



Minutes of the Ordinary Council Meeting held on Wednesday 14 December 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:

Julie Hall (Mayor/Chair), Jan Clifford, John Collins, Michelle Wright, Gary Simpson and Michael Brunker (partial attendance – via teleconference)

Council Officers Present:

Rod Ferguson (Chief Executive Officer); Julie Wright (Director Community Services); Neil McGaffin (Director Development Services); Jason Bradshaw (Director Corporate Services); Adam Hagy (Director Infrastructure Services); Lisa Maher (Senior Communications Officer); Tailah Jensen (Governance Administration Officer/Minute Taker); James Ngoroyemoto (Manager, Governance and Administration)

Other Officers Present (Partial Attendance):

Gary Warrener (Economic Development Manager); Michael Downing (Coordinator Capital Project Delivery); David De Jager (Manager Waste and Recycling Services); Peter Shuttlewood (Executive Manager, Procurement, Property & Fleet)

The meeting commenced at 9.00am

The meeting adjourned for morning tea at 10.05am

The meeting reconvened from morning tea at 10.31am

The meeting closed at 12.49pm

Whitsunday Regional Council
**Minutes of the Ordinary Council Meeting held at
Council Chambers, 83-85 Main Street, Proserpine on
Wednesday 14 December 2022 commencing at 9:00 AM**

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1 APOLOGIES/LEAVE OF ABSENCE

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

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## 2 CONDOLENCES

### 2.1 - Condolences Report

#### PURPOSE

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

#### OFFICER'S RECOMMENDATION

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

#### RESOLUTION OM2022/12/14.1

Moved By: CR J CLIFFORD

Seconded By: CR M WRIGHT

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

#### MEETING DETAILS

*Cr Clifford acknowledged the recent passing of Constable Matthew Arnold, Constable Rachel McCrow and Wieambilla resident Mr Alan Dare.*

The motion was Carried 6 / 0.

**CARRIED**

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3 DECLARATIONS OF INTEREST

Cr Wright acknowledged that in item 13.1.11 Development Services Monthly Report, the applications approved under delegated authority - include the Development Permit for Material Change of Use at 16 Horseshoe Bay Road submitted by her husband, Mr Ashley Wright.

The Chief Executive Officer advised this is not a conflict of interest, however can be noted.

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## 4 MAYORAL MINUTE

There was no mayoral minute for this meeting.

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Wednesday 23 November	• Attended Bowen Depot Christmas BBQ breakfast meeting • Council Meeting, in Bowen • That evening attended Bowen Tourism & Business' AGM & final networking event for 2022
Thursday 24 November	• Met with ratepayer, in Proserpine • Travelled to Brisbane to meet with the Minister for Transport and Main Roads, Mark Bailey, TMR and MSQ representatives • That evening attended a Growcom Networking Event at the Premier's Lounge at Parliament House meeting with Minister for Agricultural Industry Development and Fisheries Mark Furner
Friday 25 November	• Internal meetings and interviews, in Proserpine • That evening attended the Loose Ends Fundraiser & Performance Evening, in Mackay
Saturday 26 November	• Travelled to Collinsville for Ark Energy's official opening of their Community hub. • Met with residents to unofficially open the Ted Cunningham Bridge at Bowen River with Crs Wright & Clifford. As well as Member for Burdekin Dale Last • That evening attended Bowen Christmas Carols at Bowen Soundshell
Monday 28 November	• Travelled to Cannonvale to meet with ratepayers • Met with Tourism Whitsundays Chair, Julie Telford, in Airlie Beach
Tuesday 29 November	• Filmed for Council's Christmas video, in Proserpine • Attended Strategy Workshop Day with fellow Councillors, in Proserpine • That afternoon, attended Proserpine Canegrowers AGM
Wednesday 30 November	• Attended new CEO interviews with fellow Councillors, in Proserpine
Thursday 1 December	• Travelled early to attend Proserpine Depot Christmas BBQ Breakfast • Internal meetings, in Proserpine • That evening, attended Queens Beach State School Presentation Night at McKenna Hall
Friday 2 December	• Attended Tourism Whitsundays Board Meeting & Christmas lunch on Hayman Island
Sunday 4 December	• Attended Bowen Cricket Club's ceremony to recognise their Queens Jubilee Tree Planting grant
Monday 5 December	• Internal meetings, in Bowen • Met with ratepayer
Tuesday 6 December	• Met with Mike Furniss from LGAQ's Policy Advisor, Infrastructure and Economic Development department

	• Chaired Whitsunday Regional Roads and Transport Group (WRRTG) meeting • Attended Bowen Probus Christmas Party • That evening, attended Merinda State School for their Presentation Night
Wednesday 7 December	• Briefing Session, In Proserpine • That evening, attended Whitsunday Suicide Prevention Network Community Event, in Bowen
Thursday 8 December	• Recorded the Monthly Mayoral Talkback segment with ABC radio • Internal meetings, in Proserpine • Met with ratepayers, in Proserpine • That evening, attended Whitsunday News Christmas Party, in Airlie Beach
Friday 9 December	• Official opening of Bowen Hospital Medical Imaging & Renal Unit • Interview with Gem FM radio, in Bowen
Saturday 10 December	• Attended Bowen Club of Zonta Christmas Function with Cr Clifford
Sunday 11 December	• Met with Airport COO Craig Turner for briefing
Monday 12 December	• Travelled early to attend Collinsville Depot Christmas BBQ Breakfast • Catchup with CEO • Met with ratepayers • That evening attended Bowen Collinsville Enterprise AGM
Tuesday 13 December	• Filmed for Council's video, in Proserpine • Chaired Whitsunday Disaster Management Group Meeting, in Proserpine • Internal meetings, in Proserpine • Met with ratepayer, in Proserpine

6 CONFIRMATION OF MINUTES

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 23 November 2022 are provided for Councils review and confirmation.

OFFICER'S RECOMMENDATION

That Council confirms the Minutes of the Ordinary Meeting held on 23 November 2022.

RESOLUTION OM2022/12/14.2

Moved By: CR M WRIGHT

Seconded By: CR J COLLINS

That Council confirms the Minutes of the Ordinary Meeting held on 23 November 2022.

MEETING DETAILS

The motion was Carried 6 / 0.

CARRIED

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## 7 BUSINESS ARISING

There were no business arising items for this meeting.

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8 DEPUTATIONS

There were no deputations for this meeting.

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## 9 PETITIONS

There were no petitions for this meeting.

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10 NOTICES OF MOTION

There were no notice of motions for this meeting.

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## 11 QUESTIONS ON NOTICE

There were no questions taken on notice for this meeting.

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12 QUESTIONS FROM THE PUBLIC GALLERY

There were three public questions submitted for this meeting. The first question was submitted by Mr Clay Bauman, who was unable to attend the meeting, the Chief Executive Officer read out the question on Mr Bauman's behalf.

QUESTION ONE

Name: Mr Clay Bauman

Question:

Good morning Madam Mayor and Councillors,

During the last meeting, in relation to what used to be our Main Street's largest tree, the Councillors were told "either all of the tree or the clear majority of the tree was on private property".

The developer's own application says, on page 98 "The premises has been historically cleared for residential purposes. No remnant or other vegetation remains on the site."

The Councillors were then told "We had no statutory provision in the planning scheme to prohibit the removal of the tree".

Our Planning scheme, outcome number two, of the code it was assessed against says "Development provides landscaping that, as far as practicable, retains, protects and enhances existing trees."

So my question for today is, why does the information given to the Councillors appear so different from what is documented in the development application and our planning scheme?

Name: Mr Neil McGaffin – Director Development Services

Response:

Director Development Services provided a response to Mr Baumans question and has been included below:

The purpose of the Landscaping Code is to ensure that landscaping is provided in a manner which is consistent with the desired character and amenity of the Whitsunday region.

As part of the assessment process, consideration was given to the existing vegetation on the site and the landscaping and planting palette submitted as part of the application. As the tree in question was located on private property there was no statutory requirement for the landowner to seek Council permission for its removal.

As the development plans showed the tree was to be removed it was clear the applicant did not consider it practicable to retain it. Considerable weight was given to

the landscaping proposed as achieving the purpose and overall outcomes as required by the Landscaping Code.

Accordingly, the advice given to the Councillors is not different from what is documented in the Planning Scheme.

QUESTION TWO

Name: Mr Phil Batty

Question:

Dear Mr Ferguson,

In light of the WRC Mayors refusal to permit my attendance at the council meeting on the 9th November 2022 and the absence of any replies to my email questions and despite assurances from the Mayor that my questions would be answered I would now like to formally request audience at the next council meeting to be held in Proserpine on the 14th December 2022 in the Public Questions agenda item.

I have removed any reference of the OIA matter as this is now subject of my Administrative Complaint. (Which has already exceeded the timeframe for response)

My questions are:-

Your finance team agreed on the 11th October 2022 to provide me with the dates on which journal entries were made to the GL account for "Operational Government Grants and subsidies for recurrent expenses" totalling \$559,683 which you have taken up as revenue for Shute Harbour. Can you please now provide these dates for each entry. (I am not requesting the explanatory entries identifying the reasons for these amounts just the amount and date of entry for the journals)

The report you attached contains an additional line %PTD which now clearly states the revenue increased by 96% from budget not the 30% previously stated in the operational report text submitted to council on the 24th August 2022. Can you confirm that this was once again human error in reporting incorrectly?

It would appear that excluding wages and finance/depreciation costs every dollar of income received (excluding grants) leads to a loss of 33% can you confirm this is the case. Noting I understand your comments on start up years and building but this has no impact on a cost of goods calculation.

There is a variance in revenue of \$871,723 between the audited report and the monthly performance report for the year. I understand that Economic development may be also included in this departmental line in the audited accounts however, I would assume that economic development is a cost centre as opposed to a revenue centre therefore I would ask again for an explanation of the \$871k variance between these reports. (Your finance team did also agree to investigate this at our meeting on the 11th October 2022)

Similarly in relation to the variance in the loss incurred by this division/departamental line of \$2,493,723 can you please confirm exactly what the "Airports and Port" audited loss was for the years 2021/2022 by providing the breakdown of the \$4,022,145 by operating entity. In other words is the loss of \$1,528,422 correct for the Airport and Port operations?

On the 15th July 2021 council approved a contract to pay Qantas \$400,000 which was duly reflected on your register of contracts and confirmed to me in an email dated 25th May 2022 following a question raised through councillor Clifford. The email also explained the contract with Jetstar for the sum of \$208,105, again duly reported on the register of contracts.

The WRC current register of contracts show the same contract value to be now \$500,000 and the Jetstar Contract has disappeared completely.

Can WRC please advise on which date did council further authorise and vote on the additional \$100,000 payment to Qantas and also why has a previously declared contract with Jetstar been removed completely from this public record?

I will no doubt come back to council in the future to ask how multiple other contracts awarded can then vary by half a million dollars or completely disappear in addition to the two referred to above.

I look forward to a formal invitation to attend this meeting as soon as possible.

QUESTION THREE

Name: Mr Rogin Taylor

Question:

The "Community Plan 2022 - 2032" is a long-term plan that identifies residents' inspirational values, needs and priorities to define a shared vision for the future of the Region. The Plan is a high-level strategic document containing vision and objectives that directs all other strategies, policies or Council resolutions.

Although I have been advised you have been fully briefed, here is a

QUICK BACKGROUND THAT YOU WERE NOT BRIEFED ON.

About 25 years ago Council acquired land from a developer in Carlo Drive, Cannonvale instead of a money contribution, the land in the Carlo Drive Industrial area was to be used for a Sportspark, this parcel of land was later deemed to be too small, Council resolved to turn the site into industrial lots and that the money realized from the sales could NOT be spent or allocated to anything other than a new community facility.

The Industrial lots in Carlo Drive were sold for a total of \$5.3 million with one block remaining to be sold. After the Havengrand property (Cannonvalley/Mt Marlo) land was purchased for just \$2.2 million, Council agreed to sell a small portion to re-align a property (sale never went through) and leased the remainder for 10 years.

The community now has over 90 ha of prime land and three million one hundred thousand dollars set aside to develop a multi-purpose community facility.

The surveys, consultations and forums regarding Council's proposal to establish a new centrally located Multi Purpose Community facility that were undertaken and implemented ten years ago was the most extensive surveys and consultations ever conducted in the Whitsunday Region.

If Council takes the time and effort to conduct Community Consultations, is there an obligation to follow or at least make an effort to comply with the results of the Consultation.

After all it was the ratepayers that took the time and effort to respond, Council would be remiss if they did not follow the responses from ratepayers.

Their responses were....Community facilities was the top of the list, requested over and above everything else, by a vast majority.

My request for a deputation was refused on the ground that "Council members have previously been briefed and are fully aware of the history of the site." FACT: Councillors were not fully or even partially briefed.

My questions are:

1 WHY WERE YOU NOT BRIEFED ON

The Open Space and Recreational Study for the Whitsunday report, found that more playing fields and courts were required, that they should be centrally located to service a growing population and that there was a lack of existing facilities at present. And that was ten years ago. Distance to Proserpine is 10.2km, to Cannonvale 8.7km and Airlie Beach 10.2km, in fact exactly half way between Airlie Beach and Proserpine.

2 WHY WERE YOU NOT BRIEFED ON

The responses from 64 clubs that were contacted to identify their current and future needs.

3 WHY WERE YOU NOT BRIEFED ON

The responses from a random phone survey of 200 Whitsunday Residents or the State Government agencies that were contacted.

4 WHY YOU WERE YOU NOT BRIEFED ON

The responses from the five schools.

5 WHY YOU WERE YOU NOT BRIEFED ON

The responses from 48 clubs, organisations or groups that responded to the survey showing an interest in using the facility as well as 250 individual respondents.

6 WHY YOU WERE YOU NOT BRIEFED ON

The extensive community consultation and survey process, with a 214 page Open Space and Recreational Study that was produced as a Final Report. Throughout the 214 page report there were frequent references to the need for the organised sport and recreational activities to be centrally located.

7 WHY WERE YOU NOT BRIEFED ON

Two additional reports totalling 64 pages that were produced as a result of the Survey and in addition to the above consultation 31 community Groups were also consulted with results from every survey that clearly showed the Cannonvale / Mt Marlo proposed facility was by far the most popular, appealing and requested venue by a vast majority.

8 WHY WERE YOU NOT BRIEFED ON

The Seven Community Forums that were held across the Region, The results were published by Council in a 69 page Whitsunday Healthy and Active Plan Draft report.

9 WHY WERE YOU NOT BRIEFED ON

An editorial in the Whitsunday Coast Guardian dated September 15th 2010.

"Figures compiled from the community survey conducted by the independent consultants GHD found that 84 per cent of people considered that a new multi purpose sports and recreational complex was needed."

10 WHY WERE YOU NOT BRIEFED ON

The report that recommended partnership funding from Healthy Communities funding. No funding has been sought. Even in 2010 the report found that "existing sportsgrounds were at capacity."

11 WHY WERE YOU NOT BRIEFED ON

The Cannonvalley Sportspark (Havengrand) that was to be a staged development that had unlimited potential, guided by a Draft Plan that was drawn up in 2008 and received by Council on September 8th 2010 with a proposal to obtain development funding from the State Government assistance programs administered by Sport and Recreational Services.

Regrettably absolutely nothing has not been implemented for the past 10 years due to Council leasing the land commercially for \$304 per ha per annum. An e-mail from CEO Rodney Ferguson (October 2021) stated "The land is under Commercial lease providing exclusive use to the lessee for the term of the lease: Council cannot authorise the use of the land by other parties". This has denied ratepayers access to the public area including a public easement.

12 WHY WERE YOU NOT BRIEFED ON

The seven options with detailed drawings and plans for the Proposed Sporting Facility: The Master Plan for the Mt Marlo community facility / site was drawn up by Conics, Design Planning and Surveying that included proposals for Soccer field, Hockey field, Rugby League and Rugby union fields, Basketball, Netball and Tennis courts, Olympic size swimming pool, Cricket oval and Basketball diamond, Horse race track, Equestrian centre, Show grounds, a club house and grand stand, athletics field, BBQ area.

13 WHY WERE YOU NOT BRIEFED ON

Additional suggestions for the use of this Community facility that included, music festival, dog shows, home and garden expo, boat / marine shows, car shows, farm shows, car or bike meets, caravan and camping shows, a home for the Cannonvale Rural Fire Brigade or to hold major sporting events, a convention centre or another High School in the future.

14. Does this indicate something to you Councillors or are all the very expensive Community surveys, the Community forums and community consultations organised by Council all going to be ignored again and the Community Facility (Cannonvale Sportspark) going to be leased for growing cane at \$304 per ha per year?

Ratepayers have been waiting for more than ten years for Council to deliver the much needed facilities that 12 years ago were at capacity.

Council now has the opportunity to make amends for making a former (previous Council) decision that went against the intended use of the Cannonvalley Sports park and do the right thing by ratepayers now to comply with the results from all the survey that clearly shows that community facilities was the most requested and needed, after all it was the ratepayers and residents that elected you Councillors to represent them and have put their trust and faith into you to represent them, I can only hope that you will not turn your back on those people who voted you into office.

Council has missed out on acquiring ten years of Government funding for ratepayers and sporting bodies and going by past allocations of grants and funds to sporting facilities there

could have been many hundreds of thousands of dollars of funding and by now this area could have been well established with significant Government funding, bringing employment and revenue to our Region. Many clubs and groups require no council funding as they obtain grants themselves, have fund raising events and have working bees to enhance their facility.

Believe it or not, after hundreds of pages of reports and findings that this facility is desperately needed, Council is considering *"whether there is a demonstrated community need at this time for the land to be developed."*

15. I seriously doubt that any of the information or anything I have told you today had been presented to Councillors and I have to ask how Councillors could possibly make a valued decision without being fully informed and knowledgeable on what they might be voting for or voting against?.

In conclusion, I have to advise with absolute assurance and confirmed by every Councillor who voted to purchase the 95 ha property that was to be used for a Multi Purpose Community facility, they would definitely not have voted to acquire the property if they thought for one moment Council was going to lease the entire area for \$304 per ha per annum to grow cane.

And to refresh your memory this is what you recently voted on:

Performance Measurement of Corporate Plan 2021 - 2026

"We will consider the social aspects of our decisions and activities to ensure that the various needs and requirements that exist in our diverse community are met".

If you vote against this land being developed as a Community Facility you will be voting against your unanimously adopted Corporate Plan.

A response will be provided to the Mr Batty and Mr Taylor 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 - Funding Opportunity - 23-24 Cycle Network, Queensland Community Fishing and TRACC

PURPOSE

To seek funding support from the 2023-24 Cycle Network, Queensland Community Fishing and 2023/24 Tackling Regional Adversity through Connected Communities (TRACC) grants programs.

OFFICER'S RECOMMENDATION

That Council:

1. Support, in priority order, the Renwick Road project (cost \$2,200,000) and design projects for Leichhardt Street (cost \$30,000), Peter Wyche Drive (cost \$100,000), Livingstone Street (cost \$30,000), and Powell Street (cost \$30,000), for submission to the 2023-24 Cycle Network Local Government Grants Program.
 - a) Consider allocating the proposed Council co-contributions should funding applications be successful for the Renwick Road project for \$1,100,000, and the four design projects for up to \$95,000 from the 2023/24 capital budget bid process.
2. Support the Whitsundays Barra Fishing Activation Project (cost \$15,000) for submission to Queensland Community Fishing Grants 2022.
3. Support the Whitsunday Community Tackling Regional Adversity through Connected Communities (TRACC) Grant projects (cost \$66,000) for submission to the 2023/24 TRACC Grants Program.
 - a) Consider allocating the proposed Council in-kind co-contributions of \$5,000 should the funding application be successful from the 2023/24 operational budget.

RESOLUTION OM2022/12/14.3

Moved By: CR M WRIGHT

Seconded By: CR J COLLINS

That Council:

1. Support, in priority order, the Renwick Road project (cost \$2,200,000) and design projects for Leichhardt Street (cost \$30,000), Peter Wyche Drive (cost \$100,000), Livingstone Street (cost \$30,000), and Powell Street (cost \$30,000), for submission to the 2023-24 Cycle Network Local Government Grants Program.
 - a) Consider allocating the proposed Council co-contributions should funding applications be successful for the Renwick Road project for \$1,100,000, and the four design projects for up to \$95,000 from the 2023/24 capital budget bid process.

1. Support the Whitsundays Barra Fishing Activation Project (cost \$15,000) for submission to Queensland Community Fishing Grants 2022.
3. Support the Whitsunday Community Tackling Regional Adversity through Connected Communities (TRACC) Grant projects (cost \$66,000) for submission to the 2023/24 TRACC Grants Program.
 - a) Consider allocating the proposed Council in-kind co-contributions of \$5,000 should the funding application be successful from the 2023/24 operational budget.

MEETING DETAILS

The motion was Carried 6 / 0.

CARRIED

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#### 13.2 Corporate Services

##### 13.2.1 - Chief Executive Officer Performance Appraisal

#### PURPOSE

To report that the requirements of the Local Government Act have been complied with and that the annual CEO performance review process has been completed.

#### OFFICER'S RECOMMENDATION

That Council notes that the annual performance appraisal of the Chief Executive Officer Mr Rod Ferguson has been completed.

#### RESOLUTION OM2022/12/14.4

Moved By: CR J HALL (MAYOR)

Seconded By: CR J CLIFFORD

That Council notes that the annual performance appraisal of the Chief Executive Officer Mr Rod Ferguson has been completed and Council is satisfied that he has met his performance indicators.

#### MEETING DETAILS

The motion was Carried 6 / 0.

**CARRIED**

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13.2.2 - Land Sale - 9D Dalrymple Street, Bowen

PURPOSE

The report is for Council's consideration to enter into a sale of land contract for 9D Dalrymple Street, Bowen.

OFFICER'S RECOMMENDATION

That Council delegate the authority to the Chief Executive Officer to negotiate and subject to agreement of terms, enter into a sale of land contract with PKDS Property Holdings Pty Ltd for 9D Dalrymple Street, Bowen for the amount of \$660,000.00 (ex. GST) in accordance with Section 236(1)(a)(i) of the Local Government Regulation 2012.

RESOLUTION OM2022/12/14.5

Moved By: CR M WRIGHT

Seconded By: CR J CLIFFORD

That Council delegate the authority to the Chief Executive Officer to negotiate and subject to agreement of terms, enter into a sale of land contract with PKDS Property Holdings Pty Ltd for 9D Dalrymple Street, Bowen for the amount of \$660,000.00 (ex. GST) in accordance with Section 236(1)(a)(i) of the Local Government Regulation 2012.

MEETING DETAILS

The motion was Carried 6 / 0.

CARRIED

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### **13.2.3 - Land Sale - 2 Sinclair Street, Bowen**

#### **PURPOSE**

The report is for Council's consideration to enter into a sale of land contract for 2 Sinclair Street, Bowen.

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

That Council enter into a sale of land contract with Stone Island Holdings Pty Ltd ABN 64 095 785 005 for 2 Sinclair Street, Bowen for the amount of \$500,000.00 (ex. GST) in accordance with Section 236(1)(a)(i) of the Local Government Regulations 2012.

#### **RESOLUTION OM2022/12/14.6**

**Moved By: CR M WRIGHT**

**Seconded By: CR J COLLINS**

**That Council enter into a sale of land contract with Stone Island Holdings Pty Ltd ABN 64 095 785 005 for 2 Sinclair Street, Bowen for the amount of \$500,000.00 (ex. GST) in accordance with Section 236(1)(a)(i) of the Local Government Regulations 2012.**

#### **MEETING DETAILS**

The motion was Carried 6 / 0.

**CARRIED**

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13.2.4 - Unconfirmed Minutes - Audit and Risk Committee Meeting

PURPOSE

Council is required to review and consider the recommendations of the Audit & Risk Committee. The minutes will also be confirmed by this Committee at the next available meeting.

The Audit & Risk Committee does not have decision-making authority and any recommendations it makes must be endorsed and approved by Council resolution prior to implementation or action.

OFFICER'S RECOMMENDATION

That Council endorse the Unconfirmed Minutes of the Audit & Risk Committee Meetings held on 22 November 2022.

RESOLUTION OM2022/12/14.7

Moved By: CR M WRIGHT

Seconded By: CR J CLIFFORD

That Council endorse the Unconfirmed Minutes of the Audit & Risk Committee Meetings held on 22 November 2022.

MEETING DETAILS

The motion was Carried 6 / 0.

CARRIED

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### 13.2.5 - Council Meeting & Briefing Session Dates 2023

#### PURPOSE

This report is for the proposed Council Meeting & Briefing Session dates and locations for 2023.

#### OFFICER'S RECOMMENDATION

That Council adopt the attached schedule of meeting dates for 2023.

#### RESOLUTION OM2022/12/14.8

Moved By: CR J CLIFFORD

Seconded By: CR G SIMPSON

That Council adopt the attached schedule of meeting dates for 2023.

#### MEETING DETAILS

The motion was Carried 4 / 3.

The Mayor used casting vote.

CARRIED

~~~~~

PROCEDURAL MOTION - ADJOURNMENT OM2022/12/14.9

Moved by: CR J CLIFFORD

Seconded by: CR G SIMPSON

That the meeting be adjourned for the purpose of morning tea at 10.05am.

MEETING DETAILS:

The procedural motion was Carried 6 / 0.

CARRIED

~~~~~

*Cr Brunker left the meeting at 10.05am. Cr Brunker advised he was having technical issues and will be absent for the balance of the meeting.*

#### PROCEDURAL MOTION - RECONVENE OM2022/12/14.10

Moved by: CR J CLIFFORD

Seconded by: CR G SIMPSON

That the meeting be reconvened from morning tea at 10.31am.

#### MEETING DETAILS:

The procedural motion was Carried 5 / 0.

CARRIED

~~~~~

Council Meeting/Briefing Session Dates & Locations 2023
(Bowen-Pros Locations only)

<u>Date</u>	<u>Day</u>	<u>Meeting</u>	<u>Location</u>
18 January 2023	Wednesday	Briefing Session	Bowen
25 January 2023	Wednesday	Ordinary Council Meeting	Bowen
1 February 2023	Wednesday	Briefing Session	Proserpine
8 February 2023	Wednesday	Ordinary Council Meeting	Proserpine
15 February 2023	Wednesday	Briefing Session	Bowen
22 February 2023	Wednesday	Ordinary Council Meeting	Bowen
1 March 2023	Wednesday	Briefing Session and Community Catch Up at Dingo & Hydeaway Beach	Proserpine
8 March 2023	Wednesday	Ordinary Council Meeting	Proserpine
15 March 2023	Wednesday	Briefing Session	Bowen
22 March 2023	Wednesday	Ordinary Council Meeting	Bowen
29 March 2023	Wednesday	Community Catch Up Meeting	Mount Coolon
5 April 2023	Wednesday	Briefing Session	Proserpine
12 April 2023	Wednesday	Ordinary Council Meeting	Proserpine
19 April 2023	Wednesday	Briefing Session	Bowen
26 April 2023	Wednesday	Ordinary Council Meeting	Bowen
3 May 2023	Wednesday	Briefing Session	Proserpine
10 May 2023	Wednesday	Ordinary Council Meeting	Proserpine
17 May 2023	Wednesday	Briefing Session	Bowen
24 May 2023	Wednesday	Ordinary Council Meeting	Bowen
31 May 2023	Wednesday	Community Catch up Meeting	Collinsville
7 June 2023	Wednesday	Briefing Session	Proserpine
14 June 2023	Wednesday	Ordinary Council Meeting	Proserpine
21 June 2023	Wednesday	Briefing Session	Bowen
28 June 2023	Wednesday	Ordinary Council Meeting	Bowen
5 July 2023	Wednesday	Briefing Session and Community Catch Up at Conway & Wilson Beach	Proserpine
12 July 2023	Wednesday	Ordinary Council Meeting	Proserpine
19 July 2023	Wednesday	Briefing Session	Bowen
26 July 2023	Wednesday	Ordinary Council Meeting	Bowen
2 August 2023	Wednesday	Briefing Session	Proserpine
9 August 2023	Wednesday	Ordinary Council Meeting	Proserpine
16 August 2023	Wednesday	Briefing Session	Bowen
23 August 2023	Wednesday	Ordinary Council Meeting	Bowen
30 August 2023	Wednesday	Community Catch up Meeting	Scottsville
6 September 2023	Wednesday	Briefing Session	Proserpine
13 September 2023	Wednesday	Ordinary Council Meeting	Proserpine
20 September 2023	Wednesday	Briefing Session	Bowen
27 September 2023	Wednesday	Ordinary Council Meeting	Bowen

Council Meeting/Briefing Session Dates & Locations 2023
(Bowen-Pros Locations only)

4 October 2023	Wednesday	Briefing Session and Community Catch Up at Shute Harbour	Proserpine
11 October 2023	Wednesday	Ordinary Council	Proserpine
1 October 2023	Thursday	Briefing Session	Bowen
25 October 2023	Wednesday	Ordinary Council Meeting	Bowen
1 November 2023	Wednesday	Briefing Session	Proserpine
8 November 2023	Wednesday	Ordinary Council Meeting	Proserpine
15 November 2023	Wednesday	Briefing Session	Bowen
22 November 2023	Wednesday	Ordinary Council Meeting	Bowen
29 November 2023	Wednesday	Community Catch up Meeting	Gumlu & Cape Upstart
6 December 2023	Wednesday	Briefing Session	Proserpine
13 December 2023	Wednesday	Ordinary Council Meeting	Proserpine

13.2.6 - Project Management Policy

PURPOSE

For Council to present for adoption the Project Management Policy.

OFFICER'S RECOMMENDATION

That Council adopt the Project Management Policy as a basis to guide project management across Council.

RESOLUTION OM2022/12/14.11

Moved By: CR J CLIFFORD

Seconded By: CR G SIMPSON

That Council adopt the Project Management Policy as a basis to guide project management across Council.

MEETING DETAILS

The motion was Carried 5 / 0.

CARRIED

~~~~~





# Project Management Policy

Corporate Services

[Council Policy Number]

| COUNCIL POLICY          |  |                    |  |
|-------------------------|--|--------------------|--|
| Date Adopted by Council |  | Council Resolution |  |
| Effective Date          |  | Next Review Date   |  |
| Responsible Officer(s)  |  | Revokes            |  |

## Purpose

Whitsunday Regional Council delivers a diverse range of Projects on behalf of and for the benefit of the community. Council has a responsibility to ensure that its Projects are appropriately managed to achieve intended service outcomes, in accordance with its quadruple bottom line outcomes.

The purpose of this policy is to set out Council's principles for the management of service programs and associated projects by implementing effective and efficient practices and processes across the project lifecycle in accordance with Standards Australia AS/NZS ISO 21500 Portfolio, Program & Project Management series: Principles and Guidelines, to;

- Enable decision-making processes to determine strategic priorities, actions, and outcomes, consistent with the Community Plan and Corporate Plan, by establishing a common approach for identifying, understanding, prioritising, and balancing of opportunities to provide clear mandate for delivery of projects that optimise service value to our community.
- Establish appropriate levels of management control and governance over delivery of approved projects by bringing together and applying Council's management, governance, economic and technical better practice activities to the project lifecycle.
- Commit to legislative compliance as well as continual improvement in project decision making and transparency of performance across the organisation.

## Scope

The policy applies to all Projects identified and delivered through Council's Corporate Plan, Operation Plan and associated long-term financial plan that meet the definition of a Project under this policy, being:

- Capital projects which are required to renew & upgrade existing assets to meet defined asset performance standards which enable delivery of approved levels of service to the community
- Capital projects which build new community assets in line with strategic outcomes of the Community Plan to improve current level of service and/or create new services for a better community.
- Change projects which improve Council's capacity and capability to deliver defined levels of service to our community as well as meet regulatory and legislative obligations, including:
  - Service defining and improvement Initiatives, including service strategy development, Community precinct planning and associated Asset master planning,
  - Optimising the management and performance of our Services and associated enabling Assets.
  - Developing our people and resourcing capacity
  - Creating a better Council through implementation of better contemporary practices for process, practices, and tools.

This policy applies to all staff and contractors.





# Project Management Policy

Corporate Services

[Council Policy Number]

## Applicable Legislation

This policy refers to (include specific section if relevant) the following:

- *Local Government Act 2009*
- *Local Government Regulations 2012*
- *Competition and Consumer Act 2010*
- *Public Sector Ethics Act 1994*
- *Trade Practices Act 1974*
- *Work Health and Safety Act 2011*

## Policy Statement

1. This policy sets out the requirements for the project management and governance of all Projects being delivered by Whitsunday Regional Council.
2. The objective of this Policy is to mandate the Whitsunday Way for project management to ensure effective management control and governance of Council Projects:
  - 2.1. To ensure consistency in the planning, delivery and governance across Council's Portfolio and programs of projects; (Doing Projects Right)
  - 2.2. To provide high quality project benefits / outcomes that align with the project objectives approved by the Project Sponsor aligning with current Council policies and strategic objectives; (Doing the right Projects)
  - 2.3. To deliver value for money for the Whitsunday Regional Council and the community in the delivery of Projects considering the trade-off between levels of service, whole of life costs and risk; and
  - 2.4. To provide transparency and visibility on Project performance to enable effective decision making regarding the optimal use of resources.

3. Efficient and Effective Project management will be achieved through the following principles;

Principle 1 - Our Community and our people are at the heart of our Projects.

Principle 2 – Alignment to our Service Strategy and Risk Appetite ensures we are “doing the right projects”.

Principle 3 - Transparency of Performance continually justifies Council's investment in service value creating projects.

Principle 4 – Clearly defined roles build a Collaborative Team Environment

Principle 5 – Management Control and Governance reflect project complexity (value & risk) to ensure Council is “Doing projects right”

Principle 6 – We all Lead by example and learn from experience to continuously Improve

## Risk Appetite Alignment:

This Policy seeks to enable Council to meet the following obligations under its Risk Appetite Statement:





## Project Management Policy

Corporate Services

[Council Policy Number]

| Knowledge Area               | Risk Appetite                                                                                                                                                                                                                                                                                                                                                                                                       |
|------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Scope & Benefits             | <ul style="list-style-type: none"> <li>Moderate appetite to risks that may result in strategic objectives not being achieved</li> </ul>                                                                                                                                                                                                                                                                             |
| Schedule                     | <ul style="list-style-type: none"> <li>Effective management of projects is important to Council and consequently there is a no appetite for project time overruns exceeding a 20% variation</li> </ul>                                                                                                                                                                                                              |
| Financial                    | <ul style="list-style-type: none"> <li>Low appetite for activities that threaten the long-term financial stability of the Council.</li> <li>Effective management of projects is important to Council and consequently there is a no appetite for project cost or time overruns exceeding a 20% variation.</li> </ul>                                                                                                |
| Quality                      | <ul style="list-style-type: none"> <li>No appetite for non-compliance, breaches of legislation or regulatory requirements or non-reporting of breaches and non-compliance to appropriate authorities.</li> <li>No appetite for not fulfilling its obligations to the built and natural environment</li> <li>Very low tolerance to not fulfilling the obligations and needs to manage environmental risks</li> </ul> |
| Procurement                  | <ul style="list-style-type: none"> <li>No appetite for non-compliance, breaches of legislation or regulatory requirements or non-reporting of breaches and non-compliance to appropriate authorities.</li> </ul>                                                                                                                                                                                                    |
| Resourcing                   | <ul style="list-style-type: none"> <li>Seeks opportunities to develop a multi-skilled workforce</li> <li>No appetite for employees performing duties for which they are not suitably qualified or trained or acting outside of their delegated authority.</li> <li>No tolerance for work practices that result in major injuries or fatality.</li> </ul>                                                            |
| Stakeholders & Communication | <ul style="list-style-type: none"> <li>Low appetite for reputational risks that may result in substantiated complaints from the community and/or key stakeholders.</li> </ul>                                                                                                                                                                                                                                       |

## Roles & Responsibilities

Under this policy, the following roles have specific responsibilities and accountabilities;

**Chief Executive Officer (CEO)** has overall operational responsibility for the successful delivery of projects, including reporting to the Council.

**Project Control Group (PCG)** established based on complexity and risk profile of individual projects or program of projects, entrusted with the governance / oversight responsibilities for the project, within the relevant Financial or Procurement Delegated Authorities.

Note: **Program Control Group** is where a Control Group is established to oversight a program of projects.

**Project Management Support Office (PMSO)** responsible for maintaining and continuously improving the Project Management Policy and associated Project Management Framework as well as providing ongoing reporting, assurance, training and support in the methodology and tools for project teams and sponsors.

**Project Manager** responsible for the day-to-day planning and delivery of the project service value, by the management of processes and leading the people to ensure delivery and balancing of expectations across scope, schedule, financial, resources, procurement, quality, and stakeholder management outcomes.

**Project Sponsor** accountable for the successful delivery of project and associated service benefits realisation, being the Chair of the PCG.





# Project Management Policy

Corporate Services

[Council Policy Number]

## Definitions

**CEO** refers to the Chief Executive Officer of the Whitsunday Regional Council appointed in accordance with the *Local Government Act 2009*.

**Council** refers to the Whitsunday Regional Council

**Employee** refers to any employee, contractor, volunteer etc. of the Council.

**Project:** generically refers to a temporary organisation that is created for the purpose of delivering one or more business products according to an agreed business case.

**Program:** generically refers to a temporary, flexible organisation structure created to coordinate, direct, and oversee the implementation of a set of related projects and activities to deliver outcomes and benefits related to the organization's strategic objectives. A programme is likely to have a life that spans several years.

**Portfolio:** generically refers to the totality of an organisation's investment (or segment thereof) in the changes required to achieve its strategic objectives.

**Project Lifecycle:** refer to the stage gated process established to ensure a whole of council consistency in management of its projects.

## Related Documents

ISO 21500:2021 Portfolio, Program & Project Management - Context and Concepts  
ISO 21502:2020 Portfolio, Program & Project Management - Guidance on Project Management  
ISO 21503:2017 Portfolio, Program & Project Management - Guidance on Program Management  
ISO 21504:2015 Portfolio, Program & Project Management - Guidance on Portfolio Management  
ISO 21505:2017 Portfolio, Program & Project Management - Guidance on Governance  
ISO 19650:2021 Organisation & digitization of Information about Buildings and Civil Works  
Risk Management Policy – LSP\_CORP\_62  
Risk Management Framework 2021  
Procurement Policy – LSP\_CORP\_73  
Local Preference Policy - LSP\_CORP\_74  
Asset Management Policy – CORP\_86  
Asset Management Strategy 2022 - 2026  
Community Engagement Policy – LSP\_OMCEO\_33  
Asset Accounting Policy – LSP\_CORP\_19  
Project Management Framework (under development)

## Human Rights Compatibility Statement

This Policy has been assessed as compatible with the Human Rights protected under the *Human Rights Act 2019*.



### 13.2.7 - Sole Source Supplier Listing - 2022/2023

#### 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) 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 2022/23 financial year; and
- b) Delegates authority to the Chief Executive Officer in accordance with 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 OM2022/12/14.12

Moved By: CR G SIMPSON

Seconded By: CR J COLLINS

That Council:

- a) Resolves in accordance with section 235(a) 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 2022/23 financial year; and
- b) Delegates authority to the Chief Executive Officer in accordance with 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 5 / 0.

**CARRIED**

~~~~~

13.2.8 - Finance Reporting - FY 2022-23 Period ending November 2022

PURPOSE

To inform Council of the current financial performance and position for the period to 30 November 2022.

OFFICER'S RECOMMENDATION

That Council receive the Financial Report, Capital Delivery Report and Unaudited Financial Statements 2022/23 for the period ended 30 November 2022.

RESOLUTION OM2022/12/14.13

Moved By: CR J CLIFFORD

Seconded By: CR G SIMPSON

That Council receive the Financial Report, Capital Delivery Report and Unaudited Financial Statements 2022/23 for the period ended 30 November 2022.

MEETING DETAILS

The motion was Carried 5 / 0.

CARRIED

~~~~~

### 13.2.9 - Corporate Services Monthly Report - November 2022

#### PURPOSE

To provide an overview the Corporate Services Directorate for the month of November 2022.

#### OFFICER'S RECOMMENDATION

That Council receive the Corporate Services Monthly Report for November 2022.

#### RESOLUTION OM2022/12/14.14

Moved By: CR J CLIFFORD

Seconded By: CR M WRIGHT

That Council receive the Corporate Services Monthly Report for November 2022.

#### MEETING DETAILS

The motion was Carried 5 / 0.

CARRIED

~~~~~

13.3.1 - Local Government Infrastructure Plan Amendment

PURPOSE

This report is for Councillors to consider proceeding with the Local Government Infrastructure Plan Amendment.

OFFICER'S RECOMMENDATION

That Council:

1. Endorse the Local Government Infrastructure Plan Amendment and associated material for Independent Review in accordance with Chapter 5, Part 3, Section 9 of the Ministers Guidelines and Rules 2020, and
2. Following Independent Review, if the Local Government Infrastructure Plan Amendment and associated material are not significantly different, proceed to State Interest Review in accordance with Chapter 5, Part 3, Section 10 of the Ministers Guidelines and Rules 2020.

RESOLUTION OM2022/12/14.15

Moved By: CR J CLIFFORD

Seconded By: CR J HALL (MAYOR)

That the item lie on the table to allow Councillors more time to consider the contents of the LGIP.

MEETING DETAILS

The motion was Carried 3 / 2.

CARRIED

~~~~~

### **13.3.2 - Whitsunday Development Manual Amendment and Whitsunday Open Space Strategy 2022 Consultation Report**

#### **PURPOSE**

This report summarises the Whitsunday Development Manual Amendment and Whitsunday Open Space Strategy 2022 consultation outcomes and proposed changes for consideration.

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

That Council:

1. Consider submissions within the Consultation Report for the Whitsunday Development Manual Amendment and Whitsunday Open Space Strategy 2022;
2. Endorse submission responses within the Consultation Report for the Whitsunday Development Manual Amendment and Whitsunday Open Space Strategy 2022;
3. Adopt the Whitsunday Open Space Strategy 2022 (as amended herein);
4. Adopt the Whitsunday Development Manual Amendment (as amended herein),
5. Commence the Whitsunday Development Manual Amendment following community notification via Public Notice in the QLD Gazette, in accordance with Chapter 3, part 5 of the Ministers Guidelines and Rules 2020, and
6. Provide a copy of the public notice and certified copy of the Whitsunday Development Manual Amendment to the Chief Executive of Queensland State Development, Infrastructure, Local Government and Planning.

#### **RESOLUTION OM2022/12/14.16**

Moved By: CR J COLLINS

Seconded By: CR G SIMPSON

That Council:

1. Consider submissions within the Consultation Report for the Whitsunday Development Manual Amendment and Whitsunday Open Space Strategy 2022;
2. Endorse submission responses within the Consultation Report for the Whitsunday Development Manual Amendment and Whitsunday Open Space Strategy 2022;
3. Adopt the Whitsunday Open Space Strategy 2022 (as amended herein);
4. Adopt the Whitsunday Development Manual Amendment (as amended herein),
5. Commence the Whitsunday Development Manual Amendment following community notification via Public Notice in the QLD Gazette, in accordance with Chapter 3, part 5 of the Ministers Guidelines and Rules 2020, and
6. Provide a copy of the public notice and certified copy of the Whitsunday Development Manual Amendment to the Chief Executive of Queensland State Development, Infrastructure, Local Government and Planning.

#### **MEETING DETAILS**

The motion was Carried 5 / 0.

**CARRIED**

~~~~~


13.3.3 - Request for Owners Consent and Road Closure Support - Stone Island Aerial Tramway

PURPOSE

To present the request received regarding the partial road closure.

OFFICER'S RECOMMENDATION

That Council write to Stone Island Holdings Pty Ltd to request a draft development application be provided with further information to enable Council to consider supporting the request for a partial permanent road closure of Margaret Reynolds Drive.

RESOLUTION OM2022/12/14.17

Moved By: CR M WRIGHT

Seconded By: CR J COLLINS

That Council write to Stone Island Holdings Pty Ltd to request a draft development application be provided with further information to enable Council to consider supporting the request for a partial permanent road closure of Margaret Reynolds Drive.

MEETING DETAILS

The motion was Carried 5 / 0.

CARRIED

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**13.3.4 - 20220710 - Development Application for Reconfiguration of a Lot (Access Easement) - 162 Richmond Road, Bowen - 4 RP705668**

**PURPOSE**

To present the assessment of the development application.

**OFFICER'S RECOMMENDATION**

That Council approve the application for Development Application for Reconfiguration of a Lot - Access Easement, made by S A Annand, on L: 4 RP: 705668 and located at 162 Richmond Road Bowen, subject to the conditions outlined in Attachment 1.

**RESOLUTION OM2022/12/14.18**

**Moved By: CR M WRIGHT**

**Seconded By: CR G SIMPSON**

**That Council approve the application for Development Application for Reconfiguration of a Lot - Access Easement, made by S A Annand, on L: 4 RP: 705668 and located at 162 Richmond Road Bowen, subject to the conditions outlined in Attachment 1.**

**MEETING DETAILS**

The motion was Carried 5 / 0.

**CARRIED**

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13.3.5 - 20211031 - Development Application for Material Change of Use (Car Wash, Outdoor Sales & Associated Service Industry/Low Impact Industry) - 144-146 Main Street, Proserpine - 4 & 5 RP405787

PURPOSE

To present the assessment of the development application.

OFFICER'S RECOMMENDATION

That Council approve the Development Application for Development Permit for Material Change of Use - Car Wash, Outdoor Sales & Associated Service Industry/Low Impact Industry, made by Chapman Group Enterprises Pty Ltd As TTE, on L: 4 RP: 705787 T: N420/213, L: 5 RP: 705787 T: N420/213 and located at 144 and 146 Main Street Proserpine, subject to the conditions outlined in Attachment 1.

RESOLUTION

Moved By: CR G SIMPSON

Seconded By: CR J HALL (MAYOR)

That Council approve the Development Application for Development Permit for Material Change of Use - Car Wash, Outdoor Sales & Associated Service Industry/Low Impact Industry, made by Chapman Group Enterprises Pty Ltd As TTE, on L: 4 RP: 705787 T: N420/213, L: 5 RP: 705787 T: N420/213 and located at 144 and 146 Main Street Proserpine, subject to the conditions outlined in Attachment 1.

PROCEDURAL MOTION - MATTER LIE ON THE TABLE OM2022/12/14.19

Moved By: CR J CLIFFORD

That the item lie on the table to allow development services staff to review the ability to use the highway access for both Ingress and Egress.

MEETING DETAILS:

The procedural motion was Carried 5 / 0

CARRIED

~~~~~

**13.3.6 - 20220809 - Development Application for Material Change of Use (Short-Term Accommodation) - 4 Hill Crest Ave, Airlie Beach - M Coughlan C/- Wynne Planning and Development**

**PURPOSE**

To present the assessment of the development application.

**OFFICER'S RECOMMENDATION**

That Council approve the Development Application for Development Permit for Material Change of Use – Short-Term Accommodation, made by M Coughlan C/- Wynne Planning and Development, on L: 603 A: 8595 T: 20995054 and located at 4 Hill Crest Avenue Airlie Beach, subject to the conditions outlined in Attachment 1.

**RESOLUTION OM2022/12/14.20**

**Moved By: CR G SIMPSON**

**Seconded By: CR J COLLINS**

**That Council approve the Development Application for Development Permit for Material Change of Use – Short-Term Accommodation, made by M Coughlan C/- Wynne Planning and Development, on L: 603 A: 8595 T: 20995054 and located at 4 Hill Crest Avenue Airlie Beach, subject to the conditions outlined in Attachment 1.**

**MEETING DETAILS**

The motion was Carried 3 / 2.

**CARRIED**

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13.3.7 - 20220817 - Development Application for Material Change of Use (Short-Term Accommodation) - 34 Seaview Drive, Airlie Beach - M N Chieu C/- Wynne Planning & Development

PURPOSE

To present the assessment of the development application.

OFFICER'S RECOMMENDATION

That Council approve the Development Application for Development Permit for Material Change of Use – Short-Term Accommodation, made by M N Chieu C/- Wynne Planning & Development, on L: 60 SP: 289273 CTS: 37350 and located at 34 Seaview Drive Airlie Beach, subject to the conditions outlined in Attachment 1.

RESOLUTION OM2022/12/14.21

Moved By: **CR G SIMPSON**

Seconded By: **CR J COLLINS**

That Council approve the Development Application for Development Permit for Material Change of Use – Short-Term Accommodation, made by M N Chieu C/- Wynne Planning & Development, on L: 60 SP: 289273 CTS: 37350 and located at 34 Seaview Drive Airlie Beach, subject to the conditions outlined in Attachment 1.

MEETING DETAILS

The motion was Carried 3 / 2.

CARRIED

~~~~~

**13.3.8 - 20220808 - Development Application for Material Change of Use (Short-Term Accommodation) - 332 Mandalay Road, Mandalay - Reynolds & Wilson C/- Wynne Planning and Development**

**PURPOSE**

To present the assessment of the development application.

**OFFICER'S RECOMMENDATION**

That Council approve the Development Application for Development Permit for Material Change of Use – Short-Term Accommodation, made by K Reynolds & A Wilson C/- Wynne Planning and Development, on L: 3 RP: 721173 T: N718/218 and located at 332 Mandalay Road Mandalay, subject to the conditions outlined in Attachment 1.

**RESOLUTION OM2022/12/14.22**

Moved By: CR G SIMPSON

Seconded By: CR J COLLINS

That Council approve the Development Application for Development Permit for Material Change of Use – Short-Term Accommodation, made by K Reynolds & A Wilson C/- Wynne Planning and Development, on L: 3 RP: 721173 T: N718/218 and located at 332 Mandalay Road Mandalay, subject to the conditions outlined in Attachment 1.

**MEETING DETAILS**

The motion was Carried 3 / 2.

**CARRIED**

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13.3.9 - 20211136 - Development Application for Reconfiguration of a Lot - 1 into 2 lots; and Material Change of Use for Parking Station (Car Park) - 6-12 The Beacons Road Airlie Beach - Whitsunday Sailing Club C/- Veris

PURPOSE

To present the assessment of the development application.

OFFICER'S RECOMMENDATION

That Council approve the Development Application for Development Permit for Material Change of Use for Parking Station (Car Park); and Development Application for Development Permit for Reconfiguration of a Lot – One (1) into two (2) Lots, made by Whitsunday Sailing Club Limited C/- Veris, on L: 104 SP: 232115 and located at 6-12 The Beacons Road Airlie Beach, subject to the conditions outlined in Attachment 1.

RESOLUTION OM2022/12/14.23

Moved By: CR J CLIFFORD

Seconded By: CR J HALL (MAYOR)

That Council approve the Development Application for Development Permit for Material Change of Use for Parking Station (Car Park); and Development Application for Development Permit for Reconfiguration of a Lot – One (1) into two (2) Lots, made by Whitsunday Sailing Club Limited C/- Veris, on L: 104 SP: 232115 and located at 6-12 The Beacons Road Airlie Beach, subject to the conditions outlined in Attachment 1.

MEETING DETAILS

Cr Simpson moved an amendment and then withdrew from making an amendment.

The motion was Carried 5 / 0.

CARRIED

~~~~~

### **13.3.10 - 20220686 - Development Application for Reconfiguration of a Lot - One (1) Lot into Four (4) Lots and Access Easement, 171 Wrights Road, Strathdickie, Shead C/- Veris**

#### **PURPOSE**

To present the assessment of the development application.

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

That Council refuse the Development Application for Reconfiguration of a Lot - One (1) Lot into Four (4) Lots and Access Easement, made by L E Shead, on L: 15 SP: 199086 and located at 171 Wrights Road Strathdickie, for the following reasons:

1. 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;
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. The proposal conflicts with the Whitsunday Regional Council Planning Scheme 2017 and cannot be conditioned to comply. Specifically:
  - a) 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;
  - b) 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;
  - c) The proposal is not consistent with the Rural Zone Code, which specifies a minimum lot size of 100 hectares;
  - d) The proposal is not consistent with the Agricultural Land Overlay, which does not support fragmentation of land.
  - e) The application conflicts with the Extractive Resources Overlay as the reconfiguration results in the creation of additional lots used or capable of being used for Accommodation activities within the resource separation buffer area.
4. Access to Proposed Lot 1 does not comply with Safe Intersection Siting Distance (SISD) requirements for an 80kmh road.

#### **RESOLUTION OM2022/12/14.24**

**Moved By: CR G SIMPSON**

**Seconded By: CR J CLIFFORD**

**That Council approve the application for Development Application for Development Permit for Reconfiguration of a Lot - One (1) Lot into Four (4) Lots, made by LE Shead C/- Veris on L: 15 SP: 199086 and located at 171 Wrights Road, Strathdickie, subject to the conditions outlined in Attachment 7 of the report for 20220686.**

#### **Reasons for Decision:**



1. Lots in the 4 lot subdivision are compatible with the size of adjoining lots and those in the general area.

#### MEETING DETAILS

The motion was Carried 5 / 0.

**CARRIED**

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13.3.11 - Development Services Monthly Report - November 2022

PURPOSE

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

OFFICER'S RECOMMENDATION

That Council receives the Development Services Monthly Report for November 2022.

RESOLUTION OM2022/12/14.25

Moved By: CR J CLIFFORD

Seconded By: CR J COLLINS

That Council receives the Development Services Monthly Report for November 2022.

MEETING DETAILS

The motion was Carried 5 / 0.

CARRIED

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13.4 Community Services

### 13.4.1 - Expression of Interest - Bowen Community Markets

#### PURPOSE

To seek expressions of interest from not-for-profit organisations to facilitate the Bowen Community Markets every Sunday.

#### OFFICER'S RECOMMENDATION

That Council advertise an Expression of Interest to not-for-profit community groups to facilitate the Bowen Community Markets every Sunday.

#### RESOLUTION OM2022/12/14.26

Moved By: CR M WRIGHT

Seconded By: CR J CLIFFORD

That Council advertise an Expression of Interest to not-for-profit community groups to facilitate the Bowen Community Markets every Sunday.

#### MEETING DETAILS

The motion was Carried 5 / 0.

CARRIED

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13.4.2 - Sport & Recreation Club Grants - December 2022

PURPOSE

For Council to consider the payment of the Sport & Recreation Club Grants for December 2022 in accordance with Council's Sport & Recreation Grant Guidelines.

OFFICER'S RECOMMENDATION

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

1. Bowen Seagulls Junior Rugby League Inc. – Band 1 - \$5,500
2. Bowen Netball Association Inc. – Band 2 - \$3,000
3. Whitsunday Weigh-lifting Association Inc. - Band 2 - \$3,000
4. Proserpine BMX Club Inc. - Band 3 - \$1,500
5. Tennis Whitsunday Club Inc. - Band 4 - \$1,000

RESOLUTION OM2022/12/14.27

Moved By: CR M WRIGHT

Seconded By: CR J CLIFFORD

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

1. Bowen Seagulls Junior Rugby League Inc. – Band 1 - \$5,500
2. Bowen Netball Association Inc. – Band 2 - \$3,000
3. Whitsunday Weigh-lifting Association Inc. - Band 2 - \$3,000
4. Proserpine BMX Club Inc. - Band 3 - \$1,500
5. Tennis Whitsunday 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 - December 2022

#### PURPOSE

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

#### OFFICER'S RECOMMENDATION

That Council approve financial support for the following applicants:

- a) Sophie Fletcher – 11/12yrs Aquathlon Championships - \$250
- b) Kayla Vella – School Sport U15s Girls Touch Football Championships – \$1,000
- c) Catherine Maund – Equitana Horseball Championships - \$1,000

#### RESOLUTION OM2022/12/14.28

Moved By: CR J COLLINS

Seconded By: CR M WRIGHT

That Council approve financial support for the following applicants:

- a) Sophie Fletcher – 11/12yrs Aquathlon Championships - \$250
- b) Kayla Vella – School Sport U15s Girls Touch Football Championships – \$1,000
- c) Catherine Maund – Equitana Horseball Championships - \$1,000

#### MEETING DETAILS

The motion was Carried 5 / 0.

**CARRIED**

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13.4.4 - RADF 2022/23 Funding Round 2 - August 2022 to November 2022

PURPOSE

For Council to consider the funding for the Regional Arts Development Fund (RADF) grant applications for Round 2 of the 2022/23 Program, as recommended by the RADF Advisory Committee. All comments from the committee were received via email.

OFFICER'S RECOMMENDATION

That Council:

1. Approve the payment of Regional Arts Development Fund (RADF) grants (subject to conditions) – for Round 2, as recommended to Council by the RADF Advisory Committee to assist the following recipients:
 - a) Tammi Burgis – Concept development plan for Exhibition and Workshops - \$3,100
 - b) Margaret Burgess – “Our Artist’s Open Studio Trail” consultation sessions - \$3,390
2. Advise the following applicant that they were unsuccessful:
 - a) Karen Jacobsen – Misogyny Opus Orchestral Work - \$9,600

RESOLUTION OM2022/12/14.29

Moved By: CR M WRIGHT

Seconded By: CR G SIMPSON

That Council:

1. Approve the payment of Regional Arts Development Fund (RADF) grants (subject to conditions) – for Round 2, as recommended to Council by the RADF Advisory Committee to assist the following recipients:
 - a) Tammi Burgis – Concept development plan for Exhibition and Workshops - \$3,100
 - b) Margaret Burgess – “Our Artist’s Open Studio Trail” consultation sessions - \$3,390
2. Advise the following applicant that they were unsuccessful:
 - a) Karen Jacobsen – Misogyny Opus Orchestral Work - \$9,600

MEETING DETAILS

Cr Clifford advised the meeting that she may have a perceived conflict of interest due to her involvement in a video associated with Karen Jacobsen. The remaining Councillors unanimously agreed that Cr Clifford does not have a conflict of interest and can remain in the meeting for the item. Cr Clifford remained in the meeting and participated in the decision making and voting on this item.

The motion was Carried 5 / 0.

CARRIED

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### 13.4.5 - Community Services Monthly Report - November 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 November 2022.

#### OFFICER'S RECOMMENDATION

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

#### RESOLUTION OM2022/12/14.30

Moved By: CR J CLIFFORD

Seconded By: CR M WRIGHT

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

#### MEETING DETAILS

The motion was Carried 5 / 0.

**CARRIED**

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13.5.1 - 500.2022.0075 Waste Facility Operation Services for Collinsville Transfer Station

PURPOSE

This report presents to Council for consideration the evaluation panel's recommendation to award Contract 500.2022.0075 – Waste Facility Operation Services for Collinsville Transfer Station.

OFFICER'S RECOMMENDATION

That Council award Contract 500.2022.0075 Waste Facility Operation Services for Collinsville Transfer Station to JJ Richards & Sons Pty Ltd T/As JJ's Waste & Recycling on a schedule of rates basis for the amount of \$454,155.00 (excluding GST) for the contract period of seventeen (17) months and an additional \$690,048.45 (excluding GST) for the two (2) x twelve (12) month extensions at Council's discretion.

RESOLUTION OM2022/12/14.31

Moved By: CR G SIMPSON

Seconded By: CR J CLIFFORD

That Council award Contract 500.2022.0075 Waste Facility Operation Services for Collinsville Transfer Station to JJ Richards & Sons Pty Ltd T/As JJ's Waste & Recycling on a schedule of rates basis for the amount of \$454,155.00 (excluding GST) for the contract period of seventeen (17) months and an additional \$690,048.45 (excluding GST) for the two (2) x twelve (12) month extensions at Council's discretion.

MEETING DETAILS

The motion was Carried 5 / 0.

CARRIED

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### **13.5.2 - 500.2022.0083 Design, Supply and Installation of Bicentennial Boardwalk Upgrade**

#### **PURPOSE**

This report presents to Council for consideration the evaluation panel's recommendation to award Contract 500.2022.0083 Design, Supply and Installation of Bicentennial Boardwalk Upgrade.

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

That Council award Contract 500.2022.0083 Design, Supply and Installation of Bicentennial Boardwalk Upgrade to The Trustee For The Julatson Family Trust & The Trustee For The Marjen Family Trust (Plants Whitsunday) based on their alternative submission for the amount of:

- a) \$902,637.25 (excluding GST) for the full design and completion of Separable Portion 2, noting the requirement to increase the project budget by \$100k at the quarter two budget review to cover Separable Portion 2, and
- b) A provisional amount of \$2,589,819.35 (excluding GST) for Separable Portion 1 and 3, subject to funding and future Council budget approvals for the 2023-2025 financial years.

#### **RESOLUTION OM2022/12/14.32**

**Moved By: CR J CLIFFORD**

**Seconded By: CR G SIMPSON**

**That Council award Contract 500.2022.0083 Design, Supply and Installation of Bicentennial Boardwalk Upgrade to The Trustee For The Julatson Family Trust & The Trustee For The Marjen Family Trust (Plants Whitsunday) based on their alternative submission for the amount of:**

- a) \$902,637.25 (excluding GST) for the full design and completion of Separable Portion 2, noting the requirement to increase the project budget by \$100k at the quarter two budget review to cover Separable Portion 2, and**
- b) A provisional amount of \$2,589,819.35 (excluding GST) for Separable Portion 1 and 3, subject to funding and future Council budget approvals for the 2023-2025 financial years.**

#### **MEETING DETAILS**

The motion was Carried 5 / 0.

**CARRIED**

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14 MATTERS OF IMPORTANCE

MATTERS OF IMPORTANCE – SIGNIFICANT TREE REGISTER

RESOLUTION OM2022/12/14.33

Moved By: CR J CLIFFORD

Seconded By: CR G SIMPSON

That a report be brought back regarding the possibility of setting up a significant tree register across the region and strengthen our planning scheme to stop clear felling on development blocks.

MEETING DETAILS

The motion was Carried 5 / 0.

CARRIED

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### MATTERS OF IMPORTANCE – PROTECTION OF TREES (COMMUNITY GROUPS)

#### RESOLUTION OM2022/12/14.34

Moved By: CR G SIMPSON

Seconded By: CR J CLIFFORD

That a report be brought back to Council regarding potential protection of trees planted by community groups.

#### MEETING DETAILS

The motion was Carried 5 / 0.

CARRIED

### FURTHER MATTERS OF IMPORTANCE (Resolution not required):

- Mayor Julie Hall – ECQ Announcement: Division 2 Councillor, Clay Bauman
- Cr Wright – Request for update on Ted Cunningham Bridge

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15 LATE REPORT ITEMS

No late agenda items for this meeting.

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**PROCEDURAL MOTION - CLOSURE OF MEETING (CONFIDENTIAL SESSION)  
OM2022/12/14.35**

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

**Seconded by: CR J CLIFFORD**

**That Council close the meeting to the public at 12.05pm 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:**

**16.1.1 - Appointment of Chief Executive Officer**

*(a) the appointment, discipline or dismissal of the Chief Executive Officer.*

**16.2.1 - Water Metering - Airlie Summit Body Corporate**

*(d) rating concessions*

**16.3.1 - 20210040 - One Whitsunday Developments Pty Ltd v Whitsunday Regional Council & Ors - Planning and Environment Court Appeal No. 1372 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 - REOPEN MEETING OM2022/12/14.36

Moved by: CR J CLIFFORD

Seconded by: CR M WRIGHT

That Council reopen the meeting to the general public at 12.43pm.

MEETING DETAILS:

The procedural motion was Carried 5 / 0

CARRIED

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### 16.1.1 - Appointment of Chief Executive Officer

#### 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—*
  - ***(a) the appointment, discipline or dismissal of the Chief Executive Officer.***

#### RECOMMENDATION

That Council:

- a) Appoint XXX as the Chief Executive Officer, having the necessary qualifications, ability, skills, knowledge and experience to undertake the role:
- b) Delegate the Mayor the authority to enter into a Contract of Employment with the successful candidate, subject to agreed conditions of employment and performance standards with a proposed commencement date of 27 February 2023.

#### RESOLUTION OM2022/12/14.37

Moved By: CR J CLIFFORD

Seconded By: CR G SIMPSON

That Council:

- a) **Appoint Warren Bunker as the Chief Executive Officer, having the necessary qualifications, ability, skills, knowledge and experience to undertake the role.**
- b) **Delegate the Mayor the authority to enter into a Contract of Employment with the successful candidate, subject to agreed conditions of employment and performance standards with a proposed commencement date of 27 February 2023.**

#### MEETING DETAILS

The motion was Carried 5 / 0.

**CARRIED**

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16.2.1 - Water Metering - Airlie Summit Body Corporate

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—*
 - (d) rating concessions.*

RECOMMENDATION

That Council:

1. Agree to the request of the Body Corporate for a transition of the water billing and reading changes to allow each of the lots covered by the Body Corporate Airlie Summit to be billed directly by Council with only common areas billed to the Body Corporate, with date of effect from the first billing period in the 2023/24 financial year.
2. Delegates to the Chief Executive Officer the authority to amend the Infrastructure Agreement and to make billing adjustments retrospectively for a 12-month period for the 2021/22 financial year.

RESOLUTION OM2022/12/14.38

Moved By: CR J CLIFFORD

Seconded By: CR G SIMPSON

That Council:

1. **Agree to the request of the Body Corporate for a transition of the water billing and reading changes to allow each of the lots covered by the Body Corporate Airlie Summit to be billed directly by Council with only common areas billed to the Body Corporate, with date of effect from the first billing period in the 2023/24 financial year.**
2. **Delegates to the Chief Executive Officer the authority to amend the Infrastructure Agreement and to make billing adjustments retrospectively for a 12-month period for the 2021/22 financial year.**

MEETING DETAILS

The motion was Carried 5 / 0.

CARRIED

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**16.3.1 - 20210040 - One Whitsunday Developments Pty Ltd v Whitsunday Regional Council & Ors - Planning and Environment Court Appeal No. 1372 of 2022**

**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—*
  - (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.*

**RECOMMENDATION**

That Council in relation to Planning and Environment Court Appeal No. 1372 of 2022 notify the Appellant the proposed changes are a minor change.

**RESOLUTION OM2022/12/14.39**

**Moved By: CR G SIMPSON**

**Seconded By: CR M WRIGHT**

**That Council in relation to Planning and Environment Court Appeal No. 1372 of 2022 notify the Appellant the proposed changes are a minor change.**

**MEETING DETAILS**

The motion was Carried 3 / 2.

Cr Wright called for a Division.

For: Cr Wright, Cr Simpson, Cr Hall

Against: Cr Clifford, Cr Collins

**CARRIED**

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16.4.1 - Review of the Whitsunday Climate Change Innovation Hub

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—*
 - (b) industrial matters affecting employees.*
 - (f) matters that may directly affect the health and safety of an individual or group of individuals.*

RECOMMENDATION

That Council:

1. Following an external review of the Climate Change Innovation Hub (the Hub), agrees to:
 - a. Change the current structure and operations of the Hub to better address regional climate change issues that are within Council's influence.
 - b. No longer operate the Climate Hub Panel with correspondence to be forwarded to the Panel members thanking them for their commitment to the Hub in recent years.
 - c. Continue to provide the Climate Hub room within the Proserpine Administration Building for independent research and community use in regard to climate change within the Whitsunday region.
 - d. Continue to address climate change within the Whitsunday region as an internal function of Council with reliance upon external advisers to provide targeted advice on climate change issues.
 - e. Continue the project work currently underway e.g. Whitsunday Healthy Heart Project.
 - f. Support the development of a sustainability framework to be implemented to address climate change related issues in the Whitsunday region.

RESOLUTION OM2022/12/14.40

Moved By: CR J CLIFFORD

Seconded By: CR G SIMPSON

That Council:

- 1. Following an external review of the Climate Change Innovation Hub (the Hub), agrees to:**
 - a. Change the current structure and operations of the Hub to better address regional climate change issues that are within Council's influence.**
 - b. No longer operate the Climate Hub Panel with correspondence to be forwarded to the Panel members thanking them for their commitment to the Hub in recent years.**
 - c. Continue to provide the Climate Hub room within the Proserpine Administration Building for independent research and community use in regard to climate change within the Whitsunday region.**
 - d. Continue to address climate change within the Whitsunday region as an internal function of Council with reliance upon external advisers to provide targeted advice on climate change issues.**
 - e. Continue the project work currently underway e.g. Whitsunday Healthy Heart Project.**
 - f. Support the development of a sustainability framework to be implemented to address climate change related issues in the Whitsunday region.**

MEETING DETAILS

The motion was Carried 5 / 0.

CARRIED

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## **17 CLOSURE OF MEETING**

The Meeting closed at 12.49pm

Confirmed as a true and correct recording this 25 January 2023.

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**Cr Julie Hall  
MAYOR**