



Minutes of the Ordinary Council Meeting held on Tuesday 5 March 2024 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), Gary Simpson (Deputy Mayor), Jan Clifford, Clay Bauman, John Collins, Michelle Wright, and Michael Brunner

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); Gary Murphy (Director Infrastructure Services); Craig Turner (Director Commercial Businesses); Greg Martin (Communications and Marketing Manager); James Ngoroyemoto (Manager Governance and Administration); Madeleine Bailey (Councillor Support Officer/Minute Taker)

The meeting commenced at 10:00am

The meeting closed at 12:17pm

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1 APOLOGIES/LEAVE OF ABSENCE

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

2 CONDOLENCES

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

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 28 February 2024 provided for Councils review and confirmation.

OFFICER'S RECOMMENDATION

That Council confirms the Minutes of the Ordinary Meeting held on 28 February 2024.

RESOLUTION OM2024/03/03.1

Moved By: CR J HALL (MAYOR)

Seconded By: CR G SIMPSON

That Council confirms the Minutes of the Ordinary Meeting held on 28 February 2024.

Mayor Hall in moving the recommendation would like the following noted for the Minutes of the 28 February 2024 Ordinary Council Meeting.

Mayor Hall acknowledged that she should have declared a conflict of interest at the meeting given a submitter to the application number 20231280 – was a donor to her previous mayoral campaign and this would have given rise to a prescribed conflict of interest. The submitter had no bearing on the decision making by the Mayor for that application because the submitter's name was not shown in the meeting report and the Mayor was not aware of the submitter at this time the decision was made. The Mayor did not vote in favour of the donor's submission. The request was made to include this statement into these minutes for completeness.

Further, the Chief Executive Officer was requested to provide a list of all submitters and tenderers in the future to assist councillors to identify any potential conflicts.

MEETING DETAILS

The motion was Carried 7 / 0.

CARRIED

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#### **4 BUSINESS ARISING**

There were no business arising matters 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

There were no public questions submitted during this meeting.

Mayor Hall noted that a response to the public questions raised by Mr Rogin Taylor at the 28 February 2024 meeting had not been provided yet due to the proximity of the February and March meetings. A response will be provided to Mr Taylor and included in the next Council Meeting Agenda.

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**10.1 - Audit & Risk Committee Meeting Minutes - 20 February 2024****OFFICER'S RECOMMENDATION**

That Council endorse the Unconfirmed Minutes of the Audit & Risk Committee Meeting held on 20 February 2024.

**RESOLUTION OM2024/03/05.2**

Moved By: CR J CLIFFORD

Seconded By: CR M WRIGHT

That Council endorse the Unconfirmed Minutes of the Audit & Risk Committee Meeting held on 20 February 2024.

**MEETING DETAILS**

The motion was Carried 7 / 0.

**CARRIED**

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11.1 - 20231266 - Development Application for Development Permit for Operational Works - Advertising Device being Freestanding Sign (In the form of a Billboard) x2 - 82 Shute Harbour Road, Cannonvale - Northerlies Beach Bar & Grill

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 Signs – Billboard x2), made by Northerlies Beach Bar & Grill on 82 Shute Harbour Road and located at Lot 1 on RP737339, for the following reasons:

1. The proposal does not comply with the overall outcome (b), (d) and (g) of the Advertising Device Code as third-party advertising is not consistent with the amenity of the area, the signage adds to visual clutter and is not in response to a legitimate need.
2. The proposal does not comply with PO1 parts (a) and (d)(iv)(v)(vi) and PO8 of the Advertising Devices Code as it is not in keeping with the visual character of the area.
3. The proposal does not comply with the PO5 of the Advertising Devices Code as the structures have not been constructed to the required standards.

RESOLUTION OM2024/03/05.3

Moved By: CR G SIMPSON

Seconded By: CR C BAUMAN

That Council refuse the Development Application for Development Permit for Operational Works for Advertising Device (Freestanding Signs – Billboard x2), made by Northerlies Beach Bar & Grill on 82 Shute Harbour Road and located at Lot 1 on RP737339, for the following reasons:

1. The proposal does not comply with the overall outcome (b), (d) and (g) of the Advertising Device Code as third-party advertising is not consistent with the amenity of the area, the signage adds to visual clutter and is not in response to a legitimate need.
2. The proposal does not comply with PO1 parts (a) and (d)(iv)(v)(vi) and PO8 of the Advertising Devices Code as it is not in keeping with the visual character of the area.
3. The proposal does not comply with the PO5 of the Advertising Devices Code as the structures have not been constructed to the required standards.

MEETING DETAILS

The motion was Carried 6 / 1.

CARRIED

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**11.2 - 20220476 - Request for Negotiated Decision Notice - Material Change of Use - Outdoor Sport & Recreation (Archery & Multi-Sports Court) - 22RP736798 - Heatherwood Court Pty Ltd As TTE C/- Wynne Planning & Development**

**PURPOSE**

To present the assessment of a request to negotiate the conditions imposed on a development application.

**OFFICER'S RECOMMENDATION**

That Council approve the request for a Negotiated Decision Notice for the Development Application for Material Change of Use - Outdoor Sport & Recreation (Archery & Multi-Sports Court), made by Heatherwood Court Pty Ltd As TTE C/- Wynne Planning & Development, on L: 22 RP: 736798 and located at Lot 22 Jasinique Drive Flametree, subject to the conditions outlined in **Attachment 1**.

**RESOLUTION OM2024/03/05.4**

**Moved By: CR G SIMPSON**

**Seconded By: CR C BAUMAN**

That Council approve the request for a Negotiated Decision Notice for the Development Application for Material Change of Use - Outdoor Sport & Recreation (Archery & Multi-Sports Court), made by Heatherwood Court Pty Ltd As TTE C/- Wynne Planning & Development, on L: 22 RP: 736798 and located at Lot 22 Jasinique Drive Flametree, subject to the conditions outlined in Attachment 1.

**MEETING DETAILS**

The motion was Carried 6 / 1.

**CARRIED**

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11.3 - 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 23 February 2024.

RESOLUTION OM2024/03/05.5

Moved By: CR J CLIFFORD

Seconded By: CR C BAUMAN

That Council receive the Financial Report, Capital Expenditure Report and the Unaudited Financial Statements 2023/24 for the period ended 23 February 2024.

MEETING DETAILS

The motion was Carried 7 / 0.

CARRIED

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**PROCEDURAL MOTION - CLOSURE OF MEETING (CONFIDENTIAL SESSION)  
OM2024/03/05.6**

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

**Seconded by:**    **CR J CLIFFORD**

**That Council close the meeting to the public at 10:51am 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      Request to Write Off Waste Related Charges - Assessment 1201762**

**– (d) *rating concessions.***

**12.2      Bad Debt Write Off - General Debtor 35040.01 and 33500.01    12.2 - Bad Debt Write Off - General Debtor 35040.01 and 33500.01**

**– (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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PROCEDURAL MOTION - REOPEN MEETING OM2024/03/07.

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

Seconded by: **CR J CLIFFORD**

That Council reopen the meeting to the general public at 11:12am.

MEETING DETAILS:

The motion was Carried 7 / 0

CARRIED

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**CONFIDENTIAL**

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

- (1) *A local government may resolve that all or part of a meeting of the local government be closed to the public.*
- (3) *However, a local government or a committee of a local government may make a resolution about a local government meeting under subsection (1) or (2) only if its councillors or members consider it necessary to close the meeting to discuss one or more of the following matters—*
  - *(d) rating concessions.*

**RESOLUTION OM2024/03/05.8**

**Moved By: CR G SIMPSON**

**Seconded By: CR J COLLINS**

**That Council**

- 1. Write off garbage charges levied for the period from 2008 to 2016 for Assessment 1201762 totalling \$9,665.88.**
- 2. Write off the interest charges associated with the garbage charges that were levied on Assessment 1201762 for the same period due to the owner accruing interest on invalid charges totalling \$8,431.78.**

**MEETING DETAILS**

The motion was Carried 5 / 2.

**CARRIED**

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12.2 - Bad Debt Write Off - General Debtor 35040.01 and 33500.01

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 OM2024/03/05.9

Moved By: CR M BRUNKER

Seconded By: CR J CLIFFORD

That Council resolve to write-off the remaining outstanding unrecoverable debt from insolvent entities for:

- 1. Sundry Debtor 35040.01 totalling \$184,918.61; and**
- 2. Sundry Debtor 33500.01 totalling \$92,506.93; 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

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## 13 MATTERS OF IMPORTANCE

### RESOLUTION OM2024/03/05.10

Moved By: CR J COLLINS

Seconded By: CR J CLIFFORD

At this point in the meeting, the Manager of Natural Resource Management and Climate – Scott Hardy presented a verbal report on Flying Fox management and was tabled for consideration by Council in the next term.

### MEETING DETAILS

The motion was Carried 6 / 1.

**CARRIED**

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Cr Bauman raised the following matter of importance.

- To seek clarification in the rates process timing and discounts. Director Corporate Services advised each case would be assessed individually and there is no general response for all ratepayers and referred Cr Bauman to raise the individual rate matters with the Rates operational team for individual assessment.

Mayor Hall made a closing speech to finish the term, highlighting achievements, highlights and missed opportunities, and thanked the community, Councillors and staff for their commitment and support during her term as Mayor.

Mayor Hall invited all the Councillor's to make a speech, and all Councillors gave a speech in the following order:

- Cr Brunker
- Cr Wright
- Cr Collins
- Cr Clifford
- Cr Simpson
- Cr Bauman

The Meeting closed at 12:17pm.

To be confirmed as a true and correct recording by the
Council 2024 - 2028 at the 24 April 2024 Ordinary Council
Meeting.

Cr Julie Hall

MAYOR