MATTERS

The meeting went into closed session and then reopened to the public prior to addressing the confidential matter in open forum.

PROCEDURAL MOTION - ADJOURNMENT OM2022/05/11.21

Moved by: CR M WRIGHT

Seconded by: CR A GRUNDY

That Council close the meeting to the public at 11.04am in accordance with Section 254J of the Local Government Regulations 2012 for closed meetings, for the purpose of discussing the following item and the reason for going into closed session:

15.1.1 – Planning & Environment Court Appeal No. 388 of 2022

- (e) *legal advice obtained by the local government or legal proceedings involving the local government including, for example, legal proceedings that may be taken by or against the local government.*

MEETING DETAILS:

The procedural motion was Carried 5 / 0

CARRIED

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#### PROCEDURAL MOTION - RECONVENE OM2022/05/11.22

Moved by: CR J CLIFFORD

Seconded by: CR M WRIGHT

That Council reopen the meeting to the general public at 11.17am.

#### MEETING DETAILS:

The procedural motion was Carried 5 / 0

**CARRIED**

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- 15.1 Development Services
15.1.1 **Planning & Environment Court Appeal No. 388 of 2022**

PURPOSE

To provide an update regarding the status of the Planning and Environment Court Appeal No. 388 of 2022 for Short Term Accommodation at Lot 14, 119 Botanica Estate, Woodwark.

OFFICER'S RECOMMENDATION

That Council delegate to the Chief Executive Officer future decisions on behalf of Council regarding Planning and Environment Court Appeal No. 388 of 2022.

RESOLUTION OM2022/05/11.23

Moved By: CR J CLIFFORD

Seconded By: CR G SIMPSON

That Council delegate to the Chief Executive Officer future decisions on behalf of Council regarding Planning and Environment Court Appeal No. 388 of 2022.

MEETING DETAILS

The motion was Carried 5 / 0.

CARRIED

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## **16 CLOSURE OF MEETING**

The Meeting closed at 11.18am

Confirmed as a true and correct recording this 25 May 2022

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**Cr Michael Bruner**  
**Acting Mayor**