



Minutes of the Ordinary Council Meeting held on Wednesday 25 October 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); Neil McGaffin (Director Development Services); Peter Shuttlewood (Acting 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/Minute Taker)

Other Officers Present (Partial Attendance):

Troy Pettiford (COO Whitsunday Water), Paul Sandbek (Manager Treatment Operations), Craig Turner (Director Commercial Businesses); Shaun Cawood (Manager Aviation & Tourism)

The meeting commenced at 9.01am

The meeting adjourned for morning tea at 10.29am

The meeting reconvened from morning tea at 11.15am

The meeting closed at 12.28pm

Whitsunday Regional Council
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Council Chambers, 67 Herbert Street, Bowen on
Wednesday 25 October 2023 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

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

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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 27 September 2023 are provided for Councils review and confirmation.

OFFICER'S RECOMMENDATION

That Council confirms the Minutes of the Ordinary Meeting held on 27 September 2023.

RESOLUTION OM2023/10/25.1

Moved By: CR M WRIGHT

Seconded By: CR C BAUMAN

That Council confirms the Minutes of the Ordinary Meeting held on 27 September 2023.

MEETING DETAILS

The motion was Carried 7 / 0.

CARRIED

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## 4 BUSINESS ARISING

No Business Arising for this meeting.

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5 MAYORAL MINUTE

There was no mayoral minute for this meeting.

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## **6 NOTICES OF MOTION**

There were no notice of motions for this meeting.

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7 DEPUTATIONS

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

QUESTION ONE

Name: Leah Lach

Question:

Good Morning,

I wish to bring attention to the members of Council, our community's concerns surrounding the negative impacts that will be placed on the Amenity of our local neighbourhood that will result from the extension to the current Hansen Park Public Toilets, a decision made by Council without Community Consultation, a decision that is directly in response to the increasing demands of the Bowen Community Markets.

The expansion of the Hansen Park Public toilets is only to service the Market demands, therefore, the relocation of the Bowen Community Markets to a more suitable location that provides a safer and more convenient environment to support the Market constant early start up times of 4am and the large number of crowds attracted to the markets every Sunday must be considered.

Hansen Park currently has a public toilet facility with one Male toilet, One Female toilet, and an extremely large unisex disability toilet which more than adequately sustains the day-to-day public uses. However, the current Hansen Park Public toilet, with in its existing footprint, needs a refurbishment to include a baby change table and an extra hand basin which can be accommodated in the unisex disability toilet and still have ample room for baby prams and/or wheelchair access and an assisting carer. This particular point I have mentioned to Council in previous correspondence regarding this matter.

Recently, it was brought to my attention, that WRC wished to stop the costly reactive decision-making process and move to a more economically sounder long-term planning decision process.

As Bowen Community Markets have been operating in Hansen Park for approx. 20 years, is this proposal of the extension of the public toilets another costly reactive decision based on the increasing demands of the Bowen Markets, rather than a current long-term feasibility study into the park and surrounding community's ability to sustain the growth of the Bowen Markets?

Therefore, is Hansen Park, in the scheme of sound long term planning, the right site to hold this expanding and growing demand from the Bowen Markets?

Evidence that the Markets are expanding is supported by this proposal to expand the current public toilets, and it is also evident by the current Market early start up times at 4 am every Sunday morning, the vehicle parking issues, whereby vehicles are overcrowding and parking illegally on footpaths, overflowing into other residential streets and into recreational zones such as Case Park! Other issues, include, parked vehicles obstructing clear vision and the safe thoroughfare of pedestrians to the markets and also impeding other vehicles to safely pass on and extremely busy Horseshoe Bay Rd.

Whitsunday Regional Council is already under litigation regarding accidents that have occurred in Hansen Park. Does Council want more legal action brought against them resulting from accidents due the inability of

Hansen Park and the surrounding neighbourhood to cater for the severe overcrowding of public attendance to the Bowen Community Markets?

Currently the character of Hansen Park and the local community cannot cater for the current increasing crowds attending the markets, how will Hansen Park and the surrounding community cope with the future increasing growth of the Markets?

Therefore, the markets must be relocated to an area that safely supports the growing demands of the Bowen Community Markets!

The most appropriate long term and cost-effective site would be along the beach front at Gideon Park in Queens Beach.

Gideon Park offers;

- a) An area that is surrounded by various businesses such as the Bowling and Tennis clubs and extensive parklands and NOT by residential homes, Gideon Park would support the early morning market set up times that currently starts from 4am every Sunday morning, therefore, not disturbing the local residential amenity.
- b) Extensive shaded parkland areas to sustain the setup requirements for current and future markets stall holders.
- c) Better and more beneficial existing infrastructure such as larger toilet facilities including showers.
- d) Access to children's playgrounds, skate parks and the beach.
- e) Larger parking areas to accommodate the increased traffic and it would also provide a safer environment to pedestrians as the road abutting Gideon Park is a 50km/h zone, as opposed to Horseshoe Bay Rd which is a 60km/h zone, and is a busy Collective Rd. (As per WRC traffic survey dated May 2023, 4000 vehicle per day travel Horseshoe Bay Rd)
- f) f) Provide an economic boost to the businesses in the area such as the Wangaratta Hotel, picture theatre, Bowling, Golf and Tennis Clubs and the caravan parks, et.al.

Therefore, I recommend that WRC undertakes a more proactive investigative approach and consider Gideon Park as the new location for the Bowen Community Markets, before committing to a costly reactive decision

to expand the Public toilet facility in Hansen Park, and avoid a situation whereby Council comes to the realisation, and in the not too distant future, that Hansen Park and the surrounding neighbourhood is just too small to safely accommodate the growing needs and increasing congestion of the Bowen Community Markets.

I wish to also put to the Council:

We, the residents of Horseshoe Bay Road who are directly impacted by these issues, ask if the Council and the Councillors would objectively and in a fair and unbiased manner address our issues detailed in our Official complaint and our relevant letters of objection in line with State and Local Legislation and Laws?

Our Official complaint and letters of object to the Hansen Park public toilet extensions and the current location of the Bowen Community Markets, convey our concerns about the disturbances to the local community's amenity, where our peaceful enjoyment of our homes every Sunday and especially in the early hours of every Sunday morning are constantly disrupted from the increasing growth of, and demands of, the Bowen Community Markets in the current location of Hansen Park, therefore, would Council commit to making a fair, and an unbiased decision inclusive of a sound and economical long term plan to relocate the Bowen Community Markets to an area where the Markets can grow and be even more successful for many years to come, an area such as Gideon Park?

Regards
Leah Lach

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

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## 10 COMMITTEES REPORTS

### 10.1 - Audit & Risk Committee Meeting Minutes - 5 September 2023

#### PURPOSE

Council is required to review and consider the recommendations of the Audit & Risk Committee. 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 Meeting held on 5<sup>th</sup> September 2023.

#### RESOLUTION OM2023/10/25.2

Moved By: CR J CLIFFORD

Seconded By: CR G SIMPSON

**That Council endorse the Unconfirmed Minutes of the Audit & Risk Committee Meeting held on 5<sup>th</sup> September 2023.**

#### MEETING DETAILS

The motion was Carried 7 / 0.

**CARRIED**

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11.1 - Council Meeting Dates 2024

PURPOSE

To propose the Ordinary Council Meeting dates and locations for the remainder of 2024 (26th June 2024) onwards, for Councils consideration.

OFFICER'S RECOMMENDATION

That Council adopt the following Ordinary Council Meeting Dates and Locations for the remainder of 2024:

1. 24 July 2024 – Proserpine
2. 28 August 2024 – Bowen
3. 25 September 2024 – Proserpine
4. 23 October 2024 – Bowen
5. 27 November 2024 – Proserpine
6. 11 December 2024 – Bowen

RESOLUTION OM2023/10/25.3

Moved By: CR G SIMPSON

Seconded By: CR J CLIFFORD

That Council adopt the following Ordinary Council Meeting Dates and Locations for the remainder of 2024:

1. 24 July 2024 – Proserpine
2. 28 August 2024 – Bowen
3. 25 September 2024 – Proserpine
4. 23 October 2024 – Bowen
5. 27 November 2024 – Proserpine
6. 11 December 2024 – Bowen

MEETING DETAILS

The motion was Carried 7 / 0.

CARRIED

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## 11.2 - Notification of Water Meter Reading Period

### PURPOSE

To obtain a resolution for the declaration of the date for the reading of water meters in the first half of the financial year 2023/24.

### OFFICER'S RECOMMENDATION

That Council declare the water meter reading date to be 20 December 2023 for the commencement of reading the water meters for the billing period.

### RESOLUTION OM2023/10/25.4

Moved By: CR J COLLINS

Seconded By: CR M WRIGHT

That Council declare the water meter reading date to be 20 December 2023 for the commencement of reading the water meters for the billing period.

### MEETING DETAILS

The motion was Carried 7 / 0.

**CARRIED**

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11.3 - Queensland Tourism Industry's Premier Tourism Conference

PURPOSE

To inform Council of the upcoming Queensland Tourism Industry's Premier Tourism Conference, the *DestinationQ* Forum on 23 November 2023 and seek approval for Mayor Julie Hall be nominated to attend.

OFFICER'S RECOMMENDATION

That Council nominate Mayor Julie Hall to attend Queensland Tourism Industry's Premier Tourism Conference, the *DestinationQ* Forum to be held on 23rd November 2023 in Cairns.

RESOLUTION OM2023/10/25.5

Moved By: CR J CLIFFORD

Seconded By: CR G SIMPSON

That Council nominate Mayor Julie Hall to attend Queensland Tourism Industry's Premier Tourism Conference, the *DestinationQ* Forum to be held on 23rd November 2023 in Cairns.

MEETING DETAILS

The motion was Carried 7 / 0.

CARRIED

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*Cr Simpson declared a conflict of interest in item 11.4 regarding Trustee Lease - Part of Land 2489 Shute Harbour Road Jubilee Pocket - Whitsunday Sports Park as defined by section 150EQ of the Local Government Act 2009, due to the following:*

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

*The name of the party: Eclipse Financial Planning*

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

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

*As a result of this conflict of interest, Cr Simpson advised that he would like the remaining Councillors to decide whether he leaves the meeting and takes no part in the discussion or decision making of this matter.*

#### **RESOLUTION OM2023/10/25.6**

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

**Seconded by: CR M WRIGHT**

**That Council agree that it is in the public interest that Cr Simpson participates and votes on item 11.4 – Trustee Lease - Part of Land 2489 Shute Harbour Road, Jubilee Pocket - Whitsunday Sportspark Ltd, because no direct or indirect benefit or loss accrues to Cr Simpson.**

#### **MEETING DETAILS:**

*Cr Simpson did not participate in voting in this matter.*

The motion was Carried 6 / 0

**CARRIED**

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Cr Clifford advised the meeting for transparency that she is a member of the committee appointed by Council, but does not hold an executive position and therefore does not have a conflict of interest.

11.4 - Trustee Lease - Part of Land 2489 Shute Harbour Road, Jubilee Pocket - Whitsunday Sportspark Ltd.

PURPOSE

To present to Council for consideration to enter into a new trustee lease over part of the land at 2489 Shute Harbour Road, Jubilee Pocket.

OFFICER'S RECOMMENDATION

That Council authorise the Chief Executive Officer to enter into a peppercorn trustee lease with the Whitsunday Sportspark Ltd. over part of the land at 2489 Shute Harbour Road, Jubilee Pocket (Lot 105 on CP894264) for a term of 10 years in accordance with Section 236(1)(b)(ii) and (1)(c)(iii).

RESOLUTION OM2023/10/25.7

Moved By: CR J CLIFFORD

Seconded By: CR M BRUNKER

That Council authorise the Chief Executive Officer to enter into a peppercorn trustee lease with the Whitsunday Sportspark Ltd. over part of the land at 2489 Shute Harbour Road, Jubilee Pocket (Lot 105 on CP894264) for a term of 10 years in accordance with Section 236(1)(b)(ii) and (1)(c)(iii) of the Local Government Regulation 2012.

MEETING DETAILS

The motion was Carried 7 / 0.

CARRIED

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**11.5 - 20230889 - Development Application for Development Permit for Reconfiguration of a Lot for One (1) Lot into Six (6) Lots - 159 Wrights Road, Strathdickie - 7RP746077 - Moloko Homes, Chalkies & Reid c/- Locus Surveys**

**PURPOSE**

To present the assessment of the development application.

**OFFICER'S RECOMMENDATION**

That Council refuse the Development Application for Development Permit for Reconfiguration of a Lot - One (1) Lot into Six (6) Lots and Access Easements, made by Moloko Homes Pty Ltd, Chalkies Qld Pty Ltd, S & K Reid C/- Locus Surveys, on L: 7 RP: 746077 and located at 159 Wrights Road Strathdickie, for the following reasons:

1. The proposal is not consistent with the State Planning Policy in respect of fragmentation and alienation of Agricultural Land Classification (ALC) Class A 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. There has been no demonstration that an overriding community need exists for the proposed development.
4. The proposal conflicts with the Whitsunday Regional Council Planning Scheme 2017 and cannot be conditioned to comply. Specifically:
  - a. The proposal is unable to comply with the Liveable Communities and Housing and Economic Growth themes of the Strategic Intent.
  - b. The Rural Zone is the correct zone for this site, being the default zone for the majority of the planning scheme area which is not included in an urban zone.
  - 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.

**RESOLUTION OM2023/10/25.8**

**Moved By: CR G SIMPSON**

**Seconded By: CR M WRIGHT**

**That Council approve the Development Application for Development Permit for Reconfiguration of a Lot for One (1) Lot into Six (6) Lots and Access Easements, made by Moloko Homes Pty Ltd, Chalkies Qld Pty Ltd, S & K Reid C/- Locus Surveys on L: 7 RP: 746077 and located at 159 Wrights Road Strathdickie, 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:

| Plan/Document Name                                                                 | Prepared By                | Plan Number        | Dated      |
|------------------------------------------------------------------------------------|----------------------------|--------------------|------------|
| Proposal Plan                                                                      | Locus Surveys              | PD-01 Rev. C       | 11/08/2023 |
| Land Suitability Assessment for On-site Wastewater Treatment and Effluent Disposal | CQ Soil Testing            | CQ23395            | 20/07/2023 |
| Engineering Infrastructure Report & Stormwater Management Plan                     | Mosaic Consultants Pty Ltd | 23-0080.R01 Rev. 3 | 14/08/2023 |

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

- Operational Works:
  - Access and Parking (External and Internal Access);
  - Stormwater; and
  - Erosion Prevention and Sediment Control.
- Plumbing and Drainage Works; and
- Building Works;

All Operational Works, Plumbing and Drainage Works Development Permits must be obtained prior to the issue of a Building Works Development Permit.

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 signing of the Survey Plan.

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 signing of the Survey Plan.

## **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.

## **3.0 WATER INFRASTRUCTURE**

3.1 Design and construct a potable water supply to proposed Lots 1, 3, 4, 5 and 6 in accordance with Council's Planning Scheme or Planning Policy applicable at the time. Such work must be in accordance with an approved detailed design at future building application stage.

## **4.0 ON SITE EFFLUENT DISPOSAL**

- 4.1 At future building application stage, the applicant is to Design and Construct an on-site sewerage treatment system to proposed Lots 1, 3, 4, 5 and 6. Such work must be in accordance with Councils Planning Scheme applicable at the time and Queensland Plumbing and Wastewater code. The applicant will be required to supply a detailed site-specific Wastewater Report at building stage for each lot that complies with AS 1547:2012 and the Queensland Plumbing and Wastewater Code Version 1:2019. The Effluent Feasibility Study by CQ Soil Testing should be noted.

## **5.0 ACCESS AND PARKING**

- 5.1 A Development Permit for Operational Works (External and Internal Access) must be obtained prior to commencement of work on site. Any application for Operational Works (External and Internal Access) must be accompanied by engineering design drawings, including calculations and certifications of the design, demonstrating compliance with Council's Development Manual (current at the time of development) and this Decision Notice.
- 5.2 The applicant must design and construct a new external access from the pavement edge of Wrights Road to the property boundary of Proposed Easement A and B to a sealed standard so as to comply as a minimum with the levels, dimensions and specifications as shown on Councils current Standard Drawing and Whitsunday Regional Councils Development manual standard DG 1.17 and DG 1.30 Access to Allotments prior to the signing of the Plan of Survey.
- 5.3 The applicant must design and construct the internal access from the northern boundary of proposed access Easement B to the end of Easement B located in Proposed Lot 6 to a sealed standard, 5.5 meters wide and transitioning to 3.0 meters wide after the access handle to Proposed Lot 4 so as to comply as a minimum with the levels, dimensions and specifications as shown on Councils Standard Drawings and Whitsunday Regional Councils Development manual standard DG 1.17 and DG 1.30 Access to Allotments prior to the signing of the Plan of Survey. Construction of the causeway across the Q100 easement to Lot 6 must be to the recommendations of the Engineering Infrastructure Report & Stormwater Management Plan by Mosaic Consultants.
- 5.4 The applicant must design and construct the internal access from the northern boundary of proposed access Easement A to the end of Easement A located in Proposed Lot 5 to a sealed standard, 5.5 meters wide and transitioning to 3.0 meters wide after the access handle to Proposed Lot 3 so as to comply as a minimum with the levels, dimensions and specifications as shown on Councils Standard Drawings and Whitsunday Regional Councils Development manual standard DG 1.17 and DG 1.30 Access to Allotments prior to the signing of the Plan of Survey. Construction of the causeway across the Q100 easement to Lot 5 must be to the recommendations of the Engineering Infrastructure Report & Stormwater Management Plan by Mosaic Consultants.
- 5.5 At completion of construction and prior to signing of plan of survey, the Supervising Engineer shall provide certification that all External and Internal access works constructed on site comply with Council's Development Manual and this Decision Notice of Approval.
- 5.6 The documentation for the proposed Access Easements must include statements with the regard to ownership and responsibility for future construction and ongoing maintenance requirements of the access within the Easements.
- 5.7 One point of access (to be sealed) be provided for the subject land.

## **6.0 STORMWATER AND FLOODING**

- 6.1 Prior to commencement of any work on site an Operational Works development permit must be obtained in relation to Stormwater Drainage. Any application for Operational Works (Stormwater) must be accompanied by engineering design drawings, including calculations and certifications of the design, demonstrating compliance with

- Queensland Urban Drainage Manual current at the time of development, Councils Development Manual (current at the time of development) and this Decision Notice
- 6.2 Each allotment to be created must be provided with a lawful point of discharge prior to signing of the Survey Plan.
  - 6.3 All stormwater drainage works must be designed and constructed in accordance with the Queensland Urban Drainage Manual current at the time of development and Council's Development Manual (current at the time of development).
  - 6.4 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.
  - 6.5 All habitable dwellings must be constructed to a level not less than 300mm above the Q100 flood level for the developed site.
  - 6.6 Easements must be provided over all land assessed to be below the Q100 level of immunity identified on Mosaic Layout PlanSKC002 rev C.
  - 6.7 Easement documentation must be provided free of cost to Council.

## **7.0 ELECTRICITY AND TELECOMMUNICATIONS**

- 7.1 Provide electricity and telecommunications connection to the proposed development to the requirements of the relevant authority. The application must submit to Council, either:
  - (a) a certificate of supply demonstrating that existing low-voltage electricity supply is available to the newly created lots; or
  - (b) a certificate of supply that the applicant has entered into an agreement with the authorized electricity supplier, Ergon, to provide electricity services to the newly created lots, payment has been received and the connection will be completed at a date in the future.

If low-voltage electricity supply is unavailable to the newly created lots then the applicant must provide a certificate of supply of the proposed electricity connection date to all future property owners prior to entering into a contract of sale for the newly created lots prior to signing of the Survey Plan.

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

- 8.1 A Development Permit for Operational Works (Erosion Prevention and Sediment Control) must be obtained prior to commencement of work on site. 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 stabilized (e.g., turfed, concreted).
- 8.2 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.
- 8.3 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.
- 8.4 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.

## **9.0 MAINTENANCE VALUATION**

- 9.1 The applicant must pay to Council a maintenance valuation fee per lot at the time of sealing of the survey plan at the rate applicable at the time of payment. The current rate is \$40.50 per lot.

## **10.0 MISCELLANEOUS**

- 10.1 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)
- 10.2 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.
- 10.3 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.
- 10.4 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 Wrights Road or adjoining land unless written permission from the owner of that land and Council is provided.
- 10.5 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.

## **11.0 ADVISORY NOTES**

- 11.1 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.
- 11.2 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.
- 11.3 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.
- 11.4 Noise During Construction and Noise in General  
It is the developer's responsibility to ensure compliance with the Environmental Protection Act 1994.
- 11.5 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.

- 11.6 Enquiries relating to the aforementioned conditions should be directed to the Regional Planning & Development Directorate who will direct the enquiry to the relevant officer.

Reason for Decision:

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

1. The proposal adjoins rural residential allotments.

**MEETING DETAILS**

The motion was Carried 4 / 3.

**CARRIED**

~~~~~

Cr Simpson declared conflict of interest in item 11.6 regarding Development Application 20230800 as defined by section 150EQ of the Local Government Act 2009, due to the following:

Nature of the Conflict of Interest: Cr Simpson previously had a commercial arrangement with Paradise Outdoor Advertising.

The name of the party: Paradise Outdoor Advertising

The nature of the relationship of the party to the Councillor: Business had a commercial arrangement with Councillor

The nature of the party's interests in the matter: Paradise Outdoor Advertising have submitted a Development Application to Council.

As a result of this conflict of interest, Cr Simpson advised that he would like the remaining Councillors to decide whether he leaves the meeting and takes no part in the discussion or decision making of this matter.

RESOLUTION

Moved by: CR J CLIFFORD

That Council agree that it is in the public interest that Cr Simpson participates and votes on item 11.6 – 20230800 Development Application, because no direct or indirect benefit or loss accrues to Cr Simpson as he no longer has a financial interest with the proponent.

MEETING DETAILS:

Cr Brunker advised that on this issue Cr Simpson is leaving himself open and would suggest Cr Simpson step out on this item.

Cr Simpson advised that he would voluntarily leave the room based on the advice provided by Cr Brunker and therefore will not participate in the discussion and voting on item 11.6.

Cr Clifford withdrew her motion.

MOTION WITHDRAWN

~~~~~

*Cr Simpson left the meeting room at 9.41am and did not participate in the discussions or voting on item 11.6.*

## **11.6 - 20230800 - Development Application for Development Permit for Operational Works for Advertising Device (Freestanding Sign) - 231 Gregory Cannon Valley Rd - Paradise Outdoors Advertising**

### **PURPOSE**

To present the assessment of the development application.

### **OFFICER'S RECOMMENDATION**

That Council refuse the Development Application for Development Permit for Operational Works for Advertising Device (Freestanding Sign – Billboard x 2), made by Paradise Outdoor Advertising, on Gregory Cannon Valley Road and located at Lot 1 RP708903 and Lot 15 RP740971, for the following reasons:

1. The proposal does not comply with overall outcome (d) and (g) of the Advertising Devices Code.
2. The proposal does not comply with parts (a) and (d)(iv)(v)(vi) of Performance Outcome 1 of the Advertising Devices Code.
3. The proposal conflicts with the existing and future planned character of the locality and does not protect scenic values viewed from Gregory Cannon Valley Road which has a high scenic amenity rating derived from the Whitsunday Region Scenic Amenity Study March 2017.

### **RESOLUTION OM2023/10/25.9**

Moved By: **CR J CLIFFORD**

Seconded By: **CR M BRUNKER**

**That Council refuse the Development Application for Development Permit for Operational Works for Advertising Device (Freestanding Sign – Billboard x 2), made by Paradise Outdoor Advertising, on Gregory Cannon Valley Road and located at Lot 1 RP708903 and Lot 15 RP740971, for the following reasons:**

- 1. The proposal does not comply with overall outcome (d) and (g) of the Advertising Devices Code.**
- 2. The proposal does not comply with parts (a) and (d)(iv)(v)(vi) of Performance Outcome 1 of the Advertising Devices Code.**
- 3. The proposal conflicts with the existing and future planned character of the locality and does not protect scenic values viewed from Gregory Cannon Valley Road which has a high scenic amenity rating derived from the Whitsunday Region Scenic Amenity Study March 2017.**

### **MEETING DETAILS**

The motion was Carried 4 / 2.

*Cr Simpson did not take part in the voting on this matter due to his conflict of interest.*

**CARRIED**

~~~~~  
Cr Simpson returned to the meeting at 9.50am.

Cr Simpson declared a conflict of interest in item 11.7 regarding Development Application 20230970 as defined by section 150EQ of the Local Government Act 2009, due to the following:

Nature of the Conflict of Interest: Cr Simpson previously had a commercial arrangement with Paradise Outdoor Advertising.

The name of the party: Paradise Outdoor Advertising

The nature of the relationship of the party to the Councillor: Business had a commercial arrangement with Councillor

The nature of the party's interests in the matter: Paradise Outdoor Advertising have submitted a Development Application to Council.

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 9.51am.

11.7 - 20230970 - Development Application for Development Permit for Operational Works for Advertising Device (Digital Freestanding Sign) - 2503 Shute Harbour Road, Mandalay - Paradise Outdoor Advertising c/- BNC Planning

PURPOSE

To present the assessment of the development application.

OFFICER'S RECOMMENDATION

That Council refuse the Development Application for Development Permit for Operational Works for an Advertising Device (Digital Freestanding Advertising Device in the Form of a Billboard), made by Paradise Outdoor Advertising, on L: 349 HR: 1904 and located at 2503 Shute Harbour Road Jubilee Pocket, for the following reasons:

1. The proposal conflicts with the Whitsunday Regional Council Planning Scheme 2017 (V3.9), specifically:
 - a) Overall Outcome (d) of the Advertising Devices Code, as the Digital Billboard will detract from the desirable characteristics of the natural and built environment in which the advertising device is exhibited and cannot integrate into the existing built form of the site to minimise visual clutter.
 - b) Performance Outcome 1 within Table 9.4.1.4.1 Benchmarks for assessable development of the Advertising Devices Code, as the proposed development cannot be designed or sited to achieve compliance with Performance Outcome 1 due to the nature, type, scale, size and bulk of the proposed Digital Billboard and that the device will detract from the existing and planned character of the locality which is framed by residential uses and low impact signage.

RESOLUTION OM2023/10/25.10

Moved By: CR J CLIFFORD

Seconded By: CR J HALL (MAYOR)

That Council refuse the Development Application for Development Permit for Operational Works for an Advertising Device (Digital Freestanding Advertising Device in the Form of a Billboard), made by Paradise Outdoor Advertising, on L: 349 HR: 1904 and located at 2503 Shute Harbour Road Jubilee Pocket, for the following reasons:

- 1. The proposal conflicts with the Whitsunday Regional Council Planning Scheme 2017 (V3.9), specifically:**
 - a) Overall Outcome (d) of the Advertising Devices Code, as the Digital Billboard will detract from the desirable characteristics of the natural and built environment in which the advertising device is exhibited and cannot integrate into the existing built form of the site to minimise visual clutter.**
 - b) Performance Outcome 1 within Table 9.4.1.4.1 Benchmarks for assessable development of the Advertising Devices Code, as the proposed development cannot be designed or sited to achieve compliance with Performance Outcome 1 due to the nature, type, scale, size and bulk of the proposed Digital Billboard and that the device will detract from the existing and planned character of the locality which is framed by residential uses and low impact signage.**

MEETING DETAILS

The motion was Carried 6 / 0.

Cr Simpson did not take part in the voting on this matter due to his conflict of interest.

CARRIED

~~~~~

*Cr Simpson returned to the meeting at 9.58am.*

## **11.8 - Donation Request - Sewerage Charges - Proserpine Agricultural Pastoral & Industrial Association**

### **PURPOSE**

For Council to consider a request from Proserpine Agricultural Pastoral & Industrial Association for a donation on their Service Charges for the period of 1 July 2023 to 31 December 2023 and for the organisation to be included on Council's Rates and Service Charges Donations Register.

### **OFFICER'S RECOMMENDATION**

That Council approve:

- a) A donation of \$8,775.00 to the Proserpine Agricultural Pastoral & Industrial Association equivalent to 75% of the Charges levied for the period of 1 July 2023 to 31 December 2023.
- b) The inclusion of the Proserpine Agricultural Pastoral & Industrial Association on Council's Rates and Service Charges Donations Register for future donations.

### **RESOLUTION OM2023/10/25.11**

**Moved By: CR J COLLINS**

**Seconded By: CR M WRIGHT**

That Council approve:

- a. A donation of \$8,775.00 to the Proserpine Agricultural Pastoral & Industrial Association equivalent to 75% of the Charges levied for the period of 1 July 2023 to 31 December 2023.**
- b. The inclusion of the Proserpine Agricultural Pastoral & Industrial Association on Council's Rates and Service Charges Donations Register for future donations.**

### **MEETING DETAILS**

The motion was Carried 7 / 0.

**CARRIED**

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11.9 - Donation Request - Sewerage Charges - Bowen Pastoral & Agricultural Association Inc

PURPOSE

For Council to consider a request from Bowen Pastoral Agricultural Association for a donation on their Service Charges for the period of 1 July 2023 to 31 December 2023 and for the organisation to be included on Council's Rates and Service Charges Donations Register.

OFFICER'S RECOMMENDATION

That Council approve:

- a) A donation of \$10,530.00 to the Bowen Pastoral Agricultural Association equivalent to 75% of the Charges levied for the period of 1 July 2023 to 31 December 2023.
- b) The inclusion of the Bowen Pastoral Agricultural Association on Council's Rates and Service Charges Donations Register for future donations.

RESOLUTION OM2023/10/25.12

Moved By: CR M WRIGHT

Seconded By: CR J COLLINS

That Council approve:

- a. **A donation of \$10,530.00 to the Bowen Pastoral Agricultural Association equivalent to 75% of the Charges levied for the period of 1 July 2023 to 31 December 2023.**
- b. **The inclusion of the Bowen Pastoral Agricultural Association on Council's Rates and Service Charges Donations Register for future donations.**

MEETING DETAILS

The motion was Carried 7 / 0.

CARRIED

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*Cr Clifford declared a prescribed conflict of interest in item 11.10 regarding Donation Request - Rates & Charges - Whitsunday Housing Company Limited 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: Whitsunday Housing Company Limited*

*The nature of the councillor's relationship with the entity: Appointed on the Committee by Council and does hold an executive position.*

*Details of the councillor's, and any other entity's, interest in the matter: Councillor Clifford is the chairperson of the Whitsunday Housing Company Limited Committee.*

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

*Cr Clifford left the meeting at 10.07am.*

## **11.10 - Donation Request - Rates & Charges - Whitsunday Housing Company Limited**

### **PURPOSE**

For Council to consider a request from Whitsunday Housing Company Ltd for a donation on their Rates and Service charges for the period of 1 January 2023 to 30 June 2023 and for the organisation to be included on Council's Rates and Service Charges Donations Register.

### **OFFICER'S RECOMMENDATION**

That Council approve:

- a) A donation of \$6,662.75 to the Whitsunday Housing Company equivalent to 50% of the general rates for the period of 1 January 2023 to 30 June 2023.
- b) A donation of \$7,973.22 equivalent to 50% of the nett Service Charges levied for the period of 1 January 2023 to 30 June 2023.
- c) The inclusion of the Whitsunday Housing Company on Council's Rates and Service Charges Donations Register for future donations.

### **RESOLUTION OM2023/10/25.13**

**Moved By: CR M BRUNKER**

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

**That Council approve:**

- a. A donation of \$6,662.75 to the Whitsunday Housing Company equivalent to 50% of the general rates for the period of 1 January 2023 to 30 June 2023.**
- b. A donation of \$7,973.22 equivalent to 50% of the nett Service Charges levied for the period of 1 January 2023 to 30 June 2023.**
- c. The inclusion of the Whitsunday Housing Company on Council's Rates and Service Charges Donations Register for future donations.**

### **MEETING DETAILS**

The motion was Carried 6 / 0.

*Cr Clifford did not vote on this matter due to her conflict of interest.*

**CARRIED**

~~~~~

Cr Clifford returned to the meeting at 10.09am.

11.11 - Donations for 2023 Annual School Awards Nights

PURPOSE

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

OFFICER'S RECOMMENDATION

That Council approve the following donations towards the annual Awards Nights for all schools in the Whitsunday Region:

1. Primary Schools - \$100 each
2. Secondary Schools - \$200 each
3. Combined Colleges - \$300 each

RESOLUTION OM2023/10/25.14

Moved By: CR M WRIGHT

Seconded By: CR J HALL (MAYOR)

That Council approve the following donations towards the annual Awards Nights for all schools in the Whitsunday Region:

- 1. Primary Schools - \$100 each**
- 2. Secondary Schools - \$200 each**
- 3. Combined Colleges - \$300 each**

MEETING DETAILS

The motion was Carried 7 / 0.

CARRIED

~~~~~

## **11.12 - Sponsorship Request - Airlie Beach Festival of Music**

### **PURPOSE**

Council to consider a request for sponsorship from the Airlie Beach Festival of Music to assist with their annual event to be held Thursday 9 to Sunday 12 November 2023.

### **OFFICER'S RECOMMENDATION**

That Council approve a sponsorship of up to \$5,000 in-kind support only to assist the Airlie Beach Festival of Music organisers with their annual event to be held Thursday 9 to Sunday 12 November 2023.

### **RESOLUTION OM2023/10/25.15**

**Moved By: CR J CLIFFORD**

**Seconded By: CR G SIMPSON**

**That Council approve a sponsorship of up to \$5,000 in-kind support only to assist the Airlie Beach Festival of Music organisers with their annual event to be held Thursday 9 to Sunday 12 November 2023.**

### **MEETING DETAILS**

The motion was Carried 6 / 1.

**CARRIED**

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Cr Simpson declared a prescribed conflict of interest in item 11.13 regarding Sponsorship Request - Cut out Party 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: Debbie Legge and the Cut out Party Committee.

The nature of the councillor's relationship with the entity: Debbie Legge is Cr Simpsons wife who is a member of the Cut out Party Committee.

Details of the councillor's, and any other entity's, interest in the matter: Councillor Simpsons wife, Debbie Legge is a member of the Cut out Party Committee, who are seeking sponsorship from Council.

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 10.17am.

11.13 - Sponsorship Request - Cut Out Party

PURPOSE

Council to consider a request for sponsorship from the Cut Out Party Inc to assist with their annual Proserpine Cut Out Party event to be held Saturday 9 March 2024.

OFFICER'S RECOMMENDATION

That Council approve a monetary sponsorship of \$2,500 to assist the Cut Out Party Inc organisers with their annual Proserpine Cut Out Party event to be held Saturday 9 March 2024.

RESOLUTION OM2023/10/25.16

Moved By: CR J CLIFFORD

Seconded By: CR C BAUMAN

That Council approve a monetary sponsorship of \$2,500 to assist the Cut Out Party Inc organisers with their annual Proserpine Cut Out Party event to be held Saturday 9 March 2024.

MEETING DETAILS

The motion was Carried 6 / 0.

Cr Simpson did not vote on this matter due to his conflict of interest.

CARRIED

~~~~~

*Cr Simpson returned to the meeting at 10.18am.*

## 11.14 - Sport & Recreation Club Grants - October 2023

### PURPOSE

For Council to consider the payment of the Sport & Recreation Club Grants for October 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. Whitsunday Dirt Riders Club Inc. – Band 1 - \$5,500
2. Proserpine District Lawn Tennis Association Inc. – Band 3 - \$1,500
3. Bowen Chargers Cricket Club Inc. – Band 4 - \$1,000

### RESOLUTION OM2023/10/25.17

Moved By: CR J CLIFFORD

Seconded By: CR M WRIGHT

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

1. Whitsunday Dirt Riders Club Inc. – Band 1 - \$5,500
2. Proserpine District Lawn Tennis Association Inc. – Band 3 - \$1,500
3. Bowen Chargers Cricket Club Inc. – Band 4 - \$1,000

### MEETING DETAILS

The motion was Carried 7 / 0.

**CARRIED**

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11.15 - Financial Support for a Junior Elite Athlete - October 2023

PURPOSE

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

OFFICER'S RECOMMENDATION

That Council approve financial support for the following applicants:

1. Lily Sainsbury – 2023 Queensland Country Rugby Union U16 Girls team - \$500
2. Gabrielle Patton – Junior Volleyball Schools Cup - \$250

RESOLUTION OM2023/10/25.18

Moved By: CR M WRIGHT

Seconded By: CR C BAUMAN

That Council approve financial support for the following applicants:

1. Lily Sainsbury – 2023 Queensland Country Rugby Union U16 Girls team - \$500
2. Gabrielle Patton – Junior Volleyball Schools Cup - \$250

MEETING DETAILS

The motion was Carried 7 / 0.

CARRIED

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## 11.16 - RADF 2023/24 Funding Round 1 - August 2023

### PURPOSE

For Council to consider the funding for the Regional Arts Development Fund (RADF) grant applications for Round 1 of the 2023/24 Program, as recommended by the RADF Advisory Committee.

### OFFICER'S RECOMMENDATION

That Council:

1. Receive the minutes from the Regional Arts Development Fund (RADF) Local Advisory Committee.
2. Approve the payment of Regional Arts Development Fund (RADF) grants (subject to conditions) – for Round 1, as recommended to Council by the RADF Advisory Committee to assist the following recipients:
  - a) Donna Lawrence – Travelling Exhibition and workshops - \$3,500.
  - b) Sofia Fortunato – Establishing Children's Writers and Illustrators Group Workshops - \$1,400.
3. Advise the following applicant that the application was unsuccessful:
  - a) Noosa Film Academy – 2-day School Screen Production and Community acting and screen Workshops - \$5,934.

### RESOLUTION OM2023/10/25.19

Moved By: CR J CLIFFORD

Seconded By: CR C BAUMAN

That Council:

1. Receive the minutes from the Regional Arts Development Fund (RADF) Local Advisory Committee.
2. Approve the payment of Regional Arts Development Fund (RADF) grants (subject to conditions) – for Round 1, as recommended to Council by the RADF Advisory Committee to assist the following recipients:
  - a. Donna Lawrence – Travelling Exhibition and workshops - \$3,500.
  - b. Sofia Fortunato – Establishing Children's Writers and Illustrators Group Workshops - \$1,400.
3. Advise the following applicant that the application was unsuccessful:
  - a. Noosa Film Academy – 2-day School Screen Production and Community acting and screen Workshops - \$5,934.

### MEETING DETAILS

The motion was Carried 7 / 0.

**CARRIED**

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11.17 - 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 30 September 2023.

RESOLUTION OM2023/10/25.20

Moved By: CR J COLLINS

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 30 September 2023.

MEETING DETAILS

The motion was Carried 7 / 0.

CARRIED

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*The meeting adjourned for the purpose of morning tea at 10.29am.*

*Service recognition's were held for Cr Brunker (25 years), Cr Clifford (15 years) and Cr Collins (11 years).*

*An award was presented to Director Commercial Businesses, Craig Turner and the team at Whitsunday Coast Airport and Shute Harbour in recognition of their work at the Whitsunday Tourism Awards that was recently held. Craig was rewarded with over 25 years involvement in Local Tourism Industry by being awarded the Prestigious Bob Porter Award for outstanding achievement by an individual.*

*The meeting reconvened from morning tea at 11.15am.*

## 12 CONFIDENTIAL MATTERS

*Mayor Hall declared a prescribed conflict of interest in item 12.2 regarding Trustee Lease - Shop 1, 67 Herbert Street, Bowen Health Cravers as defined by section 150EL of the Local Government Act 2009.*

*Mayor Hall advised the meeting that she will declare an interest and leave the meeting room when the item is discussed and voted on, both in closed session and open session.*

### PROCEDURAL MOTION - CLOSURE OF MEETING (CONFIDENTIAL SESSION) OM2023/10/25.21

Moved by: CR J CLIFFORD

Seconded by: CR C BAUMAN

That Council close the meeting to the public at 11.16am 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 - Bad Debt Write Off

*– (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.*

#### 12.2 - Trustee Lease - Shop 1, 67 Herbert Street, Bowen - Health Cravers

*– (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.*

#### 12.3 - 500-2023-0049 Whitsunday Coast Airport Retail Leases

*– (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.*

#### 12.4 - 500.2023.0033 Waste & Recyclables Collection Services

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

### MEETING DETAILS:

The procedural motion was Carried 7 / 0

**CARRIED**

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During Closed session Mayor Hall declared a prescribed conflict of interest in item 12.2 regarding Trustee Lease - Shop 1, 67 Herbert Street, Bowen - Health Cravers as defined by section 150EL of the Local Government Act 2009, due to the following:

For a gift, loan or contract—the value of the gift, loan or contract; \$100

The name of any entity, other than the councillor, that has an interest in the matter: Meg Hogan

The nature of the councillor's relationship with the entity: Political Donation only

Details of the councillor's, and any other entity's, interest in the matter: A political donation was made by Meg Hogan to Mayor Hall. Meg Hogan is the owner of Health Cravers.

As a result of this conflict of interest, Mayor Hall advised that she will leave the meeting and take no part in the discussion or decision making of this matter.

Mayor Hall left the meeting at 11.18am.

Cr Simpson Chaired the meeting in Mayor Halls absence.

Mayor Hall returned to the meeting at 11.23am.

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#### **PROCEDURAL MOTION - REOPEN MEETING OM2023/10/25.22**

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

**Seconded by: CR J CLIFFORD**

**That Council reopen the meeting to the general public at 12:10pm.**

#### **MEETING DETAILS:**

The motion was Carried 7 / 0

**CARRIED**

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12.1 - Bad Debt Write Off

PURPOSE

To consider writing off an unrecoverable bad debt under Councils General Debtors Policy provisions.

OFFICER'S RECOMMENDATION

That Council resolve to apply the bond of \$3,952 against Debtor 34600.01 and write-off the remaining outstanding debt for:

1. Sundry Debtor 34443.01 totalling \$2,585.40; and
2. Sundry Debtor 34600.01 totalling \$6,355;

in accordance with Council's General Debtors Policy and apply the provision made for this bad debt.

RESOLUTION OM2023/10/25.23

Moved By: CR M BRUNKER

Seconded By: CR J CLIFFORD

That Council resolve to apply the bond of \$3,952 against Debtor 34600.01 and write-off the remaining outstanding debt for:

1. Sundry Debtor 34443.01 totalling \$2,585.40; and
2. Sundry Debtor 34600.01 totalling \$6,355;

in accordance with Council's General Debtors Policy and apply the provision made for this bad debt.

MEETING DETAILS

The motion was Carried 7 / 0.

CARRIED

~~~~~

*Mayor Hall declared a prescribed conflict of interest in item 12.2 regarding Trustee Lease - Shop 1, 67 Herbert Street, Bowen - Health Cravers as defined by section 150EL of the Local Government Act 2009, due to the following:*

*For a gift, loan or contract—the value of the gift, loan or contract; \$100*

*The name of any entity, other than the councillor, that has an interest in the matter: Meg Hogan*

*The nature of the councillor's relationship with the entity: Political Donation only*

*Details of the councillor's, and any other entity's, interest in the matter: A political donation was made by Meg Hogan to Mayor Hall. Meg Hogan is the owner of Health Cravers.*

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

*Mayor Hall left the meeting at 12.11pm.*

*Cr Simpson Chaired the meeting in Mayor Halls absence.*

## **12.2 - Trustee Lease - Shop 1, 67 Herbert Street, Bowen - Health Cravers**

### **PURPOSE**

To advise Council of a lease renewal request for Shop 1, 67 Herbert Street, Bowen.

### **OFFICER'S RECOMMENDATION**

That Council resolves to authorise the Chief Executive Officer to enter into negotiations and execute a trustee lease with Hogan Arboit Pty Ltd for the operation of Health Cravers for part of Lot 5 on B66104 (Lease A), Shop 1, 67 Herbert Street, Bowen for a term of 2 years in accordance with Section 236(c)(iii) of the Local Government Regulation 2012.

### **RESOLUTION OM2023/10/25.24**

**Moved By: CR M WRIGHT**

**Seconded By: CR J CLIFFORD**

**That Council resolves to authorise the Chief Executive Officer to enter into negotiations and execute a trustee lease with Hogan Arboit Pty Ltd for the operation of Health Cravers for part of Lot 5 on B66104 (Lease A), Shop 1, 67 Herbert Street, Bowen for a term of 2 years in accordance with Section 236(c)(iii) of the Local Government Regulation 2012.**

### **MEETING DETAILS**

The motion was Carried 6 / 0.

*Mayor Hall did not vote on this matter due to her conflict of interest.*

**CARRIED**

~~~~~

Mayor Hall returned to the meeting at 12.12pm.

12.3 - 500-2023-0049 Whitsunday Coast Airport Retail Leases

PURPOSE

This report is to present the recommendation to enter into a lease to operate the retail and sushi kiosk areas at the Whitsunday Coast Airport.

OFFICER'S RECOMMENDATION

That Council authorise the Chief Executive Officer to enter into negotiations and execute a lease with Taste of Whitsundays Pty Ltd over part of the land at Whitsunday Coast Airport, Lot 50 on CPHR 808298 in accordance with Section 227 of the Local Government Regulation 2012.

RESOLUTION OM2023/10/25.25

Moved By: CR J CLIFFORD

Seconded By: CR J HALL (MAYOR)

That Council authorise the Chief Executive Officer to enter into negotiations and execute a lease with Taste of Whitsundays Pty Ltd over part of the land at Whitsunday Coast Airport, Lot 50 on CPHR 808298 in accordance with Section 227 of the Local Government Regulation 2012.

MEETING DETAILS

The motion was Carried 7 / 0.

CARRIED

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## **12.4 - 500.2023.0033 Waste & Recyclables Collection Services**

### **PURPOSE**

This report presents to Council for consideration the Tender Evaluation Panel's recommendation to award Contract 500.2023.0033 – Waste and Recyclables Collection Services.

### **OFFICER'S RECOMMENDATION**

That Council award Contract 500.2023.0033 – Waste and Recyclables Collection Services on a schedule of rates basis for the estimated amount of \$61,932,377.83 (excluding GST) for the contract period of eight (8) years and an additional \$29,673,517.29 (excluding GST) for the two (2) x twelve (12) month extensions at Council's discretion.

### **RESOLUTION OM2023/10/25.26**

**Moved By: CR G SIMPSON**

**Seconded By: CR J CLIFFORD**

**That Council award Contract 500.2023.0033 – Waste and Recyclables Collection Services on a schedule of rates basis for the estimated amount of \$61,932,377.83 (excluding GST) for the contract period of eight (8) years and an additional \$29,673,517.29 (excluding GST) for the two (2) x twelve (12) month extensions at Council's discretion.**

### **MEETING DETAILS**

The motion was Carried 6 / 1.

**CARRIED**

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13 LATE REPORT ITEMS

No late report items for this meeting.

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### **14 MATTERS OF IMPORTANCE**

#### **RESOLUTION OM2023/10/25.27**

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

**Seconded By: CR J CLIFFORD**

**That Council seek expressions of interest and/or invite tenders for the operation of Flagstaff Hill facility as soon as possible.**

#### **MEETING DETAILS**

The motion was Carried 7 / 0.

**CARRIED**

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Additional Matters of Importance:

- Cr Wright: Yasso Point Update
- Cr Collins: Request for update on Wilson Beach Swimming Enclosure
- Cr Simpson: Request for Communications to Region regarding Fire Bans
- Cr Wright: Request Update by Director regarding Biodiversity Australia in Collinsville

The Meeting closed at 12.28pm.

Confirmed as a true and correct recording this 22 November 2023.

**Cr Julie Hall
MAYOR**