



Minutes of the Ordinary Council Meeting held on Wednesday 24 August 2022 at Council Chambers, 67 Herbert Street, Bowen

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

Councillors Present:

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

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); Greg Martin (Communications and Marketing Manager); Tailah Jensen (Governance Administration Officer/Minute Taker)

Other Officers Present (Partial Attendance):

Craig Turner (Chief Operating Officer – Aviation and Tourism); Lyndal O'Neill (Manager Human Resources); Shaun Cawood (Shute Harbour Coordinator); John Cauchi (Network and Systems Administrator)

Schedule:

The meeting commenced at 9.00am

The meeting adjourned for morning tea at 9.58am

The meeting reconvened from morning tea at 10.22am

The meeting closed to the public at 10.31am

The meeting re-opened to the public at 10.50am

The meeting closed at 10.52am

Whitsunday Regional Council
Minutes of the Ordinary Council Meeting held at
Council Chambers, 67 Herbert Street, Bowen on
Wednesday 24 August 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 OM2022/08/24.1**

Moved By: CR J CLIFFORD

Seconded By: CR A GRUNDY

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

At the commencement of the meeting no declarations were made.

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## **4 MAYORAL MINUTE**

There was no Mayoral minute for this meeting.

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5 MAYORAL UPDATE

No Mayoral update provided for this meeting.

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## 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 10 August 2022 are provided for Councils review and confirmation.

### OFFICER'S RECOMMENDATION

That Council confirms the Minutes of the Ordinary Meeting held on 10 August 2022.

### RESOLUTION OM2022/08/24.2

Moved By: CR M BRUNKER

Seconded By: CR J CLIFFORD

That Council confirms the Minutes of the Ordinary Meeting held on 10 August 2022.

### MEETING DETAILS

The motion was Carried 6 / 0.

CARRIED

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7 BUSINESS ARISING

There were no business arising matters 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 was one question on notice included in the agenda from a question that was raised at the last meeting. This for noting only.

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## 12 QUESTIONS FROM THE PUBLIC GALLERY

There were no public questions submitted during this meeting.

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13 OFFICERS REPORTS

13.1 Office of the Mayor and CEO

13.1.1 - Lake Proserpine Campground Fees 2022/2023

PURPOSE

This report is for the adoption of the Lake Proserpine Campground fees to be included in the Whitsunday Regional Council's 2022/2023 schedule of fees and charges.

OFFICER'S RECOMMENDATION

That Council adopt the following fees and charges for the 2022/23 financial year for the Lake Proserpine campground:

- a) \$8 per adult per night
- b) \$4 per child per night
- c) \$20 per family (2 adults & 2 children) per night

RESOLUTION OM2022/08/24.3

Moved By: CR M BRUNKER

Seconded By: CR A GRUNDY

That Council adopt the following fees and charges for the 2022/23 financial year for the Lake Proserpine campground:

- a) \$8 per adult per night
- b) \$4 per child per night
- c) \$20 per family (2 adults & 2 children) per night

MEETING DETAILS

The motion was Carried 6 / 0.

CARRIED

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### 13.1.2 - Quarterly Business Report - Aviation, Tourism & Economic Development

#### PURPOSE

The following report details the results of the June 2022 quarter for the Aviation, Tourism and Economic Development portfolio.

#### OFFICER'S RECOMMENDATION

That Council receive the Quarterly Business Activity Report for Aviation, Tourism and Economic Development for the fourth quarter from April to June 2022.

#### RESOLUTION OM2022/08/24.4

Moved By: CR G SIMPSON

Seconded By: CR M WRIGHT

That Council receive the Quarterly Business Activity Report for Aviation, Tourism and Economic Development for the fourth quarter from April to June 2022.

#### MEETING DETAILS

The motion was Carried 6 / 0.

CARRIED

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13.1.3 - Annual Christmas Closure 2022

PURPOSE

This report seeks the endorsement of Council for the annual Christmas closure of Council for 2022.

OFFICER'S RECOMMENDATION

That Council endorse the closure of Council business centres and depots during the Christmas/New Year period commencing from close of business Thursday 22nd December 2022 and resuming normal operating hours on Tuesday 3 January 2023, noting skeleton crews will be scheduled during this time.

RESOLUTION OM2022/08/24.5

Moved By: CR J CLIFFORD

Seconded By: CR M WRIGHT

That Council endorse the closure of Council business centres and depots during the Christmas/New Year period commencing from close of business Thursday 22nd December 2022 and resuming normal operating hours on Tuesday 3 January 2023, noting skeleton crews will be scheduled during this time.

MEETING DETAILS

The motion was Carried 6 / 0.

CARRIED

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### **13.2.1 - Lease - Part of Land - 125A Mt Nutt Road, Bowen - Amplitel Pty Ltd**

#### **PURPOSE**

To advise Council of a request to enter into consecutive telecommunication leases at 125A Mt Nutt Road. Bowen.

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

That Council authorise the Chief Executive Officer to enter into negotiations and execute two (2) part of land leases over Lot 2 on RP717537, with Amplitel Pty Ltd for consecutive 10-year terms in accordance with Section 236(1)(c)(iii) of the Local Government Regulation 2012 to commence 01 August 2032 and conclude on 31<sup>st</sup> July 2052.

#### **RESOLUTION OM2022/08/24.6**

**Moved By: CR M BRUNKER**

**Seconded By: CR J CLIFFORD**

**That Council authorise the Chief Executive Officer to enter into negotiations and execute two (2) part of land leases over Lot 2 on RP717537, with Amplitel Pty Ltd for consecutive 10-year terms in accordance with Section 236(1)(c)(iii) of the Local Government Regulation 2012 to commence 01 August 2032 and conclude on 31<sup>st</sup> July 2052.**

#### **MEETING DETAILS**

The motion was Carried 6 / 0.

**CARRIED**

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13.2.2 - 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 26 July 2022 and 16 August 2022.

RESOLUTION OM2022/08/24.7

Moved By: CR J CLIFFORD

Seconded By: CR M WRIGHT

That Council endorse the Unconfirmed Minutes of the Audit & Risk Committee Meetings held on 26 July 2022 and 16 August 2022.

MEETING DETAILS

The motion was Carried 6 / 0.

CARRIED

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### 13.2.3 - Audited Financial Statement 2021/22 and Closing Audit Report

#### PURPOSE

To present the Audited Financial Statements for the 2021/22 Financial Year and to present the closing audit report and opinion from the Queensland Audit Office.

#### OFFICER'S RECOMMENDATION

That Council receive the Audited Financial Statements for the 2021/22 Financial Year and the Closing Audit Report from the Queensland Audit Office.

#### RESOLUTION OM2022/08/24.8

Moved By: CR M WRIGHT

Seconded By: CR J CLIFFORD

That Council receive the Audited Financial Statements for the 2021/22 Financial Year and the Closing Audit Report from the Queensland Audit Office.

#### MEETING DETAILS

The motion was Carried 6 / 0.

CARRIED

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13.2.4 - Finance Report - FY 2021/22 - Period ending July 2022

PURPOSE

To inform Council of the current financial performance and position for the period to 31 July 2022.

OFFICER'S RECOMMENDATION

That Council receive the Financial Report, Capital Delivery Report and Unaudited Financial Statements for the period ended 31 July 2022.

RESOLUTION OM2022/08/24.9

Moved By: CR M WRIGHT

Seconded By: CR J CLIFFORD

That Council receive the Financial Report, Capital Delivery Report and Unaudited Financial Statements for the period ended 31 July 2022.

MEETING DETAILS

The motion was Carried 6 / 0.

CARRIED

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### 13.2.5 - Corporate Services Monthly Report - July 2022

#### PURPOSE

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

#### OFFICER'S RECOMMENDATION

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

#### RESOLUTION OM2022/08/24.10

Moved By: CR J CLIFFORD

Seconded By: CR A GRUNDY

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

#### MEETING DETAILS

The motion was Carried 6 / 0.

**CARRIED**

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13.3.1 - 20200046 - Minor Change Request - Development Permit for Material Change of Use (Club House) - 33 Conway Street, Collinsville - Queensland Country Womens Association

PURPOSE

To present the assessment of the development application.

OFFICER'S RECOMMENDATION

That Council:

1. In response to a request for a Minor Change (Changed Application) for a Development Permit for Material Change of Use - Club House, at 33 Conway Street Collinsville:
 - a) Agrees to amend Condition 5.3, to become:

Prior to commencement of the use of the car park, the applicant must lodge with Council, a RPEQ engineer's design and construction certification. The certification must be addressed to Council and must certify that all External and Internal access, parking and manoeuvring areas have been designed and constructed according to the conditions of this Decision Notice AS2890, AS1428 and the Whitsunday Regional Council Development Manual.
 - b) Agrees to amend Condition 5.4, to become:

The external access from the pavement of Conway Street to the property boundary must be constructed to comply with the dimensions, gradients and specifications as indicated on Whitsunday Regional Council Standard Drawings within five (5) years from the date of the changed approval decision notice.
 - c) Agrees to amend Condition 5.5, to become:

A minimum of eight (8) car parking spaces must be provided on site within five (5) years from the date of the changed approval decision notice.
2. Inform the applicant that as the Club House is a class 9b structure, a disabled parking area, not having to be sealed but suitable for use by a wheelchair, needs to be established on the site when the use commences.

RESOLUTION OM2022/08/24.11

Moved By: CR M WRIGHT

Seconded By: CR M BRUNKER

That Council:

1. In response to a request for a Minor Change (Changed Application) for a Development Permit for Material Change of Use - Club House, at 33 Conway Street Collinsville:
 - a) Agrees to amend Condition 5.3, to become:

Prior to commencement of the use of the car park, the applicant must lodge with Council, a RPEQ engineer's design and construction certification. The certification must be addressed to Council and must certify that all External

and Internal access, parking and manoeuvring areas have been designed and constructed according to the conditions of this Decision Notice AS2890, AS1428 and the Whitsunday Regional Council Development Manual.

b) Agrees to amend Condition 5.4, to become:

The external access from the pavement of Conway Street to the property boundary must be constructed to comply with the dimensions, gradients and specifications as indicated on Whitsunday Regional Council Standard Drawings within five (5) years from the date of the changed approval decision notice.

c) Agrees to amend Condition 5.5, to become:

A minimum of eight (8) car parking spaces must be provided on site within five (5) years from the date of the changed approval decision notice.

- 2. Inform the applicant that as the Club House is a class 9b structure, a disabled parking area, not having to be sealed but suitable for use by a wheelchair, needs to be established on the site when the use commences.**

MEETING DETAILS

The motion was Carried 6 / 0.

CARRIED

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### 13.4.1 - Sponsorship Request - Don River Dash

#### PURPOSE

Council to consider a request for sponsorship from the Don River Dash to assist with their annual event to be held Friday 9 to Sunday 11 September 2022.

#### OFFICER'S RECOMMENDATION

That Council approve sponsorship through in-kind support up to \$20,000 to assist the Don River Dash event organisers with their annual event to be held Friday 9 to Sunday 11 September 2022.

| Options  | Description         | Positives           | Negatives                                             |
|----------|---------------------|---------------------|-------------------------------------------------------|
| Option 1 | Not provide support | Save up to \$20,000 | Negative public comment from organisers and community |

#### RESOLUTION OM2022/08/24.12

Moved By: CR M WRIGHT

Seconded By: CR J CLIFFORD

That Council approve sponsorship through in-kind support up to \$20,000 to assist the Don River Dash event organisers with their annual event to be held Friday 9 to Sunday 11 September 2022.

#### MEETING DETAILS

The motion was Carried 6 / 0.

**CARRIED**

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13.4.2 - Donation Request - 2022 Annual School Awards Nights

PURPOSE

For Council to consider providing donations towards the Annual School Awards Nights for all schools in the Whitsunday region.

OFFICER'S RECOMMENDATION

That Council provide a donation to all schools in the Whitsunday region, in support of their Annual School Awards Nights as outlined below:

- a) \$100 to each Primary School
- b) \$200 to each Secondary School, and
- c) \$300 to each Combined College

RESOLUTION OM2022/08/24.13

Moved By: CR A GRUNDY

Seconded By: CR J CLIFFORD

That Council provide a donation to all schools in the Whitsunday region, in support of their Annual School Awards Nights as outlined below:

- a) \$100 to each Primary School
- b) \$200 to each Secondary School, and
- c) \$300 to each Combined College

MEETING DETAILS

The motion was Carried 6 / 0.

CARRIED

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### 13.5.1 - Infrastructure Services Capital Progress Report - July 2022

#### PURPOSE

This report presents the progress of 2022/2023 Capital Projects up until 31 July 2022.

#### OFFICER'S RECOMMENDATION

That Council receives the Infrastructure Services Capital Progress Report for July 2022.

#### RESOLUTION OM2022/08/24.14

Moved By: CR A GRUNDY

Seconded By: CR J CLIFFORD

That Council receives the Infrastructure Services Capital Progress Report for July 2022.

#### MEETING DETAILS

The motion was Carried 6 / 0.

CARRIED

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13.5.2 - Disaster Recovery Funding Arrangements (DRFA) and Shute Harbour Project - July 2022

PURPOSE

This report presents the progress of 2021/2022 and 2022/2023 Capital Projects for July 2022.

OFFICER'S RECOMMENDATION

That Council receive the Disaster Recovery Funding Arrangements (DRFA) and Shute Harbour Project Capital Progress Report for July 2022.

RESOLUTION OM2022/08/24.15

Moved By: CR J CLIFFORD

Seconded By: CR A GRUNDY

That Council receive the Disaster Recovery Funding Arrangements (DRFA) and Shute Harbour Project Capital Progress Report for July 2022.

MEETING DETAILS

The motion was Carried 6 / 0.

CARRIED

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### 13.5.3 - Operational Report - Infrastructure Services July 2022

#### PURPOSE

The report is to provide Council with information regarding the operational performance in relation to services supplied by the Roads & Drainage, Mechanical Workshops and Parks & Gardens Teams.

#### OFFICER'S RECOMMENDATION

That Council receive the Infrastructure Services Operational Report for July 2022.

#### RESOLUTION OM2022/08/24.16

Moved By: CR J CLIFFORD

Seconded By: CR G SIMPSON

That Council receive the Infrastructure Services Operational Report for July 2022.

#### MEETING DETAILS

The motion was Carried 6 / 0.

CARRIED

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13.5.4 - Whitsunday Water and Waste Business Activity Report - June and July 2022

PURPOSE

To provide Council with information on the operational performance of the Whitsunday Water and Waste business activity.

OFFICER'S RECOMMENDATION

That Council receive the Whitsunday Water and Waste Business Activity Report for June and July 2022.

RESOLUTION OM2022/08/24.17

Moved By: CR M WRIGHT

Seconded By: CR A GRUNDY

That Council receive the Whitsunday Water and Waste Business Activity Report for June and July 2022.

MEETING DETAILS

The motion was Carried 6 / 0.

CARRIED

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## **PROCEDURAL MOTION - ADJOURNMENT OM2022/08/24.18**

**Moved by: CR J CLIFFORD**

**Seconded by: CR A GRUNDY**

**That the meeting be adjourned for the purpose of morning tea at 9.58am.**

### **MEETING DETAILS:**

The procedural motion was Carried 6 / 0

**CARRIED**

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PROCEDURAL MOTION - RECONVENE OM2022/08/24.19

Moved by: CR J CLIFFORD

Seconded by: CR M BRUNKER

That the meeting be reconvened from morning tea at 10.22am.

MEETING DETAILS:

The procedural motion was Carried 6 / 0

CARRIED

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## **14 MATTERS OF IMPORTANCE**

### **MATTERS OF IMPORTANCE – POSTAL BALLOT MAYORAL DIVISIONAL BY-ELECTION**

#### **RESOLUTION OM2022/08/24.20**

**Moved By: CR G SIMPSON**

**Seconded By: CR J CLIFFORD**

**That Council authorise the Chief Executive Officer that if there is to be divisional by-election, to apply to the Deputy Premier for approval to run that by-election as a full postal ballot for the following reasons:**

- 1. Low voter turnout at the recent mayoral by-election**
- 2. Perceived Lower cost**
- 3. Impact of covid and flu season.**

### **MEETING DETAILS**

The motion was Carried 6 / 0.

**CARRIED**

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15 LATE REPORT ITEMS

There were no late report items for this meeting.

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## 16 CONFIDENTIAL MATTERS

*Cr Grundy declared a Prescribed Conflict of Interest in item 16.1.2 as defined by section 150EL of the Local Government Act 2009 and advised that he would leave the meeting while this matter is being discussed and voted on.*

### PROCEDURAL MOTION - CLOSURE OF MEETING (CONFIDENTIAL SESSION)

OM2022/08/24.21

Moved by: CR J CLIFFORD

Seconded by: CR G SIMPSON

That Council close the meeting to the public at 10.31am 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 - Planning and Environment Court Appeal No 460 of 2022
- 16.1.2 - Planning and Environment Court Appeal No 459 of 2022

#### *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.*

#### MEETING DETAILS:

The procedural motion was Carried 6 / 0

CARRIED

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As per the declaration previously made during the meeting, Cr Grundy left the meeting at 10.42am during closed session while item 16.1.2 was being discussed.

Cr Grundy returned to the meeting at 10.50am.

PROCEDURAL MOTION - REOPEN MEETING OM2022/08/24.22

Moved by: CR J CLIFFORD

Seconded by: CR M BRUNKER

That Council reopen the meeting to the general public at 10.50am.

MEETING DETAILS:

The motion was Carried 6 / 0

CARRIED

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### 16.1.1 - Planning & Environment Court Appeal No. 460 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.*

#### PURPOSE

To provide an update regarding the status of the Planning and Environment Court Appeal No. 460 of 2022 for the Preliminary Approval for Material Change of Use (Various Uses) at the Port of Airlie.

#### OFFICER'S RECOMMENDATION

That Council delegate to the Chief Executive Officer future decisions on behalf of Council regarding Planning and Environment Court Appeal No. 460 of 2022.

#### RESOLUTION OM2022/08/24.23

Moved By: CR M BRUNKER

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. 460 of 2022.**

#### MEETING DETAILS

The motion was Carried 5 / 1.

**CARRIED**

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Cr Grundy declared a Prescribed Conflict of Interest on item 16.1.2 as defined by section 150EL of the Local Government Act 2009 due to a family member making a submission to the Port of Airlie Development.

As a result of this Conflict of Interest, Cr Grundy left the meeting at 10.51am and did not take part in the discussion or decision making of this matter.

16.1.2 - Planning and Environment Court Appeal No 459 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.*

PURPOSE

To provide an update regarding the status of the Planning and Environment Court Appeal No. 459 of 2022 for the Preliminary Approval (Variation Request) for Material Change of Use for a Resort Complex and a Development Permit for Material Change of Use for seven (7) Multiple Dwelling/Short-term Accommodation units at the Port of Airlie.

OFFICER'S RECOMMENDATION

That Council delegate to the Chief Executive Officer future decisions on behalf of Council regarding Planning and Environment Court Appeal No. 459 of 2022.

RESOLUTION OM2022/08/24.24

Moved By: **CR M BRUNKER**

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. 459 of 2022.

MEETING DETAILS

The motion was Carried 4 / 1.

Cr Clifford was against the motion.

CARRIED

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*Cr Grundy returned to the meeting at 10.52am.*

The Meeting closed at 10.52am.

Confirmed as a true and correct recording this 14 September 2022

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**Cr John Collins**  
**ACTING MAYOR**