



MINUTES OF THE GENERAL MEETING
OF THE
HINCHINBROOK SHIRE COUNCIL

HELD IN THE COUNCIL CHAMBERS,
INGHAM ON
TUESDAY 17TH APRIL, 2012
AT 10.10 A.M.

- ATTENDANCE
- Present were Councillors G. Giandomenico, A.J. Lancini, D.M. Bosworth, P.D. Lynch, L.R. Molachino and S.J. Kaurila.
 - Also present was the Chief Executive Officer (R.W. Clark), Acting Manager Engineering Services (C. Gray), Finance Manager (C.J. Trost) and Executive Secretary (B.K. Edwards).

- APOLOGY
- An apology for non-attendance was received from Cr. G.P. Gianotti and it was resolved that leave of absence be granted

- PRAYER
- The Mayor opened the meeting with prayer.

Acting Works Engineer, J. Devietti was also present when the meeting commenced.

The Mayor took the opportunity to congratulate Ms. Jenna Devietti on behalf of Council and staff on her recent graduation with a Doctorate of Philosophy and on becoming a Doctor.

1. MINUTES
- Resolved that the Minutes of the General Meeting held on the 23rd March, 2012 be approved as a correct record of proceedings and be signed by the Mayor.
(Crs. Lancini and Kaurila – Carried)

2. BUSINESS –

1. CEO REPORT OF COUNCILLOR REQUESTS
Consideration of CEO Report of Councillor Requests for the period 15th March, 2012 to 12th April, 2012.

Resolved – That the Report be received and noted.
(Crs. Lancini and Molachino – Carried)

2. WORKS REPORT
Consideration was given to a report of civil operations for the month of March, 2012.

Temporary Accountant, M. Barrow entered the meeting.

Resolved – That the Report be received and noted.

That Council approve the utilisation of unspent funds in the Forrest Beach Exercise Station project on the Lucinda Exercise Station project.

That Council approve the revision to TIDS funding in accordance with Department of Transport & Main Roads approval.

(Crs. Lynch and Molachino – Carried)

Cr. D.M. Bosworth declared a material personal interest in the following resolution as she is a resident / quarry owner on Bosworth's Road and left the meeting and did not participate in the resolution or discussions thereon.

That Council add 100m of pavement reshaping and seal on Bosworth's Road to the Works Program.
(Crs. Lynch and Molachino– Carried)

Cr. D.M. Bosworth returned to the meeting.

Acting Works Engineer, J. Devietti left the meeting at 10.55 a.m.

3. FINANCIALS

Consideration was given to a report of financial activities as at the 12th April, 2012.

Resolved - That the Report be received and noted.

(Crs. Lancini and Molachino– Carried)

Temporary Accountant, M. Barrow left the meeting at 11.05 a.m.

4. QUARTERLY OPERATIONAL PLAN REPORT & MONTHLY INSTRUCTION SHEETS

Consideration was given to the Quarterly Report of activities and progress towards achieving the strategies of all operational functions of Council for the quarter ending March, 2012 and monthly Instruction Sheets during the month of March, 2012.

Resolved – That the Report be received and noted.

(Crs. Lynch and Kaurila – Carried)

5. OPERATIONAL ACTION 1.0 - COMMUNITY

1. HERBERT RIVER PASTORAL & AGRICULTURAL ASSN INC., Ingham, 10th April, 2012, advising they would like to make a contribution of \$22,000 to Council for alterations to two (2) curley bells for public seating around the Showgrounds main arena and requesting that a plaque be placed on the stands indicating the Association's donation. (041/0003)

Resolved – That Council thank the Association for their generous contribution and Council Officers investigate this project.

(Crs. Kaurila and Lancini – Carried)

6. OPERATIONAL ACTION 2.0 – ECONOMY

Cr. G. Giandomenico declared a conflict of interest in Item 2.6.1. as he is related to the applicant and left the meeting and did not participate in the discussions or resolution thereon. Cr. A. Lancini assumed the Chair.

1. SITING RELAXATION APPLICATION – 8 ATKINSON STREET, INGHAM.

Consideration of Report to Council from Acting Manager Engineering Services dated 5th April, 2012 in relation to a Siting Relaxation Application lodged by Francesco Giandomenico for a proposed storage shed to be erected at the rear of the property at 8 Atkinson Street, Ingham.

Resolved – That Council approve the Siting Relaxation Application submitted by Mr. Giandomenico on the grounds that the proposed storage shed is unlikely to impact on the outlook and privacy of neighbouring residents, and that another similar sized and sited shed was recently approved in Miles Street, Ingham.

(Crs. Lynch and Molachino – Carried)

Cr. G. Giandomenico returned to the meeting and resumed the Chair.

2. REQUEST TO CHANGE AN EXISTING APPROVAL & EXTEND THE RELEVANT DEVELOPMENT APPROVAL CURRENCY PERIOD –INGHAM FAMILY MEDICAL PRACTICE (BRETT & MANDIE SCOTT): MATERIAL CHANGE OF USE – PROPOSED EXTENSION TO BUILDING, 22 HEARD STREET, INGHAM, LOT 20 ON RP703690

Consideration of a Report to Council from Town Planning and Development Officer dated 13th April, 2012. (058/0241)

Resolved – That Council approve the request to Change the Existing Approval and consequently extend the relevant development approval currency period, subject to the following conditions:-

- (a) The applicant submit for Council's consideration and approval building plans that demonstrate effective measures designed to mitigate the acoustic impacts of air conditioning and any other mechanical equipment impacts on the neighbouring residential property;
- (b) The applicant submit for Council's consideration and approval detailed plans of site fencing that effectively mitigate impacts generated by the changed location of the ambulance bay; and
- (c) That an extension of time for four (4) years until the 21st May, 2016 in which to complete the proposed development be granted.

(Crs. Lancini and Kaurila – Carried)

3. REQUEST TO EXTEND THE RELEVANT DEVELOPMENT APPROVAL CURRENCY PERIOD – OUTBACK EARTH PTY LTD – RECONFIGURING A LOT: SUBDIVISION OF LAND, 7 BELLBIRD CLOSE, FORREST BEACH, LOT 1 ON SP177770

Consideration of a Report to Council from Town Planning and Development Officer dated 11th April, 2012. (066/0210)

Resolved – That an extension of time for two (2) years until the 6th April, 2014 in which to complete the proposed development be granted and the applicant be advised that no further extensions will be granted.

(Crs. Lancini and Kaurila – Carried)

4. DEVELOPMENT APPLICATION FOR BUILDING WORK ASSESSABLE AGAINST A PLANNING SCHEME (BWAPS) VARIATION FOR WALL LENGTH ALONG BOUNDARY – MR. RON LEONARDI, 50 DUTTON STREET, INGHAM – LOT 1 on I22443.

Consideration of a Report to Council from Acting Manager Engineering Services dated 11th April 2012 regarding Development Application for BWAPS variation for wall length along boundary at 50 Dutton Street, Ingham. (058/0346)

Resolved – That Council approve the Development Application for Building Works Assessable Against a Planning Scheme (BWAP) submitted by Mr. Ron Leonardi on behalf of Mr. and Mrs. Di Bella on the grounds that the proposed building work is unlikely to impact on the outlook and privacy of neighbouring residents, will preserve the visual amenity of the Dutton Street frontage, and that other similar residential structures already exist within the Ingham urban footprint.

(Crs. Lancini and Kaurila – Carried)

5. MATERIAL CHANGE OF USE - BUILDING WORK ASSESSABLE AGAINST A PLANNING SCHEME (BWAPS) APPLICATION - VARIATION FOR FRONT BOUNDARY SETBACK - MR. FRANK HALL, 106 MORLEY'S ROAD, MACKNADE - LOT 1 on SP113473.

Consideration of a Report to Council from Acting Infrastructure Engineer dated 11th April 2012 regarding BWAPS application for variation for front boundary setback at 106 Morley's Road, Macknade. (058/0346)

Resolved – That Council approve the Material Change of Use Application for Building Works Assessable Against a Planning Scheme (BWAP) submitted by Mr. Frank Hall on behalf of L. & R. Morley and S.G. Hall on the grounds that the proposed building work is in conformance with the desired outcomes of the Rural Zone Code of the Hinchinbrook Shire Planning Scheme 2005.

(Crs. Lancini and Kaurila – Carried)

CLOSED MEETING – That pursuant to Chapter 5 Part 2 Division 3 Section 72 (1) (f) of the *Local Government (Operations) Regulation 2010*, Council resolve to go into Closed Meeting to discuss Item 2.6.6. as it is a legal matter.

(Crs. Lancini and Kaurila – Carried)

Discussions took place in Closed Session on the above referred to item.

OPEN MEETING - Resolved that Council return to Open Meeting.
(Crs. Lancini and Kaurila – Carried)

6. PROPOSED LAND ACQUISITION – JOHNSTONE STREET PROJECT.
Consideration of Report to Council from Manager Engineering Services dated 5th April 2012 providing an update on the Johnstone Street proposed land acquisition project. (100/0015)

Resolved – That Council accept the counter-offer as re-presented to Council and that the purchase costs be funded from within the existing 2011 / 2012 capital works allocation.
(Crs. Lancini and Lynch – Carried)

7. OPERATIONAL ACTION 3.0 - ENVIRONMENT

1. CYCLONE YASI NDRRA RECOVERY PHASE.
Consideration of Council's NDRRA Restoration Program Summary Report in conjunction with AECOM.

Resolved – That the Report be received and noted.
(Crs. Lancini and Kaurila – Carried)

2. HERBERT RIVER IMPROVEMENT TRUST, Ingham, 30th March, 2012, advising that Trust briefly inspected Fontana's Road on 2nd February, 2012 noting a levee construction adjacent the bank of Frances Creek, particularly noting that the northern extent appeared to have been recently constructed and added to. Requesting Council to investigate the levee and take appropriate action and liaise with adjacent landholders regarding the issue. (028/0004)

Resolved – That Council carry out an investigation and take appropriate action.
(Crs. Lynch and Kaurila – Carried)

3. HERBERT RIVER IMPROVEMENT TRUST, Ingham, 30th March, 2012, advising Trust considered Council's request for advice of its current position at its General Meeting on the 29th March, 2012 regarding short and long term solutions to shire stream obstructions and waterway health and advising that the trust welcomes the opportunity to work with Council and the Herbert River Catchment Group to achieve more satisfactory outcomes regarding these matters. (028/0004)

Resolved – That the advice be received and noted.
(Crs. Lancini and Lynch – Carried)

4. HSC 12/08 – PROTECTIVE COATING OF LUCINDA RESERVOIR – TENDER EVALUATION.
Consideration of Report to Council from Manager Technical Support dated 11th April, 2012 regarding tenders received for HSC 12/08 – Protective Coating of Lucinda Reservoir.

Resolved – That Council award Advanced Aqua Blasting the tender contract for HSC 12/08 for Protective Coating of Lucinda Reservoir, subject to further contract negotiations.
(Crs. Lancini and Molachino - Carried)

5. DESIGN APPROVAL OF LANNERCOST STREET APPROACH SHELTERS.
Consideration of Report to Council from Manager Technical Support dated 12th April, 2012 regarding Lannercost Street seeking Council's direction in relation to concept plans for Lannercost Street approach shelters.

Resolved – That it be noted that this item be withdrawn from the Agenda.
(Crs. Kaurila and Lancini – Carried)

8. OPERATIONAL ACTION 4.0 - GOVERNANCE

1. STRATEGIC MANAGEMENT TEAM (SMT) MEETING MINUTES.
Consideration was given to the Minutes of the SMT Meeting held on the 27th March, 2012.

Resolved – That the Minutes be received and noted.
(Crs. Kaurila and Lancini – Carried)

2. COUNCILLOR CODE OF CONDUCT.
Consideration of draft Councillor Code of Conduct.

Resolved – That Council adopt the Councillor Code of Conduct.
(*Crs. Lynch and Lancini – Carried – Cr. Bosworth recorded her vote against the motion.*)

MISCELLANEOUS CORRESPONDENCE

1. LOCAL GOVERNMENT ASSOCIATION OF QUEENSLAND, Brisbane, 2nd April, 2012, updating Council on progress of LGAO's Local Government Image campaign and national campaign in support of the expected referendum on Constitutional Recognition of Local Government. The first stage of the image campaign, funded from a special \$500,000 levy on member councils, focused on the need to raise public awareness of the work of local councils and favourably position the sector in advance of the referendum. The second stage, funded from another \$500,000 special levy, will be rolled out following the 28th April elections. The High Court is due to decide on a challenge to the constitutional legality of the Australia Government's direct funding of the National School Chaplaincy Program (Williams case). The judgment may have an impact on the Government's interpretation of the Pape decision regarding its power to directly fund local government, the issue to be resolved at the referendum. In the event the outcome of the Williams case aids the push for Constitutional Recognition of local government and the political climate ensures that the next election will be held on schedule in the second half of 2013, ALGA and the state associations are committed to running a national "Yes" campaign, at an estimated cost of \$10 million. The LGAO Policy Executive resolved at its last meeting to raise \$2 million by way of special levies totalling \$1 million each in 2012/2013 and 2013/2014. It also resolved to seek Federal Government funding assistance for the referendum campaign, and if need be, from the private sector to defray costs to member Councils. The special levies would only be collected if the Williams decision supports the need for a referendum and the next Federal election is held in the second half of 2013. If the levy monies are collected and the referendum does not proceed, the monies will be returned immediately to member councils. (007/0003)
2. LOWER HERBERT BLUE LIGHT ASSOCIATION, Halifax, received 5th April, 2012, extending sincere gratitude for Council's continued and valued support to the establishment of the Lower Herbert Blue Light Association and forwarding Certificate of Appreciation. (012/0002)
3. HINCHINBROOK SPORTSFISHING CLUB, Ingham, 23rd March, 2012, thanking Council for its generous support given towards the Club's 40th Anniversary celebrations held on the 18th February, 2012. (012/0002)
4. HERBERT RIVER PASTORAL & AGRICULTURAL ASSN INC., Ingham, 10th April, 2012, advising that the Committee have decided to trial a change to the running of the Annual Show in that the gates will be open to the public on Thursday afternoon from 5pm and run into the evening and then recommence again on Friday morning from 9am. The public holiday on Friday will give people a chance to attend all day and stay on into the evening. Main ring events will still be held on Saturday as will the canine and poultry sections. (041/0027)
5. HERBERT RIVER ORCHID & ALLIED PLANT SOCIETY INCORPORATED, Ingham, 6th April, 2012, thanking Council for its donation towards the 47th Tropical Queensland Orchid Conference and Show to be held in Ingham on the 8th, 9th and 10th June, 2012. (012/0002)

Resolved – That the list of correspondence be received and noted.
(*Crs. Lancini and Kaurila – Carried*)

REPORT OF CLUBS / ORGANISATIONS RECEIVING SUPPORT FOR EVENTS / INDIVIDUAL ACHIEVEMENTS POLICIES - FUNDING

Cr. D.M. Bosworth recorded a material personal interest in the following Item 1 as she is related to the applicant and left the meeting and did not participate in the resolution or discussion thereon.

1. ALAN BOSWORTH.
Financial assistance paid for Alan's attendance at Nationals in Wagga Wagga for Clay Target Shooting from 24th March, 2012 to 1st April, 2012 in both Junior and Open AA Grade divisions.

2. BERYL DAISY FRIDAY.
Financial assistance paid for Beryl's attendance at National Netball Championships in Tasmania at end of March, 2012 as Goal Attack in the Queensland U/19 Team.
3. INGHAM SCOUT GROUP.
Financial assistance paid for hosting of 2012 Biennial Cu-Joe Games for Cub and Joey Scouts at Ingham Showgrounds in June, 2012.

Resolved – That the list be received and noted.
(Crs. Lynch and Molachino – Carried)

Cr. D.M. Bosworth returned to the meeting.

9. COUNCILLOR ACTIVITY REPORT
Consideration of Councillor Activity Reports as at the 13th April, 2012 to ensure transparency and public scrutiny of Councillor workload.

Resolved – That the Report be received and noted.
(Crs. Lancini and Molachino – Carried)

10. OPERATIONAL ACTION 3.0 - ENVIRONMENT

1. HSC 11/106 – GEOTECHNICAL ENGINEERING ON MT. FOX AND WALLAMAN FALLS ROAD – CYCLONE YASI NDRRA WORKS.
Consideration of Report to Council from Acting Manager Engineering Services dated 15th April, 2012 regarding tenders received for slope stabilization works for multi sites on Mt. Fox Road and Wallaman Falls Road for works proposed to commence in May, 2012 for rehabilitation of damage resulting from Cyclone Yasi and monsoonal flooding in February / March, 2011.

Resolved – That Council delegate the awarding of the tenders for the slope stabilization works to the Chief Executive Officer to ensure that there is no delay in actioning these works caused by the Council Elections.
(Crs. Lynch and Lancini – Carried)

11. OPERATIONAL ACTION 4.0 – GOVERNANCE

Asset Management Coordinator, D. Laakso entered the meeting at 12.45 p.m.

1. ASSET MANAGEMENT PLANS.
Consideration of Report to Council from Asset Management Coordinator dated 12th April, 2012 seeking adoption of Asset Management Plans for Transport, Bridges, Drainage, Public Open Space, Water and Sewerage and Facilities.

Resolved – That Council adopt Asset Management Plans for Transport, Bridges, Drainage, Public Open Space, Water and Sewerage and Facilities.
(Crs. Lancini and Kaurila – Carried)

Asset Management Coordinator, D. Laakso left the meeting at 1.00 p.m.

As this is the last Meeting for Mayor Pino Giandomenico and Councillors before the next Local Government Election on the 28th April, 2012, and due to his retirement, the Mayor thanked the current Council for its support over the last 4 years and for the last 14 years during his time as Council Chair. He has very fond memories and has accomplished numerous attributes for this organisation which has been enjoyable, challenging and frustrating at times.

He also thanked the Chief Executive Officer (CEO), Robert Clark and his staff for their support, the Department of Local Government for their assistance and support, and the Herbert River Express for their coverage.

The CEO thanked the Mayor for his kind words and congratulated the Mayor on his 14 year commitment to the Shire. The CEO advised that he has enjoyed working with the Mayor over the last 6 years as CEO and the Mayor has left a mark on this community thanks to his dealings with Premiers, Ministers, State and Federal Government and has played a leading role in disaster management for the Shire. The Mayor is held in high regard and the community has a deep respect for him.

Other Councillors wished the Mayor well and Cr. Pat Lynch also thanked Cr. Geoffrey Gianotti in his absence for his commitment to Council over the past 8 years due to his retirement also as a Councillor. Cr. Lynch also wished his fellow candidates well in the upcoming Elections.

The CEO on behalf of Council staff thanked the Councillors for their service and wished them all the best for their future endeavours and aspirations.

The CEO Robert Clark also took the opportunity to announce his impending retirement from Council after 42 years in Local Government upon the conclusion of his contract on the 31st July, 2012. The Mayor and Councillors thanked the CEO for his advice and wished Robert well also.

3. CONCLUSION – This concluded the business of the meeting which closed at 1.15 p.m.

4. APPROVED and adopted this 22nd day of May, 2012.

MAYOR