



Minutes of the Ordinary Council Meeting held on Wednesday 12 October 2022 at Council Chambers, 83-85 Main Street, Proserpine

Council acknowledges and shows respect to the Traditional Custodian/owners in whose country we hold this meeting.

Councillors Present:

Julie Hall (Mayor/Chair), Jan Clifford, Al Grundy, John Collins, Michelle Wright and Gary Simpson

Council Officers Present:

Rod Ferguson (Chief Executive Officer); Julie Wright (Director Community Services); Neil McGaffin (Director Development Services); Adam Hagy (Director Infrastructure Services); Greg Martin (Communications and Marketing Manager); Tailah Jensen (Governance Administration Officer/Minute Taker); James Ngoroyemoto (Manager, Governance and Administration); Rebekah Sinclair (Governance and Legal Coordinator)

Other Officers Present (Partial Attendance):

Patty Jago (Coordinator Rates)

The meeting commenced at 9.01am
The meeting adjourned for morning tea at 9.59am
The meeting reconvened from morning tea at 10.33am
The meeting closed at 11.41am

Whitsunday Regional Council

Minutes of the Ordinary Council Meeting held at Council Chambers, 83-85 Main Street, Proserpine on Wednesday 12 October 2022 commencing at 9:00 AM

1	APOLOGIES/LEAVE OF ABSENCE	5
2	CONDOLENCES	5
2.1	1 Condolences Report	5
3	DECLARATIONS OF INTEREST	5
4	MAYORAL MINUTE	5
5	MAYORAL UPDATE	6
6	CONFIRMATION OF MINUTES	7
6.1	1 Confirmation of Minutes	7
7	BUSINESS ARISING	7
7.1	1 Public Question Reponse	7
8	DEPUTATIONS	7
9	PETITIONS	7
10	NOTICES OF MOTION	7
11	QUESTIONS ON NOTICE	8
12	QUESTIONS FROM THE PUBLIC GALLERY	8
13	OFFICERS REPORTS	10
13	3.1 Corporate Services	10
13	3.1.1 Annual Revaluation - Effective 30 June 2023	10
13	3.1.2 Reef Guardian Council Executive Committee Meeting	11
13	3.2 Development Services	12
13	3.2.1 20191416 - Development Application for Material Change of Use (Showroom) - 2	
	Central Avenue, Cannonvale	12
13	3.2.2 Airlie Beach Replacement Permanent and Auxiliary Fire and Rescue Station - 2-6	3
	Banksia Court, Cannonvale QLD 4802	13
13	3.2.3 20220630 - Development Application for Material Change of Use (Adult Store) - 1	13
	Waterson Way, Airlie Beach - D Sampson c/- Wynne Planning and Development	15
13	3.2.4 Development Services Monthly Report - September 2022	15
13	3.3 Community Services	16
13	3.3.1 Community Plan 2022-2032	16
13	3.3.2 Amendment to Local Law & Subordinate Local Law No. 1 (Administration) 2014	17
13	3.3.3 500.2022.0065 - W4Q – Design and Construction of Collinsville Swimming Pool	
	Upgrades	19
13	3.3.4 Sport & Recreation Club Grants - October 2022	20

13.3.5 Financial Support for a Junior Elite Athlete - September 2022	21
13.3.6 Sponsorship Request - Keelan O'Brien - Born to Race	22
13.3.7 Sponsorship Request - Central Rodeo Cowboys Association Inc	23
13.3.8 Community Services Monthly Report - September 2022	23
14 MATTERS OF IMPORTANCE	24
15 LATE REPORT ITEMS	24
16 CLOSURE OF MEETING	24

1 APOLOGIES/LEAVE OF ABSENCE

RESOLUTION OM2022/10/12.1

Moved By: CR J CLIFFORD Seconded By: CR M WRIGHT

That Council receives the apology from Cr Brunker.

MEETING DETAILS

The motion was Carried 6 / 0.

CARRIED

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### 2 CONDOLENCES

### 2.1 - Condolences Report

### **PURPOSE**

To acknowledge and observe a minute silence for the recently deceased throughout the Whitsunday Region.

### OFFICER'S RECOMMENDATION

That Council observe one (1) minute's silence for the recently deceased.

### **RESOLUTION OM2022/10/12.2**

Moved By: CR J CLIFFORD Seconded By: CR A GRUNDY

That Council observe one (1) minute's silence for the recently deceased.

### **MEETING DETAILS**

The motion was Carried 6 / 0.

**CARRIED** 

### 3 DECLARATIONS OF INTEREST

There were no declarations made during this meeting.

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4 MAYORAL MINUTE

There was no mayoral minute for this meeting.

Wednesday 28 September	 Visited Collinsville Depot to meet staff Council Meeting, in Collinsville
Thursday 29 September	 Visited Proserpine Depot to meet staff Met with Tourism Whitsunday CEO Rick Hamilton before their AGM Attended Tourism Whitsunday Annual General Meeting Met with developer, in Proserpine Travelled back to Airlie Beach to meet with local business owners Participated in a teleconference with Deputy Premier for an update on the State government's Energy and Jobs Plan That evening, attended Tourism Networking Event, in Airlie Beach
Friday 30 September	 Met with Community Services Director, in Bowen Catch up with CEO, in Bowen
Tuesday 4 October	 Internal meetings, in Proserpine Chaired Whitsunday Disaster Management Group, in Proserpine Met with developer, in Proserpine
Wednesday 5 October	 Briefing Session, in Bowen Met with Federal Member for Dawson Andrew Willcox MP
Thursday 6 October	 Met with ratepayer, in Proserpine Catch up with CEO, in Proserpine Filmed video for Council's Solar Project Met with Cr Clifford, in Proserpine
Friday 7 October	 Officially opened Cannon Valley Reservoirs Met with ratepayers, in Cannonvale Met with North Queensland Bulk Ports, in Bowen
Sunday 9 October	 Attended St Catherine's Catholic College Community Carnival, in Proserpine
Monday 10 October	 Catch up with CEO, in Bowen Met with Bowen Gumlu Growers Association's CEO Ry Collins, in Bowen That evening, attending Bowen Collinsville Enterprise monthly meeting
Tuesday 11 October	 Filmed Council Meeting update Met with ratepayers, in Proserpine

6 CONFIRMATION OF MINUTES

6.1 - Confirmation of Minutes

PURPOSE

At each Council meeting, the minutes of the previous meeting must be confirmed by the councillors present and signed by the person presiding at the later meeting. The Minutes of Council's Ordinary Council Meeting held on 28 September 2022 are provided for Councils review and confirmation.

OFFICER'S RECOMMENDATION

That Council confirms the Minutes of the Ordinary Meeting held on 28 September 2022.

RESOLUTION OM2022/10/12.3

Moved By: CR J COLLINS Seconded By: CR M WRIGHT

That Council confirms the Minutes of the Ordinary Meeting held on 28 September 2022.

MEETING DETAILS

The motion was Carried 6 / 0.

CARRIED

7 BUSINESS ARISING

There were no business arising matters for this meeting.

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### 8 DEPUTATIONS

There were no deputations for this meeting.

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9 PETITIONS

There were no petitions for this meeting.

10 NOTICES OF MOTION

There were no notice of motions for this meeting.

11 QUESTIONS ON NOTICE

There were no questions taken on notice for this meeting.

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### 12 QUESTIONS FROM THE PUBLIC GALLERY

### **QUESTION ONE**

Name: Phil Batty

Question:

Dear Mr Ferguson,

Thank you for your letter dated September 21st 2022, responding to my questions raised in WRC's Report on "Aviation, Tourism & Economic Development" in the Council Meeting of **September 14th 2022.** 

<u>Your Response does not address all the questions I raised on September 14th 2022, and I note as follows: -</u>

- 1) On September 14th 2022, I asked how a document with so many errors could be initiated, approved and voted unanimously to be accepted by the council. I asked you and all six councillors precise questions. I would ask that you might revisit those specific questions and respond to each individually.
- 2) The report in the Agenda to which I referred did not state a "deficit of \$56,000 before corporate overhead". It merely referred to the deficit. However, I accept that this was a human error; but the point clearly; was missed by everyone concerned. Would you agree then that the Councillors that voted to approve these Reports did not have the necessary skills to comprehend what they were reading?
- 3) Your letter dated September 21st 2022, now attaches spreadsheets as Amended Reports, which now contain other errors, in addition to the mistakes first reported in the Council Meeting of August 24th 2022

New errors appear in Council's Response dated September 21st 2022.

I now seek the opportunity to raise my following concerns in the Council Meeting on October 12th 2022: -

- The report presented in the Agenda Documents on August 24th 2022, about Shute Harbour states, "Shute Harbour Marine Terminal also achieved a revenue increase of 30% for 2021/2022 compared to the current budget for the year": -
  - Having added the \$559,683 to the revenues line, which was omitted, was this another human error in making an incorrect statement? The revenue increase has been 96% against the budget and, according to the subtotals, always was
  - The cost of goods sold at Shute Harbour appears to be higher than the revenue for anything sold with a budgeted Materials and Services of 101% (no profit) and an actual result of 133%, effectively losing money on every sale. Can you please explain how this can be good business for Whitsunday Ratepayers?

This is page 8 of the Minutes of Council's Ordinary Council Meeting - 12 October 2022

- The Audited Financial Report per Agenda Documents August 24th 2022. WRC's media spokesperson, Mr Greg Martin, stated that "minor" errors in the Reports were corrected before the audited figures were concluded. Mr Martin may have missed that the audited figures were also presented to WRC's Audit & Risk Committee on August 16th 2022. How could the trading results be misrepresented eight days later at the Council Meeting on August 24th 2022?
- The Audited financial report and the combined operating reports now provided to me in your letter dated September 21st 2022. If I now compare the audited reports for Airport & Ports to the two sets of follow-up information you provided me. I now ask how the revenue for Airports and Ports varies by \$871,745.
- Similarly, and again re the Audited financial report and the combined operating reports provided to me in your letter dated September 21st 2022. The audited reports state that the loss incurred by this division was \$4,022,145; yet, the sum of the reports total a loss of \$1,528,422; a variance of \$2,493,723. Can you please explain this variance and provide the correct numbers?

Yes, I would be pleased to meet with WRC Finance staff to discuss these matters. I presume that these discussions will become public record?

I look forward to speaking at the Council Meeting on October 12th 2022.

Thank You.

Kind regards,

**Phil Batty** 

A response will be provided to the customer in due course and included in the next available Ordinary Council Meeting agenda under the business arising section.

### 13 OFFICERS REPORTS

### 13.1 Corporate Services

### 13.1.1 - Annual Revaluation - Effective 30 June 2023

### **PURPOSE**

This report is seeking Council's direction about the proposed Whole of Region revaluation for the 2022/23 financial year.

### OFFICER'S RECOMMENDATION

That Council ask the Department of Resources to include the Whitsunday Regional Council local government area as part of the 2023 revaluation program to take effect on 30 June 2023.

### **RESOLUTION OM2022/10/12.4**

Moved By: CR J CLIFFORD Seconded By: CR A GRUNDY

### **That Council:**

- 1. Ask the Department of Resources to include the Whitsunday Regional Council local government area as part of the 2023 revaluation program to take effect on 30 June 2023.
- 2. Write to the Minister for Resources, the Honourable. Scott Stewart MP, expressing concerns for our residents and ratepayers.

### **MEETING DETAILS**

The motion was Carried 6 / 0.

**CARRIED** 

### 13.1.2 - Reef Guardian Council Executive Committee Meeting

### **PURPOSE**

To nominate a Councillor representative to attend the Reef Guardian Council's Bi-annual Executive Committee Meeting.

### OFFICER'S RECOMMENDATION

That Council appoint Councillor XXXX to attend the Reef Guardian Council's Bi-annual Executive Committee Meeting.

### **RESOLUTION OM2022/10/12.5**

Moved By: CR J COLLINS
Seconded By: CR J CLIFFORD

That Council appoint Councillor Simpson to attend the Reef Guardian Council's Biannual Executive Committee Meeting.

### **MEETING DETAILS**

The motion was Carried 6 / 0.

**CARRIED** 

13.2.1 - 20191416 - Development Application for Material Change of Use (Showroom) - 2 Central Avenue, Cannonvale

### **PURPOSE**

To present the assessment of the development application.

### OFFICER'S RECOMMENDATION

That Council:

- Approve the application for Development Application for Development Permit for Material Change of Use - Showroom, made by Yoogalu Pty Ltd, on L: 1 SP: 310407
   T: & EMT B and located at 2-12 Central Avenue CANNONVALE, subject to the conditions outlined in Attachment 1.
- 2. Not approve the request to apply the Economic Development Incentives Policy to the applicable infrastructure charges for the development.

### PROCEDURAL RESOLUTION OM2022/10/12.6

Moved By: CR A GRUNDY

That the item lie on the table to allow for further information to be obtained regards footpath requirements and pedestrian movements including volume.

### **MEETING DETAILS**

The procedural motion was Carried 4 / 2.

# 13.2.2 - Airlie Beach Replacement Permanent and Auxiliary Fire and Rescue Station - 2-6 Banksia Court, Cannonvale QLD 4802

### **PURPOSE**

To present the assessment of the Ministerial Infrastructure Designation (MID) request from Queensland Fire and Emergency Services (QFES) for a Fire and Emergency Station Permanent and Auxiliary Fire and Rescue Station at 2 – 6 Banksia Court, corner with Macarthur Drive and Shute Harbour Road Cannonvale.

### OFFICER'S RECOMMENDATION

That Council delegate to the Chief Executive Officer to make a submission to the Deputy Premier and Minister for State Development Infrastructure, Local Government and Planning in response to the notice of proposed Ministerial Infrastructure Designation — Airlie Beach Fire and Rescue Station, requesting the Minister not approve the Minister Infrastructure Designation until the findings of a noise and light impact assessment are considered and, if necessary, adequately addressed by the design of the proposal.

### **RESOLUTION OM2022/10/12.7**

Moved By: CR J COLLINS
Seconded By: CR G SIMPSON

That Council delegate to the Chief Executive Officer to make a submission to the Deputy Premier and Minister for State Development Infrastructure, Local Government and Planning in response to the notice of proposed Ministerial Infrastructure Designation – Airlie Beach Fire and Rescue Station request the Minister to:

- Defer approval of the MID to allow for Queensland Fire and Emergency Services to undertake a noise and light impact assessment and, if necessary, to adequately address the findings of these assessments in the design of the proposal before a decision is made.
- 2. Ensure the community are fully consulted and engaged on the proposal before any decision is made.
- 3. Investigate the retention of the Jubilee Pocket fire station as an auxiliary station aligned with population growth and increased bush fire risk.

### **MEETING DETAILS**

The motion was Carried 6 / 0.

**CARRIED** 

### PROCEDURAL MOTION - ADJOURNMENT OM2022/10/12.8

Moved by: CR J CLIFFORD Seconded by: CR M WRIGHT

That the meeting be adjourned for the purpose of morning tea at 9.59am.

### **MEETING DETAILS:**

The procedural motion was Carried 6 / 0

**CARRIED** 

PROCEDURAL MOTION - RECONVENE OM2022/10/12.9

Moved by: CR J CLIFFORD Seconded by: CR G SIMPSON

That the meeting be reconvened from morning tea at 10.33am.

### **MEETING DETAILS:**

The procedural motion was Carried 6 / 0

13.2.3 - 20220630 - Development Application for Material Change of Use (Adult Store) - 13 Waterson Way, Airlie Beach - D Sampson c/- Wynne Planning and Development

### **PURPOSE**

To present the assessment of the development application.

### OFFICER'S RECOMMENDATION

That Council approve the application for Development Application for Development Permit for Material Change of Use - Adult Shop, made by D L Sampson C/- Wynne Planning and Development, on L: 42 RP: 726947 and located at 13 Waterson Way, Airlie Beach, subject to the conditions outlined in Attachment 1.

### **RESOLUTION OM2022/10/12.10**

Moved By: CR J CLIFFORD Seconded By: CR A GRUNDY

That Council approve the application for Development Application for Development Permit for Material Change of Use - Adult Shop, made by D L Sampson C/- Wynne Planning and Development, on L: 42 RP: 726947 and located at 13 Waterson Way, Airlie Beach, subject to the conditions outlined in Attachment 1.

### **MEETING DETAILS**

The motion was Carried 6 / 0.

**CARRIED** 

### 13.2.4 - Development Services Monthly Report - September 2022

### **PURPOSE**

This report presents information relating to the operations of the Development Services Directorate for the month of September 2022.

### OFFICER'S RECOMMENDATION

That Council receives the Development Services Monthly Report for September 2022.

### **RESOLUTION OM2022/10/12.11**

Moved By: CR J COLLINS
Seconded By: CR J CLIFFORD

That Council receives the Development Services Monthly Report for September 2022.

### **MEETING DETAILS**

The motion was Carried 6 / 0.

### 13.3 Community Services

### 13.3.1 - Community Plan 2022-2032

### **PURPOSE**

The purpose of the report is for the adoption of the Whitsunday Regional Council Community Plan 2022-2032.

### OFFICER'S RECOMMENDATION

That Council adopt the Whitsunday Regional Council Community Plan 2022-2032.

### **RESOLUTION OM2022/10/12.12**

Moved By: CR J CLIFFORD Seconded By: CR M WRIGHT

That Council adopt the Whitsunday Regional Council Community Plan 2022-2032.

### **MEETING DETAILS**

The motion was Carried 5 / 1.

**CARRIED** 

This is page 16 of the Minutes of Council's Ordinary Council Meeting - 12 October 2022

# 13.3.2 - Amendment to Local Law & Subordinate Local Law No. 1 (Administration) 2014

### **PURPOSE**

To provide Council with an amendment to the Whitsunday Regional Council Local Law No.1 (Administration) 2014 & Subordinate Local Law No. 1 (Administration) 2014 to include the operation of short-term accommodation as a Prescribed Activity.

### OFFICER'S RECOMMENDATION

### That Council:

- (1) Note that the following contain anti-competitive provisions:
  - a) Local Law (Amending) Whitsunday Regional Council Local Law No. 1 (Administration) 2022; and
  - b) Subordinate Local Law (Amending) Whitsunday Regional Council Subordinate Local Law No. 1 (Administration) 2022, (collectively, the Proposed Local Laws).
- (2) Council adopts the recommendations of the Public Interest Test Report for the Proposed Local Laws, attached to this report.
- (3) Council make the Proposed Local Laws as advertised, subject to the amendments identified in Attachment A.
- (4) Council adopt the consolidated version of the Proposed Local Laws pursuant to section 32(1) of the Local Government Act 2009 (LGA), in the form attached to this report.
- (5) Council delegate to the Chief Executive Officer the following process and responsibilities under section 29B of the LGA, including:
  - a) advising the public that:
    - (I) the Proposed Local Laws have been made; and
    - (II) the Proposed Local Laws contain anti-competitive provisions,
    - (III) by publishing a notice in both:
    - (IV)the Government Gazette; and
    - (V)on Council's website, and
  - b) giving the Minister:
    - (I) a copy of the notice in paragraph a) above; and
    - (II) electronic copies of the Proposed Local Laws and the consolidated versions of the Proposed Local Laws.

### **RESOLUTION OM2022/10/12.13**

Moved By: CR J CLIFFORD Seconded By: CR M WRIGHT

### **That Council:**

- (1) Note that the following contain anti-competitive provisions:
  - a) Local Law (Amending) Whitsunday Regional Council Local Law No. 1 (Administration) 2022; and
  - b) Subordinate Local Law (Amending) Whitsunday Regional Council Subordinate Local Law No. 1 (Administration) 2022, (collectively, the Proposed Local Laws).
- (2) Adopts the recommendations of the Public Interest Test Report for the Proposed Local Laws, attached to this report.
- (3) Make the Proposed Local Laws as advertised, subject to the amendments identified in Attachment A.
- (4) Adopt the consolidated version of the Proposed Local Laws pursuant to section 32(1) of the Local Government Act 2009 (LGA), in the form attached to this report.
- (5) Delegate to the Chief Executive Officer the following process and responsibilities under section 29B of the LGA, including:
  - a) advising the public that:
    - (I) the Proposed Local Laws have been made; and
    - (II) the Proposed Local Laws contain anti-competitive provisions by publishing a notice in both:
    - (III) the Government Gazette; and
    - (IV) 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 the Proposed Local Laws and the consolidated versions of the Proposed Local Laws.

### **MEETING DETAILS**

The motion was Carried 6 / 0.

# 13.3.3 - 500.2022.0065 - W4Q - Design and Construction of Collinsville Swimming Pool Upgrades

### **PURPOSE**

This report presents to Council for consideration the evaluation panel's recommendation to award Contract 500.2022.0065 - W4Q – Design and Construction of Collinsville Swimming Pool Upgrades.

### OFFICER'S RECOMMENDATION

That Council award Contract 500.2022.0065 - W4Q – Design and Construction of Collinsville Swimming Pool Upgrades to Alto Pacific Pty Ltd for the amount of \$154,598.40 (excluding GST).

### **RESOLUTION OM2022/10/12.14**

Moved By: CR M WRIGHT
Seconded By: CR J CLIFFORD

That Council award Contract 500.2022.0065 - W4Q - Design and Construction of Collinsville Swimming Pool Upgrades to Alto Pacific Pty Ltd for the amount of \$154,598.40 (excluding GST).

### **MEETING DETAILS**

The motion was Carried 6 / 0.

**CARRIED** 

This is page 19 of the Minutes of Council's Ordinary Council Meeting - 12 October 2022

### 13.3.4 - Sport & Recreation Club Grants - October 2022

### **PURPOSE**

For Council to consider the payment of the Sport & Recreation Club Grants for October 2022 in accordance with Council's Sport & Recreation Grant Guidelines.

### OFFICER'S RECOMMENDATION

That Council approve the payment of a Sport & Recreation Clubs Grant to the following recipients:

- 1. Music Evolution Project Inc. Band 1 \$5,500
- 2. Whitsunday Dirt Riders Inc. Band 1 \$5,500

### **RESOLUTION OM2022/10/12.15**

Moved By: CR A GRUNDY Seconded By: CR G SIMPSON

That Council approve the payment of a Sport & Recreation Clubs Grant to the following recipients:

- 1. Music Evolution Project Inc. Band 1 \$5,500
- 2. Whitsunday Dirt Riders Inc. Band 1 \$5,500

### **MEETING DETAILS**

The motion was Carried 6 / 0.

### 13.3.5 - Financial Support for a Junior Elite Athlete - September 2022

### **PURPOSE**

For Council to consider the applications for Financial Support for a Junior Elite Athlete.

### OFFICER'S RECOMMENDATION

That Council approve financial support for the following applicants:

- a) Lincoln Sokolski-Fricker 2022 FQ Community Cup (Soccer) \$250
- b) Sari Goodall National Football (Soccer) Championships \$1,000
- c) Fyn Gunn Australian Hard Enduro Championships \$1,000
- d) Lillian Kelly Youth Volleyball Championships \$1,000
- e) Kade Harrison Youth Volleyball Championships \$1,000

### **RESOLUTION OM2022/10/12.16**

Moved By: CR J CLIFFORD Seconded By: CR M WRIGHT

That Council approve financial support for the following applicants:

- a) Lincoln Sokolski-Fricker 2022 FQ Community Cup (Soccer) \$250
- b) Sari Goodall National Football (Soccer) Championships \$1,000
- c) Fyn Gunn Australian Hard Enduro Championships \$1,000
- d) Lillian Kelly Youth Volleyball Championships \$1,000
- e) Kade Harrison Youth Volleyball Championships \$1,000

### **MEETING DETAILS**

The motion was Carried 6 / 0.

### 13.3.6 - Sponsorship Request - Keelan O'Brien - Born to Race

### **PURPOSE**

Council to consider a request for sponsorship from Keelan O'Brien to assist in competing in National motor racing events in 2022 and Bathurst 2023.

### OFFICER'S RECOMMENDATION

That Council approve a sponsorship of \$5,000 cash to assist Keelan O'Brien further advance his skills and motorsport career in 2022 and 2023.

### **RESOLUTION OM2022/10/12.17**

Moved By: CR J CLIFFORD Seconded By: CR A GRUNDY

That Council approve a sponsorship of \$5,000 cash to assist Keelan O'Brien further advance his skills and motorsport career in 2022 and 2023.

### **MEETING DETAILS**

The motion was Carried 6 / 0.

**CARRIED** 

### 13.3.7 - Sponsorship Request - Central Rodeo Cowboys Association Inc.

### **PURPOSE**

Council to consider a request for sponsorship from the Central Rodeo Cowboys Association Inc (CRCA) to assist with their event to be held on Saturday 19 November 2022.

### OFFICER'S RECOMMENDATION

That Council approve a \$2,500 cash sponsorship to assist the Central Rodeo Cowboys Association Inc event organisers with the 2022 CRCA Proserpine Finals Rodeo event to be held on Saturday 19 November 2022.

### **RESOLUTION OM2022/10/12.18**

Moved By: CR J CLIFFORD Seconded By: CR G SIMPSON

That Council approve a \$2,500 cash sponsorship to assist the Central Rodeo Cowboys Association Inc event organisers with the 2022 CRCA Proserpine Finals Rodeo event to be held on Saturday 19 November 2022.

### **MEETING DETAILS**

The motion was Carried 6 / 0.

**CARRIED** 

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13.3.8 - Community Services Monthly Report - September 2022

PURPOSE

The purpose of the report is to set out an account of statistics pertaining to the functions of each branch within the Community Services Directorate for the month of September 2022.

OFFICER'S RECOMMENDATION

That Council receive the Community Services Monthly Report for September 2022.

RESOLUTION OM2022/10/12.19

Moved By: CR M WRIGHT
Seconded By: CR J CLIFFORD

That Council receive the Community Services Monthly Report for September 2022.

MEETING DETAILS

The motion was Carried 6 / 0.

14 MATTERS OF IMPORTANCE

MATTERS OF IMPORTANCE – BOWEN RAIL COAL DUST CONCERNS RESOLUTION OM2022/10/12.20

Moved By: CR M WRIGHT
Seconded By: CR J CLIFFORD

That the CEO write to Bowen Rail requesting that they do not stop their trains within the Collinsville town precinct due to concerns about coal dust blowing across the township.

MEETING DETAILS

The motion was Carried 6 / 0.

CARRIED

MATTERS OF IMPORTANCE – PLANNING AMENDMENT - PRESERVATION OF TREES RESOLUTION OM2022/10/12.21

Moved By: CR J CLIFFORD

Seconded By: CR J HALL (MAYOR)

That Council consider the inclusion into planning amendments to include preservation of trees except to build infrastructure or a dwelling.

MEETING DETAILS

The motion was Carried 6 / 0.

CARRIED

15 LATE REPORT ITEMS

There were no late reports for this meeting.

16 CLOSURE OF MEETING

The Meeting closed at 11.41am

Confirmed as a true and correct recording this 26 October 2022

Cr Julie Hall MAYOR