



# Minutes of the Ordinary Meeting held on 13 July 2016



## 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  
13 July 2016 commencing at 9:00am**

**Councillors Present:**

A Willcox; J Clifford; R Petterson; J Collins; P Ramage; D Clark and M Brunker

**Council Officers Present:**

B Omundson (Chief Executive Officer); M McGoldrick (Chief Financial Officer); D Staley (Director Planning & Development); G Jarvis (Director Corporate Services); J Raiteri (Director Engineering Services); J Wright (Acting Director Community & Environment); G Martin (Communications & Marketing Manager); B Davis (Governance Officer); A Felix (Administration Officer)

**Other Details:**

The meeting commenced at 9am

The meeting adjourned for morning tea and presentations at 10.28am

The meeting reconvened after morning tea and presentations at 11.55am

The meeting closed at 12.16pm

Whitsunday Regional Council  
 Minutes of the Ordinary Meeting to be held at  
**Proserpine Council Chambers, 83-85 Main Street, Proserpine**  
 on 13 July 2016 commencing at 9:00am

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**2. Condolences**

**2.1 2016/07/13.01 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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**3.2 Mayoral Update**

|                                                 |                                                                                                                                                                                                                            |
|-------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Wednesday</b><br><b>29<sup>th</sup> June</b> | <ul style="list-style-type: none"><li>• Council Meeting – Bowen</li><li>• Councillor Workshop – Bowen</li><li>• Meeting with WRRRA – Bowen</li><li>• QFES Northern Region Assistant Commissioner - Bowen</li></ul>         |
| <b>Thursday</b><br><b>30<sup>th</sup> June</b>  | <ul style="list-style-type: none"><li>• Meeting with Ratepayers - Bowen</li></ul>                                                                                                                                          |
| <b>Friday</b><br><b>1<sup>st</sup> July</b>     | <ul style="list-style-type: none"><li>• Meeting with Ratepayers – Proserpine</li><li>• Meeting with CEO Daydream Island – Proserpine</li><li>• Bowen Lions Club 51<sup>st</sup> Annual Changeover Dinner - Bowen</li></ul> |
| <b>Saturday</b><br><b>2<sup>nd</sup> July</b>   | <ul style="list-style-type: none"><li>• Proserpine Lion and Lioness Club Annual Changeover Dinner - Proserpine</li></ul>                                                                                                   |
| <b>Monday</b><br><b>4<sup>th</sup> July</b>     | <ul style="list-style-type: none"><li>• Guest Speaker at Chamber of Commerce – Bowen</li></ul>                                                                                                                             |

|                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|--------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>Tuesday</b><br/><b>5<sup>th</sup> July</b></p>   | <ul style="list-style-type: none"> <li>• Meeting with Ratepayer - Bowen</li> </ul>                                                                                                                                                                                                                                                                                                                                                  |
| <p><b>Wednesday</b><br/><b>6<sup>th</sup> July</b></p> | <ul style="list-style-type: none"> <li>• Corporate &amp; Engineering Briefing Session – Proserpine</li> </ul>                                                                                                                                                                                                                                                                                                                       |
| <p><b>Thursday</b><br/><b>7<sup>th</sup> July</b></p>  | <ul style="list-style-type: none"> <li>• ROC Strategy Day – Mackay</li> <li>• Meeting with Tony Lucas Aurizon – Mackay</li> <li>• Meeting with Executive Officer for the Mackay Whitsunday Healthy Rivers to Reef Partnership - Mackay</li> </ul>                                                                                                                                                                                   |
| <p><b>Friday</b><br/><b>8<sup>th</sup> July</b></p>    | <ul style="list-style-type: none"> <li>• Cultural Program Training – Bowen</li> <li>• Meeting with Ratepayers – Bowen</li> <li>• Meeting for Coordinator General's Annual Report to Parliament on FIFO Workers – Bowen</li> <li>• Buffalo Lodge Closing Down Dinner - Bowen</li> </ul>                                                                                                                                              |
| <p><b>Saturday</b><br/><b>9<sup>th</sup> July</b></p>  | <ul style="list-style-type: none"> <li>• NAIDOC March and Family Day Celebrations - Bowen</li> </ul>                                                                                                                                                                                                                                                                                                                                |
| <p><b>Monday</b><br/><b>11<sup>th</sup> July</b></p>   | <ul style="list-style-type: none"> <li>• Meet &amp; Greet with Depot Staff – Bowen</li> <li>• Meet &amp; Greet with Bowen Office Staff – Bowen</li> <li>• Meeting with Ratepayers</li> <li>• Meeting with Adani – Bowen</li> <li>• BCE Meeting - Bowen</li> </ul>                                                                                                                                                                   |
| <p><b>Tuesday</b><br/><b>12<sup>th</sup> July</b></p>  | <ul style="list-style-type: none"> <li>• Meet &amp; Greet with Depot Staff – Proserpine</li> <li>• Meeting with Ratepayers – Proserpine</li> <li>• Meet &amp; Greet with Proserpine Office Staff – Proserpine</li> <li>• Meeting with Clough Developments – Proserpine</li> <li>• Meet &amp; Greet with Proserpine Water &amp; Waste &amp; Whitsunday Coast Airport Staff</li> <li>• REDC Board Meeting – Teleconference</li> </ul> |

**4. Confirmation of Minutes**

**4.1 2016/07/13.02 CONFIRMATION OF MINUTES**

**Moved by: R PETERSON**

**Seconded by: D CLARK**

**That the Minutes of the Ordinary Meeting held on 29 June 2016 be confirmed.**

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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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

## Responses to Public Questions

Name Noel Hardie  
Council Meeting Date: 29 June 2016

DEMANDS GIVEN TO ANDREW WILCOY.  
10/06/16. TO BE REMEDIATED WITHIN 14 DAYS

1. STORM WATER FROM NO 3 WASCELLES LANE.  
TO BE DISCHARGED (REMEDIED) BY QBC.  
(ALL LOCATIONS.)
2. DISMANTLE FACIA ADJOINING  
PROPERTIES TO THE SURVEY LINE OF  
2010/2011.
3. BY VACUUM METHOD, REMOVE ALL  
ILLEGALLY QUARRIED, DEN RIVER SAND,  
FROM NO 1 WASCELLES LANE.
4. SWIMMING POOL PERIMETRE DRAINS  
TO THE SEWERAGE SYSTEM.



## **Response read out by Chief Executive Officer**

Dear Mr Hardie,

### **RE: RESPONSE TO PUBLIC QUESTION – 29 JUNE 2016**

I refer to your Questions from the Public Gallery at Council's Ordinary Meeting on the 29 June 2016 and raised in your facsimile to Council on 10 June 2016 regarding demands for action on matters at 3 Lascelles Lane. Thank you for bringing your concerns about this matter to our attention on a number of occasions. Council would very much like to assist our ratepayers when and wherever we can, yet unfortunately in this matter; we are unable to assist as the matters are not within the jurisdiction of Council.

Specifically:

1. In relation to the stormwater discharges from 3 Lascelles Lane, the stormwater discharges from private properties is not within the jurisdiction of Council and any nuisance created by flows is potentially a matter of common law between the owners of 1 and 3 Lascelles Lane. Issues related to drainage disputes are often unclear and legal opinion is often necessary to determine an appropriate course of action. In carrying out works that modify existing stormwater and surface water drainage, the rights of adjoining landowners must be taken into account. A person may be liable under common law principles of nuisance where there has been an unreasonable interference with a person's use or enjoyment of land, or in connection with the land. The determination of matters of nuisance is outside of the jurisdiction of the local government and rests with the courts.
2. In relation to the removal of the fascia of 3 Lascelles Lane which potentially encroaches into 1 Lascelles Lane, the potential encroachment would be a matter of common law between the owners of 1 and 3 Lascelles Lane. Potential offences, within the jurisdiction of Council, under the *Sustainable Planning Act 2009* and the *Building Act 1975* remain the subject of ongoing Council compliance investigations.
3. In relation to the potential subsidence of material from 3 Lascelles Lane to 1 Lascelles Lane, this is not within the jurisdiction of Council and is potentially a matter of common law between the owners of 1 and 3 Lascelles Lane.
4. In relation to the installation of a perimeter drainage for overflow from a swimming pool at 3 Lascelles Lane, as stated previously, the direction to install perimeter drainage is not within the jurisdiction of Council and any nuisance created by flows is potentially a civil matter between the owners of 1 and 3 Lascelles Lane.

10. Office of the Mayor and CEO

10.1 2016/07/13.03 COUNCIL MEETING DATE RESCHEDULE - JULY 2016

Moved by: J CLIFFORD

Seconded by: M BRUNKER

That Council reschedule the Ordinary Council Meeting from Wednesday, 27 July 2016 to Tuesday, 26 July 2016 due to the Mayor, Cr Ramage, Cr Petterson and the Chief Executive Officer attending the North Queensland Local Government Conference in Cloncurry.

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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10. Office of the Mayor and CEO

10.2 2016/07/13.04 LGAQ - CIVIC LEADERS SUMMIT 13-15 JULY 2016

Moved by: M BRUNKER

Seconded by: J COLLINS

That Council note the attendance of Mayor Willcox at the LGAQ Civic Leaders Summit being held the 13-15 July 2016 at the RACV Royal Pine Resort in Benowa.

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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

**10.3 2016/07/13.05 BOWEN BASIN MINING CLUB ANNUAL MORANBAH NETWORKING LUNCHEON - 11 AUGUST 2016**

**Moved by: R PETERSON**

**Seconded by: J CLIFFORD**

**That Council nominate Mayor Andrew Willcox and the Chief Executive Officer to attend the Bowen Basin Mining Club Annual Moranbah Networking Luncheon being held on 11 August 2016 at the Moranbah Community Centre Town Square.**

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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**11. Corporate Services**

**11.1 2016/07/13.06 CONSULTATION - ANNUAL VALUATION EFFECTIVE 30 JUNE 2017**

**Moved by: J CLIFFORD**

**Seconded by: P RAMAGE**

**That Council has no objection to a valuation of the Whitsunday Regional Council area to be undertaken to be effective on 30 June 2017.**

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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**12. Planning and Development Services**

- 12.1 2016/07/13.07 DA09264 - REQUEST FOR EXTENSION OF RELEVANT PERIOD - DEVELOPMENT PERMIT FOR MATERIAL CHANGE OF USE - FOUR MULTIPLE DWELLING UNITS - 45 GREGORY STREET, BOWEN - FFR DEVELOPMENTS**

**Moved by: D CLARK**

**Seconded by: M BRUNKER**

**That Council approve the request for an extension of relevant period of the Development Permit for Material Change of Use of Premises for four (4) Multiple Dwelling Units lodged by Finance 4 on behalf of FFR Developments Pty Ltd on land described as Lot 2 RP721134, 45 Gregory Street, Bowen for two years due to the current economic climate.**

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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**13. Community and Environment**

- 13.1 2016/07/13.08 ADVISORY - MIW EMBRACING 2018 STEERING COMMITTEE MINUTES - 10 JUNE 2016**

**Moved by: J CLIFFORD**

**Seconded by: A WILLCOX**

**That Council receive the Minutes from the Mackay, Isaac, Whitsunday Embracing 2018 Commonwealth Games Steering Committee meeting on 10 June 2016.**

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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**13. Community and Environment**

**13.2 2016/07/13.09 ADVISORY - LOGAN'S ADVENTURE PLAYGROUND  
PROJECT COMMITTEE MEETING MINUTES - JUNE  
2016**

**Moved by: D CLARK**

**Seconded by: R PETERSON**

**That Council resolves to accept the minutes from the Logan's Adventure Playground  
Project Committee held on 16 June 2016.**

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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**13. Community and Environment**

**13.3 2016/07/13.10 COMMUNITY ASSISTANCE GRANTS PROGRAM  
2015/16 - SUMMARY AND REVIEW**

**Moved by: J COLLINS**

**Seconded by: R PETERSON**

**That Council:**

- a) Approve the commencement of the Community Assistance Grants program for the 2016/17 financial year;**
- b) Agree to introducing a three round structure, per financial year, for the Special Projects Grant.**

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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**13. Community and Environment**

**13.4 2016/07/13.11 2016 SENIORS WEEK REQUEST FOR FINANCIAL SUPPORT**

**Moved by: J CLIFFORD**

**Seconded by: R PETERSON**

**That Council allocate funds of \$2000 for the Seniors Week celebrations in Bowen, Proserpine/Airlie Beach and Collinsville.**

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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**13. Community and Environment**

**13.5 2016/07/13.12 REQUEST FOR FINANCIAL SUPPORT - BOWEN BRANCH AUSTRALIAN PENSIONERS AND SUPERANNUANTS LEAGUE QLD (INC)**

**Moved by: P RAMAGE**

**Seconded by: J CLIFFORD**

**That Council provides financial support of \$500 to the Australian Pensioners and Superannuants League QLD (APSL) – Bowen Branch to help with expenses incurred for the Bowen Conference.**

**Furthermore, that the Mayor and Councillors host a civic reception for the Bowen Branch Australian Pensioners and Superannuants League QLD.**

**MEETING DETAILS:**

*Cr Brunker declared a Perceived Conflict of Interest (as per section 173 of the Local Government Act 2009) on the matter of being the Patron of the Bowen branch of the Australian Pensioners and Superannuants League QLD (APSL) and did not leave the meeting room.*

The motion was Carried 7/0

**CARRIED**

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**13. Community and Environment**

**13.6 2016/07/13.13 REQUEST FROM ACT WHITSUNDAYS TO USE COUNCIL LIBRARIES AS SITES FOR A RECYCLING PROGRAM**

**Moved by: J CLIFFORD**

**Seconded by: R PETERSON**

**That Council advise ACT Whitsunday that Council is supportive of the project but that alternative sites to libraries would be preferred.**

**Furthermore that Council work with ACT Whitsunday to find an alternative location across the region to host their project, in conjunction with Council's waste strategy.**

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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**13. Community and Environment**

**13.7 2016/07/13.14 CLIMATE CHANGE POLICY AND CLIMATE CHANGE ADAPTATION STRATEGY**

**Moved by: D CLARK**

**Seconded by: J CLIFFORD**

**That Council:**

- a) Approve the draft Whitsunday Regional Council Climate Change Policy, and**
- b) Approve the draft Climate Adaptation Strategy 2016-2020.**

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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**15. General Business**

**15.1 2016/07/13.15 CAR PARKING STRATEGY PROSERPINE**

**Moved by: J COLLINS**

**Seconded by: J CLIFFORD**

**That the Chief Executive Officer undertakes a car parking strategy, focusing on Herbert and Taylor streets Proserpine, including the present and future needs of the Proserpine hospital and that a report be provided to Council.**

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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**17. Procedural Motion**

**17.1 2016/07/13.16 PROCEDURAL MOTION - CLOSURE OF MEETING**

**Moved by: J CLIFFORD**

**Seconded by: R PETTERSON**

**That Council close the meeting to the public at 9.40am 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 16.2.1 – Refresh of Pre-Qualified Suppliers for Trade Services**  
Section 275 (1) (e) contracts proposed to be made by it
- **Item 16.5.1 – Gregory River Bridge Replacement Tender**  
Section 275 (1) (e) contracts proposed to be made by it
- **Item 16.5.2 – Reseal Program 2016-2017**  
Section 275 (1) (e) contracts proposed to be made by it

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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17. Procedural Motion  
17.2 2016/07/13.17 PROCEDURAL MOTION - ADJOURNMENT

Moved by: J CLIFFORD  
Seconded by: P RAMAGE

That Council adjourn the meeting for the purpose of Morning Tea and presentations at 10.28am.

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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17. Procedural Motion  
17.3 2016/07/13.18 PROCEDURAL MOTION - RECONVENE

Moved by: J CLIFFORD  
Seconded by: P RAMAGE

That Council reconvene the meeting from Morning Tea and presentations at 11.55am.

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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17. Procedural Motion  
17.4 2016/07/13.19 PROCEDURAL MOTION - REOPEN OF MEETING

Moved by: J CLIFFORD  
Seconded by: M BRUNKER

That Council reopen the meeting to the general public at 12.16pm.

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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**16.2 Confidential Matters - Corporate Services**

**16.2.1 2016/07/13.20 REFRESH OF PRE-QUALIFIED SUPPLIERS FOR TRADE SERVICES**

**Moved by: J CLIFFORD**

**Seconded by: A WILLCOX**

**That Council appoint the following suppliers be added to the existing Register of Prequalified Suppliers for Trade Services to their nominated trade categories with an expiry date of 31 August 2017.**

- a) Ace Machineworx**
- b) AP Electrical**
- c) Bowen Engineering Services**
- d) Brian Smith Constructions**
- e) De Lacey Electrical Service Pty Ltd**
- f) Lloyd's Glass and Aluminium**
- g) Main Engineering**
- h) Nauticool**
- i) Platinum Painterz**
- j) Rick Ashton Electrical Pty Ltd**
- k) Ron Lust**
- l) Steve Rock**
- m) Strathdickie Engineering**
- n) Trevor Yuskan**

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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**16.5 Confidential Matters – Engineering Services**

**16.5.1 GREGORY RIVER BRIDGE REPLACEMENT TENDER**

**Moved by: D CLARK**

**Seconded by: P RAMAGE**

**That Council accept the recommendation of the evaluation panel to award the contract for the replacement of the Gregory River Bridge to EPOCA Construction Pty Ltd in the value of \$2,190,156.21 excluding GST.**

**MEETING DETAILS:**

The motion was Defeated 5/2

**Call for Division**

<b>For</b>	<b>Against</b>
Cr Clark	Cr Collins
Cr Ramage	Cr Petterson
	Cr Brunker
	Cr Willcox
	Cr Clifford

**DEFEATED**

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In relation to agenda item 16.5.1, Councillors discussed their reasons, noting that the Council officer report reveals that the assessment scores were very close, and that unlike the other respondents, VASSALLO Construction Pty Ltd as noted in the report has a head office based in Mackay and, Council, under the principles of the Whitsunday Regional Organisation of Councils of which it is a member, has a commitment to support a business which is based in the Whitsunday ROC region, consistent with the sound contracting principles, specifically “the development of competitive local business and industry”.

**16.5 Confidential Matters – Engineering Services**

**16.5.1 2016/07/13.21 GREGORY RIVER BRIDGE REPLACEMENT TENDER**

**Moved by: M BRUNKER**

**Seconded by: R PETERSON**

**That Council award the contract for the replacement of the Gregory River Bridge to VASSALLO Construction Pty Ltd in the value of \$2,199,745.62 excluding GST on the grounds of being a local contractor.**

**MEETING DETAILS:**

The motion was Carried 5/2

**CARRIED**

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**16.5 Confidential Matters – Engineering Services**

**16.5.2 2016/07/13.22 RESEAL PROGRAM 2016 - 2017**

**Moved by: J CLIFFORD**

**Seconded by: D CLARK**

**That Council accept the recommendation of the evaluation panel to award the contract for supply of spray bitumen and asphalt resurfacing in the Whitsunday Regional Council area to Fulton Hogan based on their rates.**

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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***The meeting closed at 12.22pm***

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Confirmed as a true and correct recording this 26 July 2016

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**Cr Andrew Willcox  
MAYOR**