



**HINCHINBROOK  
SHIRE COUNCIL**

MINUTES OF THE GENERAL MEETING  
OF THE  
HINCHINBROOK SHIRE COUNCIL

HELD IN THE COUNCIL CHAMBERS,  
INGHAM ON  
TUESDAY 23<sup>RD</sup> AUGUST, 2011  
AT 9.30 A.M.

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ATTENDANCE

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

APOLOGY

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

PRAYER

- The Deputy Mayor opened the meeting with prayer.

1. MINUTES

- Resolved that the Minutes of the General Meeting held on the 9<sup>th</sup> August, 2011 be approved as a correct record of proceedings and be signed by the Mayor.  
(Crs. Molachino and Lynch - Carried)

2. BUSINESS -

1. CEO REPORT OF COUNCILLOR REQUESTS

Consideration of CEO Report of Councillor Requests for the period 4<sup>th</sup> August, 2011 to 17<sup>th</sup> August, 2011.

Resolved – That the advice be received and noted and a Nil Report be recorded.  
(Crs. Molachino and Lynch - Carried)

*Works Engineer entered the meeting.*

2. INSTRUCTION SHEETS

Consideration was given to the Monthly Instruction Sheets during the month of July, 2011.

Resolved – That the Report be received and noted.

That at the next General Meeting on the 6<sup>th</sup> September, 2011 those actions in the Instruction Sheets which have not progressed for some considerable time be identified separately and further information be provided for further consideration by Council.  
(Crs. Lynch and Kaurila - Carried)

*Manager Engineering Services entered the meeting.*

2. WORKS REPORT

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

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

*Works Engineer left the meeting.*

*The meeting adjourned at 10.30 a.m. for morning tea and resumed at 10.50 a.m.*

4. OPERATIONAL ACTION 1.0 - COMMUNITY

1. PREMIER ANNA BLIGH MP, Brisbane, 9<sup>th</sup> August, 2011, thanking Council for its support of the Queensland Disaster Heroes program where more than 3,500 people were honoured at 10 recognition ceremonies throughout the State, including the Lockyer Valley, Cassowary Coast, Townsville, Rockhampton, Western Downs, Emerald, Bundaberg, Toowoomba, Ipswich and Brisbane regions.

Forwarding a special recognition plaque cast to acknowledge the heroism, strength and determination shown by each of these communities, The leafy motif on the plaque represents renewal, strength and re-growth – a poignant reminder that out of the flood waters and from under the debris, new life and new hope emerges.

Encouraging Council to place the plaque in a prominent, public location for all community members to enjoy, and as a special acknowledgement of their incredible community spirit. Thanking the Hinchinbrook community for its support during these tough times and advising that she hopes that the plaque will serve as a proud reminder of the community initiative, bravery, courage, resilience and strength of Queensland's Disaster Heroes. (007/0012)

Resolved – That the advice be received and noted and the plaque be placed in a prominent position to be determined and that Council thank the Premier for the plaque.  
(Crs. Bosworth and Kaurila - Carried)

2. INGHAM STATE HIGH SCHOOL, Ingham, 2<sup>nd</sup> August, 2011, seeking Council's continued financial support to the School's Awards Ceremony on 2<sup>nd</sup> November, 2011 at the Shire Hall.

Resolved – That Council provide a donation of \$40 (excl. GST) to the Ingham State High School Awards Ceremony.  
(Crs. Kaurila and Molachino - Carried)

3. EMMA THOMSON, 1<sup>st</sup> August, 2011, seeking Council's permission to erect a memorial plaque on the corner of Davidson and McIlwraith Streets in remembrance of her mother who was killed there last month in a car accident. (033/0017)

Consideration was given to a Report to Council from Manager Engineering Services dated 18<sup>th</sup> August, 2011 regarding Council's position in relation to road side memorials.

Resolved – That Council advise that it grants permission to the erection of a memorial according to the Department of Main Roads, Roadside Memorial guidelines.  
(Crs. Kaurila and Lynch - Carried)

That further Council formulate and adopt a Roadside Memorial Policy modelled on the Department of Main Roads guidelines.  
(Crs. Kaurila and Lynch – Carried)

4. FORD HEALTH, Brisbane, 8<sup>th</sup> August, 2011, advising of the *My Pathway to Better Health Program* which is a community based online professional health project mounted on the Council website by Resolute IT with a simple click through access to the virtual myPathway Health and Wellbeing Centre run by Ford Health. The undertaking is for 1 year's access from commencement date and is renewable each 12 months. Each participant's individual personal profile is encrypted and held privately and confidentially by Ford Health on their servers in Brisbane. The Fee Structure is a \$4 fee per resident (\$1 deposit and \$3 to trigger program launch and roll out. (007/0003)

Resolved – That Council not take advantage of this offer at this time.  
(Crs. Kaurila and Molachino - Carried)

5. HERBERT RIVER ORCHID AND ALLIED PLANT SOCIETY INCORPORATED, Ingham, 7<sup>th</sup> August, 2011, advising that the Society has been invited by the Tropical Queensland Orchid Council to stage their 47<sup>th</sup> Annual Conference in Ingham on the 8<sup>th</sup>, 9<sup>th</sup> and 10<sup>th</sup> June, 2012. This conference has been hosted in Ingham previously in 1991, 1999, and 2007 which have been successful with in excess of 200 delegated attending these events over the Queensland Birthday weekend. The Shire Hall and Band Centre have been booked and planning is well underway with one Motel already booked out. Requesting Council to provide inkind support to help lower the costs of hosting this conference for the not for profit society. (012/0002)

Cr. D.M. Bosworth left the meeting at 11.16 a.m.

Resolved – That Council provide the Society with financial assistance in the sum of \$200 (excl. GST) to host the 47<sup>th</sup> Annual Conference as the event fulfils Council's Support for Events Policy.  
(Crs. Lynch and Kaurila - Carried)

6. SEAVIEW RANGE SPORTS COMMITTEE, Mutarnee, 17<sup>th</sup> August, 2011, seeking Council's financial assistance to hold the Seaview Range Sports Day on the 16<sup>th</sup> September, 2011 which invites all students from small schools between Ingham and Bluewater and north to Running River and Mt. Fox to participate in this fun event. This group is made up of parent, teacher and community members that represent an event that commenced just over 50 years ago to allow students from these small schools to participate in a fun sports day to encourage them to participate and win medals and ribbons. Often children participate on this day that would never have had the opportunity to do so, with the competition from the larger schools knocking them out prior to the larger events. The distance also excludes students from participating in local sports competitions and events due to the extra travel arrangements, costs and time limits. This event has changed its format over the years to suit the volume of students which have dropped to between 40 and 60 children. Traditionally each school had turns hosting the event and the hosting P & C would run a canteen. They no longer give out perpetual trophies but give out individual medals and ribbons which have been previously purchased from profits made on the day from food and drinks sales. Due to the lower student numbers and therefore less available parent helpers a canteen can no longer operate. Seeking Council's assistance towards the costs of this event as ribbons and medallions cost approximately \$550 and any remaining costs will be funded by parent and community member's donations. (012/0002)

Cr. D.M. Bosworth returned to the meeting at 11.19 a.m.

Resolved – That Council provide the Sports Committee with financial assistance in the sum of \$200 (excl. GST) to host the Seaview Range Sports Day as the event fulfils Council's Support for Achievement Policy.  
(Crs. Molachino and Kaurila - Carried)

5. OPERATIONAL ACTION 2.0 - ECONOMY

1. DEPARTMENT OF ENVIRONMENT & RESOURCE MANAGEMENT, Townsville, 11<sup>th</sup> August, 2011, seeking Council's views and / or requirements in relation to an application for Renewal of Special Lease 24/46554 received for Lot 69 on CWL2839 (A.A. & D.J. Larsen), Reserve for Stock Trucking. Also requesting that Council advise of its requirements that may affect the future use of the land, or if a different form of tenure may be considered a more appropriate tenure requesting Council to comment with regard to the following:-
  - Confirmation that the reserve is still required for its gazetted purpose;
  - On expire of the existing lease, would Council as Trustee be prepared to offer the current lessee a Trustee Lease or Trustee Permit over the subject area in accordance with Section 57 of the *Land Act 1994* and Policy PUX/901/210 – Leases over reserves.
  - If entering into a Trustee Lease or Trustee Permit is not an option, Council's views or requirements to the granting of a new Term Lease over the subject area. (077/0001)

Cr. D.M. Bosworth left the meeting at 11.20 am

Resolved – That Council advise the Department that it has no objection to the application and has no requirements in relation to the proposed dealing.  
(Crs. Gianotti and Kaurila - Carried)

Cr. D.M. Bosworth returned to the meeting at 11.21 am

2. REGIONAL CERTIFICATION GROUP, Kirwan, 1<sup>st</sup> August, 2011, on behalf of A. & C. Wood seeking approval of the proposed Material Change of Use – Code Assessment –Rural Siting Relaxation over Lot 6 on RP715111 at 61 Kehl's Road, Trebonne. Land is zoned *Rural*.  
(058/0330)

Further consideration was given to an Engineering Planning Report dated 15<sup>th</sup> August, 2011 from Infrastructure Engineer regarding the application.

Resolved – That the Development Application for Material Change of Use – Code Assessment –Rural Siting Relaxation over Lot 6 on RP715111 be approved subject to the following conditions:-

- (a) The structure is to be built in accordance with Patio World Site and Building Plans [Approved Plan number 086916, 4 pages] submitted with the Development Application; and
- (b) The appropriate building permits are obtained prior to construction.
3. LESTER FRANKS, Ingham, 23<sup>rd</sup> June, 2011, on behalf of A. & G. Russo seeking approval of the proposed Reconfiguration (Rearrangement of Boundaries) and Material Change of Use – Code Assessment – Rural Siting Relaxation over Lots 1 and 2 on RP725432 and Lot 6 on RP708527 at 134 Barbero's Road, Bambaroo. Land is zoned *Rural*.  
(068/0042)

Further consideration was given to an Engineering Planning Report dated 17<sup>th</sup> August, 2011 from Manager Engineering Services regarding the application.

Resolved – That the Development Application for Reconfiguration (Rearrangement of Boundaries) and Material Change of Use – Code Assessment – Rural Siting Relaxation over Lots 1 and 2 on RP725432 and Lot 6 on RP708527 be approved subject to the following conditions:-

- (a) The applicant constructing property accesses to all lots to Council's standard (or demonstrating suitable constructions exist).
- (b) The applicant demonstrating that a legal right exists to traverse the cane rail line located adjacent the western boundary of Lot 6 from Barbero's Road into Lot 6.
- (c) The applicant demonstrating that all utility services to the two (2) lots are separate and wholly contained within the particular lot being served.

In addition, it is recommended that Council approve the proposed garage siting plans [Drawing No. T00268\_DA1] submitted as part of the applicant's [Lester Franks] application on the 23<sup>rd</sup> June, 2011.

4. REQUEST TO EXTEND THE DEVELOPMENT APPROVAL CURRENCY PERIOD – D. DREDGE.  
Consideration of Report to Council from Town Planning & Development Officer dated 17<sup>th</sup> August, 2011 regarding a request from Mr. D. Dredge to extend the development approval current period for reconfiguration of land (subdivision) into 3 lots of Lot 14 on SP162495 at 136 Beatts Road, Allingham.  
(066/0206)

Resolved – That an extension of time for two (2) years until the 10<sup>th</sup> September, 2013 in which to complete the proposed reconfiguration be granted and the applicant be advised that no further extensions will be granted.

5. SITING RELAXATION APPLICATION – 1 MISTLETOE STREET, ALLINGHAM.

Consideration of a Report to Council from Infrastructure Engineer dated 15<sup>th</sup> August, 2011 in relation to a Siting Relaxation Application received from Mr. K. Cockburn for a proposed shed at 1 Mistletoe Street, Allingham.

Resolved – That Council approve the Siting Relaxation Application submitted by Mr. Kevin Cockburn for a proposed shed at 1 Mistletoe Street, Allingham [Lot 1 on RP737158] on the grounds that the proposed structure is expected to facilitate appropriate streetscape and unlikely to impact on the outlook and views of neighbouring and adjoining residents.

*That all of the recommendations contained in Operational Action 2.1 - Economy (2.5.2. to 2.5.5.) be adopted. (Crs. Molachino and Kaurila – 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.  
(Crs. Gianotti and Lynch - Carried)

*Cr. D.M. Bosworth raised a potential Material Personal Interest in Item 2.6.2. and left the meeting and did not participate in the discussions or resolution thereon.*

2. DEPARTMENT OF LOCAL GOVERNMENT & PLANNING, Brisbane, 26<sup>th</sup> July, 2011, forwarding Building Newsflash number 474 - Early adoption of Standard for Construction of Buildings in Flood Hazard Areas from the Building Codes Queensland Division of the Department. The Newsflash seeks comments on the early adoption of the Australian Building Codes Board's draft national Standard for Construction of Buildings in Flood Hazard Areas in Queensland by Thursday 25<sup>th</sup> August, 2011.

Further consideration was given to a Report to Council from Manager Engineering Services dated 17<sup>th</sup> August, 2011 regarding the Draft Standard.

Resolved – That Council advise the Department of Infrastructure & Planning that it supports the introduction of the Draft Standard and additionally it already has the recommended measure relating to flood hazard area designation and restrictions on minimum floor levels in place via its Planning Scheme.

That Council express concerns regarding the proposal to require enclosed non-habitable rooms to be no more than 1 metre below the flood level. Adopting this proposal would impact severely in our Shire.

(Crs. Kaurila and Molachino - Carried)

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

3. HALIFAX BAY RECREATION & LIFESTYLE ASSOCIATION INCORPORATED, Ingham, 7<sup>th</sup> March, 2011 (received 1<sup>st</sup> June, 2011), seeking information from Council regarding the Recreational Reserve in the Halifax Bay region namely under Lot 545 on Crown Plan CWL666 and requesting copy of the By-Laws that govern the Recreational Reserve. Advising that the Association is extremely concerned at the manner in which it appears that the State Government intends to "lock up" the Reserve and surrounding land and the impacts that this will have on their way of life in North Queensland. Also advising that they would be interested in ascertaining Council's attitude to their Association possibly taking on a Lease or Permit to Occupy from the Council which appears to be allowable from details published on the Department of Environment & Resource Management's (DERM) website. The Association is planning on arranging a clean up of a derelict hut on Palm Creek which has not been used for many years and is in a bad state of repair. Requesting Council's assistance by way of waiving waste transfer fees as the rubbish includes corrugated iron, timber, glass bottles and aluminium cans. (077/0008)

HALIFAX BAY RECREATION & LIFESTYLE ASSOCIATION INCORPORATED, Ingham, 23<sup>rd</sup> March, 2011 (received 1<sup>st</sup> June, 2011), advising that they are aware that the Halifax Bay region was registered on the Department of Environment & Resource Management's (DERM) records as National Park on the 6<sup>th</sup> December, 2011, a month prior to the only public meeting held with DERM officials in relation to this issue. Forwarding copies of correspondence sent by the Association to the Premier Anna Bligh and Minister Kate Jones on the 7<sup>th</sup> March, 2011 and further advising they arranged a meeting with Minister Craig Wallace on the 18<sup>th</sup> March 2011 where the Minister indicated that he was prepared to meet with Minister Jones and take to her a proposal that the huts in the Recreational Reserve be offered Permits to Occupy and that huts in the Unallocated State Land and in the National Park be given permission to relocate the huts to the Recreational Reserve and also be offered Permits to Occupy. Advising Council that whilst this is a significant step forward for the Association, it only assists them in one of their objectives as the wider community uses this area for a wide variety of recreational purposes, including fishing, hunting, motorbike riding, camping and use of the existing huts. Most, if not all of these uses are inconsistent with National Parks regulations. Seeking Council's formal support to a proposal that the Association intends to take to the Government, that the Halifax Bay region, including the National Park and Unallocated State Land, be converted to a Recreation Reserve under the control of Council. Also forwarding a copy of their letter to Minister Wallace dated 21<sup>st</sup> March, 2011. (077/0008)

HALIFAX BAY RECREATION & LIFESTYLE ASSOCIATION INCORPORATED, Ingham, 30<sup>th</sup> March, 2011 (received 1<sup>st</sup> June, 2011), further advising that they understand that DERM may have recently contacted Council in relation to the Halifax Bay region and they would appreciate receiving information as to any recent developments. Also requesting that representatives of the Association be included in any discussions held between Council and DERM that are relevant to this area and to their objectives. (077/0008)

HALIFAX BAY RECREATION & LIFESTYLE ASSOCIATION INCORPORATED, Ingham, 16<sup>th</sup> August, 2011, seeking Council's formal support to the Association's proposal that the Queensland Government reverse the declaration of the Halifax Bay Wetlands National Park and that they declare the area a Recreational Reserve under the control of Council. Urging Council to vote in favour of supporting the Association's proposal as they believe if Council has control of the area, then the limited number of huts in the area could then be issues with permits to occupy and Council could levy rates on the hut owners. Council may then also seek to levy camping fees to raise revenue which could be used to maintain the Reserve. A further benefit to Council in their view is that the users of the area will be more inclined to take pride in the area and keep it clean and report any misuse of the area. The Association members have adopted a code of conduct which in part includes these values. Further advising they have launched a Petition with the support of Local Member Andrew Cripps which is being distributed throughout the district in hard copy and also online. (077/0008)

Further consideration was given to a Report to Council from Manager Engineering Services dated 18<sup>th</sup> August, 2011 regarding the Association's request to Council to support their endeavours on the basis that the proposed change in tenure would allow the continued free access to the Coastal Reserves, of which Council is currently Trustee of.

Resolved – That the Association be advised of Council's process in relation to the waiving of waste transfer fees for rubbish post Cyclone Yasi.  
(Crs. Lynch and Bosworth - Carried)

That in relation to the relocation of the beach huts, Council would consider their request but requires further information and joint discussions with the Department of Environment & Resource Management and the Association as to how that might happen and the process.  
(Crs. Bosworth and Molachino - Carried)

That Council supports the Association and that we would strongly recommend that they be a part of any further discussions in relation to the future of the huts and the Halifax Bay Reserve.  
(Crs. Bosworth and Molachino - Carried)

That Council supports the initiatives of the Association and reiterates its earlier objection to the gazettal on the basis of allowing free access to the Reserve of which Council is Trustee.  
(Crs. Kaurila and Lynch - Carried)

4. FORREST BEACH PROGRESS ASSOCIATION INC., Allingham, 10<sup>th</sup> August, 2011, requesting Council to illuminate the *Welcome to Forrest Beach* sign as they have noticed how spectacular the *Welcome to Ingham* looks at night. Also requesting Council to remove the old welcome sign situated near 80 Leichhardt Street, Allingham which was to be removed when the new sign was installed. (079/0128)

Resolved – That Council decline the request for illuminating the *Welcome to Forrest Beach* sign as it would be cost prohibitive and that Council remove the old welcome sign as requested.

(Crs. Gianotti and Kaurila - Carried)

5. MT. FOX MAINTAINED ROADS.  
Consideration was given to a Report to Council from Manager Engineering Services dated 18<sup>th</sup> August, 2011 seeking Council's direction in relation to including a section of Grant's Road and Bloodwood Road at Mt. Fox to Council's Road Register.

Resolved – That the section of Grant's Road (from Chainage 0 to 540) and Bloodwood Road (from Chainage 0 to 720) be added to the Hinchinbrook Shire Council Road Register.

(Crs. Molachino and Kaurila - Carried)

6. D. VIPEN, Halifax, received 11<sup>th</sup> July, 2011, advising he has undertaken a survey asking the question "*Should the Mona Boat Ramp be upgraded*" in support of the upgrade of the Mona Boat Ramp and further advising that he believes such an upgrade would put an end to the uncertainty of the boat ramp and solve all of the ongoing problems. (042/0013)

Resolved – That the survey be received and no action be taken.

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

7. COMMUNITY, ECONOMIC, INFRASTRUCTURE AND ENVIRONMENTAL RECOVERY AND RECONSTRUCTION PLAN FOR TROPICAL CYCLONE YASI.

Consideration of Community, Economic, Infrastructure and Environmental Recovery and Reconstruction Plan for Tropical Cyclone Yasi.

*Environmental Health Technical Officer and Local Laws Technical Officer entered the meeting at 12.41 p.m.*

Resolved – That the Draft Plan be adopted with thanks to the staff subject to suggested amendments.

(Crs. Kaurila and Bosworth – Carried unanimously)

*The meeting adjourned at 1.00 p.m. for lunch and resumed at 2.09 p.m. Cr. Bosworth was not present when the meeting resumed.*

*Environmental Health Technical Officer and Local Laws Technical Officer were present when the meeting resumed.*

7. OPERATIONAL ACTION 4.0 - GOVERNANCE

1. CONTINUATION OF PROCESS OF MAKING NEW LOCAL LAWS.

Consideration of Report to Council from Environmental Health Technical Officer dated 11<sup>th</sup> August, 2011 seeking Council's recognition of advice received by Council from Council Officers regarding amendments requested by relevant government entities at the first State Interest Check Stage of the Process of Making New Local Laws, and delegating to the Chief Executive Officer power to decide how the public interest testing of the proposed Local Laws and Subordinate Local Laws should be undertaken.

Resolved – That Council hereby resolves –

- To note the results of the consultation with relevant government entities about the overall State interest in the proposed "other" local laws of Council; and
- To approve the details of how Council officers propose to address the issues raised by the relevant government entities; and

- To amend Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011 as follows—
    - (i) footnote 2, 'Land Regulation 1995'— omit, insert— 'Land Regulation 2009';
    - (ii) section 11 — omit, insert —
      - '11 Compliance notice about a road or footpath crossing
      - (1) The local government may give a compliance notice to a person who is the owner or occupier of land adjoining or adjacent to a road to do 1 or more of the following—
        - perform work on the land or the road;
        - construct a vehicle crossing to provide vehicular access between the land and the road to a standard specified by the local government in the compliance notice;
        - maintain or repair a vehicle crossing which provides vehicular access between the land and the road to a standard specified by the local government in the compliance notice if, in the opinion of an authorised person, the vehicle crossing—
          - is not effective for its intended purpose; or
          - is causing a nuisance or poses a risk of a nuisance; or
          - constitutes an actual or potential safety hazard;
        - alter a vehicle crossing, or construct a new or modified vehicle crossing between the land and the road to a standard specified by the local government in the compliance notice if, in the opinion of an authorised person, the vehicle crossing is no longer adequate having regard to—
          - the volume or nature of traffic using the vehicle crossing; or
          - the manner in which the vehicle crossing is used by traffic; or
          - changes in the use of the land to which the vehicle crossing provides access; or
          - changes in the usual or expected standard of vehicle crossing provision in the relevant locality.
      - (2) However, a compliance notice may only be given under subsection (1)(a) or (b) if the work to be carried out is required as a direct result of the intentional act or negligence of the person and, in the opinion of an authorised person, the work should be performed to—
        - protect public health, safety or amenity; or
        - prevent environmental harm or environmental nuisance; or
        - prevent interference with the safe movement of traffic or the safe use of a road.'
- To amend Local Law No. 7 (Aerodromes) 2011 as follows—
  - (i) section 9(1)(a), 'building or other structure,'— omit.

Council hereby resolves, pursuant to section 257 of the Local Government Act 2009 ("the Act"), to delegate to the Chief Executive Officer of Council its powers under section 38 of the Act and section 18 of the Local Government (Operations) Regulation 2010 to decide —

1. how the public interest test of each local law and subordinate local law particularised in the schedule is to be conducted; and
2. the matters with which the public interest test report in relation to each local law and subordinate local law particularised in the schedule must deal; and
3. the consultation process for the public interest test and how the process is to be used in the public interest test.

#### SCHEDULE

- Local Law No. 1 (Administration) 2011 and each subordinate local law made under the local law which contains a possible anti-competitive provision;
- Local Law No. 2 (Animal Management) 2011 and each subordinate local law made under the local law which contains a possible anti-competitive provision;
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- Local Law No. 3 (Community and Environmental Management) 2011 and each subordinate local law made under the local law which contains a possible anti-competitive provision;
- Local Law No. 6 (Bathing Reserves) and each subordinate local law made under the local law made under the local law which contains a possible anti-competitive provision.

*(Crs. Kaurila and Gianotti – Carried unanimously)*

*Environmental Health Technical Officer and Local Laws Technical Officer left the meeting.*

*Manager Engineering Services entered the meeting.*

2. LOCAL GOVERNMENT REMUNERATION & DISCIPLINE TRIBUNAL, Brisbane, 25<sup>th</sup> July, 2011, advising in relation to the Tribunal's requirement to determine by 1<sup>st</sup> December, 2011 the remuneration to be paid in the following calendar year to Mayors, Deputy Mayors and Councillors for all Council (except Brisbane City Council) that the Tribunal has decided to conduct a complete review of the categories of Local Governments as well as the categories to which each Council is assigned. The Tribunal offers the opportunity for Councils and Councilors, including Mayors and Deputy Mayors, to raise matters with the Tribunal that they would like them to give special consideration to when making its annual determination. Inviting representatives from Local Governments, interested parties and the public to make written submissions to the Tribunal by 5pm on Friday 2<sup>nd</sup> September, 2011. Councillors are also invited to attend a deputation with the Tribunal at the Local Government Association of Queensland's 2011 Annual Conference at the Gold Coast on Wednesday 5<sup>th</sup> October, 2011. Appointments can be arranged by emailing the Tribunal or telephoning the Secretariat.(004/0004)

Further consideration was given to a Report to Council from Chief Executive Officer dated 17<sup>th</sup> August, 2011 regarding Council's submission to the Tribunal.

Resolved – That Council advise the Tribunal that it believes that we are appropriately classified as a Category 3 Council for remuneration purposes.

*(Crs. Gianotti and Molachino – Carried unanimously)*

#### MISCELLANEOUS CORRESPONDENCE

1. ANDREW CRIPPS MP, MEMBER FOR HINCHINBROOK, Ingham, received 3<sup>rd</sup> August, 2011, forwarding copy of his letter dated 31<sup>st</sup> July, 2011 to The Hon. Craig Wallace MP, Minister for Main Roads, Fisheries & Marine Infrastructure regarding the boat ramp at Forrest Beach and requesting that the State Government provide \$3.8 million for the upgrade of the boat ramp as a great deal of effort has been put into determining the best option for the upgrade of this facility and the time has come to commit to the upgrade as the Forrest Beach community deserves it. (042/0017)
2. AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION, Deakin, 3<sup>rd</sup> August, 2011, thanking the Mayor for his letter of the 4<sup>th</sup> July, 2011 concerning Woolworths' service stations and their lack of compliance with basic town planning requirements regarding the provision of public toilets and advising that the Chief Executive, Mr. Adrian Beresford-Wyllie has relayed Council's concerns to Woolworth's CEO, Mr. Grant O'Brien and awaits their response. Forwarding copy of their letter to Woolworths. (007/0003)
3. HON. VICKY DARLING, MINISTER FOR ENVIRONMENT, Brisbane, 4<sup>th</sup> August, 2011, updating Council on the substantial reforms Queensland is undertaking to cut in half the amount of waste going to landfill by 2020. A levy on industry and business waste disposed to landfill will provide funding through the Waste Avoidance and Resource Efficiency Fund, to help business, industry and local government reduce their waste footprint. The levy will commence on the 1<sup>st</sup> December, 2011 and Council's area is located within the levy zone. Assuring Council that assistance is available through the Department of Environment & Resource Management to help Council prepare for these reforms. Advising that LGAQ are running information sessions in August, 2011 and encouraging Council to attend one of these sessions to gain a more comprehensive understanding of the levy and new legislation. (048/0012)

4. CATH MEHARRY, Townsville, 5<sup>th</sup> August, 2011, advising she recently adjudicated the Visual Art Section of the Ingham Arts Festival and the standard of work was of an exceptionally high standard and she gives full credit to the young artists and their dedicated teachers. She was also doubly excited to view the works displayed in the beautiful new Gallery and it is to the community's credit that the students work was regarded as "worthy" to be exhibited in a "real" Gallery. Further advising that she believes that this encourages the young people in our community to participate in the Visual Art section as they will have the opportunity to see their work showcased in a professional, state of the art Gallery which can only lead to higher standards of work and perhaps another "John Coburn" in the future. Congratulating the people in our community on giving the young people in Ingham the opportunity to be part of these wonderful, grand new facilities. Well done Ingham. (079/0164)
5. INGHAM STATE SCHOOL, Ingham, 29<sup>th</sup> July, 2011, forwarding Certificate of Appreciation to Council in recognition of valuable contributions for *Tree Planting Day* at the School.(600/0185)
6. FORREST BEACH PROGRESS ASSOCIATION INC., Allingham, 10<sup>th</sup> August, 2011, expressing their appreciation to Council for the upgrade of the playground in Corbett Park and also Progress Park. The new playground has been very popular with the children, user numbers have increased greatly and requesting that Council convey their appreciation to the Council workforce. (079/0128)
7. NATIONAL SERVICEMEN'S ASSOCIATION OF AUSTRALIA (QLD) INC. TOWNSVILLE & DISTRICT BRANCH, Vincent, 16<sup>th</sup> August, 2011, thanking Council for its financial support of \$250 for the National Servicemen's 60<sup>th</sup> Anniversary Reunion and advising that whilst they appreciate the offer, they unfortunately are unable to accept. (012/0002)

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

8. OPERATIONAL ACTION 1.0 - COMMUNITY

1. INGHAM STATE HIGH SCHOOL, Ingham, 18<sup>th</sup> August, 2011, advising that the School is preparing for "The Great Aussie Summer" Alcohol & Drug Awareness event at the Knightclub on the 7<sup>th</sup> September, 2011 for the Year 9 students and their parents / carers on issues involving underage drinking and other drugs. Students will present to their parents / carers information they have learned throughout the program. Requesting Council to provide their support this year by paying for the laundering costs of cloth tablecloths borrowed from the Australian Italian Festival Association. (012/0002)

Resolved – That Council provide a donation of \$200 (excl. GST) to the Ingham State High School towards "The Great Aussie Summer" Alcohol & Drug Awareness event.  
(Crs. Kaurila and Molachino – Carried unanimously)

9. OPERATIONAL ACTION 2.0 - ECONOMY

1. REQUEST TO EXTEND THE DEVELOPMENT APPROVAL CURRENCY PERIOD – L.J. SPROATS. Consideration of Report to Council from Town Planning & Development Officer dated 19<sup>th</sup> August, 2011 regarding a request from Mr. L.J. Sproats to extend the development approval currency period for reconfiguration of land (rearrangement of boundaries) between Lots 23, 24, 25, 34, 35 and 36 on RP703720 at 5-9 Warren Street, Ingham. (066/0205)

Resolved – That an extension of time for two (2) years until the 21<sup>st</sup> August, 2013 in which to complete the proposed reconfiguration be granted and the applicant be advised that no further extensions will be granted.  
(Crs. Gianotti and Molachino - Carried)

CLOSED MEETING – That pursuant to Chapter 5 Part 2 Division 3 Section 72 (1) (f) of the *Local Government (Operations) Regulation 2010*, Council resolve to go into Closed Meeting to discuss Item 2.9.2. as it is a legal matter.  
(Crs. Kaurila and Gianotti – Carried unanimously)

*Town Planning & Development Officer entered the meeting.*

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

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

2. BARRY JAMES BOSWORTH Vs HINCHINBROOK SHIRE COUNCIL AND CHIEF EXECUTIVE, DEPARTMENT OF TRANSPORT & MAIN ROADS.

Consideration of advice from Mr. Bernie Messer of Roberts Nehmer McKee Lawyers dated 19<sup>th</sup> August, 2011 forwarding Draft Order from Wilson Ryan & Grose Lawyers (acting on behalf the Appellant: Bosworth), which will be before the Court on Monday 22<sup>nd</sup> August, 2011. Previous Council resolutions relating to the Bosworth's Appeal provided Council Officers with the basis for making an executive decision and forwarding the following instructions for Bernie Messer:-

*"Council agrees with the provisions of the Draft Order, with the exception of provisions 3 & 5 which read as follows:-*

*That the court is satisfied... (3) the outcome of the appeal would not be affected if the development the subject of the application is started before the appeal is decided; and*

*Development be allowed to proceed... (5) "The appellant be allowed to proceed with the development the subject of the application before the appeal is decided." 058/0266*

Manager Corporate & Economic Development entered the meeting.

Resolved - That Council endorse the actions of the Chief Executive Officer to agree with the Draft Order at Court proceedings on Monday 22<sup>nd</sup> August, 2011 with the exception of provisions 3 & 5 which read as follows:-

*That the court is satisfied... (3) the outcome of the appeal would not be affected if the development the subject of the application is started before the appeal is decided; and*

*Development be allowed to proceed... (5) "The appellant be allowed to proceed with the development the subject of the application before the appeal is decided.*

*(Crs. Gianotti and Kaurila – Carried)*

Town Planning & Development Officer left the meeting.

Cr. Bosworth returned to the meeting at 2.51 p.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 2.9.3. as it is a town planning matter.  
(Crs. Lynch and Kaurila – Carried)

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

Finance Manager and Manager Corporate & Economic Development entered the meeting.

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

3. OPERATIONAL WORKS: FILLING OF LAND AT 15 ACACIA STREET, ALLINGHAM (LOTS 405 AND 416 on A7741) FOR MJM CONSTRUCTIONS.

Consideration of Report to Council from Manager Engineering Services dated 22<sup>nd</sup> August, 2011 seeking Council's direction in relation to an acceptable amount and layout of filling in relation to filling of land at 15 Acacia Street, Allingham (Lots 405 and 416 on A7741).

Resolved – That Council direct the Manager Engineering Services that the amount and layout of filling and drainage issue in this instance is not acceptable from an amenity and operational perspective.

*(Crs. Gianotti and Kaurila - Carried)*

4. BUILDING WORK ASSESSABLE AGAINST THE BUILDING ACT: QUEENSLAND HERITAGE PLACE.  
Consideration of Report to Council from Town Planning & Development Officer dated 23<sup>rd</sup> August, 2011 regarding an application from Mr. Hugh Markwell seeking a development permit for Building Work on property situated at 5 Lynch Street, Ingham which a *Queensland Heritage Place* known as "The Japanese House". (058/0331)

*Cr. D.M. Bosworth left the meeting at 3.27 p.m.*

Resolved– That approval is granted for the proposed Building Works assessable against the Building Act, subject to the following proposed conditions:

- (a) that the applicant must comply with the eight (8) conditions provided in the Department of Environment and Resource Management Concurrence Agency Response (Reference: 369617: 602193:SPHP02530211 dated 19<sup>th</sup> August, 2011)  
*(Crs. Gianotti and Lynch - Carried)*

3. CONCLUSION – This concluded the business of the meeting which closed at 3.28 p.m.

4. APPROVED and adopted this 6<sup>th</sup> day of September, 2011.

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DEPUTY MAYOR