



**HINCHINBROOK
SHIRE COUNCIL**

MINUTES OF THE GENERAL MEETING
OF THE
HINCHINBROOK SHIRE COUNCIL

HELD IN THE COUNCIL CHAMBERS,
INGHAM ON
TUESDAY 22ND MARCH, 2011
AT 9.57 A.M.

ATTENDANCE

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

The meeting was adjourned at 10.00 a.m. for morning tea and resumed at 10.20 a.m.

One minutes silence was observed for the recent loss of life during the Japanese Earthquake Disaster.

PRAYER

- The Mayor opened the meeting with prayer.

1. MINUTES

- Resolved that the Minutes of the General Meeting held on the 22nd February, 2011 be approved as a correct record of proceedings and be signed by the Mayor.
(Crs. Lancini and Kaurila – Carried – Cr. Bosworth recorded her vote against the minutes)

2. BUSINESS -

1. FINANCIALS

Consideration was given to a report of financial activities as at the 18th March, 2011.

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

2. WORKS REPORT

Consideration was given to a report of civil operations for the month of February, 2011.

Resolved – That the Report be received and noted.

That Council endorse the proposed changes to its 2010 / 2011 TIDS Program.

That Council advise Main Roads so funds can be reallocated rather than be shown as unspent funds for our Shire and this revision is due to extreme weather conditions and flooding being experienced in our Shire.

(Crs. Kaurila and Gianotti – Carried)

3. OPERATIONAL ACTION 1.0 - COMMUNITY

1. PROPOSED FEES FOR THE COMPUTER TRAINING ROOM AT INGHAM LIBRARY.

Consideration of fees for the computer training room at the Ingham Library.

Resolved – That consideration be deferred to a future series of meetings pending receipt of further information.

(Crs. Kaurila and Molachino – Carried)

2. L. & M. ROSADI, Halifax, 22nd February, 2011, requesting the reimbursement of fees for new dwelling at 84 Musgrave Street, Halifax being built for their son, Luke whom sustained a spinal cord injury following a motor cross accident last October. Luke has been left a paraplegic and is in a wheelchair at the PA Hospital Spinal Unit in Brisbane. He has had three operations to stabilise his spine and is receiving physio daily. Luke will be able to live independently in this unit in his wheelchair.

Resolved - That consideration be deferred to a future series of meetings pending receipt of further information on the quantum of funds left in the donations budget.

(Crs. Kaurila and Bosworth – Carried)

3. MICHAEL BARRETT, Ingham, 14th February, 2011, requesting permission to hire the Halifax Community Hall to hold a family Birthday Party on the 11th June, 2011 from 6.30pm to 2.00am and on the 12th November, 2011 from 6.30pm to 2.00am for a Wedding Anniversary. Approximately 80 – 100 guests are expected to attend both functions and the Police will be notified of the functions. (092/0121)

Resolved – That Council grant permission to Michael Barrett to hold a family Birthday Party on the 11th June, 2011 from 6.30pm to 2.00am and on the 12th November, 2011 from 6.30pm to 2.00am for a Wedding Anniversary.

(Crs. Lynch and Gianotti – Carried)

4. SARAH MORGANSON, Ingham, 2nd March, 2011, requesting permission to hire the Halifax Community Hall to hold a family Birthday Party on the 16th April, 2011 from 6.00pm to 2.00am. Approximately 80 – 100 guests are expected to attend this celebration and the Police will be notified of the event. (092/0121)

Resolved – That Council grant permission to Sarah Morganson to hold a family Birthday Party on the 16th April, 2011 from 6.00pm to 2.00am.

(Crs. Lynch and Gianotti – Carried)

5. N. O'SULLIVAN & G. CASANOVAS, Ingham, 23rd February, 2011, advising they propose to have their Wedding at Tyto in June this year. They understand that the hire of the hall, meeting rooms 1, 2 and 3, and the open area for a Saturday would be \$728 (plus bond). Requesting advice in relation to the costs of the preparation day on the Friday before, as the Terms and Conditions of Hire for the Tyto Centre do not specify a rate for preparation day and most venues normally offer a lower hire cost for set up day. (092/0171)

Resolved – That Council waive the preparation day set up fee for the use of the Tyto Conference Centre by N. O'Sullivan and G. Casanovas for their Wedding in June, 2011, subject to the hirer providing feedback and comment on their use of the Hall for the purpose of allowing Council to develop a policy in relation to the future hire of the hall.

(Crs. Gianotti and Bosworth)

Amended Motion

That Council set a preparation day set up fee for half the normal hire rate of the Tyto Conference Centre but on this occasion Council waive the preparation day set up fee for N. O'Sullivan and G. Casanovas' hire of the hall for their Wedding in June, 2011, subject to the hirer providing feedback and comment on their use of the Hall for the purpose of allowing Council to develop a policy in relation to the future hire of the hall.

(Crs. Lynch and Kaurila – Carried)

The amended motion become the motion and was moved by Cr. Lynch and seconded by Cr. Kaurila – Carried)

6. BAMBAROO STATE SCHOOL PARENTS & CITIZENS ASSOCIATION, Ingham, 3rd February, 2011, advising the Association will hold the annual Primary School Soccer Carnival (Romanello Shield) on Sunday 5th June, 2011 at the Ingham Football Grounds which involves all the local primary schools. In the past, approximately 350 students have participated on the day and seeking Council's financial assistance towards running this event. Further advising that this year marks the 40th anniversary of the Romanello Shield. (012/0002)

Resolved – That Council provide a \$250 (excl. GST) donation to the Bambaroo State School Parents & Citizens Association in support of the annual Primary School Soccer Carnival.
(Crs. Kaurila and Bosworth – Carried)

7. D. & K. SCOTT, Macknade, 28th February, 2011, advising that during Cyclone Yasi their house at 8 Mill Road, Macknade sustained a fractured water pipe that comes out of the ground and feeds their house. Their house was vacant at the time of the cyclone. This problem was not discovered for some time after the water was turned back on and at that time it was turned off at the main until it could be repaired. Requesting Council to take this matter into consideration as they do not know how much water was lost, and as they are pensioners, they struggle to pay their rates as it is. (013/0007)

Resolved – That Council take into consideration the circumstances of the water usage which was beyond the control of the landowner due to Cyclone Yasi and charge the average previous consumption for their property at 8 Mill Road, Macknade during this similar period.
(Crs. Bosworth and Kaurila – Carried)

8. DAVID ROWE, Ingham, 28th February, 2011, on behalf of Hinchinbrook on Display Committee advising that they will not consider signing the Exhibition Agreement in its present form. Their main area for concern for refusing to sign the agreement in the format sent is that if Council is going to retain 20% commission on all sales (clause (5) 5.1) they will have no way to cover their costs such as postage, catalogues, publicity, supper etc. Requesting Council to waive the commission clause in the agreement and allow it to be retained by the Hinchinbrook on Display Committee who are acting as agents for the artist / craft people exhibiting. Without the commission the exhibition would not be viable. (079/0014)

Resolved – That Council decline the request to waive the rate of 20% commission on sales at the Bob Shepherd Regional Gallery.
(Crs. Molachino and Gianotti – Carried)

9. NO CAR SHOW ASSOCIATION INC., Garbutt, 28th February, 2011, seeking inkind and financial support as provided in previous years to the previous organiser of the Ingham Car & Bike Xtravaganza, Mr. Peter Crisp. Also requesting Council provide the hire fee of the showgrounds back to the club by way of sponsorship as has happened in the past also. Advising that although they are based in Townsville, they are organising the event for the benefit of Ingham with local businesses being represented at the show and countless revenue brought into Ingham through local motels / hotels, service stations, and restaurants etc. Also requesting Council to consider that the Club be the only Club allowed to hold a car show event at the showgrounds. (012/0002)

Resolved - That Council provide financial sponsorship in the sum of \$2,340 (excl. GST) and inkind support in the sum of \$6,840 and that should the cost of the inkind work for the event exceed this, then an invoice for the excess amount above \$6,840 be sent to the Association for payment.

That the request for the Club to be the only Club allowed to hold a car show event at the showgrounds be denied due to the Trades Practices Act.
(Crs. Bosworth and Molachino – Carried)

4. OPERATIONAL ACTION 2.0 - ECONOMY

1. GREG JERMEN, Allingham, 9th March, 2011, seeking Council's views and / or requirements in relation to an application to the Department of Environment & Resource Management for conversion of lease to freehold land at the end of Coconut Lane at 30 The Esplanade, Allingham described as Lot 351 on CWL2348. (075/0001)

Resolved – That Council advise Mr. Greg Jermen that it has no objection to the proposed tenure change.
(Crs. Molachino and Kaurila – Carried)

2. F. & B. DEBONO, Long Pocket, 16th December, 2010, seeking an extension of approval for two years until 19th December, 2012 (original approval date 19th December, 2010) for completion of the proposed Material Change of Use – Code Assessment (House to Office / Estate Agency) over Lot 2 on RP725655, Parish of Cordelia at 22 Wattle Street, Allingham. (058/0170)

Resolved – That an extension of time for two years until the 19th December, 2012 in which to complete the proposed Material Change of Use – Code Assessment (House to Office / Estate Agency) be granted and the applicant be advised that no further extensions will be granted.
(Crs. Lancini and Bosworth – Carried)

The meeting adjourned at 11.55 a.m. for lunch and resumed at 1.15 p.m.

Cr. Kaurila was not present when the meeting resumed.

3. LESTER FRANKS, Ingham, 20th December, 2010, on behalf of *A.M. Leonardi* seeking approval of the proposed reconfiguration of land (rearrangement of boundaries) between Lot 1 on RP733096 and Lot 2 on SP130469 at 230 Hawkins Creek Road, Ingham to enlarge buffer around house and consolidate cane land into one (1) lot. Land is zoned *Rural*. (067/0088)

Consideration was also given to an Engineering Planning Report by the Acting Infrastructure Engineer dated 24th February, 2010 regarding the proposed reconfiguration.

Resolved – That the Development Application for Reconfiguration (rearrangement of boundaries) between Lot 1 on RP733096 and Lot 2 on SP130469 be approved subject to the following conditions:-

- (a) The rearrangement of boundaries will be in accordance with “Lester Franks” Drawing No. T00224_DA1 Rev 0 dated 7th December, 2010; and
- (b) That the Applicant complies with the conditions contained in the Advice Agency Response from the Department of Environment and Resource Management [DERM] Permit No. SPAR01492511, dated the 21st January, 2011.

(Crs. Lancini and Bosworth – Carried)

4. LESTER FRANKS, Ingham, 20th December, 2010, on behalf of *A. Wallis* seeking approval of the proposed reconfiguration of land (rearrangement of boundaries) between Lot 95 on CWL1580 and Lot 53 on CWL3659 at Abergowrie Road, Abergowrie to create an increased buffer around house lot and consolidating sugar cane land into one (1) lot. Land is zoned *Rural*. (071/0016)

Consideration was also given to an Engineering Planning Report by the Acting Infrastructure Engineer dated 24th February, 2010 regarding the proposed reconfiguration.

Resolved - That the Development Application for Reconfiguration (rearrangement of boundaries) between Lot 95 on CWL1580 and Lot 53 on CWL3659 be approved subject to the following conditions:-

- (a) The rearrangement of boundaries will be in accordance with “Lester Franks” Drawing No. T00220_DA1 Rev 0 dated 14th December, 2010; and
- (b) That the Applicant complies with the conditions contained in the Advice Agency Response from the Department of Environment and Resource Management [DERM] Permit No. SPAR01491011, dated 21st January, 2011.

(Crs. Lancini and Bosworth – Carried unanimously)

Cr. Kaurila returned to the meeting at 1.17 p.m.

Council's Town Planning Officer, B. Christie Johnson also entered the meeting.

5. RENARD DEVELOPMENTS PTY. LTD., Albion, 16th February, 2011, seeking approval of the proposed reconfiguration of land (Access Easement) over Lot 5 on RP703699 at 48 Herbert Street, Ingham. Land is zoned *Commercial*. (066/0223)

Consideration was also given to an Engineering Planning Report by the Acting Infrastructure Engineer dated 1st March, 2010 regarding the proposed reconfiguration.

Resolved - That the Development Application for Reconfiguration (Access Easement) over Lot 5 on RP703699 be approved subject to the following conditions:-

- (a) The Reconfiguring a Lot is in accordance with the submitted Drawing, Plan Number 29199/002 dated 20/10/2010 prepared by Brazier Motti (Licensed Surveyors); and
- (b) The Reconfiguring a Lot requiring operational works is to be completed within four (4) years from the date of approval; and
- (c) Access works are to be completed in accordance with Engineering Drawings prepared by TATE Professional Engineers Pty Ltd – Drawing No S3500/11/ESC01, S3500/11/ESC02, S3500/11/D01, S3500/11/D02, S3500/11/CA01, S3500/11/R01 and S3500/11/R02 as submitted with Operational Works Application File 116/0100.

(Crs. Molachino and Lancini – Carried)

Cr. G. Giandomenico and Cr. M. Bosworth declared a conflict of interest in Item 2.4.6. as they are quarry owners and left the meeting and did not participate in the discussions or resolution thereon.

Cr. A. Lancini assumed the Chair.

6. S. & E. GILEPPA, Ingham, 4th November, 2010, seeking approval of the proposed Material Change of Use – Impact Assessment – Quarry 5,000 tonnes – 100,000 tonnes of Lot 3 on RP718471 at Bruce Highway, Bambaroo. Land is zoned *Rural*. (058/0323)

Consideration was also given to a Planning Assessment Report by the Manager Engineering Services dated 2nd March, 2011 regarding the proposed Material Change of Use.

Consideration was also given to a further Report to Council from Town Planning & Development Officer dated 3rd March, 2011 regarding the proposed Material Change of Use.

Resolved – That conditional approval be granted for the proposed Material Change of Use – Impact Assessment – Quarry 5,000 tonnes – 100,000 tonnes of Lot 3 on RP718471 subject to the following conditions:-

- (a) The applicant is to submit for Council's approval a dust abatement scheme aimed at protecting residences located on the opposite side of the highway from the site, from dust nuisance associated with the workings access road. The proposal is expected to involve a permanent form of surface treatment. Works are to be in place by June 2011. Prior to this time, dust nuisance must be controlled by temporary measures such as wetting the access road;
- (b) The working access road and associated surface drainage is to be constructed in such a manner so as to minimise erosion potential;
- (c) That the applicant must comply with the fifteen (15) conditions contained in the schedule attached to the Department of Transport and Main Roads' Referral Agency Response (DTMR reference 455/146 DCT#2478, dated 13th January, 2011).
- (d) That the proponent comply with the conditions of approval as contained in the DERM permit number SPCE01319810, attached to the Department of Environment & Resource Management) Concurrence Agency response (Letter Reference 352038 (TSV1379) dated 19th January, 2011).

(Crs. Gianotti and Kaurila – Carried unanimously)

In accordance with Section 173 (7) of the Local Government Act 2009, it is recorded that all of the Councillors present (A.J. Lancini, G.P. Gianotti, L.R. Molachino, P.D. Lynch and S.J. Kaurila) voted in favour of the resolution for Item 2.4.6.

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

Cr. L. Molachino declared a Material Personal Interest in Item 2.4.7.as he is the Real Estate Agent involved in this matter and left the meeting and did not participate in the discussions or resolution thereon.

7. EVERETT FAMILY TRUST PTY. LTD., 15th September, 2010, seeking approval for the proposed Material Change of Use relating to an Environmentally Relevant Activity 63 Sewerage Treatment Plant threshold 2(b) – operating sewerage treatment works, other than no release works, with a total daily peak design capacity of more than 100 to 1500 EP, over Lot 125 on CWL2515 and Lot 32 on CWL74, Parish of Marathon at Manda Road, off Mount Cudmore Road, Bemerside. Land is zoned *Rural*. (058/0318)

Consideration was also given to a further Report to Council from Town Planning & Development Officer regarding the proposed Material Change of Use.

Resolved – That conditional approval be granted for the proposed Material Change of Use relating to an Environmentally Relevant Activity 63 - Sewerage Treatment Plant 2(b) over Lot 125 on CWL2515 and Lot 32 on CWL74 as follows:-

- (a) Development is to be carried out generally in accordance with the submitted plans;
- (b) Construct a first stage Sewerage Treatment Plant and associated Effluent Disposal System meeting Department of Environment and Resource Management [DERM] requirements and in accordance the conditions attached to the DERM Permit No SPCE01007010 attached to the Department of Environment and Resource Management Concurrence and Advice Agency Response Reference No. 302929(IC0910TSV0028, dated 21st February 2011 be provided for the development;
- (c) Construct a second stage Sewerage Treatment Plant and associated Effluent Disposal System meeting Department of Environment and Resource Management [DERM] requirements and in accordance the conditions attached to the DERM Permit No SPCE01007010 attached to the Department of Environment and Resource Management Concurrence and Advice Agency Response Reference No. 302929(IC0910TSV0028, dated 21st February 2011) be provided for the development. The second stage Sewerage Treatment Plant and associated Effluent Disposal System must be sized to suit the ultimate development potential of the site;
- (d) That the Sewerage Treatment Plant and associated Effluent Disposal System be operated by the developer or properly constituted Body Corporate until the developer can demonstrate, through independent scrutiny by a properly qualified and experienced firm of Consulting Engineers nominated by Council, that the plant can be operated by Council in an economically viable manner that does not impose excessive costs on either the rate payers of Hinchinbrook Shire or the beneficiaries of the particular undertaking.
- (e) Prior to commencement of civil works, submission to Council for approval of engineering drawings and specifications setting out proposed works. Payment of engineering plan scrutiny fee based on 2% of approved cost estimate of engineering construction works;
- (f) Provision of completion certificates for civil construction, mechanical and electrical works, including "as constructed" surveyed information, to suit Council's software. [Autocad drawing files connected to two (2) Council permanent marks or similar accuracy];
- (g) A twelve (12) month maintenance period to apply and commencing at point at which Council accepts responsibility for the contributed asset and takes over operation of the sewerage treatment plant and associated systems. A security to be kept by Council for any unfinished works and expected maintenance obligations.

(Crs. Gianotti and Kaurila – Carried – Cr. Bosworth recorded her vote against the motion)

Cr. G. Giandomenico declared a conflict of interest in Item 2.4.8. as he is a quarry owner and left the meeting and did not participate in the discussions or resolution thereon.

Cr. M. Bosworth declared a material personal interest in Item 2.4.8. as she is the wife of the applicant and left the meeting and did not participate in the discussions or resolution thereon.

Cr. A. Lancini assumed the Chair.

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 2.4.8. (Crs. Kaurila and Lynch – Carried unanimously)

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

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

8. ROBERTS NEHMER McKEE LAWYERS, Townsville, 17th February, 2011, advising that the Entry of Appearance for Barry Bosworth's Notice of Appeal for Material Change of Use: Quarry 5,000m³ – 100,000 m³ at 159 Bosworth's Road, Ingham (described as Lot 1 on RP736915) has been filed and forwarding copy of the Entry of Appearance for Council's records.

ROBERTS NEHMER McKEE LAWYERS, Townsville, 24th February, 2011, forwarding copy of email dated 21st February, 2011 from the Solicitors for Barry Bosworth requesting Council's Lawyers to liaise with Council to re-word Council's condition as follows to resolve the matter at minimal expense to both parties:-

"That the applicant provides an annual amount of \$3,059.00 (indexed annually to CPI) to cover the expected cost of one (1) additional maintenance grade per year to the gravel section of Bosworth's Road. The annual payment shall continue for the duration of the quarrying activities or until Bosworth's Road is sealed."

Further consideration was given to a Report to Council from Manager Engineering Services dated 2nd March, 2011 recommending Council to agree to the proposed amended condition.

Resolved – That Council advise that it agrees to amend the condition that the annual maintenance charge will not apply in the event that the quarry ceases operation, but is not prepared to remove the annual maintenance charge in the event that the road is sealed on the grounds that it is expected that the cost of accelerated wear on a sealed road would be greater than an unsealed road.

(Crs. Gianotti and Lynch – Carried unanimously)

In accordance with Section 173 (7) of the Local Government Act 2009, it is recorded that all of the Councillors present (A.J. Lancini, G.P. Gianotti, L.R. Molachino, P.D. Lynch and S.J. Kaurila) voted in favour of the resolution for Item 2.4.8.

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

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 2.4.9. (Crs. Lynch and Gianotti – Carried – Cr. Bosworth recorded her vote against the motion)

Cr. L.R. Molachino declared a material personal interest in Item 2.4.9. and left the meeting and did not participate in the discussions or resolution thereon.

Cr. Bosworth sought a leave of absence and left the meeting at 2.35 p.m.

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

OPEN MEETING - Resolved that Council return to Open Meeting. (Crs. Lynch and Gianotti – Carried unanimously)

Cr. Bosworth returned to the meeting at 3.07 p.m. and decided to remain outside of the meeting until the matter was resolved and left the meeting at 3.07 p.m.

9. BCK LAWYERS, Townsville, 14th March, 2011, on behalf of their client Mr. Michael Pelleri, forwarding Notice of Appeal in relation to his Material Change of Use application - Vacant Land to Steel and Vehicle Storage Depot at 29 Halifax Road, Ingham described as Lot 1 on RP721508, and seeking that the following condition (d) be removed:-

Condition 8 (d): *Prior to building works commencing the applicant is to submit a landscaping plan that meets the Hinchinbrook Shire Planning Scheme requirements for Council's consideration and approval. Landscaping is to include an 8m vegetative buffer along the northern boundary of the allotment. Such works to be part of the approval.* (058/0316)

Resolved – That Council defer consideration of this matter pending legal advice on the matter from Council's Lawyers, Roberts Nehmer McKee.
(Crs. Kaurila and Lancini – Carried)

Cr. L.R. Molachino returned to the meeting.

Cr. Bosworth returned to the meeting at 3.09 p.m.

Council's Town Planning Officer, B. Christie-Johnson left the meeting.

10. SITING RELAXATION APPLICATION – 26 CRISP'S ROAD, BLACKROCK.

Consideration of a Report to Council from Acting Infrastructure Engineer dated 4th March, 2011 in relation to a Siting Relaxation Application received from Mr. D. King for an open carport and covered walkway attached to an existing residence at 26 Crisp's Road, Blackrock. (061/0004)

Resolved – That Council approve the Siting Relaxation Application on the grounds that the proposed structure is not expected to impact on the outlook and views of neighbouring residences and is unlikely to be a nuisance and safety issue to the public.
(Crs. Kaurila and Lancini – Carried)

11. SITING RELAXATION APPLICATION – 95 PATTERSON PARADE, LUCINDA.

Consideration of a Report to Council from Acting Infrastructure Engineer dated 16th March, 2011 in relation to a Siting Relaxation Application received from Mr. B. Day for a proposed new residence at 95 Patterson Parade, Lucinda. (061/0004)

Resolved – That Council approve the Siting Relaxation Application on the grounds that the proposed residence is expected to maintain the existing amenity of neighbouring residences and does not create an additional impact on lighting or ventilation of any property. Furthermore, the proposed residence is not likely to impact on the outlook or views of existing properties in the precinct.
(Crs. Kaurila and Lancini – Carried)

CLOSED MEETING – That pursuant to Chapter 5 Part 2 Division 3 Section 72 (1) (e) and (h) of the *Local Government (Operations) Regulation 2010*, Council resolve to go into Closed Meeting to discuss Item 2.4.12.

(Crs. Kaurila and Gianotti – Carried – Cr. Bosworth recorded her vote against the motion)

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

OPEN MEETING - Resolved that Council return to Open Meeting.

(Crs. Kaurila and Gianotti – Carried unanimously)

12. PEPPER FOR PASSION – TYTO RESTAURANT UPDATE.

Consideration of Report to Council from Chief Executive Officer dated 17th February, 2011 providing an update on the Tyto Restaurant – Pepper for Passion.

Further consideration was also given to a letter dated 9th March, 2011 from Pepper for Passion regarding the closure of the restaurant due to flooding.

Further consideration was also given to a further letter dated 15th March, 2011 from Pepper for Passion responding to Council's letter dated 4th March, 2011 advising that they desire to take up the next three (3) year option of their lease as from the 1st July, 2011 subject to a number of conditions outlined.

Resolved – That Council advise that the "Without Prejudice" written offer proposed to the Lessees on the 4th March, 2011 is the final offer from Council.
(Crs. Molachino and Kaurila – Carried – Cr. Bosworth recorded her vote against the motion)

5. OPERATIONAL ACTION 3.0 - ENVIRONMENT

1. PEST SURVEY PLAN.

Consideration of a Pest Survey 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 – 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 starting on the 29th March, 2011. 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.
(Crs. Lynch and Lancini – Carried)

2. HERBERT CANE PRODUCTIVITY SERVICES LTD., Ingham, 2nd November, 2010 (received 24th February, 2011), advising they operate a network of 6 RTK GPS base stations that service the Herbert. To improve the signal, they need to install a 2 watt or 25 watt repeater in the Halifax area. This device uses the power of a light bulb and they will pay for installation and hardware costs. They require access, 240 volt power and a place to mount a small suitcase sized transmitter, and 2 meter long JHF antenna (similar to that commonly mounted on 4 wheel drives). They believe that as they are supplying a district wide surveying grade RTK, CMR and GPS signal as a community service (which in effect has created a technical roadway for growers and other stakeholders to use), they should not be charged for use of the water tower.
(046/0010)

Resolved – That Council approve the proposed installation on the conditions that they provide an Engineering Certificate for the structure and that it not interfere with existing installations on the Tower. That the HCPSL to meet all costs pertaining to the installation but no annual rental fee is payable to Council.
(Crs. Lancini and Kaurila – Carried)

3. DEPARTMENT OF INFRASTRUCTURE & PLANNING, Brisbane, 15th December, 2010, the new pool safety inspection system commenced on the 1st December, 2010 requiring all pool owners of regulated pools to upgrade to the one pool safety standard by the 30th November, 2015, or earlier, if sold or leased first. To facilitate pool safety inspections in remote areas, Council has been prescribed under schedule 2A of the *Building Regulation 2006* and is able to make a resolution to declare an area as a remote area for the purpose of section 246ACA(2)(b), *Building Act 1975*. This measure is aimed at providing help for pool owners in remote areas to meet their obligation to acquire a pool safety certificate on time and without having to bear the cost of travel by pool safety inspectors to reach a regulated pool situated in a remote area. Once a Local Government has made a resolution to declare an area as a remote area, licensed pool safety inspectors (Council or private inspectors) can inspect pools in that area using documents and any technology that will allow them to satisfy themselves about whether a pool is compliant or non-compliant without an onsite inspection.

Resolved – That the advice be received and noted.
(Crs. Molachino and Kaurila – Carried)

4. DONAIR PROMOTIONS PTY. LTD. – CHRISTIAN SMITH, Aitkenvale, 21st February, 2011, thanking Council for deciding to undertaken maintenance and clean-up of the airport prior to the airshow. Advising that he is confused in relation to Council not making a decision regarding landing fees and that Council has indicated that this issue is negotiable. He was under the impression from previous correspondence with Cr. Molachino that this had been sorted quite some time ago, as it is common practice for landing fees to be waived during an event such as this. Forwarding copies of correspondence from other Councils stating that they would waive all landing charges for participating and visiting aircraft during the display days. Further advising that joy-flight operators would find it onerous and trade-restrictive to have to add landing fees to each flight and the imposition of such charges would also diminish the attraction of visiting the event for private pilots and aviation clubs. There would be little point inviting non-display pilots to fly-in for the weekend if they were to be charged with landing fees for the privilege. They are in many ways "tourists" who have been invited to visit Ingham. Requesting Council to resolve this detail as quickly as possible.

Resolved – That Council will not charge landing fees for the Ingham Wings & Wheels Airshow to be held at the Ingham Airport in September, 2011.
(Crs. Bosworth and Kaurila – Carried)

Council's Manager Environmental Health Services, T. Tanase and Council's Surveyor, P. Mowat entered the meeting.

5. PROCESSING OF CYCLONE DEBRIS AT WASTE MANAGEMENT FACILITIES.
Consideration of Report to Council from Manager Environmental Health Services dated 15th March, 2011 seeking Council's direction on a cut-off date for the current general waiver system at Shire Waste Management facilities as a result of Cyclone Yasi debris. Also seeking authorisation for the Manager Environmental Health Services to decide on applications for waiver on a per case basis following the cut-off date.

Resolved – That Council advise the community that Sunday 10th April, 2011 is the cut-off date for the current general waiver system at Shire Waste facilities, and that from that date onwards applications for waiver will be decided by the Manager Environmental Health Services on a per case basis.
(Crs. Kaurila and Bosworth – Carried)

Council's Manager Environmental Health Services, T. Tanase left the meeting.

6. CYCLONE YASI STORM TIDE.
Consideration of Report to Council from Manager Engineering Services dated 16th March, 2011 updating Council on the significant storm tide event experienced in our coastal communities during Cyclone Yasi following determination of Council's Surveyors storm tide levels recordings.

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

Council's Surveyor, P. Mowat left the meeting.

Council's Rates Supervisor, S. Oswald entered the meeting.

Cr. Kaurila sought a leave of absence from the meeting and left at 4.13 p.m.

6. OPERATIONAL ACTION 4.0 - GOVERNANCE

1. AUSTRALIAN LOCAL GOVERNMENT WOMEN'S ASSOCIATION, Main Beach, received 17th February, 2011, advising that the Australian Local Government Women's Association (QLD) State Conference for 2011 – "Footprint in Time: 60 years of ALGWA" will be held at Palazzo Versace on the Gold Coast from 27th to 29th July, 2011. (007/0003)

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

CLOSED MEETING – That pursuant to Chapter 5 Part 2 Division 3 Section 72 (1) (d) of the *Local Government (Operations) Regulation 2010*, Council resolve to go into Closed Meeting to discuss Item 2.6.2.
(Crs. Lancini and Molachino – Carried unanimously)

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

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

2. SALE OF LAND FOR OVERDUE RATES.
Consideration of Report to Council from Revenue Supervisor dated 3rd March, 2011 requesting Council's consideration of selling land on the following properties under Section 74 Division 3 Chapter 2 Rates and Charges Part 12 Overdue rates and charges of the Local Government (Finance, Plans and Reporting) Regulation 2010, Council can take action to sell land in the Shire on which an overdue rate has remained unpaid for three years, or where judgment has been obtained on vacant land with overdue rates for 1 year:-

Residential

ASSESSMENT NO.	AMOUNT OWING
103931	\$15,430.20
100889	\$5,383.61
101414	\$9,120.55
104293	\$9,602.17
106141	\$8,757.22
105261	\$13,808.05
103577	\$12,055.31

Vacant Land

ASSESSMENT NO.	AMOUNT OWING
106735	\$4,098.11
104987	\$5,869.31
106564	\$2,770.65

Commercial Land

ASSESSMENT NO.	AMOUNT OWING
105759	\$9,481.05

Cr. Kaurila returned to the meeting at 4.24 p.m.

Resolved – That in accordance with Section 74 Division 3 Chapter 2 Rates and Charges Part 12 Overdue rates and charges of the Local Government (Finance, Plans and Reporting) Regulation 2010, action commence to sell the following residential land on which overdue rates have remained unpaid for a minimum of three years or longer, and vacant land and commercial land on which overdue rates have remained unpaid for a minimum of one year or longer:-

Residential

ASSESSMENT NO.	AMOUNT OWING
103931	\$15,430.20
100889	\$5,383.61
101414	\$9,120.55
104293	\$9,602.17
106141	\$8,757.22
105261	\$13,808.05
103577	\$12,055.31

Vacant Land

ASSESSMENT NO.	AMOUNT OWING
106735	\$4,098.11
104987	\$5,869.31
106564	\$2,770.65

Commercial Land

ASSESSMENT NO.	AMOUNT OWING
105759	\$9,481.05

(Crs. Kaurila and Lancini – Carried)

Council's Rates Supervisor, S. Oswald left the meeting.

Cr. S.J. Kaurila declared a material personal interest in Item 2.6.3. and left the meeting and did not participate in the discussions or resolution thereon.

3. PROJECT MANAGEMENT COURSE, INGHAM.

Consideration of request from Cr. Sherry Kaurila dated 4th March, 2011 to attend a Project Management Course – “Successful Project Management” to be held in Ingham on the 29th, 30th and 31st March, 2011 by Manufacturing Skills Queensland as part of her professional development.

Resolved– That Council deems the proposed course to be of assistance to Cr. Sherry Kaurila in carrying out her role as a Councillor and accordingly agrees to reimburse the course costs under the professional development section of Councillors Expenses Reimbursement Policy.

That a report be provided to Council following the completion of the course.
(*Crs. Bosworth and Lancini – Carried*)

Cr. S.J. Kaurila returned to the meeting.

4. NORTH QUEENSLAND LOCAL GOVERNMENT ASSOCIATION, Ayr, 10th March, 2011, advising that the Executive has given notice of motion to amend the Association’s constitution to reflect only one conference per year. Members will consider this recommendation at the 27th to 29th April, 2011 conference in Clermont and if members approve the change, the Association will not have a conference in November this year. The decisions at the April conference will impact on Council’s planning as there will only be one opportunity each year to submit agenda items, and for Council delegates to attend the conference. Encouraging Council to send representatives to the April, 2011 conference in Clermont. Reminding Council that agenda items are due by the 1st April, 2011. (007/0004)

Resolved – That Council advise that it supports the reduction of the NQLGA Conference to one (1) per year and any agenda items to be forwarded to the Mayor for inclusion in the Conference agenda.

That the representatives to attend the Conference be selected at the next General Meeting.
(*Crs. Bosworth and Kaurila – Carried*)

5. DEPUTY CHAIRPERSON – LOCAL DISASTER MANAGEMENT GROUP.

Consideration of advice from Cr. Geoffrey Gianotti dated 14th March, 2011 advising of his intention to step down as Deputy Chairperson of the Local Disaster Management Group.

Resolved – That the letter of resignation be received and noted with thanks.

That Cr. Patrick Lynch be appointed as the Deputy Chairperson of the Local Disaster Management Group.
(*Crs. Bosworth and Kaurila – Carried*)

MISCELLANEOUS CORRESPONDENCE

1. HON. PHIL REEVES MP, MINISTER FOR CHILD SAFETY AND MINISTER FOR SPORT, Brisbane, 31st January, 2011, advising that Council’s application for funding under the Local Sport & Recreation Jobs Plan to employ a local coordinator for multi-sports to support eight clubs in the Hinchinbrook Shire has been approved and that Council will received a grant of \$156,000 (excl. GST).

2. HON. DESLEY BOYLE MP, MINISTER FOR LOCAL GOVERNMENT AND ABORIGINAL AND TORRES STRAIT ISLANDER PARTNERSHIPS, Brisbane, 16th February, 2011, advising that the Minister has been made aware that Council resolved not to accept the State Government funding commitment of \$6.6 million towards the cost of upgrading the Ingham and Dungeness / Lucinda Sewage Treatment Plants based on the findings of a planning report that has identified that Council's priority is a new Hinchinbrook Beaches Communities sewerage system, estimated to cost \$52 450 000. Further advising that she is aware that Council has enquired if a portion of the funding commitment could be used to fund a Concept Design Planning Report and further investigations of water quality in the Lower Herbert and surrounding creeks. Advising that this funding allocation was part of the Queensland Government's commitment to reducing the environmental impact on the Great Barrier Reef and as such, the funding is purpose specific to fund the upgrading of the two sewage treatment plants in order to improve the quality of water discharging into the Reef, and cannot be used to fund planning or water testing activities.

Encouraging Council to consider the Local Government Grants and Subsidies Program Guidelines, once available, to determine the eligibility of funding these activities and thanking Council for informing the Department of its intentions to not accept the funding. Also advising that the State's commitment to fund these projects will now be lapsed. (049/0010)

3. HON. STEPHEN ROBERTSON MP, MINISTER FOR NATURAL RESOURCES, MINES AND ENERGY AND MINISTER FOR TRADE, Brisbane, 17th February, 2011, responding to Council's letter dated 16 June, 2010 regarding the proposed transfer of the functions of the Lower Herbert Water Management Authority (LHWMA) to an alternative institutional structure. Advising that DERM conducted eight regional forums in April and May, 2010 across Queensland to provide members of water authority boards with an opportunity to discuss with the department their proposed arrangements, the status of negotiations with local government, and implementation issues. The department initially met with the LHWMA on the 26th May, 2010 and more recently on the 25th November, 2010. Acknowledging Council's view that it prefers the LHWMA to remain as a separate entity under current legislation and this advice has been forwarded to officers within the department. Departmental officers will take the Council's views into account in recommending the most appropriate institutional arrangement for the LHWMA functions in negotiation with the Authority and the Council. The department more broadly is considering the outcomes of these forums in developing options for the direction for the transfer program and identifying approaches to resolving the issues identified by the boards during consultation. Advising that the Government has approved an extension of 24 months to the 30th June, 2013, in order to complete the transition program and departmental officers have resumed consultations with boards and local governments and will engage more actively with them over the coming months. Details of and access to the financial package for boards, approved by the Government earlier in 2010, will be made available during these visits. (028/0004)
4. FERRIER HODGSON, Perth, 18th February, 2011, forwarding Circular to Creditors and Notice to Creditors in respect to the Annual General Meeting for Great Southern from liquidators Ferrier Hodgson. (013/0007)
5. LOCAL GOVERNMENT ASSOCIATION OF QUEENSLAND, Brisbane, 3rd March, 2011, advising that LGAQ has developed and submitted a Community Development Recovery proposal for consideration of the Human & Social Sub-Committee of the Queensland Reconstruction Authority and thanking Council for its in principle support of this proposal. Forwarding copies of the LGAQ Community Development Recovery Program Proposal, and the Draft Partnership Framework for Wellbeing & Resilience in Recovering Communities for Council's information. (044/0048)
6. INGHAM LIONS CLUB, Ingham, received 3rd March, 2011, thanking Council for its outstanding support of the annual Hinchinbrook Family Fishing Classic held at Lucinda on the 24th and 25th September, 2010 and forwarding a Certificate of Appreciation. Advising that the Club plans to once again hold the event at Lucinda on the 23rd and 24th September, 2011 and would appreciate Council's support in a similar manner for this year's event. (012/0002)
7. FORREST BEACH PROGRESS ASSOCIATION INC., Allingham, 3rd March, 2011, conveying their appreciation to the Disaster Management Group, Wardens, all Emergency Services, Defence Forces and all involved in the massive job associated with Cyclone Yasi. (044/0047)

8. LOCAL GOVERNMENT ASSOCIATION OF QUEENSLAND, Brisbane, 4th March, 2011, forwarding Circular (2011-158) in relation to the Prime Minister's announcement that following discussions with Senator Nick Xenophon, new natural disaster insurance requirements linked to NDRRA funding will apply as part of passage of the flood levy legislation. (011/0057)
9. LOCAL GOVERNMENT ASSOCIATION OF QUEENSLAND, Brisbane, 4th March, 2011, forwarding Circular (2011-159) in relation to Council's Cost Index 2011. The impact of GFC and flood and cyclone disasters has been factored into the assessment of 7.5% as Local Government Cost Index for 2011. (011/0018)
10. QUEENSLAND INFORMATION CENTRES ASSOCIATION, Townsville, 7th March, 2011, thanking Council for entering the Tyto Wetlands Centre in the Queensland Visitor Information Centre of the Year Awards – Category 3. Congratulating the Tyto Wetlands Information Centre on winning Category 3 and advising that \$1,000 was presented to the centre as well as a trophy to display. (079/0079)

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

MINUTES OF ORGANISATIONS / COMMITTEES ON WHICH COUNCIL IS REPRESENTED

1. HINCHINBROOK SHIRE YOUTH COUNCIL.
Consideration of minutes of the Hinchinbrook Shire Youth Council Meeting held on the 16th February, 2011.

Resolved – That the list of minutes be received and noted.
(Crs. Kaurila and Bosworth – Carried)

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

1. INGHAM ROD & REEL CLUB.
Hosting 17th Annual Hinchinbrook Catch & Release Tournament on 13th and 14th May, 2011.
2. ALAN BOSWORTH.
Participation in National Titles at Wagga Wagga from 2nd April, 2011 to 9th April, 2011 for Clay Target Shooting in both Sub-Junior and Open B Grade.
3. BARRY BOSWORTH.
Participation in National Titles at Wagga Wagga from 2nd April, 2011 to 9th April, 2011 for Clay Target Shooting in the Open Men's Team.

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

7. COUNCILLOR ACTIVITY REPORT
Consideration of Councillor Activity Reports as at the 18th March, 2011 to ensure transparency and public scrutiny of Councillor workload.

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

CLOSED MEETING – That pursuant to Chapter 5 Part 2 Division 3 Section 72 (1) (a) of the *Local Government (Operations) Regulation 2010*, Council resolve to go into Closed Meeting to discuss Item 2.8.1.
(Crs. Kaurila and Lancini – Carried unanimously)

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

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

8. OPERATIONAL ACTION 4.0 - GOVERNANCE

1. REVIEW OF CHIEF EXECUTIVE OFFICER'S CONTRACT.

Consideration of review of Chief Executive Officer's Contract.

Resolved – That Council advertise the position of Chief Executive Officer for a three (3) year contract commencing on the 1st August, 2011.

That Council contract the Local Government Association of Queensland (LGAQ) Human Resources Department to call for Expressions of Interest for the position and select the appropriate applicant.

(Crs. Gianotti and Kaurila – Carried – Cr. Lancini recorded his vote against the motion)

3. CONCLUSION – This concluded the business of the meeting which closed at 5.45 p.m.

4. APPROVED and adopted this 5th day of April, 2011.

MAYOR