



MINUTES
of the
GENERAL MEETING

CHAIRPERSON: Cr R Dyne (Mayor)

**Held in the Boardroom
Old Bank Building,
46 Nash Street,
Gympie Qld 4570**

**On Wednesday 28th January 2009
At 9.00 am**

Gympie Regional Council **GENERAL**

*Mayor R.J. Dyne (Chairman),
Crs. A.J. Perrett, G.L. Engeman, R.A. Gâté, LJ Friske,
DR Neilson, IT Petersen, J Watt and J.A. Walker.*

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The meeting commenced at 9:02 am.

PRESENT: Mayor Cr R.J. Dyne (Chairman), Cr A.J. Perrett, Cr G.L. Engeman, Cr I.T. Petersen, Cr L.J. Friske, Cr R.A. Gâté, Cr D.R. Neilson, Cr J. Watt and Cr J.A. Walker.

Also in attendance were Chief Executive Officer (Mr K.A. Mason), and Minutes Clerk (Miss S Bull).

DECLARATIONS OF INTEREST BY COUNCILLORS

Planning & Development Committee Meeting

P17/01/09 – Cr J.A. Walker - Material Personal Interest

P18/01/09 – Cr G.L. Engeman - Material Personal Interest

SECTION 1: OPEN WITH PRAYER

Pastor Noel McDonough from Gympie Community Church offered a Prayer for the advancement of the Region and the true welfare of its people.

One Minute's silence was observed for family and friends of deceased residents of the Region.

SECTION 2: APOLOGIES

SECTION 3: CONFIRMATION OF MINUTES OF PREVIOUS GENERAL MEETING

G23/01/09 Moved: Cr R.A. Gâté

Seconded: Cr A.J. Perrett

That the Minutes of the Gympie Regional Council General Meeting held on 14 January 2009 be taken as read and confirmed.

Carried

SECTION 4: PETITIONS

4/1

Petition – Langshaw Wheelie Bins and Bulk Bin sites

Re: **G24/01/09** Petition – Langshaw Wheelie Bins and Bulk Bin sites
From: Mrs Karen Berry, Primary Petitioner, Langshaw Ratepayers and Residents, 144 Crust Road, Langshaw Qld 4570 and 20 other signatories.
File: 2/9/2/2
Date: 14 January 2009 Doc ID 1010291

“We, the people of Langshaw, respectfully request that Gympie Regional Council (GRC);

- ***EXEMPTS THE ENTIRE LANGSHAW AREA FROM WHEELIE BINS;***
- *Ceases all operation of garbage trucks in the Langshaw area;*
- *Removes all wheelie bins from the Langshaw area and issue no new bins;*
- ***KEEPS THE EEL CREEK ROAD WASTE BULK BIN SITE OPEN;***
- *Installs surveillance cameras to identify bulk littering offenders at the Eel Creek Road bulk bin site;*
- *Prosecutes all identified littering offenders to the fullest extent of the law as provided for by the Environmental Protection Agency (EPA);*
- *Maintains current waste management charges to all Langshaw ratepayers; and*
- *Supplies a written apology to Langshaw ratepayers and residents for their protracted, occasionally rude, and wholly undemocratic treatment in this matter.*

We make these requests for the many reasons listed in Attachment 1 (which have been mentioned in previous petitions); however, the first reason is also the primary one: Langshaw’s roads.

There are eleven unsealed roads in Langshaw. These roads are rarely graded and badly in need of repair. As you would be aware, garbage trucks are very large, heavy vehicles; they are destroying Langshaw’s unsealed roads and making them dangerous.

We have previously asked Council if, with the roll out of wheelie bins and the additional income from increased waste management charges, the maintenance performed on these roads will increase. We have been informed that Council will not.

Many of Langshaw’s Roads, besides being unsealed, are also narrow, steep and flood-prone. During wet times, they are dangerous. Garbage trucks increase the danger on Langshaw’s roads to an unacceptable level, not just to residents but to the truck drivers themselves. There are sections of Langshaw’s roads where a 60-foot drop beside the road with no guard-rail to prevent vehicles from sliding off

the road and over the edge means lives are unnecessarily put at risk. With the additional damage the garbage trucks are causing to the roads, this danger has increased exponentially.

We ask GRC to consider: What would be the cost to Council in insurance claims should residents' vehicles – or even garbage trucks – slide over this drop? Surely no cost in lives is justified?

There are many places in Langshaw where the deterioration of the roads by the garbage trucks has greatly increased the probability of a serious accident. We therefore ask: Can GRC vindicate its decision to have garbage trucks in the Langshaw area in the face of a death an/or multimillion-dollar insurance claims?

The damage to residents' vehicles and property due to the poor condition of the roads is also an issue for which Council may face future litigation.

Whilst it is commendable that Council permits residents the choice of having the bins, we would like to point out that this is effectively undemocratic.

Only 10% of Langshaw properties have elected to have wheelie bins but this 10% is forcing the 90% majority (who do not want the bins or any of their associated negative issues) to suffer the degradation of their roads, the decreased safety on and near their roads, the increased occupational health and safety hazards in their area, and the increased air, noise, litter and visual pollution blighting their 'touch of paradise'.

We feel this is unfair.

An analogy could be Council permitting a Gympie city resident the choice of having a rooster.

Whilst that particular resident may be happy he has what he wants, everyone of his neighbours suffer for that one person's privilege.

The dictionary defines democracy as: "government by the people; especially rule of the majority". Langshaw residents believe that living in Australia means living in a democratic society and this is way every one of our petitions to date – including this one- requests and area-wide exemption from the bins and everything associated with them, since the far greater majority of ratepayers and residents do not want them and it is generally agreed that they have no place in Langshaw's geography.

As to the closure of the roadside bulk bin sites: Council has, in the past, cited vandalism and illegal bulk dumping of rubbish at these sites as its reason for closing them.

Council, accordingly to its own Operational Plan "aims to manage and maintain Council-owned and controlled administrative and public properties". To follow

this Operational Plan, therefore, Council requires its own self to maintain the roadside bulk bin sites, an obligation it has not been fulfilling.

No maintenance has been effected at the Eel Creek Road site for at least the past five years other than the clearing of dumped refuse. The perimeter fence has fallen down, signage has been removed and not replaced, the road leading to and from has not been graded and the bins themselves are in a poor state of repair. Whilst vandalism can be blamed for the damage, Council has a duty of care to repair and prevent future damage, as stated in the Operational Plan.

We believe also that, properly managed, the waste management charges GRC levies Langshaw ratepayers should cover all required maintenance costs for this site.

With respect to the illegal dumping, it has been previously pointed out to Council that the Environmental Protection Agency (EPA) will assist Council in prosecuting illegal dumping offenders with fines ranging from \$300 to \$12,370. this advisement has been ignored.

There have been numerous occasions where by the vehicle registration numbers of offenders have been given to Council but Council has not prosecuted any offender to date. Cr Dyne is on record as stating that Kilkivan had a similar problem with illegal dumping at their bulk bin sites... until they started prosecuting and then the offences ceased. We would like to ask: Why has Council done nothing to curb the illegal dumping?

We believe a financially viable option would be to install surveillance cameras at the Eel Creek Road bulk bin site to catch offenders, who could be subsequently fined, be unlikely to re-offend and the fines can go towards reimbursement of the cost of surveillance cameras.

It has been suggested in the past that residents should 'police' the area. This is only successful if residents happen to catch offenders in the act of offending and no-one can be there 24 hours a day. This suggestion is also only successful if, when offenders' rego numbers are given to Council, offenders are actually prosecuted.

Another aspect of the bulk bin site issue is that we believe that the signage at the Eel Creek Road bulk bin site is both inadequate and ambiguous.

There is only one sign at one entryway, which is easily missed. The writing on the sign is quite small, poorly worded and difficult to understand. For example, it states:

- *“Dispose of Bulky Items etc Prohibited”, which does not make proper sense; and*
- *“Offenders will be prosecuted” is completely false since no identified offender has yet been prosecuted.*

The sign also does not actually specify that waste is only to be placed in the bins.

Since we believe that many of the bulk dumping offenders are those from town or from the new Pie Creek estates, we have previously suggested a possible alternative site for a replacement roadside bulk bin site as being at the corner of Eel Creek Road and Coppermine Creek Road. This location is fairly large and there are no residents living nearby who would complain about any smell. We believe that moving the depot further away from town would deter those non-residents who presently 'abusing' the present facilities.

Mayor Dyne has told Langshaw residents that the EPA is forcing the closure of the bulk bin sites. Upon investigation, however, EPA spokespeople state they know nothing of this. The Mayor's statement is therefore an apparent fabrication. We believe it is appalling that such a prominent elected official for GRC treats his constituents in this disrespectful fashion. We also believe that this is a direct breach of the Councillors' Code of Conduct as written in the Local Government Act 1993.

If GRC cites increasing costs in maintenance expenses as one of its reasons for closing the roadside bulk bin facility, we would like to state that the following points can be even more expensive:

- *Increased costs of replacing bins damaged when left by the roadside;*
- *Increased cost of repairing vehicles damaged when driven on substandard roads;*
- *Increased littering pollution removal costs;*
- *Increased road work costs;*
- *Increased litigation for health problems created by the bins and/or trucks;*
- *Increased litigation due to stress suffered by drivers on Langshaw's more dangerous roads; and*
- *Increased accidents and possible deaths occurring on Langshaw's narrow, steep, unsealed roads due to bins and/or garbage trucks.*

We would also like to ask the following associated questions:

- *Why was no environmental impact assessment commissioned for the Langshaw area with respect to waste management requirements?*
- *If GRC is serious about recycling, why are there no recycling bins at the bulk bin sites?*
- *Why were residents not consulted BEFORE Council decided to change waste management strategies in the area?*
- *Langshaw residents who have signed previous petitions against the waste management changes have received written responses from Council stating "objections will be assessed by Council at a later date with a decision pending". Why has no-one been notified of Council's decision?*
- *Why were our rates increased by 20 – 30% for the 2008-9 year? We do not have sewerage, town water, sealed roads, kerb and channelling, street lighting, adequate slashing of the verges or our roads are a long way from being properly maintained. What are we paying for especially since GRC intends to close the roadside bulk bin site that is convenient and readily accessible to all Langshaw residents?*

Many of the above questions have been asked of Council before but we have so far received no responses.

We believe that, due to its geography and poor existing infrastructure, the Langshaw region should be treated as an exception to the Gympie Region's waste management strategy. Even Cr Dyne has admitted that there is no place for wheelie bin in rural areas.

We fervently hope Gympie Regional Councillors will read this letter with objectivity and compassion, and represent us – their constituents – as they have been elected to do. We hope also that the validity of our arguments will be acknowledged and that GRC will permit the entire Langshaw area to be exempted from changes to GRC waste management practices.

We have tried to provide Council with cost effective and viable alternatives to all of the issues apparently forcing change in our region. We sincerely hope that previously unmentioned and/or unscrupulous motives are not the real force behind GRC forcing these changes without consultation with constituents.

Langshaw ratepayers and residents are entitled to a timely resolution of this issue which has been ongoing for more than a year. We would like to stop presenting our petitions to Council and taking up valuable Council meeting time. We would certainly not like to have to take the issue further.

We thank Gympie Regional Council for this opportunity to oppose the changes to Langshaw's waste management.

Attachment 1: Langshaw's Ratepayers and Residents' Reasons for Opposing Wheelie Bins in the Area.

- *There are ELEVEN dirt roads in Langshaw: Mary's Creek Road (parts), Gumnut Drive, Harrison Road, Crust Road, Mahon Road, Neuendorf Road, Coppermine Creek Road, Schachts Creek Road, Heathcote Road, Upper Eel Creek Road and Jerry's Creek Road. These roads are rarely graded and badly in need of repair. The large, heavy garbage trucks are making them dangerous as well as unnavigable.*
- *Langshaw's dirt roads are narrow. There is no room for the safe passage of both garbage trucks and local traffic at the same time. This causes unnecessary dangers for local drivers, truck driver and residents, all of which are Occupational Health & Safety (OH&S) issues for which GRC is liable.*
- *Much of Langshaw is very steep. This, combined with the above-mentioned points, makes Langshaw roads dangerous for garbage truck drivers, local drivers and residents, especially in the rain, and creates further OH&S issues for which GRC is liable.*
- *Langshaw has many creeks – Eel Creek, Jerry Creek, Coppermine Creek, Schachts Creek – which often flood. It is dangerous for even local traffic to negotiate Langshaw's narrow, steep, dirt roads in flood/heavy rain times.*

These conditions are completely unsuitable for garbage trucks. It is especially dangerous if a garbage truck driver finds a road cut by floodwaters as it is not possible to safely or easily reverse up Langshaw's steep, slippery roads. (this is particularly applicable on Crust Road where the Eel Creek crossing is preceded by a hairpin bend on a steep slope. Also Jerry Creek Road, where there is a 60-foot drop instead of verge with no guardrail.) this creates more OH&S issues for which GRC is liable. Rubbish cannot be collected during flood times. Health risks escalate when refuse remains uncollected: more OH&S issues for which GRC is liable.

- *Since much of Langshaw is made up of large cattle-grazing acreage, many ratepayers and residents have many of hundreds of metres – even kilometres in some instances – over which to manoeuvre wheelie bins in order to position them for collection. Dragging bins behind vehicles is dangerous. Having children position them is irresponsibly dangerous. These are even more OH&S issues for which GRC is liable.*
- *Many homesteads do not have available road frontage on which to safely position a wheelie bin. This creates a further OH&S issue (for which GRC is liable), not just for Langshaw ratepayers and residents, but for the garbage truck drivers as well.*
- *If ratepayers and residents elect to leave the bins on the roadside, the bins will be in the way of the Council-contracted slasher and other widely-used farm vehicles, thereby increasing the risk of the bins being knocked over and/or destroyed. The resultant pollution will cause additional health risks to both animals and residents: yet further OH&S issues for which GRC is liable. (Note: Wild dog experts state that wheelie bins are NO deterrent to wild dogs.) The attendant monetary costs are unwarranted.*
- *The bins cannot be adequately kept clean since there is no town water in Langshaw and bins are unhygienic and maggot-infested: further OH&S issues for which GRC is liable.*
- *Increased visual, air, noise and ground pollution due to both the bins and the trucks: further OH&S issues for which GRC is liable.*
- *The existing bulk refuse bin service works well for, is appreciated by, and is convenient for ALL Langshaw ratepayers and residents – including the aged and disabled.*
- *Langshaw has not grown nor increased its volume at all over the past three to four decades so the previous Council's excuse that "unprecedented growth and increasing volumes" is forcing the roll-out of the bins is false for the Langshaw region. The existing costs of the bulk bin facilities are acceptable for Langshaw ratepayers and residents; the cost of the wheelie bins – not just in monetary respects – are not.*

PETITION

We, the people of Langshaw, request that Gympie Regional Council (GRC):

- *Exempts the ENTIRE Langshaw area from wheelie bins;*
- *Ceases ALL operation of garbage trucks in the broader Langshaw area;*
- *Removes ALL wheelie bins from the area and issues NO new bins;*

- *Keeps the Eel Creek Road bulk bin site open;*
- *Installs surveillance cameras to identify bulk littering offenders at the Eel Creek Road bulk bin site;*
- *Prosecutes ALL identified littering offenders as allowed for by the Environmental Protection Agency (EPA);*
- *Maintains previous waste management charges for all Langshaw ratepayers; and*
- *Supplies a written apology to Langshaw ratepayers and residents for the indifferent, unfair, undemocratic and protracted treatment in this matter.”*

G24/01/09 Moved: Cr G.L. Engeman Seconded: Cr R.A. Gâté

That the Petition be received and referred to the Director of Community Services to report to a future Community and Economic Development Committee Meeting.

Carried

SECTION 5: ADOPTION OF WORKS & SERVICES COMMITTEE RECOMMENDATIONS

G25/01/09 Moved: Cr L.J. Friske Seconded: Cr J.A. Walker

That the Recommendations of the Works & Services Committee Meeting held on 13 January 2009 as presented, be received.

Carried

G26/01/09 Moved: Cr L.J. Friske Seconded: Cr J.A. Walker

That the Recommendations of the Works & Services Committee Meeting held on 13 January 2009, be adopted.

Carried

SECTION 6: REPORT BY THE WORKS & SERVICES COMMITTEE CHAIRMAN
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Nil

SECTION 7: ADOPTION OF COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE RECOMMENDATIONS**G27/01/09 Moved: Cr A.J. Perrett****Seconded: Cr R.A. Gâté**

That the Recommendations of the Community & Economic Development Committee Meeting held on 14 January 2009 as presented, be received.

Carried

G28/01/09 Moved: Cr A.J. Perrett**Seconded: Cr R.A. Gâté**

That the Recommendations of the Community & Economic Development Committee Meeting held on 14 January 2009, be adopted.

Carried

SECTION 8: REPORT BY THE COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE CHAIRMAN

Cr Perrett presented the following Report:-

“The first Community and Economic Development Committee meeting for 2009 received the Health and Environmental Services report for the month of December. Of particular note was the increase in weights of recyclable material. The recycling efforts of local residents now means an extra 1,000,000 kg of material is being processed compared to 2006. The Committee is recommending that the Director of Community Services report back to the next Waste Management Strategy meeting in relation to the provision of recycling services in the former Tiaro - Div 3 and Kilkivan Shires.

The Compliance and Local Disaster & Community Facilities and Services reports were received with no notable concerns.

The Cooloola Regional Development Bureau report for the month of December was received from Acting General Manager, Amanda Lepeilbet. The Annual General Meeting of the Bureau was held on Thursday, 11th December 2008 followed by the CRDB members Christmas Party. The four (4) community representatives were elected at the AGM with Ted Mitchell from the Mary Valley

Rattler being the only new addition to the Board. Two (2) new vehicles have been purchased for the CRDB replacing the existing cars. The Matilda Information Centre Kybong received a much needed makeover in preparation for the busy holiday season including repainting of the interior and new merchandise displays. CRDB volunteers traveled to Hervey Bay in December for a familiarization trip visiting a total of seven (7) members businesses including a visit to Kingfisher Bay Resort.”

G29/01/09 Moved: Cr A.J. Perrett

Seconded: Cr G.L. Engeman

That the Report be received.

Carried

SECTION 9: ADOPTION OF PLANNING & DEVELOPMENT COMMITTEE RECOMMENDATIONS
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G30/01/09 Moved: Cr I.T. Petersen

Seconded: Cr J. Watt

That the Recommendations of the Planning & Development Committee Meeting held on 21 January 2009 as presented, be received with the exception of P17/01/09 and P18/01/09 to be withdrawn and dealt with later in this meeting.

Carried

G31/01/09 Moved: Cr I.T. Petersen

Seconded: Cr J. Watt

That the Recommendations of the Planning & Development Committee Meeting held on 21 January 2009 as amended, be adopted.

Carried

Cr J.A. Walker declared a Material Personal Interest in the next matter due to being the applicant and left the meeting at 9.13am.

Recommendation P17/01/09 of the Recommendations of the Planning & Development Committee Meeting held on the 21 January 2009

G32/01/09 Moved: Cr I.T. Petersen

Seconded: Cr L.J. Friske

That Recommendation P17/01/09 of the Recommendations of the Planning & Development Committee Meeting held on 21 January 2009 be received and adopted.

Carried

Cr J.A. Walker returned to the meeting at 9.14am.

Cr G.L. Engeman declared a Material Personal Interest in the next item due to business contacts and left the meeting at 9.14am.

Recommendation P18/01/09 of the Recommendations of the Planning & Development Committee Meeting held on the 21 January 2009

G33/01/09 Moved: Cr I.T. Petersen

Seconded: Cr D.R. Neilson

That Recommendation P18/01/09 of the Recommendations of the Planning & Development Committee Meeting held on 21 January 2009 be received and adopted.

Carried

Cr G.L. Engeman returned to the meeting at 9.15am.

SECTION 10: REPORT BY THE PLANNING & DEVELOPMENT COMMITTEE CHAIRMAN

Cr Ian Petersen presented the following Report:-

“Council’s Environmental Planning Officer reported on her attendance at a climate change workshop in Maryborough. The topic generated considerable discussion and it does appear that the counter argument is gaining some momentum. With some balance in the debate, the subject will be thoroughly

researched and analysed in months and perhaps years to come. The Committee resolved to recommend that Council continues to participate in climate change activities including BMRG workshops.

The Committee recommended that Council authorise the Manager of Strategic Planning be authorised to discuss with Queensland Transport options for parking and use of small boat launching facilities at the Cod St site when the picnic shelter is demolished.

Following confirmation that there is road access to the frontage of Lot 2598 at Rossmore Road, the Committee has recommended Council approval for a Material Change of Use – Dwelling House application at that site, with a notice to be placed on the rates search information confirming that the access is Not Council maintained.

Approval was recommended for a workshop extension at South Side, a pet, stock, and aquaculture manufacturing industry at Cinnabar, a Material Change of Use for commercial premises in Duke St, and a concrete batching plant at Rainbow Beach.

The Committee considered a report on quarry operations at the Prophet Gold Mine at Rossmore Road, and is recommending that Council agree to the applicants request to change the Development Application to remove the maximum extraction tonnage limit. This will resolve an issue which had been the subject of considerable debate and confusion for some time. The change will result in the applicant now being responsible only to EPA for any proposed intensification, rather than having to make a new application to Council.

Representations in relation to a former Tiaro Shire approval for a subdivision at Repeater Station Road were considered. The Committee recommended Council approval of amended conditions concerning roadworks required to satisfy a safety audit commissioned by Council.

New applications have certainly decreased slightly over the past two months, but the Department remains busy, having approved 28 applications under delegated authority, as well as being involved in numerous customer enquiries and meetings.

Advice was received from the Federal Government that the Tin Can Bay Marina proposal has been deemed a controlled action. This means that the project will require assessment and approval by the Minister for the Environment, before it can proceed. DEWH&A expressed concern that the proposal is likely to “have a significant impact on the following matters protected by the EPBC Act”
Wetlands of international importance (sections 16 and 17)
Listed threatened species and communities (sections 18 and 18A)
Listed migratory species (sections 20 and 20 A)

The Committee is recommending that Council approve construction of a clubhouse by the Goomeri Penguins Swimming Club at the Goomeri Pool and that Council provide a letter to the club confirming the approval.

A profile document was tabled from (Planning and economic development consultants) the Stafford Group and the Committee is recommending that Mr Stafford be invited to make a presentation to Councillors at a future P & D meeting.

After considerable debate the Committee resolved to recommend to Council that a preferred position be adopted in relation to the future of the Mary Valley in either a dam or no dam scenario. It was suggested that considerable time needs to be allocated for workshopping and community consultation."

G34/01/09 Moved: Cr I.T. Petersen

Seconded: Cr J. Watt

That the Report be received.

Carried

SECTION 11: OTHER MATTERS

11/1 Gympie Investment Prospectus

Re: **G35/01/09** Gympie Investment Prospectus
 From: Bridget Edwards, Senior Regional Development Officer, Gympie Region Department of Tourism, Regional Development and Industry Cnr Cartwright Road & Louisa Street, Gympie Queensland 4570 PO Box 395, Gympie Queensland 4570
 File:
 Date: 20 January 2009

"Thank you for your time yesterday to discuss the proposed project to develop a Gympie Investment Prospectus. As discussed during the meeting the Department has requested a letter of support for the Department's proposed Gympie Region Investment Prospectus project from the Gympie Regional Council. Key areas include:

- 1. Council supports the project and its outcomes*
- 2. Council will promote, market and distribute the prospectus and material promoting the prospectus*
- 3. Council will upload the information onto Council's website and maintain the currency of the links and information in the prospectus*
- 4. Council will review and update the investment prospectus as appropriate for at least the next three years.*

Could you also provide an indication of the anticipated annual costs of undertaking the above activities. This will then be included in the project information and noted as the commitment in-kind from Gympie Regional Council. It is anticipated that a significant component of the costs will be staff time.

A steering committee will be established to co-ordinate and manage the preparation of the study. It would be appreciated if the Council could nominate a representative to participate as a member of the steering committee.”

G35/01/09 Moved: Cr D.R. Neilson Seconded: Cr J.A. Walker

That Council provide a letter of support and agree to the requested resource support.

Further, that Cr A.J. Perrett be nominated as the representative on the steering committee.

Carried

11/2	Proposed Traveston Crossing Dam
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Re: **G36/01/09** Proposed Traveston Crossing Dam
 From: Anna Bligh MP, Premier of Queensland, PO Box 15185 City East Qld 4002.
 File: 4/1/09/0002
 Date: 8 January 2009 Doc ID 1009113

“Thank you for your letter of 28 November 2008 concerning resolutions of the Gympie Regional Council regarding the proposed Traveston Crossing Dam.

As you are aware I recently announced that the construction of the proposed Traveston Crossing Dam would be delayed. This decision was made because the Coordinator – General advised that, while the catchments have suffered significant disturbance as a result of clearing and cultivation, further mitigation measures would be required to minimise the impact on flora and fauna prior to the construction of the dam. This is particularly the case with rehabilitation and offsets for threatened species including the Australian lungfish, Mary River cod, Mary River turtle and the southern barred frog.

The Environmental Impact Statement (EIS) process for the proposed Traveston Crossing Dam is being conducted under State Development and Public Works Organisation Act 1971 and the Environment Protection and Biodiversity Conservation Act 1999 (Cth). The rigorous evaluation is accredited under the bilateral agreement between the Commonwealth government and the State of

Queensland and addresses matters on behalf of both the Commonwealth and Queensland Governments.

The Queensland Government is committed to the Traveston Crossing Dam as an important element in securing the region's water supply security. The announced delay means that the matters raised by the Coordinator-General can be adequately resolved. However, I have made it clear that the program of finalising environmental and other approvals will continue.

The Coordinator – General is currently developing his assessment report, which will include consideration of all relevant information, including the EIS, the Supplementary Report, advice from government agencies, all issues raised in submissions about the EIS and any additional information requested from Queensland Water Infrastructure or others.

Again, thank you for bringing the view of Gympie Regional Council to my attention.”

G36/01/09 Moved: Cr R.A. Gâté

Seconded: Cr A.J. Perrett

That the information be received.

Carried

11/3

CMC review of Queensland's Police Move-on Powers

Re: **G37/01/09** CMC review of Queensland's Police Move-on Powers
 From: Crime and Misconduct Commission, GPO Box 3123, Brisbane Qld 4001.
 File: 1/1/3/1
 Date: 5 January 2009 Doc ID 1008521

“The Crime and Misconduct Commission (CMC) is currently undertaking a review of Queensland's police move-on powers as directed by section 49 of the Police Powers and Responsibilities Act 2000 (Qld) (PPRA).

Move-on powers are located in Chapter 2, Part 5 of the PPRA. They enable the police, in certain circumstances, to direct an individual or a group of people to move on or leave a public place. If a person does not obey a move-on direction, they may be charged with the offence of ‘contravening the direction or requirement of a police officer’ under section 791 of the PPRA.

The CMC intends to undertake the following in its review:

- *Call for public comment from interested individuals, representative groups, agencies and government departments,*

- Consult with major stakeholders such as the Queensland Police Service, legal groups, government departments and shopkeepers,
- Analyse relevant police and courts data.
- Review relevant research and examine similar legislation, and its effects, in other jurisdictions.

I am writing to invite your organisation to make a written submission (by email if you wish) to our review. I therefore enclose for you information a copy of the issues paper, which sets out the current powers, their history, the nature of the review and how you can make your comments.

Submissions may address any aspect of move-on powers that you consider relevant to your organisation or clients and ideally should reach the CMC by close of Business on Friday 20 February 2009. if you require any further information about the review or your organisation's participation in it, please contact Stephen Fay on 07 3360 6134 or toll-free on 1800 061 611.

Our postal address is CMC Review of Police Move-on Powers, GPO Box 3123, Brisbane Qld 4001. email: moveonpowers@cmc.qld.gov.au. Fax: 07 3360 6333."

G37/01/09 Moved: Cr G.L. Engeman Seconded: Cr R.A. Gâté

That the information be received.

Further that Council support the Police Move-on powers.

Carried

11/4	Cherbourg Shire – Alcohol restricted area
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Re: **G38/01/09** Cherbourg Shire – Alcohol restricted area.
 From: Mike Sarquis, Executive Director, Office of Liquor, Gaming and Racing, Locked Bag 180, City East Qld 4002.
 File: 1/4/04/0001
 Date: 19 December 2008 Doc ID 1007277

"I am writing to advise the Gympie Regional Council that on 11 December 2008 the Governor in Council approved an amendment to the Liquor Regulation 2002 (Regulation) declaring Cherbourg Shire as an alcohol restricted area, with an alcohol carriage limit. The regulation will take effect on 12 March 2009.

From 12 March 2009, the new alcohol restrictions will declare that the maximum amount of alcohol that a person can possess in Cherbourg Shire (the carriage limit) is 11.25 litres (1 X 30 can carton) of light or mid strength beer. All other alcohol will be prohibited.

Council should be aware that:

- *The carriage limit applies to individuals and also to vehicles (cars, planes or boats) regardless of the number of passengers;*
- *Vehicles may be seized if found carrying illicit alcohol in the restricted area;*
- *It is an offence to attempt to bring illicit alcohol into the restricted area; and*
- *Restrictions on the type of alcohol permitted also apply to homes in Cherbourg.*

Penalties

If a person is found with alcohol in excess of the carriage limit, within the restricted area, the maximum fines a Court may impose are:

1st offence - \$37,500

2nd offence - \$52,500 or 6 months imprisonment

3rd offence - \$75,000 or 18 months imprisonment

Officers from the Office of Liquor, Gaming and Racing (OLGR) have been liaising with the Department of Main Roads for the production and erection of road signs detailing the new alcohol restrictions at entry points to Cherbourg.

As you may be aware, the OLGR is also working with licensed premises in the region to implement trading conditions that will complement the new alcohol restrictions. The use of licence conditions on licensed premises in catchment areas is a practice that has been used to support alcohol restrictions in other restricted areas in Queensland.

Advertising of the new restrictions will appear in major local newspapers and on the radio in February 2008, Prior to the commencement of restrictions on 12 March 2009. brochures and maps will also be forwarded to council, the community justice group and others outlining the restrictions. To assist with communicating the new alcohol restrictions, posters will be provided to display on community notice boards and other prominent locations within the community.

I trust this information is of assistance. Should you or council require further information in relation to this matter, please do not hesitate to contact Mr Dominic Tennison, Acting Director, Indigenous Policy Branch, OLGR, on 3033 0025.”

G38/01/09

Moved: Cr J.A. Walker

Seconded: Cr J. Watt

That the information be received.

Carried

11/5

Cobb & Co Coach Re-enactment Project

Re: **G39/01/09** Cobb & Co Coach Re-enactment Project
From: Fraser Coast Show Society Ltd, PO Box 232, Maryborough Qld 4650.
File: 5/3/15/1
Date: 20 January 2009 Doc ID 1010960

"I refer to the above and discussions I had with your office late last year asking for a Letter of Support of the project for Q150 funding. You may recall that we are proposing to hold a re-enactment using a Cobb & Co coach departing the Post Office at Kilkivan and arriving in Wharf Street, Maryborough, with a few stops along the way.

Firstly, I would like to thank you for that support and I am very happy to report that it was pivotal in our recently securing the \$10,000 grant from the Premier's Department.

At that time, Chris Foley, MP, and Mayor Mike Kruger also offered their support with the Mayor encouraging me to apply for funding from the Fraser Coast Regional Council. Now that we have received approval for funding from the Premier's Department I am approaching both Fraser Coast and Gympie Regional Council for contributions towards this exciting and relevant project for the region.

I could not locate any specific grants to apply for on your website so I have attached documentation to support this request, as follows:-

- *Cobb & Co Re-enactment Project Proposal*
- *Objects of the Company (as per Constitution)*
- *2008 Financial Statements of the Company*
- *Supporting Documentation (Letter of Support, and Letter from Queensland Premier, Anna Bligh, advising success of Grant application for Q150 funding)*
- *Certificate of Incorporation*

Since we first spoke of this project, we have approached the Queensland Police for Guidelines of Traffic regulations who approved the run in principle and then expressed a very keen to become involved, perhaps in the mock "hold up". The Warf Street Committee (which includes publicans, restaurateurs and museum curators) are also enthusiastic and are set to plan celebrations for the destination arrival of the coach run. We will contact Australia Post also to explore the possibility of have a genuine mail service on that run and discuss stamp or merchandise options if suitable.

11/7

Councillors Remuneration

Re: **G41/01/09**Councillors Remuneration
From: Ken Mason – Chief Executive Officer
File:
Date: 22 January 2009

Report: (Executive Policy and Liaison Officer – Janet Lee)

Under Section 236A of the *Local Government Act 1993* all Councils (excluding the Brisbane City Council) are required to make an annual resolution authorising remuneration payments for Councillors. This resolution will also apply with regard to amalgamation loading.

The resolution can provide for the new remuneration to be paid from January 1, 2009.

The Local Government Remuneration Tribunal, established under section 250AA of the *Local Government Act 1993*, has produced the Local Government Remuneration Tribunal Report 2008.

This Report is the Tribunal's second determination and includes a review of the local government categories which it developed in 2007, the allocation of local governments to these categories and of the ranges of remuneration payable to Mayors, Deputy Mayors and Councillors in each category.

The *Local Government Act 1993* further provides that the resolution authorising remuneration payments for Councillors must be made within 2 months of the Gazettal of the Tribunal determination. This Gazettal was made on 12 December 2008.

The 2008 Tribunal Report :

- Outlines various categories of remuneration for Mayors, Deputy Mayors and Councillors.
- Applies categories to the respective Councils to determine their remuneration rate.
- Indicates an Amalgamation Loading to reflect the anticipated extra workload associated with amalgamation.
- Deliberately selects a range of remuneration levels for each category of local government representatives to give individual councils maximum flexibility in the determination of the actual rates paid to individual mayors, deputy mayors and councillors, as well as the way that that payment might be structured. The categories represent a % of the rate payable to a Member of the Queensland Legislative Assembly. Gympie Regional Council has been allocated a category 5 by the Tribunal.
- Alters the range of % of remuneration from the previous Report in regards to the Mayor. The previous level of remuneration for a Category 5 Mayor was 80%- 95% and this range has been altered to 85%-100%.

The Local Government Remuneration Tribunal's 2008 Report outlines a Remuneration Range for Councils. For a category 5 Council:

	<u>% Rate MLA</u>	<u>Remuneration Range</u>
<u>Category 5</u>		
Mayor	85 – 100	\$107,580 - \$126,560
Deputy Mayor	55 – 67.5	\$69,610 - \$85,430
Councillor	47.5 – 60	\$60,120 - \$75,940

Under section 236 of *Local Government Act 1993* a local government must pass by resolution what remuneration is to be paid to each of its councillors and the purpose for which the remuneration is to be paid.

Gympie Regional Council may authorise the payment of remuneration to a councillor only if the remuneration is that which is stated in the remuneration schedule issued by the Tribunal for the category to which Gympie Regional Council belongs.

Gympie Regional Council must provide a copy of any resolution it may make during the year authorising the payment or provision of remuneration to councillors in its annual report, as per section 534 of the *Local Government Act 1993*. In addition to the copy of the resolution, particulars of the total remuneration paid to each councillor are also to be outlined in the annual report.

Chairpersons of Committees

The Tribunal has decided individual Councils are best placed to understand and to quantify the different workload involved in chairpersonship and or participation in different committees within the overall structure determined by Council.

Amalgamation Loading:

The Tribunal decided to establish an “Amalgamation Loading” designed to reflect the additional workload expected upon Councils which amalgamated.

Category Level 5 Amalgamation remuneration package recommendations:

March 2008 to 30 June 2009 10%	1 July 2009 to 30 June 2010 7.5%	1 July 2010 to 30 June 2011 5%	1 July 2011 to March 2012 2.5%
Mayor \$11,070	Mayor \$8,300	Mayor \$5,540	Mayor \$2,770
Deputy mayor \$7,750	Deputy mayor \$5,810	Deputy mayor \$3,880	Deputy mayor \$1,940
Councillor \$6,800	Councillor \$5,100	Councillor \$3,400	Councillor \$1,700

Under section 236A of the *Local Government Act 1993*, the minute of Gympie Regional must state:

- the purpose for which the remuneration is to be paid; and
- the person who is entitled to the remuneration; and
- the amount of remuneration that is to be paid; and
- if the amount of remuneration to be paid to councillors, other than the mayor, varies between councillors—the reason for the variation.

Advice just received from the Local Government Remuneration Tribunal suggests a resolution of payment of amalgamation loading be worded in terms of the following:

“Amalgamation Loading –

From January 1, 2009 to December 31, 2009 the amalgamation loading payable to a category 5 Council is as follows:

Mayor \$9685
Deputy Mayor \$6780
Councillor \$5950”

Should Council wish to maintain the previous percentage within the relevant bands, the following resolution would be appropriate:

Proposed Resolution:

That Council resolves to authorise the following payments of remuneration in accordance with the determination in the remuneration schedule and amalgamation loading schedule set by the Local Government Remuneration Tribunal as established under section 250AA of the Local Government Act 1993.

Mayor -	90% of the rate payable to a Member of the Queensland Legislative Assembly in accordance with the remuneration range for a Category 5 Local Government
Deputy Mayor -	62.5% of the rate payable to a Member of the Queensland Legislative Assembly in accordance with the remuneration range for a Category 5 Local Government.
Councillor -	55% of the rate payable to Member of the Queensland Legislative Assembly in accordance with the remuneration range for a Category 5 Local Government.
Committee Chairpersons -	<p>2.5% of the rate payable to a Member of the Queensland Legislative Assembly in accordance with the remuneration range for a Category 5 Local Government for the Chairpersons of the following Committees:</p> <ul style="list-style-type: none"> - Works & Services - Corporate Governance & Finance - Community & Economic Development <p>- In recognition of the additional workload undertaken by the Chairperson of the Planning and Development Committee 5% of the rate payable to a member of the Queensland Legislative Assembly in accordance with the remuneration range for a Category 5 Local Government.</p>

Amalgamation Loading –

From January 1, 2009 to December 31, 2009 the amalgamation loading payable to a category 5 Council is as follows:

Mayor \$9685
Deputy Mayor \$6780
Councillor \$5950

The purpose of the remuneration is to cover individual Councillors involvement in Council affairs including attendance at Council Meetings, committee meetings, briefing meetings, meetings concerning the local government and community matters, deputations, inspections and training and educational seminars and conferences which further a Councillor's knowledge of local government affairs and requirements. Further, the additional workload to be managed by Councillors due to the amalgamation process.

Further, that Council resolve that this remuneration and amalgamation loading be payable from January 1, 2009 and that remuneration is to be paid on a fortnightly basis.

G41/01/09 Moved: Cr J. Watt

Seconded: Cr A.J. Perrett

That Council resolves to authorise the following payments of remuneration in accordance with the determination in the remuneration schedule and amalgamation loading schedule set by the Local Government Remuneration Tribunal as established under section 250AA of the Local Government Act 1993.

- Mayor - 90% of the rate payable to a Member of the Queensland Legislative Assembly in accordance with the remuneration range for a Category 5 Local Government**
- Deputy Mayor - 62.5% of the rate payable to a Member of the Queensland Legislative Assembly in accordance with the remuneration range for a Category 5 Local Government.**
- Councillor - 55% of the rate payable to Member of the Queensland Legislative Assembly in accordance with the remuneration range for a Category 5 Local Government.**
- Committee Chairpersons - 2.5% of the rate payable to a Member of the Queensland Legislative Assembly in accordance with the remuneration range for a Category 5 Local Government for the Chairpersons of the following Committees:**
- **Works & Services**
 - **Corporate Governance & Finance**
 - **Community & Economic Development**
- **In recognition of the additional workload undertaken by the Chairperson of the Planning and Development Committee 5% of the rate payable to a member of the Queensland Legislative Assembly in accordance with the remuneration range for a Category 5 Local Government.**

Amalgamation Loading –

From January 1, 2009 to December 31, 2009 the amalgamation loading payable to a category 5 Council is as follows:

Mayor \$9685
Deputy Mayor \$6780
Councillor \$5950

The purpose of the remuneration is to cover individual Councillors involvement in Council affairs including attendance at Council Meetings, committee meetings, briefing meetings, meetings concerning the local government and community matters, deputations, inspections and training and educational seminars and conferences which further a Councillor's knowledge of local government affairs and requirements. Further, the additional workload to be managed by Councillors due to the amalgamation process.

Further, that Council resolve that this remuneration and amalgamation loading be payable from January 1, 2009 and that remuneration is to be paid on a fortnightly basis.

Carried

11/8	Purchase of replacement body tip trucks and quad dog trailer combinations Unit 152 and 175
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Re: **G42/01/09** Purchase of replacement body tip trucks and quad dog trailer combinations Units 152 and 175
 From: Work Department Manager, Mr G.C. Ingham
 File:
 Date: 16/01/2009 - resubmitted

Report: (Fleet Manager – Peter Stevenson)

NOTE: This report was withdrawn from the Works & Services Committee meeting 13 January 2009 due to inaccurate machine specification details in one (1) tender i.e. International 7600. The inaccuracy related to front axle position, as a result the gross weight calculations did not meet the gross weight requirement in the tender specifications.

Provision has been allowed for in this financial years budget (08/09) for the purchase of two (2) Aluminium body tip truck and tipping quad dog trailer combinations for the Eastern division. It is anticipated that these machines will replace existing body tip trucks units 152 (x Tiaro Shire) and 175. The proposed application of these vehicles is for bulk gravel operations product movement around Councils region.

The specifications called for two (2) body tip trucks and tipping quad dog trailers with rock lined aluminium bodies. The primary focus of these machines is for heavy duty trucks/trailers and bodies with the highest possible payload capacity.

Council received tenders from five (5) suppliers offering a variety of prime movers (trucks) and four (4) body/trailer suppliers. Five (5) combinations meet the specifications detailed in the tender document.

Supplier	Truck make	Cab Configuration Coe = Cab over Engine B = Bonneted	Body and trailer make	Full price inc GST	Full price exc GST
Highway 1	Hino FS 440	COE	Hamelex White	\$ 319,097.11	\$ 290,088.28
Highway 1	International 9900I	B	TEFCO	\$ 386,241.78	\$ 351,128.89
Highway 1	International 9900I	B	Hamelex White	\$ 386,241.78	\$ 351,128.89
Highway 1	Iveco AD500	COE	TEFCO	\$ 357,650.41	\$ 325,136.74
Highway 1	Iveco AD500	COE	Hamelex White	\$ 366,730.15	\$ 333,391.05
Highway 1	International 7600	B	TEFCO	\$ 329,327.03	\$ 299,388.21
Highway 1	International 7600	B	Hamelex White	\$ 337,904.83	\$ 337,904.83
Mack Volvo	Mack Trident	B	Hamelex White	\$ 349,495.00	\$ 317,722.73
Westco Truck Sales	Sterling HX9500	B	Hamelex White	\$ 318,094.00	\$ 289,176.36
Westco Truck Sales	Sterling HX9500	B	Shepard	\$ 322,060.00	\$ 292,781.82
Madill's Isuzu	Isuzu Giga CXY455	COE	TEFCO	\$ 309,092.41	\$ 280,993.10
Madill's Isuzu	Isuzu Giga CXY455	COE	Hercules	\$ 313,224.01	\$ 284,749.10
Ray Grace Truck Centre	Fuso FV54	COE	Shepard	\$ 309,204.00	\$ 281,094.55

Council has received trade offers for both Units 152 and 175, and one (1) private offer for both vehicles.

Purchaser	Offer	Unit #	Offer inc GST	Offer exc GST
Highway 1	Trade only	152	\$ 71,000.00	\$ 64,545.45
Highway 1	Trade only	175	\$ 74,000.00	\$ 67,272.73
Mack Volvo	Trade only	152	\$ 55,000.00	\$ 50,000.00
Mack Volvo	Trade only	175	\$ 60,000.00	\$ 55,454.55
Westco Truck Sales	Trade only	152	\$ 65,000.00	\$ 59,090.91
Westco Truck Sales	Trade only	175	\$ 65,000.00	\$ 59,090.91
Madill's Isuzu	Trade only	152	\$ 70,000.00	\$ 63,636.36
Madill's Isuzu	Trade only	175	\$ 75,000.00	\$ 68,181.81
Faderhill P/L	Outright purchase	152	\$ 46,100.00	\$ 41,909.01
Faderhill P/L	Outright purchase	175	\$ 71,500.00	\$ 65,000.00

Six (6) Cab Over Engine (COE) truck/trailer combinations and the International 7600 combination were removed from the assessment process as these vehicles

cannot be configured to maximise load carrying capabilities i.e. 50 tonne gross weight. This is due to transport department configuration regulations that govern 'extreme axle spacings' and overall combination length.

Sterling Trucks announced that the Sterling product will no longer be manufactured from March 2009. Although the Sterling product is very well specified and meets the tender criteria it is anticipated that the retained value of the Sterling product and dealer support will be reduced overtime. As such has been removed from the assessment process.

TEFCO body and trailer suppliers did not offer estimated tare and payload estimates.

Tenders have been assessed using the following criteria

1. Load carrying capability 50 tonne gross carrying capacity
2. Payload estimations
3. Engine performance specifications
4. General vehicle specifications including driveline and suspension
5. Pricing and manufacturers support

The remaining 2 tenders i.e. International 9900i Hamelex White and Mack Trident Hamelex White have been considered against the tender criteria as follows:

1. **Load carrying capability 50 tonne gross carrying capacity** - The Mack Trident and the International 9900i meet the specifications detailed in the Tender. Both combinations are configured to carry the maximum gross weight of 50 tonnes.
2. **Payload estimations** - The Mack Trident/Hamelex White combination estimated carrying capacity (payload) is 33.4 tonnes, the International 9900i/Hamelex White combination is 32.9 tonnes (0.5 tonne) per load.
3. **Engine performance specifications** – Both machines engine specifications are similar and suited to the application.
4. **General vehicle specification including driveline and suspension** – Both machines have the same transmission and final drives. The suspension load carrying ratings are similar on both machines. The Mack has approximately 125mm higher ground clearance for fuel and air tanks
5. **Pricing and manufacturers support** –

International - \$351,128.89 exc GST (\$386,241.78 inc GST),
 Mack - \$317,722.73 exc GST (\$349,495.00 inc GST)

Mack warranty – complete machine 12 months unlimited km, 48 months 800,000km engine and driveline.

International warranty – complete machine 12 months 500,000 km, Engine 24 months 400,000km, driveline 24 months 400,000km.

Hamelex White and components warranty – to be free from defects in material and workmanship for 24 months unlimited km

Both the Mack Volvo and International product have full factory supported dealers in Gympie.

The Mack/Hamelex White combination tendered offers the best price, meets the tender specifications and carries the best manufacturer's warranty. The Mack and Hamelex White products are well represented in the industry and have a history of performance and good product support.

The body and trailer bins are specified with 8mm floor sheets which is the industry standard however the products these combinations will be carrying (inc rock and mullock) warrant increasing this to 10mm floors and adding a 6mm wear sheet at the rear of each bin. This increase in floor thickness will improve the bin durability. Upgrading the load tarp winches from manual to electric will improve operator safety by not leaving the cabin in the quarry/pit area.

These additions add \$7,170.00 exc GST (\$7,887.00 inc GST) to the total price per unit.

The market value of Unit 152 UD CWB455 is estimated at between \$70,000 and (\$80,000 inc GST) with some basic repairs such as repairing bin cracks etc and painting the tipping body approximately \$ 5,000.00 completed in-house.

G42/01/09 Moved: Cr L.J. Friske

Seconded: Cr A.J. Perrett

- 1. Council purchases two (2) Mack Trident/Hamelex aluminium body and quad axle tipping dog trailer combinations as specified with body and trailer additions from Volvo Commercial Vehicles for \$ 324,892.73 exc GST (\$ 357,382.00 inc GST) per unit.
Total purchase \$ 649,785.46 exc GST (\$ 714,764.00 inc GST)**
- 2. Council accepts the private offer from Faderhill P/L for Unit 175 Hino Ranger \$ 65,000.00 exc GST (\$ 71,500.00 inc GST)**
- 3. Council decommissions Unit 152 UD CWB455 on delivery of the replacement machine. Approve \$5,000.00 to carry out basic repairs and sell the vehicle through the heavy duty machine auctions with a market value reserve or tender process.**

Carried

11/9 Leave of Absence

G43/01/09 Moved: Cr D.R. Neilson Seconded: Cr R.A. Gâté

That Cr Larry Friske be granted leave of absence from all Council meetings from the 30 January 2009 to the 9 February 2009.

Carried

SECTION 12: GENERAL BUSINESS

Leave of Absence

G44/01/09 Moved: Cr J.A. Walker Seconded: Cr G.L. Engeman

That Cr J. Watt be granted leave of absence from all Council meetings on the 11 February 2009.

Carried

Leave of Absence

G45/01/09 Moved: Cr G.L. Engeman Seconded: Cr D.R. Neilson

That Cr R.A. Gâté be granted leave of absence from all Council meetings on the 11 February 2009.

Carried

There being no further business the meeting closed at 9.40am.

Confirmed this ELEVENTH day of FEBRUARY 2009

CHAIRMAN
Mayor R.J. Dyne