



# **Minutes of the Ordinary Council Meeting held on Wednesday 13 April 2022 at Proserpine Council Chambers, 83-85 Main Street, Proserpine**

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

Whitsunday Regional Council  
**Minutes of the Ordinary Council Meeting** held at  
**Council Chambers, 83-85 Main Street, Proserpine** on  
**Wednesday 13 April 2022** commencing at **9:00 AM**

**Councillors Present:**

Michael Brunker (Deputy Mayor/Chair), Jan Clifford, Al Grundy, John Collins, Michelle Wright and Gary Simpson (via teleconference)

*Council note the chairperson has allowed Cr Simpson to attend the meeting by teleconference due to his requirement to isolate under the QLD Government public health directive – ‘Isolation of Diagnosed cases of COVID-19 and Management of Close Contacts directives (no. 6).’*

**Council Officers Present:**

Rod Ferguson (Chief Executive Officer); Julie Wright (Director Community Services); Neil McGaffin (Director Development Services); Jason Bradshaw (Director Corporate Services); Adam Hagy (Director Infrastructure Services); Greg Martin (Communications and Marketing Manager); Tailah Jensen (Governance Administration Officer/Minute Taker)

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

Craig Turner (Chief Operating Officer – Aviation and Tourism); James Ngoroyemoto (Manager, Governance and Administration); Troy Pettiford (Chief Operating Officer Whitsunday Water); Shaun Cawood; Peter Shuttlewood (Executive Manager Procurement, Property & Fleet); Darren Raeck (Principal Engineer - Water and Waste); David De Jager (Manager Waste & Recycling Services)

**Apologies:**

Andrew Willcox (Mayor)

**Meeting Schedule:**

The meeting commenced at 9.00am

The meeting adjourned for morning tea at 10.02am

The meeting reconvened from morning tea at 10.23am

The meeting closed at 11.55am

Whitsunday Regional Council  
**Minutes of the Ordinary Council Meeting held at  
Council Chambers, 83-85 Main Street, Proserpine on  
Wednesday 13 April 2022 commencing at 9:00 AM**

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## 1 APOLOGIES/LEAVE OF ABSENCE

### RESOLUTION OM2022/04/13.1

Moved By: CR J CLIFFORD

Seconded By: CR M WRIGHT

That Council acknowledges Mayor Willcox is taking leave as of 2pm 11 April 2022 and grants leave of absence for the following Ordinary Council Meetings:

- 13 April 2022
- 27 April 2022
- 11 May 2022

### MEETING DETAILS

The motion was Carried 6 / 0.

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 OM2022/04/13.2

Moved By: CR J CLIFFORD

Seconded By: CR A GRUNDY

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

### MEETING DETAILS

The motion was Carried 6 / 0.

CARRIED

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### 3 DECLARATIONS OF INTEREST

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

No Mayoral update for this meeting.

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### 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 23 March 2022 are provided for Councils review and confirmation.

##### OFFICER'S RECOMMENDATION

That Council confirms the Minutes of the Ordinary Meeting held on 23 March 2022.

##### RESOLUTION OM2022/04/13.3

Moved By: CR J CLIFFORD

Seconded By: CR J COLLINS

That Council confirms the Minutes of the Ordinary Meeting held on 23 March 2022.

##### MEETING DETAILS

The motion was Carried 6 / 0.

**CARRIED**

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### 7 BUSINESS ARISING

There were no business arising matters for this meeting.

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**8 DEPUTATIONS**

There were no deputations for this meeting.

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**9 PETITIONS**

There were no petitions submitted for this meeting.

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### 10.1 - Notice of Motion - Deputy Mayor

#### PURPOSE

This report presents a notice of motion submitted by Councillor Wright for the meeting to be held 13 April 2022, for consideration by Council.

#### COUNCILLORS RECOMMENDATION

That pursuant to section 175 of the Local Government Act 2009 and noting that Mayor Cr Andrew Willcox will be taking leave from his role for a period of time, Council agrees to:

- a) amend Resolution 2020/04/22.03 of 22 April 2020 by removing the concept of rotating the role of Deputy Mayor;
- b) repeal paragraph 3 of Resolution 2021/04/14.03 of 14 April 2021;\_and
- c) introduce a system of appointing a Councillor to the Deputy Mayor's role for a term of 12 months; and
- d) at the conclusion of each 12-month term the Council will resolve to appoint one of any of the current Councillors (including the Councillor currently serving as Deputy Mayor) to the role of Deputy Mayor for the following 12 months; and
- e) extend Cr Michael Brunker's term as Deputy Mayor past the 14 April 2022 until such time as either Mayor Willcox returns to the role of Mayor, or another person takes the Oath of Office for the Office of Mayor; and
- f) at the next ordinary meeting of Council after the time identified in paragraph (e), review and appoint one of any of the current Councillors to the role of Deputy Mayor for the following 12 months.

#### RESOLUTION OM2022/04/13.4

Moved By: CR M WRIGHT

Seconded By: CR J COLLINS

That pursuant to section 175 of the Local Government Act 2009 and noting that Mayor Cr Andrew Willcox will be taking leave from his role for a period of time, Council agrees to:

- a) amend Resolution 2020/04/22.03 of 22 April 2020 by removing the concept of rotating the role of Deputy Mayor;
- b) repeal paragraph 3 of Resolution 2021/04/14.03 of 14 April 2021;\_and
- c) introduce a system of appointing a Councillor to the Deputy Mayor's role for a term of 12 months; and
- d) at the conclusion of each 12-month term the Council will resolve to appoint one of any of the current Councillors (including the Councillor currently serving as Deputy Mayor) to the role of Deputy Mayor for the following 12 months; and
- e) extend Cr Michael Brunker's term as Deputy Mayor past the 14 April 2022 until such time as either Mayor Willcox returns to the role of Mayor, or another person takes the Oath of Office for the Office of Mayor; and



- f) at the next ordinary meeting of Council after the time identified in paragraph (e), review and appoint one of any of the current Councillors to the role of Deputy Mayor for the following 12 months.

**MEETING DETAILS**

The motion was Carried 4 / 3.

Noting that the chairperson used the casting vote.

Cr Clifford and Cr Grundy voted against the motion.

**CARRIED**

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**11 QUESTIONS ON NOTICE**

There were no questions taken on notice for this meeting.

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*The Chief Executive Officer read out the public question time statement prior to 3 guest speakers presented.*

**QUESTION ONE**

**Name:** Faye Chapman - representing Save Our Foreshore

**Question:**

To the CEO  
Whitsunday Regional Council  
General Meeting – 13 April 2022

Email: [info@whitsundayrc.qld.gov.au](mailto:info@whitsundayrc.qld.gov.au)

**Question from Public Gallery:**  
**Whitsunday Regional Council - General Meeting – 13 April 2022**

Last year Save Our Foreshore Inc. lodged an administrative action review to complain about a particular decision made by Whitsunday Regional Councils Dept of Planning.

Instead of acting on this serious and documented complaint, Council decided that Save our Foreshore Inc. was not "directly affected" and dismissed our request for a review.

How could this be?

This council, both as a Shire and Regional council, has, from 2004 to the present day, publicly recognised Save Our Foreshore Inc as the foremost organisation representing community concerns to maintaining that foreshore public land stays in public lands.

After nearly 18 years of communication and consultation between Whitsunday Council and Save Our Foreshore Inc, that this council could dismiss Save Our Foreshore's complaint on the grounds they were not "directly affected" is an insult to our community and an incredible and questionable decision.

**QUESTION:** Please clarify and explain the grounds which council used to justify their decision to dismiss Save Our Foreshore Inc as not "directly affected" and refuse to act on the complaint made on behalf of our members and supporters.



Faye Chapman  
Secretary/Treasurer  
SAVE OUR FORESHORE INC

## QUESTION TWO

**Name:** Clay Bauman

### Question:

Dear Mr Mayor and Councillors,

I was happy to see that most of you voted against the Shute Harbour house, I'm sad to say many similar encroachments have been approved by planning, when not required to come before you.

With the Shute house, most of you voted as a neighbour would, to keep new development reasonable and respectful of existing homes.

However, of great concern to me was one interpretation of our town plan included in that report. The Whitsunday Planning Scheme code that is meant to protect people's privacy says:

The location of buildings and structures does not adversely impact on the amenity and privacy of residents on adjoining lots.

Page 25 <https://www.whitsundayrc.qld.gov.au/downloads/file/544/part-9-development-codes>

The report given to you said:

"The performance measure relates to the internal privacy of the neighbour".

Page 224 <https://www.whitsundayrc.qld.gov.au/downloads/file/1194/23-march-2022-ordinary-council-meeting-agenda>

I will summarise to try and make that clearer. The performance outcome says "privacy of residents on adjoining lots". The planning department says that only counts when they are indoors.

I am at a loss as to how paid public servants, planning professionals, can claim Whitsunday residents have no right to privacy in their own backyard.

If a huge concrete box being built just metres away, with windows towering over an existing ratepayer's swimming pool, is claimed to meet our town plan, as your department has said. I feel there is an inherent problem with the rules or those who are interpreting them.

So, my question for today is: Does the Whitsunday Regional Council officially claim that its ratepayers and residents have no right to privacy and amenity in their own backyard under performance outcome 2 of the Dwelling House Code?

I look forward to your response,

Clay Bauman

### QUESTION THREE

**Name:** Jonathan Peter

**Question:**

Dear Mayor and Councillors,

On March 21<sup>st</sup> I emailed submissions to the Council over the dates and processes involved in granting infrastructure discounts to the Port of Airlie.

I included an Application for an Administrative Action Review to facilitate your investigation into my concerns.

According to your own form I was supposed to get an acknowledgement with-in 5 working days. Here we are 3 weeks later and I have had NO REPLY.

From the documents I submitted, it appears that the Council has granted POA excessive discounts ( and continues to do so), which are not in accordance with the dates and rules, and as a result the Council is shifting these costs to me, and all the ratepayers. With it being almost a year to the day since town planning rated last of the 34 categories in your Customer Satisfaction Survey, the number of issues and errors that are coming to light from the Planning Department's decision making procedures and processes still seem to be creating real anger in the community.

If your own governance department cannot see to it that the proper methods and dates are followed, how are we to have any trust in the decisions of the lowly rated Planning Department and that anyone is fixing their mistakes.

Your survey said improving town planning should be a priority for Council, it certainly appears whatever you have done in the past year has failed, so can you please tell me what you will be doing to fix this department in the future?

Regards,  
Jonathan Peter

***The Chief Executive Officer advised that a response will be provided to the customers in the short term and included in the next available Ordinary Council Meeting agenda under the business arising section.***

## **13 OFFICERS REPORTS**

### **13.1 Office of the Mayor and CEO**

#### **13.1.1 - Aviation and Tourism Quarterly Business Report**

##### **PURPOSE**

The following report details the results of the December 2021 Quarter for the Aviation and Tourism Portfolio.

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

That Council receive the Quarterly Business Activity Report for Aviation and Tourism for the second quarter from October to December 2021.

##### **RESOLUTION OM2022/04/13.5**

**Moved By: CR J CLIFFORD**

**Seconded By: CR A GRUNDY**

**That Council receive the Quarterly Business Activity Report for Aviation and Tourism for the second quarter from October to December 2021.**

##### **MEETING DETAILS**

The motion was Carried 6 / 0.

**CARRIED**

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## 13.1.2 - Funding Opportunity: Resources Community Infrastructure Fund R2

### PURPOSE

This report provides advice on the Resources Community Infrastructure Fund (RCIF) Round 2 and seeks to attain resolution to submit projects proposed.

### OFFICER'S RECOMMENDATION

That Council resolve to:

1. Support the below projects for submission to the Resources Community Infrastructure Fund Round 2:
  - a) Collinsville Football Club Refit and LED Lighting \$370,000
  - b) Bowen Seagulls Club Grandstand \$180,000
  - c) Collinsville Airport Runway Lighting and Seal ~\$2,000,000
  - d) Collinsville Library Upgrades \$300,000
2. Support the proposed Council co-contribution, should the Collinsville Airport Runway Lighting and Seal project application be successful, for \$225,000 from the 2022-2023 Capital budget.

### RESOLUTION OM2022/04/13.6

Moved By: CR M WRIGHT

Seconded By: CR A GRUNDY

That Council resolve to:

1. Support the below projects for submission to the Resources Community Infrastructure Fund Round 2:
  - a) Collinsville Football Club Refit and LED Lighting \$370,000
  - b) Bowen Seagulls Club Grandstand \$180,000
  - c) Collinsville Airport Runway Lighting and Seal ~\$2,000,000
  - d) Collinsville Library Upgrades \$300,000
2. Support the proposed Council co-contribution, should the Collinsville Airport Runway Lighting and Seal project application be successful, for \$225,000 from the 2022-2023 Capital budget.

### MEETING DETAILS

The motion was Carried 6 / 0.

CARRIED

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### 13.2.1 - Governance Framework

#### PURPOSE

To present the proposed Governance Framework to Council for adoption.

#### OFFICER'S RECOMMENDATION

That Council adopt the proposed Governance Framework.

#### RESOLUTION OM2022/04/13.7

Moved By: CR J CLIFFORD

Seconded By: CR G SIMPSON

That Council adopt the proposed Governance Framework.

#### MEETING DETAILS

The motion was Carried 6 / 0.

CARRIED

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### 13.2.2 - Policy Framework Review

#### PURPOSE

To review the Policy Framework prior to ensure the framework's relevance, authority and consistency to effectively govern the development, establishment, amendment and review of policies.

#### OFFICER'S RECOMMENDATION

That Council adopt the revised Policy Framework effective from the 1 May 2022.

#### RESOLUTION OM2022/04/13.8

Moved By: CR J CLIFFORD

Seconded By: CR G SIMPSON

That Council adopt the revised Policy Framework effective from the 1 May 2022.

#### MEETING DETAILS

The motion was Carried 6 / 0.

CARRIED

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### 13.2.3 - 500.2021.0144 Land Sales - Whitsunday Region

#### PURPOSE

To present to Council for consideration the Evaluation Panel's Recommendation to award the contracts for 500.2021.0144 Land Sales Whitsunday Region.

#### OFFICER'S RECOMMENDATION

That Council award the following contracts for 500.2021.0144 Land Sales Whitsunday Region:

- a) Bright Skies Psychology - 82-92 Santa Barbara Parade, Bowen – \$320,000 (ex. GST)
- b) BlueCHP - 27-29 Queens Road, Bowen – \$159,500 (ex. GST)
- c) BlueCHP - 31-33 Queens Road, Bowen – \$159,500 (ex. GST)
- d) Initiative Capital - 1 Industrial Road, Collinsville – \$52,500 (ex. GST)
- e) Hendriksen Developments - 42 Carlo Drive, Cannonvale – \$770,355 (ex. GST)

#### RESOLUTION OM2022/04/13.9

Moved By: CR M WRIGHT

Seconded By: CR J CLIFFORD

That Council award the following contracts for 500.2021.0144 Land Sales Whitsunday Region:

- a) **Bright Skies Psychology - 82-92 Santa Barbara Parade, Bowen – \$320,000 (ex. GST)**
- b) **BlueCHP - 27-29 Queens Road, Bowen – \$159,500 (ex. GST)**
- c) **BlueCHP - 31-33 Queens Road, Bowen – \$159,500 (ex. GST)**
- d) **Initiative Capital - 1 Industrial Road, Collinsville – \$52,500 (ex. GST)**
- e) **Hendriksen Developments - 42 Carlo Drive, Cannonvale – \$770,355 (ex. GST)**

#### MEETING DETAILS

The motion was Carried 6 / 0.

**CARRIED**

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## 13.2.4 - Appointment of Deputy Mayor

### PURPOSE

For Council to appoint a Deputy Mayor.

### OFFICER'S RECOMMENDATION

That Council:

1. Resolve to appoint Councillor xxxx as Deputy Mayor for a period of twelve months from 15 April 2022.
2. Confirm its intention to declare the office of Deputy Mayor vacant after each twelve-month period of the remaining Council term (to 2024), and appoint a Deputy Mayor, in accordance with Section 165 of the Local Government Act 2009.

### RESOLUTION OM2022/04/13.10

Moved By: CR J CLIFFORD

Seconded By: CR J COLLINS

That the item be withdrawn, noting item 10 previously dealt with.

### MEETING DETAILS

The motion was Carried 6 / 0.

**CARRIED**

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### PROCEDURAL MOTION - ADJOURNMENT OM2022/04/13.11

Moved by: CR J CLIFFORD

Seconded by: CR M WRIGHT

That the meeting be adjourned for the purpose of morning tea at 10.02am.

### MEETING DETAILS:

The procedural motion was Carried 6 / 0

**CARRIED**

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## PROCEDURAL MOTION - RECONVENE OM2022/04/13.12

Moved by: CR J CLIFFORD

Seconded by: CR J COLLINS

That the meeting be reconvened from morning tea at 10.23am.

### MEETING DETAILS:

The procedural motion was Carried 6 / 0

**CARRIED**

### 13.3 Development Services

#### **13.3.1 - 20191424 - Negotiated Decision Notice Request - Development Application for Preliminary Approval (Variation Request) for Material Change of Use - Lot 113 SP260211 - 26-32 Port Drive, Airlie Beach**

### PURPOSE

To present the assessment of the development application.

### OFFICER'S RECOMMENDATION

That Council resolve that in response to a request for a Negotiated Decision Notice for Preliminary Approval (Variation Request) for Material Change of Use - Multiple Dwelling/Short Term Accommodation/Food & Drink Outlet/Shop/Office/Health Care Service/Community Use, made by Meridien AB Pty Ltd (Receivers & Managers Appointed) & Meridien Airlie Beach Pty Ltd (Receivers & Managers Appointed), on L: 113 SP: 260211 T: & EMT E/SP260216 and located at 26-32 Port Drive, Airlie Beach:

1. Agree to amend condition 6.3 which will read as follows:

In addition to the short-term parking spaces provided within the porte cochere for passenger pick-up and drop-off, onsite car parking is provided within the basement at the following minimum rates:

Use	Minimum Rate
Multiple Dwelling Units/Short-Term Accommodation	
• One -Bedroom Units	1 space/unit
• Two-Bedroom Units	1.5 spaces/unit
• Three-Bedroom Units	2 spaces/unit
• Visitors	1 space/5 units
Business/Community Activity	1 space/15m <sup>2</sup> GFA

2. Agree to amend the Port Drive Apartment Development Code, as follows:

“Variation Approval means the material change of use preliminary approval that varies the effect of the planning scheme given under Council’s decision notice referenced 20191424 and dated 23 February 2022 (or as subsequently amended by Council).”

**RESOLUTION OM2022/04/13.13**

**Moved By: CR J CLIFFORD**

**Seconded By: CR M WRIGHT**

**That Council resolve that in response to a request for a Negotiated Decision Notice for Preliminary Approval (Variation Request) for Material Change of Use - Multiple Dwelling/Short Term Accommodation/Food & Drink Outlet/Shop/Office/Health Care Service/Community Use, made by Meridien AB Pty Ltd (Receivers & Managers Appointed) & Meridien Airlie Beach Pty Ltd (Receivers & Managers Appointed), on L: 113 SP: 260211 T: & EMT E/SP260216 and located at 26-32 Port Drive, Airlie Beach:**

- 1. Refuse the request for the amended carparking conditions.**
- 2. Agree to amend the Port Drive Apartment Development Code, as follows:**

**“Variation Approval means the material change of use preliminary approval that varies the effect of the planning scheme given under Council’s decision notice referenced 20191424 and dated 23 February 2022 (or as subsequently amended by Council).”**

Statement of Reasons for refusal:

1. Council considers that the carparking requirements as per the original submission are warranted.

**MEETING DETAILS**

The motion was Carried 5 / 1.

**CARRIED**

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## 13.3.2 - QBCC Request for Authority to Prosecute

### PURPOSE

To advise Council of the request from Queensland Building and Construction Commission (“QBCC”) to be granted authority to prosecute building owners.

### OFFICER’S RECOMMENDATION

That Council grant authority to the QBCC to prosecute building owners who have failed to comply with their obligations regarding combustible external cladding materials within the Whitsunday Region.

### RESOLUTION OM2022/04/13.14

Moved By: CR J COLLINS

Seconded By: CR J CLIFFORD

**That Council grant authority to the QBCC to prosecute building owners who have failed to comply with their obligations regarding combustible external cladding materials within the Whitsunday Region.**

### MEETING DETAILS

The motion was Carried 6 / 0.

**CARRIED**

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**13.3.3 - 20210931 - Development Application for Preliminary Approval (Building Works) & Material Change of Use (Dwelling House) 18-20 Satinwood Court Airlie Beach - 5SP157788**

**PURPOSE**

To present the assessment of the development application.

**OFFICER'S RECOMMENDATION**

That Council:

1. Approve the application for Preliminary Approval that is a Variation Request to the Whitsunday Regional Council Planning Scheme 2017 to vary the table of assessment for building works (Table 5.7.1) from Impact Assessable to Code Assessable where exceeding the maximum building height of 10m in the Low Density Residential Zone.
2. Approve the development application for Development Permit for Material Change of Use (Dwelling House), made by C M & E M Jensen, on Lot 5 SP157788 and located at 18-20 Satinwood Court Airlie Beach, subject to the conditions outlined in Attachment 1.

**RESOLUTION OM2022/04/13.15**

**Moved By: CR J COLLINS**

**Seconded By: CR G SIMPSON**

**That Council:**

1. **Approve the application for Preliminary Approval that is a Variation Request to the Whitsunday Regional Council Planning Scheme 2017 to vary the table of assessment for building works (Table 5.7.1) from Impact Assessable to Code Assessable where exceeding the maximum building height of 10m in the Low Density Residential Zone.**
2. **Approve the development application for Development Permit for Material Change of Use (Dwelling House), made by C M & E M Jensen, on Lot 5 SP157788 and located at 18-20 Satinwood Court Airlie Beach, subject to the conditions outlined in Attachment 1.**

**MEETING DETAILS**

The motion was Carried 4 / 2.

**CARRIED**

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**13.3.4 - 20210930 - Development Application for Preliminary Approval (Variation Request: Building Works Tables of Assessment), Material Change of Use for a Dwelling House and Material Change of Use for Short-term Accommodation**

**PURPOSE**

To present the assessment of the development application.

**OFFICER'S RECOMMENDATION**

That Council:

1. Approve the Development Application for Preliminary Approval (Variation Request: Building Works - Tables of Assessment, height of the building).
2. Approve the Development Application for Material Change of Use for a Dwelling House (front and side setback variations).
3. Approve the Development Application for Material Change of Use for Short-term Accommodation.

Made by Quattro Investment Properties Pty Ltd as TTE C/- Wynne Planning & Development Pty Ltd, on L: 6 SP: 157788 CTS: COV F/SP157787 and located at 22 Satinwood Court-Private AIRLIE BEACH, subject to the conditions outlined in Attachment 1.

**RESOLUTION OM2022/04/13.16**

**Moved By: CR J COLLINS**

**Seconded By: CR G SIMPSON**

That Council:

1. Approve the Development Application for Preliminary Approval (Variation Request: Building Works - Tables of Assessment, height of the building).
2. Approve the Development Application for Material Change of Use for a Dwelling House (front and side setback variations).
3. Approve the Development Application for Material Change of Use for Short-term Accommodation.

Made by Quattro Investment Properties Pty Ltd as TTE C/- Wynne Planning & Development Pty Ltd, on L: 6 SP: 157788 CTS: COV F/SP157787 and located at 22 Satinwood Court-Private AIRLIE BEACH, subject to the conditions outlined in Attachment 1.

**MEETING DETAILS**

The motion was Lost 0 / 6.

**LOST**

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*An alternate recommendation was moved by Cr Clifford.*

**RESOLUTION OM2022/04/13.17**

**Moved By: CR J CLIFFORD**

**Seconded By: CR M WRIGHT**

1. That Council approve the following parts of the Development Application made by Quattro Investment Properties Pty Ltd as TTE C/- Wynne Planning & Development Pty Ltd, on Lot 6 SP157788 CTS: COV F/SP157787 and located at 22 Satinwood Court:
  - A. Preliminary Approval (Variation Request: Building Works - Tables of Assessment), and
  - B. Material Change of Use for a Dwelling House (front and side setback variations) subject to the applicable conditions included in Attachment 1.
2. That Council refuse the Material Change of Use for Short-term Accommodation. In terms of section 254H(2) of the Local Government Regulation, 2012, and section 63(2)(f)(ii) of the Planning Act, 2016.

**Statement of Reasons for Refusal**

1. The proposed use is not compatible with the prevailing residential character and amenity outcomes of the Low-density residential zone code.
2. The gradient of the road and property access presents a safety risk to visitors.

**MEETING DETAILS**

The motion was Carried 6 / 0.

**CARRIED**

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**13.3.5 - 20211041 - Development Application for Reconfiguration of Lot - One (1) Lot into Four (4) Lots and Access Easement (Staged) - 227 Sugarloaf Road, Sugarloaf - Daniel Property Holdings Pty Ltd C/- Wynne Planning & Development Pty Ltd**

**PURPOSE**

To present the assessment of the development application.

**OFFICER'S RECOMMENDATION**

That Council refuse Development Application for Reconfiguration of Lot - One (1) Lot into Four (4) Lots and Access Easement (Staged), made by Daniel Property Holdings Pty Ltd C/- Wynne Planning & Development Pty Ltd, on L: 8 RP: 738971 and located at 227 Sugarloaf Road Sugarloaf.

The application has been assessed against the relevant provisions of the *Planning Act, 2016* and the *Whitsunday Regional Council Planning Scheme, 2017*.

The proposal is recommended for refusal due to the following inconsistencies with the Planning Scheme, which cannot be satisfactorily conditioned to comply:

- a) The proposal is not consistent with the State Planning Policy in respect of fragmentation of Agricultural Land Classification (ALC) Class A and Class B land;
- b) 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;
- c) The proposal conflicts with the Whitsunday Regional Council Planning Scheme 2017 and cannot be conditioned to comply. Specifically:
  - (i) 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;
  - (ii) The predicted demand and supply of rural residential land within the planning scheme area was modelled by the WRC Urban Growth Study and adequate land is zoned to accommodate predicted demand;
  - (iii) The proposal is not consistent with the Rural Zone code, which specifies a minimum lot size of 100 hectares;
  - (iv) The proposal is not consistent with the agricultural land overlay, which does not support fragmentation of land.

**RESOLUTION OM2022/04/13.18**

**Moved By: CR J CLIFFORD**

**Seconded By: CR G SIMPSON**

**That Council refuse Development Application for Reconfiguration of Lot - One (1) Lot into Four (4) Lots and Access Easement (Staged), made by Daniel Property Holdings Pty Ltd C/- Wynne Planning & Development Pty Ltd, on L: 8 RP: 738971 and located at 227 Sugarloaf Road Sugarloaf.**

**The application has been assessed against the relevant provisions of the *Planning Act, 2016* and the *Whitsunday Regional Council Planning Scheme, 2017*.**

**The proposal is recommended for refusal due to the following inconsistencies with the Planning Scheme, which cannot be satisfactorily conditioned to comply:**



- a) The proposal is not consistent with the State Planning Policy in respect of fragmentation of Agricultural Land Classification (ALC) Class A and Class B land;
- b) 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;
- c) The proposal conflicts with the Whitsunday Regional Council Planning Scheme 2017 and cannot be conditioned to comply. Specifically:
  - (i) 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;
  - (ii) The predicted demand and supply of rural residential land within the planning scheme area was modelled by the WRC Urban Growth Study and adequate land is zoned to accommodate predicted demand;
  - (iii) The proposal is not consistent with the Rural Zone code, which specifies a minimum lot size of 100 hectares;
  - (iv) The proposal is not consistent with the agricultural land overlay, which does not support fragmentation of land.

#### **PROCEDURAL MOTION - MATTER LIE ON THE TABLE**

**Moved by: CR A GRUNDY**

**Seconded by: CR M WRIGHT**

**That the item be tabled pending further information regarding road construction and stormwater drainage is adequate and not impeding on adjacent landowners.**

#### **MEETING DETAILS:**

The procedural motion was Carried 6 / 0

**CARRIED**

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### 13.3.6 - Development Services Monthly Report - March 2022

#### PURPOSE

This report presents information relating to the operations of the Development Services Directorate for the month of March 2022.

#### OFFICER'S RECOMMENDATION

That Council notes the Development Services Monthly Report for March 2022.

#### RESOLUTION OM2022/04/13.19

Moved By: CR J CLIFFORD

Seconded By: CR A GRUNDY

That Council notes the Development Services Monthly Report for March 2022.

#### MEETING DETAILS

The motion was Carried 6 / 0.

**CARRIED**

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### 13.4.1 - Donation on Council Fees - March 2022

#### PURPOSE

Council to consider providing financial support for Not-For-Profit organisations to enable their event and facilities to continue to be an invaluable recourse to our local communities.

#### OFFICER'S RECOMMENDATION

That Council approve the donation on Council fees for the following applicants:

1. Whitsunday Counselling and Support Inc. – Class 3 Event Application Fee - \$407
2. Whitsunday Counselling and Support Inc. – Class 3 Event Application Fee - \$407
3. Whitsunday Triathlon Club – Class 3 Event Application Fee - \$407
4. Whitsunday Regional Council – Class 3 Event Application Fee - \$407
5. Whitsunday Regional Council – Class 3 Event Application Fee - \$407
6. Variety – The Children's Charity – Class 3 Event Application Fee - \$407
7. Club Outrigger Whitsunday Inc. – Class 3 Event Application Fee - \$407
8. Airlie Beach Whitsunday RSL Sub-Branch – Class 3 Event Application Fee - \$407
9. Bowen RSL Sub-Branch – Class 3 Event Application Fee - \$407
10. Whitsunday Running Club – Class 2 Event Application Fee - \$677
11. Whitsunday Arts Festival Inc. – Class 2 Event Application Fee - \$677

#### RESOLUTION OM2022/04/13.20

Moved By: CR J CLIFFORD

Seconded By: CR A GRUNDY

That Council approve the donation on Council fees for the following applicants:

1. Whitsunday Counselling and Support Inc. – Class 3 Event Application Fee - \$407
2. Whitsunday Counselling and Support Inc. – Class 3 Event Application Fee - \$407
3. Whitsunday Triathlon Club – Class 3 Event Application Fee - \$407
4. Whitsunday Regional Council – Class 3 Event Application Fee - \$407
5. Whitsunday Regional Council – Class 3 Event Application Fee - \$407
6. Variety – The Children's Charity – Class 3 Event Application Fee - \$407
7. Club Outrigger Whitsunday Inc. – Class 3 Event Application Fee - \$407
8. Airlie Beach Whitsunday RSL Sub-Branch – Class 3 Event Application Fee - \$407
9. Bowen RSL Sub-Branch – Class 3 Event Application Fee - \$407
10. Whitsunday Running Club – Class 2 Event Application Fee - \$677
11. Whitsunday Arts Festival Inc. – Class 2 Event Application Fee - \$677

#### MEETING DETAILS

The motion was Carried 6 / 0.

**CARRIED**

## 13.4.2 - Financial Support for a Junior Elite Athlete - April 2022

### PURPOSE

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

### OFFICER'S RECOMMENDATION

That Council approve financial support of \$250 to Nelson Malady who represented North Queensland at the Queensland State Championships for Swimming, held in Brisbane on 21 March 2022.

### RESOLUTION OM2022/04/13.21

Moved By: CR J COLLINS

Seconded By: CR A GRUNDY

**That Council approve financial support of \$250 to Nelson Malady who represented North Queensland at the Queensland State Championships for Swimming, held in Brisbane on 21 March 2022.**

### MEETING DETAILS

The motion was Carried 6 / 0.

**CARRIED**

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### 13.4.3 - Sport & Recreation Clubs Grant - April 2022

#### PURPOSE

For Council to consider the payment of the Sport & Recreation Clubs Grant for April 2022 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. Molongle Creek Boat Club Inc. – Band 1 - \$5,500
2. Whitsunday United Football Club Inc. – Band 1 - \$5,500
3. Bowen Golf Club Inc. – Band 1 - \$5,500
4. Whitsunday Kyokushin Karate Proserpine – Band 3 - \$1,500
5. Whitsunday Basketball Inc. – Band 3 - \$1,500
6. Bowen Hockey Association Inc. – Band 3 - \$1,500
7. Whitsunday Old Iron Restorers Club Inc. – Band 4 - \$1,000
8. Bowen Bowls Club Inc. – Band 4 - \$1,000
9. Proserpine Girl Guides – Band 4 - \$1,000
10. Strings Whitsunday Inc. – Band 4 - \$1,000
11. Whitsunday Automotive & Restoration Club Inc. – Band 4 - \$1,000

#### RESOLUTION OM2022/04/13.22

Moved By: CR M WRIGHT

Seconded By: CR J CLIFFORD

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

1. Molongle Creek Boat Club Inc. – Band 1 - \$5,500
2. Whitsunday United Football Club Inc. – Band 1 - \$5,500
3. Bowen Golf Club Inc. – Band 1 - \$5,500
4. Whitsunday Kyokushin Karate Proserpine – Band 3 - \$1,500
5. Whitsunday Basketball Inc. – Band 3 - \$1,500
6. Bowen Hockey Association Inc. – Band 3 - \$1,500
7. Whitsunday Old Iron Restorers Club Inc. – Band 4 - \$1,000
8. Bowen Bowls Club Inc. – Band 4 - \$1,000
9. Proserpine Girl Guides – Band 4 - \$1,000
10. Strings Whitsunday Inc. – Band 4 - \$1,000
11. Whitsunday Automotive & Restoration Club Inc. – Band 4 - \$1,000

#### MEETING DETAILS

The motion was Carried 6 / 0.

CARRIED

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**13.4.4 - 500.2022.0005 Flagstaff Hill Cafe & Conference Centre - Commercial Opportunity Expression of Interest (EOI)**

**PURPOSE**

To present to Council for consideration the Evaluation Panel's recommendation as a result of the Expression of Interest process for the Flagstaff Hill Café & Conference Centre – Commercial Opportunity.

**OFFICER'S RECOMMENDATION**

That Council resolves to shortlist the following Respondents and Tenders be invited from that shortlist for the Flagstaff Hill Café and Conference Centre – Commercial Opportunity in accordance with Section 228 (7) Local Government Regulation 2012:

1. Starboard Café Pty Ltd; and
2. Tuan Vu Tran.

**RESOLUTION OM2022/04/13.23**

**Moved By: CR M WRIGHT**

**Seconded By: CR J CLIFFORD**

**That Council resolves to shortlist the following Respondents and Tenders be invited from that shortlist for the Flagstaff Hill Café and Conference Centre – Commercial Opportunity in accordance with Section 228 (7) Local Government Regulation 2012:**

- 1. Starboard Café Pty Ltd; and**
- 2. Tuan Vu Tran.**

**MEETING DETAILS**

The motion was Carried 6 / 0.

**CARRIED**

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## 13.4.5 - Community Services Monthly Report - March 2022

### 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 March 2022.

### OFFICER'S RECOMMENDATION

That Council receive the Community Services Monthly Report for March 2022.

### RESOLUTION OM2022/04/13.24

Moved By: CR J CLIFFORD

Seconded By: CR A GRUNDY

That Council receive the Community Services Monthly Report for March 2022.

### MEETING DETAILS

The motion was Carried 6 / 0.

**CARRIED**

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**13.5.1 - Trade Waste Policy and Environmental Management Plan Review**

**PURPOSE**

To update the Trade Waste Policy, Trade Waste Environmental Management Plan and associated Fees and Charges.

**OFFICER'S RECOMMENDATION**

That Council adopt the revised Trade Waste Policy and the Trade Waste Environmental Management Plan.

**RESOLUTION OM2022/04/13.25**

Moved By: CR A GRUNDY

Seconded By: CR J CLIFFORD

That Council adopt the revised Trade Waste Policy and the Trade Waste Environmental Management Plan.

**MEETING DETAILS**

The motion was Carried 6 / 0.

**CARRIED**

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## **13.5.2 - 500.2022.0001 Design and Construct of Sewage Treatment Plant at Lake Proserpine**

### **PURPOSE**

This report presents to Council for consideration the evaluation panel's recommendation to award Contract 500.2022.0001 Design and Construct of Sewage Treatment Plant at Lake Proserpine.

### **OFFICER'S RECOMMENDATION**

That Council award Contract 500.2022.0001 Design and Construct of Sewage Treatment Plant at Lake Proserpine to The Water Boffins Pty Ltd for the amount of \$264,405.00 (excluding GST).

### **RESOLUTION OM2022/04/13.26**

**Moved By: CR M WRIGHT**

**Seconded By: CR J COLLINS**

**That Council award Contract 500.2022.0001 Design and Construct of Sewage Treatment Plant at Lake Proserpine to The Water Boffins Pty Ltd for the amount of \$264,405.00 (excluding GST).**

### **MEETING DETAILS**

The motion was Carried 6 / 0.

**CARRIED**

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### 13.5.3 - 500.2022.0003 Provision of Waste Material Processing

#### PURPOSE

This report presents to Council for consideration the Evaluation Panel's Recommendation to award Contract 500.2022.0003 Provision of Waste Material Processing.

#### OFFICER'S RECOMMENDATION

That Council award Contract 500.2022.0003 Provision of Waste Material Processing to ARV Tree Recycling Pty Ltd for the estimated amount of \$1,089,510 (excluding GST) for the contract period of two (2) years, with an additional \$544,755 (excluding GST) for an additional twelve month extension at Council's discretion.

#### RESOLUTION OM2022/04/13.27

Moved By: CR J CLIFFORD

Seconded By: CR A GRUNDY

**That Council award Contract 500.2022.0003 Provision of Waste Material Processing to ARV Tree Recycling Pty Ltd for the estimated amount of \$1,089,510 (excluding GST) for the contract period of two (2) years, with an additional \$544,755 (excluding GST) for an additional twelve month extension at Council's discretion.**

#### MEETING DETAILS

The motion was Carried 6 / 0.

**CARRIED**

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## **13.5.4 - Expression of Interest - Cannonvale Sewerage Treatment Plant Membrane Replacement**

### **PURPOSE**

To amend the actions to invite Expressions of Interest (EOI) for the Cannonvale Sewerage Treatment Plant Membrane Replacement and to proceed directly to public tender due the urgency required to replace assets that are approaching the end of their useful life.

### **OFFICER'S RECOMMENDATION**

That Council proceed to invite public tenders for the Design and Installation of the Membrane Replacement for the Cannonvale Sewerage Treatment Plant.

### **RESOLUTION OM2022/04/13.28**

Moved By: CR J CLIFFORD

Seconded By: CR M WRIGHT

**That Council proceed to invite public tenders for the Design and Installation of the Membrane Replacement for the Cannonvale Sewerage Treatment Plant.**

### **MEETING DETAILS**

The motion was Carried 6 / 0.

**CARRIED**

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**14 MATTERS OF IMPORTANCE**

**RESOLUTION OM2022/04/13.29**

**Moved By: CR M BRUNKER**

**Seconded By: CR J CLIFFORD**

**That Council advises the Commonwealth Government of its support for the James Cook University bid for an increased allocation of 80 Commonwealth Supported Places for the James Cook University Medical School to be shared between the Cairns and Mackay campuses.**

**MEETING DETAILS**

The motion was Carried 6 / 0.

**CARRIED**

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**RESOLUTION OM2022/04/13.30**

**Moved By: CR M WRIGHT**

**Seconded By: CR A GRUNDY**

**That Council invite the Minister for Transport and Main Roads to visit the Whitsunday region to meet with Council to discuss a range of current issues including Bowen Boat Harbour, Transport and Main Roads projects and maintenance issues in the area and other matters of concern.**

**MEETING DETAILS**

The motion was Carried 6 / 0.

**CARRIED**

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**15 LATE REPORT ITEMS**

No late report items for this meeting.

The Meeting closed at 11.55am.

Confirmed as a true and correct recording this 27 April 2022.

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**Cr Michael Brunker  
DEPUTY MAYOR**