



**HINCHINBROOK
SHIRE COUNCIL**

MINUTES OF THE GENERAL MEETING
OF THE
HINCHINBROOK SHIRE COUNCIL

HELD IN THE COUNCIL CHAMBERS,
INGHAM ON
TUESDAY 20TH SEPTEMBER, 2011
AT 9.40 A.M.

ATTENDANCE

- Present were Councillors G. Giandomenico, 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), Finance Manager (C.J. Trost) and Executive Secretary (B.K. Edwards).

PRAYER

- The Mayor opened the meeting with prayer.

1. MINUTES

- Resolved that the Minutes of the General Meeting held on the 6th September, 2011 be approved as a correct record of proceedings and be signed by the Mayor.
(Crs. Lancini and Kaurila – Carried)

2. BUSINESS -

1. CEO REPORT OF COUNCILLOR REQUESTS

Consideration of CEO Report of Councillor Requests for the period 1st September, 2011 to 14th September, 2011.

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

2. OPERATIONAL ACTION 1.0 - COMMUNITY

1. HIRE OF TYTO CONFERENCE CENTRE

Consideration of Report to Council from Customer & Corporate Services Officer dated 6th September, 2011 regarding suggestions and feedback provided by Geoff and Natalie Casanovas following their hire of the TYTO Conference Centre for their Wedding in June, 2011.

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

Cr. Geoffrey Gianotti declared a Material Personal Interest in Item 2.2.2. as he is a member of the Ingham Tennis Association and left the meeting and did not participate in the discussions or resolution thereon.

2. INGHAM TENNIS ASSOCIATION INC., Ingham, 29th August, 2011, seeking Council's approval in principle as landowners of the land, for the Association to build a Foundation Hitting Wall at the tennis courts to meet all building standards of Council and other regulatory bodies. The project (if approved) would be funded through an "Adopt a Brick" promotion involving past and present members, interested individuals, businesses and / or groups willing to purchase a brick to go into the wall. The proposed site for the wall is the eastern entrance of the Club, outside of their fenced walkway behind the grandstands with a cement base extending a good part of 3 to 4 metres from the wall. The Foundation Wall will celebrate 65 years of tennis in the Shire and take 2 years to complete. Further advising that the Committee has made many improvements to the facility over the past 5 years having recently refurbished both the tennis hall which can now be hired for multipurpose use (\$40,000) and the 1977 grandstands (\$18,000). Since Cyclone Yasi, Tennis Queensland and the Queensland State Government have provided a substantial grant to the Club to reconstruct courts 6 and 7 and renovate courts 13 and 14. The facility attracts many players and supporters to Ingham every year and in July this year, 156 tennis players and supporters attended the "Lees Motel" Ingham Open. (044/0013)

Resolved – That Council approve the Foundation Hitting Wall in principle subject to a building permit being obtained.

(Crs. Kaurila and Bosworth – Carried)

Cr. Geoffrey Gianotti returned to the meeting.

3. 2004 OLYMPIC MEMORABILIA.
Consideration of distribution of the following Olympic Community Fundraising Pack items purchased by Council in 2006 for the North Queensland Sportstar Awards held in Ingham in 2007.
- Fancy Polo Men's signed by Ryan Bayley (Cycling Dual Gold Medalist);
 - Women's Dri Fit Delegation "T" signed by Jodie Henry (Swimming Triple Gold Medalist);
 - Unisex Rain Jacket signed by Anna Meares (Cycling Gold Medalist);
 - Men's Medal Stand Shorts signed by Cling Robinson (Four time Olympian and Kayaking Gold Medalist);
 - Women's Dri Fit Delegation Tank signed by Jessicah Schipper (Swimming Gold Medalist and World Champion);
 - Men's Travel Polo Blue signed by Robert and Chantelle Newbery (Diving Silver and Gold Medalists); and
 - Men's "V" Neck White and Green signed by Nicholas Sprenger (Swimming Silver Medalist).

Resolved – That Council invite all sporting and charity organisations to apply in writing for 2004 Olympic memorabilia and a decision will be forthcoming at the 22nd November, 2011 General Meeting.

(Crs. Bosworth and Molachino – Carried)

Works Engineer, D. Di Prima entered the meeting at 9.50 a.m.

3. WORKS REPORT

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

Resolved – That the Report be received and noted.

(Crs. Gianotti and Lancini – Carried unanimously)

Works Engineer left the meeting at 10.12 a.m.

The meeting adjourned at 10.13 a.m. for morning tea and resumed at 10.30 a.m.

4. REPORT ON INSTRUCTION SHEET ITEMS – NON-PROGRESSION

Consideration was given to a Report of those separately identified actions in the Instruction Sheets which have not progressed for some considerable time.

Resolved – That changes be made for the following items:-

Items 1, 5, 6, 8, 9 and 11 – to be retained.

Item 2 – That Council liaise with Ergon to ascertain the details of their Street Lighting Audit and advise the person who raised this issue of this action and this item be deleted.

Item 3 – That the item be deleted as this area is included in the ongoing Foreshore Management Plan.

Item 4 – That the item be deleted and the issue of a pedestrian refuge in Mcllwraith Street be considered in future connectivity projects to the TYTO Precinct.

Item 7 – That the item be deleted and the issue of drainage easements be incorporated into the General Drainage Issues Register.

Item 10 – That the item be deleted.

(Crs. Kaurila and Molachino - Carried)

5. FINANCIALS

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

Resolved - That the Report be received and noted.

(Crs. Molachino and Lancini– Carried)

6. INSTRUCTION SHEETS

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

Resolved – That the Report be received and noted.

(Crs. Bosworth and Kaurila - Carried)

7. OPERATIONAL ACTION 1.0 - COMMUNITY

1. COMMUNITY PLAN.

Consideration of proposed community engagement process and content developed by Balfour Consulting and establishment of Council Committee to deliver the project.

Resolved – That the matter lay on the table.

(Crs. Lynch and Kaurila – Carried)

8. OPERATIONAL ACTION 2.0 - ECONOMY

1. DEPARTMENT OF ENVIRONMENT & RESOURCE MANAGEMENT, Townsville, 29th August, 2011, advising Council that it requires another extension of time to the Department's offer for Council to purchase part of Lot 391 on L4696 (Ogg Street, Lucinda) or alternatively that Council advise the Department of its acceptance or non-acceptance of their offer for Council to purchase the land by the 1st November, 2011. (017/0013)

Resolved – That Council advise the Department that it cannot accept their offer at this stage and that it intends to further investigate the Native Title implications associated with the land dealing and once this has been finalised, will again consider making an application to the Department to acquire the land and develop it for subdivision purposes.

(Crs. Gianotti and Molachino – Carried)

2. DEPARTMENT OF ENVIRONMENT & RESOURCE MANAGEMENT, Townsville, 7th September, 2011, seeking Council's views and / or requirements in relation to an application received by the Department for partial Surrender of Road Licence 24/8337 described as Lot 1 on Crown Plan RL8337. Proposed use of the land is cane farming. (077/0001)

Resolved – That Council advise the Department that it has no objection to the partial Surrender of Road Licence 24/8337 described as Lot 1 on Crown Plan RL8337 and has no requirements.

(Crs. Lynch and Molachino - Carried)

3. REQUEST TO CHANGE OR EXTEND AN EXISTING APPROVAL – DEVELOPMENT APPLICATION FOR RECONFIGURING A LOT – LESTER FRANKS FOR AND ON BEHALF OF MR. SALVATORE SPINA – STALLAN'S LANE, TREBONNE – LOT 7 ON RP720583.

Consideration of Report to Council from Infrastructure Engineer dated 12th September, 2011 regarding a request received from Lester Franks for and on behalf of Mr. Salvatore Spina to change or extend an existing approval for a proposed reconfiguration of Lot 7 on RP720583. (065/0033)

Resolved – That Council approve the Request to Change or Extend and Existing Approval (for *Reconfiguring a Lot at Stallan's Lane, Trebonne – Lot 7 on RP720583*) of Lester Franks for and on behalf of Mr. Salvatore Spina, as per application dated the 25th August, 2011, with the following additional condition:-

- Spina Road and Frazer Road to be constructed to Hinchinbrook Shire Council's rural standards.

(Crs. Kaurila and Molachino – Carried)

4. LESTER FRANKS, Ingham, 25th August, 2011, on behalf of *Mr. Salvatore Spina* seeking approval of the proposed Reconfiguring a Lot – Creation of two (2) Access Easements over Lot 7 on RP720583 (proposed Lot 10 on SP248037), and Lot 6 on SP165789 at Stallan's Lane, Trebonne. Land is zoned *Rural*. (065/0147)

Further consideration was given to an Engineering Planning Report dated 12th September, 2011 from Infrastructure Engineer regarding the application.

Resolved – That the Development Application of Lester Franks for and on behalf of Mr. Salvatore Spina for *Reconfiguring a Lot - Creation of two (2) Access Easements over Lot 7 on RP720583 (proposed Lot 10 on SP248037), and Lot 6 on SP165789* be approved subject to the following conditions:-

- (a) The development being as per the proposal plan (Proposed Access EMTS A & C - Drawing No. T00260-05) submitted with the Development Application; and
- (b) Provision of a constructed access to Council Standard (or demonstrated that a suitable construction exists) at the entrance of the access easement.

(Crs. Molachino and Kaurila - Carried)

5. REQUEST TO EXTEND THE DEVELOPMENT APPROVAL CURRENCY PERIOD – A. & S. PUGLISI & S. PIOTTO – SUBDIVISION OF ONE (1) LOT INTO TWO (2) LOTS – FOREST HOME ROAD, INGHAM – LOT 1 ON RP897188.

Consideration of a Report to Council from Acting Town Planning and Development Officer dated 15th September, 2011, regarding an application from Mr. A. Puglisi, Mr. S. Puglisi and Mrs. S. Piotto to extend development approval currency period by a further two years to 25th November, 2013. (066/0046)

Resolved – That Council refuse the request to extend the existing approval on the grounds that Town Planning Development Conditions have changed considerably since the original approval in 1999.

(Crs. Lynch and Gianotti - Carried)

6. REQUEST TO EXTEND THE DEVELOPMENT APPROVAL CURRENCY PERIOD – J. WOODS – SUBDIVISION OF ONE (1) LOT INTO TWO (2) LOTS – 32 EDDLESTON DRIVE, CORDELIA - LOT 1 ON RP735214.

Consideration of a Report to Council from Acting Town Planning and Development Officer dated 15th September, 2011, regarding an application from Mr. J. Woods to extend development approval currency period by a further two years to 29th October, 2013. (066/0203)

Resolved – That Council approve the request to change the existing approval subject to the following recommendations:-

- (i) That an extension of time for two (2) years until the 29th October, 2013 in which to complete the proposed reconfiguration of land be granted and the applicant be advised that no further extensions will be granted.

(Crs. Kaurila and Lancini – Carried)

7. LESTER FRANKS, Ingham, 22nd August, 2011, on behalf of *Mr. John Peebles* seeking approval of the proposed Reconfiguration - Rearrangement of Boundaries and Creation of an Access Easement over Lots 1 and 2 on RP735015 and Lot 3 on RP883348 at Townsville Road and Scovazzi's Road, Toobanna. Land is zoned *Village*. (065/0146)

Further consideration was given to an Engineering Planning Report dated 15th September, 2011 from Manager Engineering Services regarding the application.

Resolved – That the Development Application of Lester Franks for and on behalf of Mr. John Peebles for a Reconfiguration of Land to create Lot 4 with access to Scovazzi's Road and access easement 10m wide for balance land over Lot 3 on RP883348 be approved subject to the following condition:-

- (a) That the approved Reconfiguration of Land (boundary realignment and access easement creation) is as per Lester Frank's plan (Drawing No. T00380_P01), submitted with the application on the 9th August, 2011.

(Crs. Lancini and Molachino – Carried)

8. DEVELOPMENT APPLICATION FOR RECONFIGURING A LOT – MINOR CHANGE TO PROPOSED REARRANGEMENT OF BOUNDARIES – MR. LAWRENCE JOSEPH SPROATS – NOORLA HERITAGE RESORT – 5-9 WARREN STREET, INGHAM – LOT 23, 24, 25, 34, 35 AND 36 on RP703720.

Consideration of Report to Council from Manager Engineering Services dated 15th September, 2011 in relation to a request by Mr. Lawrence Joseph Sproats for a minor change to proposed Rearrangement of Boundaries at the Noorla Heritage Resort, 5-9 Warren Street, Ingham.

Resolved – That consideration be deferred to the General Meeting on the 11th October, 2011 pending receipt of further information.

(Crs. Molachino and Kaurila – Carried)

9. SITING RELAXATION APPLICATION – 111 SACH'S LANE, INGHAM.

Consideration of Report to Council from Infrastructure Engineer dated 12th September, 2011 in relation to a Siting Relaxation Application lodged by Stronger Foundations Pty. Ltd. for a proposed re-roof of an existing shed at 111 Sach's Lane, Ingham.

Resolved – That Council approve the Siting Relaxation Application for Stronger Foundation Pty. Ltd. on the grounds that the existing structure is unlikely to impact on light and ventilation due to the structure size and current location and furthermore, unlikely to adversely impact on the amenity and privacy of residents on adjoining lots.

(Crs. Gianotti and Lancini – Carried)

9. OPERATIONAL ACTION 3.0 - ENVIRONMENT

1. HSC 11/92 – ANNUAL SUPPLY & / OR SUPPLY & DELIVERY OF BITUMEN EMULSION.

Consideration of Report to Council from Works Engineer dated 15th September, 2011 regarding offers received for HSC 11/92 – Annual Supply and / or Supply and Delivery of Bitumen Emulsion.

Resolved – That Council accept the offer from Fulton Hogan Industries Pty. Ltd. for the Supply and / or Supply and Delivery of Bitumen Emulsion.

(Crs. Molachino and Kaurila – Carried)

2. TED & BARBARA STEWART, Halifax, 5th September, 2011, requesting whether Council has plans to replace any of the trees destroyed by Cyclone Yasi as the large Fig Tree which grew on the nature strip at the intersection of Macrossan Street and Mona Road, Halifax, provided privacy and protection from the oncoming traffic and the affects of their headlights to their home at 3 Hoffensetz Street, Halifax. Advising that they believe the position of the tree also assisted in the directional flow of traffic going to Lucinda and Mona Road. Further advising that this intersection can be quite dangerous and because there is no tree or a suitable barrier, cars and trucks now use it as a short cut from one road to the other. Advising that they would support any plan that Council has to address their concerns. (016/0009)

Resolved – That Council refer the traffic issue to the Hinchinbrook Road Safety Advisory Committee.

That Council advise that no replacement tree will be planted in the nature strip.
(Crs. Kaurila and Gianotti – Carried)

Works Engineer, D. Di Prima entered the meeting at 11.55 a.m.

3. REQUEST TO REMOVE GUM TREES AT 1396 HAWKINS CREEK ROAD.
Consideration of Report to Council from Works Engineer dated 15th September, 2011 seeking Council's direction in relation to a request received from Mr. Kevin Kelly of 1396 Hawkins Creek Road, Ingham to remove trees from the Road Reserve adjacent his property as he perceives the trees as being a risk to his property.

Resolved – That the motion lay on the table.
(Crs. Molachino and Kaurila – Carried)

4. 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. Kaurila and Gianotti - Carried)

5. HSC 11/51 - NDRRA REPAIRS TO KIRKWOOD'S ROAD – WITHDRAWAL OF AWARDED CONTRACTOR.
Consideration of Report to Council from Manager Engineering Services dated 15th September, 2011 regarding the withdrawal of the awarded contractor for HSC 11/51 – NDRRA Repairs to Kirkwood's Road.

Resolved – That Council accept the offer of RMS Engineering in the amount of \$195,008 (excl. GST) for HSC 11/51 NDRRA Repairs to Kirkwood's Road, following the withdrawal of Keita Services.
(Crs. Kaurila and Lynch - Carried)

10. OPERATIONAL ACTION 4.0 - GOVERNANCE

1. LOCAL GOVERNMENT GRANTS AND SUBSIDIES PROGRAM 2011 / 2012.
Consideration of Report to Council from Chief Executive Officer dated 13th September, 2011 regarding projects to be submitted under the Local Government Grants and Subsidies Program 2011 / 2012 before the closing date of the 30th September, 2011.

Resolved – That Council submit the following projects under the Local Government Grants and Subsidies Program 2011 / 2012:-

1. Interconnect Forrest Beach and Ingham Water Supply;
2. Design Beach Sewerage Scheme;
3. Rotary Park Upgrade;
4. Yanks Jetty Refurbishment;
5. Foreshore Beautification Projects; and
6. Revegetation Sensitive Habitats.

(Crs. Lynch and Kaurila – Carried)

MISCELLANEOUS CORRESPONDENCE

1. INGHAM BOWLS CLUB INC., Ingham, 26th August, 2011, thanking Council for its sponsorship of the Invitation Fours Bowls Competition which was a success. Council's A3 Sponsorship Banners were displayed, sponsors were publicly thanked by an advertisement placed in the our local paper, and Mr. John Holmes who is a Club Member and TYTO Information Centre volunteer also placed under every lunch plate on both days of the competition, information about Ingham and TYTO which was very well received. At the presentations, sponsors were also asked to come up by the President and Cr. Lawrence Molachino who played in the competition represented Council. (012/0002)
2. CASSOWARY COAST REGIONAL COUNCIL, Innisfail, 30th August, 2011, forwarding copy of the Cassowary Coast Regional Council Local Community, Economic and Environmental Recovery & Reconstruction Plan as endorsed by their Council on 25th August, 2011. (120/0011)
3. LOCAL GOVERNMENT ASSOCIATION OF QUEENSLAND, Fortitude Valley, 31st August, 2011, LGAQ Reform Update - advising times have changed and they have created a whole new local government landscape. To support and represent Councils better, based on feedback gathered through interviews and focus groups, LGAQ is addressing three key needs:-
 - a. Local Government Representation and Engagement;
 - b. Council Performance;
 - c. Community Perceptions and Engagement.

As a result, Council will see a range of smart services and sustainable solutions:-

1. Member Services Centre – an easy to access information hub that will connect you with advice, guidance and support in regards to council performance issues and local government operations.
2. Total Solutions Consulting Service – a broad-based professional services business unit with innovative solutions aimed at helping you improve your business operations;
3. Policy Representation & Engagement Process – a revised model for engaging members to ensure LGAQ achieves you the best policy results.

A State-wide image campaign has also been developed on behalf of Councils to showcase variety and importance of work Councils do, and advising Council to keep an eye on the TV over the next few weeks.

Also advising that they have announced C-CAT, the Coastal Councils Adaptation Taskforce, as the flagship initiative to support coastal councils on the issue of climate change, and are working on some other key initiatives to support Coastal Communities including:-

- Queensland Regionalisation Strategy (QRS) - building prosperity and enhancing liveability in our regions.
- Urban Water Services Project – Local Government Institutional Review Program (UWSP – LGIRP);
- The Roads Alliance – expanding its scope beyond roads;
- Research Project – Factors Impacting Local Government Financial Sustainability.

Further new services will also be rolled out at no cost to members such as an independent ethics advisor, delegations register, grants connect service, media executive assisting councils on request, Councillor Helpdesk (launching September), and 2012 Election Support Package. (007/0096)

4. ANDREW CRIPPS MP. MEMBER FOR HINCHINBROOK, Ingham, received 2nd September, 2011, forwarding copy of letter received from The Hon. Craig Wallace MP, Minister for Main Roads, Fisheries and Marine Infrastructure dated 26th August, 2011 responding to Mr. Cripps' letter dated 31st July, 2011 regarding the boat ramp at Forrest Beach. Explaining that should Council wish to proceed with the proposed works, the Minister would consider transferring ownership of the Forrest Beach boat ramp to Council to enable it to undertake the project. He would then consider a request from Council for partial funding of the boat ramp works in the form of a capital grant. Applications for the provision of new or improved boating facilities and capital grants are submitted to the department by the local managing authority, and encouraging Mr. Cripps to discuss this proposal further with Council. (042/0017)

5. 2011 QUEENSLAND NICKEL VARIETY SPECIAL CHILDREN'S CHRISTMAS PARTY.
Forwarding Client Pass and Certificate of Merit for Council's generous support of the 2011 Queensland Nickel Variety Special Children's Christmas Party to be held on Saturday 5th November, 2011 at the Ryan Community Centre in Kirwan. (600/0185)
6. AUSTRALIAN ITALIAN FESTIVAL ASSOCIATION INC., Ingham, received 6th September, 2011, thanking Council for its generous contribution, assistance and continued support towards the Australian Italian Festival. The 2011 Festival was moved to the TYTO Wetlands Precinct to create a piazza style atmosphere whilst providing ease of access to the local retailers and restaurants. This move proved to be a winner, making this years Festival a definite success and has helped to secure a future home for the Festival. . (079/0027)
7. BARRY BEATTS, Halifax, 4th September, 2011, thanking Council for naming the main gallery room "The John Coburn Room" which is a wonderful acknowledgement of his world standing in the art community and his ties to the Hinchinbrook community. He was always very proud of the fact that he was born in the Ingham district and constantly referred to the north as an inspiration for his artworks. Also thanking Council's Arts and Cultural Officer, Mrs. Wendy Wager for her continuing support for the recognition of John and his position in the art world, as well as Librarian, Ms. Fran Moroney for her efforts as well. (079/0168)
8. TOWNSVILLE ENTERPRISE, Townsville, 7th September, 2011, thanking Council for renewing its membership with Townsville Enterprise and forwarding 2011 Functions Calendar for September to November, 2011; contact numbers for Townsville Enterprise; a list of their Board Members for 2011/2012; and Bronze Membership Certificate for 2011/2012. (079/0033)
9. LOCAL GOVERNMENT ASSOCIATION OF QUEENSLAND, Fortitude Valley, 8th September, 2011, advising that Association will hold its 115th Annual Conference and Annual General Meeting on the Gold Coast from 3rd to 6th October, 2011 with the official conference and meeting proceedings commencing on Tuesday 4th October, 2011. Forwarding an official copy of the Notice of the Annual General Meeting and as specified in the notice, advising councils not attending the AGM that they may appoint a proxy to vote on their behalf at the AGM by completing the proxy form attached. (007/0003)
10. THE HON. KATE ELLIS MP, MINISTER FOR EMPLOYMENT PARTICIPATION, 2nd September, 2011, forwarding Certificate of Appreciation to Council in recognition of its valuable contribution to the success of National Green Jobs Corps.

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

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

1. MEGHAN ALTADONNA.
\$250 (excl. GST) provided to Meghan Altadonna for her selection in Queensland team at National Primary School Track & Field State Championships in Darwin from 15th – 19th September, 2011 which fulfils Council's Support for Achievement Policy guidelines.

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

11. OPERATIONAL ACTION 2.0 - ECONOMY

1. DEPARTMENT OF ENVIRONMENT & RESOURCE MANAGEMENT, Brisbane, 15th September, 2011, seeking Council's opinion by the 30th September, 2011, regarding whether an annual land valuation should be undertaken to be effective on 30th June, 2012. Further advising that under the *Land Valuation Act 2010*, the Valuer-General is required to undertake an statutory annual valuation of all rateable land in Queensland except in unusual circumstances or after consideration of the following:-

- A market survey report of the area which reviews sales of land in the area since the last valuation and the probable impact of the sales on the value of land since the last annual valuation; and

- The results of consultation with the local government for the area, and appropriate local and industry groups. (013/0004)

Resolved - That Council advise the Department that an annual valuation of the Shire should be undertaken by the Department to be effective on 30th June, 2012.

(Crs. Molachino and Lancini – Carried)

2. HON. PAUL LUCAS, DEPUTY PREMIER AND ATTORNEY-GENERAL AND MINISTER FOR LOCAL GOVERNMENT AND SPECIAL MINISTER OF STATE, Brisbane, 15th September, 2011, advising that he is considering exercising the power under Section 425 the *Sustainable Planning Act 2009* to call in the North Queensland Bio Energy Corporation Limited Development Application to become the Assessment Manager until he gives a Decision Notice.

Resolved – That the matter lay on the table.

(Crs. Lynch and Molachino – Carried)

3. DRAFT STATE PLANNING POLICY: PROTECTION OF QUEENSLAND'S STRATEGIC CROPPING LAND.

Consideration of Report to Council from Town Planning Development Officer dated 20th September, 2011 regarding Council's position on the Draft State Planning Policy: Protection of Queensland's Strategic Cropping Land. Comments on the draft close on the 30th September, 2011.

Resolved – That the matter lay on the table.

(Crs. Lynch and Lancini – Carried)

Cr. Lynch declared that his wife is employed by House of Harvey in relation to Item 2.12.1.

12. OPERATIONAL ACTION 3.0 - ENVIRONMENT

1. JK'S DELICATESSEN, Ingham, 29th August, 2011, requesting Council to consider her proposal to have an outdoor dining area in Mercer Lane to be catered for by JK's Deli. The proposal is to place six to eight small tables providing seating for approximately twenty-four people (three chairs per table) along the fencing on the Westpac side of the lane and opposite House of Harvey's display window, and perhaps a couple on the window side further down the laneway. Forwarding copy of letter from Robert Harvey of House of Harvey stating he has no objection to her proposal. Dining tabled will be contained within portable bollards provided by Vittoria Coffee, allowing plenty of room for pedestrian traffic. Also forwarding photographs and drawings of the anticipated layout and further advising that all equipment will be removed when JK's Deli is closed and she will be responsible for the cleanliness of the area. Also advising that she already holds a footpath license from Council and she would be happy to pay an additional fee for the extended outdoor dining if required. Outdoor dining in Mercer Lane offers an ideal opportunity for diners to utilise the facilities constructed by Council and enjoy the North Queensland outdoors in style. She sincerely believes Mercer Lane provides a perfect seating for an outdoor dining service that her proposal can only benefit the local community and support business growth in our Shire. (052/0180)

Environmental Health Officer, P. Ingerson entered the meeting at 1.03 p.m.

Resolved – That Council issue a Special Footpath Dining License (area to be defined by portable bollards) to Karen Venables of JK's Delicatessen for the use of Mercer Lane for outdoor dining totalling \$350 (\$270 application fee and \$80 - 6 monthly fee) subject to review after 6 months.

(Crs. Kaurila and Gianotti – Carried)

Environmental Health Officer left the meeting.

The meeting adjourned at 1.13 p.m. for lunch and resumed at 2.30 p.m.

Town Planning & Development Officer, B. Christie-Johnston entered the meeting at 2.30 p.m.

Works Engineer, D. Di Prima entered the meeting at 2.40 p.m.

13. OPERATIONAL ACTION 3.0 - ENVIRONMENT

1. REQUEST TO REMOVE GUM TREES AT 1396 HAWKINS CREEK ROAD.

Consideration of Report to Council from Works Engineer dated 15th September, 2011 seeking Council's direction in relation to a request received from Mr. Kevin Kelly of 1396 Hawkins Creek Road, Ingham to remove trees from the Road Reserve adjacent his property as he perceives the trees as being a risk to his property.

Resolved – That Council remove those parts of the trees (Tree 1 and Tree 2) identified in the Arborist's Report dated 22nd January, 2010 which are a danger to the house and shed with such work to be charged to Council's Road Maintenance Budget.

That Council formally adopt a policy from hereon in to educate staff and the community about the limits of Council's responsibilities.

(Crs. Kaurila and Lynch – Lost)

That Council advise the applicant that as these trees do not pose an immediate danger to the road or drainage of Hawkins Creek Road, the landowner be advised that if the trees pose a danger to his property that he contact the Department of Environment & Resource Management to organise their removal. In this instance the landowner be provided with a copy of the Arborist's Report to assist in his request to the Department to act on the trees and that a letter of support be provided from Council also.

(Crs. Gianotti and Molachino – Cr. Lynch recorded his vote against the motion)

Works Engineer left the meeting at 3.14 p.m.

14. OPERATIONAL ACTION 1.0 - COMMUNITY

1. COMMUNITY PLAN.

Consideration of proposed community engagement process and content developed by Balfour Consulting and establishment of Council Committee to deliver the project.

Resolved – That Council endorse the community engagement process and return comments to the Chief Executive Officer by the 23rd September, 2011.

(Crs. Kaurila and Lancini – Carried)

15. OPERATIONAL ACTION 2.0 - ECONOMY

1. DRAFT STATE PLANNING POLICY: PROTECTION OF QUEENSLAND'S STRATEGIC CROPPING LAND.

Consideration of Report to Council from Town Planning Development Officer dated 20th September, 2011 regarding Council's position on the Draft State Planning Policy: Protection of Queensland's Strategic Cropping Land. Comments on the draft close on the 30th September, 2011.

Resolved – That Council make a formal submission to the Department of Environment & Resource Management regarding the Draft State Planning Policy: Protection of Queensland's Strategic Cropping Land expressing concerns in relation to the following areas:-

- Mapping and Strategic Cropping Land Designation;
- Concurrence Agency Development Assessment Fees;
- Ancillary Business on Strategic Cropping Land;
- Temporary Development;
- Terminology; and
- Restrictions on Future Growth.

(Crs. Bosworth and Kaurila – Carried)

Cr. L.R. Molachino declared a Conflict of Interest in Item 2.15.2 as he is the Real Estate Agent for the development and left the meeting and did not participate in the discussions or resolution thereon.

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 2.15.2 as it is a town planning issue.

(Crs. Gianotti and Lancini – Carried – Cr. Bosworth and Cr. Kaurila recorded their votes 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. Gianotti and Lancini – Carried)

2. HON. PAUL LUCAS, DEPUTY PREMIER AND ATTORNEY-GENERAL AND MINISTER FOR LOCAL GOVERNMENT AND SPECIAL MINISTER OF STATE, Brisbane, 15th September, 2011, advising that he is considering exercising the power under Section 425 the *Sustainable Planning Act 2009* to call in the North Queensland Bio Energy Corporation Limited Development Application to become the Assessment Manager until he gives a Decision Notice.

Resolved – That Council thank the Minister for his correspondence and interest in the matter and advise him of its decision and the reasons why Council granted a Preliminary Approval Development Permit and believes that the Minister should uphold Council's decision.

(Crs. Kaurila and Gianotti - Carried)

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

3. CONCLUSION – This concluded the business of the meeting which closed at 4.43 p.m.
4. APPROVED and adopted this 11th day of October, 2011.

MAYOR