



MINUTES OF THE GENERAL MEETING OF THE HINCHINBROOK SHIRE COUNCIL

HELD IN THE COUNCIL CHAMBERS
INGHAM ON WEDNESDAY
17 OCTOBER 2012
AT 9.05 AM

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- ATTENDANCE - Present were Councillors R Bow, PD Lynch, LR Molachino, DG Carr, WG Skinner, and SJ Kaurila.
- Also present was the Chief Executive Officer (LE Mash), Manager Engineering Services (BE Leach), Finance Manager (CJ Trost), Manager Corporate and Economic Development (RF Pennisi), Manager Environmental Health Services (TV Tanase) and Executive Secretary (BK Edwards).

- APOLOGY - An apology for non-attendance was received from Councillor MG Tack and leave of absence was granted.

Acting Works Engineer Dr J Devietti entered the meeting at 9.05 am

- PRAYER - Mayor R Bow opened the meeting with prayer.

1. MINUTES - Resolved that the Minutes of the General Meeting held on 26 September 2012 be approved as a correct record of proceedings and be signed by the Mayor.
(Councillors Molachino and Kaurila – Carried)

2. BUSINESS –

1. CEO REPORT OF COUNCILLOR REQUESTS
Consideration of CEO Report of Councillor Requests for the period 15 September 2012 to 11 October 2012.

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

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

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

Acting Works Engineer Dr J Devietti left the meeting at 9.40 am

3. FINANCIALS
Consideration was given to a report of financial activities as at 30 September 2012.

Councillor LR Molachino left the meeting at 9.50 am

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

4. OPERATIONAL ACTION 1.0 - COMMUNITY

Councillor SJ Kaurila declared a real conflict of interest in Item 2.4.1. (as defined in Section 173 of the Local Government Act 2009) as she is Chair of the Healthy Hinchinbrook Committee and excluded herself from the meeting while the matter was debated and the vote taken

1. HEALTHY HINCHINBROOK COMMITTEE

Consideration of correspondence dated 18 September 2012 requesting Council to consider providing secretariat support for Healthy Hinchinbrook (formally known as Active Ingham).

Resolved – That Council advise the Healthy Hinchinbrook Committee that it is unable to assist with the provision of secretarial services and suggest that they write to Qld Health and seek assistance with the continued provision of secretarial services.
(Councillors Lynch and Carr – Carried)

Councillor SJ Kaurila returned to the meeting

2. JAMIE OLIVER MINISTRY OF FOOD TRUCK

Consideration of Report to Council from Sports and Recreation Officer dated 8 October 2012 providing an update to Council on site suitability and clarification of costs for the Jamie Oliver Ministry of Food Truck Program.

Sport and Recreation Officer R Love entered the meeting at 10.00 am

Resolved – That Council approve the Ministry of Food Truck Program and provide inkind support (officer for program coordination and promotion, host location, connection to water, electricity and grey waste removal) for successful implementation.
(Councillors Lynch and Kaurila – Carried)

Sport and Recreation Officer R Love left the meeting at 10.07 am

The meeting adjourned at 10.07 am for morning tea and resumed at 10.30 am - Acting Infrastructure Engineer C Gray and Town Planning and Development Officer B Christie-Johnston were in attendance when the meeting resumed

5. OPERATIONAL ACTION 2.0 - ECONOMY

1. SITING RELAXATION APPLICATION – 1 MEYER STREET TREBONNE

Consideration of Report to Council from Acting Infrastructure Engineer dated 2 October 2012 in relation to a Siting Relaxation Application from John and Dania Macarone for a proposed single storey extension (open carport) at 1 Meyer Street Trebonne (Lot 7 on RP717987).

Resolved – That Council approve the Siting Relaxation Application submitted by Mr John Macarone for a proposed single storey extension (open carport) at 1 Meyer Street Trebonne (Lot 7 on RP717987) on the grounds that the proposed structure is expected to facilitate appropriate streetscape and unlikely to impact on the outlook and views of neighbouring residents.
(Councillors Lynch and Skinner – Carried)

2. SITING RELAXATION APPLICATION – 141 PATTERSON PARADE LUCINDA

Consideration of Report to Council from Manager Engineering Services dated 10 October 2012 in relation to a Siting Relaxation Application from Pendar Pty Ltd represented by Ms Mandie Scott for a proposed new carport at 141 Patterson Parade Lucinda (Lot 13 on L46921).

Resolved – That Council approve the Siting Relaxation Application submitted by Pendar Pty Ltd represented by Ms Mandie Scott for a property at 141 Patterson Parade Lucinda (Lot 13 on L46921) on the grounds that the proposed structure will only have a minor negative impact on the outlook and views of neighbouring residents and when the future extension to the existing residence is complete there is no alternative site for the proposed carport, subject to the following conditions:-

- (a) The structure is to be built in accordance with the site plan submitted with the Siting Relaxation Application; and
- (b) A detailed drawing of the structure is supplied for Council records prior to the commencement of site work.

(Councillors Kaurila and Carr – Carried)

3. JOE SPROATS - REQUEST TO CHANGE EXISTING APPROVAL - RECONFIGURING A LOT: REARRANGEMENT OF BOUNDARIES - LOT 1 ON 23, 24, 25 AND 24, 35, 36 ON RP703720, 5-9 WARREN STREET, INGHAM

Consideration of Report to Council from Town Planning and Development Officer dated 8 October 2012 regarding the application. (066/0205)

Resolved - That the proposed Development Permit Application for Reconfiguring a Lot: Rearrangement of Boundaries – Lot 1 on 23, 24, 25 and 24, 35, 36 on RP703720 be approved subject to the following conditions:-

Conditions of Development The conditions of development for this development permit (changed approval) 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. Amended Plans (Site Plan), Layout of new block boundaries, 5-9 Warren Street, Ingham, submitted to Council on 5 October 2012.	At all times
(b) Where required, property access/invert crossings must be constructed to Hinchinbrook Shire Council standards and any redundant inverts are removed;	Prior to Local Government release of survey plan
(c) The applicant must submit detailed plans for Council's consideration and approval demonstrating vehicle parking, manoeuvring space and access arrangements for the existing development (<i>Noorla Resort</i>) are compliant with the Hinchinbrook Shire Planning Scheme 2005 requirements;	Prior to operational works (if required); or 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) Applicant to demonstrate that all utility services to the proposed new lots are separate and wholly located within the particular lot being served;	Prior to Local Government release of survey plan
(f) The applicant must submit for Council's consideration and approval a detailed landscaping plan that meets the Hinchinbrook Shire Planning Scheme's requirement; and	Prior to Local Government release of survey plan
(g) Works detailed in the approved Landscape plan are to be constructed prior to Local Government release of the relevant survey plan and thereafter retained;	
(h) The applicant must demonstrate the nominated setbacks for the <i>Noorla Resort</i> complies with the <i>Building Code of Australia</i> , Part C1, Fire Resistance and Stability; and	Prior to Local Government release of survey plan
(i) The applicant must demonstrate the external walls of the building have adequate fire resistance levels and where	

Conditions of Development The conditions of development for this development permit (changed approval) are as follows:	Time at which compliance with condition is required
required upgrade to the standard stipulated by the <i>Building Code of Australia</i> ;	
(j) The applicant must upgrade the existing section of the house (sewer) drain servicing the <i>Noorla Resort</i> , from the intersection with Council's sewer main line to the proposed rear boundary of the Warren Street Lot. The upgrade must meet Council's standard for a gravity sewer line and incorporate the installation of a man hole at the termination point on the proposed boundary between the relevant lots; and (k) Where 'the upgrade' is assessed to be compliant with Council standards and completed in accordance with condition (j), the relevant section of sewer line will become Council infrastructure.	Prior to Local Government release of survey plan
(l) The applicant must submit for Council's consideration and approval detailed design plans for the upgrade as per condition (j).	Prior to the commencement of Operational Works

(Councillors Lynch and Carr – Carried)

4. PROPOSED AMENDMENT TO THE DELEGATIONS REGISTER (VER: 2010 01) – HINCHINBROOK SHIRE COUNCIL TO CHIEF EXECUTIVE OFFICER
Consideration of Report to Council from Town Planning and Development Officer dated 10 October 2012 regarding proposed amendments to the Delegations Register.

Resolved – That Council delegate the powers listed in Table C, subject to the stated conditions and limitations.

(Councillors Lynch and Skinner – Carried)

6. 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 Skinner and Carr – Carried)

2. ROADSIDE MEMORIALS
Consideration of Report to Council from Manager Engineering Services dated 8 October 2012 seeking Council's consideration of Roadside Memorial Policy in the form of an information brochure.

Resolved – That Council adopt the Roadside Memorial Policy in the form of the information brochure as presented.

(Councillors Kaurila and Skinner – Carried)

3. REQUEST FOR COUNCIL CONTRIBUTION TO FENCING
Consideration of Report to Council from Manager Technical Support dated 9 October 2012 regarding request from Mr Kerry Hall, property owner of land adjacent to the former Upper Stone River State Primary School grounds seeking Council's consideration of contributing to the full cost of fencing to construct a 1.8m screen fence between their property and the former Upper Stone River State Primary School Teacher's residence and the new public park.

Resolved – That Council advise Mr Kerry Hall that it is unable to contribute to the requested screening fence.

(Councillors Kaurila and Skinner – Carried)

4. YANKS JETTY – UPDATE AND BACKGROUND
Consideration of Report to Council from Manager Engineering Services dated 9 October 2012 providing an update and background on the current status to the proposed refurbishment of Yanks Jetty.

Councillor LR Molachino returned to the meeting at 11.17am

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

5. LEVEE CONSTRUCTION FONTANA'S ROAD
Consideration of Report to Council from Manager Engineering Services dated 10 October 2012 providing an update on a levee construction that exists along the western bank of Francis Creek within Fontana's Road Reserve.

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

6. NATURAL DISASTER RELIEF AND RECOVERY ARRANGEMENTS (NDRRA) INFRASTRUCTURE RESTORATION PROGRAM – TENDER REVIEW HSC 12/66 – NDRRA CIVIL REHABILITATION WORKS FOR MULTIPLE SITES ON MT FOX ROAD AND WALLAMAN FALLS ROAD VIA INGHAM
Consideration of Report to Council from Manager Engineering Services dated 9 October 2012 seeking Council's endorsement of his actions to instruct Golder Associates Pty Ltd to proceed with the tender award for HSC 12/66 – NDRRA Civil Rehabilitation Works for Multiple Sites on Mt Fox Road and Wallaman Falls Road Via Ingham.

Resolved – That the matter lay on the table.
(*Councillors Lynch – Carried*)

7. HSC 12/70 – DE-NUTTING OF COCONUT PALMS
Consideration of Report to Council from Acting Works Engineer dated 4 October 2012 regarding tenders received for HSC 12/70 – De-Nutting of Coconut Palms.

Resolved – That Council accept the offer from Top Drop Tree Services for the De-nutting of Coconut Palms in the Hinchinbrook Shire for 2012 / 2013 for the sum of \$25,784 (incl. GST) for the de-nutting of approximately 270 Palms ordered twice per year.
(*Councillors Carr and Skinner – Carried*)

8. HSC 12/71 – CLEANING OF MARTIN STREET WORKS DEPOT OFFICES AND FACILITIES
Consideration of Report to Council from Acting Works Engineer dated 4 October 2012 regarding tenders received for HSC 12/71 – Cleaning of Martin Street Works Depot Offices and Facilities.

Acting Infrastructure Engineer C Gray left the meeting at 11.49 am

Resolved – That Council accept the offer submitted by D and G Cleaning Services for the cleaning of Martin Street Works Depot Offices and Facilities at an hourly rate of \$33 (incl. GST), for the allocated ten (10) hours per week.
(*Councillors Skinner and Kaurila – Carried*)

9. DEVELOPMENT APPLICATION FOR OPERATIONAL WORKS – FILLING OF LAND – 64 EDDLESTON DRIVE CORDELIA – LOT 93 ON SP250797
Consideration of Report to Council from Manager Engineering Services dated 9 October 2012 seeking Council's consideration of Development Application for Operational Works for Filling of Land at 64 Eddleston Drive, Cordelia.

Resolved – That Council approve the Development Application for Operational Works – Filling of Land of Mr Stephen Graham at 64 Eddleston Drive, Cordelia – Lot 93 on SP250797, subject to the following conditions:-

- (a) Filling and associated drainage is to be in accordance with the proposal plan, Rev' B 12.8.12, as per the amended proposal plan submitted to Council on 27 January 2010, except as modified by this approval;
- (b) Works are to be undertaken so as to allow free drainage of lands to the west of the allotment. In particular the existing fill on the eastern boundary is to be removed;

- (c) Existing stockpiled material on the north-west section of the allotment is to be removed;
- (d) All fill and retaining material is to be contained within the applicant's land. Filling onto the adjacent footpath is not permitted, and any material which may wash or spoil onto adjacent lands or footpath/road way is to be removed;
- (e) The applicant is to undertake suitable treatment so as to not cause erosion problems where site run off discharges into Valinoti Road;
- (f) Filled areas are to be grassed/vegetated upon completion, in order to minimise any possible dust nuisance;
- (g) All unauthorised filling/stockpiling is to be removed prior to the December 2012. All remaining work is to be completed within six (6) months of approval date, unless an extension of time is applied for and granted;
- (h) Applicant is to advise as work is nearing completion to allow an inspection to be undertaken; and
- (i) The Department of Transport and Main Roads [DTMR] concurrence agency conditions as per DTMR 7 September 2012, advice is to be met.

(Councillors Skinner and Kaurila – Carried)

10. PEST SURVEY PLAN

Consideration of Pest Survey Plan Program to be conducted for the whole of the Hinchinbrook Local Government area to survey and map areas for the control of Pond Apple, Hymenachne, Giant Sensitive Plant, Mikania Vine, Siam Weed and Acacia curassavica to comply with *the Land Protection (Pest and Stock Route Management) Act 2002*.

Resolved – That in accordance with the *Land Protection (Pest and Stock Route Management) Act 2002*, Council authorises a Pest Survey Program to be conducted for the whole of the Hinchinbrook Local Government area, valid for a period of three months commencing on 30 September 2012. The purpose of the program is to survey and map areas for the control of Pond Apple, Hymenachne, Giant Sensitive Plant, Mikania Vine, Siam Weed and Acacia curassavica.

(Councillors Skinner and Lynch – Carried)

7. OPERATIONAL ACTION 4.0 – GOVERNANCE

1. 2012 CHRISTMAS CLOSE DOWN – TOWN OFFICE AND WORKS DEPARTMENT

Consideration of office closure times over the 2012 Christmas period.

Resolved - That Council's Shire Office be closed from close of business on Monday 24 December 2012 and re-open on Wednesday 2 January 2013.

That the Council Depot will be closed from close of business on Friday 21 December 2012, and resume Tuesday 15 January 2013.

(Councillors Lynch and Carr – Carried)

MISCELLANEOUS CORRESPONDENCE

1. LOCAL GOVERNMENT ASSOCIATION OF QUEENSLAND

Consideration of letter dated 26 September 2012 advising that Council's motion for "Councillor Complaints – Investigated by the State Government and not the Chief Executive Officer" was submitted at the 2011 LGAQ Annual Conference held on the Gold Coast from 3 to 6 October 2011. Advising that the LGAQ has written to the relevant Ministers and forwarding copy of response received for Council's information. The Hon. David Crisafulli's response dated 24 August 2012 advised the Government is currently developing amendments to the relevant provisions of the *Local Government Act 2009* dealing with the councillor complaints process, including section 177 and it is proposed to amend the Act to provide that in situations where a Chief Executive Officer of a Council makes a complaint about a Councillor, the complaint must be given to the Chief Executive of the Department of Local Government to assess the complaint. It is expected a consultation draft of the Bill amending the Act will be released shortly and the Bill to be introduced into Parliament in September 2012. (004/0004

2. FORREST BEACH PROGRESS ASSOCIATION INC

Consideration of correspondence dated 16 September 2012 thanking Council for the recently completed lighting of the Forrest Beach entrance statement. The Association appreciates Council's support in their mission to improve the image of Forrest Beach. (079/0128)

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

8. OPERATIONAL ACTION 4.0 – GOVERNANCE

1. APPEAL AGAINST RATING CATEGORISATION DECISION – LAND COURT FILE NO LGR893-11

Consideration of Report to Council from Finance Manager regarding Appeal against Land Rating Categorisation Decision – Land Court File No LGR893-11.

Resolved – That the matter lay on the table.
(*Councillor Carr – Carried*)

9. OPERATIONAL ACTION 3.0 - ENVIRONMENT

1. QUEENSLAND BLUE LIGHT ASSOCIATION – LOWER HERBERT BRANCH

Consideration of correspondence dated 15 October 2012 proposing an upgrade to the Halifax BMX track. Advising that Queensland Blue Light Association, Lower Herbert Branch have received State Government funding in the sum of \$14,410 which may be used to purchase soil for the track upgrades and seeking Council approval for the proposal.

Resolved – That Council proceed with the project in consultation with the Queensland Blue Light Association, Lower Herbert Branch.
(*Councillors Carr and Lynch – Carried*)

Councillor DG Carr moved that Council consider the following item previously laid on the table

10. OPERATIONAL ACTION 3.0 - ENVIRONMENT

1. NATURAL DISASTER RELIEF AND RECOVERY ARRANGEMENTS (NDRRA) INFRASTRUCTURE RESTORATION PROGRAM – TENDER REVIEW HSC 12/66 – NDRRA CIVIL REHABILITATION WORKS FOR MULTIPLE SITES ON MT FOX ROAD AND WALLAMAN FALLS ROAD VIA INGHAM

Consideration of Report to Council from Manager Engineering Services dated 9 October 2012 seeking Council's endorsement of his actions to instruct Golder Associates Pty Ltd to proceed with the tender award for HSC 12/66 – NDRRA Civil Rehabilitation Works for Multiple Sites on Mt Fox Road and Wallaman Falls Road Via Ingham.

Resolved – That Council endorse Council's Manager Engineering Services, Bruce Leach action in awarding HSC 12/66 - NDRRA Civil Rehabilitation Works for Multiple Sites on Mt Fox Road and Wallaman Falls Road Via Ingham to Skeen Constructions for the sum of \$415,296.20 (incl. GST) on the grounds that urgent action was necessary in order to complete restoration works prior to the upcoming wet season.
(*Councillors Carr and Kaurila – Carried*)

Councillor PD Lynch moved that Council consider the following item previously laid on the table

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. to defend legal proceedings involving Council.
(*Councillors Carr 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 Kaurila and Carr – Carried*)

11. OPERATIONAL ACTION 4.0 – GOVERNANCE

1. APPEAL AGAINST RATING CATEGORISATION DECISION

Consideration of Report to Council from Finance Manager dated 15 October 2012 regarding Appeal against Land Rating Categorisation Decision.

Resolved – That Council endeavour to resolve the current Land Court proceedings in accordance with the legal advice provided.

That Council delegate to the Chief Executive Officer the power to negotiate and sign a settlement agreement with the ratepayers, which settlement agreement is to incorporate the proposed terms of settlement as set in the legal advice provided.

(Councillors Lynch and Carr – Carried)

3. CONCLUSION – This concluded the business of the meeting which closed at 12.43 pm

4. APPROVED and adopted on 7 November 2012

MAYOR