



MINUTES OF THE GENERAL MEETING OF THE HINCHINBROOK SHIRE COUNCIL

HELD IN THE COUNCIL CHAMBERS
INGHAM ON
WEDNESDAY 26 SEPTEMBER 2012
AT 9.05 AM

- ATTENDANCE - Present were Councillors R Bow, PD Lynch, LR Molachino, DG Carr, WG Skinner, SJ Kaurila and MG Tack
- Also present was the Acting Chief Executive Officer (TV Tanase), Manager Engineering Services (BE Leach), Finance Manager (CJ Trost) and Executive Secretary (BK Edwards)

Corporate Communications and Media Officer K Spano was also present when the meeting commenced.

- PRAYER - Councillor WG Skinner opened the meeting with prayer

1. MINUTES - Resolved that the Minutes of the General Meeting held on 4 September 2012 and Minutes of the Special Budget Meeting held on 20 September 2012 be approved as a correct record of proceedings and be signed by the Mayor.
(Councillors Carr and Skinner – Carried)

Acting Works Engineer, J Devietti entered the meeting at 9.08 am

2. BUSINESS –

1. CEO REPORT OF COUNCILLOR REQUESTS
Consideration of CEO Report of Councillor Requests for the period 25 August 2012 to 14 September 2012.

Resolved – That the Report be received and noted.
(Councillors Kaurila and Skinner – Carried)

2. WORKS REPORT
Consideration was given to a report of civil operations for the month of August 2012. Consideration was also given to the 10 Year Forward Works Program.

Manager Engineering Services, BE Leach entered the meeting at 9.28am

Resolved – That the Works Report be received and noted.

That the 10 Year Forward Works Program as presented be adopted.
(Councillors Carr and Skinner – Carried)

Town Planning and Development Officer, B Christie-Johnston entered the meeting at 9.55am

3. MONTHLY INSTRUCTION SHEETS

Consideration was given to the monthly Instruction Sheets during the months of July / August 2012.

The meeting adjourned at 10.30 am for morning tea and resumed at 10.47 am

Resolved – That the Report be received and noted.

In relation to Item 15, Council re-commence the process, which was stopped due to recent natural disasters, of assessing the use of sheds for living purposes.

In relation to Item 41, Council hold discussions with the Manager Engineering Services and Town Planning and Development Officer regarding the progressive flood modelling project.

In relation to Item 55, Council provide inkind support for technical work towards the rehabilitation of Cattle and Frances Creeks.

(Councillors Kaurila and Molachino – Carried)

4. FINANCIALS

Consideration was given to a report of financial activities as at 21 September 2012.

Resolved - That the Report be received and noted.

(Councillors Molachino and Lynch – Carried)

5. OPERATIONAL ACTION 1.0 - COMMUNITY

1. INGHAM DIRT BIKE CLUB INC

Consideration of correspondence from Ingham Dirt Bike Club Inc dated 29 August 2012 requesting Council to consider waiving the Club's filling of land fees paid in the sum of \$230. The application is for minor works to improve the motocross track and the fill will be placed only in areas to improve the standard of the track and create better riding conditions for our members. The Club is not for profit run by volunteers and the application is not for a development or filling a block of land. (116/0142)

Resolved – That Council advise the Ingham Dirt Bike Club that it is unable to reimburse the application fee for the development application.

(Councillors Carr and Lynch – Carried)

2. INGHAM STATE PRIMARY SCHOOL GRADE 7 GRADUATION 2012

Consideration of correspondence from Ingham State Primary School Grade 7 Graduation 2012 Committee dated 30 August 2012 requesting Council to consider assisting the Committee with the cost of the hire of the Shire Hall for the Year 7 Graduation on 12 December 2012 as the celebration for the children is the total responsibility of the students' parents with the help of teachers and fundraising is carried out for all monies required to hold the event. (012/0002)

Resolved – That Council advise the Ingham State Primary School Grade 7 Graduation Committee that it is unable to provide financial assistance for this event.

(Councillors Molachino and Kaurila – Carried)

Acting Infrastructure Engineer, C Gray entered the meeting at 11.16 am

6. OPERATIONAL ACTION 2.0 - ECONOMY

1. DEVELOPMENT APPLICATION FOR BUILDING WORK ASSESSABLE AGAINST A PLANNING SCHEME (BWAP) BUILDING WORK PROPOSED WITHIN A MEDIUM BUSHFIRE RISK – KATHARINE GARDINER – LOT 10 MOUNT GARDINER ROAD BEMERSIDE – LOT 10 on RP892899

Consideration of Report to Council from Acting Infrastructure Engineer dated 8 September 2012 seeking approval of the proposed Development Application for Building Work Assessable against a Planning Scheme (BWAP) – Building Work Proposed Within a Medium Bushfire Risk of Ms Katharine Gardiner at Lot 10 Mount Gardiner Road Bemerside described as Lot 10 on RP892899. (058/0346)

Resolved – That Council approve the Building Works Assessable against a Planning Scheme [BWAP] submitted by Ms Katharine Gardiner, on the grounds that the proposed building work is in general conformance with the specific outcomes of the Rural Zone Code of the *Hinchinbrook Shire Planning Scheme 2005*. The Specific Solution S5.2 can be met with some additional minor works. Conditions for approval of building works in a medium bushfire hazard area shall include:-

- (a) The structure is to be built in accordance with the plans submitted with the Siting Relaxation Application;
- (b) An on-site water tank and/or dam having a minimum permanent capacity of 10,000 L that could be made available, and is accessible, for fire-fighting purposes must be included as part of the development;
- (c) The outlet pipe of any fire fighting storage tank or other facility is a minimum of 50 mm in diameter and fitted with a 50 mm male "camlock" rural fire brigade standard fitting; and
- (d) An area of at least 20 m wide is allocated as a firebreak around the building with the first 10 m from the building comprising a cleared area (fuel free inner zone), while the outer 10 m (fuel reduced outer zone) should be planted with fire resistant vegetation species or grassed.

(Councillors Lynch and Skinner – Carried)

2. DEVELOPMENT APPLICATION FOR BUILDING WORK ASSESSABLE AGAINST A PLANNING SCHEME (BWAP) BUILDING HEIGHT RELAXATION – I4ARCHITECTURE FOR AND ON BEHALF OF TR MENDIOLEA AND DM AND SR LEONARDI – 62 PATTERSON PARADE LUCINDA – LOT 13 on L46916

Consideration of Report to Council from Acting Infrastructure Engineer dated 13 September 2012 seeking approval of the proposed Development Application for Building Work Assessable against a Planning Scheme (BWAP) – Building Height Relaxation of i4Architecture for and on behalf of TR Mendiolea and DM and SR Leonardi at 62 Patterson Parade Lucinda described as Lot 13 on L46916. (058/0346)

Resolved – That Council approve the Building Works Assessable against a Planning Scheme (BWAP) submitted by i4Architecture for and on behalf of T R Mendiolea and D M & S R Leonardi, on the grounds that the proposed building work is in conformance with the relative specific outcomes of the Village Zone Code of the *Hinchinbrook Shire Planning Scheme 2005*. *(Councillors Skinner and Kaurila – Carried)*

Councillor PD Lynch declared a real conflict of interest in Item 2.6.3. (as defined in section 173 of the Local Government Act 2009) due to his membership of the Lower Herbert Halifax Lions Club and excluded himself from the meeting while the matter was debated and the vote was taken.

3. LOWER HERBERT HALIFAX LIONS CLUB

Consideration of request dated 25 June 2012 seeking development permit for Reconfiguring a Lot: Subdivision of Land – One (1) Lot into Two (2) Lots, Lot 7 on SP133153 at 69 - 75 Scott Street, Halifax. (066/0232)

Consideration was also given to Report to Council from Town Planning and Development Officer dated 17 September 2012 in relation to the application.

Resolved - That the proposed Development Application for Reconfiguring a Lot: Subdivision of Land – One (1) Lot into Two (2) Lots of Lot 7 on SP133153 be approved subject to the following conditions:-

Conditions of Development The conditions of development for this development permit are as follows:	Time at which compliance with condition is required
(a) The development of the site is to be generally in accordance with the following plans that are to be the approved Plans of Development, except as altered by any other condition of this approval: i. Site Plan submitted with development application on 5 June 2012	At all times

(b) An amended detailed scaled site plan must be submitted for Council's consideration and approval demonstrating:- i. Existing onsite septic tank and disposal area setback of not less than 2.0m from proposed lot boundary; ii. Vehicle parking provision, manoeuvring space and access arrangements for the existing multiple unit development meet the <i>Hinchinbrook Shire Planning Scheme 2005</i> requirements;	Prior to any works commencing on site
(c) Where required, property access/invert crossings must be constructed to Hinchinbrook Shire Council standards;	Prior to Local Government release of survey plan
(d) Applicant to demonstrate that all utility services to the proposed new lots are separate and located wholly within the particular lot being served;	Prior to Local Government release of survey plan
(e) Payment to the Council of public open space and recreation infrastructure service contribution of \$1,685.00 (one (1) additional lot x \$1,685.00);	Prior to Local Government release of survey plan
(f) Payment to the Council of water headworks contribution of \$1,685.00 (one (1) additional lot x \$1,685.00);	Prior to Local Government release of survey plan
Advice	
The applicant must comply with the Department of Transport and Main Roads amended concurrence agency conditions, dated 7 September 2012.	

(Councillors Skinner and Kaurila – Carried)

Councillor PD Lynch returned to the meeting

4. MAXINE PERI c/- LESTER FRANKS CONSULTING SURVEYORS PTY LTD

Consideration of request dated 14 August 2012 seeking development permit for Reconfiguring a Lot: Rearrangement of Boundaries, Lot 1 on RP727109 and Lot 102 on SP248060 at 49331 Bruce Highway, Ingham. (065/0150)

Consideration was also given to Report to Council from Town Planning & Development Officer dated 18 September 2012 regarding the application.

Resolved – That the proposed Development Application for Reconfiguring a Lot: Rearrangement of Boundaries, Lot 1 on RP727109 and Lot 102 on SP248060 be approved subject to the following conditions:-

Conditions of Development	Time at which compliance with condition is required
The conditions of development for this development permit are as follows:	
(a) The development of the site is to be generally in accordance with the following plans that are to be the approved Plans of Development, except as altered by any other condition of this approval: (i) Proposed Re-arrangement of Boundaries of Lot 1 on RP727109 and Lot 102 on SP248060, 49331 Bruce Highway, Tokalon, Drawing I 00007_DA1, Rev 0, dated 6 August 2012.	At all times
(b) Applicant to demonstrate that all utility services to the proposed lots are separate and located wholly within the particular lot being served;	Prior to Local Government release of survey plan

(Councillors Molachino and Skinner – Carried)

Acting Infrastructure Engineer, C Gray and Town Planning and Development Officer, B Christie-Johnston left the meeting at 11.30 am

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.
(Councillors Carr and Lynch – Carried)

Councillor PD Lynch declared a real conflict of interest in Item 2.7.1. (as defined in section 173 of the Local Government Act 2009) due to his membership of the Trebonne Action Group and excluded himself from the meeting while the matter was debated and the vote was taken.

2. UPPER STONE ACTION GROUP

Consideration of correspondence from Upper Stone Action Group dated 31 July 2012 advising that in relation to the Upper Stone Park (previously Old Stone State School) requesting support regarding erection of a garden shed on an existing cement slab at the grounds to store items to assist with maintenance, new signage naming the park and identifying its usage, new directional signage for the park as many vehicles miss the initial signs advising them to turn right and requesting an improved sign be erected for the turn off to Mount Fox at the school and leading up to this turn off, removal of rubbish remaining from old school building removal, and whereabouts of blue community rubbish bin which has gone missing.

(076/0018)

Resolved – That Council grant permission for the Upper Stone Action Group to purchase and erect a garden shed at their expense on an existing concrete pad with maintenance of the shed to be the responsibility of the Trebonne Action Group.

That Council request the Upper Stone Action Group to suggest their preferred name for the naming of the park and for signage identifying its usage.

That Council advise the Upper Stone Action Group that Council is required to negotiate directional signage to the park with the Department of Transport and Main Roads as Stone River Road is a state controlled road which may be delayed as funding may need to be part of the RMPC budget or fully funded by Council.

That Council confirm that rubbish from the old school building has been removed.

That Council advise that the bin is being replaced with another blue bin and Health Services will monitor this location to determine the most suitable waste disposal method.

(Councillors Molachino and Kaurila – Carried)

Councillor PD Lynch returned to the meeting.

Manager Technical Services, G Weston entered the meeting at 11.48 am

3. PROPOSED PALM CREEK PEDESTRIAN BRIDGE

Consideration of Report to Council from Manager Technical Support dated 14 September 2012 seeking Council direction regarding application through Emergency Management Queensland Disaster Resilience Program for further funding for a full Structural and Condition Audit of the Palm Creek Queensland Rail bridge.

Resolved – That Council make application through the Emergency Management Queensland Disaster Resilience Program for further funding based on the fee proposal provided by Flanagan's Consulting (\$26,000) to undertake a full Structural and Condition Audit of the Palm Creek Queensland Rail bridge.

(Councillors Molachino and Kaurila – Carried)

Manager Technical Services, G Weston left the meeting at 11.52 am

4. DRAINAGE MATTER – LOT 35 PETTIT’S ROAD UPPER STONE

Consideration of Report to Council from Manager Engineering Services dated 18 September 2012 seeking Council’s direction in relation to a drainage matter at Pettit’s Road, Upper Stone.

Resolved – That Council advise that its information is that Drain C is constructed within land set aside for that purpose and accordingly it is unable to consider the request for relocation of the drain construction.

That Council advise that as a matter of policy and in view of the limited funding available, it is unable to consider requests for cleaning of agricultural drains.

That Council is prepared to assist with removal of spoiled material adjacent Drain C, on the basis that the landowner concerned is agreeable and such is achievable at minimal cost, and that its advice is that this may be able to be undertaken in approximately eighteen months time should the land concerned be fallowed.

(Councillors Skinner and Carr – Carried)

5. CASSADY CREEK MANGROVE CLEARING

Consideration of Report to Council from Manager Engineering Services dated 19 September 2012 seeking Council’s direction in relation to Forrest Beach Progress Association’s request to trim mangroves in Cassady Creek.

Resolved – That Council approve the mangrove trimming proposal put forward by Forrest Beach Progress Association and agree to fund to an amount of \$5,000 with works to be carried out in accordance with agreed work methods and provisions.

(Councillors Kaurila and Skinner – Carried)

6. HINCHINBROOK RECOVERY GROUP REPRESENTATION

Consideration of Report to Council from Manager Corporate and Economic Development dated 7 September 2012 seeking Council’s nomination of Councillor representatives to the Hinchinbrook Recovery Group.

Manager Engineering Services, BE Leach left the meeting at 12.08 pm

Customer and Corporate Services Officer D Olivero entered the meeting at 12.14 pm

Resolved – That Council appoint the following Councillors on the Hinchinbrook Recovery Group:-

- Councillor Patrick Lynch – Chair - Hinchinbrook Recovery Committee;
- Councillor Marc Tack – Deputy Chair – Hinchinbrook Recovery Committee;
- Councillor Lawrence Molachino – Chair – Economic Recovery Sub Group;
- Councillor Sherry Kaurila – Chair – Human Social Recovery Sub Group;
- Councillor Wally Skinner – Chair – Environment Recovery Sub Group; and
- Councillor David Carr – Chair – Infrastructure Recovery Sub Group.

(Councillors Lynch and Kaurila – Carried)

8. OPERATIONAL ACTION 4.0 - GOVERNANCE

1. LEAVE OF ABSENCE – COUNCILLOR MARC TACK

Consideration of request by Councillor Marc Tack for leave of absence from Council from 15 to 25 October 2012.

Resolved – That Councillor Tack be granted permission to be absent on leave during the period from 15 to 25 October 2012.

(Councillors Molachino and Lynch – Carried)

MISCELLANEOUS CORRESPONDENCE

1. MUNGALLA ABORIGINAL CORPORATION FOR BUSINESS

Consideration of correspondence received 29 August 2012 thanking Council for its financial and inkind support of the 2012 Mungalla Kup Murri Festival which was a great success with an estimated 350 people attending.

(012/0002)

2. CHILDREN'S CANCER INSTITUTE AUSTRALIA

Consideration of correspondence dated 27 August 2012 thanking Council for its financial support of recent Big W Townsville to Cairns Bike Ride 2012 and forwarding official tax receipt for \$250. (012/0002)

Resolved – That the list of correspondence be received and noted.
(Councillors Molachino and Lynch – Carried)

9. COUNCILLOR ACTIVITY REPORT

Consideration of Councillor Activity Reports as at 21 September 2012 to ensure transparency and public scrutiny of Councillor workload.

Resolved – That the Report be received and noted.
(Councillors Lynch and Kaurila – Carried)

10. OPERATIONAL ACTION 3.0 - ENVIRONMENT

1. LOCAL GOVERNMENT GRANTS AND SUBSIDIES PROGRAM

Consideration of the recently released Local Government Grants and Subsidies Program funding applications which close 12 October 2012.

Resolved – That Council apply for funding for the following projects under the Local Government Grants and Subsidies Program:-

1. Yanks Jetty;
2. Disability Use of Footpaths;
3. Ingham Showgrounds Oval Rehabilitation
4. Lannercost Street Build Outs; and
5. Next Stage – Rotary Park.

(Councillors Lynch and Skinner – Carried)

CLOSED MEETING – That pursuant to Chapter 5 Part 2 Division 3 Section 72 (1) (h) of the *Local Government (Operations) Regulation 2010* Council resolve to go into Closed Meeting to discuss Item 2.11.1. as it is a commercial-in-confidence leasing matter.
(Councillors Kaurila and Skinner – Carried)

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

OPEN MEETING - Resolved that Council return to Open Meeting.
(Councillors Lynch and Carr – Carried)

11. OPERATIONAL ACTION 2.0 - ECONOMY

1. TYTO CULTURAL PRECINCT – RESTAURANT LEASE TO MS CLAIRE MAMMINO

Consideration of Report to Council from Manager Corporate and Economic Development dated 11 September 2012 in relation to lease for the TYTO Restaurant to Ms Claire Mammino.

Resolved – That Council agree to release Ms Claire Mammino from her lease of the TYTO Cultural Precinct restaurant building as from the execution of the Deed of Settlement and Surrender of Lease by both parties and further that on the basis that she maintain confidentiality regarding the terms of surrender of the lease for a period of five (5) years, then Council agrees to release her from the outstanding rental debt on the fifth anniversary of the signed Deed.

(Councillors Lynch and Kaurila – Carried)

The meeting adjourned for lunch at 12.51 pm and resumed at 2.04 pm

Manager Engineering Services, BE Leach Customer and Corporate Services Officer D Olivero were also present when the meeting resumed.

CLOSED MEETING – That pursuant to Chapter 5 Part 2 Division 3 Section 72 (1) (h) of the *Local Government (Operations) Regulation 2010* Council resolve to go into Closed Meeting to discuss Item 2.11.2. as it is a commercial-in-confidence leasing matter.
(Councillors Kaurila and Lynch – Carried)

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

OPEN MEETING - Resolved that Council return to Open Meeting.
(Councillors Carr and Skinner – Carried)

2. KELLY THEATRE

Consideration of Report to Council from Customer and Corporate Services Officer dated 18 September 2012 regarding proposed plan for future management of the Kelly Theatre including required upgrade and associated costs.

Resolved – That Council allow the current Kelly Theatre Lease to terminate on 31 October 2012 and Council investigate the option of offering Mrs Valenti legal tenure to operate the Kelly Theatre up to six (6) months after the termination of the lease.

That Council consult the community and fully investigate further options and costs for continuing the operations of the Kelly Theatre.
(Councillors Tack and Carr – Carried)

Corporate Services Officer D Olivero left the meeting at 3.00 pm

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 2.11.3. as it is a legal matter.
(Councillors Kaurila and Molachino – Carried)

Town Planning and Development Officer, B Christie-Johnston entered the meeting at 3.06 pm

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

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

3. QUEENSLAND PLANNING AND ENVIRONMENT COURT APPEAL D.276/12 (TOWNSVILLE) – PORT BELLBIRD PTY LTD AND RAELINE LOUISE FIRTH AS TRUSTEE VS HINCHINBROOK SHIRE COUNCIL

Consideration of Report to Council from Town Planning and Development Officer dated 26 September 2012 regarding this matter. (058/0350)

Resolved – That Council advise its legal representative Roberts Nehmer McKee Lawyers that it supports a Court Order approving the development subject to the following conditions:-

Conditions of Development The conditions of development for this development permit are as follows:	Time at which compliance with condition is required
(a) The development of the site is to be generally in accordance with the following plans that are to be the approved Plans of Development, except as altered by any other condition of this approval: <ul style="list-style-type: none"> i. Applicant Planning Report and Supporting Notes, received by Council on 11 May 2012; and ii. Site Plan (Renouf Street), Proposed Units, Lots 1 and 2 Renouf Street, Ingham, Rev 2, Adjustments to driveways, paths, garden beds, bin enclosures and letterbox, dated 7 August 2012, received by Council on 12 September 2012; 	At all times

Conditions of Development The conditions of development for this development permit are as follows:	Time at which compliance with condition is required
(b) Where required, property access / invert crossings must be constructed to Hinchinbrook Shire Council standards and any redundant invert are removed;	Prior to Local Government release of survey plan
(c) That the applicant submit for approval an Application for a Boundary Siting Relaxation in regard to the proposed proximity of the building to Renouf Street;	Prior to Local Government release of survey plan
(d) That all parking, access and manoeuvring areas be treated with an approved dust free surfacing;	Prior to Local Government release of survey plan
(e) That all driveways within the road reserve be constructed to Council standards and be maintained in a presentable condition by the respective benefitted property owners;	Prior to Local Government release of survey plan
(f) All stormwater is to be directed to either the kerb and channel or underground systems or otherwise approved legal point of discharge as applicable. Any new kerb and channelling, pits, sections of underground line or other ancillary works are to be to Hinchinbrook Shire Council standards;	Prior to Local Government release of survey plan
(g) That the applicant submit for Council consideration and approval an agreement for the maintenance of the relevant section of the Renouf Street Road Reserve;	Prior to Local Government release of survey plan
(h) Payment to the Council of water headworks contribution of \$2,106.25 (1.25 x ETU's additional);	Prior to Local Government release of survey plan
(i) Payment to the Council of sewerage headworks contribution of \$2,106.25 (1.25 x ETU's additional); and	Prior to Local Government release of survey plan
(j) Payment to the Council of public open space contribution of \$2,106.25 (1.25 x ETU's additional).	Prior to Local Government release of survey plan

(Councillors Lynch and Kaurila – Carried)

Town Planning and Development Officer, B Christie-Johnston left the meeting at 3.19 pm

CLOSED MEETING – That pursuant to Chapter 5 Part 2 Division 3 Section 72 (1) (h) of the *Local Government (Operations) Regulation 2010* Council resolve to go into Closed Meeting to discuss Item 2.12.1. as it is a legal matter.

(Councillors Lynch and Carr – Carried)

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

OPEN MEETING - Resolved that Council return to Open Meeting.

(Councillors Lynch and Kaurila – Carried)

12. OPERATIONAL ACTION 3.0 – ENVIRONMENT

1. SERI'S ROAD ENCROACHMENT INTO LOT 1 ON SP147630

Consideration of Report to Council from Manager Engineering Services dated 18 September 2012 seeking Council's direction in relation to an encroachment into Lot 1 on SP147630 on Seri's Road, Upper Stone.

Resolved – That Council engage its Solicitor to take necessary steps to acquire 150m² of land for road purposes from Lot 1 on SP147630 about the site of the existing road encroachment, and if necessary via compulsory means available under the *Acquisition of Land Act*.

(Councillors Lynch and Skinner – Carried)

3. CONCLUSION – This concluded the business of the meeting which closed at 3.26 pm

4. APPROVED and adopted on 17 October 2012

MAYOR