



Whitsunday Regional Council  
**Minutes of the Ordinary Meeting held at  
VMR Marine Club, 7 Altmann Avenue Cannonvale on  
25 September 2019 commencing at 9:00am**

**Councillors Present:**

Andrew Willcox; Jan Clifford; Ron Petterson; John Collins; Nicola Grieger; Dave Clark and Michael Brunker

**Council Officers Present:**

Kenn Donohoe (Chief Executive Officer); Julie Wright (Director Community & Environment); Neil McGaffin (Director Planning & Development); Adam Hagy (Director Customer Experience); Jason Bradshaw (Acting Director Corporate Services); Stephen Fernando (Chief Financial Officer); Greg Martin (Communications and Marketing Manager); Paul Fendley (Chief Staff Officer); Brian Joiner (General Manager Airports and Commercial Infrastructure); Melanie Davies (Executive Officer Economic Development); Troy Pettiford (COO Whitsunday Water); Peter Shuttlewood (Executive Manager Procurement, Property & Fleet); John Gwydir (Executive Manager Roads and Drainage); Jessica Cristaudo (Coordinator Transport Planning & Assets); Lyndal O'Neill (Manager Human Resources); (Tailah Jensen (Governance Administration Officer/Minute Taker)

**Other Details:**

The meeting commenced at 9:00am

The meeting adjourned for morning tea at 10.06am

The meeting reconvened from morning tea at 10.31am

The meeting closed at 12.01pm

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**25 September 2019** commencing at **9:00am**

|            |  |           |
|------------|--|-----------|
| <b>2.</b>  | <b>CONDOLENCES .....</b>   | <b>5</b>  |
| 2.1        | 2019/09/25.01 Condolences  | 5         |
| <b>3.2</b> | <b>MAYORAL UPDATE .....</b>  | <b>6</b>  |
| <b>4.</b>  | <b>CONFIRMATION OF MINUTES.....</b>  | <b>7</b>  |
| 4.1        | 2019/09/25.02 Confirmation of Minutes Report   | 7         |
| <b>9.</b>  | <b>QUESTIONS FROM PUBLIC GALLERY.....</b>  | <b>8</b>  |
| <b>10.</b> | <b>OFFICE OF THE MAYOR AND CEO.....</b>  | <b>9</b>  |
| 10.1       | 2019/09/25.03 Financial Report - FY 19/20 - Period Ending August 2019  | 9         |
| 10.2       | 2019/09/25.04 Policy Framework   | 9         |
| <b>11.</b> | <b>CORPORATE SERVICES .....</b>  | <b>10</b> |
| 11.1       | 2019/09/25.05 Disposal of Surplus Council Assets From The Proserpine Entertainment Centre, Whitsunday Coast Airport & Small Plant  | 10        |
| <b>12.</b> | <b>PLANNING AND DEVELOPMENT SERVICES .....</b>   | <b>10</b> |
| 12.1       | 2019/09/25.06 20190264 - Development Permit For Reconfiguration Of A Lot – One (1) Lot Into Forty-Six (46) Lots, One (1) Balance Lot & One (1) Park Lot - Parker Road Cannonvale – L7 Rp729788 – Moloko Homes Pty Ltd  | 10        |
| 12.2       | 2019/09/25.07 20190856 - Development application for material change of use - Dwelling house (shed exceeding 72sqm) - 41 Whyte Avenue, Heronvale - A Hoffman 11  |           |
| 12.3       | 2019/09/25.08 20181728 - Development Application For Preliminary Approval (Variation Request) For Material Change Of Use And Reconfiguration Of A Lot To Vary The Whitsunday Regional Council Planning Scheme - Air Whitsunday Road, Flametree - Sunbay Projects Pty Ltd | 11        |
| 12.4       | 2019/09/25.09 20101146 & 20130681 - Request to Extend the Currency Period - Reconfiguration of a Lot & Operational Works - 890 Gloucester Avenue, Cape Gloucester - Gloucester Park Pty Ltd c/- Veris  | 12        |
| 12.5       | 2019/09/25.10 Planning Scheme Amendment - Building Heights Overlay   | 12        |
| <b>13.</b> | <b>COMMUNITY AND ENVIRONMENT .....</b>   | <b>13</b> |
| 13.1       | 2019/09/25.11 Request for Donation - Police-Citizens Youth Club (PCYC) Whitsunday - Multicultural and Food Tasting Event   | 13        |
| 13.2       | 2019/09/25.12 Request for Donation - 2019 Australian Supermoto Championship - Whitsunday Moto Sports Club  | 14        |
| 13.3       | 2019/09/25.13 Request for Donation - Rates & Service Charges - Bowen Garden Workshop Association Inc.  | 14        |
| 13.4       | 2019/09/25.14 Request for Council Fee Waivers - August/September 2019  | 15        |

|             |  |           |
|-------------|--|-----------|
| 13.5        | 2019/09/25.15 Request for Donation on the 2018/19 Rates & Charges - Whitsunday Housing Company Ltd.                          | 16        |
| 13.6        | 2019/09/25.16 Financial Support for Junior Elite Athlete - September 2019  | 17        |
| 13.7        | 2019/09/25.17 Rotary Club Airlie Beach Heritage Trail Project Stage 2 - Exhibition of Information Signs Bicentennial Pathway | 17        |
| 13.8        | 2019/09/25.18 Natural Resource Management (NRM) Governance Arrangements  | 18        |
| 13.9        | 2019/09/25.19 Subordinate Local Law No.4 Review  | 19        |
| 13.10       | 2019/09/25.20 Community & Environment - Monthly Report - August 2019   | 20        |
| <b>14.</b>  | <b>ENGINEERING SERVICES .....</b>  | <b>20</b> |
| 14.1        | 2019/09/25.21 Disaster Management Logistics Sub-Plan   | 20        |
| 14.2        | 2019/09/25.22 Trade Waste Fees and Charges Amendment Request   | 20        |
| 14.3        | 2019/09/25.23 Policy Review - Trade Waste Policy & Environmental Plan  | 21        |
| 14.4        | 2019/09/25.24 Policy Review - Sub Metering Policy and Supporting Technical Guidelines  | 21        |
| 14.5        | 2019/09/25.25 Collinsville Heavy Vehicle Parking Area - 500.2019.0033  | 22        |
| <b>15.</b>  | <b>CUSTOMER EXPERIENCE .....</b>   | <b>22</b> |
| 15.1        | 2019/09/25.26 Business Activity Report - Waste Business Unit - August 2019   | 22        |
| <b>16.</b>  | <b>GENERAL BUSINESS.....</b>   | <b>23</b> |
| 16.1        | 2019/09/25.28 Gregory – Cannon Valley Road Intersection  | 23        |
| 16.2        | 2019/09/25.31 Divisional Boundaries  | 24        |
| <b>17.1</b> | <b>CONFIDENTIAL MATTERS – OFFICE OF THE MAYOR AND CEO .....</b>  | <b>26</b> |
| 17.1.1      | 2019/09/25.35 Business Activity Report - Whitsunday Coast Airport August 2019  | 26        |
| 17.1.2      | 2019/09/25.36 Business Activity Report - Shute Harbour August 2019   | 26        |
| <b>17.2</b> | <b>CONFIDENTIAL MATTERS - CORPORATE SERVICES .....</b>   | <b>27</b> |
| 17.2.1      | 2019/09/25.37 Fleet and Plant Replacement Recommendations  | 27        |
| <b>17.4</b> | <b>CONFIDENTIAL MATTERS – COMMUNITY AND ENVIRONMENT SERVICES ..</b>  | <b>28</b> |
| 17.4.1      | 2019/09/25.38 Tender Evaluation - 500.2019.0064 - Demolition of Flagstaff Hill Interpretive Centre                           | 28        |
| 17.4.2      | 2019/09/25.39 Endorsement of Final Concept Design - Flagstaff Hill   | 28        |
| <b>17.5</b> | <b>CONFIDENTIAL MATTERS – ENGINEERING SERVICES .....</b>   | <b>29</b> |
| 17.5.1      | 2019/09/25.40 Whitsunday Dredging Program  | 29        |
| 17.5.2      | 2019/09/25.41 Tender Evaluation - 500.2019.0060 - Regional Reseal Package 2019<br>29   |           |
| 17.5.3      | 2019/09/25.42 Infrastructure Access Agreement - Carmichael Rail Network Pty Ltd (Crn) And Adani Mining Pty Ltd               | 29        |
| <b>17.6</b> | <b>CONFIDENTIAL MATTERS – CUSTOMER EXPERIENCE.....</b>   | <b>31</b> |
| 17.6.1      | 2019/09/25.43 Proserpine Town Pool 2019/2020 Budget Increases  | 31        |

**2. Condolences**

**2.1 2019/09/25.01 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**

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## 3.2 Mayoral Update

### Since my last Council meeting on September 11

|                                                |                                                                                                                                                                                                                                                                                                                                                                                 |
|------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Wednesday<br/>11<sup>th</sup> September</b> | <ul style="list-style-type: none"> <li>Briefing Session, after the Council meeting, Bowen</li> </ul>                                                                                                                                                                                                                                                                            |
| <b>Thursday<br/>12<sup>th</sup> September</b>  | <ul style="list-style-type: none"> <li>NDRRA 2017 Project Leadership Team, in Bowen</li> </ul>                                                                                                                                                                                                                                                                                  |
| <b>Friday<br/>13<sup>th</sup> September</b>    | <ul style="list-style-type: none"> <li>Official opening Whitsunday Coast Airport</li> <li>Dinner with Deputy Premier Jackie Trad, in Airlie Beach</li> </ul>                                                                                                                                                                                                                    |
| <b>Saturday<br/>14<sup>th</sup> September</b>  | <ul style="list-style-type: none"> <li>Breakfast meeting with Deputy Premier Jackie Trad, in Airlie Beach</li> <li>Airlie Beach Foreshore an W4Q site visits with Deputy Premier Jackie Trad, in Airlie Beach, Cannonvale and Proserpine</li> </ul>                                                                                                                             |
| <b>Sunday<br/>15<sup>th</sup> September</b>    | <ul style="list-style-type: none"> <li>Trophy presentation for the Don River Dash, at Bowen</li> </ul>                                                                                                                                                                                                                                                                          |
| <b>Monday<br/>16<sup>th</sup> September</b>    | <ul style="list-style-type: none"> <li>Star FM radio interview to discuss upcoming citizenship ceremony</li> </ul>                                                                                                                                                                                                                                                              |
| <b>Tuesday<br/>17<sup>th</sup> September</b>   | <ul style="list-style-type: none"> <li>Eight radio and TV interviews including the Today Show, regarding Bowen Mango Festival entry in Wotif competition, in Bowen</li> <li>Meeting with Proserpine Chamber of Commerce, in Proserpine</li> <li>Citizenship ceremony, in Cannonvale</li> <li>Filming footage W4Q LGAQ video, at Jubilee Pocket</li> </ul>                       |
| <b>Wednesday<br/>18<sup>th</sup> September</b> | <ul style="list-style-type: none"> <li>Filming footage W4Q LGAQ video, at Gideon Pott Park, Queens Beach</li> <li>Briefing session, in Bowen</li> <li>That evening, Cowboys Presentation Night, in Townsville</li> </ul>                                                                                                                                                        |
| <b>Thursday<br/>19<sup>th</sup> September</b>  | <ul style="list-style-type: none"> <li>Travel day</li> </ul>                                                                                                                                                                                                                                                                                                                    |
| <b>Friday<br/>20<sup>th</sup> September</b>    | <ul style="list-style-type: none"> <li>Participated in an Institute of Managers and Leaders - Managing Leadership Across the Region panel discussion, in Mackay</li> <li>RACQ CQ Rescue cheque handover from Mayor's Charity Ball, in Mackay</li> <li>GWCoM's Teleconference</li> <li>Caught up with various constituents and local business owners, in Collinsville</li> </ul> |
| <b>Saturday<br/>21<sup>st</sup> September</b>  | <ul style="list-style-type: none"> <li>Attended Paul Bowman Challenge, in Proserpine</li> <li>That afternoon, official opening of the 2019 Bowen Family Fishing Classic, in Bowen</li> </ul>                                                                                                                                                                                    |
| <b>Monday<br/>23<sup>rd</sup> September</b>    | <ul style="list-style-type: none"> <li>Meeting with Bowen Independent reporter, in Bowen</li> </ul>                                                                                                                                                                                                                                                                             |
| <b>Tuesday<br/>24<sup>th</sup> September</b>   | <ul style="list-style-type: none"> <li>Meeting with ratepayer and local business owner, in Airlie Beach</li> <li>Teleconference with Electoral Commissioner of Qld</li> </ul>                                                                                                                                                                                                   |



**4. Confirmation of Minutes**

**4.1 2019/09/25.02 CONFIRMATION OF MINUTES REPORT**

**Moved by: M BRUNKER**

**Seconded by: R PETERSON**

**Council confirms the Minutes of the Ordinary Meeting held on 11 September 2019.**

**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

*No Public Questions for the meeting of 25<sup>th</sup> September 2019*



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

**10.1 2019/09/25.03 FINANCIAL REPORT - FY 19/20 - PERIOD ENDING AUGUST 2019**

**Moved by: J CLIFFORD**

**Seconded by: J COLLINS**

**Council receive the Financial Statements for the period ending 31<sup>st</sup> August, 2019 of the financial year 2019/20.**

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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

**10.2 2019/09/25.04 POLICY FRAMEWORK**

**Moved by: N GRIEGER**

**Seconded by: M BRUNKER**

**Council adopt the Policy Framework (attachment 1).**

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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**11. Corporate Services**

- 11.1 2019/09/25.05 DISPOSAL OF SURPLUS COUNCIL ASSETS FROM THE PROSERPINE ENTERTAINMENT CENTRE, WHITSUNDAY COAST AIRPORT & SMALL PLANT**

**Moved by: J CLIFFORD**

**Seconded by: D CLARK**

**Council resolves to in accordance with Section 227 of the Local Government Regulation 2012 dispose of Valuable Non-Current Assets from the Proserpine Entertainment Centre, Whitsunday Coast Airport and small plant from Council's Works Depots through an Auction process; and**

**Delegate authority to the Chief Executive Officer to dispose of assets located at the Proserpine Entertainment Centre to Community Organisations in accordance with Section 236(1)(b)(ii) Local Government Regulation 2012.**

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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**12. Planning and Development Services**

- 12.1 2019/09/25.06 20190264 - DEVELOPMENT PERMIT FOR RECONFIGURATION OF A LOT - ONE (1) LOT INTO FORTY-SIX (46) LOTS, ONE (1) BALANCE LOT & ONE (1) PARK LOT - PARKER ROAD CANNONVALE - L7 RP729788 - MOLOKO HOMES PTY LTD**

**Moved by: R PETERSON**

**Seconded by: D CLARK**

**Council approve the application for Development Application for Development Permit for Reconfiguration of a Lot - 1 Lot into 46 Lots, 1 Balance Lot & 1 Park Lot (Staged), made by Moloko Homes Pty Ltd, on L: 7 RP: 729788 and located at Parker Road Cannonvale, subject to the conditions outlined in Attachment 1.**

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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**12. Planning and Development Services**

**12.2 2019/09/25.07 20190856 - DEVELOPMENT APPLICATION FOR MATERIAL CHANGE OF USE - DWELLING HOUSE (SHED EXCEEDING 72SQM) - 41 WHYTE AVENUE, HERONVALE - A HOFFMAN**

**Moved by: D CLARK**

**Seconded by: N GRIEGER**

**Council resolves to approve the application for Development Permit for Material Change of Use - Dwelling House (Shed exceeding 72sqm), made by A J Hoffman, on Lot 208 on H9412 and located at 41 Whyte Avenue HERONVALE, subject to the conditions outlined in Attachment 1.**

**MEETING DETAILS:**

The motion was Carried 6/1

**CARRIED**

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**12. Planning and Development Services**

**12.3 2019/09/25.08 20181728 - DEVELOPMENT APPLICATION FOR PRELIMINARY APPROVAL (VARIATION REQUEST) FOR MATERIAL CHANGE OF USE AND RECONFIGURATION OF A LOT TO VARY THE WHITSUNDAY REGIONAL COUNCIL PLANNING SCHEME - AIR WHITSUNDAY ROAD, FLAMETREE - SUNBAY PROJECTS PTY LTD**

**Moved by: J COLLINS**

**Seconded by: M BRUNKER**

**Council resolves to approve the application for Preliminary Approval (Variation Request) for Material Change of Use and Reconfiguration of a Lot to vary the Whitsunday Regional Council Planning Scheme, made by Sunbay Projects Pty Ltd, on Lots 56 & 57 on SP303776; and part of Lot 400 on SP303773 and located at Air Whitsunday Road Flametree, subject to the conditions outlined in Attachment 1.**

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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**12. Planning and Development Services**

**12.4 2019/09/25.09 20101146 & 20130681 - REQUEST TO EXTEND THE CURRENCY PERIOD - RECONFIGURATION OF A LOT & OPERATIONAL WORKS - 890 GLOUCESTER AVENUE, CAPE GLOUCESTER - GLOUCESTER PARK PTY LTD C/- VERIS**

**Moved by: D CLARK**

**Seconded by: N GRIEGER**

**Council resolve to approve the request for an extension of currency period of the Development Permit for Reconfiguration of a Lot - One (1) Lot into Two (2) Lots and the Development Permit for Operational Works (Access) lodged by Veris on behalf of Gloucester Park Pty Ltd on land described as Lot 1 on RP719771 T: N680/81, 890 Gloucester Avenue Cape Gloucester to 19 September 2020.**

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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**12. Planning and Development Services**

**12.5 2019/09/25.10 PLANNING SCHEME AMENDMENT - BUILDING HEIGHTS OVERLAY**

**Moved by: M BRUNKER**

**Seconded by: R PETERSON**

**Council adopt the proposed amendment to building height impact assessment triggers in the Whitsunday Planning Scheme 2017, including the proposed Building heights overlay code, overlay map and any associated administrative amendments.**

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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**13. Community and Environment**

**13.1 2019/09/25.11 REQUEST FOR DONATION - POLICE-CITIZENS YOUTH CLUB (PCYC) WHITSUNDAY - MULTICULTURAL AND FOOD TASTING EVENT**

*Cr Ron Petterson declared a Material Personal Interest in accordance with section 175B(1) of the Local Government Act 2009. In accordance with section 175C(2) of the Local Government Act 2009, Cr Petterson advised the following:*

- The name of the person or entity who could gain a benefit or suffer a loss is the Police Citizens Youth Club (PCYC) Whitsundays.*
- The Whitsunday PCYC stands to gain a benefit or suffer a loss because they have requested donation of \$350.00 to assist with hosting the inaugural Multicultural and Food Tasting Event.*
- The nature of Cr Petterson's relationship with the Whitsunday PCYC is that he holds the position of chairman.*

*Cr Petterson left the meeting at 9.28am, taking no part in the discussion or decision making of this matter.*

**Moved by: J CLIFFORD**

**Seconded by: M BRUNKER**

**Council approve a donation of \$350.00 to assist the Police-Citizens Youth Club (PCYC) Whitsunday with hosting the inaugural Multicultural and Food Tasting event to be held at the PCYC in Jubilee Pocket on Saturday, 19 October 2019.**

**MEETING DETAILS:**

The motion was Carried 6/0

**CARRIED**

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*Cr Petterson returned to the meeting at 9.29am.*

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**13. Community and Environment**

**13.2 2019/09/25.12 REQUEST FOR DONATION - 2019 AUSTRALIAN SUPERMOTO CHAMPIONSHIP - WHITSUNDAY MOTO SPORTS CLUB**

**Moved by: J COLLINS**

**Seconded by: J CLIFFORD**

**Council approve a donation of \$2,000.00 to assist the Whitsunday Moto Sports Club for the promotion of the 2019 Australian Supermoto Championship being held at the club's race track in Gunyarra on 23-24 November 2019.**

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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**13. Community and Environment**

**13.3 2019/09/25.13 REQUEST FOR DONATION - RATES & SERVICE CHARGES - BOWEN GARDEN WORKSHOP ASSOCIATION INC.**

**Moved by: D CLARK**

**Seconded by: J COLLINS**

**Council approve a donation of \$4,672.50 on the Rates and Service Charges to the Bowen Garden Workshop Association Inc. for the 2019/20 financial year and include the organisation on Council's Rates and Service Charges Donations Register for future donations.**

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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**13. Community and Environment**

**13.4 2019/09/25.14 REQUEST FOR COUNCIL FEE WAIVERS -  
AUGUST/SEPTEMBER 2019**

**Moved by: J CLIFFORD**

**Seconded by: M BRUNKER**

**Council waive the fees for the following recipients;**

- **Collinsville State High School – Class 5 Application Fee - \$131.00**
- **Collinsville Lions Club Inc. – Class 3 Application Fee - \$391.00**
- **PCYC Bowen – Class 3 Application Fee - \$391.00**
- **Whitsunday Regional Council – Class 3 Event Application Fee - \$391.00**
- **Whitsunday Regional Council – Class 3 Event Application Fee - \$391.00**
- **Deaf Services Queensland – Local Law Licence Fee - \$260.00**
- **ESA International Alpha Epsilon Proserpine Branch – Local Law Licence Fee - \$260.00**

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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**13. Community and Environment**

**13.5 2019/09/25.15 REQUEST FOR DONATION ON THE 2018/19 RATES & CHARGES - WHITSUNDAY HOUSING COMPANY LTD.**

*Cr Jan Clifford declared a Material Personal Interest in accordance with section 175B(1) of the Local Government Act 2009. In accordance with section 175C(2) of the Local Government Act 2009, Cr Clifford advised the following:*

- The name of the person or entity who could gain a benefit or suffer a loss is the Whitsunday Housing Company Limited.*
- The Whitsunday Housing Company Limited stands to gain a benefit or suffer a loss financially, by refunding the 2018/19 rates of \$30,161.68 which will help the ongoing costs associated with the provision of low-cost social housing to the Whitsunday Regional Council as per Council's Policy for the Affordable Housing providers.*
- The nature of Cr Clifford's relationship with the Whitsunday Housing Company Limited is that Cr Clifford holds the position of chairperson.*

*Cr Clifford left the meeting at 9.31am, taking no part in the discussion or decision making of this matter.*

**Moved by: M BRUNKER**

**Seconded by: N GRIEGER**

**Council approve a donation of \$30,161.68 on the 2018/19 Rates & Charges for the Whitsunday Housing Company Ltd as per Council's Policy for Affordable Housing providers.**

**MEETING DETAILS:**

The motion was Carried 6/0

**CARRIED**

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*Cr Clifford returned to the meeting at 9.33am*

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**13. Community and Environment**

**13.6 2019/09/25.16 FINANCIAL SUPPORT FOR JUNIOR ELITE ATHLETE - SEPTEMBER 2019**

**Moved by: J CLIFFORD**

**Seconded by: N GRIEGER**

**Council approve financial support of \$100.00 to Grace Dyne for representing North Queensland in the 10-12 years School Sport State Netball Championships in Bundaberg.**

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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**13. Community and Environment**

**13.7 2019/09/25.17 ROTARY CLUB AIRLIE BEACH HERITAGE TRAIL PROJECT STAGE 2 - EXHIBITION OF INFORMATION SIGNS BICENTENNIAL PATHWAY**

**Moved by: J CLIFFORD**

**Seconded by: R PETTERSON**

**Council approve the Rotary Club Airlie Beach Stage 2 Heritage Trail Project along the Bicentennial Pathway Airlie Beach/Cannonvale consisting of the following:**

**a) Installation of:**

- 13 x story board information signs, and
- 1 x turtle rock carving

**Located as marked in Attachment 1 and subject to conditions set out in *Whitsunday Regional Council Local Law No. 1 (Administration) 2014*, and**

- b) Provide in kind support to supply and install 2 x bench seats to be utilised as rest points for pedestrians along the pathway.**

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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**13. Community and Environment**

**13.8 2019/09/25.18 NATURAL RESOURCE MANAGEMENT (NRM)  
GOVERNANCE ARRANGEMENTS**

**Moved by: D CLARK**

**Seconded by: N GRIEGER**

**Council write to the Local Government Association of Queensland (LGAQ) suggesting the issue of Natural Resource Management Governance is placed on the agenda of the next Local Government Association meeting for more broad discussion amongst other local governments.**

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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**13. Community and Environment**

**13.9 2019/09/25.19 SUBORDINATE LOCAL LAW NO.4 REVIEW**

**Moved by: J CLIFFORD**

**Seconded by: D CLARK**

**That Council:**

- 1. notes that Subordinate Local Law (Amending) Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2019 contains anti-competitive provisions.**
- 2. adopts the recommendations of the Public Interest Test Report for Subordinate Local Law (Amending) Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2019.**
- 3. makes Subordinate Local Law (Amending) Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2019 as advertised, but subject to the amendments identified in Attachment A.**
- 4. adopts the consolidated version of Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2014 pursuant to section 32(1) of the Local Government Act 2009 (LGA), in the form attached to this report.**
- 5. delegates to the Chief Executive Officer the following process and responsibilities under section 29B of the LGA, including:**
  - (a) advising the public that Subordinate Local Law (Amending) Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2019 has been made and contains anti-competitive provisions by publishing a notice in both:**
    - (i) the Government Gazette; and**
    - (ii) on Council's website, and**
  - (b) giving the Minister:**
    - (i) a copy of the notice in paragraph 5(a) above; and**
    - (ii) electronic copies of Subordinate Local Law (Amending) Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2019 and the consolidated version of Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2014.**

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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**13. Community and Environment**

**13.10 2019/09/25.20 COMMUNITY & ENVIRONMENT - MONTHLY REPORT - AUGUST 2019**

**Moved by: R PETERSON**

**Seconded by: J CLIFFORD**

**Council receive the Community & Environment Monthly Report for August 2019.**

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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**14. Engineering Services**

**14.1 2019/09/25.21 DISASTER MANAGEMENT LOGISTICS SUB-PLAN**

**Moved by: N GRIEGER**

**Seconded by: R PETERSON**

**Council resolves to adopt the Disaster Management Logistics Sub-Plan.**

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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**14. Engineering Services**

**14.2 2019/09/25.22 TRADE WASTE FEES AND CHARGES AMENDMENT REQUEST**

**Moved by: J CLIFFORD**

**Seconded by: D CLARK**

**Council resolves to approve the recommendation to revert the current 2019/20 Trade Waste Fees and Charges back to the 2018/19 financial year rates.**

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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**14. Engineering Services**

**14.3 2019/09/25.23 POLICY REVIEW - TRADE WASTE POLICY & ENVIRONMENTAL PLAN**

**Moved by: D CLARK**

**Seconded by: J CLIFFORD**

**Council resolves to implement the current Trade Waste Policy and Environmental Plan.**

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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**14. Engineering Services**

**14.4 2019/09/25.24 POLICY REVIEW - SUB METERING POLICY AND SUPPORTING TECHNICAL GUIDELINES**

**Moved by: D CLARK**

**Seconded by: J CLIFFORD**

**Council resolves to:**

- a. revoke the current Sub Metering Policy and Sub Metering Policy Supporting Technical Guidelines 2017; and**
- b. adopt the updated Sub Metering Policy and Sub Metering Policy Supporting Technical Guidelines as per attachment 1.**

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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**14. Engineering Services**

**14.5 2019/09/25.25 COLLINSVILLE HEAVY VEHICLE PARKING AREA - 500.2019.0033**

**Moved by: D CLARK**

**Seconded by: N GRIEGER**

**Council receive the advice regarding unsuitable material found on the site of the proposed heavy vehicle park in Collinsville and instruct that the works under the contract proceed acknowledging the risk of increased ongoing maintenance of the facility due to long term settlement of the legacy landfill at the site.**

**MEETING DETAILS:**

The motion was Carried 6/1

**CARRIED**

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**15. Customer Experience**

**15.1 2019/09/25.26 BUSINESS ACTIVITY REPORT - WASTE BUSINESS UNIT - AUGUST 2019**

**Moved by: J CLIFFORD**

**Seconded by: N GRIEGER**

**Council receive the Waste Business Unit Activity Report for August 2019.**

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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**Procedural Motion**

**2019/09/25.27 SUSPENSION OF STANDING ORDERS**

**Moved by: J CLIFFORD**

**That Standing Orders be suspended to allow for discussion on General Business Items regarding the Gregory – Cannon Valley Road Intersection and the Divisional Boundaries.**

**MEETING DETAILS:**

The motion was Carried 6/1

**CARRIED**

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**16. General Business**

**16.1 2019/09/25.28 GREGORY – CANNON VALLEY ROAD INTERSECTION**

**Moved by: R PETERSON**

**Seconded by: M BRUNKER**

**That the Mayor urgently write to the Minister for Transport and Main Roads The Honourable Mark Bailey MP in regards to the Gregory - Cannon Valley Rd intersection at Cannon Valley requesting an immediate update on the plans for this intersection and that the project be actioned as a matter of urgent priority, highlighting the recent accident that has just occurred there as yet another reason for urgency above what is already clearly documented in Traffic Advisory Board meetings, RACQ reports and TMR Data.**

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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**Procedural Motion**

**2019/09/25.29 PROCEDURAL MOTION - ADJOURN**

**Moved by: M BRUNKER**

**Seconded by: N GRIEGER**

**That the meeting be adjourned for the purpose of morning tea at 10.06am.**

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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**Procedural Motion**

**2019/09/25.30 PROCEDURAL MOTION - RECONVENE**

**Moved by: J CLIFFORD**

**Seconded by: D CLARK**

**That the meeting be reconvened from morning tea at 10.31am.**

**MEETING DETAILS:**

The motion was Carried 0/0

**CARRIED**



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**16. General Business**

**16.2 2019/09/25.31 DIVISIONAL BOUNDARIES**

**Moved by: A WILLCOX**

**Seconded by: J CLIFFORD**

**That the Mayor, CEO and affected Divisional Councillors be delegated authority to provide a further submission to the Electoral Commissioner identifying minor amendments to the boundaries position of the Electoral Commissioner but generally remaining in accordance with Council's resolved position while ensuring equity of community representation and considering communities of interest for the Commissioner's consideration.**

**MEETING DETAILS:**

The motion was Carried 6/1

**CARRIED**

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**Procedural Motion**

**2019/09/25.32 SUSPENSION OF STANDING ORDERS**

**Moved: J CLIFFORD**

**That Standing Orders be resumed.**

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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## Procedural Motion

2019/09/25.33           PROCEDURAL MOTION - CLOSURE OF MEETING

Moved by:               J CLIFFORD

Seconded by:           N GRIEGER

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.

### 17.1.1 Business Activity Report - Whitsunday Coast Airport August 2019

- (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

### 17.1.2 Business Activity Report - Shute Harbour August 2019

- (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

### 17.2.1 Fleet and Plant Replacement Recommendations

- (e) contracts proposed to be made by it

### 17.4.1 Tender Evaluation - 500.2019.0064 - Demolition of Flagstaff Hill Interpretive Centre

- (e) contracts proposed to be made by it

### 17.4.2 Endorsement of Final Concept Design - Flagstaff Hill

- (e) contracts proposed to be made by it

### 17.5.1 Whitsunday Dredging Program

- (c) The local government's budget

### 17.5.2 Tender Evaluation - 500.2019.0060 - Regional Reseal Package 2019

- (e) contracts proposed to be made by it

### 17.5.3 Infrastructure Access Agreement - Carmichael Rail Network Pty Ltd (Crn) And Adani Mining Pty Ltd

- (e) contracts proposed to be made by it

### 17.6.1 Proserpine Town Pool 2019/2020 Budget Increases

- (c) the local government's budget

## MEETING DETAILS:

*During the discussion in closed session on item '17.2.1 Fleet and Plant Replacements', both Cr Petterson and Cr Collins declared a Conflict of interest and did not take part in the discussion or decision making on this item. Cr Collins left the meeting at 11.32am and returned at 11.35am. Cr Petterson left the meeting at 11.32am and returned at 11.35am.*

The motion was Carried 7/0

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**Procedural Motion**

**2019/09/25.34            PROCEDURAL MOTION – REOPEN OF MEETING**

**Moved by:                M BRUNKER**

**Seconded by:            J CLIFFORD**

**That Council reopen the meeting to the general public at 11.56am.**

**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        2019/09/25.35            BUSINESS ACTIVITY REPORT - WHITSUNDAY COAST  
AIRPORT AUGUST 2019**

**Moved by:                J CLIFFORD**

**Seconded by:            N GRIEGER**

**Council receive the Whitsunday Coast Airport Unit Activity Report for August 2019.**

**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        2019/09/25.36            BUSINESS ACTIVITY REPORT - SHUTE HARBOUR  
AUGUST 2019**

**Moved by:                R PETERSON**

**Seconded by:            J CLIFFORD**

**Council receive the Shute Harbour Unit Activity Report for August 2019.**

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**



**17.2 Confidential Matters - Corporate Services**

**17.2.1 2019/09/25.37 FLEET AND PLANT REPLACEMENT RECOMMENDATIONS**

*Cr John Collins declared a Conflict of Interest in accordance with section 175E(1) of the Local Government Act 2009. In accordance with section 175E(2) of the Local Government Act 2009, Cr Collins advised the following:*

*The nature of the interest is that his daughter works for Filby's Motors for approximately 6 hours a week.*

- The name of the other person: Erin Collins*
- The nature of the relationship or value and date of receipt of the gift: Daughter*
- The nature of the other person's interest in the matter: Employed by Filby's Motors for approximately 6 hours a week.*

*Cr Collins left the meeting at 11.57am, taking no part in the discussion or decision making of this matter.*

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*Cr Ron Petterson declared a Conflict of Interest in accordance with section 175E(1) of the Local Government Act 2009. In accordance with section 175E(2) of the Local Government Act 2009, Cr Petterson advised the following:*

- The nature of the interest is that Cr Petterson is the chair of the Whitsunday Suicide Prevention Network which has received a donation from Filby's Motors Company.*

*Cr Petterson left the meeting at 11.57am, taking no part in the discussion or decision making of this matter.*

**Moved by: J CLIFFORD**

**Seconded by: M BRUNKER**

**Council resolve to award the following contracts:**

- 500.2019.0044 Supply and Delivery of Two (2) 2WD Twin Cab Utilities to Whitsunday Motors Pty. Ltd. T/As Filbys Motors (Toyota) for the amount of \$75,605.94 (excluding GST); and**
- 500.2019.0045 Supply and Delivery of One (1) 2.5T Forklift to Clark Equipment Sales Pty Ltd for the amount of \$31,990.00 (excluding GST).**

**MEETING DETAILS:**

The motion was Carried 5/0

**CARRIED**

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*Cr Petterson and Cr Collins returned to the meeting at 11.58am.*  
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**17.4 Confidential Matters – Community and Environment Services**

**17.4.1 2019/09/25.38 TENDER EVALUATION - 500.2019.0064 - DEMOLITION OF FLAGSTAFF HILL INTERPRETIVE CENTRE**

**Moved by: M BRUNKER**

**Seconded by: R PETERSON**

**Council resolves to award contract 500.2019.0064 Demolition of Flagstaff Hill Interpretive Centre to Mathinna Pty. Ltd. T/As P & C Welding & Constructions for the amount of \$95,300.00 (excluding GST).**

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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**17.4 Confidential Matters – Community and Environment Services**

**17.4.2 2019/09/25.39 ENDORSEMENT OF FINAL CONCEPT DESIGN - FLAGSTAFF HILL**

**Moved by: M BRUNKER**

**Seconded by: D CLARK**

**Council adopt and endorse the Flagstaff Hill Conference and Cultural Centre Final Concept Design as presented in (Attachment 1).**

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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- 17.5 Confidential Matters – Engineering Services  
17.5.1 2019/09/25.40 WHITSUNDAY DREDGING PROGRAM

Moved by: J CLIFFORD  
Seconded by: R PETERSON

Council resolve to award the Whitsunday Dredging Program works to Dredging Systems for \$259,383.32 through an exemption to the Local Government Regulation 2012 s235(a), noting that the Whitsunday Sailing Club project is to be undertaken as private works and reimbursed to Council at a fixed cost of \$42,000.00.

**MEETING DETAILS:**

The motion was Carried 7/0

CARRIED

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- 17.5 Confidential Matters – Engineering Services  
17.5.2 2019/09/25.41 TENDER EVALUATION - 500.2019.0060 - REGIONAL RESEAL PACKAGE 2019

Moved by: D CLARK  
Seconded by: R PETERSON

Council resolve to award contract 500.2019.0060 Regional Reseal Package 2019 to Rock N Road Bitumen Pty Ltd for the amount of \$1,079,872.18 (excluding GST) (based on a schedule of rates).

**MEETING DETAILS:**

The motion was Carried 7/0

CARRIED

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- 17.5 Confidential Matters – Engineering Services  
17.5.3 2019/09/25.42 INFRASTRUCTURE ACCESS AGREEMENT - CARMICHAEL RAIL NETWORK PTY LTD (CRN) AND ADANI MINING PTY LTD

Moved by: M BRUNKER  
Seconded by: J CLIFFORD

That Council resolves:

1. That the Chief Executive Officer be authorised to sign the Infrastructure Access Agreement between Whitsunday Regional Council, Carmichael Rail Network Pty Ltd (CRN) (as trustee for The Carmichael Rail Network Trust) and Adani Mining

Pty Ltd once all matters are resolved in-line with the recommended Council position as follows:

**Recommended Council position on remaining matters:**

- i) **Adani Mining Pty Ltd to be included in the Infrastructure Access Agreement as a responsible party and signatory to the Agreement due to their potential impact on the road network through the movement of Carmichael Mine traffic on the Secondary Roads;**
- ii) **Retain position on Clause 1.1 that the Expiry Date is to coincide with the end of mining rights, rather than end of Construction Phase, as the Mine has the potential to have ongoing impacts as outlined in the point above;**
- iii) **Retain Clause 5.1(b) and (h) that Road Trains are not permitted to access Primary Roads in the current proposed upgrade standard. Agreement on a higher standard of construction is required to permit for Road Train vehicle traffic;**
- iv) **Retain Clause 5.4 and Clause 6.7, that the trigger for additional works under the Agreement is 5% increase in generation of CRN/Adani related traffic either on a Primary or Secondary Road;**
- v) **Retain Clause 5.1(k) that if CRN/Adani traffic continue to use roads after the end of the construction activities, above the 5% trigger, then the proponent will be responsible for additional maintenance on the Primary Roads;**
- vi) **Amend Clause 5.3 to reflect Council agreeing to the minimum of one traffic monitoring and rain gauge data collection device per road. Note that Council are to maintain devices and data post-construction phase;**
- vii) **Retain Clause 6.6(a)(ii) where the Defects Period is to be the longer of 12 months, or 3 months after Defects are made good;**
- viii) **Retain Clause 11.1 whereby Council is able to endorse the content of the Management Plans with an active interest in matters relating to local issues and standard regulations;**
- ix) **Retain Clause 13.1 whereby Council is able to make claims against CRN/Adani as the Road User for all aspects of their obligations;**
- x) **Accept CRN/Adani's alteration to Clause 14.4 whereby Council is not a co-insurer and cannot make claims directly to their insurer;**
- xi) **Accept CRN/Adani's alteration to Clause 23.6 in that Council considers the interest monies on the security is Adani's benefit as the interest monies is earned on their own funds;**
- xii) **Clause 24.4 to be re-written with the following additional clauses in response to Agreement being with Carmichael Rail Network as a trustee:**
  - a. **Breach of the warranties in 24.4(b) are capable of being pursued personally against CRN (and not just in its trustee capacity);**
  - b. **There are additional warranties and/or evidence about the ongoing financial standing of the trust;**
  - c. **Carve outs apply where CRN is subject to fraud, negligence, wilful default or breach of duty and breach of trust;**
  - d. **There be joint and severable liability between CRN in its personal capacity and CRN as trustee for the Carmichael Rail Network Trust; and**
  - e. **The CEO be authorised to negotiate further amendments consistent with this position following receipt of the trust deed.**
- xiii) **Amend Schedule 9 that Security is provided to 100% of the agreed value of the project; and**
- xiv) **Schedule 13 for the Guarantee and Indemnity could be removed if adequate Security is provided.**

2. That the Chief Executive Officer be authorised to review and determine the suitability of the Management Plans referred to in the Infrastructure Agreement.
3. That Council acknowledges that the Infrastructure Agreement can be amended to allow for Rail Camp 5 to be constructed, in parallel with Stratford Road upgrade activities.
4. That Council acknowledges that points 1, 2 and 3 above represent Councils' current position in relation to the Infrastructure Agreement for presentation to CRN/Adani and the Office of the Coordinator General.

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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**17.6 Confidential Matters – Customer Experience**

**17.6.1 2019/09/25.43 PROSERPINE TOWN POOL 2019/2020 BUDGET INCREASES**

**Moved by: J COLLINS**

**Seconded by: R PETERSON**

**Council resolve to increase the Proserpine Pool Operational Budget for the 2019/2020 financial year by \$231,660.96 to cover increased costs as a result of the new Guidelines for Safe Pool Operations effective 1 September 2019.**

**The additional operating cost will be covered by:**

- a) **\$100,000 will be transferred from the Lake Proserpine Operational Budget at the next budget review to the Proserpine Pool;**
- b) **\$131,660.96 will be transferred from the Council General Fund to the Proserpine Pool.**

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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*The meeting closed at 12.01pm*

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Confirmed as a true and correct recording this 9 October 2019

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**Cr Andrew Willcox  
MAYOR**