



Minutes of the Ordinary Council Meeting held on Wednesday 13 December 2023 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:

Julie Hall (Mayor/Chair), Jan Clifford, Clay Bauman, John Collins, Michelle Wright, Gary Simpson and Michael Brunker

Council Officers Present:

Warren Bunker (Chief Executive Officer); Julie Wright (Director Community Services and Facilitation); Neil McGaffin (Director Regional Strategy and Planning); Jason Bradshaw (Director Corporate Services); Michael Downing (Acting Director Infrastructure Services); Greg Martin (Communications and Marketing Manager); James Ngoroyemoto (Manager Governance and Administration); Tailah Jensen (Governance Administration Officer); Madeleine Bailey (Councillor Support Officer/Minute Taker)

Other Officers Present (Partial Attendance):

Craig Turner (Director Commercial Businesses); Adam Hagy (Director Capital Program and Network Planning)

The meeting commenced at 9:00am

The meeting adjourned for morning tea at 10:32am

The meeting reconvened from morning tea at 11:00am

The meeting closed at 11:36am

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1 APOLOGIES/LEAVE OF ABSENCE

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

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## **2 CONDOLENCES**

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

Cr Clifford acknowledged the recent sudden passing of a long term Whitsundays resident and business owner, Annie Judd.

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3 CONFIRMATION OF MINUTES

3.1 - Confirmation of Minutes

PURPOSE

At each Council meeting, the minutes of the previous meeting must be confirmed by the councillors present and signed by the person presiding at the later meeting. The Minutes of Council's Ordinary Council Meeting held on 22 November 2023 are provided for Councils review and confirmation.

OFFICER'S RECOMMENDATION

That Council confirms the Minutes of the Ordinary Meeting held on 22 November 2023.

RESOLUTION OM2023/12/13.1.1

Moved By: CR M WRIGHT

Seconded By: CR G SIMPSON

That Council confirms the Minutes of the Ordinary Meeting held on 22 November 2023.

MEETING DETAILS

The motion was Carried 7 / 0.

CARRIED

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*Note: The Director Corporate Services advised that a late minor amendment had been made to minutes for completeness. The amendment had been actioned and was accepted.*

#### **4 BUSINESS ARISING**

There were no business arising matters for this meeting.

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5 MAYORAL MINUTE

This part of the agenda is set aside for business which the Mayor wishes to have considered at the meeting without notice.

This matter arises from two complaints made to the Office of the Independent Assessor about the conduct of Cr Mike Brunner.

Recommendations were made by the Office of the Independent Assessor on how to deal with the complaint.

It is recommended that in the first instance, Council provides Cr Brunner with the opportunity to voluntarily deal with this matter by voluntarily apologising to the resident who sent the original email.

Cr Brunner has agreed to make the apology and I remind Cr Brunner to be mindful of the Code of Conduct in making this apology.

I would like to call on Cr Mike Brunner to make the apology.

Thank you Cr Brunner.

Cr Brunner made his voluntary apology to the member of public regarding the aforementioned matter.

6.1 - Notice of Motion - Queens Beach Reserve Management Plan**PURPOSE**

Request for review on the Queens Beach Reserve Management plan.

COUNCILLORS RECOMMENDATION

That Council request the Chief Executive Officer to:

1. Undertake a review the Queens beach reserve management plan (specifically in relation to Yasso Point) to consider the range of ideas, suggestions and comments received by the divisional councillor over the past few months.
2. Refer the operational suggestions to the relevant council operations managers for action.
3. Receive feedback gathered from local residents and compile data into graph format for future reference.
4. Refer the capital items for consideration within the 2024/25 capital program development.

RESOLUTION OM2023/12/13.2

Moved By: CR M WRIGHT

Seconded By: CR J COLLINS

That Council request the Chief Executive Officer to:

1. Undertake a review the Queens beach reserve management plan (specifically in relation to Yasso Point) to consider the range of ideas, suggestions and comments received by the divisional councillor over the past few months.
2. Refer the operational suggestions to the relevant council operations managers for action.
3. Receive feedback gathered from local residents and compile data into graph format for future reference.
4. Refer the capital items for consideration within the 2024/25 capital program development.

MEETING DETAILS

The motion was Carried 7 / 0.

CARRIED

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## **7            DEPUTATIONS**

There were no deputations for this meeting.

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8 PETITIONS / QUESTIONS ON NOTICE

There were no petitions or questions on notice for this meeting.

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## **9            QUESTIONS FROM THE PUBLIC GALLERY**

There were no public questions submitted during this meeting.

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10 COMMITTEES REPORTS

There were no committees reports for this meeting.

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**11.1 - Tondara Road Seal****PURPOSE**

This report provides information relating to the proposed capital works on Tondara Road, including a request to seal a portion of Tondara Road for dust suppression from chainage 17.3km to 19.4km. Additional information is included as an update to the tabled report from the Ordinary Council Meeting on 22 February 2023.

**OFFICER'S RECOMMENDATION**

That Council not seal Tondara Road from chainage 17.3km to 19.4km for dust suppression for the following reasons:

1. Since the original report that was tabled at the Ordinary Council meeting on 22 February 2023 the Navarre Gold Mine is no longer in operation;
2. Sealing any portion of the rural road at this time is not viable based on reduced vehicle traffic; and
3. The entire length of road is being gravel re-sheeted this financial year.

*Cr Wright moved an alternate motion. Cr Simpson originally seconded the motion, however withdrew as seconder due to the alternate motion being put. Cr Brunner seconded the motion.*

**RESOLUTION**

**Moved By: CR M WRIGHT**

**Seconded By: CR M BRUNKER**

**That Council consider in the 2024/2025 budget to extend the seal on Tondara Road at chainage 5.3km by 150m to suitably reduce dust to the residences on the adjacent property.**

*Reason for Decision; To allow for the appropriate scoping of the works in line with the Project Management framework and to include into a future reseal program. The intention remaining is to reduce the impact of road dust into the residences on that section of the road.*

**PROCEDURAL MOTION - MATTER LIE ON THE TABLE OM2023/12/13.3**

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

**Seconded by: CR C BAUMAN**

**That the item be tabled pending further information regarding costs and the matter be bought back to the next meeting of Council in January 2024.**

**MEETING DETAILS:**

The procedural motion was Carried 5 / 2

**CARRIED**

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11.2 - Mullers Lagoon Master Plan

PURPOSE

This report is seeking approval of the Mullers Lagoon master plan.

OFFICER'S RECOMMENDATION

That Council endorse the Mullers Lagoon master plan as per Attachment 1 (Revision B) - 5th of October 2023.

Cr Bauman moved the recommendation with an amendment and spoke to the amendment to reposition the dog off leash area. That change was accepted by Cr Wright after some discussion.

RESOLUTION OM2023/12/13.4

Moved By: CR C BAUMAN

Seconded By: CR M WRIGHT

That Council endorse the Mullers Lagoon master plan as per Attachment 1 (Revision B) - 5th of October 2023.

Furthermore, that the Master Plan be amended so that the dog off leash area is positioned in the northeastern corner.

MEETING DETAILS

The motion was Carried 7 / 0.

CARRIED

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## 11.3 - Shute Harbour Boat Ramp

### PURPOSE

The purpose of this report is for Council to consider its opportunities regarding Shute Harbour boat ramp. The ramp is currently a state asset, and the ability exists to address the recreational boating communities concerns by acquiring the ramp from the state and carrying out improvements.

### OFFICER'S RECOMMENDATION

That Council:

- 1) Authorize the Chief Executive Officer to negotiate with Maritime Safety Queensland and finalise an agreement as outlined in correspondence dated 25 May 2023, to accept marine infrastructure assets at 'nil' acquisition costs located in state road reserve, Shute Harbour Boat Ramp; and
- 2) Refer to the 2024/25 financial year budget deliberations the required amount to carry out the installation of a floating pontoon.

### RESOLUTION

**Moved By: CR G SIMPSON**

**Seconded By: CR J HALL (MAYOR)**

That Council:

- 1) **Authorize the Chief Executive Officer to negotiate with Maritime Safety Queensland and finalise an agreement as outlined in correspondence dated 25 May 2023, to accept marine infrastructure assets at 'nil' acquisition costs located in state road reserve, Shute Harbour Boat Ramp; and**
- 2) **Refer to the 2024/25 financial year budget deliberations the required amount to carry out the installation of a floating pontoon.**

*Cr Brunker spoke against the original motion and foreshadowed an alternate motion that was then discussed and put to the vote.*

### AMENDMENT OM2023/12/13.5

**Moved By: CR M BRUNKER**

**Seconded By: CR M WRIGHT**

**That Council construct signage at the boat ramp advising contact information for Maritime Safety Queensland.**

### MEETING DETAILS

The amendment was Lost 3 / 4.

**LOST**

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The original motion was then put to the vote.

RESOLUTION OM2023/12/13.6

Moved By: CR G SIMPSON

Seconded By: CR J HALL (MAYOR)

That Council:

- 1) Authorize the Chief Executive Officer to negotiate with Maritime Safety Queensland and finalise an agreement as outlined in correspondence dated 25 May 2023, to accept marine infrastructure assets at 'nil' acquisition costs located in state road reserve, Shute Harbour Boat Ramp; and**
- 2) Refer to the 2024/25 financial year budget deliberations the required amount to carry out the installation of a floating pontoon.**

MEETING DETAILS

The motion was Carried 4 / 3.

CARRIED

Cr Clifford called for a division.

For: Mayor Hall, Cr Bauman, Cr Clifford and Cr Simpson

Against: Cr Brunner, Cr Wright and Cr Collins

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## **11.4 - 20220476 - Development Application for Development Permit - Material Change of Use - Outdoor Sport & Recreation (Archery & Multi-Sports Court) - Jasinique Dr Flametree 22RP736798 - Heatherwood Court Pty Ltd As TTE 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 - Outdoor Sport & Recreation (Archery & Multi-Sports Court), made by Heatherwood Court Pty Ltd As TTE, on L: 22 RP: 736798 and located at Lot 22 Jasinique Drive Flametree, subject to the conditions outlined in Attachment 2.

*An alternate recommendation was moved including further conditions around the installation of a toilet for the new facilities.*

### **RESOLUTION OM2023/12/13.7**

**Moved By: CR C BAUMAN**

**Seconded By: CR J CLIFFORD**

That Council approve the Development Application for Development Permit for Material Change of Use - Outdoor Sport & Recreation (Archery & Multi-Sports Court), made by Heatherwood Court Pty Ltd As TTE, on L: 22 RP: 736798 and located at Lot 22 Jasinique Drive Flametree, subject to the following conditions:

### **1.0 ADMINISTRATION**

**1.1 The approved development must be completed and maintained generally in accordance with the approved drawings and documents:**

| <b>Plan/Document Name</b>              | <b>Prepared By</b>                              | <b>Plan Number</b> | <b>Dated</b>      |
|----------------------------------------|-------------------------------------------------|--------------------|-------------------|
| <b>Site Plan</b>                       | <b>Sabai Consulting</b>                         | <b>CD1-101</b>     | <b>09/02/2022</b> |
| <b>Civil Engineering Report</b>        | <b>Sabai Consulting</b>                         | <b>2131</b>        | <b>04/02/2022</b> |
| <b>Operational Management Plan</b>     | <b>Yangaro</b>                                  | <b>N/A</b>         | <b>N/A</b>        |
| <b>Bushfire Survival Plan</b>          | <b>Yangaro</b>                                  | <b>N/A</b>         | <b>N/A</b>        |
| <b>Riparian Corridor Planting Plan</b> | <b>Wynne Planning &amp; Development Pty Ltd</b> | <b>2022WRC021</b>  | <b>06/09/2023</b> |

**1.2 The following further development permits are required prior to commencement of work on site or commencement of the use:**

- **Operational Works;**
  - **Erosion & Sediment Control**
  - **Water Infrastructure**
  - **Sewerage Infrastructure**

- Access and Parking.
  - Building Works
  - Plumbing and Drainage Works
- 1.3 Where a discrepancy or conflict exists between the written conditions of this approval and the approved plans, the requirements of the written condition(s) will prevail.
- 1.4 All conditions of this approval must be complied with in full to Council's satisfaction prior to the commencement of the use.
- 1.5 The applicant shall demonstrate and provide evidence that compliance with all conditions of this development approval and any other subsequent development approvals as a result of this development approval have been complied with at the time of the commencement of the use.
- 1.6 The use of the premises is limited to Archery, Tennis and Pickleball.

## **2.0 CLEARING, LANDSCAPING AND FENCING**

- 2.1 Any vegetation removed must be disposed of to the requirements of the Council. Transplanting, chipping or removal from site are the preferred solutions.
- 2.2 All vegetative waste cleared as part of the development of the site is to be either:
  - a) stored neatly on site and shredded within sixty (60) days of clearing; or
  - b) removed off the site to an approved disposal location.
- 2.3 Any pruning works must be in accordance with AS 4373-1996 – Pruning of Amenity Tree.
- 2.4 No invasive plants (Biosecurity Act, 2014) or declared local pests (Local Law no.3) shall be planted on the site or allowed to invade the site and the site must be managed and maintained to exclude weeds.
- 2.5 To reduce the spread of weeds, all earthmoving equipment shall be free of soil and seed before being taken to the work site and again on completion of the project.
- 2.6 Any fencing to be erected by must be permeable and allow for water to pass through unimpeded.
- 2.7 With the first operational works application, a detailed Landscaping Plan is to be provided to Council. The landscaping plan is to be provide for dense landscape planting between the proposed activities and Langford Road.

## **3.0 BUILDING**

- 3.1 Prior to the commencement of the use a toilet block is to be provided in a location approved by Council.
- 3.2 Prior to the commencement of the use a shaded seating area is to be provided in a location approved by Council.

## **4.0 WATER INFRASTRUCTURE**

- 4.1 Prior to the commencement of use of the toilet block, the structure must be connected to water infrastructure.
- 4.2 A Development Permit for Operational Works (Water Infrastructure) must be obtained prior to commencement of work on the toilet block structure.
- 4.3 Any application for Operational Works (Water Infrastructure) must be accompanied by engineering design drawings, and certifications of the design, demonstrating compliance with Council's Development Manual (current at the time of development) and this Decision Notice.
- 4.4 Prior to commencement of the toilet block use on the site the owner must lodge with Council a civil engineer's design and construction certification (by an experienced and qualified engineer). The certification must be addressed to

Council and must certify that all Water Infrastructure works have been designed and constructed according to the conditions of this Decision Notice and Councils Development Manual.

#### **5.0 SEWERAGE INFRASTRUCTURE**

- 5.1 Prior to the commencement of the use of the toilet block, the structure must be connected to sewerage infrastructure.
- 5.2 A Development Permit for Operational Works (Sewer Infrastructure) must be obtained prior to commencement of work on the toilet block structure.
- 5.3 Any application for Operational Works (Sewer Infrastructure) must be accompanied by engineering design drawings, and certifications of the design, demonstrating compliance with Council's Development Manual (current at the time of development) and this Decision Notice.
- 5.4 Prior to commencement of the toilet block use on the site, the owner must lodge with Council, a civil engineer's design and construction certification (by an experienced and qualified engineer). The certification must be addressed to Council and must certify that all Sewer Infrastructure works have been designed and constructed according to the conditions of this Decision Notice and Councils Development Manual.

#### **6.0 ACCESS AND PARKING**

- 6.1 A Development Permit for Operational Works (Access and Parking) must be obtained prior to commencement of work on site. Any application for Operational Works (Access and Parking) must be accompanied by detailed engineering drawings demonstrating compliance with the Whitsunday Regional Council Development Manual, Australian Standard AS2890, AS1428 and this Decision Notice.
- 6.2 The external access from the pavement of Langford Road to the property boundary must be designed, constructed and maintained so as to comply with the dimensions, gradients and specifications as indicated on Whitsunday Regional Council's Standard Drawing RS-056.
- 6.3 Twelve (12) car parking spaces must be provided on site to a single coat sealed standard with full line marking prior to commencement of the use.
- 6.4 All internal accesses, driveways, circulation roads, aisles, parking bays and manoeuvring areas are to be provided generally as indicated on Vehicle Turnpaths Plan CD1-102 by Sabai Consulting dated 09/02/2022 and must be designed to comply with the Whitsunday Regional Council Development Manual and AS2890 and AS1428.
- 6.5 The external access must include provision for all drainage from within the property and along the driveway surface to be collected at or inside the property boundary and discharged by way of a pipe or other approved means to Council's drainage system.
- 6.6 Prior to commencement of use, 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.

#### **7.0 STORMWATER AND FLOODING**

- 7.1 All stormwater drainage works must be designed and constructed in accordance with the Queensland Urban Drainage Manual current at the time of development

and Council's Development Manual (or equivalent replacement document current at the time of development).

- 7.2 All site works must be undertaken to ensure that there is no increase in flood levels and/or flood frequency at any locations where existing landowners and/or users are adversely affected by waterway flooding for all events up to and including Q100.
- 7.3 The applicant must demonstrate that the developed flows from the land drain to a lawful point of discharge. Natural and Developed Flows from adjoining properties are to be managed through the site and discharged to a lawful point of discharge.
- 7.4 Stormwater infrastructure for the development must include gross pollutant traps, or other appropriate water quality measures, within the system adequate to ensure stormwater from the site must not cause measurable levels of water pollutants in the receiving waters to fall outside the acceptable ranges specified in the 'Australian Water Quality Guidelines for Fresh and Marine Waters', ANZECC 2000.

## **8.0 ELECTRICITY AND TELECOMMUNICATIONS**

- 8.1 Provide electricity and telecommunications connection to the proposed development to the requirements of the relevant authority. The application must submit to Council, either:

- (a) a certificate of supply demonstrating that existing low-voltage electricity supply is available to the use; or
- (b) a certificate of supply that the applicant has entered into an agreement with the authorized electricity supplier, Ergon, to provide electricity services to the use, payment has been received and the connection will be completed at a date in the future.

If low-voltage electricity supply is unavailable to the site then the applicant must provide a certificate of supply of the proposed electricity connection date to all future property owners prior to entering into a contract of sale for the site prior to commencement of the use.

## **9.0 ENVIRONMENTAL MANAGEMENT PLAN (EMP)**

- 9.1 A Development Permit for Operational Works (Erosion Prevention and Sediment Control) must be obtained prior to commencement of the use. Erosion prevention and sediment control measures must be established so as to comply with the requirements of the Whitsunday Regional Council Development Manual and the Best Practice Erosion & Sediment Control – November 2008 (IECA White Book) and the requirements of the Environmental Protection Act. The strategy of the plan must be implemented and maintained for the duration of the operational and building works, and until exposed soil areas are permanently stabilised (e.g., turfed, concreted).
- 9.2 Discharges of water pollutants, wastewater or stormwater from the site must not cause measurable levels of water pollutants in the receiving waters to fall outside the acceptable ranges specified in the 'Australian Water Quality Guidelines for Fresh and Marine Waters', ANZECC 2000.
- 9.3 No visible emissions of dust must occur beyond the boundaries of the site during earthworks and construction activities on the site. If, at any time during the earthworks and construction activities the dust emissions exceed the levels specified above, all dust generating activities must cease until the corrective

actions have been implemented to reduce dust emissions to acceptable levels or wind conditions are such that acceptable levels are achieved.

- 9.4 The applicant must ensure that when undertaking any on-site or external works, including any filling and extraction, appropriate dust control measures are implemented in accordance with the Environmental Protection Act 1994 and complies with the relevant air quality objectives defined in the Environmental Protection (Air) Policy 2008.

#### **10.0 OPERATING PROCEDURES**

- 10.1 General Public access is not permitted.
- 10.2 The hours of operation are limited to 7.30am to 6.00pm Monday to Saturday and 8.00am to 5.00pm on Sundays.
- 10.3 All sporting equipment must be stored off-site. No equipment is to be left on-site after use of the facility.
- 10.4 No waste is to be left at the premises at any time.
- 10.5 Operation of the facility must be in accordance with the approved Operational Management Plan and Bushfire Survival Plan. If there is any conflict between the approved Operational Management Plan and the conditions of this approval, the conditions of this approval prevail.
- 10.6 Use of the facility is restricted to the two (2) court areas only.
- 10.7 The facility cannot be used when the QFES issues a Watch and Act Warning or if the Fire danger is Extreme or Catastrophic.
- 10.8 No amplified music is permitted at any time.
- 10.9 A maximum of 12 persons are permitted on site at any one time.
- 10.10 Permitted users are only guests of the Yangaro Boutique Luxury Resort.
- 10.11 Security fencing is to be installed around the Tennis Court/Pickleball Court to prevent restrict access to permitted users only.
- 10.12 Outside of use by permitted persons or operating hours the courts are to be locked.

#### **11.0 EARTHWORKS**

- 11.1 With the first operational works application, an Acid Sulfate Soils Assessment Report and Management Plan complying with Planning Scheme Policy SC6.2.3, which includes the results of on-site testing, is to be provided.

#### **12.0 MISCELLANEOUS**

- 12.1 If any item of cultural heritage is identified during site works, all work must cease and the relevant State Agency must be notified. Work can resume only after State Agency clearance is obtained.  
The Applicant is reminded of their obligations under the Aboriginal Cultural Heritage Act, 2003 and the Torres Strait Islander Cultural Heritage Act 2003. Further information and databases are available from the Department of Aboriginal and Torres Strait Islander Partnerships at: [www.datsip.qld.gov.au](http://www.datsip.qld.gov.au)
- 12.2 Any alteration necessary to electricity, telephone, water mains, sewerage mains, and/or public utility installations resulting from the development or in connection with the development, must be at full cost to the developer.
- 12.3 Any building materials, equipment and the like must be appropriately tied down, placed indoors and secured on site at the time of preparation for cyclone events. The on site supervisor is to ensure that all contractors/employees take the necessary steps to secure the construction site in the event of a cyclone.
- 12.4 All construction materials, waste, waste skips, machinery and contractors' vehicles must be located and stored or parked within the site. No storage of materials, parking of construction machinery or contractors' vehicles will be

permitted in Langford Road or adjoining land unless written permission from the owner of that land and Council is provided.

- 12.5 It is the developer's responsibility for the full rectification of any damage caused to neighbouring public infrastructure (such as footpaths, driveways, fences, gardens, trees and the like) caused by contractors, including clean up of any litter or waste that is a result of the subject development.

### **13.0 ADVISORY NOTES**

#### **13.1 Hours of work**

It is the developer's responsibility to ensure compliance with the Environmental Protection Act 1994, which prohibits any construction, building and earthworks activities likely to cause nuisance noise (including the entry and departure of heavy vehicles) between the hours of 6.30 pm and 6.30 am from Monday to Saturday and at all times on Sundays or Public Holidays.

#### **13.2 Dust Control**

It is the developer's responsibility to ensure compliance with the Environmental Nuisance of the Environmental Protection Act 1994 which prohibits unlawful environmental nuisance caused by dust, ash, fumes, light, odour or smoke beyond the boundaries of the property during all stages of the development including earthworks and construction.

#### **13.3 Sedimentation Control**

It is the developer's responsibility to ensure compliance with the Environmental Protection Act 1994 and Schedule 9 of the Environmental Protection Regulation 2008 to prevent soil erosion and contamination of the stormwater drainage system and waterways.

#### **13.4 Noise During Construction and Noise in General**

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

#### **13.5 General Safety of Public During Construction**

It is the project manager's responsibility to ensure compliance with the Work Health and Safety Act 2011. It states that the project manager is obliged to ensure construction work is planned and managed in a way that prevents or minimises risks to the health and safety of members of the public at or near the workplace during construction work.

It is the principal contractor's responsibility to ensure compliance with the Work Health and Safety Act 2011. It states that the principal contractor is obliged on a construction workplace to ensure that work activities at the workplace prevent or minimise risks to the health and safety of the public at or near the workplace during the work.

It is the responsibility of the person in control of the workplace to ensure compliance with the Work Health and Safety Act 2011. It states that the person in control of the workplace is obliged to ensure there is appropriate, safe access to and from the workplace for persons other than the person's workers.

- 13.6 Enquiries relating to the aforementioned conditions should be directed to the Regional Strategy and Planning Directorate who will direct the enquiry to the relevant officer.

### **Part B**

That the applicable infrastructure charges are calculated to include water and sewer connection.

**Reason for Decision:**

***In terms of section 254H(2) of the Local Government Regulation, 2012, and section 63(2)(f)(ii) of the Planning Act, 2016, Council's reasons for not adopting the recommendations or advice are as follows:***

- 1. Users of the facility may have a need for toilet facilities and shade onsite.***

**MEETING DETAILS**

The motion was Carried 7 / 0.

**CARRIED**

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11.5 - 20230769 – Development Application for Development Permit - Material Change Of Use – Short Term Accommodation – 4 Kara Crescent, Airlie Beach – L53 RP841829 - C J Rimmer 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 C J Rimmer, on L: 53 RP: 841829 T: EMT B <N1529/59> and located at 4 Kara Crescent, Airlie Beach, subject to the conditions outlined in Attachment 2.

RESOLUTION OM2023/12/13.8

Moved By: CR J COLLINS

Seconded By: CR G SIMPSON

That Council approve the Development Application for Development Permit for Material Change of Use – Short Term Accommodation, made by C J Rimmer, on L: 53 RP: 841829 T: EMT B <N1529/59> and located at 4 Kara Crescent, Airlie Beach, subject to the conditions outlined in Attachment 2.

MEETING DETAILS

The motion was Carried 5 / 2.

CARRIED

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**11.6 - 20230634 - Development Application For Preliminary Approval (Variation Request) - Building Works (Height Relaxation) – 16 Bay Terrace, Shute Harbour – 1S9465 – CF Nightingale And JL Chudleigh C/- Wynne Planning And Development**

**PURPOSE**

To present the assessment of the development application.

**OFFICER'S RECOMMENDATION**

That Council approve the Preliminary Approval (Variation Request) for Building Works (Height Relaxation), made by CF Nightingale and JL Chudleigh, on L: 1 S: 9465 T: N1053/188, located at 16 Bay Terrace, Shute Harbour, subject to the conditions outlined in Attachment 2.

**RESOLUTION OM2023/12/13.9**

**Moved By: CR J COLLINS**

**Seconded By: CR M WRIGHT**

**That Council approve the Preliminary Approval (Variation Request) for Building Works (Height Relaxation), made by CF Nightingale and JL Chudleigh, on L: 1 S: 9465 T: N1053/188, located at 16 Bay Terrace, Shute Harbour, subject to the conditions outlined in Attachment 2.**

**MEETING DETAILS**

The motion was Carried 7 / 0.

**CARRIED**

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Cr Bauman declared a prescribed conflict of interest in item 11.7 regarding Infrastructure Agreement - 18 Port Drive, Airlie Beach - Lot 115 on SP260215 - Port of Airlie as defined by section 150EL of the Local Government Act 2009, due to the following:

Cr Bauman made a submission on Development Application 20191425 regarding the Infrastructure Agreement prior to being elected Councillor.

Matters the subject of the Application: Development Application for Preliminary Approval (Variation Request) for Material Change of Use – Resort Complex. Matters the subject of the Submission: Submission includes but not limited to;

- Coastal Hazards
- Proximity to commercial vessel operations
- Building Height
- Lack of onsite carparking

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

Cr Bauman left the meeting room at 10.18am.

11.7 - Infrastructure Agreement - 18 Port Drive, Airlie Beach - Lot 115 on SP260215 - Port of Airlie

PURPOSE

To present to Council a request to enter into an Infrastructure Agreement (IA).

OFFICER'S RECOMMENDATION

That Council delegate to the Chief Executive Officer to execute the Infrastructure Agreement at 18 Port Drive, Airlie Beach – Lot 115 on SP260215.

RESOLUTION OM2023/12/13.10

Moved By: CR G SIMPSON

Seconded By: CR M BRUNKER

That Council delegate to the Chief Executive Officer to execute the Infrastructure Agreement at 18 Port Drive, Airlie Beach – Lot 115 on SP260215.

MEETING DETAILS

The motion was Carried 6 / 0.

CARRIED

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*Cr Bauman returned to the meeting at 10.24am.*

## 11.8 - Sole Source Supplier Listing - 2023/2024

### PURPOSE

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

### OFFICER'S RECOMMENDATION

That Council:

- a) Resolves in accordance with section 235(a) and 235(b) of the Local Government Regulation 2012 that it is satisfied that the nominated suppliers listed in **Attachment 1** of the Report are Sole Suppliers and that they be added to the Sole Supplier Register for the 2023/24 financial year; and
- b) Delegate authority to the Chief Executive Officer in accordance with section 257 of the *Local Government Act 2009* to enter into contracts, negotiate, finalise, and execute any and all matters associated with or in relation to Sole Suppliers subject to Council's normal procurement policies and practices.

### RESOLUTION OM2023/12/13.11

Moved By: CR J CLIFFORD

Seconded By: CR J HALL (MAYOR)

That Council:

- a) Resolves in accordance with section 235(a) and 235(b) of the Local Government Regulation 2012 that it is satisfied that the nominated suppliers listed in Attachment 1 of the Report are Sole Suppliers and that they be added to the Sole Supplier Register for the 2023/24 financial year; and
- b) Delegate authority to the Chief Executive Officer in accordance with section 257 of the *Local Government Act 2009* to enter into contracts, negotiate, finalise, and execute any and all matters associated with or in relation to Sole Suppliers subject to Council's normal procurement policies and practices.

### MEETING DETAILS

The motion was Carried 7 / 0.

CARRIED

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11.9 - New Library Policies

PURPOSE

Outline the necessity of Council approved library policies that cover the development of the library collection and dealing with children and young people in the library.

OFFICER'S RECOMMENDATION

That Council:

1. Adopt the Library Collection Development Policy (Attachment 1).
2. Adopt the Children and Young People in the Library Policy (Attachment 3).

RESOLUTION OM2023/12/13.12

Moved By: CR G SIMPSON

Seconded By: CR J CLIFFORD

That Council:

1. Adopt the Library Collection Development Policy (Attachment 1).
2. Adopt the Children and Young People in the Library Policy (Attachment 3).

MEETING DETAILS

The motion was Carried 7 / 0.

CARRIED

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*Meeting adjourned for the purpose of morning tea at 10.32am.*

*Elite Athlete Presentations were held during morning tea.*

*Meeting reconvened from morning tea at 11.00am.*

## 11.10 - Donation Request - Mt Coolon Community Christmas Tree

### PURPOSE

Council to consider a request for donation from the Isolated Children's Parent's Association Queensland Inc. Belyando/Mt Coolon Branch to provide entertainment for the Mt Coolon Community Christmas Tree.

### OFFICER'S RECOMMENDATION

That Council approve a donation of \$2,000 to assist the Isolated Children's Parent's Association Queensland Inc. Belyando/Mt Coolon.

*Cr Wright moved an alternate motion to increase the value of the donation to reflect the actual cost incurred as advised by the Association.*

### RESOLUTION OM2023/12/13.13

Moved By: CR M WRIGHT

Seconded By: CR J CLIFFORD

**That Council approve a donation of \$4,140 to assist the Isolated Children's Parent's Association Queensland Inc. Belyando/Mt Coolon.**

*Reason for decision: To increase the value of the donation to reflect the actual cost incurred as advised by the Association.*

### MEETING DETAILS

The motion was Carried 7 / 0.

**CARRIED**

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11.11 - Sport & Recreation Facility Management Grant - Bowen Sporting Complex Coordinating Association Inc.

PURPOSE

For Council to consider the payment of the Facility Management Grant in accordance with Council's Facility Management Grant Guidelines.

OFFICER'S RECOMMENDATION

That Council approve the payment of a \$20,000 Sport & Recreation Facility Management Grant to Bowen Sporting Complex Coordinating Association Inc.

RESOLUTION OM2023/12/13.14

Moved By: CR M WRIGHT

Seconded By: CR G SIMPSON

That Council approve the payment of a \$20,000 Sport & Recreation Facility Management Grant to Bowen Sporting Complex Coordinating Association Inc.

MEETING DETAILS

The motion was Carried 7 / 0.

CARRIED

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## 11.12 - Sport & Recreation Club Grants - December 2023

### PURPOSE

For Council to consider the payment of the Sport & Recreation Club Grants for December 2023 in accordance with Council's Sport & Recreation Grant Guidelines.

### OFFICER'S RECOMMENDATION

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

1. Proserpine Taipans Junior Soccer Club Inc. – Band 2 - \$3,000
2. Whitsunday Equestrian Group Inc. – Band 4 - \$1,000

### RESOLUTION OM2023/12/13.15

Moved By: CR M WRIGHT

Seconded By: CR J COLLINS

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

1. Proserpine Taipans Junior Soccer Club Inc. – Band 2 - \$3,000
2. Whitsunday Equestrian Group Inc. – Band 4 - \$1,000

### MEETING DETAILS

The motion was Carried 7 / 0.

**CARRIED**

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11.13 - Financial Support for a Junior Elite Athlete - December 2023

PURPOSE

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

OFFICER'S RECOMMENDATION

That Council approve financial support for Wesley Homewood who was selected to represent North Queensland at the U15 years Cricket State Championships in Ipswich on 26-30 November 2023.

RESOLUTION OM2023/12/13.16

Moved By: CR M WRIGHT

Seconded By: CR J CLIFFORD

That Council approve financial support for Wesley Homewood who was selected to represent North Queensland at the U15 years Cricket State Championships in Ipswich on 26-30 November 2023.

MEETING DETAILS

The motion was Carried 7 / 0.

CARRIED

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## **11.14 - Delegation of Authority - Chief Executive Officer Christmas Closure**

### **PURPOSE**

To allow the Chief Executive Officer to award large-sized contracts in the period of time that Council will not be conducting scheduled Ordinary Council Meetings due to the Christmas and New Year break, noting that relevant contracts awarded during this time will be presented to Council for endorsement at the first Ordinary Meeting of Council in 2024.

### **OFFICER'S RECOMMENDATION**

That Council delegate to the Chief Executive Officer or Acting Chief Executive Officer if applicable, the authorisation to approve large-sized contracts for goods and services in accordance with the Local Government Regulation 2012 for the period of 14<sup>th</sup> December 2023 to the 23rd of January 2024.

### **RESOLUTION OM2023/12/13.17**

**Moved By: CR J CLIFFORD**

**Seconded By: CR J HALL (MAYOR)**

**That Council delegate to the Chief Executive Officer or Acting Chief Executive Officer if applicable, the authorisation to approve large-sized contracts for goods and services in accordance with the Local Government Regulation 2012 for the period of 14<sup>th</sup> December 2023 to the 23rd of January 2024.**

### **MEETING DETAILS**

The motion was Carried 7 / 0.

**CARRIED**

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11.15 - Monthly Finance Report

PURPOSE

To inform Council of the current unaudited financial performance and position for the reporting period.

OFFICER'S RECOMMENDATION

That Council receive the Financial Report, Capital Expenditure Report and the Unaudited Financial Statements 2023/24 for the period ended 28 November 2023.

RESOLUTION OM2023/12/13.18

Moved By: CR J CLIFFORD

Seconded By: CR M WRIGHT

That Council receive the Financial Report, Capital Expenditure Report and the Unaudited Financial Statements 2023/24 for the period ended 28 November 2023.

MEETING DETAILS

The motion was Carried 7 / 0.

CARRIED

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*Cr Simpson declared a prescribed conflict of interest in items 12.1 and 12.2 regarding Whitsunday Coast Airport Leases 1 & 2 as defined by section 150EL of the Local Government Act 2009, due to the following:*

*The name of any entity, other than the councillor, that has an interest in the matter: Viva Energy Australia Pty Ltd*

*The nature of the councillor's relationship with the entity: Councillor has shares with the company that is involved in tendering.*

*Details of the councillor's, and any other entity's, interest in the matter: Tenders for the Whitsunday Coast Airport Leases.*

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

*Cr Simpson left the meeting at 11.13am.*

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12 **CONFIDENTIAL MATTERS**

**PROCEDURAL MOTION - CLOSURE OF MEETING (CONFIDENTIAL SESSION)
OM2023/12/13.19**

Moved by: **CR J CLIFFORD**

Seconded by: **CR C BAUMAN**

That Council close the meeting to the public at 11:14am in accordance with Section 254J of the Local Government Regulations 2012 for closed meetings, for the purpose of discussing the following items and the reasons for going into closed session:

12.1 - Lease 1 - Whitsunday Coast Airport

- (g) negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interests of the local government.***

12.1 - Lease 2 - Whitsunday Coast Airport

- (g) negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interests of the local government.**

MEETING DETAILS:

The procedural motion was Carried 6 / 0

CARRIED

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**PROCEDURAL MOTION - REOPEN MEETING OM2023/12/13.20**

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

**Seconded by:**        **CR J CLIFFORD**

**That Council reopen the meeting to the general public at 11:23am.**

**MEETING DETAILS:**

The motion was Carried 6 / 0

**CARRIED**

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12.1 - Lease 1 - Whitsunday Coast Airport

CONFIDENTIAL

S254J Local Government Regulation 2012 - Closed Meetings

- (1) *A local government may resolve that all or part of a meeting of the local government be closed to the public.*
- (3) *However, a local government or a committee of a local government may make a resolution about a local government meeting under subsection (1) or (2) only if its councillors or members consider it necessary to close the meeting to discuss one or more of the following matters—*
 - *(g) negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interests of the local government.*

RESOLUTION OM2023/12/13.21

Moved By: CR J CLIFFORD

Seconded By: CR M BRUNKER

That Council:

- 1. Award Contract 500.2023.0048 Whitsunday Coast Airport Jet A1 Fuel Services to IOR Aviation Pty Ltd.**
- 2. Authorise the Chief Executive Officer to execute a part of land lease over Lot 50 on CPHR808298 with IOR Aviation Pty Ltd for an initial term of five years and in accordance with relevant conditions.**

MEETING DETAILS

The motion was Carried 6 / 0.

CARRIED

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## 12.2 - Lease 2 - Whitsunday Coast Airport

### CONFIDENTIAL

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

- (1) *A local government may resolve that all or part of a meeting of the local government be closed to the public.*
- (3) *However, a local government or a committee of a local government may make a resolution about a local government meeting under subsection (1) or (2) only if its councillors or members consider it necessary to close the meeting to discuss one or more of the following matters—*
  - (g) negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interests of the local government.*

#### **RESOLUTION OM2023/12/13.22**

**Moved By: CR J CLIFFORD**

**Seconded By: CR M BRUNKER**

**That Council authorise the Chief Executive Officer to enter into negotiations and execute a lease with the Viva Energy Australia Pty Ltd for part of the land being Lot 50 on CPHR 808298 (Lease AX) in accordance with Section 236 (1)(c)(iii) and (1)(c)(vii)(A) and (B) and Section 236 (3) and (5) of the Local Government Regulation 2012 for a term of five years and in accordance with relevant conditions.**

#### **MEETING DETAILS**

The motion was Carried 6 / 0.

**CARRIED**

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Cr Simpson returned to the meeting at 11.24am.

13 LATE REPORT ITEMS

There were no late items for this meeting.

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### 14 MATTERS OF IMPORTANCE

#### RESOLUTION OM2023/12/13.23

Moved By: CR M WRIGHT

Seconded By: CR J CLIFFORD

**That the Chief Executive Officer writes to the Minister of Department of Resources regarding confirmation of the accuracy of the current flood overlay mapping across the region.**

#### MEETING DETAILS

The motion was Carried 7 / 0.

**CARRIED**

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Other Matters of Importance - But not resolved:

- *Changes in integrity rules for Office of Independent Assessor*
- *Costs of Investigations*
- *Contact with new state government ministers regarding prior commitments made to the Whitsunday Region*
- *Monthly and Quarterly reporting formats*

Mayor Hall thanked everyone for the year and wished all a Merry Christmas.

The Meeting closed at 11:36am.

Confirmed as a true and correct recording this 24 January 2024.

**Cr Julie Hall
MAYOR**