



Minutes of the Ordinary Meeting held on 9 July 2015



Council's Guiding Principles:

- To act in the best interests of the whole community
- To manage the Shire's finances prudently and effectively
- To provide for the community quality services on a day to day basis
- To initiate sustainable capital works programs to enhance the local economy
- To provide excellent customer service for both citizens and visitors
- To support Council's workforce with appropriate training and safe working practices
- To act in the best interests of the natural environment at all times



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**Minutes of the Ordinary Meeting held at
Bowen Council Chambers, 67 Herbert Street, Bowen
on 9 July, 2015 commencing at 9:00am**

Councillors Present:

J Whitney; J Atkinson; D Clark; J Clifford; J Collins and A Willcox

Council Officers Present:

S Waters (Chief Executive Officer); K McLoughlin (Chief Operating Officer); M McGoldrick (Chief Financial Officer); G Jarvis (Director Corporate Services); D Staley (Director Planning and Community); A McGregor (Executive Manager Water and Sewerage); A West (Acting Communications Officer); M Douglas (Administration Officer)

Other Details:

The meeting commenced at 9.02am

The meeting closed at 10.40am

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Bowen Council Chambers, 67 Herbert Street, Bowen
on 9 July, 2015 commencing at 9:00am**

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- 1. Apologies
- 1.1 2015/07/09.01 APOLOGIES

Moved by: J CLIFFORD
 Seconded by: A WILLCOX

That Council receive the apology from Cr Peter Ramage for his non-attendance at the meeting.

MEETING DETAILS:
 The motion was Carried 6/0

CARRIED

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- 2. Condolences
- 2.1 2015/07/09.02 CONDOLENCES

Moved by: J CLIFFORD  
 Seconded by: J ATKINSON

That Council observe one (1) minutes silence for the recently deceased.

MEETING DETAILS:  
 The motion was Carried 6/0

CARRIED

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3.2 Mayoral Update

MAYOR'S ATTENDANCE - 24 JUNE TO 8 JULY 2015	
Wed 24/06/15	Mayor Whitney and all Councillors attended the Council Meeting in Bowen
	Mayor Whitney and all Councillors attended a meeting to discuss Wingate Properties Nth Qld Bursary Nominations
	Mayor Whitney and the CEO attended a meeting with staff to discuss Beacons Beach Water Park
Thurs 25/06/15	Mayor Whitney, Cr Clifford and the CEO attended the 'Welcome to Jetstar Inaugural Flight - Melbourne to Whitsunday Coast Airport'
	Mayor Whitney and Cr Atkinson attended the Fleet Meeting
Fri 26/06/15	Mayor Whitney and the CEO attended the meeting with Government Departments in Brisbane
	Cr Clark and Cr Willcox attended the Bowen Lions Club 50th Annual Changeover Dinner
Sat 27/06/15	Mayor Whitney attended the Airlie Beach Rotary Changeover Dinner
	Cr Willcox attended the Proserpine Lions Changeover Dinner on behalf of Mayor Whitney
Sun 28/06/15	Mayor Whitney, Cr Atkinson and Cr Clifford attended the Whitsunday Lions 44th Changeover Dinner
Mon	Mayor Whitney, Cr Atkinson and Cr Clifford attended the Whisper Bay Breakwater & Boat

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29/06/15	Ramps Meeting
Tues 30/06/15	Mayor Whitney, Cr Clifford, Cr Collins, Cr Willcox and the CEO attended the Meet & Greet - Qld State of Origin Team at Whitsunday Coast Airport
	Mayor Whitney, Cr Atkinson, Cr Clifford, Cr Collins and the CEO attended the luncheon with Qld State of Origin Team held at Proserpine Entertainment Centre
Wed 01/07/15	Mayor Whitney, Cr Atkinson, Cr Clark, Cr Clifford, Cr Ramage and Cr Willcox attended the Corporate & Engineering Briefing Session
Thurs 02/07/15	Mayor Whitney attended a meeting with representatives from Kyburra Munda Yalga - Aboriginal Corporation RNTPBC
Fri 03/07/15	Mayor Whitney and Cr Clark attended the Whitsunday River Trust Meeting
	Mayor Whitney and the CEO attended a meeting with representatives from Qld Govt Trade & Investment Office China and Dept. of Tourism, Major Events, Small Business & Commonwealth Games
	Mayor Whitney attended the Proserpine Rotary Club Changeover Dinner
Sat 02/07/15	Cr Clifford and Cr Willcox attended the Bowen Rotary Club Changeover Dinner
Sun 05/07/15	Mayor Whitney attended the Opening & Welcome Ceremonies - 10th Asia Pacific Cities Summit & Mayor's Forum Business & Leadership
Mon 06/07/15	Mayor Whitney attended the 10th Asia Pacific Cities Summit & Mayor's Forum Business & Leadership
	Cr Clifford attended the NAIDOC Week - Flag Raising Ceremony
Tues 07/07/15	Mayor Whitney attended the 10th Asia Pacific Cities Summit & Mayor's Forum Business & Leadership
	Cr Clifford attended the NAIDOC Week - Sausage Sizzle & Fun Day
Wed 08/07/15	Mayor Whitney attended the 10th Asia Pacific Cities Summit & Mayor's Forum Business & Leadership

4. Confirmation of Minutes

4.1 2015/07/09.03 CONFIRMATION OF MINUTES

Moved by: J CLIFFORD

Seconded by: J COLLINS

That the Minutes of the Ordinary Meeting held on 24 June, 2015 be confirmed.

MEETING DETAILS:

The motion was Carried 6/0

CARRIED

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**Responses to Questions from the Public Gallery  
of the 24 June, 2015 Council Meeting**

**Name:** Mr Des Robertson  
1A George Street  
Bowen QLD 4805

**Subject:** Coconut Trees - Bowen  
**Question:**

Was the Whitsunday Council idea of cutting down all the palm trees in Bowen to save \$75000.00a year (cash strapped Council) and to spend the savings on cleaning the Airlie Beach Main Street, which is only 12 months old.

Is this going to be a yearly clean and shame on you as a Council for even thinking of an idea of cutting the palms in Bowen, because the palms are part of our image (our town signs have palms on them) can you explain to the ratepayers of Bowen, why your clean Main Street in Airlie is more important than our palms.

***Council's response:***

Dear Mr Robertson,

Thankyou for your question during public question time at Council's last ordinary meeting.

The following responses are provided:

Council is not cutting down all of the palm trees in Bowen to save \$75 000.00 per year, this is incorrect and has been perpetuated by a journalist that has ensured that they are unencumbered by fact. With regard to your comments relating to Cash Strapped Council, please find attached Council's recent media release in relation to the financial position of the organisation.

The Airlie Beach Main St. traffic area was recently high pressure cleaned as part of a 12 month cleaning cycle. It can be advised that Herbert Street in Bowen and the Main Street of Proserpine were pressure cleaned in the same manner just over 12 months ago. These activities are delivered as part of operational maintenance and will be conducted within the local government area on an as required basis.

Mr Robertson, as advised unfortunately this matter has been incorrectly reported via various media outlets who have had no interest in fact checking their stories. Please find attached Council's Draft Coconut Palm Tree Management plan for the correct information. The Mayor and Councillors have at no stage endorsed the draft plan, the only resolution of Council has been to run formalised public consultation.

Council invites you to attend the public consultation session in Bowen on Tuesday 21<sup>st</sup> of July at 7pm in the Bowen PCYC.

***Council's response was conveyed by Chief Executive Officer - Mr Scott Waters***

**Name:** Mr Noel Hardie  
1 Lascelles Lane  
Bowen QLD 4805

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**Subject: Coconut Trees - Bowen**

**Question:**

How many people have been hit by nuts in the past 50 years?

Who decides what natives grow on beaches?

**Council's response:**

Dear Mr Hardie,

Thankyou for your question during public question time at Council's last ordinary meeting.

The following responses are provided:

Council officers have responded to five incidents in the last twelve years where coconuts and/or branches have fallen from coconut trees on public land and have caused damage to cars. Near misses are not likely to be reported to the Council and there have been no incidents reported to Council of people being hit by nuts.

However, the Council holds public liability insurance cover. The insurance cover requires the Council to minimise hazards on public land and mitigate hazards where possible. The insurance cover also requires the council to implement appropriate inspection programs to minimise and mitigate hazards on public land. Coconuts on public land are considered a hazard and the Council is required to undertake measures to minimise the community's exposure to this hazard.

The Whitsunday Regional Council Local Law Number 4 – Local Government Controlled Areas, Facilities and Roads regulate the planting and removal of vegetation on council land.

The planting of plants on foreshore areas are also controlled via Foreshore Management Plans. The Council has developed Coastal Foreshore Reserve Plans for a number of beach reserves that occur adjacent to urban communities. The Foreshore Plans include vegetation lists and most propose suitable plants for revegetation purposes. The Foreshore Plans are endorsed or adopted by the Council prior to their implementation.

The Council also has a Development Manual that includes suitable plant species for parks, reserve and street trees. The Development Manual plant lists are used to select plant species for parks. The Development Manual has been adopted by the council.

Mr Hardie, please find attached Council's Draft Coconut Palm Tree Management plan, Council invites you to attend the public consultation session in Bowen on Tuesday 21<sup>st</sup> of July at 7pm in the Bowen PCYC.

***Council's response was conveyed by Chief Executive Officer - Mr Scott Waters***

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10. Office of the Mayor & CEO

10.1 2015/07/09.04 AUSTRALIAN AIRPORTS ASSOCIATION INVITATION TO THE CHIEF EXECUTIVE OFFICER

Moved by: J CLIFFORD

Seconded by: J COLLINS

That Council note Australian Airports Association invitation to the Chief Executive Officer to join a Regional Council panel presentation, at the Australian Airports Association National Conference in Hobart, held 12 to 16 October 2015.

MEETING DETAILS:

The motion was Carried 6/0

CARRIED

10. Office of the Mayor & CEO

10.2 2015/07/09.05 COUNCILLOR CONTACT WITH DEVELOPERS, CONSULTANTS, LOBBYISTS AND SUBMITTERS POLICY

Moved by: J COLLINS

Seconded by: J CLIFFORD

That Council adopts the Councillor Contact with Developers, Consultants, Lobbyists and Submitters Policy 079.01.

MEETING DETAILS:

A division was called

For: Mayor Whitney, Cr Atkinson, Cr Clifford and Cr Collins

Against: Cr Clark and Cr Willcox

The motion was Carried 4/2

CARRIED

10. Office of the Mayor & CEO

10.3 2015/07/09.06 WHITSUNDAY REGIONAL GALLERY COMMITTEE REPRESENTATION

Moved by: J CLIFFORD

Seconded by: J WHITNEY

That Council receive the correspondence from Whitsunday Regional Gallery and endorse Cr John Collins as Council's representative on the Whitsunday Regional Gallery Committee.

MEETING DETAILS:

The motion was Carried 6/0

CARRIED

- 10. Office of the Mayor & CEO
- 10.4 2015/07/09.07 GRAFFITTI/VANDALISM SIGNAGE - ENTRANCE TO BOWEN TOWNSHIP

Moved by: J CLIFFORD
Seconded by: D CLARK

That Council remove the existing sign regarding graffiti and wilful damage, at the southern entrance to the Bowen Township, and replace it with a more positive message.

Furthermore, that the wording of the sign be “thank you for keeping Bowen beautiful” subject to the Bowen Business Chamber of Commerce’s endorsement.

MEETING DETAILS:

The motion was Carried 6/0

CARRIED

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- 12. Planning and Community Services
 - 12.1 2015/07/09.08 DA09131 - REQUEST FOR EXTENSION OF RELEVANT PERIOD - DEVELOPMENT PERMIT FOR MATERIAL CHANGE OF USE - FOURTEEN MULTIPLE DWELLING UNITS AND SIX COMMERCIAL TENANCIES (CONSISTING OF OFFICES, TAKE AWAY FOOD STORES AND SHOPS) - 79 GOLF LINKS RD QUEENS BEACH

That Council approve the request for an extension of the relevant period to the 21 October, 2017 of the Development Permit for Material Change of Use - Fourteen (14) Multiple Dwelling Units and Six (6) Commercial Tenancies (Consisting of Offices, Take Away Food Stores and Shops), lodged by Whitsunday Surveys on behalf of T A Yuskan & D J Burrows on land described as Lot 14 RP735927, 79 Golf Links Road Queens Beach.

MEETING DETAILS:

As per section 273 of the Local Government Regulation 2012 the reason for going against a Council Officer’s recommendation was that due to the economic down turn, a two year extension would assist the applicant to go ahead with the application at a more economical time.

The motion was Carried 6/0

CARRIED

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**12. Planning and Community Services**

**12.2 2015/07/09.09 20140642 - DEVELOPMENT APPLICATION FOR MATERIAL CHANGE OF USE - HOME BASED BUSINESS (WEIGHTLIFTING FACILITY) - 28 RIFLE RANGE ROAD MOUNT MARLOW - R & L KNOX**

**Moved by: J ATKINSON**

**Seconded by: J CLIFFORD**

**That the item be tabled pending further discussion at a Briefing Session with Councillors.**

**MEETING DETAILS:**

The motion was Carried 6/0

**CARRIED**

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12. Planning and Community Services

12.3 2015/07/09.10 APPLICATION TO CONDUCT PEDI-CAB SERVICE - AIRLIE BEACH

Moved by: J CLIFFORD

Seconded by: J COLLINS

That Council approve an application to conduct Pedi-cab services at Port of Airlie and Broadwater Avenue subject to Whitsunday Regional Council Local Law No. 1 (Administration) conditions set out in Appendix Item 1.

That Council note the approval from the Department of Transport and Main Roads to use Pedi-cabs on Shute Harbour Road and Waterson Way.

Appendix Item 1 - Proposed Conditions
Whitsunday Regional Council Local Law No.1 (Administration) 2014

1. For the purpose of schedule 8 section 5 and 6 Whitsunday Regional Council Subordinate Local Law No. 1 (Administration) 2014

Conditions imposed will–

- (a) the approval holder must comply with the standard public liability insurance condition;
- (b) activities will be conducted to specified days and times, as specified in the application;
- (c) prohibit or limit activities under the approval during periods of poor visibility;
- (d) the activities will be conducted to the specific location or to a specified area, as specified in the application;
- (e) the holder of the approval will take specified measures to protect the safety of persons who may be involved in, or affected by, the activities authorised by the approval;
- (f) the holder of the approval will take specified measures to ensure that the activities authorised by the approval do not cause a nuisance;

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- (g) if the approval relates to an activity on a road—require the approval holder to indemnify the State;
 - (h) if the approval authorises the approval holder to use a specified part of a local government controlled area or road for carrying on a business –
 - (i) pay rental specified in the approval to the local government at specified intervals; and
 - (ii) maintain the area where the activity takes place in clean, tidy and orderly condition.

For all approvals, the conditions that will ordinarily be imposed on an approval are that the approval holder may–

- (a) permit access to local government staff or contractors at all times to inspect or service facilities;
- (b) carry out the activity in accordance with any standards of the local government applicable at the time of the approval;
- (c) conduct the activity only on the days and times, and at the specific locations or areas, specified in the approval;
- (d) display the approval in the ways stated in the approval and produce the approval for inspection on demand by an authorised person;
- (e) comply with a requirement to submit the business, vehicle or premises to be inspected by an authorised person;
- (f) maintain a defined access point for emergency vehicles at all times;
- (g) maintain a clear unobstructed pedestrian corridor of not less than 2 metres or, in the case of high usage footpaths, a distance greater than 2 metres stipulated in the approval;
- (h) comply with relevant workplace health and safety requirements;
- (i) be responsible for any costs or expenses incurred by local government for rectifying any damage caused by the activity;
- (j) not interfere with, paint, permanently mark, damage or remove any buildings, structures, fixtures, fittings or facilities provided by local government;
- (k) not erect any permanent or temporary buildings, signs or structures upon the approved activity area without the written consent of the local government;
- (l) ensure that litter is collected and lawfully disposed at a local government waste transfer station;
- (m) ensure that cleaning, maintaining or repairing any vehicle, except for emergency repairs, is prohibited;
- (n) ensure that its customers and all other persons undertaking the activity are accompanied and supervised by a person holding a recognised first aid certificate and all other certifications required by any State or Commonwealth authority;
- (o) accept full responsibility for the safe transportation of customers and all other persons undertaking the activity;
- (p) provide information, explanations, cautions and warnings to customers and all other persons undertaking the activity regarding the hazards likely to be encountered by them when the activity is undertaken;
- (q) ensure that any motor vehicle used in connection with the activity, complies with all safety requirements and regulations and are operated in accordance with

requirements, guidelines or recommendations published from time to time by the manufacturer or any State or Commonwealth authority.

Procedural Motion

Moved by: J WHITNEY

Seconded by: J ATKINSON

That the item be tabled to later in the meeting.

MEETING DETAILS:

The procedural motion was Carried 6/0

CARRIED

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**12. Planning and Community Services**

**12.4 2015/07/09.11 DEVELOPMENT ASSESSMENT - MONTHLY PERFORMANCE REPORT - JUNE 2015**

**Moved by: J ATKINSON**

**Seconded by: J CLIFFORD**

**That the monthly performance report for the Development Assessment Team for June 2015 be noted.**

**MEETING DETAILS:**

The motion was Carried 6/0

**CARRIED**

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12. Planning and Community Services

12.5 2015/07/09.12 BOWEN STATE HIGH SCHOOL DONATION REQUEST - NQ CHALLENGE GAMES

Moved by: J CLIFFORD

Seconded by: D CLARK

That Council approve a donation of \$500 to the Bowen State High School to support the attendance of a group of students with a disability at the North Queensland Challenge Games in Townsville from 29 - 31 July 2015.

MEETING DETAILS:

The motion was Carried 6/0

CARRIED

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12. Planning and Community Services

12.6 2015/07/09.13 REQUEST FOR FEE WAIVER - LATIN MADNESS INC

Moved by: J CLIFFORD

Seconded by: D CLARK

That Council waive the New Licence application fee of \$255.00 and the Annual Licence fee of \$192.00 for Use of Local Government Controlled Areas, Facilities and Roads for Latin madness Dance classes, limited to the Airlie Beach foreshore.

MEETING DETAILS:

The motion was Carried 6/0

CARRIED

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13. Engineering Services

13.1 2015/07/09.14 INSTALLATION OF MANGO SCULPTURE BOWEN FRONT BEACH

Moved by: D CLARK

Seconded by: A WILLCOX

That Council approves the installation of the Mango at its current location where the tie down bolts are positioned.

MEETING DETAILS:

A division was called

For: Cr Clark, Cr Atkinson Cr Collins and Cr Willcox

Against: Mayor Whitney and Cr Clifford

The motion was Carried 4/2

CARRIED

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16. Procedural Motion

16.1 2015/07.09.15 PROCEDURAL MOTION - ADJOURNMENT

Moved by: J CLIFFORD

Seconded by: A WILLCOX

That the meeting be adjourned due to the conclusion of the Ordinary Meeting Agenda at 9.50am.

MEETING DETAILS:

The motion was Carried 6/0

CARRIED

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16. Procedural Motion
16.2 2015/07/09.16 PROCEDURAL MOTION - CLOSURE OF MEETING

Moved by: J CLIFFORD
Seconded by: J COLLINS

That Council in accordance with Section 275 of the Local Government Regulations 2012, Council close the meeting to the public at 9.51am for the purpose of discussing employee or industrial matters, budget, rating concessions, contractual matters, legal proceedings, planning matters or other business likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.

- 14.1.1 Administrative Pay Increase
 - (b) industrial matters affecting employees
- 14.2.1 Write Off Rates Equivalent for North Queensland Bulk Ports
 - (f) starting or defending legal proceedings involving it
- 14.2.2 Hardship Application Assessment 1201137
 - (d) rating concessions
- 14.2.3 Hardship Application Assessment 1200772
 - (d) rating concessions
- 14.2.4 Register of Prequalified trade services tender
 - (e) contracts proposed to be made by it
- 14.2.5 Backhoe Replacement Contract
 - (e) contracts proposed to be made by it
- 14.4.1 Proserpine Sewer Reline Contract
 - (e) Contracts proposed to be made by it

MEETING DETAILS:

The motion was Carried 6/0

CARRIED

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16. Procedural Motion  
16.3 2015/07/09.17 PROCEDURAL MOTION - REOPENING OF MEETING

Moved by: J ATKINSON  
Seconded by: D CLARK

That the meeting be reopened to the general public at 10.24am.

**MEETING DETAILS:**

The motion was Carried 6/0

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- 14.1 Confidential Matters - Office of the Mayor & CEO
- 14.1.1 2015/07/09.18 ADMINISTRATIVE PAY INCREASE

Moved by: J CLIFFORD
Seconded by: A WILLCOX

That Council provide an administrative pay increase to Council Officers employed under the Enterprise Bargaining Agreement of 1.5% for the period 1 July 2014 to the 30 June 2015 inclusive.

MEETING DETAILS:

The motion was Carried 6/0

CARRIED

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- 14.2 Confidential Matters - Corporate Services
- 14.2.1 2015/07/09.19 WRITE OFF RATES EQUIVALENT FOR NORTH QUEENSLAND BULK PORTS

Moved by: J ATKINSON  
Seconded by: D CLARK

That Council notes the General Rates Equivalent Regime (GRER) only requires North Queensland Bulk Ports to make payment to Queensland Treasury by the due date and that if the payment is made by the due date Council is required to apply the discount.

Furthermore, Council authorise Officers to adjust the North Queensland Bulk Ports accounts to apply the discount for the 2014/15 rate assessments.

**MEETING DETAILS:**

The motion was Carried 6/0

CARRIED

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- 14.2 Confidential Matters - Corporate Services
- 14.2.2 2015/07/09.20 HARDSHIP APPLICATION ASSESSMENT 1201137

Moved by: J CLIFFORD
Seconded by: J COLLINS

That Council not approve a concession under the Hardship Policy to assessment 1201137 to defer payment as evidence presented does not meet the criteria to be considered hardship under Council policy. In particular, the ratepayer has not demonstrated unusual and severe difficulty rather than the usual frustrations and trial to which other ratepayers or similar organisations are subjected from time to time.



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Furthermore, that Council approves under the Payment by Arrangement Policy Officers to negotiate with the ratepayer an arrangement for regular payments with the objective to have all rates in arrears cleared within twelve months and with the following conditions:

- Fortnightly payments of \$250 per fortnight - (\$200 Rates/\$50 Water) be accepted for a period of 12 months only;
- Interest of 11%;
- Debt cleared in full by end of arrangement, including new charges accrued during the arrangement;
- Payment by direct debit;
- Failure to make payment, customer to rectify within 7 days;
- Two consecutive failures to make payment, arrangement terminated; and
- Customer can renegotiate arrangement with Council approval.

MEETING DETAILS:

The motion was Carried 6/0

CARRIED

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14.2 Confidential Matters - Corporate Services

14.2.3 2015/07/09.21 HARDSHIP APPLICATION ASSESSMENT 1200772

Moved by: J COLLINS

Seconded by: J CLIFFORD

That Council approves a concession under the Hardship Policy to defer payment of the outstanding debt for Assessment 1100036 for 12 months with the following conditions:

- Fortnightly payments of \$200 per fortnight for rates, until the debt is paid in full
- Fortnightly payments of \$50 per fortnight for water charges, until the debt is paid in full
- No interest applied during the period of the agreement
- Debt cleared in full by end of arrangement, including new charges accrued during the arrangement
- That the ratepayer make undertaking to address the accrued debt through refinancing the debt by the end of the 12 month concession period.
- Payment by direct debit
- Failure to make payment, customer to rectify within 7 days
- Two consecutive failures to make payment, arrangement terminated
- Customer can renegotiate arrangement with Council approval.

**MEETING DETAILS:**

The motion was Carried 6/0

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14.2 Confidential Matters - Corporate Services

14.2.4 2015/07/09.22 REGISTER OF PREQUALIFIED TRADE SERVICES
TENDER

Moved by: J CLIFFORD

Seconded by: J ATKINSON

That Council appoint the suppliers listed in the body of the report to a Register of Prequalified Suppliers for Trade Services as per the categories and areas listed for a period of twenty four months.

That Council authorises officers to use the Register of Prequalified Suppliers for the planned maintenance, reactive maintenance and minor capital works on Council facilities, infrastructure and plant (excludes vehicles, trucks and heavy fleet assets).

That the following conditions be placed upon the use of the Register of Prequalified Suppliers;

- The panel should only be used where Council does not have the capacity, availability, skills or equipment to perform the required works internally.
- That competitive quotes be received from within the panel in accordance with the Procurement Policy thresholds, unless a genuine urgency or emergency exists (noting that the Specifications indicated a prioritised list of suppliers would be established and Orders released as per the prioritised list).
- That interest be exhausted first from local suppliers from within the respective townships, before seeking interest from suppliers in other townships on the Register.
- That in forming competitive quotes, local suppliers from within the township be provided a preferential consideration (including a 10% price preferential)
- That the administration of the Register, including releasing Orders, be the responsibility of the Executive Manager, Procurement and Assets.

That Council notes that the number of responses to the tender from local suppliers was less than desired, and therefore the use of the Register of Prequalified Suppliers should not be mandatory.

Furthermore, that where operational need arises Council authorise Officers to release a tender to invite other suppliers to be added to the register. That Council readvertise for further interest to tender for the register no later than the end of August 2015.

MEETING DETAILS:

Mayor Whitney declared a Material Personal Interest (as per section 173 of the Local Government Act 2009) on the matter of her business being included in the register and left the meeting room at 10.35am, taking no part in the debate or decision of the meeting. Deputy Mayor Willcox chaired the meeting in Mayor Whitney's absence.

The motion was Carried 5/0

CARRIED



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*Mayor Whitney returned to the meeting at 10.37am*  
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- 14.2 Confidential Matters - Corporate Services
14.2.5 2015/07/09.23 BACKHOE REPLACEMENT CONTRACT

Moved by: J ATKINSON
Seconded by: J CLIFFORD

That Council award contract 500.2015.0008 for the supply and delivery of one (1) Backhoe Loader to Construction Equipment Australia (JCB) including the trade in of Caterpillar Backhoe 50471 and 3CX JCB Backhoe 50468.

MEETING DETAILS:

The motion was Carried 6/0

CARRIED

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14.4 Confidential Matters - Engineering Services
14.4.1 2015/07/09.24 PROSERPINE SEWER RELINE CONTRACT

Moved by: J CLIFFORD
Seconded by: J ATKINSON

That Council award the tender for the Proserpine Sewer Relining Project 2014/2015 to Relining Solutions for the sum of \$389,223.00.

MEETING DETAILS:

The motion was Carried 6/0

CARRIED

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12. Planning and Community Services
12.3 2015/07/09.25 APPLICATION TO CONDUCT PEDI-CAB SERVICE - AIRLIE BEACH

Moved by: J CLIFFORD
Seconded by: J COLLINS

That Council approve an application to conduct Pedi-cab services at Port of Airlie and Broadwater Avenue subject to Whitsunday Regional Council Local Law No. 1 (Administration) conditions set out in Appendix Item 1.

That Council note the approval from the Department of Transport and Main Roads to use Pedi-cabs on Shute Harbour Road and Waterson Way.

Appendix Item 1 – Proposed Conditions

2. For the purpose of schedule 8 section 5 and 6 Whitsunday Regional Council Subordinate Local Law No. 1 (Administration) 2014

Conditions imposed will–

- (r) the approval holder must comply with the standard public liability insurance condition;
- (s) activities will be conducted to specified days and times, as specified in the application;
- (t) prohibit or limit activities under the approval during periods of poor visibility;
- (u) the activities will be conducted to the specific location or to a specified area, as specified in the application;
- (v) the holder of the approval will take specified measures to protect the safety of persons who may be involved in, or affected by, the activities authorised by the approval;
- (w) the holder of the approval will take specified measures to ensure that the activities authorised by the approval do not cause a nuisance;
- (x) if the approval relates to an activity on a road—require the approval holder to indemnify the State;
- (y) if the approval authorises the approval holder to use a specified part of a local government controlled area or road for carrying on a business –
 - (iii) pay rental specified in the approval to the local government at specified intervals; and
 - (iv) maintain the area where the activity takes place in clean, tidy and orderly condition.

For all approvals, the conditions that will ordinarily be imposed on an approval are that the approval holder may–

- (z) permit access to local government staff or contractors at all times to inspect or service facilities;
- (aa) carry out the activity in accordance with any standards of the local government applicable at the time of the approval;
- (bb) conduct the activity only on the days and times, and at the specific locations or areas, specified in the approval;
- (cc) display the approval in the ways stated in the approval and produce the approval for inspection on demand by an authorised person;
- (dd) comply with a requirement to submit the business, vehicle or premises to be inspected by an authorised person;
- (ee) maintain a defined access point for emergency vehicles at all times;
- (ff) maintain a clear unobstructed pedestrian corridor of not less than 2 metres or, in the case of high usage footpaths, a distance greater than 2 metres stipulated in the approval;
- (gg) comply with relevant workplace health and safety requirements;
- (hh) be responsible for any costs or expenses incurred by local government for rectifying any damage caused by the activity;
- (ii) not interfere with, paint, permanently mark, damage or remove any buildings, structures, fixtures, fittings or facilities provided by local government;

- (jj) not erect any permanent or temporary buildings, signs or structures upon the approved activity area without the written consent of the local government;
- (kk) ensure that litter is collected and lawfully disposed at a local government waste transfer station;
- (ll) ensure that cleaning, maintaining or repairing any vehicle, except for emergency repairs, is prohibited;
- (mm) ensure that its customers and all other persons undertaking the activity are accompanied and supervised by a person holding a recognised first aid certificate and all other certifications required by any State or Commonwealth authority;
- (nn) accept full responsibility for the safe transportation of customers and all other persons undertaking the activity;
- (oo) provide information, explanations, cautions and warnings to customers and all other persons undertaking the activity regarding the hazards likely to be encountered by them when the activity is undertaken;
- (pp) ensure that any motor vehicle used in connection with the activity, complies with all safety requirements and regulations and are operated in accordance with requirements, guidelines or recommendations published from time to time by the manufacturer or any State or Commonwealth authority.

MEETING DETAILS:

The motion was Carried 6/0

CARRIED

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*The meeting closed at 10.40am*

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Confirmed as a true and correct recording this 22nd day of July 2015

**CR JENNIFER WHITNEY
MAYOR**