



**HINCHINBROOK
SHIRE COUNCIL**

MINUTES OF THE GENERAL MEETING
OF THE
HINCHINBROOK SHIRE COUNCIL

HELD IN THE COUNCIL CHAMBERS,
INGHAM
ON THURSDAY 28TH OCTOBER, 2010
AT 4.05 P.M.

-
- ATTENDANCE
- Present were Councillors G. Giandomenico, A.J. Lancini, G.P. Gianotti, L.R. Molachino, P.D. Lynch, S.J. Kaurila and D.M. Bosworth.
 - Also present was the Chief Executive Officer (R.W. Clark), Manager Engineering Services (B.E. Leach), Manager Corporate & Economic Development (R.F. Pennisi), 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 7th October, 2010 be approved as a correct record of proceedings and be signed by the Mayor.
(Crs. Lancini and Kaurila - Carried unanimously)

2. COMMITTEE BUSINESS REPORT -
The Joint Committee submitted a report of meeting held on 26th October, 2010.

Resolved – That the report be received for consideration.
(Crs. Molachino and Kaurila – Carried unanimously)

BUSINESS -

1. CEO REPORT OF COUNCILLOR REQUESTS

Consideration of CEO Report of Councillor Requests for the period 30th September, 2010 to 20th October, 2010.

Resolved – That the Report be received and noted.

2. FINANCIALS

Consideration was given to a report of financial activities as at the 20th October, 2010.

Resolved - That the Report be received and noted.

3. WORKS REPORT

Consideration was given to a report of civil operations for the month of September, 2010.

Resolved – That the Report be received and noted.

That all of the resolutions contained in CEO Report of Councillor Request 2.1., Financials 2.2. and Works Report 2.3. be adopted.
(Crs. Lancini and Kaurila – Carried unanimously)

4. QUARTERLY OPERATIONAL PLAN REPORT & INSTRUCTION SHEETS

Consideration was given to a quarterly report of activities and progress towards achieving the strategies of all operational functions of Council for the quarter ending September, 2010 and monthly Instruction Sheets during the months of August, 2010 and September, 2010.

Resolved – That the Report be received and noted and Item No. 34 on the Instruction Sheets be deleted and Mr. Barra be advised accordingly.
(Crs. Lancini and Bosworth – Carried unanimously)

5. OPERATIONAL ACTION 3.0 - ENVIRONMENT

1. HSC 10/50 – SUPPLY AND DELIVERY OF ONE (1) ONLY NEW GRADER.

Consideration of Report to Council from Manager Engineering Services and Plant Manager dated 20th October, 2010 regarding offers received for the replacement of Unit 410 Cat 12 G Grader.

Consideration was also given to a further Report to Council from Manager Engineering Services and Plant Manager dated 28th October, 2010 providing an update to Council on the offer.

Finance Manager, C.J. Trost entered the meeting at 4.22 p.m.

Resolved – That Council accept the offer from Hasting Deering for a 12M Caterpillar Grader including their offered trade price and that Council negotiate on the large wheels option.
(Crs. Gianotti and Kaurila – Lost)

Resolved – That Council accept the offer from Hitachi Construction Equipment Townsville for a John Deere 670G.
(Crs. Lynch and Molachino – Lost)

Resolved - That consideration be deferred to the next series of meetings pending receipt of further information in relation to the offer.
(Crs. Lynch and Kaurila – Carried)

6. OPERATIONAL ACTION 1.0 - COMMUNITY

1. HOLY TRINITY ANGLICAN PARISH, Ingham, 2nd October, 2010, advising that the Ingham Anglican Church is seeking funding from the local community to complete necessary work at the All Souls Memorial Church at Victoria Estate. The Church was built by volunteer labour under the supervision of a professional builder and architect in 1922 as a memorial to the young men from Victoria Estate who did not return from the First World War. The Victoria Mill workers at the time contributed towards the costs as well as volunteer labourers from the Ingham Anglican Parish community. The ground was gifted to the Church for the building of this memorial by CSR. The Ingham Anglican Parish has maintained the Church up to now and it is sadly in need of more extensive and expensive repairs such as roofing, electrical work, window frames, painting, plastering, etc. A quote of \$18,000 has been obtained for a portion of the most urgent work and the Parish received a grant from the Queensland Government Memorial Restoration Fund on a \$1 for \$1 basis i.e. \$9,000. The Church is a popular tourist attraction for Ingham as well as a meaningful reminder of village life at Victoria Estate from the early 1900's and is a special place for weddings, baptisms and funerals. Requesting the community to contribute to this appeal.
(012/0002)

Resolved – That Council invite the sub-committee to the Deputation Day on the 25th November, 2010 to receive further information in relation to the project / appeal.
(Crs. Kaurila and Lancini – Carried unanimously)

2. DAVID PRICE, Ingham, 7th October, 2010, requesting Council to consider waiving the \$200 fee for the hire of the Kelly Theatre by the Victoria Plantation State School to stage a play at the Theatre. Advising that the costs associated with sound, lights and rehearsals have sent the figure into four figures and the burden of this cost will be borne by the school P and C Association whose revenue is accumulated through fundraising. The school's chief interest is to hold a school play-cum musical at a venue that is large enough to accommodate props, is air conditioned, and designed for a live performance. The Kelly Theatre is the only venue in Ingham and regrettably also the one least accessible to schools and community organisations.
(012/0002)

Resolved – That Council advise that it cannot assist in this regard.
(Crs. Molachino and Gianotti – Carried unanimously)

3. ANDY'S ROADHOUSE, advising that they will once again hold the annual Andy's Roadhouse Charity Country Music Night on Saturday 27th November, 2010 and requesting Council to provide a porta loo for the evening.

Resolved – That Council waive the fees associated with hiring a porta loo.
(Crs. Kaurila and Lancini – Carried unanimously)

4. INGHAM STATE HIGH SCHOOL, Ingham, 7th September, 2010, advising that School is preparing for the "Let's Get The Party Started" event at the Knightclub on the 1st December, 2010 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 once again provide their support by paying for the laundering costs of cloth tablecloths borrowed from the Australian Italian Festival Association.

Resolved – That Council advise that it cannot assist on this occasion.
(Crs. Gianotti and Molachino – Carried unanimously)

Cr. P.D. Lynch and Cr. G. Giandomenico declared a Conflict of Interest in Items 2.6.5. as they are on the Canossa Home Committee and as Councillors decided that they do have an interest they left the meeting and did not participate in the discussions or resolution thereon. Deputy Mayor, A.J. Lancini assumed the Chair.

5. CANOSSA HOME, Trebonne, received 15th October, 2010, requesting Council to provide assistance towards travel costs for the Latrobe team who are currently trialling emotionally intelligent communication robots at Canossa Home. Canossa Home believe that this research will be a valuable tool for the community to be a part of and robots have already been trialled at the Home for a day. The robots have assisted the residents with social activities, called numbers which enables the volunteer who would have called the numbers to work hands on with the residents, and ask quiz questions. The robot can also be programmed with the weekly calendar. Canossa Home is providing the research team with accommodation and meals however require requesting Council to assist with their travel costs

Resolved – That Council advise that it cannot assist on this occasion.
(Crs. Gianotti and Molachino – Carried unanimously)

In accordance with Section 173 (7) of the Local Government Act 2009, it is recorded that all of the Councillors present (A.J. Lancini, G.P. Gianotti, L.R. Molachino, S.J. Kaurila and D.M. Bosworth) voted in favour of the resolution for Item 2.6.5.

Cr. P.D. Lynch and Cr. G. Giandomenico returned to the meeting and the Mayor resumed the Chair.

Cr. P.D. Lynch declared a Conflict of Interest in Items 2.6.6. and 2.6.7. as he is the Lions District Governor 2010Q2 and as Councillors decided that he does have an interest Cr. P.D. Lynch left the meeting and did not participate in the discussions or resolution thereon.

6. LIONS CLUB OF FORREST BEACH, Allingham, 19th October, 2010, advising that the annual Stinger Net Opening Carnival will be held on Saturday 6th November, 2010 and requesting Council's permission to close off the parking area beside the Surf Club and requesting Council's support towards the event and in particular with manpower to erect and pull down the marquee.
(039/0006)

Resolved – That Council provide inkind support to the Lions Club of Forrest Beach to the value of \$1,799 by way of granting the Club permission to close the car park from 8.00 a.m. on Saturday 6th November, 2010 until 8.00 a.m. on Sunday 7th November, 2010 and providing manpower to erect the marquee and plastic fencing on Friday 5th November, 2010 and removing the marquee and plastic fencing on Monday 8th November, 2010.
(Crs. Kaurila and Lancini – Carried unanimously)

In accordance with Section 173 (7) of the Local Government Act 2009, it is recorded that all of the Councillors present (G. Giandomenico, A.J. Lancini, G.P. Gianotti, L.R. Molachino, S.J. Kaurila and D.M. Bosworth) voted in favour of the resolution for Item 2.6.6.

7. ANNUAL STINGER NET OPENING CARNIVAL.

Consideration of contribution to the Lions Club of Forrest Beach in recognition of the Club's efforts in operating the stinger net and developing the beach foreshore.

Resolved – That Council make the annual contribution of \$5,655 (excl. GST) to the Lions Club of Forrest Beach in recognition of the Club's efforts in operating the stinger net and developing the beach foreshore.

(Crs. Kaurila and Bosworth – Carried unanimously)

In accordance with Section 173 (7) of the Local Government Act 2009, it is recorded that all of the Councillors present (G. Giandomenico, A.J. Lancini, G.P. Gianotti, L.R. Molachino, S.J. Kaurila and D.M. Bosworth) voted in favour of the resolution for Item 2.6.7.

Cr. P.D. Lynch returned to the meeting.

Cr. G. Giandomenico and Cr. A.J. Lancini declared a Conflict of Interest in Item 2.6.8. as they are the President and Vice-President respectively of the Australian Italian Festival and as Councillors decided that they do have an interest they left the meeting and did not participate in the discussions or recommendation thereon. Cr. L.R. Molachino and Cr. S.J. Kaurila nominated Cr. P.D. Lynch to Chair the meeting.

8. ROUND 1 2010 / 2011 RADF APPLICATIONS.

Consideration of Report to Council from Arts & Cultural Officer / RADF Liaison Officer dated 20th October, 2010 advising Council that the Association received one application for Round 1 funding for 2010 / 2011 from the Australian Italian Festival for a Building Community Cultural Capacity Project. This project encompasses a workshop to capture and describe the cultural identity of the region through the eyes of the community and will be an opportunity for community members to gain skills in the areas of documentary photography as well as exhibiting their work. The Committee met on the 19th October, 2010 and agreed to fund this project totalling \$2,800 which is available in RADF funds for this financial year and seeking approval from Council for these funds to be distributed.

Resolved - That Council endorse the Committee's recommendation for Round 1 2010 / 2011 RADF applications totalling \$2,800.

(Crs. Gianotti and Kaurila – Carried unanimously)

In accordance with Section 173 (7) of the Local Government Act 2009, it is recorded that all of the Councillors present (P.D. Lynch, G.P. Gianotti, L.R. Molachino, S.J. Kaurila and D.M. Bosworth) voted in favour of the resolution for Item 2.6.8.

Cr. G. Giandomenico and Cr. A.J. Lancini returned to the meeting and the Mayor resumed the Chair.

7. OPERATIONAL ACTION 2.0 - ECONOMY

1. DEPARTMENT OF ENVIRONMENT & RESOURCE MANAGEMENT, Townsville, 24th September, 2010, seeking Council's views and / or requirements in relation to an application received for the permanent road closure of area currently temporarily closed at the end of Dalrymple Road, Abergowrie over Lot 1 on RL6373. Should the road closure be approved, it would be used in conjunction with adjoining property being Lot 133 on CWL2470, Parish of Leach. (026/0001)

Resolved – That Council object to a permanent road closure on the grounds that the subject land may be required for future road purposes.

(Crs. Kaurila and Lancini – Carried unanimously)

2. DEPARTMENT OF ENVIRONMENT & RESOURCE MANAGEMENT, Townsville, 5th October, 2010, seeking Council's views and / or requirements in relation to an application to Surrender Permit to Occupy over Lot 1 on PER3917, Parish of Cordelia in the name of J.E. Biviano. Purpose of the area is Residential – (weekend / holiday fishing hut). Records indicate that Permit 3917 is registered in the name of James Edward Biviano who has since passed away and Mrs. Biviano has signed a statutory declaration stating the structure is now inundated with sea water and not accessible, however an aerial photo shows the structures are still in existence. Requesting Council to inspect the site to ensure all improvements have been removed and the area has been left in a clean and tidy state or if in fact the permit area has been inundated with seawater.

(077/0001)

Resolved – That Council confirm the advice given to the Department as follows:-

1. Council has no means to access the site of the Permit in question as the area is only accessible by boat at this time;
2. Council would need to charter a “commercially licensed” work boat or helicopter to access the site due to Workplace Health and Safety requirements. The estimated cost based on previous works in the Hinchinbrook River would be in excess of \$1,000.00;
3. The hut is probably still standing but is likely to collapse or be partly demolished for materials by other hut owners once abandoned;
4. The sea is encroaching on the permit area and the land area is much smaller than when the reference photo was taken;
5. A report from a current Council employee who has been traversing the area to and from the Hinchinbrook Channel for recreational fishing believes that the entire area will be eroded away by the action of the river and ocean currents in only a few years time;
6. Council would prefer that any building materials or other rubbish was removed from the site but has no way of enforcing such a preference and is not in a position to carry out such works itself;
7. Council will monitor the area as best as it can and advise DERM if the entire area becomes inundated;
8. It is Council's view that if the permit area does succumb to natural forces it is unlikely that the hut owners will attempt to salvage building materials and the like which may in time wash out to sea; and
9. That payment of outstanding rates in the sum of \$453.29 be paid prior to the cancellation of the Permit to Occupy.

(Crs. Gianotti and Lancini – Carried unanimously)

3. DEPARTMENT OF ENVIRONMENT & RESOURCE MANAGEMENT, Townsville, 6th October, 2010, advising that the Department is currently investigating the future use of Lot 378 on CWL2858 and Lot 5 on USL 39619, Parish of Cordelia. Queensland Parks and Wildlife Services have advised the Department they have an interest in adding both parcels to the protected estate and it has been identified that the vegetation on the subject land is predominantly mangrove, similar in natural values to some coastal components of the existing Girringun National Park. There is also mahogany glider habitat in isolated areas throughout Lot 5 on USL 39619. (026/0001)

Resolved – That Council advise the Department that it has no objection to Lot 378 on CWL2858 and Lot 5 on USL 39619 being included in a conservation estate and has no requirements.

(Crs. Gianotti and Kaurila – Carried unanimously)

4. INGHAM ROTARY CLUB CLAIM FOR LOST GOODS AND TRADE DURING 2008 INGHAM SHOW. Consideration of Report to Council from Customer & Corporate Services Officer dated 19th October, 2010 regarding a claim by the Ingham Rotary Club due to ceramic tiles falling off a wall during the 2008 Ingham Annual Show.

Resolved – That Council compensate the Ingham Rotary Club for the spoilt food in the sum of \$640 and no compensation be given for the lost trade.

(Crs. Lancini and Kaurila – Carried unanimously)

5. M. & S. CARRARA, Ingham, 29th September, 2010, seeking approval of the proposed Material Change of Use – Close to Rural Boundary Siting Relaxation of Lot 9 on RP911642, Parish of Marathon at 9 Gilbeys Road, Ingham. Land is zoned *Rural*. (058/0319)

Consideration was also given to a Report to Council from Acting Infrastructure Engineer dated 19th October, 2010 regarding the application for Material Change of Use – Close to Rural Boundary Siting Relaxation at 9 Gilbeys Road, Ingham.

Resolved – That Council approve the Development Application for Material Change of Use Application of Mr. Michael Carrara and Mrs. Sandra Carrara, on the grounds that the proposed development will be sited in a location compatible with existing land use in the area and meets other relevant requirements of the Rural Zone Code.

(Crs. Lancini and Kaurila – Carried unanimously)

6. BURSILL HOLDINGS PTY. LTD. (BURSILL FAMILY TRUST), Putney, 25th June, 2010 seeking approval of the proposed reconfiguration of land (subdivision by lease) into four (4) lots of Lot 1 on SP176048 situated at Denney Street, Dungeness. Land is zoned *village*. (066/0218)

Consideration was also given to an Engineering Planning Report by the Manager Engineering Services dated 25th October, 2010 regarding the proposed reconfiguration.

Resolved – That Council refuse the Development Application of Mr. Richard Horsfield for Bursill Holdings Pty. Ltd. (Bursill Family Trust) on the basis that the Applicant has not demonstrated that the requirements of the Hinchinbrook Shire Planning Scheme relating to minimum lot sizes and site coverage have been met as well as the building siting criteria.
(Crs. Lynch and Molachino – Carried unanimously)

8. OPERATIONAL ACTION 3.0 - ENVIRONMENT

1. DEPARTMENT OF TRANSPORT AND MAIN ROADS, Townsville, 11th October, 2010, advising that the Department is installing an Intelligent Transport System (ITS) on the Cardwell Range which includes Road Condition Information Signs (RCIS), Variable Message Signs (VMS), Variable Speed Signs (VSS), closed circuit TV, traffic signals and boom gates. The purpose of this system is to safely close the Bruce Highway and notify motorists if there is an accident, such as a vehicle accident or if a wide load is traversing the range. The Department had planned on using a Telstra provided high bandwidth service to their signalised intersection at Herbert and Cartwright Streets, however due to unforeseen technical issues, it is no longer feasible to install the infrastructure at this site; however Telstra can install it at their signalised intersection at Townsville Road and Lannercost Street. This change now required the Department to move their wireless start point to Townsville Road and Lannercost Street which creates a problem as there is no clear line of site from Herbert and Cartwright Streets to Townsville Road and Lannercost Street. Therefore, they are now required to install a wireless repeater and the ideal position is the water tower on Haig Street. This will provide excellent line of site to both intersections and it is highly unlikely that any vegetation will grow into the path in the future.

Seeking Council's permission to install their wireless repeater on the water tower and for this to occur the Department requires the following:-

- An area at the top of the stairs inside the tower to install a small communications cabinet;
- Two small areas on the safety rail on the top of the tower to install the wireless devices; and
- Room to install a conduit from the communications cabinet to the wireless devices and another from the communications cabinet to the main power distribution board at the base of the tower.

Once installed, all signalised intersections within Ingham, plus the Ingham VMS and Cardwell Range ITS equipment will communicate over this system back to Townsville and the Department will cover all costs associated with the installation and any ongoing maintenance to the equipment. (040/0019)

Consideration was also given to a Report to Council from Acting Manager Engineering Services dated 15th October, 2010 regarding the Department's proposal to install equipment on the Haig Street water tower for the intelligent transport system.

Resolved – That Council endorse the actions of the Acting Manager Engineering Services, Mr. Colin Gray, to approve the installation of radio communications equipment on the Haig Street water tower to facilitate the urgent implementation of an Intelligent Transport System for the Cardwell Range

That no annual rental be charged in view of the public benefit of the facility.
(Crs. Lynch and Molachino – Carried unanimously)

2. FORREST BEACH PROGRESS ASSOCIATION INC., Allingham, 6th February, 2010 (received 8th October, 2010) requesting a meeting be held near the Forrest Beach boat ramp to discuss concerns raised by an Allamanda Avenue resident in relation to the use of motorbikes and four wheelers riding over the dunes in front of houses along Allamanda Avenue. (099/0008)

Resolved – That Council participate in a meeting with Allamanda Avenue residents at Forrest Beach as requested.
(Crs. Kaurila and Lynch - Carried unanimously)

3. INGHAM SHOWGROUNDS MOWING / SLASHING CONTRACT.

Consideration of Report to Council from Customer & Corporate Services Officer dated 7th October, 2010 in relation to submissions received for the contract for provision of mowing / slashing of the Ingham Showgrounds for a period of three years, commencing on the 8th November, 2010 and concluding on the 7th November, 2013. Requesting Council to award the contract to one of the four contractors whom quoted for the contract.

Resolved – That the lowest tender submitted by Errol Rose be awarded the Ingham Showgrounds Mowing / Slashing Contract.

(Crs. Molachino and Kaurila – Carried)

Manager Environmental Health Services, T. Tanase entered the meeting at 4.55 p.m.

4. DEPARTMENT OF INFRASTRUCTURE & PLANNING, Brisbane, 11th October, 2010, advising that the Queensland Government has introduced Australia's toughest pool safety laws as a result of the most comprehensive review of Queensland's swimming pool safety laws in nearly 20 years. The new laws have been developed in stages and Parliament passed the final stage in September, 2010 with parts of the new legislation already commenced, including the regime for licensing pool safety inspectors and establishing the new Pool Safety Council, of which the Local Government Association of Queensland has a permanent sitting member. The remaining parts of the new legislation are expected to commence this summer.

Forwarding fact sheet providing an overview of the new laws from a Local Government perspective and advising that Local Governments traditional roles have remained unchanged under the new laws, such as receiving complaints, enforcing pool safety laws and deciding exemption applications, however Local Governments also have an important new function to provide inspection services when buildings are sold or leased. While the legislation provides for licensed pool safety inspectors from the private sector, it also requires Local Governments to provide a pool safety inspection service if asked by a pool owner. Local Government may provide a service in-house, share a pool safety inspector(s) with other Local Governments or contract a private pool safety inspector.

The Department will be running State-wide seminars about the new laws in late November and early December 2010 and inviting Council to send its officers to participate. To assist Council further in training officers to become pool safety inspectors, the Queensland Government has approved a \$100,000 training subsidy package for Local Governments, which will remain open until the 30th June, 2011. The funding is subject to the officers successfully completing the training course and being licensed by the Pool Safety Council as a swimming pool safety inspector and under the package, Local Governments are now eligible for the following:-

Local Governments with 50 000 residents or less

- Funding for one officer to undertake a swimming pool safety inspector training course approved by the Pool Safety Council.

Local Governments with more than 50 000 residents

- Funding for one officer to undertake a swimming pool safety inspector training course approved by the Pool Safety Council, if the Local Government funds another officer to undertake an approved swimming pool safety inspector training course.

Other costs such as travel and licensing fees will need to be met by the Local Government. Training course locations across Queensland are likely to depend on participant numbers, especially in rural, remote and regional areas, and the more people that enrol in the courses, the more courses that can be run.

The legislation has established a new State-based register of swimming pools. To help initially populate the register, Local Governments are required to provide the Department with basic information about pools they have on their records within a three month period. The register will provide important benefits for Local Governments as it will be maintained by the State, and Local Government officers will have extensive access to records. (003/0001)

Resolved – That the advice be received and noted.

(Crs. Molachino and Kaurila – Carried)

Cr. G.P. Gianotti declared a conflict of interest in Item 2.8.5. as he is a life member of the Association and as Councillors decided that he does have an interest he left the meeting and did not participate in the discussions or resolution thereon.

5. INGHAM TENNIS ASSOCIATION, Ingham, 10th October, 2010, raising concerns with their bulk bin which is currently located on the edge of the Tennis Association's occupied land, adjoining the western side of the showground, which is usually either in an overflowing and / or odorous state. The Association is experiencing issues with other users of the bin as they regularly find that showground users put a large amount of waste into the bin, and as their own empty cycle for the bin is set around their current usage, it has become a concern for Council staff, Ingham Tennis, and any other showground users when the bin overflows.

Another minor issue that arises from time to time is the accessibility of the bin when Mam's Plant Hire have been unable to access the skip as the gates have been locked. The Association is issued with a key to open the gate, however it is not always possible to have the gate open at the required times.

The Association considers the current location of the bin is the best for their usage, however as users of the bin are predominantly campers who tend to favour the western side of the grounds under the trees to camp as it is close to the amenities block and well kept by Council, the Association requests Council to consider including the emptying of the Association's bulk bin after each event or function usage at the showgrounds in an attempt to resolve the problem.

(041/0003)

Resolved – That Council advise that it is not prepared to service the private bulk bin and suggest that the bulk bin be relocated outside of the showgrounds compound, clearly marked as belonging to the Tennis Association, and preferably locked.

(Crs. Lynch and Kaurila – Carried unanimously)

In accordance with Section 173 (7) of the Local Government Act 2009, it is recorded that all of the Councillors present (G. Giandomenico, A.J. Lancini, P.D. Lynch, L.R. Molachino, S.J. Kaurila and D.M. Bosworth) voted in favour of the resolution for Item 2.8.5.

Cr. G.P. Gianotti returned to the meeting.

6. ERGON ENERGY, Brisbane, 13th October, 2010, requesting Council to give consideration to ERGON acquiring a freehold portion of land within the Warren's Hill Refuse Station described as part of Reserve R862 on Lot 89 on CWL2997, for the construction of a communication tower. Confirming that ERGON would enter into an agreement with Council for the land parcel to be surrendered. Further advising that ERGON would pay all costs associated with the transaction.

Resolved – That Council advise that it does not object to the excision of part of the Reserve R862 on Lot 89 on CWL2997 for Ergon's proposed construction of a communications tower at Warren's Hill Refuse Station on the proviso that the operation of the communications towers will not create any public health risk.

(Crs. Bosworth and Kaurila – Carried unanimously)

7. LOCAL LAWS PROCESS PURSUANT TO NEW LOCAL GOVERNMENT ACT 2009.
Consideration of Report to Council from Environmental Health Technical Officer dated 12th October, 2010 seeking Council's direction to adopt procedures to make a Local Law including an Interim Local Law, a Subordinate Local Law, and a Local Law that is an adopted Model Local Law pursuant to the *Local Government Act 2009*.

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

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

(Crs. Lancini and Kaurila – Carried unanimously)

8. HSC 10/54 – SALE OF SURPLUS PLANT & EQUIPMENT 2010.
Consideration of Report to Council from Manager Engineering Services dated 25th October, 2010 regarding tenders received for the sale of surplus plant and equipment.

Resolved – That Council accept the Report and endorse the actions proposed therein.

In relation to:-

- Unit 242 Falcon Utility – That Council accept the private offer.
- Unit 318 Savage 370 Aluminium Punt & Trailer (No motor) – That Council accept the private offer.
- Unit 376 Toyota Landcruiser Station Wagon – That Council accept the private offer.
(Crs. Lancini and Gianotti – Carried unanimously)

9. SCOTT'S ROAD DRAINAGE.

Consideration of Report to Council from Manager Engineering Services dated 20th October, 2010 in relation to a request from a Mr. Raymond Stallan for Council to upgrade Springers Road culverts at Abergowrie.

Resolved – That Council advise Mr. Stallan that the request to upgrade Springer's Road culverts has been considered but has declined due to the limited capacity of the drainage line downstream of the culvert, however the drain in Springer's Road will be cleaned, and it is considered that this action will improve the current drainage situation on his property.
(Crs. Kaurila and Gianotti – Carried unanimously)

10. ENVIRONMENTAL HEALTH SERVICES CHRISTMAS 2010 ROSTER.

Consideration of draft schedule of services for Environmental Health Services for the Christmas 2010 period.

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

11. ERGON ENERGY TIDY TOWNS NOMINATION 2011.

Consideration of Report to Council from Manager Environmental Health Services dated 20th October, 2010 seeking Council's direction in relation to nomination of a town for the Ergon Energy Tidy Towns Awards 2011.

Resolved – That Council not enter the Ergon Energy Tidy Towns Awards for 2011 and consider the township of Trebonne for the 2012 Awards.
(Crs. Lancini and Molachino – Carried unanimously)

12. MEMORANDUM OF UNDERSTANDING – GUGU BADHUN PEOPLE.

Consideration of a draft Memorandum of Understanding containing Negotiations Protocols for Negotiations between Charters Towers Regional Council, Tablelands Regional Council, Hinchinbrook Shire Council and Townsville City Council AND Mr. Ernie Hoolihan, Mr. Harry Gertz, Ms. Narda Kennedy, Ms. Hazel Illin, and Ms. Elise Thompson as Native Title Applicants for the Native Title Claim Group – Gugu Badhun People # 2.

Resolved – That Council sign the Memorandum of Understanding between Charters Towers Regional Council, Tablelands Regional Council and Townsville City Council AND Mr. Ernie Hoolihan, Mr. Harry Gertz, Ms. Narda Kennedy, Ms. Hazel Illin, and Ms. Elise Thompson as Native Title Applicants for the Native Title Claim Group – Gugu Badhun People # 2.
(Crs. Kaurila and Gianotti – Carried unanimously)

9. OPERATIONAL ACTION 4.0 - GOVERNANCE

1. LEAVE OF ABSENCE – CR. A.J. LANCINI.

Consideration of request by Cr. A.J. Lancini for leave of absence from Council from the 22nd November, 2010 to 20th December, 2010.

Resolved – That Council approve the leave of absence for Cr. A.J. Lancini from the 22nd November, 2010 to 20th December, 2010.
(Crs. Bosworth and Lynch – Carried unanimously)

MISCELLANEOUS CORRESPONDENCE

1. VARIETY SPECIAL CHILDREN'S CHRISTMAS PARTY, Townsville, forwarding Certificate of Merit to Council in appreciation of the advertising sponsorship towards the 2010 Variety Special Children's Christmas Party together with a Client Pass for the 2010 Party to be held on the 6th November, 2010 at the Ryan Community Centre, Kirwan. (600/0185)
2. DEPARTMENT OF INFRASTRUCTURE & PLANNING, Brisbane, 1st October, 2010, thanking Council for completing and returning the Annual Return on Community Engagement for 2010 which determines whether Local Governments have developed a Community Engagement Policy, and robust community engagement processes integrated within the community planning and asset management planning processes of council. Advising that it is evident from Council's 2010 Return that it has established comprehensive community engagement planning processes, but has yet to establish its Community Engagement Policy. This policy is a major consideration in supporting Council's long term planning processes, and is consistent with the *Local Government Act 2009* principles that promote meaningful and socially inclusive community engagement. (007/0063)
3. KOORI KIDS, received 6th October, 2010, thanking Council for its generous continued partnership of the NAIDOC Week School Initiatives including the colouring-in, short story, creative and essay writing competitions and forwarding the NAIDOC Week School Initiatives 2010 Final Report and a Thank You Plaque. Advising that there was a significant increase from last year in the number of entries that were received from 14 local government and catholic primary and secondary schools with 1,312 entries being received. (079/0014)
4. NORTH QUEENSLAND SPORTS FOUNDATION, Townsville, 1st October, 2010, advising that after over 9 years in the position of Manager of the North Queensland Sports Foundation, Stuart Gibson will be moving on to new challenges from the 1st October, 2010. Thanking Council for supporting the Foundation and passing on his best wishes for the future. Further advising that Mr. Col Kenna will be replacing him as Manager. Also forwarding the Foundation's 2009 / 2010 Annual Report. (079/0025)
5. TERRAIN NATURAL RESOURCE MANAGEMENT, Innisfail, 5th October, 2010, advising that the Terrain Annual General Meeting will be held on Friday 26th November, 2010 and requesting items for the meeting agenda. (044/0043)
6. ETHNIC COMMUNITY CARE LINKS INC., Townsville, 11th October, 2010, thanking Council for its annual financial assistance in the sum of \$1,500 which will continue to help 25 elderly Hinchinbrook clients with pedicure services. Also congratulating Council for the presentation ceremony on the 7th October attended by Ms. Mary Ann Fichera who is one of Ingham's Case Managers. (012/0002)
7. AUSTRALIAN ITALIAN FESTIVAL ASSOCIATION, Ingham, received 14th October, 2010, forwarding 2009 / 2010 Annual Report. (079/0027)
8. MUNGALLA ABORIGINAL CORPORATION, Ingham, received 11th October, 2010, thanking Council for its donation and support towards the Mungalla's first Kup Murri Cook Off Festival which was to commemorate the 10 year celebrations of the hand back of Mungalla Station to the Nywaigi Traditional Owners. The Festival was a great success and they hope to hold the event annually. (012/0002)
9. DEPARTMENT OF ENVIRONMENT & RESOURCE MANAGEMENT, Townsville, 14th October, 2010, acknowledging that Council will not be proceeding with the Department's letter of offer for Council to Priority Purchase Lot 382 on SP100781 and advising that the offer is now formally withdrawn and no further action will be taken. Also advising that a new application will be required if Council wishes to proceed at a later date, and the matter will be re-investigated and a new decision will be made that may include re-assessment of the land values involved and all conditions and requirements applicable to the dealing. The re-assessment may also result in the application being refused. (092/0106)

10. THE. HON. STEPHEN ROBERTSON MP, MINISTER FOR NATURAL RESOURCES, MINES AND ENERGY AND MINISTER FOR TRADE, Brisbane, 12th October, 2010, advising that following a submission to Cabinet to reduce the minimum rental over State land which was recently reviewed at \$370 per tenure, this amount has now been reduced to \$200 effective from the 1st July, 2010. This new minimum rental strikes a reasonable balance between the cost to the Government to administer these tenures and the benefits received by the landholder from the use of this State land. The Land Regulation 2009 will be amended as soon as possible to reflect the change and fresh invoices will be sent out prior to the due date for payment of 1st December, 2010. Should payment of rental be already paid and if Council is eligible for a refund of the difference, this refund should be forwarded shortly after the regulation is amended. (077/0001)
11. INGHAM TOASTMASTERS, Ingham, 19th October, 2010, thanking Council for its financial support of \$250 for the annual Area 2 Conference held in Ingham on the 15th and 16th October, 2010. The conference was a great success. (012/0002)

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

MINUTES OF ORGANISATIONS / COMMITTEES ON WHICH COUNCIL IS REPRESENTED

1. INGHAM SHOWGROUNDS MANAGEMENT ADVISORY COMMITTEE.
Consideration of minutes of the Ingham Showgrounds Management Advisory Committee meeting held on the 28th September, 2010.
2. NORTH QUEENSLAND SPORTS FOUNDATION.
Consideration of minutes of the North Queensland Sports Foundation Board Meeting held on the 1st October, 2010.

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

10. COUNCILLOR ACTIVITY REPORT
Consideration of Councillor Activity Reports as at the 19th October, 2010 to ensure transparency and public scrutiny of Councillor workload.

Resolved – That the Report be received and noted.
(*Crs. Bosworth and Molachino – Carried unanimously*)

11. OPERATIONAL ACTION 1.0 - COMMUNITY

1. C. & J. WYLES, Ingham, 18th October, 2010, advising that their 11 year old son Jackson Wyles who is in Grade 6 at Ingham State Primary School recently competed as part of the North Queensland team in the State Championships in Townsville on the 15th and 16th October for athletics. He was very successful during this meet and made the Queensland team to compete at the National Championship in Bendigo, Victoria on the 29th November, 2010 to 1st December, 2010. He will also have to attend training sessions as part of the Queensland team from the 25th to 27th November, 2010. Further advising that in the 2009 local Barnes Cup Jackson broke Paul Di Bella's 10yrs long jump record and travelled to Brisbane as part of the North Queensland Team. Seeking Council's financial assistance towards his travel and accommodation costs whilst competing in Bendigo in November. (012/0002)

Resolved – That Council provide the sum of \$250 to Mr. Jackson Wyles as his participation in the National Championships in Bendigo, Victoria in November, 2010 qualifies under Council's Support for Achievement Policy guidelines.
(*Crs. Kaurila and Bosworth – Carried unanimously*)

12. OPERATIONAL ACTION 3.0 - ENVIRONMENT

1. DRAFT ASSET MANAGEMENT POLICY.
Consideration of Draft Asset Management Policy.

Resolved – That Council adopt the Asset Management Policy as the first step in documenting and implementing the Hinchinbrook Shire Asset Management Policies and Procedures in accordance with the relevant State Government Policy and National Standards.
(Crs. Bosworth and Kaurila – Carried unanimously)

3. GENERAL MEETING BUSINESS

1. OPERATIONAL ACTION 1.0 – COMMUNITY

1. GRITTIER PLACES PROGRAM.

Consideration of application to Arts Qld for funding to refurbish the Youth Technology Space to create a new creative space. The objective of the Grittier Places Program is to provide access to dedicated spaces for the creation and presentation of arts and cultural work to address demand from artists, arts and cultural workers, and communities.

The program is targeted at increasing arts activity throughout Queensland, with the Queensland Government providing up to \$50,000 in matching funding to local councils to transform disused or underutilised council owned facilities into creative spaces and places.

Specific examples of possible Grittier Places projects are:-

- conversion of shopfronts into creative places where the public can view the creation or display of art;
- upgrading an artist studio to include an exhibition space for public viewing of artwork;
- conversion of old electrical substations, warehouses and workshops into creative spaces;
- conversion of office space; and
- conversion of residential properties.

Resolved - That Council submit an application to the Grittier Places Program to upgrade the Youth Technology Space to create an innovative space for youth to develop skills in the creative industries in multimedia technology including visual, musical and graphic design.
(Crs. Kaurila and Bosworth – Carried unanimously)

2. OPERATIONAL ACTION 4.0 - GOVERNANCE

1. DISPOSAL OF PROCEEDS FROM SALE OF LAND FOR ARREARS OF RATES.

Consideration of the requirement for Council to pay the balance of funds from the sale of the Cook's Lane property after deducting outstanding Council rates and costs of sale to the Office of The Registrar of Indigenous Corporations.

Resolved – That the Office of The Registrar of Indigenous Corporations be requested to utilise the sale proceeds to support local indigenous programs.
(Crs. Molachino and Kaurila – Carried unanimously)

3. OPERATIONAL ACTION 2.0 - ECONOMY

CLOSED MEETING – That pursuant to Chapter 5 Part 2 Division 3 Section 72 (1) (f) and (g) of the *Local Government (Operations) Regulation 2010*, Council resolve to go into Closed Meeting to discuss Item 3.3.1. of the General Meeting Minutes.
(Crs. Lancini and Molachino – Carried unanimously)

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

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

1. WILSON RYAN GROSE LAWYERS, Townsville, 19th October, 2010, acting on behalf of Boogamoo Pty. Ltd. and advising their client is prepared to provide an area of land for road access behind their premises (Royal Hotel building) in Lannercost Street, Ingham on the basis that appropriate compensation is agreed. They contend that the area of access restriction strip is minor and that there is a significant difference in the area of land being dedicated for road purposes. They further advise that unless a response is received prior to the 15th November, 2010 they will proceed on the basis that Council would prefer the matter to be dealt with in the Planning & Environment Court.

Resolved – That Council withdraw its previous offer as per Council's correspondence dated 3rd August, 2010 and request a meeting onsite with the landowner.
(*Crs. Lancini and Bosworth – Carried unanimously*)

4. CONCLUSION – This concluded the business of the meeting which closed at 5.45 p.m.
5. APPROVED and adopted this 18th day of November, 2010.

MAYOR