



**HINCHINBROOK
SHIRE COUNCIL**

MINUTES OF THE GENERAL MEETING
OF THE
HINCHINBROOK SHIRE COUNCIL

HELD IN THE COUNCIL CHAMBERS,
INGHAM ON
TUESDAY 19TH APRIL, 2011
AT 9.45 A.M.

ATTENDANCE

- Present were Councillors G. Giandomenico, A.J. Lancini, G.P. Gianotti, L.R. Molachino, Cr. D.M. Bosworth and S.J. Kaurila.
- Also present was the Chief Executive Officer (R.W. Clark), Manager Corporate & Economic Development (R.F. Pennisi), Manager Engineering Services (B.E. Leach), Manager Environmental Health Services (T. Tanase) and Executive Secretary (B.K. Edwards).

APOLOGY

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

PRAYER

- The Mayor opened the meeting with prayer.

1. MINUTES

- Resolved that the Minutes of the General Meeting held on the 5th April, 2011 be approved as a correct record of proceedings and be signed by the Mayor.
(Crs. Lancini and Molachino – Carried)

2. BUSINESS -

1. NOTICE OF MOTION – LOCAL LAWS PROCESS PURSUANT TO NEW LOCAL GOVERNMENT ACT 2009

In accordance with the notified intention to amend the following resolution, Cr. G. Giandomenico moved: "that the decision of the Council passed at the General Meeting on the 28th October, 2010, relating to *Item 2.8.7 – Local Laws Process Pursuant to New Local Government Act 2009*, and reading:-

" That Council resolve to adopt the following procedures as the appropriate process for making Local Laws pursuant to the Local Government Act 2009:-

1. Procedure to make a Local Law including an Interim Local Law;
2. Procedure to make a Subordinate Local Law; and
3. Procedure to make a Local Law that is an adopted Model Local Law.

be rescinded and the following resolution be inserted in its stead:-

Resolved - That Council adopt the Local Law Making Process as provided by King & Co. "
(Crs. Kaurila and Lancini – Carried)

Consideration was also given to a Report to Council from Environmental Health Technical Officer dated 1st April, 2011 regarding the Local Laws Making Process as provided by King & Co. pertaining to this Notice of Motion.

2. NOTICE OF MOTION – 11/04 – SUPPLY OF TRUCKS FOR HIRE & CARTAGE OF ROADMAKING MATERIALS

In accordance with the notified intention to amend the following resolution, Cr. G. Giandomenico moved: "that the decision of the Council passed at the General Meeting on the 5th April, 2011, relating to *Item 2.9.1 – HSC 11/04 – Supply of Trucks for Hire & Cartage of Roadmaking Materials* and reading:-

" That the following six [6] truck units be accepted and included as the Panel of Providers, and the remaining operators be advised that their offers will be accepted on a standing offer basis should Council require trucks outside its Panel of Providers.

Quest Farming	Iveco 6500 Powerstar Tip Truck & Trailer (Reg 236-LPR)
ASM Earthmoving	International SF Series 2670 Truck & Smith & Sons Dog Trailer (Reg 906-BHB)
Peter Lino	Mack CH Fleetliner (Reg 327-KJT) and Dog Trailer
Peter Lino	International S Line (Reg 150-EKX) and Dog Trailer
Peter Lino	Mack Vision CX (Reg 501-LPI) and Dog Trailer
ASM Earthmoving	Ford LTL9000 Louisville Tandem Truck & Muscat Tipper Dog Trailer (Reg 423-FYO)

be rescinded and the following be inserted in its stead:-

Resolved - That the following six [6] truck units be accepted and included as the Panel of Providers, and the remaining operators be advised that their offers will be accepted on a standing offer basis should Council require trucks outside its Panel of Providers.

Name of Offerer	Type of Truck	Registration Number
Quest Farming	Iveco 6500 Powerstar Tip Truck and Trailer	236-LPR
ASM Earthmoving	International SF Series 2670 Truck and Smith & Sons Dog Trailer	906-BHB
Peter Lino	Mack CH Fleetliner and Dog Trailer	327-KJT
Peter Lino	Mack Vision CS and Dog Trailer	501-LPI
ASM Earthmoving	Ford LTL9000 Louisville Tandem Truck and Muscat Tipper Dog Trailer	423-FYO
Steven Gileppa	Freightliner FL and Dog Trailer	962-EYL

(Crs. Bosworth and Gianotti – Carried)

Consideration was also given to a Report to Council from Works Engineer dated 13th April, 2011 in relation to this Notion of Motion explaining one (1) of the trucks was previously evaluated in error.

3. CEO REPORT OF COUNCILLOR REQUESTS

Consideration of CEO Report of Councillor Requests for the period 31st March, 2011 to 13th April, 2011.

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

Acting Finance Manager, B. Polenske attended the meeting at 9.55 a.m.

4. FINANCIALS

Consideration was given to a report of financial activities as at the 15th April, 2011.

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

Acting Finance Manager, B. Polenske left the meeting at 10.10 a.m.

The meeting adjourned at 10.10 a.m. for morning tea and resumed at 10.30 a.m.

Works Engineer, D. Di Prima attended the meeting at 10.30 a.m.

5 WORKS REPORT

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

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

The Mayor took the opportunity to congratulate David Di Prima on his recent successful completion of his Bachelor Degree in Engineering Technology (Civil) studies at the University of Southern Queensland

Works Engineer, D. Di Prima left the meeting at 10.55 a.m.

6. INSTRUCTION SHEETS

Consideration was given to the monthly Instruction Sheets during the month of March, 2011.

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

Manager Environmental Health Services, T. Tanase left the meeting at 11.05 a.m.

Special Events Coordinator, D. Packman entered the meeting at 11.07 a.m.

7. OPERATIONAL ACTION 2.0 - ECONOMY

1. JOB SKILL DEVELOPMENT OFFICER PACKAGE.

Consideration of Report to Council from Manager Corporate & Economic Development seeking Council's direction in relation to making application to the 2011 *Queensland Natural Disaster Jobs and Skills Package* to secure funding to employ a Job Skill Development Officer for a period of 12 months.

Resolved – That the Report be received and noted and that Cr. Molachino, Cr. Kaurila and Manager Corporate & Economic Development scope out the extent of the project.
(Crs. Bosworth and Lancini – Carried)

Special Events Coordinator, D. Packman left the meeting at 11.14 a.m.

8. OPERATIONAL ACTION 4.0 - GOVERNANCE

1. AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION, Deakin, 24th March, 2011, forwarding National General Assembly Registration Brochure for the National General Assembly of Local Government Conference to be held in Canberra from the 19th to 22nd June, 2011. Early Bird Registration Fees are due by the 29th April, 2011.

Resolved – That the Mayor, Cr. Pino Giandomenico, Cr. Andrew Lancini and Cr. Geoffrey Gianotti attend the National General Assembly of Local Government Conference to be held in Canberra from the 19th to 22nd June, 2011.
(Crs. Molachino and Kaurila – Carried)

Resolved – That the closed sessions items 2.11.1 – Fluoridisation Project, 2.12.1.- Proposed Closure of Halifax and Forrest Beach Waste Transfer Stations and Halifax Library, 2.13.1 – Royal Hotel – Access Restriction Strip – Johnstone Street Car Park., and 2.14.1. – Mona Landing Boat Ramp and Parking Facilities be adjourned to a later hour of the General Meeting.
(Crs. Kaurila and Gianotti – Carried)

Engineering & Compliance Technical Officer, Robert Giuliano attended the meeting at 11.19 a.m.

9. OPERATIONAL ACTION 3.0 - ENVIRONMENT

1. G. FEATHER, Lucinda, 7th March, 2011, expressing concern regarding the use of an unformed road and the presence of unapproved structures on Unallocated State Land located adjacent to their property in Carr Crescent, Lucinda. (017/0013)

Further consideration was given to a Report to Council from Chief Executive Officer dated 12th April, 2011 in relation to Council's investigation of the concerns raised regarding use of the unformed section of Ogg Street, Lucinda and the presence of unapproved structures on unallocated state land on property situated at Lot 391 on L4694.

Resolved – That Council advise landowners at 10, 12, 24, 26, 28 and 30 Carr Crescent, Lucinda that it has no objection to the use of the Reserve land (Lot 391 on L4694) immediately adjoining their properties being kept clean and tidy and used for gardening and lawn purposes, however no permanent structures are to be erected on the land.

That Council also advise the landowners that such approvals will lapse should the land be required for urban development purposes.

That Council advise the Department of Environment & Resource Management that Council has no objection to the Department issuing a *Lawn and Garden Permit - Authority to Use* to those landowners wishing to apply.

(Crs. Kaurila and Gianotti – Carried)

Engineering & Compliance Technical Officer, Robert Giuliano left the meeting at 11.49 a.m.

10. OPERATIONAL ACTION 4.0 - GOVERNANCE

1. LOCAL GOVERNMENT ASSOCIATION OF QUEENSLAND, Brisbane, 11th April, 2011, forwarding copy of commentary of the changing face of State / Local Government relations titled *Threats to Local Democracy and Community Engagement – Implications of Recent Incursions into Local Government Land Use Planning Powers in Queensland* prepared by UQ Business School April, 2011. Also seeking Council's support towards the Association's major pre-positioning campaign for constitutional recognition of Local Government. (007/0003)

Consideration was given to a further letter from the Australian Local Government Association received on the 14th February, 2011 inviting Council to become directly engaged in the campaign for constitutional recognition. (007/0003)

Resolved – That Council declares its support for financial recognition of local government in the Australian Constitution so that the Federal Government has the power to fund Local Government directly and also for inclusion of Local Government in any new Preamble to the Constitution if one is proposed, and calls on all political parties to support a referendum by 2013 to change the Constitution to achieve this recognition.

(Crs. Lancini and Molachino – Carried)

MISCELLANEOUS CORRESPONDENCE

1. QUEENSLAND RECONSTRUCTION AUTHORITY, Brisbane, 31st March, 2011, advising Council that the Authority has approved the payment to Council of the sum of \$18,869,400 (incl. GST) by way of grant advance funding for Natural Disaster Relief and Recovery Arrangements (NDRRA) eligible reconstruction projects. Encouraging Council to work closely with the Authority to coordinate the preparation and submission of applications for Council's reconstruction projects. (011/0064)
2. DEPARTMENT OF EMPLOYMENT, ECONOMIC DEVELOPMENT AND INNOVATION, Brisbane, 28th March, 2011, advising that Council's application for assistance under the Tourism Projects Pre-feasibility Grants Program for \$9,240 (excl. GST) for the feasibility study to determine the viability of a recreational park for self contained motor homes has not been granted. (079/0197)

3. DEPARTMENT OF TRANSPORT & MAIN ROADS, 6th April, 2011, advising that The Hon. Anthony Albanese MP, and The Hon. Craig Wallace MP announced on the 6th April, 2011 that the Western Alignment (W2A) has been selected as the preferred alignment marking a significant milestone for the Ingham to Cardwell Range Planning Study. Forwarding a map outlining the chosen alignment as well as a copy of the media statement. (107/0003)
4. DEPARTMENT OF LOCAL GOVERNMENT & PLANNING, Brisbane, 8th April, 2011, advising the new Queensland Cabinet was sworn in by the Governor in February which sees the former Department of Infrastructure & Planning's local government and planning functions now reporting to the Deputy Premier, The Hon. Paul Lucas MP as the Minister for Local Government. The agency is now known as the Department of Local Government and Planning (DLGP) and forwarding copy of the department's organisational chart. Further advising that Jack Noye has been appointed as the Acting Director-General of the DLGP until the formal recruitment process is finalised. The Coordinator-General function now reports to the Treasurer, The Hon. Andrew Fraser MP, as the Minister for State Development and transfers to the Department of Employment, Economic Development and Innovation. (007/0012)
5. DAVID DI PRIMA, Ingham, 12th April, 2011, advising that he recently completed his Bachelor Degree in Engineering Technology (Civil) studies at the University of Southern Queensland. Thanking Council for providing assistance under the Education Assistance Policy and making it possible for him to further his professional development pathway as an Engineer. Further advising that he is fortunate to have the opportunity to work in his home town with a very experienced engineering team and in particular for the encouragement and mentoring support received from Bruce Leach and Colin Gray during his studies. (089/0044)

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

MINUTES OF ORGANISATIONS / COMMITTEES ON WHICH COUNCIL IS REPRESENTED

1. INGHAM SHOWGROUNDS MANAGEMENT ADVISORY COMMITTEE.
Consideration of minutes of the Ingham Showgrounds Management Advisory Committee held on the 22nd March, 2011.

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

11. OPERATIONAL ACTION 3.0 - ENVIRONMENT

CLOSED MEETING – That pursuant to Chapter 5 Part 2 Division 3 Section 72 (1) (h) of the *Local Government (Operations) Regulation 2010* so as not to flag a price range to potential tenderers through the figures being in the newspapers, Council resolve to go into Closed Meeting to discuss Item 2.11.1.
(Crs. Gianotti and Lancini – Carried)

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

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

Water & Sewerage Manager, P. Martin and Acting Infrastructure Engineer, C. Gray entered the meeting at 11.56 a.m.

1. FLUORIDISATION PROJECT.
Consideration of Report to Council from Acting Infrastructure Engineer dated 14th April, 2011 regarding a Feasibility Report for the Fluoridisation Project which has been completed by Harrison Grierson and is ready for submission to the Department of Infrastructure & Planning. There are two major issues related to this, the first is the capital expenditure which will be in the order of \$4.5M, and the second issue is that the operating costs are expected to be in the order of \$300,000. Council will need to seek subsidy from Queensland Health to minimise the impact on water rates.

Resolved – That Council submit the Fluoridisation Concept Design Report (FCDR) in the current form to the Department of Infrastructure & Planning along with the application for funding.

That Council authorise relevant officers to begin negotiations with Queensland Health in an attempt to secure an operating subsidy for the ongoing costs associated with dosing fluoride into the public water supplies within the Hinchinbrook Shire.

(Crs. Gianotti and Bosworth – Carried)

Water & Sewerage Manager, P. Martin and Acting Infrastructure Engineer, C. Gray left the meeting at 12.21 a.m.

CLOSED MEETING – That pursuant to Chapter 5 Part 2 Division 3 Section 72 (1) (c) of the *Local Government (Operations) Regulation 2010*, Council resolve to go into Closed Meeting to discuss Item 2.12.1. as it will affect the Local Government's budget.

(Crs. Lancini and Kaurila – Carried)

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

OPEN MEETING - Resolved that Council return to Open Meeting.

(Crs. Lancini and Kaurila – Carried unanimously)

Manager Environmental Health Services, T. Tanase entered the meeting at 12.24 p.m.

12. OPERATIONAL ACTION 4.0 - GOVERNANCE

1. PROPOSED CLOSURE OF HALIFAX AND FORREST BEACH WASTE TRANSFER STATIONS AND HALIFAX LIBRARY.

Consideration of Council's intention to close the Waste Transfer Stations at Halifax and Forrest Beach and the Halifax Library and associated budget consequences.

Resolved – That Council investigate multiple options for the waste facilities at Halifax and Forrest Beach and the Halifax Library.

(Crs. Kaurila and Bosworth – Carried)

The Meeting adjourned at 1.12 p.m. for lunch. Manager Environmental Health Services, T. Tanase left the meeting at 1.12 p.m. The Meeting resumed at 2.23 p.m.

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 2.13.1. which allows Council to discuss business "for which a public discussion would likely to prejudice the interests of the local government or someone else", given that this is a land acquisition process and may result in future legal action if agreement can't be reached and Council chooses to take further action.

(Crs. Lancini and Molachino – Carried)

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

OPEN MEETING - Resolved that Council return to Open Meeting.

(Crs. Lancini and Molachino – Carried unanimously)

13. OPERATIONAL ACTION 2.0 - ECONOMY

1. ROYAL HOTEL – ACCESS RESTRICTION STRIP – JOHNSTONE STREET CAR PARK.

Consideration of discussions held Friday 1st April, 2011 between Council's Manager of Engineering Services and Council's Lawyers and the Royal Hotel landowner Mr. Alan Quagliotto and his legal representatives regarding the value of the access restriction strip and the Royal Hotel land being sought by Council for the provision of road access to the rear of businesses fronting Lannercost Street Ingham and seeking Council further direction in the matter.

Resolved – That Council continue negotiations with Mr. Alan Quagliotto to finalise the road access at the rear of the Royal Hotel and to confirm the contribution by affected landowners to construct a road.

(Crs. Lancini and Molachino – Carried)

Cr. Kaurila sought a leave of absence from the meeting and left at 2.36 p.m. and returned at 2.39p.m.

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 2.14.1. which allows Council to discuss business “for which a public discussion would likely to prejudice the interests of the local government or someone else”, given that if the landowners are not receptive to Council acquiring the land Council may have to consider other acquisition options.

(Crs. Gianotti and Lancini – Carried)

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

OPEN MEETING - Resolved that Council return to Open Meeting.

(Crs. Gianotti and Lancini – Carried unanimously)

14. OPERATIONAL ACTION 3.0 - ENVIRONMENT

1. MONA LANDING BOAT RAMP AND PARKING FACILITIES.

Consideration of brief preliminary discussions held with the landowners (Carr family) by the Manager Engineering Services on 22nd February, 2011 following the decision by Council on that day to enter into negotiations with the landowners to purchase part of their land for protection of the ramp, access and associated parking facilities, and seeking clarification and direction on the next course of action.

Resolved – That Council make an offer to acquire the land as identified in previous discussions with the Carr family in terms of the area and that this be included in the 2011 / 2012 budget.

(Crs. Gianotti and Lancini – Carried – The Mayor used his casting vote – Cr. Kaurila and Cr. Bosworth recorded their votes against the motion)

15. OPERATIONAL ACTION 2.0 - ECONOMY

CLOSED MEETING – That pursuant to Chapter 5 Part 2 Division 3 Section 72 (1) (e), (f) and (h) of the *Local Government (Operations) Regulation 2010*, Council resolve to go into Closed Meeting to discuss Item 2.15.1. as it is both a contractual (Lease) issue, contains commercial in confidence information and is now a legal matter.

(Crs. Lancini and Gianotti – Carried)

Special Events Coordinator, D. Packman entered the meeting at 3.29 p.m.

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

OPEN MEETING - Resolved that Council return to Open Meeting.

(Crs. Lancini and Gianotti – Carried unanimously)

1. WHITSUNDAY LAW, Cannonvale, 12th April, 2011, advising on behalf of their client Mr. Craig Lyons of Hungry Vikings Pty. Ltd., that their client does not wish to take up the option of entering into a further Lease of the Tyto Restaurant with Council and rejecting Council's offer of compensation and submitting a “Without Prejudice” counter claim for compensation and seeking Councils response by no later than 13th May, 2011.

Resolved – That Council receive and note the advice.

That Council advertise the Tyto Restaurant area for lease on a 3 + 3 year option basis.

(Crs. Kaurila and Molachino – Carried)

3. CONCLUSION – This concluded the business of the meeting which closed at 3.52 p.m.
4. APPROVED and adopted this 10th day of May, 2011.

MAYOR