



# Minutes of the Ordinary Meeting held on 11 November 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



Whitsunday Regional Council  
**Minutes of the Ordinary Meeting** held at  
**Proserpine Council Chambers, 83-85 Main Street, Proserpine** on  
**11 November 2015** commencing at **9:00am**

**Councillors Present:**

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

**Council Officers Present:**

B Omundson (Acting Chief Executive Officer); M McGoldrick (Chief Financial Officer); G Jarvis (Director Corporate Services); D Staley (Director Planning and Community); A McGregor (Executive Manager Water & Sewerage); H van der Schyff (Executive Manager Roads & Drainage); B Davis (Administration Officer); C Middleton (Communications Manager)

**Other Details:**

The meeting commenced at 9.00am

The meeting adjourned for staff presentations, morning tea and attendance at the Remembrance Day Ceremony at 10.16am

The meeting reconvened after staff presentations, morning tea and attendance at the Remembrance Day Ceremony at 11.20am

The meeting closed at 1.18pm

Whitsunday Regional Council  
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**16. Procedural Motion**

**16.1 2015/11/11.01 PROCEDURAL MOTION – LATE REPORT – TOURSIM  
INFRASTRUCTURE FUNDING APPLICATION**

**Moved by: J CLIFFORD**

**Seconded by: J COLLINS**

**That Council include the Tourism Infrastructure Funding Application report in the 11 November 2015 Ordinary Council Meeting for consideration.**

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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**2. Condolences**

**2.1 2015/11/11.02 CONDOLENCES**

**Moved by: J CLIFFORD**

**Seconded by: P RAMAGE**

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

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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**3.1 Mayoral Minute**

**3.1.1 2015/11/11.03 MAYORAL MINUTE – MULLERS LAGOON**

**Moved by: J WHITNEY**

**That Council raise the level of water in Muller’s Lagoon by 200 millimetres or 6 mega litres at an estimated cost of \$9000.00 as soon as practical.**

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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### 3.1 Mayoral Minute

3.1.2 2015/11/11.04

### MAYORAL MINUTE – LETTER OF THANKS TO QLD GOVERNMENT

Moved by: J WHITNEY

That Council forward a letter to the Premier, the Hon. Anastacia Palaszczuk MP, thanking the Queensland Government for its support for the continued economic growth and development of the Whitsunday Region.

#### MEETING DETAILS:

The motion was Carried 7/0

CARRIED

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### 3.2 Mayoral Update

Wednesday 28 October 2015	<ul style="list-style-type: none"><li>• All Councillors and Executive Staff attended the Ordinary Council Meeting in Bowen</li><li>• Mayor attended a meeting with representatives from Whitsunday Marketing &amp; Development Ltd.</li><li>• Mayor attended the Proserpine State High School Awards Night</li></ul>
Thursday 29 October 2015	<ul style="list-style-type: none"><li>• Mayor attended the Whisper Bay Breakwater &amp; Boat Ramp Project Control Group Meeting</li><li>• Mayor &amp; Cr Clark attended the Don River Trust Meeting</li><li>• Mayor attended the Economic Development Strategic Action Group</li></ul>
Friday 30 October 2015	<ul style="list-style-type: none"><li>• Mayor attended the Whitsunday River Trust Meeting</li><li>• Mayor attended a meeting with a ratepayer</li><li>• Mayor attended a meeting with a ratepayer</li><li>• Mayor, Cr Willcox &amp; Cr Clark attended the 2015 Gem of the Coral Coast Annual Gala Dinner</li><li>• Cr Clifford on behalf of the Mayor attended the Regional Achievement &amp; Community Awards in Caloundra</li></ul>
Saturday 31 October 2015	<ul style="list-style-type: none"><li>• Mayor attended the No. 110 Squadron Whitsunday Australian Air Force Cadets Dinner</li></ul>

Sunday 01 November 2015	<ul style="list-style-type: none"> <li>• Mayor attended the visit by Voyager of the Seas Cruise liner</li> <li>• Mayor &amp; Cr Clifford attended the Annual Harvest Thanksgiving &amp; Celebration of Life service</li> </ul>
Monday 02 November 2015	<ul style="list-style-type: none"> <li>• Mayor &amp; Cr Atkinson attended a Fleet Meeting</li> <li>• Mayor attended a meeting with a representative from TAFE North Qld</li> <li>• Mayor attended a meeting with a ratepayer</li> <li>• Mayor attended a meeting with representatives from the Rural Fire Service</li> </ul>
Tuesday 03 November 2015	<ul style="list-style-type: none"> <li>• Mayor &amp; Cr Clifford attended the Department of Local Government &amp; Infrastructure Councillor In-House Training</li> </ul>
Wednesday 04 November 2015	<ul style="list-style-type: none"> <li>• All Councillors attended the Corporate &amp; Engineering Services Briefing Session</li> <li>• Mayor attended the Welcome Dinner at the Economic Development Conference in Cairns</li> </ul>
Thursday 05 November 2015	<ul style="list-style-type: none"> <li>• Mayor, CEO &amp; ACEO attended the Economic Development Conference in Cairns</li> <li>• Mayor, CEO &amp; ACEO attended the Closing Reception at the Economic Development Conference in Cairns</li> </ul>
Friday 06 November 2015	<ul style="list-style-type: none"> <li>• Mayor, Cr Clifford &amp; Cr Willcox attended the Opening of the Airlie Beach Music Festival</li> </ul>
Monday 09 November 2015	<ul style="list-style-type: none"> <li>• Mayor attended a Schoolies meeting</li> <li>• Mayor attended a meeting with representatives from the Funeral Service</li> <li>• Cr Willcox attended a Bowen Collinsville Enterprises meeting</li> <li>• Cr Clifford on behalf of the Mayor attended the Opening of the 2015 Caravan Parks Association Qld State Conference</li> <li>• Cr Ramage attended the Collinsville State High School Annual Awards Night</li> </ul>
Tuesday 10 November 2015	<ul style="list-style-type: none"> <li>• Mayor, Cr Clifford, Cr Atkinson, Cr Ramage &amp; Cr Willcox attended the Councillor Briefing Session</li> </ul>

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**4. Confirmation of Minutes**

**4.1 2015/11/11.05 CONFIRMATION OF MINUTES**

**Moved by: J COLLINS**

**Seconded by: J CLIFFORD**

**That the Minutes of the Ordinary Meeting held on 28 October 2015 be confirmed.**

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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**4. Confirmation of Minutes**

**4.2 2015/11/11.06 AMENDMENT OF MINUTES - 22 JULY 2015**

**Moved by: J CLIFFORD**

**Seconded by: J COLLINS**

**That the following amendment be made to the Minutes of the 22 July 2015 Ordinary Council Meeting, due to a minor administrative error:**

- **Item 14.1.2 – Whitsunday China Town Investments – replace the conflict of interest statement from ‘*Mayor Whitney declared a conflict of interest (as per section 173 of the Local Government Act 2009) on the matter of having business relationship with interested parties and left the meeting room at 12.11pm taking no part in the debate or decision of the meeting. Deputy Mayor Willcox chaired the meeting in her absence*’ to ‘*Mayor Whitney declared a perceived conflict of interest (as per section 173 of the Local Government Act 2009) and left the meeting room at 12.11pm taking no part in the debate or decision of the meeting. Deputy Mayor Willcox chaired the meeting in her absence.*’**

**MEETING DETAILS:**

The motion was Carried 4/3

Call for Division

<b>For</b>	<b>Against</b>
Jennifer Whitney	Peter Ramage
John Collins	Dave Clark
Jan Clifford	Andrew Willcox
John Atkinson	

**CARRIED**

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7. Notice of Motion

7.1 2015/11/11.07 NOTICE OF MOTION - FINANCIAL ASSISTANCE - CLIPPER AROUND THE WORLD YACHT RACE

Moved by: J CLIFFORD

Seconded by: J COLLINS

That Council financially support the Whitsunday Coast Chamber of Commerce by way of a dollar for dollar matching grant which would be capped at \$5,000, to facilitate and enhance the proposed welcome and farewell events as well as the proposed Family Open Day Carnival planned for the Clipper Around the World Yacht Race.

Furthermore, that any event application fee for the Family Fun Day be waived, by the Whitsunday Regional Council.

**MEETING DETAILS:**

The motion was Carried 7/0

CARRIED

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7. Notice of Motion

7.2 NOTICE OF MOTION - PROPOSED DRAFT TOWN PLANNING SCHEME 2015

*Cr Andrew Willcox has withdrawn the following Notice of Motion – Proposed Draft Town Planning Scheme 2015:*

That the existing town planning scheme of 2009 for areas, in Airlie Beach, Port of Airlie, Airlie Precinct, and Residential areas of: Airlie Village (Abel Point), Jubilee Pocket, Mandalay and Cannonvale remain unchanged.

Furthermore, that the Council Town Planning Department be bound to undertake extensive Community Engagement before any amendments to the existing Town Planning Scheme 2009 regarding “Zones with each zones limitation of Structure and use, Building Story Height Restrictions, minimum Lot size, and amalgamation of Lots in the Whitsunday Region” can be granted. Council must then approve any such Exemption.

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## 9. Questions from Public Gallery

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### PUBLIC QUESTION TIME

At this time in the meeting the opportunity is provided to members of the gallery to ask questions of the Council or to make statements about the Council and its operations. Under Council's Standing Orders the following applies in relation to this public question time:

1. In every Council Meeting time shall be set aside to permit members of the public to address the Council on matters of public interest related to local government. Questions from the Public Gallery will be taken on notice and may or may not be responded to at the Meeting and must be submitted in writing to Council prior to the Council Meeting in accordance with Council's Policy for Standing Orders – Meetings. The time allocated shall not exceed fifteen (15) minutes and no more than three (3) speakers shall be permitted to speak at any one (1) meeting. The right of any individual to address the Council during this period shall be at absolute discretion of the Council.
2. If any address or comment is irrelevant, offensive, or unduly long, the Chairperson may require the person to cease making the submission or comment.
3. Any person addressing the Council shall stand, state their name and address, act and speak with decorum and frame any remarks in respectful and courteous language

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**Name:** Trevor Moore

Questions to the WRC on the construction of the new bus stops on the eastern end of Airlie Beach which must be done before the Taxis can move back to their rank in the centre of town.

### OVERVIEW

The local Taxis moved from their rank three years ago so as the main street upgrade could be done with the expectation that we would move back to it approx. three months later. This did not happen and three years later we are still waiting for this injustice to be corrected.

On March the 11th 2015 at the ordinary Council meeting Taxi Driver, Chris Owen, asked several questions and two weeks later received a written response from Council signed by an unknown person on behalf of Scott Waters the Council CEO at the time.

I want to draw your attention to Question one from Chris Owen which asks, and I quote "Bus stops and Taxi rank in Airlie Beach Main Street date of completion" unquote. The written answer that Council supplied, dated 23/03/15, was, and I quote "Council is currently reviewing the layout and location of all parking and loading arrangements in Airlie Beach in conjunction with the location of the proposed bus stops. The design of the work is nearing completion with the construction of the new bus stops and taxi rank to be constructed early in the second half of 2015" unquote. As of today the 11/11/2015 this work has not even started.

I now put the following questions to the Council.

## QUESTIONS

- 1 – Has Council staff completed the design work for the new bus stops in Airlie Beach and if not why not and when will it be completed?
- 2 – Has Council signed off on the funding for the new Bus Stops with TMR?
- 3 – Have Council staff scheduled a start date for the construction of the Bus Stops and if they have what is it and if not how long will it be before a date is set?
- 4 – Why did Council deceive Chris Owen by giving him a false and misleading answer as to when the construction of the Bus Stops would commence?
- 5 – What assurance will the Council give that any of the answers to the above questions will be honoured?

***Mr Moore was thanked for his question and advised that he would receive a response at the next Council Meeting.***

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**Name:** Rogin Taylor

As a former CEO and now the Acting CEO I believe your role in a Council meeting is to make sure the meetings are run according to the Local Government act. I bring to your attention the comment made on record at the last Council meeting and reported in all the local media. Cr Ramage demanded of Mayor Whitney: **'I want clarification from you Mayor – where on record does it say we were going to sell the Airport in the previous administration because that is just wrong.'** I can hardly wait for the reply that I trust will be forthcoming at this week's Council Meeting

***Mr Taylor was thanked for his question and advised that he would receive a response at the next Council Meeting.***

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**Name:** Whitsunday Regional Residents Association Inc.  
PO Box 799  
BOWEN QLD 4805

**Subject:** Waterson Way Land Sale

Would Council please advise the following with regard to the above sale:

- 1) Who signed the contract on behalf of Council?
- 2) Who signed the contract on behalf of Whitsunday China Town Investment Pty Ltd
- 3) Did Mr Raymond Wang sign the contract?
- 4) Was a deposit of \$250,000 required to be paid after the contract was signed?
- 5) When was the deposit actually deposited into the Trust Account of the Council's Solicitors?
- 6) On the 9<sup>th</sup> September, the Mayor declared a meeting on 17 July between herself, the CEO, Mr Wang and his solicitor but the Council's letter of 6<sup>th</sup> of October states "The Mayor did not attend any meeting on the 17 July 3026 with representatives of

Whitsunday Chinatown Investments. A meeting occurred in the Proserpine Council Chambers between 9am and 11am with Council Officers, Council Solicitors and representatives of Whitsunday China Town Investments”

We now ask:

- a) As per Minute 14.1.2 2014/11/26.71 SALE OF WATERSON WAY  
As there appears to be a major difference in attendees, how many meetings took place and who attended them?
  - b) Would WRC also now please advise how many meetings, conferences and dinners have been attended by WRC Mayor and WRC Chief Executive Officers and Acting Chief Executive Officers interstate and overseas with Mr Wang and other current and former Directors of Whitsunday Chinatown Investment Pty Ltd
  - c) Where was the launch of the \$1million International Student Scholarship Program Celebratory Banquet held on 8 December 2014, that the Mayor declared on 10 December 2014 that she and the CEO and what occurred at that meeting which led to the resignation of 2 Directors of Whitsunday Chinatown Investment Pty Ltd, when the contract/lease had only been signed some 12 days prior earlier?
  - d) As you have previously not answered our question regarding the change to the Mayoral Update, why was a meeting recoded between the Mayor, Mr Wang and Solicitors on 17 July 2015 in the Minutes of 09 September 2015, when it had been the Mayor who provided the update without that meeting: is the Council's preferred method of altering meetings and minute records?,  
and  
what was disclosed during the meeting on 17 July 2015 that was so detrimental that it caused for of the Directors of Whitsunday Chinatown Investment PL to resign the next business day following that meeting on 17 July 2015? Was it that each Director was supposed to have issued a personal guarantee (as mention in Council Minutes of 26 November 2014?.
- 7) In the minutes 6 October 2015 Council resolved to 'direct the Acting Chief Executive Officer to ascertain Council's legal position as per the contract at 45-71 Waterson Way, Airlie Beach'.  
Wrra now ask:
- a) Which Acting Chief Executive Officer performed this duty?
  - b) What was the event that caused this concern to seek further legal opinion?
- 8) Did the Contract and or lease contain a clause that stated that the Development Application required to be lodged by a certain date?
- 9) What as the date required for the lodgement of the Development Application for the said property?
- 10) As per Minute 14.1.2 2014/11/26.71 SALE OF WATERSON WAY, Wrra now ask:
- a) When and did the Tenderer, Whitsunday Chinatown Investment Pty Ltd, the conforming tenderer, provide an appropriate bank guarantee from a banking institution with an office in Australia?  
And, further if not,

- b) If and when was the date that Whitsunday Regional Council was advised that the Directors of Whitsunday Chinatown Investment Pty Ltd had not provided 'personal bank guarantees in terms of the WRC minutes 14.1.2 of 26 November 2014 required by the confirming tender documents, this presumably making the contract/lease a non-confirming tender?
- 11) Who authorised the attendance and the costs incurred, and which Councillors were area, that the CEO, Acting CEO and the Mayor were in China attended a CAEAI meeting/banquet on the 15 October 2015 as show in the attached photo, when the WRC Councillors authorised the CEO and Mayor to attend China on meeting of 9 September 2015 and on 9 July 2015 voted the CEO 'join a Regional Council panel presentation, at the Australian Airports Association National Conference in Hobart, held 12 to 16 October 2015?

We look forward to your responses.

***Ms. O'Shannessy was thanked for her question and advised that they would receive a response at the next Council Meeting.***

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### **Responses to the Public Questions of the 28 October 2015 Ordinary Council Meeting**

**Name:** Michelle Lynes  
**Address:** 3 Golf Views  
**Cannonvale QLD 4802**

#### **Question:**

***Acting Chief Executive Officer - Mr Barry Omundson read Ms Lynes question in her absence***

As a tourist operator in support of the Fight for Airlie campaign, my question is;

If Council were serious about community engagement why did you not schedule more days and time with ratepayers to discuss/workshop the changes to the Planning Scheme?

#### **Response read by Acting Chief Executive Officer – Mr Barry Omundson**

Thank you for your question from the Public Gallery at Council's Ordinary Meeting held on Wednesday, 28 October 2015. Please find my response detailed below:

- 1. As a tourist operator in support of the Fight for Airlie campaign, my question is – If Council were serious about community engagement, why did you not schedule more days with ratepayers to discuss/ workshop the changes to the Planning Scheme?**

Council has developed and executed a comprehensive stakeholder consultation program to support the draft Planning Scheme amendment process. Over 1,200 stakeholder engagements were completed over a two year period, making it the most extensive consultation program undertaken by Council.

The community portion of the consultation program has involved community workshops in 2014 and public forums in 2015, as well as various phone surveys and making all key technical studies and preliminary drafts of the Planning Scheme available to the public. This



is additional to the many local residents consulted as industry stakeholders during the industry stakeholder portion of the consultation program.

The draft Planning Scheme's consultation program exceeds statutory requirements for public notification under the planning legislation, being a statutory public notice in the local newspapers and on Council's website.

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

**Question:**

My 5 questions are of parts 1 & 2 which do run into each other.

I will read out my statements and then give you my questions.

**Statement:**

The former Council 2010/2011 advised me that I was permitted to replace my three sided garage without a permit, due to, after a survey of my boundaries the rear of the garage was on the back neighbors' property, (1 was a concerned resident).

Since the dismantling it has been a progression in time to remove trees, conduct site work, dig holes for stirrups, conduct concrete work and all on a pensioner's budget - the reason for the slow progress

The Building Inspector, whom entered my property without notice or appointment, this last April and whom I had conflicts with me when Dave Betease was the Senior Building inspector, told me that I had to submit plans, an engineer's report, pay for a permit as it was not a "Like for Like" construction. This conflict is described in my statement of complaint to council this last May regarding my neighbor's property development without permits.

My plans and permit application were lodged in Proserpine 05/05/15, with the receiver telling me the fee was \$500.00. I received a response from Cadet Building Certifier dated 13/05/15 with now a fee of \$617.00. Throughout this time the Development Assistant Manager (Team Leader), had been kept apprised of my undertakings and to secure the structure already in progress authorised me to complete my framing to the point that bracing straps could be attached.

Prior to 4<sup>th</sup> of Aug. the plumbing building inspector promised progress reports regarding my letter of May to the Council.

With no notice or invite on the 5<sup>th</sup> of Aug. the Executive Manager (Planning and Community) presented himself (the day after a civil fencing dispute was heard) asking the result of the dispute. I asked him what the hell has a civil dispute got to do with Council Building Department making decisions on Council business. This first raised my suspicions of his connections with my neighbour and to my knowledge had never been on my property before tried to tell me that my neighbour had not set his new construction closer to the boundary. An argument started off, of his lack of knowledge and when was Council going to act upon my complaint? He then issued a show cause on 29/09/15. This Executive Manager phoned me PM 14/Oct to attend my property. Deputy Mayor Andrew Wilcox was also in attendance.

We discussed 2 issues, first my Building permit. Thus I had to explain my constant communications with the Development Assistant Manager and due to my ill health caused

by an assault by said persons last March caused my progression to be slow, but recently sped up from the assistance of a friend, He, Exc. Mgr. tried to make me responsible for storm waters and at this point we came to the second issue - this persons property again he showed no knowledge of the contents of my letter of May, stating he thought this particular neighbour had a permit.

Three matters came to hand from this meeting, one being a lack of communication within the department on my carport. Second was his lack of knowledge of my complaint re-permits and thirdly near the end of the visit he displayed, by constant waving to my neighbour, that he was a personal friend.

From this, questions to Council is to take this biased employee and the building inspector off my case and re assign my permit to someone unbiased.

2<sup>1d</sup> question, will Council investigate collusion or corruption of the afore mentioned persons that I wish to keep off my property and case.

3<sup>rd</sup> question, as part 2, as I do not want building at my neighbours to land on my property during a cyclone for the Council to fully examine and study the issues brought up in my letter of complaint May/15.

4th question, as I started my construction in 2012 that my permit fee be charged as at that time for my "open carport".

5th question, as my cement works are completed and witnesses are available, for the Council to waive the engineers report on my carport, I know the structure is more than compliant with ABCC and QBCC. I am a retired building and construction business owner from the 70's and 80's, NZ/Aus/US.

Given a more reasonable fee I should be able to pay it next pension day so Council has its money and with the waiving of the Engineer's report I will waive Council's liability should construction fail in a cyclone.

#### **Response read by Acting Chief Executive Officer – Mr Barry Omundson**

Thank you for your questions from the Public Gallery at Council's Ordinary Meeting held on Wednesday, 28 October 2015. Please find my response detailed below:

#### **1. Will Council take this biased employee and the building inspector off my case and re-assign my permit to someone unbiased?**

All members of Council staff are expected to act professionally and in accordance with the staff Code of Council. Council has established a complaints management process for resolving complaints regarding the conduct of Council staff. All complaints received in writing are investigated fully. I have requested that Council's Human Resources Manager assess your complaint and conduct all necessary internal investigations. You will receive written notification of the outcome of this investigation in due course.

#### **2. Will Council investigate collusion or corruption of the aforementioned persons that I wish to keep off my property and my case?**

As stated above, Council takes all complaints regarding the conduct of Council staff seriously. We will conduct an internal review of the matter and provide you with written notification of the outcome.

**3. As I do not want Gibson's building at No. 3 to land on my property during a cyclone, for the Council to fully examine and study the issues brought up in my letter of complaint May/ 15?**

The integrity of buildings impacted on by a cyclone is considered during the assessment of the building applications. As such, Council will review that the building on adjoining land has the appropriate approvals and that the works have been undertaken in accordance with those approvals.

**4. As I started my construction in 2012, that my permit fee be charged as at that time for my "open carport"?**

Council will charge the application fee applicable at the time of lodgment.

**5. As my cement works are completed and witnesses are available, for the Council to waive the engineers report on my carport?**

As previously noted, the integrity of buildings impacted on by a cyclone is considered during the assessment of building applications. The requirement for an engineer's report ensures the integrity of the building and therefore public safety. As such, Council will not be waiving the requirements for an engineer's report.

~~~~~  
**Name:** Mr Ross Newell  
President of Whitsunday Regional Residents Association Inc.  
PO Box 799  
Bowen QLD 4805

Dear Sir,

Thank you for your response dated 7 October 2015 to our letter of 23 September 2015.

Having reviewed your responses, we have again placed this matter before you should Council wish to reassess the responses they have provided given that in nearly every case they are not consistent with records readily available from Council's web site and or subsequent press releases. In your opening comments you state that our "comments are incorrect", "that Council has not signed a contract in relation to the approval of a development application" and "any settlement for the tendered land would occur on the lodgment of a development application."

I refer you to Council's press release dated 23 December 2014 which refers to an 'Official Signing ceremony for a \$300 million Airlie Beach Chinatown Development. In this release Mayor Whitney is quoted as stating "the official signing ceremony finalises the sale of the Waterson Way Land with Council receiving a 10% deposit from Whitsunday Chinatown Investment Pty. Ltd".

The statement goes on to record:

"Once the Application is lodged with the Council, there is a 21 day period before the completion of the sale, the remainder of the \$2.5 million will then be paid to Council and Whitsunday Chinatown Investments Pty Ltd can then commence work on their development. Council expects Whitsunday Chinatown Investments Pty Ltd to start work at the site at the end of January — February 2015 subject to development approval".

The WRC press release of 26 November 2014 states:

"As part of the contract once the development is approved and the developer signs the development lease, the developer has a maximum of 3 years to construct the development. Substantial works must be undertaken by March 2016".

The WRRRA consider these statements are in contradiction to the response you have provided. In respect to the specific questions posed by us, we would comment as follows:  
Why do 'substantial works have to be undertaken by March 2016' which coincides with the commencement date of the new Planning Scheme and the higher building levels?  
Original Question:

a) The name of the Valuer who provided the Council with the value of the property prior to its sale?

Your response.

The Valuations were done by Herron Todd White:

Comment and further Question:

"That Council sell the property at 45/71 Waterson Way with a reserve price of the lowest of the two valuations received". (Council minutes 23 April 2014 Item 14.1.3).

On this basis the WRRRA seeks clarification as to who provided the second valuation prior to the sale of the said land and what was that amount as this was not included in Council's response?

Original Question:

c) Has the proposed purchaser paid, or will pay the full DA Applicant fees on each of the three

DA applications/offers outside of the current contractual agreement"?

Your Response:

"The developer will pay infrastructure charges as per any other development of this size in the region, once a development application is lodged then discussions can occur in relation to infrastructure charges".

Comment and further Question:

Council's response does not clearly answer the question. Council records indicate that there have been three development applications/offers. Will the developer only pay the one infrastructure charge and will Council apply the provisions of the economic development incentives policy to this development?

The Council Minutes of the 24 June record "That Council adopt the proposed Adopted Infrastructure Charges Resolution (No1 of 2015) applicable to the Bowen Shire Council Planning Scheme 2006 and Whitsunday Shire Council Planning Scheme 2009 in appendix A and adopt the proposed Economic Development Incentives Policy in appendix b"..

The background information provided to Council provides that the changes in legislation require that Council have a compliant Local Government Infrastructure Plan in place prior to 1 July 2016. In the period between now and 1 July 2016 Council may adopt a compliant AICR which must be in place prior to 1/7/2015 and will cease to have effect on 30/6/2016. Furthermore Council Minutes of 22 July 2015 record:

"That Council thank Whitsunday Chinatown Investments for their three offers outside of the current contractual agreement".

How do these considerations currently affect the proposed Chinatown development?  
On this basis will Council now confirm that a signed contract was in place at the time this minute was recorded namely 22 July 2015?

Original Question:

What was the Conflict of Interest reason for the Mayor's excusing herself from the meeting of 24th July, when the Council discussed the Whitsunday Chinatown Investments in connection with 'three offers outside of the current contractual agreement' mentioned in the motion

Your Response:

Conflicts of interest for all Councillors are noted in the minutes of each meeting.  
Comment and further Question:

The Local Government Act clearly calls for Councillors to not only declare any interests but to also state the nature of the interest.

"Mayor Whitney declaring an interest on the basis that she had had direct discussions with potential participants in the tender process". (Council Minutes of the 23 April 2014 (Item 14.1.3) Details of those participants were not disclosed to Council.

On the 26 November 2014 re the sale of Waterson Way 14.1.2.2014/11/26.71 details as required by the act, Mayor Whitney declared a material personal interest as per Section 172 of the Local Govt. Act 2009 without providing the appropriate details of that interest as required by the Act.

On the 22 July 2015, Mayor Whitney declared she had a business relationship with interested parties as per Section 173 Local Govt. Act 2009 but at no stage did the Mayor, Jennifer Whitney, declare what her interests are in respect to the Chinatown Development. As recent as the 7 October Council Meeting, Mayor Whitney declared an interest (unqualified) and left the room when the vote was taken to sell the property.

The WRRRA questions what her interests are and why she has not declared same as set out in the Act?

Furthermore, why is the Mayor leading all the action, meetings etc. if she has a material interest and a conflict of interest?

Original Question:

f) Why would the Council 'agree' to sell Waterson Way, and then propose a Town Plan where the building heights increase from 4 stories to 8+ stories, and thus make the property more valuable?

Your response:

Council's town planning process is not co-joined with the Building a Better Whitsunday Program in any way.

Comment and further Question:

Your response is in contradiction to the Mayor's media release dated 26/11/2014 which states" WRC opened the tender for the 2.1 hectare prime parcel of land located on Waterson Way in August which was promoted though the " Building a Better Whitsunday" Campaign and received a large number of inquiries.



Would Council now like to reconsider the response provided and also provide an estimate of how much the value has increased after being re zoned from four stories to eight stories building heights?

Original Question:

g) As this development is supposed to contain a large Buddhist Temple, will this make all or a large part of the property exempt from paying Council rates?

Your response:

Council has not been advised of any religious elements to the development.

Comment and further Question:

The above mentioned media release also records:

"The China Town Development is the first step in the CAEAI's proposed broader \$5 billion investment in the Whitsunday Region which includes a Buddhist Temple integrated Resort Development and the upgrading of a Whitsunday Coast Airport to international standards." On the 22 January 2015 in an interview by the Whitsunday Times, Mr. Wang confirmed he and his associates had looked at "maybe 4/5 different land sites" for this type of development as well as a Chinatown/style restaurant, shopping precinct and a Buddhist Temple Complex " and I think the most possible is in Airlie Beach and Shute Harbour".

Does Council wish to reconsider your response and acknowledge that a Buddhist Temple complex is to be considered as part of the overall development, and that part of the complex will then be exempt from rates?

Original Question:

Where was the Mayor's and CEO's meeting with Mr Wang and his solicitor on 17 July, but not disclosed until 9 September Council meeting, held?

Your response:

"The Mayor did not attend any meeting on the 17 July with representatives of Whitsunday China Town Investments. A meeting occurred in the Proserpine Council Chambers between 9am and 11 am with Council Officers, Council Solicitors and representatives of Whitsunday China Town Investments".

Comment and further Question:

The response does not answer the question as to why the record of the meeting for the Mayor was not recorded until the 9 September Council Meeting when the recorded minutes of the Mayoral Update have been changed without notice of same being given to Council to accept the change.

If the meeting did not occur as you state on the 17 July 2015, then when was it held and who did the Mayor have the meeting with as disclosed in her "Mayoral Update" in 9 September 2015 for 17 July 2015?

Original Question:

g) Why would the Council 'agree' to sell Waterson Way, and then propose a Town Plan where the building heights increase from 4 stories to 8+ stories, and thus make the property more valuable?

Your response:



Council's town planning process is not co-joined with the Building a Better Whitsunday Program in any way.

Comment and further Question:

Your response is in contradiction to the Mayor's media release dated 26/11/2014 which states "WRC opened the tender for the 2.1 hectare prime parcel of land located on Waterson Way in August which was promoted through the "Building a Better Whitsunday" Campaign and received a large number of inquiries".

Would Council now like to reconsider the response provided and estimate how much more valuable the land has become?

Original Question:

i) When does the contract for the `sale' of this land lapse because the DA Approvals have not been obtained?

Your response:

"(i) This is a matter for the Councillors to discuss".

Comment and further Question:

In your initial comments in your response you state:

"Mr Newell your opening comments are incorrect. Council has not signed a contract in relation to the approval of a development application, any settlement for the tendered land would occur upon the lodgment of a development application. Council has not declined any development application as it is yet to receive a development application and is actively encouraging the successful tenderer to lodge a development application as per their contract".

But in the Mayor's Press Release of 23 December 2014 she states:

"There is a 21 day period before the completion of the sale the remainder of the \$2.5 million will then be paid to Council and Whitsunday Chinatown Investment Pty Ltd can then commence work on their development. Council expects Whitsunday Chinatown Investments to start work at the site at the end of January — February 2015 subject to development approval".

The WRC press release of 26 November 2014 states:

"As part of the contract once the development is approved and the developer signs the development lease, the developer has a maximum of 3 years to construct the development. Substantial works must be undertaken by March 2016".

Because most contracts with "approval conditions" normally have a timeframe for completion, your reply of "This is a matter for Councillors to discuss" to our question of when does the contract expire seem strange, because the date would have been written on the contract, and unless changes were being considered, there would be "nothing for the Councillors to consider".

We now ask what was the expiry date set out in the contract of 23 December 2014?

Additional Questions;

When was the construction of the footpath adjoining the 'sold property' authorized, especially as the cost of adjoining footpaths are normally costs borne by developers?

Wrra Inc request the costs regarding the sale/development of 45 — 71 Waterson Way, including valuations, legal advice and preparation of documents regarding the sale/lease, payments to consultants, entertainment costs, advertising and publicity costs, agents' fees, and employee costs regarding this land and any associated costs?  
We look forward to your response to our questions.

**Response read by Acting Chief Executive Officer – Mr Barry Omundson**

Thank you for your questions from the Public Gallery at Council's Ordinary Meeting held on Wednesday, 28 October 2015. Please find my response detailed below:

**1. Why do 'substantial works have to be undertaken by March 2016' which coincides with the commencement date of the new Planning Scheme and the higher building levels?**

Tenders for the sale of land at Waterson Way closed in October 2014, and tenderers were advised at that time that Council wanted substantial works to occur on-site within 18 months. This timeframe was not related in any way to the Planning Scheme amendment process. Instead, the timeframe was developed to accommodate approximately six months for the preparation and submission of a Development Application, and approximately 12 months for the development of the site.

**2. On this basis, the WRRRA seeks clarification as to who provided the second valuation prior to the sale of the said land and what was that amount as this was not included in Council's response?**

Due to the Council Report regarding this matter being confidential, I am not able to disclose the amount in question. I can, however, advise that the second valuation prior to the sale of the said land was undertaken by Opteon Property Valuers.

**3. How do these considerations currently affect the proposed Chinatown development? On this basis, will Council now confirm that a signed contract was in place at the time this minute was recorded, namely 22 July 2015?**

As at 22 July 2015, Council had a signed contract in place. The three offers to which you refer in your letter, however, were all offers pertaining to the settlement method: the proponent of the Whitsunday Chinatown development proposed three other settlement methods other than that specified in the signed contractual arrangement. Council rejected all three offers.

These contractual settlement processes are not related to development application fees, building application fees or infrastructure charges. As with any other eligible development; consideration will be given to a request for the Economic Development Incentives Policy to apply, if and when such a request is made.

**4. The WRRRA questions what the Mayor's interests are and why she has not declared same as set out in the Act? Furthermore, why is the Mayor leading all the action, meetings, et cetera, if she has a material interest and a conflict of interest?**

The Mayor has declared a perceived conflict of interest and has excused herself from any debate or decision of Council in respect to this matter. The minutes of the Ordinary Meeting held on 22 July 2015 erred in stating that the Mayor has a business conflict of interest in this matter. A recommendation has been submitted at today's Ordinary

Meeting stating that the minutes in question be corrected to state that the Mayor has declared a perceived conflict of interest, rather than a business conflict of interest.

The Mayor has neither a material interest nor a conflict of interest; rather she has consistently declared a perceived conflict of interest.

The *Local Government Act 2009* clearly details the roles and responsibilities of both the Mayor and Councillors. Importantly, the Act provides that the Mayor and Councillors are responsible for planning for the future of the local government and developing Corporate Plans and strategies to achieve their goals and deliver outcomes for the broader community.

Council's current Corporate Plan, *Whitsunday 2020*, clearly articulates economic development and investment attraction as priorities of the current Council. This is demonstrated by Premier Anastacia Palaszczuk having recently invited the Mayor to join her on a trade mission to China and Japan and meet with potential investors. Due to the nature of her role, it is appropriate that the Mayor continues to advocate for local economic development opportunities and promote the region to potential investors.

**5. Would Council now like to reconsider the response provided and also provide an estimate of how much the value has increased after being re-zoned from four story to eight story building heights?**

Your assumption concerning building heights in respect to this parcel of land is incorrect. The proponent's development proposal submitted in October 2014 included an eight story hotel. In drafting their proposal; the proponent was advised by their town planning consultant that, like many of the buildings in that area, it was their belief that an eight story hotel in that area was code assessable, not impact assessable. I note that this advice was not provided to the proponent by Council, but rather by the town planning consultant engaged by the proponent.

**6. Does Council wish to reconsider your response and acknowledge that a Buddhist Temple complex is to be considered as part of the overall development, and that part of the complex will then be exempt from rates?**

No, Council will not reconsider its response. A Buddhist temple was not included in the development proposal submitted as part of the tender process; further, we are not aware that it is part of the Development Application expected to be submitted to Council.

**7. If the meeting did not occur as you state on 17 July 2015, then why was it held and who did the Mayor have the meeting with as disclosed in her "Mayoral Update" in 9 September 2015 for 17 July 2015?**

It would appear that the dates you quoted are incorrect. Council officers and solicitors met with representatives of the proponent on 14 July 2015 at Council Chambers, and the Mayor was not in attendance. The Mayor did, however, meet with another investor unrelated to your line of inquiry.

**8. Would Council now like to reconsider the response provided and estimate how much more valuable the land has become?**

No, Council will not reconsider its response. Providing an estimate of the land value is not the role of Council or its officer, but rather of professional valuers. Council engaged professional valuers to assess the value of the land in question, and in reaching their assessments, the valuers used reference sales in the Airlie Beach area and in the Whitsunday Region more broadly, as is common practice.

**9. We now ask what was the expiry date set out in the contract of 23 December 2014?**

The contract does not include an expiry date. There are, however, conditions for the submission of a Development Application and for the breaking of ground, both of which have timeframes attached. The first of those, the lodgment of the Development Application, has expired and we are currently in discussions with the proponent regarding the lodgment of this Development Application.

**10. When was the construction of the footpath adjoining the 'sold property' authorised, especially as the cost of adjoining footpaths are normally costs borne by developers?**

The footpath construction works to which you refer pre-dates Council's purchase of the land. The footpath in question was constructed when Waterson Way was upgraded to its current condition. It is possible that you are referring to another section of footpath on Waterson Way which has been constructed, but this does not adjoin the site in question: this section of footpath is between the Whitsunday Arts & Cultural Centre and the Airlie Creek culvert.

**11. WRRRA Inc. request the costs regarding the sale/ development of 45 – 71 Waterson Way, including valuations, legal advice and preparation of documents regarding the sale/ lease, payments to consultants, entertainment costs, advertising and publicity costs, agents' fees, and employee costs regarding this land and any associated costs?**

This matter pertains to a contractual arrangement and the costs you have requested are commercial-in-confidence.

~~~~~  
**Name:** Rogin Taylor  
670 Conway Road  
Preston 4800

Mayor, you were quoted in the media recently as saying 'the majority rules in the boardroom as to how council progresses and delivers. Individuals cannot change everything.'

I note that the motion to include full details of agenda items was defeated by the 4/3 when it came to a vote, however I obviously must have missed the agenda item and the vote when it came before Council in the first place to just list the agenda items and not publish the full details, of course this would have been voted on to change the way the agenda is presented to the Community and I look forward to obtaining the details of the motion, the vote and that decision at the next Council meeting.

**Response read by Acting Chief Executive Officer – Mr Barry Omundson**

Thank you for your questions from the Public Gallery at Council's Ordinary Meeting held on Wednesday, 28 October 2015. Please find my response detailed below:

- 1. Mayor, you were quoted in the media recently as saying 'the majority rules in the boardroom as to how council progresses and delivers. Individuals cannot change everything.'** I note that the motion to include full details of agenda items was defeated by the 4/3 when it came to a vote, however I obviously must have missed the agenda item and the vote when it came before Council in the first place to just list the agenda items and not publish the full details, of course this would have been voted on to change the way the agenda is

**presented to the Community and I look forward to obtaining the details of the motion, the vote and that decision at the next Council meeting.**

As per section 277 of the Local Government Regulations, Council is only required to provide to the public a Notice of Meeting and a list of agenda items that will be discussed at that Ordinary Meeting. In adopting this practice, we join many other local governments, including Townsville City Council, Isaac Regional Council and Rockhampton Regional Council, in encouraging the public to attend our meetings, where they can follow items of interest to them and ensure that they are provided with accurate information associated with those items.

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**Name:** John Finlay  
10 Avicennia Street  
Bowen QLD 4805

Dear Sir,

Upon receipt of the tenders for the joint venture of the development of the airports and before Council resolves to make any decision regarding the acceptance of the tender, will public consultation (feedback/submissions be invited) be undertaken in all areas of the region giving details and stating the benefits of the business plan and actual returns to the ratepayers from the joint venture arrangement.

Please also advise of the time lines for the approving of the tender.

**Response read by Acting Chief Executive Officer – Mr Barry Omundson**

Thank you for your question from the Public Gallery at Council's Ordinary Meeting held on Wednesday, 28 October 2015. Please find my response detailed below:

- 1. Upon receipt of the tenders for the joint venture of the development of the airports and before Council resolves to make any decision regarding the acceptance of the tender, will public consultation (feedback/submissions be invited) be undertaken in all areas of the region giving details and stating the benefits of the business plan and actual returns to the ratepayers from the joint venture arrangement.**

**Please also advise of the time lines for the approving of the tender.**

The current unanimous resolution of Council is for the project to proceed to request for binding bid phase. The most beneficial bid for Council and the Community will be recommended to Council at the conclusion of the process. As elected representatives of the community, Councillors have the responsibility of analysing the recommendations of the project team to ensure the most beneficial outcome is achieved for the community. It is anticipated that this will occur in the New Year, potentially earlier.

Unfortunately, the process you have requested will circumvent standard procurement practices and potentially prejudice the outcome of the Council's decision.

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**Name:** Mark Carty  
2/18 Marshall Street  
Bowen QLD 4805

Dear Sir

Re: Whitsunday Regional Airports Beneficial Enterprise

Appointment of CEO and Directors

Subject to the formation of the Whitsunday Regional Airports Beneficial Enterprise, please advise the process for the appointment of the Chief Executive of this enterprise, and the process for the appointment of Directors of the enterprise. Will these positions be advertised publically externally of Council?

In the event the current Project Director Commercial Operations applies for the position and is successfully appointed, will his vacant CEO position of the Council be advertised publically external of Council, or will Council make an internal appointment?

Please advise subject to the formation of the Whitsunday Regional Airports Beneficial Enterprise, the timelines for the appointment of the CEO and Directors.

**Response read by Acting Chief Executive Officer – Mr Barry Omundson**

Thank you for your questions from the Public Gallery at Council's Ordinary Meeting held on Wednesday, 28 October 2015. Please find my response detailed below:

- 1. Subject to the formation of the Whitsunday Regional Airports Beneficial Enterprise, please advise the process for the appointment of the Chief Executive of this enterprise, and the process for the appointment of Directors of the enterprise. Will these positions be advertised publically externally of Council?**

While the Whitsunday Coast International Export Hub Project is still ongoing, it would be premature to pre-empt any decisions in relation to a potential board make up. Council can advise that any recommendations made in relation to board structures and appointments as a result of the project, will be considered and determined by Council.

- 2. In the event the current Project Director Commercial Operations applies for the position and is successfully appointed, will his vacant CEO position of the Council be advertised publically external of Council, or will Council make an internal appointment?**

In relation to the recruitment of a permanent Chief Executive Officer of the Council, Council will follow the requirements of the Local Government Act, should this action be required.

- 3. Please advise subject to the formation of the Whitsunday Regional Airports Beneficial Enterprise, the timelines for the appointment of the CEO and Directors.**

With regard to the permanent appointment of a Chief Executive Officer, it is envisaged that this will be a process decided upon by a future board.



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10. Office of the Mayor & CEO  
10.1 2015/11/11.08 ADVISORY - NORTH QUEENSLAND SPORTS  
FOUNDATION

Moved by: D CLARK  
Seconded by: J CLIFFORD

That Council receive the minutes of the North Queensland Sports Foundation Annual General Meeting, Forum Meeting and Board Meeting held in Townsville on Friday 09 October 2015.

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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10. Office of the Mayor & CEO  
10.2 2015/11/11.09 MAJOR GRANT FUND APPLICATION POLICY

Moved by: J COLLINS  
Seconded by: J CLIFFORD

That Council adopt the Major Grant Fund Application Policy.

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

## **1. BACKGROUND AND PRINCIPLES**

Council occasionally has the opportunity to apply for major project grant funding from the State and Federal Governments.

## **2. SCOPE**

This policy applies to all major project funding applications.

## **3. POLICY OBJECTIVES**

The objective of this policy is to ensure that Councillors have the opportunity to have input into which projects throughout the region become the subject of major grant funding applications.

## **4. POLICY STATEMENT**

- 4.1 Council views external grant funding as a way to build infrastructure which may not be able to be funded purely from Council's general revenue.
- 4.2 Council recognises that Councillors are elected to represent the views of the community and therefore that Councillors should be involved in the decision making process in relation to major project funding applications.
- 4.3 Council Officers shall ensure that, once a major project funding round is announced, Councillors are presented with a number of project options at a Council Briefing Session.
- 4.4 Councillors shall endorse any application for major project funding prior to the application being lodged.
- 4.5 In circumstances where application time frames mean that strict adherence to paragraph 4.4 above would result in Council failing to submit a funding application, the CEO shall:
  - (a) if at all possible, ensure that only projects which have been previously presented to Councillors at a Council Briefing Session form part of the application;
  - (b) shall immediately inform all Councillors that an application is being submitted and providing details of the application; and
  - (c) shall present a report to the next Council meeting recommending that Council endorse the application.

## **5. RELEVANT LEGISLATION**

*Local Government Act 2009*

### **INTERNAL USE ONLY**

Policy No: 000.00 - Classification:  
Adoption Date: 11 November 2015  
Revokes: N/A

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## 6. DEFINITIONS

**CEO** shall mean a person who holds an appointment as Chief Executive Officer of the Whitsunday Regional Council under section 194 of the *Local Government Act 2009*. This includes a person acting in this position.

**Council** refers to the Whitsunday Regional Council.

**Councillors** refers to the Mayor and Councillors of the Whitsunday Regional Council.

## 7. RELATED DOCUMENTS

N/A

## 8. DATE REVIEWED

N/A

## 9. NEXT REVIEW

November 2017

INTERNAL USE ONLY

Policy No: 000.00 - Classification:  
Adoption Date: 11 November 2015  
Revokes: N/A

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**10. Office of the Mayor & CEO**

**10.3 2015/11/11.10 REQUEST FOR FEE WAIVER - COLLINSVILLE ACADEMY OF DANCE**

**Moved by: P RAMAGE**

**Seconded by: D CLARK**

**That Council waive the rental charge fee as requested by Collinsville Dance Academy for the hire of Collinsville Community Hall for their annual concert on Saturday 28<sup>th</sup> November 2015.**

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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**10. Office of the Mayor & CEO**

**10.4 2015/11/11.11 ADVISORY - RETURNED & SERVICES LEAGUE OF AUSTRALIA, QUEENSLAND BRANCH**

**Moved by: J CLIFFORD**

**Seconded by: P RAMAGE**

**That Council receive the correspondence from Bill Rose, Deputy President of the Airlie Beach/Whitsunday Returned & Services League Sub Branch in regard to thanking Council for their assistance in placing a Permanent Remembrance Memorial in memory of the 5 young Naval Officers who perished.**

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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**12. Planning and Community Services**

**12.1 2015/11/11.12 2016 NAIDOC WEEK SCHOOL INITIATIVES**

**Moved by: J CLIFFORD**

**Seconded by: A WILLCOX**

**That Council provide a contribution of \$450.00 to the 2016 NAIDOC Week School Initiative Competition to cover the cost of printing and distribution to students in the Whitsunday Region.**

**MEETING DETAILS:**

The motion was Carried 7/0

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**12. Planning and Community Services**

**12.2 2015/11/11.13 20060491 - REQUEST TO CHANGE CONDITIONS -  
1728 SHUTE HARBOUR ROAD, CANNONVALE -  
CLOUGH DEVELOPMENT**

**Moved by: J ATKINSON**

**Seconded by: J COLLINS**

**That Council conditionally approve the request to change or cancel conditions 2.2 and 2.3 of the Development Permit for Reconfiguration of A Lot – Staged Ninety-Nine (99) “Urban Residential” Lots; Two (2) “Park” (Open Space) Lots and Various Public Road Reserves, In Accordance with a Master Plan of Development, Landscape Master Plan and Urban Design Guidelines lodged by Vision Surveys Pty Ltd on behalf of Clough Property Developments Pty Ltd on land described as Lot 900 SP271819, 1728 Shute Harbour Road, Cannonvale as follows:**

**Condition 2.2 – Amend the condition to read:**

**2.2 The internal road layout must be designed and constructed in accordance with the criteria and specifications in Council’s Development Manual (current at the time of development), or as amended by conditions of this approval, prior to the release of the Final Plan of Survey.**

**Condition 2.3 – Amend the condition to read:**

**2.3 The proposed internal roads must be designed in accordance with the design standards of Council’s Development Manual (current at the time of development). The Unnamed Access Road, from the intersection of Proserpine – Shute Harbour Road to the intersection of Fairweather Road shall be constructed to a finished pavement width of 6.5 metres.**

**Furthermore, Council enter into an Infrastructure Agreement with the applicant requiring the applicant to undertake the following works within three (3) years from release of survey plan for Stage 1C or 1B;**

- Construction of a roundabout in Proserpine/Shute Harbour Road to the Department of Transport and Main Roads ‘ standards; and**
- Commence construction of the Collector Road and associated infrastructure from the roundabout in Proserpine/Shute Harbour Road to the end of Stage 1B for the Stage 1B works, or the end of Stage 1C for the Stage 1C works, whichever Stage occurs first; and**
- The lodgement of an unconditional bank guarantee for 150% of the total cost of design and construction. The bank guarantee is to be updated annually in accordance with Local Government Index; and**
- Closure of the temporary access to all vehicles to coincide with the opening of the roundabout intersection; and**
- Undertake remedial works to convert the temporary access into a landscaped pedestrian pathway and bus stop as per original approval.**

**MEETING DETAILS:**

The motion was Carried 6/1



CARRIED

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12. Planning and Community Services

- 12.3 2015/11/11.14 20060982 - REQUEST FOR EXTENSION OF RELEVANT PERIOD - DEVELOPMENT PERMIT FOR MATERIAL CHANGE OF USE AND RECONFIGURATION OF A LOT, ST BEES BOULEVARD JUBILEE POCKET, GSPF3 AIRLIE BEACH PTY LTD

Moved by: D CLARK

Seconded by: A WILLCOX

That Council approve the request for an extension of relevant period of the Development Permit for Material Change of Use and Reconfiguration of a Lot - One (1) Lot into Forty Four (44) Lots and Clearing of Native Vegetation on Freehold Land Protected under the Vegetation Management Act lodged by RPS on behalf of GSPF3 Airlie Beach Pty Ltd on land described as Lot 908 SP260241, St Bees Boulevard Jubilee Pocket for a further fifteen (15) months to 26 February 2018.

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

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12. Planning and Community Services

- 12.4 2015/11/11.15 20080364 - REQUEST FOR EXTENSION OF RELEVANT PERIOD - DEVELOPMENT APPLICATION FOR RECONFIGURATION OF A LOT - ONE (1) LOT INTO EIGHTY-ONE (81) LOTS, SABEL BOULEVARD, GSPF3 AIRLIE BEACH PTY LTD

Moved by: J CLIFFORD

Seconded by: D CLARK

That Council approve the request for an extension of relevant period of the Development Permit for Reconfiguration of a Lot – One (1) Lot into Eighty-One (81) Lots to be known as Stages 3a and 3b of Airlie Retreat, Airlie Precinct lodged by RPS on behalf of GSPF3 Airlie Beach Pty Ltd on land described as Lot 1 RP733913, Sabel Boulevard Jubilee Pocket, to the 10 September 2017.

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

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**12. Planning and Community Services**

**12.5 2015/11/11.16 20101147 - REQUEST FOR CHANGE OR CANCEL CONDITIONS OF APPROVAL - DEVELOPMENT APPLICATION FOR COMMERCIAL PREMISES, 119B BOTANICA DRIVE, R G HOGAN & J C HOGAN**

**Moved by: J CLIFFORD**

**Seconded by: D CLARK**

**That Council approve the request to change or cancel conditions of the Development Permit for a Material Change of Use for a Commercial Premises - Wedding Facility lodged by R G Hogan & J C Hogan on land described as Lot 62 SP211518, Villa Botanica and located at /119B Botanica Drive Woodwark, as follows:**

**a) Approve the amendment to Condition 6.1 to increase the maximum number of guests for each event to:**

**6.1 A maximum of one hundred (100) guests are permitted at any one (1) wedding function.**

**b) Delete condition 6.3 restricting a maximum of 3 weddings per week;**

**c) Approve the amendment to Condition 6.4 to increase the maximum number of functions to 160 to:**

**6.4 A maximum of 160 functions are permitted per year.**

**d) Delete condition 6.5 restricting events from being held in January, February and March.**

**MEETING DETAILS:**

The motion was Carried 6/1

**CARRIED**

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**12. Planning and Community Services**

**12.6 2015/11/11.17 20140651 - DEVELOPMENT PERMIT FOR OPERATIONAL WORKS - LANDSCAPING - 277 SHUTE HARBOUR ROAD, AIRLIE BEACH - ALGONA DEVELOPMENTS**

**Moved by: J COLLINS**

**Seconded by: D CLARK**

**That Council approve the submitted Landscaping Concept Plans associated with the Development Permit for Material Change of Use - Commercial Complex and Thirty-Three (33) Accommodation Units lodged by U Plan Landscape Architect on behalf of Algona Developments Pty Ltd As TTE on land described as Lot 1 A85911 and located at 277 Shute Harbour Road, Airlie Beach subject to the following additional conditions:**

1. The requirement for the applicant to construct a minimum a 1.5m footpath connecting to the western existing footpath to be removed.
2. The installation of a ramp on the eastern corner of the building adjacent to Lot 331.
3. The developer is responsible for general upkeep of steps and garden areas.
4. The landscaping is to match the colour scheme of Airlie Main Street.
5. All works must be to Australian Standards and to the satisfaction of Council prior to the commencement of the use.

**MEETING DETAILS:**

The motion was Carried 6/1

**CARRIED**

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**12. Planning and Community Services**

- 12.7 2015/11/11.18 20150882 - APPLICATION FOR RENEWAL AND CONVERSION TO FREEHOLD OF PERPETUAL LEASE GHPL 5/2138 OVER LOT 6 ON HLN260, LOCATED AT BOGIE**

**Moved by: P RAMAGE**

**Seconded by: D CLARK**

**That Council advise the Department of Natural Resources and Mines that Council has no objection to the Renewal and Conversion to Freehold of Perpetual Lease GHPL 5/2138, over Lot 6 on HLN260.**

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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**12. Planning and Community Services**

- 12.8 2015/11/11.19 20150884 - APPLICATION FOR RENEWAL OF TERM LEASE TL 0/233775 OVER LAND DESCRIBED AS LOT 116 ON G7281, LOCATED AT GUMLU**

**Moved by: P RAMAGE**

**Seconded by: D CLARK**

**That Council advise the Department of Natural Resources and Mines that Council offers no objection to the Renewal of Term Lease TL 0/233775 over Lot 116 on G7281, located at Gumlu.**

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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**12. Planning and Community Services**

**12.9 2015/11/11.20 20150885 - APPLICATION FOR RENEWAL OF TERM LEASE 0/233776 ON LAND DESCRIBED AS LOT 115 ON G7281, LOCATED AT GUMLU**

**Moved by: P RAMAGE**

**Seconded by: D CLARK**

**That Council advise the Department of Natural Resources and Mines that Council has no objection to the Renewal of Term Lease TL 0/233776 on land described as Lot 115 on G7281, located at Gumlu.**

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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**12. Planning and Community Services**

**12.10 2015/11/11.21 GALILEE BASIN STATE DEVELOPMENT AREA AMENDMENTS**

**Moved by: J COLLINS**

**Seconded by: P RAMAGE**

**That Council note that the boundary of the Galilee Basin State Development Area (SDA) was varied by regulation on 4 September 2015 and that the Governor in Council approved a variation to the Development Scheme that commenced on 9 October 2015.**

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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**12. Planning and Community Services**

**12.11 2015/11/11.22 ADOPTED INFRASTRUCTURE CHARGES RESOLUTION (NO. 2 OF 2015)**

**Moved by: J CLIFFORD**

**Seconded by: J ATKINSON**

**That Council adopt the Adopted Infrastructure Charges Resolution (No. 2 of 2015) in replacement of Adopted Infrastructure Charges Resolution (No.1 of 2015).**

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**



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12. Planning and Community Services  
12.12 2015/11/11.23 COMMUNITY GRANTS POLICY

Moved by: J CLIFFORD  
Seconded by: J ATKINSON

That Council:

1. Repeal the Community Grants Policy
2. Adopt:
  - a. the Community Grants Policy
  - b. Sport & Recreation Clubs Grant Guidelines
  - c. Facility Management Grant Guidelines
  - d. Special Projects Grant Guidelines
3. Publicly notify the community grants funding programs in accordance with Community Grants Policy.

**PROCEDURAL MOTION**

Moved by: J WHITNEY  
Seconded by: P RAMAGE

That the Community Grants Policy report be tabled to the next meeting of Council to allow discussions to be held at a briefing session.

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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12. Planning and Community Services  
12.13 2015/11/11.24 EVENT FEE WAIVER - RODEO FOR SUICIDE PREVENTION

Moved by: P RAMAGE  
Seconded by: J CLIFFORD

That Council note the waiver of the \$638.00 Event fee for the Rodeo for Suicide Prevention held from 16-18 October 2015.

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**



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**12. Planning and Community Services**

**12.14 2015/11/11.25 REQUEST FOR BUILDING APPLICATION FEE WAIVER - PROSERPINE HISTORICAL MUSEUM**

**Moved by: J COLLINS**

**Seconded by: J CLIFFORD**

**That Council waive the Building Application fee of \$510 being for minor work for the construction of a new display room at the Proserpine Historical Museum.**

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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**12. Planning and Community Services**

**12.15 2015/11/11.26 REQUEST FOR FUNDING ASSISTANCE - BOWEN COMMUNITY BROADCASTING ASSN INC. (GEM FM)**

**Moved by: J CLIFFORD**

**Seconded by: J COLLINS**

**That Council approve a donation of \$500.00 for the Whitsundays Local Radio Station GEM FM, to be used to purchase a replacement air-conditioning unit.**

**PROCEDURAL MOTION**

**Moved by: J WHITNEY**

**Seconded by: A WILLCOX**

**That the 'Request for Funding Assistance – Bowen Community Broadcasting Association Inc. (GEM FM)' report be tabled to after staff presentations, morning tea and attendance at the Remembrance Day Ceremony.**

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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16. Procedural Motion  
16.2 2015/11/11.27 PROCEDURAL MOTION - ADJOURNMENT

Moved by: J CLIFFORD

Seconded by: P RAMAGE

That the meeting be adjourned for the purpose of a Staff Presentation, Morning Tea and attendance at the Proserpine Cenotaph Remembrance Day Ceremony at 10.16am

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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16. Procedural Motion  
16.3 2015/11/11.28 PROCEDURAL MOTION - RECONVENE

Moved by: J CLIFFORD

Seconded by: A WILLCOX

That the meeting be reconvened from the Staff Presentation, Morning Tea and attendance at the Proserpine Cenotaph Remembrance Day Ceremony at 11.20am.

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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12. Planning and Community Services  
12.15 2015/11/11.29 REQUEST FOR FUNDING ASSISTANCE - BOWEN  
COMMUNITY BROADCASTING ASSN INC. (GEM FM)

Moved by: J CLIFFORD

Seconded by: J COLLINS

That Council approve a donation of \$500.00 for the Whitsundays Local Radio Station GEM FM, to be used to purchase a replacement air-conditioning unit.

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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## 12. Planning and Community Services

### 12.16 2015/11/11.30 APPLICATION TO OPERATE WHITSUNDAY WEDDING CARRIAGES IN AIRLIE BEACH & CANNONVALE

Moved by: J CLIFFORD

Seconded by: J ATKINSON

**That Council approve the application to operate Whitsunday Wedding Carriages in the Airlie Beach Area in accordance with conditions set out in the Whitsunday Regional Council Local Law No.1 (Administration) 2014 with an attachment of associated conditions imposed on the licence detailed in the minutes.**

#### 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;
- (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–

- (i) permit access to local government staff or contractors at all times to inspect or service facilities;
- (j) carry out the activity in accordance with any standards of the local government applicable at the time of the approval;
- (k) conduct the activity only on the days and times, and at the specific locations or areas, specified in the approval;
- (l) display the approval in the ways stated in the approval and produce the approval for inspection on demand by an authorised person;
- (m) comply with a requirement to submit the business, vehicle or premises to be inspected by an authorised person;
- (n) maintain a defined access point for emergency vehicles at all times;

- (o) 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;
- (p) comply with relevant workplace health and safety requirements;
- (q) be responsible for any costs or expenses incurred by local government for rectifying any damage caused by the activity;
- (r) not interfere with, paint, permanently mark, damage or remove any buildings, structures, fixtures, fittings or facilities provided by local government;
- (s) not erect any permanent or temporary buildings, signs or structures upon the approved activity area without the written consent of the local government;
- (t) ensure that litter is collected and lawfully disposed at a local government waste transfer station;
- (u) ensure that cleaning, maintaining or repairing any vehicle, except for emergency repairs, is prohibited;
- (v) 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;
- (w) accept full responsibility for the safe transportation of customers and all other persons undertaking the activity;
- (x) 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;
- (y) 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;

**Special Condition**

Horses will be fitted with “waste collection” bags keeping the area and roads clean and free from any waste at all times.

***Council may revoke the permit if conditions are not complied with***

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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- 12. Planning and Community Services**
- 12.17 2015/11/11.31 PAT BOTTO PARK**

**Moved by: J COLLINS**  
**Seconded by: J CLIFFORD**

**That the Chief Executive Officer start putting into place the necessary procedures to allow Pat Botto Park to be used as an RV Friendly Stop.**

Furthermore, that the Chief Executive Officer liaise with the Proserpine Chamber of Commerce and the Canegrowers Executive. This will allow both the businesses in Proserpine and concerned neighbouring Canefarmers to be kept fully informed of where we are at with this project.

Furthermore, that the costs of this project be ascertained.

**MEETING DETAILS:**

The motion was Carried 6/1

**CARRIED**

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**10. Office of the Mayor & CEO**

**10.5 2015/11/11.32 TOURISM INFRASTRUCTURE FUNDING  
APPLICATION**

**Moved by: A WILLCOX**

**Seconded by: J COLLINS**

That Council select the following two projects for funding under the Tourism Infrastructure Funding closing 23 November, 2015:

- Water Park Proserpine
- North Head Lighthouse

Furthermore, should the alternative funding be received for the Water Park Proserpine that the Whisper Bay Fishing Platform – T Shape Platform and/or the Collinsville Showgrounds (Multi-purpose precinct) be included in the funding application.

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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**16. Procedural Motion**

**16.4 2015/11/11.33 PROCEDURAL MOTION - CLOSURE OF MEETING**

**Moved by: J CLIFFORD**

**Seconded by: J COLLINS**

That Council close the meeting to the public at 11.47am in accordance with Section 275 of the Local Government Regulations 2012, 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.

- Item 14.1.1 – Letter of Support – Bowen River Weir Floating Solar Farm

Section 275(1)(h) other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage

- **Item 14.1.2 – Waterson Way Land Sale**

Section 275(1)(e) contracts proposed to be made by it

- **Item 14.2.1 – Concealed Water Leakage Concession – Assessment 1108118**

Section 275(1)(d) rating concession

- **Item 14.2.2 – Sale of Land for Arrears of Rates**

Section 275(1)(f) starting or defending legal proceedings involving it

- **Item 14.2.3 – Infrastructure Levy for Island Resort Staff**

Section 275(1)(d) rating concession

- **Item 14.2.4 – Supply and Delivery of One(1) Forklift**

Section 275(1)(e) contracts proposed to be made by it

- **Item 14.2.5 – Supply and Delivery of Four (4) 2WD Utilities**

Section 275(1)(e) contracts proposed to be made by it

#### MEETING DETAILS:

The motion was Carried 7/0

CARRIED

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*Mayor Whitney left the meeting room at 12.10pm during the discussion of Item 14.1.2 Waterson Way Land Sale and Mayor Whitney declared a Material Personal Interest and Conflict of Interest in relation to Item 14.2.5 Supply and Delivery of Four (4) 2WD Utilities (as per section 173 of the Local Government Act 2009) on the matter of being a business partner of a company that submitted a tender.*

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*Mayor Whitney returned to the meeting room at 1.07pm*  
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16. Procedural Motion

16.5 2015/11/11.34 PROCEDURAL MOTION - REOPEN OF MEETING

Moved by: J ATKINSON

Seconded by: J CLIFFORD

That Council reopen the meeting to the general public at 1.08pm.

#### MEETING DETAILS:

The motion was Carried 7/0

CARRIED

**14.1 Confidential Matters – Office of the Mayor & CEO**

**14.1.1 2015/11/11.35 LETTER OF SUPPORT - BOWEN RIVER WEIR  
FLOATING SOLAR FARM**

**Moved by: P RAMAGE**

**Seconded by: J CLIFFORD**

**That Council provide a letter of support to Private Energy Partners in relation to their proposed Bowen River Weir Floating Solar Farm grant application.**

**Furthermore, that Private Energy Partners be invited to address Council at the next available Briefing Session.**

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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**14.1 Confidential Matters – Office of the Mayor & CEO**

**14.1.2 2015/11/11.36 WATERSON WAY LAND SALE**

**Moved by: P RAMAGE**

**Seconded by: J ATKINSON**

**That Council resolve to move forward with the sale of 45 - 71 Waterson Way, Airlie Beach by Council requesting that the Purchaser lodge a properly made development application within 30 days after receiving written notice from McCullough Robertson, and once lodged this will trigger settlement within 21 days and the current contractual arrangement remains unchanged.**

**Furthermore, failing to lodge the properly made application within 30 days after receiving written notice from McCullough Robertson, Council will terminate the contract for breach of an essential term of the contract and claim the \$250,000 deposit following breach by the developer.**

**MEETING DETAILS:**

The motion was Carried 5/1

*Cr Jan Clifford requested to be recorded as against the motion*

Mayor Whitney declared a perceived conflict of interest (as per section 173 of the Local Government Act 2009) and left the meeting room at 1.09pm taking no part in the debate or decision of the meeting; Deputy Mayor Willcox chaired the meeting in her absence.

**CARRIED**

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*Mayor Whitney returned to the Meeting Room at 1.13pm*

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**14.2 Confidential Matters - Corporate Services**

**14.2.1 2015/11/11.37 CONCEALED WATER LEAKAGE CONCESSION - ASSESSMENT 1108118**

**Moved by: J COLLINS**

**Seconded by: J CLIFFORD**

**That Council approve a concealed leak concession to the value of \$6,806.54 for assessment 1108118 and that interest on the overdue account be waived for the period while Council was assessing the application.**

**MEETING DETAILS:**

The motion was Carried 5/2

**CARRIED**

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**14.2 Confidential Matters – Corporate Services**

**14.2.2 2015/11/11.38 SALE OF LAND FOR ARREARS OF RATES**

**Moved by: J CLIFFORD**

**Seconded by: A WILLCOX**

**That Council approve the Sale of Land for arrears of rates pursuant to the Local Government Act 2009 (Qld) & Local Government Regulation 2012 (Qld) for the following properties:**

**Assessment 1105673 Lot 4 HR 930 SL/200666 Parish of Molle Area of 3.24 hectares  
Arrears \$90,835.93**

**Assessment 1102240 L 17 RP 908016 Parish of Conway Area of 724 Square Metres  
Arrears \$23,100.33**

**Assessment 1202797 L 17 RP 908016 Parish of Conway Area of 724 Square Metres  
Arrears \$20,955.08**

**Assessment 1101178 L 14 BUP 70173 Parish of Conway Area of 131 Square Metres  
Arrears \$17,749.35**

**Assessment 1102734 L 31 RP 907473 Parish of Conway Area of 500 Square Metres  
Arrears \$17,389.44**

**Assessment 1104771 L 57 RP 806609 Parish of Tawvale Area of 805 Square Metres  
Arrears \$15,370.18**

**Assessment 1300062 L 16 SP 237695 T & EMT D Parish of Pring Area of 852 Square Metres Arrears \$15,187.49**

**Assessment 1101790 L 16 SP 237695 T & EMT D Parish of Pring Area of 852 Square Metres \$26,363.03**

**Assessment 1107104 L 63 RP 891516 Parish of Tawvale Area of 2.0320 Hectares Arrears \$12,657.20**

**Assessment 1105882 L 5 RP 736942 Parish of Dryander Area of 3.4810 Hectares Arrears \$12,536.96**

**Assessment 1102693 L 59 RP 747993 Parish of Conway Area of 990 Square Metres Arrears \$12,731.74**

**Assessment 1101528 L 133 RP 732623 Parish of Dryander Area of 717 Square Arrears \$11,982.42**

**Assessment 1208723 L 951 SP 194473 Parish of Dargin Area of 2.4290 Hectares Arrears \$9,633.12**

**Assessment 1105479 L 32 RP 744452 Parish of Gloucester Area of 800 Square Metres \$8,715.48**

**If properties are not sold at auction Council must purchase at the reserve price.**

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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**14.2 Confidential Matters – Corporate Services**

**14.2.3 2015/11/11.39 INFRASTRUCTURE LEVY FOR ISLAND RESORT STAFF**

**Moved by: J CLIFFORD**

**Seconded by: D CLARK**

**That Council waive the Infrastructure Levy for Island Resort Staff (\$1 per staff member), as introduced in the 2015/16 Fees and Charges, for the months of July, August and September 2015.**

**MEETING DETAILS:**

The motion was Carried 6/1

**CARRIED**

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**14.2 Confidential Matters – Corporate Services**

**14.2.4 2015/11/11.40 SUPPLY AND DELIVERY OF ONE (1) FORKLIFT**

**Moved by: J ATKINSON**

**Seconded by: J CLIFFORD**

**That Council award contract 500.2015.0016 for the Supply and delivery of one (1) Forklift to Crown Equipment Pty Ltd for \$19,588.19 (Including GST).**

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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**14.2 Confidential Matters – Corporate Services**

**14.2.5 2015/11/11.41 SUPPLY AND DELIVERY OF FOUR (4) 2WD UTILITIES**

**Moved by: J ATKINSON**

**Seconded by: J CLIFFORD**

**That Council award contract for 500.2015.0016 the Supply and Delivery of four (4) 2WD Utilities including the trade parts A, B, C and D as follows:**

- a) Award Part A to Filby's Motors for a Mitsubishi Triton (including trade in of asset 10311 Nissan Navara) for a net tendered value of \$20,636.37**
- b) Part B to Filby's Motors for a Mitsubishi Triton (including trade in of asset 10512 Nissan Navara) for a net tendered value of \$20,636.37**
- c) Part C to Bowen Mazda for a Mazda BT50 (including trade in of asset 10926 Holden Rodeo) for a net tendered value of \$19,501.81**
- d) Part D to Bowen Mazda for a Mazda BT50 (Including trade in of asset 10927 Holden Rodeo) for a net tendered value of \$19,501.81**

**MEETING DETAILS:**

The motion was Carried 6/0

Mayor Whitney declared a material personal interest and conflict of interest (as per section 173 of the Local Government Act 2009) on the matter of being a business partner of a company that submitted a tender and left the meeting room at 1.16pm taking no part in the debate or decision of the meeting; Deputy Mayor Willcox chaired the meeting in her absence.

**CARRIED**

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***Mayor Whitney returned to the Meeting Room at 1.18pm***

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***The meeting closed at 1.18pm***

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Confirmed as a true and correct recording this 25 November, 2015

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**Cr Jennifer Whitney  
MAYOR**