



MINUTES OF THE GENERAL MEETING
OF THE
HINCHINBROOK SHIRE COUNCIL

HELD IN THE COUNCIL CHAMBERS,
INGHAM ON
TUESDAY 22ND NOVEMBER, 2011
AT 9.45 A.M.

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- ATTENDANCE
- Present were Councillors G. Giandomenico, A.J. Lancini, G.P. Gianotti, 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), Manager Environmental Health Services (T. Tanase), Manager Engineering Services (B.E. Leach), Finance Manager (C.J. Trost) and Executive Secretary (B.K Edwards).

- APOLOGY
- An apology for non-attendance was received from Cr. L.R. Molachino 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 8th November, 2011 be approved as a correct record of proceedings and be signed by the Acting Mayor.

Council noted that Mr. Brett Bowen (Area Manager, Department of Environment & Resource Management - State Valuation Service) left the General Meeting on the 8th November, 2011 at approximately 4.30 p.m.
(Crs. Kaurila and Lancini – Carried – Cr. Bosworth recorded her vote against the motion)

Works Engineer, D. Di Prima entered the meeting.

2. BUSINESS -

1. CEO REPORT OF COUNCILLOR REQUESTS

Consideration of CEO Report of Councillor Requests for the period 3rd November, 2011 to 16th November, 2011.

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

2. WORKS REPORT

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

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

Works Engineer left the meeting.

3. FINANCIALS

Consideration was given to a report of financial activities as at the 16th November, 2011.

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

*The meeting adjourned at 10.15 a.m. for morning tea where the Chief Executive Officer presented Officers, Mr. Mick Barrett and Ms. Kelly Luxford with staff awards and Council also farewelled Ms. Deborah Packman who is leaving Council's employ on Friday 25th November, 2011.
The meeting resumed at 10.40 a.m.*

4. MONTHLY INSTRUCTION SHEETS

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

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

5. OPERATIONAL ACTION 1.0 - COMMUNITY

1. BIG W TOWNSVILLE TO CAIRNS BIKE RIDE 2012 RAISING FUNDS FOR CHILDREN'S CANCER INSTITUTE AUSTRALIA, Garbutt East, 8th November, 2011, advising that 275 riders plus support crew will take part in the Townsville to Cairns Bike Ride as a major fundraiser for research for the Children's Cancer Institute of Australia. Participants are expected to arrive in Ingham from 1.00 p.m. on Thursday 26th July, 2012 and vacate at dawn the following morning. Requesting Council to once again consider allowing the use of the Showgrounds Pavilion as accommodation for the participants overnight on the 26th, however the Committee requests that Council waive the hall hire fee in lieu of making the traditional direct donation to the CCIA, as this year the Committee has structured costs and fundraising so that all of the costs of running the ride are kept completely separate from all fundraising. Costs are paid by riders and supporters registration fees and some specific sponsorship; all money raised by the riders goes directly to the CCIA. (012/0002)

Resolved - That Council provide sponsorship in the sum of \$250 (excl. GST) towards this event.
(Crs. Kaurila and Gianotti – Carried)

2. COMMUNITY PLAN.

Consideration of the draft Community Plan and comments or amendments prior to it being finalised and presented for final adoption to the General Meeting on the 13th December, 2011.

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

3. REVIEW OF SPORT & RECREATION FACILITIES STUDY AND DEVELOPMENT OF A SHOWGROUNDS PLAN.

Consideration of Report to Council from Manager Corporate & Economic Development dated 15th November, 2011 requesting Council to reallocate unspent funds in the budget to review the Shire Sport & Recreation Facilities Study and investigate additional funding to complete the Study.

Resolved – That Council reallocate the unspent budget of \$25,000 to reviewing the Shire Sport & Recreation Facilities Study and investigations be made to source additional funding to complete the Study.
(Crs. Kaurila and Bosworth – Carried)

6. OPERATIONAL ACTION 2.0 - ECONOMY

1. PAUL MENEGON, Ingham, 3rd November, 2011, seeking approval of the proposed Material Change of Use – Code Assessment –Rural Siting Relaxation for proposed shed (Garraport) over Lot 2 on RP715111 at 69 Kehl's Road, Trebonne. Land is zoned *Rural*. (058/0336)

Further consideration was given to an Engineering Planning Report dated 14th November, 2011 from Acting Infrastructure Engineer regarding the application.

Resolved – That the Development Application for Material Change of Use – Code Assessment –Rural Siting Relaxation over Lot 2 on SP715111 at 69 Kehl's Road, Trebonne be approved subject to the following conditions:-

- (a) The structure is to be built in accordance with Site Plan and Titan Garages and Sheds Drawings submitted with the Development Application; and
- (b) The appropriate building permits are obtained prior to construction.

(Crs. Lancini and Lynch – Carried)

2. RESERVE FOR STATE SCHOOL – R.325 – LOT 13 on SP124628 – STONE RIVER STATE SCHOOL (CLOSED).

Consideration of Report to Council from Customer & Corporate Services Officer dated 10th November, 2011 seeking Council's direction in relation to commencing the process to change the community purpose of Reserve for State School R325 (old Stone River State School) into a Reserve for Recreation (public park) to allow the use of the area by the general public.

Resolved – That Council endorse the commencement of the process to change the community purpose of Reserve for State School R325 (old Stone River State School) into a Reserve for Recreation (public park) to allow the use of the area by the general public.

(Crs. Kaurila and Lancini – Carried)

Manager Technical Services, G. Weston and Customer and Corporate Services Officer, D. Olivero entered the meeting. Manager Technical Services provided Council with an update on the progress of the removal of the old school buildings.

3. D.N. SMITH, Allingham, 27th September, 2011, seeking approval of the proposed Reconfiguration of Land (Rearrangement of Boundaries) between Lots 12 and 13 on SP219078 and Lot 19 on SP227835 at Mistletoe Street, Allingham. Land is zoned *Residential*.

Further consideration was given to an Engineering Planning Report from Manager Engineering Services dated 14th November, 2011 regarding the proposed Reconfiguration of Land.

Resolved - That Council approve the Development Application for Reconfiguring a Lot of Mr. D.N. Smith subject to the following conditions:-

- (a) Final lot layout to be as per the submitted proposal plan Drawing No. 002 dated the 28th September, 2011;
- (b) Constructed access to be provided to each proposed lot from the constructed street network in accordance with Council Standards;
- (c) Surface drainage to be catered for in a manner that lessens possible impacts in receiving areas. Stormwater to be discharged from individual lots to a legal point of discharge; and
- (d) Applicant to demonstrate that all utility services to the proposed new lots are separate and located wholly within the particular lot being served.

(Crs. Gianotti and Kaurila – Carried)

Manager Technical Services, G. Weston left the meeting.

4. M. NASH – TERRAIN NRM, Ingham, 9th November, 2011, requesting Council to consider allowing Terrain NRM to swap offices with SOLAS at the TYTO Precinct.

Consideration was also given to a Report to Council from Manager Corporate & Economic Development dated 16th November, 2011 regarding Terrain's request to take over space occupied by SOLAS and seeking Council's direction in relation to costs associated with the relocation of SOLAS to the new tenancy and lease documents.

Resolved – That Council agree to the proposed swap of the tenancies subject to Terrain NRM accepting responsibility for SOLAS costs to relocate including telephone / facsimile, physical relocation and new lease preparation fees.

That the rental for SOLAS remain at the current level.
(Crs. Lynch and Kaurila – Carried)

Customer & Corporate Services Officer, D. Olivero left the meeting.

5. TYTO RESTAURANT COMPENSATION CLAIM.
Consideration of authorization of the Mayor and Chief Executive Officer to negotiate at a QCAT Hearing in Townsville on Tuesday 29th November, 2011 regarding compensation claim made by Hungry Vikings Pty. Ltd. In relation to the TYTO Restaurant and agree on a maximum figure for which Council is prepared to offer compensation for the delay in opening the Restaurant.

Resolved – That the matter lay on the table.
(Crs. Lynch and Lancini – Carried)

7. 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 Kaurila – Carried)

2. TRACEY RONDOLETTI, Ingham, 20th October, 2011, forwarding petition with 1,395 signatures signed by local ratepayers of the Hinchinbrook Shire against the Council's decision to compulsorily resume Mona Boat Ramp and surrounding land for a car park.

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

Further consideration was given to a Report to Council from Manager Engineering Services dated 17th November, 2011 providing Council with an update of dealings relating to recent activities associated to Mona Landing to date.

Resolved – That Council write a letter and schedule a meeting with Ms. Margaret Carr as spokesperson for the Carr family at a mutual time and place to further the proposals presented to the family by Council on its Notice of Discussion dated 15th November, 2011.
(Crs. Kaurila and Gianotti – Carried)

Environmental Health Technical Officer, B. Bampton entered the meeting.

3. MAKING OF NEW LOCAL LAWS.
Consideration of Report to Council from Environmental Health Technical Officer dated 14th November, 2011 requesting Council to proceed with the making of Local Laws and Subordinate Local Laws; consider the public interest test reports regarding the proposed Local Laws and Subordinate Local Laws; and Consult with the Minister about each "other" Local Law.

Resolved – That the Public Interest Test Reports identified in Schedule 1 have been presented to a meeting of Council.

That Council implement the recommendation of each Public Interest Test Report identified in Schedule 1.

SCHEDULE 1

- (a) Public Interest Test Report – Local Law No. 1 (Administration) 2011 and various subordinate local laws;
- (b) Public Interest Test Report – Local Law No. 2 (Animal Management) 2011 and various subordinate local laws;
- (c) Public Interest Test Report – Local Law No. 3 (Community and Environmental Management) 2011 and Subordinate Local Law No. 3 (Community and Environmental Management) 2011;
- (d) Public Interest Test Report – Local Law No. 6 (Bathing Reserves) 2011 and Subordinate Local Law No. 1.17 (Reservation of Bathing Reserve for Training, Competition etc) 2011.

Council resolves to—

- (a) proceed with the making of each proposed local law listed in schedule 2 as advertised; and
- (b) proceed with the adoption of each proposed model local law listed in schedule 3 as advertised; and
- (c) proceed with the making of each proposed subordinate local law listed in schedule 4 as advertised; and
- (d) proceed with the making of each proposed local law listed in schedule 5 with amendments as particularised in schedule 5; and
- (e) proceed with the making of each proposed subordinate local law listed in schedule 6 with amendments as particularised in schedule 6; and
- (f) in accordance with the requirements of section 29A(2)(b) of the Local Government Act 2009, consult with the Minister regarding each proposed local law of Council which is not a model local law, that is, each proposed local law listed in schedule 2 and each proposed local law listed in schedule 5.

SCHEDULE 2

- 1. Local Law (Repealing) Local Law (No. 1) 2011;
- 2. Local Law No. 1 (Administration) 2011;
- 3. Local Law No. 7 (Aerodromes) 2011.

SCHEDULE 3

- 1. Model Local Law No. 2 (Animal Management) 2011;
- 2. Model Local Law 3 (Community and Environmental Management) 2011;
- 3. Model Local Law No. 5 (Parking) 2011;
- 4. Model Local Law No. 6 (Bathing Reserves) 2011.

SCHEDULE 4

- 1. Subordinate Local Law No. 1.1 (Alteration or Improvement to Local Government Controlled Areas and Roads) 2011;
- 2. Subordinate Local Law No. 1.2 (Commercial Use of Local Government Controlled Areas and Roads) 2011;

3. Subordinate Local Law No. 1.3 (Establishment or Occupation of a Temporary Home) 2011;
4. Subordinate Local Law No. 1.5 (Keeping of Animals) 2011;
5. Subordinate Local Law No. 1.6 (Operation of Camping Grounds) 2011;
6. Subordinate Local Law No. 1.7 (Operation of Cane Railways) 2011;
7. Subordinate Local Law No. 1.8 (Operation of Caravan Parks) 2011;
8. Subordinate Local Law No. 1.9 (Operation of Cemeteries) 2011;
9. Subordinate Local Law No. 1.10 (Operation of Public Swimming Pools) 2011;
10. Subordinate Local Law No. 1.11 (Operation of Shared Facility Accommodation) 2011;
11. Subordinate Local Law No. 1.12 (Operation of Temporary Entertainment Events) 2011;
12. Subordinate Local Law No. 1.13 (Undertaking Regulated Activities regarding Human Remains) 2011;
13. Subordinate Local Law No. 1.14 (Undertaking Regulated Activities on Local Government Controlled Areas and Roads) 2011;
14. Subordinate Local Law No. 1.15 (Carrying out Works on a Road or Interfering with a Road or its Operation) 2011;
15. Subordinate Local Law No. 1.16 (Gates and Grids) 2011;
16. Subordinate Local Law No. 1.17 (Reservation of Bathing Reserve for Training, Competition etc) 2011;
17. Subordinate Local law No. 1.18 (Bringing or Driving a Motor Vehicle onto a Local Government Controlled Area) 2011;
18. Subordinate Local Law No. 2 (Animal Management) 2011;
19. Subordinate Local Law No. 3 (Community and Environmental Management) 2011;
20. Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011;
21. Subordinate Local Law No. 5 (Parking) 2011;
22. Subordinate Local Law No. 6 (Bathing Reserves) 2011.

SCHEDULE 5

1. Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011.
 - (1) Section 4, footnote 2, '1995'³/₄
omit, insert³/₄
'2009'.
 - (2) 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—

- (a) perform work on the land or the road;
 - (b) 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;
 - (c) 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—
 - (i) is not effective for its intended purpose; or
 - (ii) is causing a nuisance or poses a risk of a nuisance; or
 - (iii) constitutes an actual or potential safety hazard;
 - (d) 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—
 - (i) the volume or nature of traffic using the vehicle crossing; or
 - (ii) the manner in which the vehicle crossing is used by traffic; or
 - (iii) changes in the use of the land to which the vehicle crossing provides access; or
 - (iv) 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) 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 reasonable opinion of an authorised person, the work should be performed to—
- (a) protect public health, safety or amenity; or
 - (b) prevent environmental harm or environmental nuisance; or
 - (c) prevent interference with the safe movement of traffic or the safe use of a road.'

SCHEDULE 6

2. Subordinate Local Law No. 1.4 (Installation of Advertising Devices) 2011.

- (1) Schedule 1, section 3(1)(c), before 'the name'^{3/4}
insert^{3/4}
'if available'^{3/4};
- (2) Schedule 1, section 3(7)(d), after 'content'^{3/4}
insert^{3/4}
'if available';
- (3) Schedule 1, section 4(1)(a)(vii), 'potential'^{3/4}
omit, insert^{3/4}
'likely';

- (4) Schedule 3, section 35(2)(a), '45'^{3/4}
omit, insert^{3/4}
'48';
- (5) Schedule 3, section 35(2)(b), after 'degrees'^{3/4}
insert^{3/4}
'unless the space between each face is filled or cladded';
- (6) Schedule 3, section 36(2)(a), after 'degrees'^{3/4}
insert^{3/4}
'unless the space between each face is filled or cladded';
- (7) Schedule 3, section 36(2)(b), '40'^{3/4}
omit, insert^{3/4}
'48';
- (8) Schedule 4, section 3^{3/4}
omit, insert^{3/4}
'3 If an advertising device advertises an activity being conducted on premises^{3/4}the activity must be able to be lawfully conducted on the premises.';
- (9) Schedule 4, section 18, 'The advertising device must blend'^{3/4}
omit, insert^{3/4}
'An advertising device at a location must be compatible';
- (10) Schedule 4, section 25, '45'^{3/4}
omit, insert^{3/4}
'48'.

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

Environmental Health Technical Officer left the meeting.

4. DEPARTMENT OF ENVIRONMENT & RESOURCE MANAGEMENT, Brisbane, 1st November, 2011, advising of the proposal to change the coastal management districts (CMD's) declared under the *Coastal Protection and Management Act 1995* (Coastal Act) which affects the CMD's in Council's area and forwarding details of the proposal in digital format on a disc. Advising that under the Coastal Act the CMD's are used to identify and declare coastal areas requiring special development controls and management practices and also identify the area where certain development activities under the *Sustainable Planning Act 2009* are triggered for assessment or referral to the Department as a concurrence agency. Inviting Council's submission on the proposal as it is proposed to abolish the existing CMD's and replace them by declaring new CMD's. Submissions close at 5pm on Friday 23rd December, 2011.(079/0029)

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

5. STATE EMERGENCY SERVICES SUBSIDY PROGRAM 2012 / 2013.

Consideration of Report to Council from Chief Executive Officer dated 16th November, 2011 submitting proposed projects for lodgement for SES subsidy.

Resolved – That Council approve the submission of the subsidy applications which if approved will require Council to make budget provision in the 2012 / 2013 financial year.
(Crs. Lynch and Lancini – Carried)

The meeting adjourned for lunch at 1.00 p.m. and resumed at 2.10 p.m.

6. TAYLORS BEACH ROCK WALLING AND POSSIBLE PEDESTRIAN LINKAGES.

Consideration of Report to Council from Manager Engineering Services dated 14th November, 2011 seeking Council's consideration of Taylors Beach resident's request to provide a "through" walkway along the foreshore, in particular to build a path on top of the revetment in front of their property, so that through access is available without the need to walk down to the beach.

Resolved – That Council not proceed with the project, due to the project not falling within the realms of funding eligibility.
(Crs. Bosworth and Lancini – Lost)

Resolved – That Council not proceed with the project, due to the project not falling within the realms of funding eligibility and the project remain on the Forward Works Program under Public Open Spaces for future consideration.
(Crs. Gianotti and Lancini – Carried – Cr. Bosworth recorded her vote against the motion)

7. LANNERCOST STREET COVERED WALKWAY EAST AND WEST - APPROACH SHELTER.

Consideration of Report to Council from Manager Technical Services dated 16th November, 2011 seeking Council's direction in relation to utilising funds remaining under the Regional & Local Community Infrastructure Program (RLCIP) for the Lannercost Street Covered Walkways East and West towards the design of approach shelters to make the project "project ready" for further funding opportunities.

Resolved – That Council progress the approach shelters and the approved RLCIP funds to be used to design the approach shelter areas and that any remaining funds be spent on the construction of some of the associated works within the designs.
(Crs. Gianotti and Lynch – Carried)

8. REVIEW OF BUILDING CERTIFICATION SERVICES.

Consideration of Report to Council from Manager Engineering Services regarding review undertaken of Building Certification Services.

Resolved – That the matter lay on the table.
(Crs. Lynch and Gianotti – Carried)

9. DRAFT MANAGEMENT PLAN FOR FORESHORE AREAS OF FORREST BEACH.

Consideration of Report to Council from Manager Engineering Services dated 16th November, 2011 seeking Council's consideration and adoption of the Draft Management Plan for Foreshore Areas of Forrest Beach.

Resolved – That Council adopt the Draft Management Plan for the Foreshore Areas of Forrest Beach.
(Crs. Lynch and Gianotti – Carried)

8. OPERATIONAL ACTION 4.0 - GOVERNANCE

1. LEAVE OF ABSENCE – CR. LAWRENCE MOLACHINO.

Requesting Leave of Absence from Monday 14th November, 2011 to 31st December, 2011 (inclusive).

Resolved – That leave of absence for Cr. Lawrence Molachino be approved.

2. 2012 COUNCIL MEETING CALENDAR.
Consideration of proposed Council Meeting dates for 2012.

Resolved – That the draft schedule of meeting dates for 2012 as proposed for fortnightly meetings be adopted and advertised.

That all of the resolutions contained in Operational Action 4.0 – Governance Items 2.8.1. to 2.8.2. be approved.

(Crs. Kaurila and Bosworth – Carried)

3. LOCAL GOVERNMENT ASSOCIATION OF QUEENSLAND, Fortitude Valley, 3rd November, 2011, confirming that the Policy Executive of the Association intends to conduct a General Meeting of the Association via Postal Voting pursuant to Rule 4.14 of the Association's Constitution. The subject of that General Meeting via Postal Vote was a rearrangement of LGAQ Electoral Districts to apply to the new term of Local Government post 2012 Local Government Elections. Advising that a resolution of Council is not required under their Constitution, however it is lawful if Council chooses to do so. Forwarding the Notice of General Meeting and the specific ballot paper which can only be signed by the Mayor or Chief Executive Officer and must be returned either by hand or by registered post by 5pm on 7th December, 2011. Stipulating that it is important that Council votes on this matter because under the Corporations Act 2001, a vote in favour of proposed changes must achieve 75% support of all eligible votes. (007/0003)

Resolved – That Council vote for the proposed amendments and forward the Voting Papers back to the Association.

(Crs. Lynch and Lancini – Carried)

4. RATING CONCESSIONS – LOCAL GOVERNMENT ACT.
Consideration of information received from the Department of Local Government & Planning regarding authority for Council to amend its Budget Revenue Statement and provide rating concessions for a particular class or category of rating and the circumstances in which that could apply.
5. CRYSTAL CREEK COMMUNITY SPORTS & RECREATION ASSOCIATION INC., Ingham, undated, requesting Council to continue its ongoing funding to cover the costs of the Association's annual insurance in conjunction with Townsville City Council
6. APPOINTMENT OF AUDIT COMMITTEE CHAIRPERSON.
Consideration of appointing an Audit Committee Chairperson.

Resolved – That all of the resolutions contained in Operational Action – Governance Items 2.8.4., 2.8.5. and 2.8.6. lay on the table.

(Crs. Lancini and Lynch – Carried)

MISCELLANEOUS CORRESPONDENCE

1. DEPARTMENT OF ENVIRONMENT & RESOURCE MANAGEMENT, Townsville, 3rd November, 2011, advising the Department is in receipt of Council's submission dated 28th October, 2011 regarding the Draft Hinchinbrook Area Island and Marine Management Plan which the Department will consider when preparing the final management plan. (079/0029)
2. ANDREW CRIPPS MP, MEMBER FOR HINCHINBROOK, Ingham, received 4th November, 2011, forwarding copy of his speech made in Parliament on Tuesday 25th October, 2011 regarding the Disaster Readiness Amendment Bill. (120/0002)
3. DEPARTMENT OF ENVIRONMENT & RESOURCE MANAGEMENT - STATE VALUATION SERVICE, Brisbane, 10th November, 2011, confirming their decision that a valuation for all 58 rateable local government areas will be undertaken becoming effective for rating purposes on the 30th June, 2012. Under the Act, valuations are required to be issued prior to the 31st March, 2012. (013/0004)

4. KOORI KIDS – NAIDOC WEEK SCHOOL INITIATIVES, 11th November, 2011, forwarding Final Report for NAIDOC Week School Initiatives 2011. Schools that participated in this year's initiatives included both government and catholic primary and secondary schools with 115,008 entries ere received forjudging. Providing a list of winners for colouring-in, short story, creative writing and essay writing. (079/0014)
5. TERRAIN NATURAL RESOURCE MANAGEMENT, forwarding 2010 / 2011 Annual Report.
6. 2011 ROTARY MARAKA FESTIVAL COMMITTEE, Ingham, forwarding Certificate acknowledging and thanking Council for its generous sponsorship of the 2011 Rotary Maraka Festival.
7. LOCATION GOVERNMENT ASSOCIATION OF QUEENSLAND, Fortitude Valley, 4th November, 2011, advising that the LGAQ successfully applied for funding under the Natural Disaster Resilience Program (NDRP) that allows Councils to access a cloud-computing solution for the back-up storage of Council created-data to ensure business continuity. The funding is for 10 Councils to implement a tailored solution (design, implementation and product) that allows local council data to be protected, yet accessible in real-time to officers during a natural event. The off-site hosting of data may also be beneficial in the day-to-day administration of council. Further advising that Council has been identified as being one that could benefit from this funding and the Association will make contact in the future to discuss how this opportunity could be delivered. (007/0003)
8. LOCATION GOVERNMENT ASSOCIATION OF QUEENSLAND, Fortitude Valley, 11th November, 2011, advising that the motion submitted at the recent LGAQ Conference by Western Queensland Local Government Association, Longreach Regional Council, Cairns Regional Council and Hinchinbrook Shire Council regarding *Disaster Management – NDRRA Guidelines and Day Labour Costs* was adopted. Further advising that the Association was written to the appropriate Ministers and the Queensland Reconstruction Authority and will continue to raise the issues referred to in the motion where appropriate. Forwarding copy of the response received to date from the Queensland Reconstruction Authority. (007/0003)

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

9. OPERATIONAL ACTION 1.0 - COMMUNITY

Cr. G. Giandomenico declared a Conflict of Interest in Item 2.9.1. as he is the President of the Australian Italian Festival Association and left the meeting and did not participate in the discussions or resolution thereon.

Cr. A.J. Lancini assumed the Chair.

1. ITALIAN REMEMBRANCE WALL AND ALIPINI MONUMENT REBUILD.
Consideration of request from Mark Spina dated 18th November, 2011 for Council to outline their inkind support towards their grant application for the Italian Remembrance Wall and Alpini Monument Rebuild closing on the 23rd November, 2011. (079/0026)

Resolved – That Council confirm that the actual job is one that is suited to letting as a small works contract and Council assist via preparing the documentation and in the project management process.
(*Crs. Gianotti and Lynch – Carried*)

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

2. TYTO CULTURAL PRECINCT ENHANCEMENT WORKS LIST.
Consideration of Report to Council from Manager Corporate & Economic Development dated 21st November, 2011 seeking Council's direction in relation to the enhancement works list for the TYTO Cultural Precinct.

Resolved – That Council proceed to install the steps from the car park to the Technology Learning Centre and that the surrounding space be landscaped and that the footpath linkage along Tully Street to Lannercost Street be completed including a pedestrian refuge. Further that a weather proof cover be made for the TV at the restaurant, roof and ducting over air conditioning unit at the Conference Centre and the roofing and sealing of small storage area and clear plastic blinds at the Restaurant.

(Crs. Lynch and Kaurila – Carried)

Cr. A.J. Lancini declared a conflict of interest in Item 2.9.3. as he is a sponsor of the Hinchinbrook Rugby League Football Club and elected to remain in the room.

3. INGHAM FOOTBALL CLUB INC. & HINCHINBROOK RUGBY LEAGUE FOOTBALL CLUB INC. & HERBERT RIVER JUNIOR RUGBY LEAGUE INC., Ingham, 22nd November, 2011, advising the Clubs have decided to join forces to tackle the ongoing wallaby problem at the sporting complexes on Fairford Road by erecting a boundary fence around the playing fields. Requesting Council to consider contributing to the cost of the length of the fence between the Old Landfill and the Sports Grounds i.e. the shared boundaries between the Council and the soccer and rugby league grounds; and granting formal permission for the project. (044/0050)

Resolved – That Council support the project in principle, subject to the requested funding being made available in the 2012 / 2013 Waste Management Budget and that Council not be held liable for ongoing maintenance and replacement costs for this structure.

(Crs. Kaurila and Bosworth – Carried unanimously - Cr. Lancini voted in favour of the motion)

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 2.10.1. as it is a legal matter.

(Crs. Lynch 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. Lynch and Lancini – Carried)

10. OPERATIONAL ACTION 2.0 - ECONOMY

1. TYTO RESTAURANT COMPENSATION CLAIM.

Consideration of authorization of the Mayor and Chief Executive Officer to negotiate at a QCAT Hearing in Townsville on Tuesday 29th November, 2011 regarding compensation claim made by Hungry Vikings Pty. Ltd. In relation to the TYTO Restaurant and agree on a maximum figure for which Council is prepared to offer compensation for the delay in opening the Restaurant.

Resolved– That the Mayor and Chief Executive Officer be authorised to negotiate on Council's behalf an outcome that they believe is in the best interest of Council.

(Crs. Kaurila and Gianotti – Carried)

CLOSED MEETING – That pursuant to Chapter 5 Part 2 Division 3 Section 72 (1) (h) of the *Local Government (Operations) Regulation 2010*, Council resolve to go into Closed Meeting to discuss Item 2.11.1. as it is *commercial in confidence* which could prejudice Council.

(Crs. Lynch and Gianotti – Carried)

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

OPEN MEETING - Resolved that Council return to Open Meeting.

(Crs. Lynch and Gianotti – Carried)

11. OPERATIONAL ACTION 3.0 - ENVIRONMENT

1. REVIEW OF BUILDING CERTIFICATION SERVICES.

Consideration of Report to Council from Manager Engineering Services dated 21st November, 2011 regarding a review undertaken of Building Certification Services.

Resolved – That Council call tenders for Building Certification Services in the Shire.
(Crs. Lynch and Kaurila –Withdrawn)

Resolved – That Council extend the contract of the current Building Certifier for a period of twelve (12) months.
(Crs. Lynch and Kaurila – Carried)

Rates Supervisor, S. Oswald and Finance Officer (Rates), J. Duggan entered the meeting.

CLOSED MEETING – That pursuant to Chapter 5 Part 2 Division 3 Section 72 (1) (d) of the *Local Government (Operations) Regulation 2010*, Council resolve to go into Closed Meeting to discuss Item 2.12.1. for rating concessions.
(Crs. Lancini and Lynch – 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 Lynch – Carried)

12. OPERATIONAL ACTION 4.0 - GOVERNANCE

1. RATING CONCESSIONS – LOCAL GOVERNMENT ACT.
Consideration of information received from the Department of Local Government & Planning regarding authority for Council to amend its Budget Revenue Statement and provide rating concessions for a particular class or category of rating and the circumstances in which that could apply.

Resolved – That the Rate Rebates and Remission Policy as amended be adopted and Council amend its Budget Revenue Statement to provide the rating concession for the ex-cane composite category of rating and the cost of the concessions be incorporated into the Council Budget review proposed for February, 2012.
(Crs. Lynch and Lancini – Carried)

Rates Supervisor and Finance Officer (Rates) left the meeting.

2. CRYSTAL CREEK COMMUNITY SPORTS & RECREATION ASSOCIATION INC., Ingham, undated, requesting Council to continue its ongoing funding to cover the costs of the Association's annual insurance in conjunction with Townsville City Council

Resolved – That the Rate Rebates and Remission Policy be amended by the inclusion of the Crystal Creek Community Sports & Recreation Association Inc. as a Category 5 - Community Hall entity receiving 100% General Rate remission and deletion of existing Category 8 – Community Hall.
(Crs. Lancini and Kaurila – Carried)

CLOSED MEETING – That pursuant to Chapter 5 Part 2 Division 3 Section 72 (1) (e) of the *Local Government (Operations) Regulation 2010*, Council resolve to go into Closed Meeting to discuss Item 2.12.2. as a contract is proposed to be made.
(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)

2. APPOINTMENT OF AUDIT COMMITTEE CHAIRPERSON.
Consideration of appointing an Audit Committee Chairperson.

Resolved – That Council accept the nomination from Mr. Keith Parsons, Executive Manager Finance, Townsville City Council as Audit Committee Chairperson and note he will undertake the role within the capacity of his position of Executive Manager Finance at Townsville City Council and has Chief Executive Officer approval to carry out this role.
(Crs. Kaurila and Lancini - Carried)

3. CONCLUSION – This concluded the business of the meeting which closed at 5.50 p.m.
4. APPROVED and adopted this 22nd day of November, 2011.

MAYOR