



# Minutes of the Ordinary Council Meeting held on Wednesday 9 August 2023 at Council Chambers, 83-85 Main Street, Proserpine

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

**Councillors Present:**

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

**Leaves of Absence:**

Michael Brunker

**Council Officers Present:**

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

**Other Officers Present (Partial Attendance):**

Peter Shuttlewood (Executive Manager Procurement, Property and Fleet); Scott Hardy (Manager Natural Resource Management and Climate); John Cauchi (Network and Systems Administrator)

**Meeting Schedule:**

The meeting commenced at 9.00am

The meeting adjourned for morning tea at 10.13am

The meeting reconvened from morning tea at 10.34am

The meeting closed to the public at 10.43am

The meeting re-opened to the public at 10.46am

The meeting closed at 10.47am

Whitsunday Regional Council  
**Minutes of the Ordinary Council Meeting held at  
Council Chambers, 83-85 Main Street, Proserpine on  
Wednesday 9 August 2023 commencing at 9:00 AM**

|                                                                                                                                                                                                     |           |
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## 1 APOLOGIES/LEAVE OF ABSENCE

### RESOLUTION OM2023/08/09.1

Moved By: CR M WRIGHT

Seconded By: CR J COLLINS

That Council approve the leave of absence request from Cr Bruner.

### MEETING DETAILS

The motion was Carried 4 / 2.

CARRIED

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## 2 CONDOLENCES

### 2.1 - Condolences Report

#### PURPOSE

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

#### OFFICER'S RECOMMENDATION

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

### RESOLUTION OM2023/08/09.2

Moved By: CR J CLIFFORD

Seconded By: CR M WRIGHT

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

### MEETING DETAILS

*Mayor Hall acknowledged the four Australian Soldiers Captain Daniel Lyon, Lieutenant Maxwell Nugent, Warrant Officer Class 2 Joseph Laycock, and Corporal Alexander Naggs who lost their lives recently during the Talisman Sabre exercise in our region. Our sincere condolences to their families and the Australian Defence Force and lest we forget.*

The motion was Carried 6 / 0.

CARRIED

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### 3 DECLARATIONS OF INTEREST

There were no declarations made during this meeting.

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### 4 MAYORAL MINUTE

There was no mayoral minute for this meeting.

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### 5 MAYORAL UPDATE

|                                                    |                                                                                                                                                            |
|----------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Wednesday<br/>26 July</b>                       | <ul style="list-style-type: none"><li>• Council Meeting, in Bowen</li></ul>                                                                                |
| <b>Thursday 27 July<br/>to<br/>Sunday 6 August</b> | <ul style="list-style-type: none"><li>• Personal Leave</li></ul> <p>Thanks to Cr Simpson (Deputy Mayor) for stepping into the role while I was absent.</p> |
| <b>Monday<br/>7 August</b>                         | <ul style="list-style-type: none"><li>• Attended LGAQ Elected Member Update</li><li>• Internal meetings, in Proserpine</li></ul>                           |
| <b>Tuesday<br/>8 August</b>                        | <ul style="list-style-type: none"><li>• DRIT meeting, in Bowen</li><li>• Greater Whitsunday Stakeholder Advisory Committee teleconference</li></ul>        |

## 6 CONFIRMATION OF MINUTES

### 6.1 - Confirmation of Minutes

#### PURPOSE

At each Council meeting, the minutes of the previous meeting must be confirmed by the councillors present and signed by the person presiding at the later meeting. The Minutes of Council's Ordinary Council Meeting held on 26 July 2023 are provided for Councils review and confirmation.

#### OFFICER'S RECOMMENDATION

That Council confirms the Minutes of the Ordinary Meeting held on 26 July 2023.

#### RESOLUTION OM2023/08/09.3

Moved By: CR M WRIGHT

Seconded By: CR J COLLINS

That Council confirms the Minutes of the Ordinary Meeting held on 26 July 2023.

#### MEETING DETAILS

The motion was Carried 6 / 0.

**CARRIED**

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## 7 BUSINESS ARISING

There were no business arising matters for this meeting.

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## 8 DEPUTATIONS

There were no deputations for this meeting.

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## 9 PETITIONS

### RESOLUTION OM2023/08/09.4

Moved By: CR M WRIGHT

Seconded By: CR G SIMPSON

That Council receive the petition and refer to the Chief Executive Officer for action.

### MEETING DETAILS

*A petition with 145 signatories was tabled by Councillor Wright from Collinsville requesting a pedestrian crossing near Collinsville Plaza while retaining 2-hour parking.*

The motion was Carried 6 / 0.

CARRIED

## 10 NOTICES OF MOTION

There were no notice of motions for this meeting.

## 11 QUESTIONS ON NOTICE

There were no questions taken on notice for this meeting.

## 12 QUESTIONS FROM THE PUBLIC GALLERY

Mayor Hall advised that there was one public question received, however was refused on the grounds that the matter is being dealt with operationally.

## 13 OFFICERS REPORTS

### 13.1 Office of the Mayor and CEO

#### 13.1.1 - Amendment to 2023/24 Operational Plan - Organisational Structure

##### PURPOSE

This report proposes changes to the current Organisational Structure 2023/24.

##### OFFICER'S RECOMMENDATION

That Council adopt the proposed organisational structure.

##### RESOLUTION OM2023/08/09.5

Moved By: CR C BAUMAN

Seconded By: CR G SIMPSON

That Council adopt the proposed organisational structure.

##### MEETING DETAILS

*The Chief Executive Officer provided an overview of the purpose of the report coming to Council and changes being proposed to the organisations structure. Any proposed changes to the organisations structure, including minor changes need to come to Council for a decision.*

*Cr Collins raised his concerns regarding the restructure, particularly around the following aspects:*

- 1. Moving Capital Works, Major Projects and Network Planning away from the Engineering (Infrastructure) department.*
- 2. The financial implications on the ratepayers of introducing two new Directors when it is believed it is not necessary.*
- 3. The necessity for Council to have a Director of Commercial Businesses and the financial implications of this.*
- 4. Little consultation on changing the organisations structure.*
- 5. The inclusion of these positions after the budget adoption which were not previously included.*

The motion was Carried 5 / 1.

**CARRIED**

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**13.2.1 - 20220976 - Development Assessment for Development Permit for Material Change of Use for Short Term Accommodation - 23 Wambiri Street, Cannonvale - Blue Jade Investments Pty Ltd**

**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 Blue Jade Investments Pty Ltd, on L: 136 RP: 732623 and located at 23 Wambiri Street, Cannonvale, subject to the conditions outlined in Attachment 2.

**RESOLUTION OM2023/08/09.6**

**Moved By: CR C BAUMAN**

**Seconded By: CR J CLIFFORD**

**That Council refuse the Development Application for Development Permit for Material Change of Use – Short Term Accommodation, made by Blue Jade Investments Pty Ltd on L: 136 RP: 732623 and located at 23 Wambiri Street, Cannonvale, for the following reasons:**

- 1. The development does not comply with Whitsunday planning Scheme V3.9, Strategic Intent, Purpose and overall outcomes of the Low density residential zone code.**
- 2. The number of existing Short-term accommodation uses in the Low density residential zone area far outweighs the available dwellings for long-term residents.**
- 3. Conditions of approval cannot be imposed to address the non-compliances.**

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. Conflict with the Whitsunday Planning Scheme V3.9, Strategic Intent, Purpose and Overall outcomes of the Low density residential zone code and the layout and design of on-site parking and access required by the Transport and parking code.
2. Planning Act 2016 section 45(5)(b) "other relevant matters" such as the extreme current shortage of long-term accommodation available.
3. Development does not promote certainty or maintain a high level of residential amenity for existing and future residents of the area.
4. A submission was received against the development.
5. Conditions of approval cannot manage these impacts to an acceptable level.
6. The number of existing Short Term Accommodation uses in the area have reached the limit relative to the number of available dwelling houses predominantly supported by the code.

## MEETING DETAILS

The motion was Carried 4 / 2.

**CARRIED**

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### 13.3 Community Services

#### 13.3.1 - Reef Guardian Council Action Plan

##### PURPOSE

The purpose of this report is to:

- a. Highlight the new Reef Guardian Council for 2023-24,
- b. Describe the new Commonwealth Reef Guardian Council grant and
- c. Seek endorsement for the Chief Executive Officer approving the Action Plan.

##### OFFICER'S RECOMMENDATION

That Council acknowledge the Chief Executive Officer approving the Whitsunday Regional Councils Reef Guardian Action Plan for 2023-2024.

##### RESOLUTION OM2023/08/09.7

Moved By: CR G SIMPSON

Seconded By: CR J CLIFFORD

That Council acknowledge the Chief Executive Officer approving the Whitsunday Regional Councils Reef Guardian Action Plan for 2023-2024.

## MEETING DETAILS

The motion was Carried 6 / 0.

**CARRIED**

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### 13.3.2 - Approved Inspection Program 2023 - Dog & Cat Registration Audit

#### PURPOSE

The purpose of the program is to inspect residential properties in the Whitsunday Regional Council area to identify the number and registration of dogs and cats kept at each property to determine compliance with the *Animal Management Act 2008 (Cats and Dogs)* and Whitsunday Regional Council Local Law No. 2 (*Animal Management Act 2008*) 2014.

#### OFFICER'S RECOMMENDATION

That Council approves:

- 1) to conduct a Selective Inspection Program in accordance with the *Local Government Act 2009*, from Monday, 28 August 2023 to Friday, 17 November 2023 for the purposes of:
  - a. Inspecting residential properties to ensure animals or multiple animals requiring registration or approval to be kept are registered with and approved by the local government.
  - b. Upgrading of the dog and cat registration register in accordance with the *Animal Management Act 2008 (Cats & Dogs)* and Whitsunday Regional Council Local Law No. 2 (*Animal Management*) 2014.
  - c. Identifying compliance and non-compliance with the *Animal Management Act 2008 (Cats & Dogs)* regarding registration of dogs.
- 2) the public notification of the program in accordance with the *Local Government Act 2009*.

#### RESOLUTION OM2023/08/09.8

Moved By: CR M WRIGHT

Seconded By: CR J CLIFFORD

That Council approves:

- 1) to conduct a Selective Inspection Program in accordance with the *Local Government Act 2009*, from Monday, 28 August 2023 to Friday, 17 November 2023 for the purposes of:
  - a. Inspecting residential properties to ensure animals or multiple animals requiring registration or approval to be kept are registered with and approved by the local government.
  - b. Upgrading of the dog and cat registration register in accordance with the *Animal Management Act 2008 (Cats & Dogs)* and Whitsunday Regional Council Local Law No. 2 (*Animal Management*) 2014.
  - c. Identifying compliance and non-compliance with the *Animal Management Act 2008 (Cats & Dogs)* regarding registration of dogs.
- 2) the public notification of the program in accordance with the *Local Government Act 2009*.

## MEETING DETAILS

The motion was Carried 6 / 0.

**CARRIED**

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### 13.3.3 - Sponsorship Request - Don River Dash

#### PURPOSE

Council to consider a request for sponsorship from the Burdekin Offroaders Inc to assist with their annual Don River Dash event to be held Friday 8 to Sunday 10 September 2023.

#### OFFICER'S RECOMMENDATION

That Council approve sponsorship through in-kind support up to \$25,000 to assist the Burdekin Offroaders Inc with their annual Don River Dash event to be held Friday 8 to Sunday 10 September 2023. The in-kind support will assist with:

1. Traffic Management Plan development and submission,
2. Road closure safety and manpower,
3. Machinery support, water truck, waste management and bins.

#### RESOLUTION OM2023/08/09.9

Moved By: CR M WRIGHT

Seconded By: CR J COLLINS

That Council approve sponsorship through in-kind support up to \$25,000 to assist the Burdekin Offroaders Inc with their annual Don River Dash event to be held Friday 8 to Sunday 10 September 2023. The in-kind support will assist with:

1. Traffic Management Plan development and submission,
2. Road closure safety and manpower,
3. Machinery support, water truck, waste management and bins.

## MEETING DETAILS

The motion was Carried 6 / 0.

**CARRIED**

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### 13.3.4 - Community Services Monthly Report - July 2023

#### PURPOSE

The purpose of the report is to set out an account of statistics pertaining to the functions of each branch within the Community Services Directorate for the month of July 2023.

#### OFFICER'S RECOMMENDATION

That Council receive the Community Services Monthly Report for July 2023.

#### RESOLUTION OM2023/08/09.10

Moved By: CR J CLIFFORD

Seconded By: CR M WRIGHT

That Council receive the Community Services Monthly Report for July 2023.

#### MEETING DETAILS

The motion was Carried 6 / 0.

**CARRIED**

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### **13.4.1 - Infrastructure report EOFY 2023 & Q1 Forecast**

#### **PURPOSE**

The report is to provide Council with information regarding the operational performance for end of financial year 2023 and activity forecast for July – September 2023 in relation to services supplied by the Infrastructure teams: -

- Capital Delivery
- Roads & Drainage
- Parks & Gardens
- Disaster Recovery Funding Arrangements
- Disaster Management
- Whitsunday Water & Waste
- Foxdale Quarry

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

That Council receive the Infrastructure Services Report for Q4 2023 and July-September 2023 activity forecast.

#### **RESOLUTION OM2023/08/09.11**

Moved By: CR J COLLINS

Seconded By: CR J HALL (MAYOR)

That Council receive the Infrastructure Services Report for Q4 2023 and July-September 2023 activity forecast.

#### **MEETING DETAILS**

The motion was Carried 6 / 0.

**CARRIED**

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#### **PROCEDURAL MOTION - ADJOURNMENT OM2023/08/09.12**

Moved by: CR J HALL (MAYOR)

Seconded by: CR M WRIGHT

That the meeting be adjourned for the purpose of morning tea at 10.13am.

#### **MEETING DETAILS:**

The procedural motion was Carried 6 / 0

**CARRIED**

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## **PROCEDURAL MOTION - RECONVENE OM2023/08/09.13**

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

**Seconded by: CR M WRIGHT**

**That the meeting be reconvened from morning tea at 10.34am.**

### **MEETING DETAILS:**

The procedural motion was Carried 6 / 0

**CARRIED**

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## **13.4.2 - RATS of Tobruk Memorial**

### **PURPOSE**

This report is seeking approval to place a Rats of Tobruk memorial including a rose garden at Mullers Lagoon, Bowen.

### **OFFICER'S RECOMMENDATION**

That Council

- 1) Approve the requests from the North Queensland District RSL, Bowen RSL and Bowen descendants of the soldiers for a memorial and rose garden at Mullers Lagoon, Bowen as these requests meet the criteria of the Memorials in Councils Park, Gardens, Open Spaces and Road Reserve Policy and;
- 2) Incorporate the Rats of Tobruk memorial into the Mullers Lagoon Master Plan currently under development.

### **RESOLUTION OM2023/08/09.14**

**Moved By: CR M WRIGHT**

**Seconded By: CR J CLIFFORD**

**That Council:**

- 1) Approve the requests from the North Queensland District RSL, Bowen RSL and Bowen descendants of the soldiers for a memorial and rose garden at Mullers Lagoon, Bowen as these requests meet the criteria of the Memorials in Councils Park, Gardens, Open Spaces and Road Reserve Policy and;
- 2) Incorporate the Rats of Tobruk memorial into the Mullers Lagoon Master Plan currently under development.

### **MEETING DETAILS**

The motion was Carried 6 / 0.

**CARRIED**

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## 14 MATTERS OF IMPORTANCE

### RESOLUTION OM2023/08/09.15

Moved By: CR J CLIFFORD

Seconded By: CR C BAUMAN

That a report be brought back to Council regarding additional CCTV being provided for the foreshore area specifically around the playground and screen.

### MEETING DETAILS

*Cr Clifford withdrew the motion with the permission from the seconder.*

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## 15 LATE REPORT ITEMS

There were no late items for this meeting.

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## 16 CONFIDENTIAL MATTERS

### PROCEDURAL MOTION - CLOSURE OF MEETING (CONFIDENTIAL SESSION) OM2023/08/09.16

Moved by: CR J HALL (MAYOR)

Seconded by: CR C BAUMAN

That Council close the meeting to the public at 10.43am in accordance with Section 254J of the Local Government Regulations 2012 for closed meetings, for the purpose of discussing the following items and the reasons for going into closed session:

#### 16.1.1 - Disposal of Land - Bowen Community Centre

- *(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 OM2023/08/09.17

Moved by: CR J HALL (MAYOR)

Seconded by: CR J CLIFFORD

That Council reopen the meeting to the general public at 10.46am

### MEETING DETAILS:

The motion was Carried 6 / 0

CARRIED

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16.1 Corporate Services

### 16.1.1 - Disposal of Land - Bowen Community Centre

#### 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.***

#### **PURPOSE**

Present to Council a report following the receipt of an amended request for the donation of land located at Lot 5 King Street Bowen from the Bowen Community Centre.

#### **RECOMMENDATION**

That Council provide in-principle support for the Chief Executive Officer to negotiate the donation of land in accordance with Section 236 (1)(a)(i) and Section 236 (1)(b)(ii) of the Local Government Regulation 2012 to the Bowen Community Centre for Lot 5 King Street, Bowen (Lot 5 on RP712941) for the purpose of building housing for front line workers and professionals on the following conditions:

- a. The Bowen Community Centre has the funds available through either a grant funding opportunity or through funding from a financial institution;
- b. The use of the land is for key workers accommodation in the health and allied health industries;
- c. That the project's in-principle support shall expire two (2) years after the date of the Council resolution (09/08/2025);

- d. All relevant planning and development permits and approvals are obtained.
- e. That should the Bowen Community Centre seek to dispose of the land, that the proceeds of sale of the land (land component) be returned to the Council.

#### **RESOLUTION OM2023/08/09.18**

**Moved By: CR M WRIGHT**

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

**That Council provide in-principle support for the Chief Executive Officer to negotiate the donation of land in accordance with Section 236 (1)(a)(i) and Section 236 (1)(b)(ii) of the Local Government Regulation 2012 to the Bowen Community Centre for Lot 5 King Street, Bowen (Lot 5 on RP712941) for the purpose of building housing for front line workers and professionals on the following conditions:**

- a. The Bowen Community Centre has the funds available through either a grant funding opportunity or through funding from a financial institution;**
- b. The use of the land is for key workers accommodation in the health and allied health industries;**
- c. That the project's in-principle support shall expire two (2) years after the date of the Council resolution (09/08/2025);**
- d. All relevant planning and development permits and approvals are obtained.**
- e. That should the Bowen Community Centre seek to dispose of the land, that the proceeds of sale of the land (land component) be returned to the Council.**

#### **MEETING DETAILS**

The motion was Carried 6 / 0.

**CARRIED**

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The Meeting closed at 10.47am

Confirmed as a true and correct recording this 23 August 2023

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**Cr Julie Hall  
MAYOR**