

Whitsunday Regional Council
**Minutes of the Ordinary Meeting held at
VMR Whitsundays, Altmann Avenue Cannonvale on
13 March 2019 commencing at 10:00am**

Councillors Present:

Andrew Willcox; Jan Clifford; Ron Petterson; John Collins; Peter Ramage; Dave Clark and Michael Brunker

Council Officers Present:

Bruce Davidson (Acting Chief Executive Officer); Julie Wright (Director Community & Environment); Neil McGaffin (Director Planning & Development); Jodie Rugless (Director Corporate Services); Adam Hagy (Director Customer Experience); Jason Raiteri (Director Engineering Services); Greg Martin (Communications and Marketing Manager); Trevor Williams (Disaster Recovery Project Director); Peter Ahern (Disaster Recovery Project Officer); Brian Joiner (GM Airports and Commercial Infrastructure); Vanessa Taylor (Executive Manager Human Resources & Safety); Heath Thiele (Industrial Relations Coordinator - Human Resources); Paul Fendley (Chief Staff Officer); Melanie Douglas (Administration Officer); Tailah Jensen (Minute Taker)

Other Details:

The meeting commenced at 10.09am

The meeting adjourned for morning tea at 10.53am

The meeting reconvened from morning tea at 11.18am

The meeting closed at 11.40am

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2. Condolences

2.1 2019/03/13.1 CONDOLENCES

Moved by: J CLIFFORD

Seconded by: D CLARK

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

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

Mayoral Update	
Thursday 28th February	<ul style="list-style-type: none"> • Site visit of the Whitsunday Coast Airport terminal upgrade • Meeting with Whitsunday Sailing Club, in Airlie Beach • Meeting with ratepayer, in Airlie Beach • Meeting with Cruise Ship Ambassadors, in Airlie Beach • Meeting with local business, in Cannonvale
Friday 1st March	<ul style="list-style-type: none"> • Flew to Launceston • Australian Tourism Awards, that evening
Saturday 2nd March	<ul style="list-style-type: none"> • Flew back to Mackay • Met with Jeff Reibel, Chief Executive Officer, North Queensland Toyota Cowboys • Met with Member for Dawson George Christensen • Attended Cowboys v Storm pre-season trial game
Monday 4th March	<ul style="list-style-type: none"> • Economic Development Advisory Committee meeting, at Bowen
Tuesday 5th March	<ul style="list-style-type: none"> • Guest speaker at Bowen Probus meeting, in Bowen • Filmed footage with Ergon at Airlie Beach foreshore project • Spoke to businesses in Airlie Beach Main Street about the Airlie Beach foreshore project
Wednesday 6th March	<ul style="list-style-type: none"> • Briefing Session in Proserpine
Thursday 7th March	<ul style="list-style-type: none"> • Roads & Drainage BBQ Breakfast, in Bowen • Meeting with Bowen Art Society, in Bowen
Friday 8th March	<ul style="list-style-type: none"> • North Queensland Toyota Cowboys 2019 Season Launch at Townsville • Met with State Opposition leader Deb Frecklington and Member for Burdekin Dale Last
Sunday 10th March	<ul style="list-style-type: none"> • Met with Chinese business facilitator Marcus Ng at Bowen
Monday 11th March	<ul style="list-style-type: none"> • Meeting with ratepayer in Airlie Beach • Bowen Collinsville Enterprise meeting at Bowen
Tuesday 12th March	<ul style="list-style-type: none"> • Meeting with QRA State Recovery Coordinator Stuart Smith, Major General (Retd), in Proserpine • Meeting with ratepayer, in Proserpine • Meeting with developer, in Bowen
Wednesday 13th March	<ul style="list-style-type: none"> • Site visit at Proserpine State High School's '2020 Ready Project and 'Renewing our Schools' - Performing Arts Centre works with Minister for Education Hon Grace MP

4. Confirmation of Minutes

4.1 2019/03/13.2 CONFIRMATION OF MINUTES REPORT

Moved by: M BRUNKER

Seconded by: D CLARK

Council confirms the Minutes of the Ordinary Meeting held on 27 February 2019.

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

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**7. Notice of Motion**

**7.1 2019/03/13.3 NOTICE OF MOTION – PROSERPINE COMMUNITY CENTRE**

**Moved by: J CLIFFORD**

**Seconded by: D CLARK**

**That the Whitsunday Regional Council CEO investigate ways in which Council could assist with Proserpine Community Centre's application for Grant Funding for establishing an emergency accommodation facility in Proserpine for patients and/or patient family members who are attending the Proserpine Hospital. Assistance consideration is to include at minimum, provision of land, management of development related fees and charges and potential funding co-contributions.**

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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7. Notice of Motion

7.2 2019/03/13.4 NOTICE OF MOTION – WILSONS BEACH SWIMMING ENCLOSURE

Moved by: J COLLINS

Seconded by: J CLIFFORD

That Council:

- 1. authorise the CEO to commence the process of applying for the necessary permits and approvals for installation of a crocodile-proof enclosure at Wilsons Beach for swimming;**
- 2. seek quotations for an engineered-design and construction of a crocodile proof and stinger resistant enclosure at Wilsons Beach for swimming;**
- 3. authorise the Chief Executive Officer to seek grant funding from State and Federal governments to fund the construction cost of a crocodile-proof and stinger resistant enclosure at Wilsons Beach for swimming; and**
- 4. seek advice on the Council's ability to take out comprehensive insurance including but not limited to storm surge and public liability.**

MEETING DETAILS:

The motion was Carried 6/1

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

**NAME:** Clay Baumen

**TOPIC:** 31 metre tall high-rise development proposed for Funnel Bay.

To: Chief Executive Officer Bruce Davidson

Hello Mr Davidson,

Please find below my draft question from the public gallery for Wednesday's meeting. I hope we get the chance to meet in person but if time does not allow me to make the meeting, I wish that you would please read my question to the Councillors.

Good Morning Mr. Mayor, Councillors and Mr. Davidson.

I am Clay Bauman of 12 Eshelby Drive, Cannonvale. I welcome you to Airlie Beach for this meeting and wish to speak about the 31 metre tall high-rise development proposed for Funnel Bay.

The current development application has been made under a preliminary approval voted for in 2006. In that original approval it was clearly stated that any impact assessable development was to be proposed below the height of the existing tree canopy before it would have approval by Council.

In 2016 this Council voted for changes that removed all maximum building heights for impact assessable development on site using a permissible change that did not involve any public consultation.

*The Planning Act enforce at the time states a permissible change cannot result in a substantially different development and the advice given to Councillors was “Council Officers have assessed the request and considered the proposal will not dramatically change the built form in terms of scale, bulk and appearance.”*

*As this has now been shown to be inaccurate, I ask will Council seek legal advice on whether it should re-visit this decision before it opens ratepayers and the directly effected locals up to the expense of possible proceedings in the Planning and Environment Court?*

*Also in specific relation to the Development application 20181026, the applicant has requested the 5 tower, 149 room development be approved as a hotel. Whitsunday Planning Schemes, past and present, and the overriding Planning Regulation state a hotel is a place primarily for the sale of alcohol to the public. The appropriate land use that should be applied for this development is a resort complex. In fact the applicant advised the State Assessment Authority it is a resort complex even though hotel was a use in the same list to choose from.*

*The development application form Part 3 asks for the applicant to “Provide the planning scheme definition” of the proposed land use. Their answer was hotel.*

*The Whitsunday Planning Scheme 2017 states a Hotel is a “Premises used primarily to sell liquor for consumption on the premises. Where ancillary the use may include accommodation to tourists or travellers, dining and entertainment activities.” The planning scheme examples include a Pub or a Tavern.*

*The planning scheme describes a Resort complex as a “Premises used for tourist and visitor accommodation that includes integrated leisure facilities”.*

*In my opinion no-one could say that a 149 room resort is primarily used to sell alcohol to the public.*

*I ask, which use does Council believe is appropriate for this application?*

*Does Council intend to allow the application to proceed without the appropriate Material Change of Use being applied for?*

*Thank you for your time and I look forward to your reply.*

### **Council Response**

In late November 2018, the applicant has placed a hold on further processing of the application while the design and layout is reviewed. Until the revised plans are received, Council will not be in a position to advise how the application should be progressed.

Consequently, the need for any legal advice will be reviewed after the amended plans are received, as will identifying the appropriate land use suitable for the application.

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

**10.1 2019/03/13.5 COUNCIL CARETAKER PERIOD POLICY**

**Moved by: J CLIFFORD**

**Seconded by: P RAMAGE**

**That Council:**

- 1. Revoke the Caretaker Period Policy (Policy Reference 005.1 Governance); and**
- 2. Adopt the Council Caretaker Period Policy (Policy Reference LSP\_OMCEO\_25), as presented in Attachment 1 to this report.**

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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10. Office of the Mayor and CEO

10.2 2019/03/13.6 FINANCIAL ASSISTANCE GRANTS

Moved by: R PETERSON

Seconded by: J CLIFFORD

Council authorise the CEO to write to the Federal Government requesting that the Financial Assistance Grants be restored to at least one percent of Commonwealth taxation revenue.

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

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

**10.3 2019/03/13.7 NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT**

**Moved by: J CLIFFORD**

**Seconded by: R PETERSON**

**Council authorise Mayor Willcox to attend the 2019 National General Assembly of Local Government in Canberra from 16 to 19 June 2019.**

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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13. Community and Environment

13.1 2019/03/13.8 SPECIAL PROJECTS GRANTS APPLICATIONS, ROUND 2 - 29 OCTOBER 2018 TO 8 FEBRUARY 2019

Moved by: D CLARK

Seconded by: R PETERSON

Council approve the payment of Special Projects Grants for Round 2 of the 2018/19 program to the following recipients:

- **Bowen Bowls Club Inc. - \$10,372.00**
- **Bowen Cricket Club - \$15,000.00**
- **Whitsunday Regional Endurance Rider's Association - \$13,680.00**
- **Whitsunday Reef Festival (WRF) - \$5,840.00**
- **Proserpine Indigenous Reference Group Aboriginal & Torres Strait Islander Corporation - \$11,440.00**

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

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13. Community and Environment  
13.2 2019/03/13.9 REQUEST FOR COUNCIL FEE WAIVERS -  
FEBRUARY/MARCH 2019

Moved by: P RAMAGE

Seconded by: J CLIFFORD

Council resolve to waive the fees for the following recipients;

- Queensland Health Mackay Hospital – Class 3 Event Application Fee - \$383.00
- Collinsville State School – Hall Hire Fee - \$480.00
- Collinsville State School – Hall Hire Fee - \$200.00
- Whitsunday Festival of Motoring – Class 3 Event Application Fee - \$383.00
- Whitsunday Festival of Motoring – Class 3 Event Application Fee - \$383.00
- Whitsunday Lions Club – Class 3 Event Application Fee - \$383.00

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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13. Community and Environment  
13.3 2019/03/13.10 RADF - 2018/19 FUNDING ROUND 3 - NOVEMBER 2018  
- FEBRUARY 2019

Moved by: J CLIFFORD

Seconded by: D CLARK

Council resolve to:

- a) endorse the minutes from the Regional Arts Development Fund (RADF) Local Committee meeting held 19 February 2019; and
- b) approve the grants (subject to conditions) to applicants from Round 3, recommended to Council by the RADF Local Committee, as follows:
  - Arts Based Collective – Ngaro Dreaming of Anthozoa Digital Interpretation - \$5,000.00
  - Linda Forrester – Pioneer Park Mural Restoration and Update - \$2,200.00
  - Strings Whitsunday Inc. – 2019 Guitar Ensemble Development Workshop - \$2,200.00
  - Tammi Burgis – Landscape Painting ‘En Plein Air’ Workshop with Joe Furlonger - \$704.00; and
  - Whitsunday Reef Festival – Recycled Arts Workshop and Reef Festival Reef to Shore Installation - \$5,040.00

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**



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13. Community and Environment

**13.4 2019/03/13.11 COLLINSVILLE INDEPENDENT LIVING FACILITY -
REVIEW OF FEES AND CHARGES AND
RECLASSIFICATION OF TARGET AGE GROUP**

Moved by: P RAMAGE

Seconded by: R PETERSON

Council approves to;

- a) reduce the fees and charges for the Collinsville Independent Living Facility to;**
 - I. Single Room - \$200.00 per week including electricity;**
 - II. Double Room - \$300.00 per week including electricity;**
 - III. Common Room Hire - Half day minimum of 3 hours - \$75.00 per day;**
 - IV. Common Room Hire - Full day over 3 hours - \$150.00 per day;**
- b) reclassify the target group to mature aged tenants for both long and short-term rentals.**

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

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**15. Customer Experience**

**15.1 2019/03/13.12 PARKS & GARDENS TECHNICAL LEVELS OF  
SERVICE/OPERATIONS PLAN**

**Moved by: J CLIFFORD**

**Seconded by: R PETERSON**

**Council endorse the Parks & Gardens Technical Levels of Service/Operations Plan.**

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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15. Customer Experience
15.2 2019/03/13.13 PARKS & GARDENS POLICY REVIEW

Moved by: J CLIFFORD
Seconded by: M BRUNKER

Council resolve to:

- a) Revoke the following policies:**
 - I. Coconut Tree Management Policy – Policy No: 089.01**
 - II. Footpath and Nature Strip Maintenance Policy – Policy No: 042.01**
 - III. Memorials in Council Parks, Gardens, Open Spaces and Road Reserves – Policy No: 043.01**
- b) Adopt the following policies:**
 - I. Coconut Tree Management Policy 2019-2022**
 - II. Footpath and Nature Strip Maintenance Policy 2019-2022**
 - III. Memorials in Council Parks, Gardens, Open Spaces and Road Reserves 2019-2022**

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

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**15. Customer Experience**  
**15.3 2019/03/13.14 CHOOSE COLLINSVILLE CONCEPT DESIGNS**

**Moved by: P RAMAGE**  
**Seconded by: J COLLINS**

**Council accept the “Choose Collinville” concept designs produced by SLR Consulting and furthermore:**

- a) Notes the required \$2.5 million to undertake detailed design and construction; and**
- b) Seeks external grant funding to commence the project in the 19-20 Financial Year following community consultation.**

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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18. Procedural Motion

18.1 2019/03/13.15 PROCEDURAL MOTION - ADJOURN

Moved by: J CLIFFORD

Seconded by: P RAMAGE

That the meeting be adjourned for the purpose of morning tea at 10.53am.

MEETING DETAILS:

The motion was Carried 0/0

CARRIED

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**18. Procedural Motion**

**18.2 2019/03/13.16 PROCEDURAL MOTION - RECONVENE**

**Moved by: J CLIFFORD**

**Seconded by: M BRUNKER**

**That the meeting be reconvened from morning tea at 11.18am.**

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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18. Procedural Motion

18.3 2019/03/13.17 PROCEDURAL MOTION - CLOSURE OF MEETING

Moved by: J CLIFFORD

Seconded by: M BRUNKER

That Council close the meeting to the public at 11.20am 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 17.1.1 – Flagstaff Hill Project – Purchase of Adjoining Land**
(c) the local government's budget
- **Item 17.1.2 – Whitsunday Coast Airport Lease to Airways**
(e) contracts proposed to be made by it
- **Item 17.1.2 – Whitsunday Coast Airport Lease to GSL Aviation**
(e) contracts proposed to be made by it
- **Item 17.1.4 - Tender Evaluation - 500.2019.0007 - Ndrra - Reconstruction Of Bowen Front Beach Seawall**
(e) contracts proposed to be made by it

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

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**18. Procedural Motion**

**18.4 2019/03/13.18 PROCEDURAL MOTION – REOPEN OF MEETING**

**Moved by: J CLIFFORD**

**Seconded by: D CLARK**

**That Council reopen the meeting to the general public at 11.37am.**

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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17.1 Confidential Matters – Office of the Mayor and CEO

17.1.1 2019/03/13.19 FLAGSTAFF HILL PROJECT - PURCHASE OF ADJOINING LAND

Moved by: D CLARK

Seconded by: J CLIFFORD

Council approve the;

- a) purchase of land adjoining lot 200 on SP156143 for the Flagstaff Hill project; and**
- b) amount of \$90,000 be allocated from the CEO's section of the capital works reserve.**

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

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**17.1 Confidential Matters – Office of the Mayor and CEO**

**17.1.2 2019/03/13.20 WHITSUNDAY COAST AIRPORT LEASE TO AIR WHITSUNDAYS**

**Moved by: M BRUNKER**

**Seconded by: R PETTERSON**

**Council resolve to:**

- a) apply the exemption for the disposal of a valuable and non-current asset under the Local Government Regulation 2012 Section 236 Part 1 (vii), being that the interest in the land is that is used by an airport or airport related business;**
- b) authorise the Chief Executive Officer to enter into negotiations and execute a lease with Air Whitsundays over part of Lot 50 on CP HR 808298 for a 2-year term within the terminal; and**
- c) authorise the Chief Executive Officer to enter into negotiations and execute a second lease with Air Whitsundays over part of Lot 50 on CP HR 808298 for a 5-year term outside the terminal.**

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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17.1 Confidential Matters – Office of the Mayor and CEO

17.1.3 2019/03/13.21 WHITSUNDAY COAST AIRPORT LEASE TO GSL AVIATION

Moved by: R PETERSON

Seconded by: M BRUNKER

Council resolve to:

- a) apply the exemption for the disposal of a valuable and non-current asset under the Local Government Regulation 2012 Section 236 Part 1 (vii), being that the interest in the land is that is used by an airport or airport related business; and**
- b) authorise the Chief Executive Officer to enter into negotiations and execute a lease with GSL Aviation over part of Lot 50 on CP HR 808298 for a 2-year term.**

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

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**17.1 Confidential Matters – Office of the Mayor and CEO**

**17.1.4 2019/03/13.22 TENDER EVALUATION - 500.2019.0007 - NDRRA - RECONSTRUCTION OF BOWEN FRONT BEACH SEAWALL**

**Moved by: D CLARK**

**Seconded by: P RAMAGE**

**Council resolves to award contract 500.2019.0007 – NDRRA – Reconstruction of Bowen Front Beach Seawall to Auzcon Pty Ltd for the amount of \$2,179,890.00 (excluding GST).**

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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The meeting closed at 11.40am

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Confirmed as a true and correct recording this 27 March 2019

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**Cr Andrew Willcox  
MAYOR**