



MINUTES OF THE GENERAL MEETING OF THE HINCHINBROOK SHIRE COUNCIL

HELD IN THE COUNCIL CHAMBERS, INGHAM
ON THURSDAY 29TH JANUARY, 2009
AT 4.00 P.M.

ATTENDANCE

- Present were Councillors G. Giandomenico, A.J. Lancini, G.P. Gianotti, D.M. Bosworth, L.R. Molachino, P.D. Lynch and S.J. Kaurila.
- Also present was the Chief Executive Officer (R.W. Clark), Manager Corporate & Economic Development (R.F. Pennisi), Manager Environmental Health Services (T. Tanase) 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 3rd December, 2008 and Special Meeting held on the 23rd December, 2008 be approved as a correct record of proceedings and be signed by the Mayor.
(Crs. Lancini and Molachino - Carried unanimously)

2. COMMITTEE BUSINESS REPORT -

The Joint Committee submitted a report of meeting held on 27th January, 2009.

Resolved – That the report be received for consideration.
(Crs. Bosworth and Lancini - Carried unanimously)

BUSINESS -

1. CEO REPORT OF COUNCILLOR REQUESTS

Consideration of CEO Report of Councillor Requests for the period 28th November, 2008 to the 21st January, 2009.

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

2. QUARTERLY CORPORATE & OPERATIONAL PLAN REPORT & INSTRUCTION SHEETS

Consideration was given to a quarterly report of activities and progress towards achieving the strategies of all functions of Council for the quarter ending December, 2008 and monthly Instruction Sheets during the month of December, 2008.

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

3. **FINANCIALS**

Consideration was given to a report of financial activities for the month of January, 2009.

Resolved - That the Report be received and noted.
(Crs. Lancini and Molachino - Carried unanimously)

4. **WORKS REPORT**

Consideration was given to a report of civil operations for the month of December, 2008.

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

5. **FUNCTION II - DEVELOPMENT AND PLANNING**

A. PROGRAM A – ECONOMIC DEVELOPMENT

1. **ECONOMIC & REGIONAL DEVELOPMENT CONFERENCE 2009 – NEW REGIONS NEW DIRECTIONS.**

Consideration of Local Government Association of Queensland Circular # 2009-013 advising of Queensland's Economic & Regional Development Conference to be held at Rydges, Southbank in Townsville from the 4th to 6th March, 2009. Registration is \$880 (incl. GST) + Dinner Registration of \$100 (incl. GST).

Resolved – That the advice be received and noted and Council be represented at the Conference and Councillors liaise with Manager Corporate & Economic Development regarding attendance.
(Crs. Lynch and Molachino - Carried unanimously)

2. **STRUCTURE ON RESERVE FOR RECREATION R266 – LOT 545 on CWL666, PARISH OF TREBONNE – THE ORIENT.**

Consideration of Report to Council from Acting Chief Executive Officer dated 9th January, 2009 seeking Council's direction in relation to dealing with an unauthorised structure on Lot 545 on CWL666, Parish of Trebonne at The Orient (Reserve for Recreation R266) to which Council is Trustee.

Resolved – That the advice be received and noted and Council request the Department to advise the outcome of their investigations and procedures regarding dealing with the unauthorised structure.
(Crs. Lancini and Molachino - Carried unanimously)

3. **DEPARTMENT OF MAIN ROADS**, Townsville, 2nd December, 2008, advising Main Roads has recently acquired Lot 1 on SP112471 on McDowell Street, and intends to seek the closure of the street connection to the future realigned Bruce Highway on the north side of the Cardwell Range. Providing connection from McDowell Street to the future highway alignment was deemed undesirable due to safety considerations, and closure of this connection also has considerable environmental benefits and provides a more cost effective solution. Whilst the Department of Natural Resources & Water will coordinate the formal process for seeking the closure in due course, seeking Council's view on the proposed closure prior to this. (107/0003)

Resolved – That Council advise the Department that it does not object to the proposed closure provided that satisfactory legal access remains to all lots currently served by McDowell Street.
(Crs. Gianotti and Kaurila - Carried unanimously)

4. **HERBERT RIVER PONY CLUB**, Ingham, 21st October, 2008, seeking Council's views in relation to the Club's application to the Department of Natural Resources & Water to renew their lease on the Pony Club grounds described as Lot 123 on Crown Plan CWL2486 which is due to expire on the 31st August, 2010.

Resolved – That Council advise the Department of Natural Resources & Water that it has no objection to the Renewal of Lease to the Herbert River Pony Club over Lot 123 on Crown Plan CWL2486 and has no requirements.

(Crs. Lynch and Lancini - Carried unanimously)

5. SPINA KYLE WALDON, LAWYERS, Ingham, 15th December, 2008, on behalf of **Alan Quagliotto** advising their client has no immediate plans to develop the property at 46 Lannercost Street, Ingham described as Lot 39 on I2242, however wishes to sell the hotel and retain the proposed vacant parcel of commercial land at the rear of the Hotel (for later sale or sale with the Hotel). At present, vehicle access to and from the Hotel is over the strip of freehold land owned by Council and described as Lot 8 on RP722006 and their client seeks the dedication of Lot 8 as a road to provide access to the rear of the Hotel and the proposed vacant parcel of commercial land. The proposed use of the property will not change and the dedication of Lot 8 as a road will not affect the use or amenity of the surrounding land.

Resolved – That Council defer consideration pending Council's consideration of Reconfiguration of Land application for Lot 39 on I2242.

(Crs. Gianotti and Lancini - Carried unanimously)

6. DEPARTMENT OF NATURAL RESOURCES & WATER, Townsville, 9th January, 2009, seeking Council's views and / or requirements in relation to an application received by the Department for a Permit to Occupy 5695 over Lot 1 on PER7199, Parish of Waterview for weekend / holiday purposes. (077/0001)

Resolved - That Council advise the Department of Natural Resources & Water that it has no objection to the renewal of Permit to Occupy described as Lot 1 on PER7199 on Reserve for Camping and Recreation R 877 and has no requirements.

(Crs. Kaurila and Lancini - Carried unanimously)

7. DEPARTMENT OF NATURAL RESOURCES & WATER, Townsville, 6th January, 2009, seeking Council's views and / or requirements in relation to an Application for Priority Purchase of Lot 274 on CWL1367 at Legge's Road, Braemeadows the Department is investigating. The Department requires clarification on the following:-

- As the parcel of land is a 2042m² allotment in a rural use locality and zoned Rural, is there a minimum allotment area of 1 ha for a Rural Industry Use?
- If so, does Council have any objection with this parcel being a stand alone allotment or is there a requirement for the parcel to be amalgamated with the adjoining parcel of land being Lot 164 on CWL1304 held by the applicants? (075/0001)

Resolved - That Council advise the Department of Natural Resources & Water that it does require Lot 274 on CWL1367 to be amalgamated with the adjoining property, Lot 164 on CWL1304.

(Crs. Lancini and Bosworth - Carried unanimously)

8. DEPARTMENT OF NATURAL RESOURCES & WATER, Mackay, 9th January, 2009, seeking Council's views and / or requirements in relation to an Application for Temporary Road Closure over part of Regazzoli's Road, Four Mile adjoining Lots 3, 4, 9, 10, 11 and 12 on RP703813 for growing sugar cane and cattle purposes. (017/0002)

Resolved - That Council advise the Department of Natural Resources & Water that it has no objection to the Temporary Road Closure described as Part of Lot A on sketch plan TSV2008-58 and has no requirements regarding this matter.

(Crs. Kaurila and Lancini - Carried unanimously)

9. DEPARTMENT OF NATURAL RESOURCES & WATER, Cairns, 13th January, 2009, advising that the Department is coordinating the disposal of the former Ingham Opportunity School (Lot 368 on CWL2628 at 49 Cassady Street, Ingham) on behalf of the Department of Education, Training and the Arts and offering Council the opportunity to purchase the property in priority. The 2.53ha freehold property is currently zoned Public Purposes and has been purpose built and could be suited for a public purpose use. Transfer under these circumstances are to occur on a market value footing. (077/0001)

Resolved - That Council defer consideration to the next series of meetings pending further investigation and seek an extension from the Department until the 20th February, 2009.

(Crs. Lynch and Kaurila - Carried unanimously)

10. DEPARTMENT OF NATURAL RESOURCES & WATER, Townsville, 19th December, 2008, advising that Council's application for permanent closure of part of Macrossan Avenue, part of Tully Street and part of Cowley Street described as Lots 1, 2 and 3 on Drawing TSV2008-74 has been approved, provided Council bears all costs in the matter including survey. In relation to Lot 2 being included into Council's adjoining freehold parcel described as Lot 801 on SP222055, it has been approved to offer a purchase price of \$77,000 (incl. GST). It has also been approved to offer Lot 1 to be included into adjoining Lot 1 on I224106 being a Reserve for Park and Recreation purposes and Lot 3 to be included into adjoining Lot 11 on I224106 being a Reserve for Park and Recreation purposes. (058/0271)

Resolved – That Council confirm the action by the CEO in accepting the offer and purchase price of \$77,000 (incl. GST) for Lot 2 on Drawing TSV2008-74 for inclusion in the adjoining freehold block (Lot 801 on SP222055) and also agree to take action to close parts of the unused Macrossan Avenue, Tully and Cowley Streets and have these areas included in the adjacent Recreation Reserve as suggested by the Department.

(Crs. Lancini and Molachino - Carried unanimously)

11. LCJ ENGINEERS PTY. LTD., Townsville, 16th December, 2008, on behalf of **Triform Pty. Ltd.** seeking an extension of approval for two years until 14th December, 2010 (original approval date 14th December, 2006) for completion of the proposed reconfiguration (subdivision) into thirteen lots of Lot 41 on RP733789, Parish of Cordelia at Pangola Street, Allingham. (066/0154)

Resolved – That Council refuse the application for an extension of time in recognition that Council's current Hinchinbrook Shire Town Planning Scheme has been amended since the original approval of the Reconfiguration application and Council requires the Reconfiguration to be assessed against the current scheme requirements.

(Crs. Lancini and Gianotti - Carried unanimously)

12. LILLEY, GROSE & LONG, Atherton, 18th November, 2008, on behalf of **R. Peirce** seeking approval of the proposed reconfiguration of land (subdivision) to create an access easement over Lot 416 on A7741 in favour of Lot 405 on A7441, Parish of Cordelia at Acacia Street, Allingham. Land is zoned *Residential*. (066/0200)

Resolved – That the Development Application for Reconfiguration (subdivision) to create an access easement over Lot 416 on A7741 in favour of Lot 405 on A7741, Parish of Cordelia at Acacia Street, Allingham be approved subject to the following conditions:-

- (a) The development being a per the proposal plans and easement agreement submitted with the Development Application;
- (b) Provision of a constructed access to Council Standard (or demonstrated that a suitable construction exists) at the entrance of the access easement;
- (c) Provision of a 2.4m wide access way within the easement area with a suitable dust free surface.

(Crs. Kaurila and Lancini - Carried)

13. PROPOSED REARRANGEMENT OF BOUNDARIES – PREVIOUSLY REFUSED APPLICATION – APPLICANT: THORSBY & HOMEWOOD / OWNER: A. & C. STAGNITTA – HELEN'S HILL ROAD, HELEN'S HILL – LOT 2 on RP713852, LOT 2 on RP720560 & LOT 5 on RP709082.

Consideration of Report to Council from Infrastructure Engineer dated 14th January, 2009 regarding a request from Thorsby & Homewood for Council to revisit their decision regarding Rearrangement of Boundaries application between Lots 2 on RP713852, Lot 2 on RP720560 and Lot 5 on RP709082, Parish of Waterview at Helen's Hill Road, Helen's Hill as a result of Council approving 2 applications (Stalco Pty. Ltd. and Giacomi & Christensen) with some similarities to this proposal. (068/0032)

Resolved – Council is prepared to consider a new application in relation to the Reconfiguration (rearrangement of boundaries) between Lots 2 on RP713852, Lot 2 on RP720560 and Lot 5 on RP709082, Parish of Waterview.
(*Crs. Molachino and Bosworth - Carried unanimously*)

14. THORSBY & HOMEWOOD PTY. LTD., Ingham, 2nd May, 2008, on behalf of **D.J. & R.G. Perkins** seeking approval of the proposed reconfiguration of land (rearrangement of boundaries) between Lots 1 to 5 on RP703813 and Lots 9 -12 on RP703813, Parish of Cordelia at Four Mile Road and Regazzoli's Road, Ingham. Land is zoned *Rural*.(066/0199)

Resolved – That the Development Application for Reconfiguration (rearrangement of boundaries) Lots 1 to 5 on RP703813 and Lots 9 -12 on RP703813, Parish of Cordelia between be approved subject to the following conditions:-

- (a) The development being as per the proposal plans submitted with the Development Application with the necessary reworking to 2ha minimum lot size consistent with Arnot Creek;
- (b) The section of Five Mile Road fronting the development is to be upgraded to a sealed standard in accordance with Council's Rural Road Standards;
- (c) The Applicant notes that the fronting section of Regazzoli's Road is not maintained by Council and should access be sought from this road, upgrade to a sealed standard in accordance with Council's Rural Road Standards would be required;
- (d) Provision of property accesses to each lot to Council's standards;
- (e) The water main in Five Mile Road is to be upgraded to service the reconfigured lots fronting Five Mile Road;
- (f) Evidence from the Applicant that electricity is available to each lot, or evidence of an agreement between the Applicant and the electricity authority to make electricity available to each lot within six (6) months;
- (g) Evidence from the Applicant that septic effluent can be adequately disposed on site;
- (h) Prior to commencement of civil works, submission to Council for approval of Engineering Drawings and specifications setting out proposed works. Payment of Engineering Plan Scrutiny Fee based on 2% of approved cost estimate of engineering construction works;
- (i) Provision of Completion Certificates for civil construction works, including "as constructed" surveyed information, to suit Council's software. [Autocad drawing files connected to two (2) Council permanent marks or similar accuracy]; and
- (j) A twelve (12) month maintenance period to apply and commencing at practical completion of works. A security to be kept by Council for any unfinished works and expected maintenance obligations.

(*Crs. Lancini and Kaurila - Carried unanimously*)

6. FUNCTION V - INFRASTRUCTURE MANAGEMENT

A. PROGRAM A – TRANSPORT

1. COMMUNITY BOATING PROGRAMS STRATEGY.

Consideration of Local Government Association of Queensland Circular # 2009-001 detailing Queensland Transport's request from local governments for input into their 5 year strategy for Community Boating Programs. The Community Boating Programs Unit is responsible for the planning and management of public recreational boating infrastructure in partnership with local managing authorities and the annual infrastructure program of works. The Unit requests councils to advise of any issues, challenges or opportunities relating to boating and community access envisaged to impact on local government over the next 5 years. Some of the issues the Unit has identified for input include:-

- Views on the issues impacting on community boating access now and over the next five years;
- Potential overlaps or alignment of roles associated with funding, managing, delivering and maintaining community boating access within and across levels of government as well as with non government entities, including overlap between objectives and priorities;

- The inclusion of community boating infrastructure in local government plans and strategies over the next five years;
- Funding partnerships for existing boating infrastructure;
- The role of local government in relation to community boating access over the next five years; and
- Expectations of Queensland Transport's role in providing recreational boating access over the next five years.

Resolved – That Council advise it views as follows:-

- Council has a good and productive working relationship with local and regional Queensland Transport staff and believes that existing arrangements serve to best represent stakeholders interests;
- However funding for boating infrastructure and particularly for communities such as Hinchinbrook is very limited;
- It is inequitable that Queensland Transport infrastructure funding does not extend to necessary ancillary boating infrastructure such as carparking;
- In assessing projects on a Statewide basis, Queensland Transport should give more weighting to the needs of Northern Communities and particularly in regard to tide and weather restrictions that tend to commonly impact on northern facilities.

(Crs. Kaurila and Gianotti - Carried unanimously)

2. P. & W. ROWLANDS, Ingham, 27th November, 2008, requesting Council to once again consider increasing the bitumen strip currently in place from 116 Kirkwood's Road to their shed by 200 metres to reduce the excessive dust nuisance that they have been requesting since 2004. Further advising that as a result of CSR's relocation of a cane siding from Orient Road to Kirkwood's Road, Council allocated funds to provide a 300 metre bitumen strip extending down from the Orient / Kirkwood's Road intersection to alleviate the dust nuisance for the residents (1 house) in that area. (016/0015)

Resolved – That the applicant be advised that the area of concern is on Council's Forward Works Program and will be considered in a future budget, however Council has decided to indefinitely defer all seal extensions on the basis that funding constraints are such that it is prudent to direct available funding towards network rehabilitation works rather than new works.

(Crs. Gianotti and Lancini - Carried unanimously)

3. HINCHINBROOK ROAD SAFETY ADVISORY COMMITTEE, Ingham, 22nd December, 2008, alerting Council to safety concerns raised with the double dips located on a section of Abergowrie Road, Long Pocket where buses and fire trucks bottom out and scrape along the road surface even when travelling at lower speeds. Requesting Council to investigate the possibility of improvements to this section of road as part of the Black Spot Program.

Resolved – That Council include the double dips located on the Abergowrie Road on the Black Spot Program.

(Crs. Kaurila and Molachino - Carried unanimously)

4. HINCHINBROOK ROAD SAFETY ADVISORY COMMITTEE, Ingham, 22nd December, 2008, requesting Council to consider moving and relocating the Give Way sign at the Des Jardine crossing at Palm Creek to improve visibility for oncoming traffic as part of Council's Safety and Amenity Program. Council's Manager Engineering Services suggested at a recent Committee Meeting that the sign could be relocated to the Cemetery side of the crossing to improve visibility, however the proposed relocation would require widening of the pavement.

Resolved – That Council relocate the Give Way sign at the Des Jardine crossing at Palm Creek to the Cemetery side of the crossing under the 2008 / 2009 Safety Amenity Program.

(Crs. Lynch and Bosworth - Carried unanimously)

5. HINCHINBROOK ROAD SAFETY ADVISORY COMMITTEE, Ingham, 22nd December, 2008, requesting Council to consider relocating the Loading Zone outside the Victoria Hotel around the corner of the Hotel to Francis Street, and changing the times of the Loading Zone outside the East Ingham Hotel to a 24 hour Loading Zone rather than set to specific times. This request has come about from a recent meeting of the local Liquor Accord Group who expressed concern regarding the difficulty Taxi Operators encounter when collecting patrons from some of the local hotels out of the loading zone times. Council's Manager Engineering Services presented a report of his investigations at a recent Committee Meeting and the Committee discussed these options to address the concerns raised by the Group.

Resolved – That Council relocate the Loading Zone outside the Victoria Hotel around the corner of the Hotel to Francis Street, and change the times of the Loading Zone outside the East Ingham Hotel to a 24 hour Loading Zone.
(Crs. Kaurila and Bosworth - Carried unanimously)

B. PROGRAM C – TECHNICAL SERVICES

1. SITING RELAXATION APPLICATION – 2 CORAL TREE COURT, FORREST BEACH.
Consideration of Report to Council from Infrastructure Engineer, dated 14th January, 2009 in relation to a Siting Relaxation Application received for a proposed shed to be built on a corner of the allotment at 2 Coral Tree Court, Forrest Beach, approximately 1.5m from the road boundary of Beatts Road.

Resolved – That Council adhere to its original decision not to allow the Close to Boundary Siting Relaxation Application and appropriate action be taken to regularise the situation.
(Crs. Kaurila and Gianotti - Carried)

2. SITING RELAXATION APPLICATION – 6 COCKRELL STREET, INGHAM.
Consideration of Report to Council from Infrastructure Engineer, dated 14th January, 2009 in relation to a Siting Relaxation Application received for an extension of a two (2) storey open deck at 6 Cockrell Street, Ingham, 4.2m and 3.1m from the Skinner Street and Cockrell Street road boundaries respectively.

Resolved – That Council not approve the siting relaxation application to locate an extension to an existing dwelling within the required road boundary set back distance as the structure is not expected to conform to acceptable streetscape in this area and is likely to impact on adequate sight lines and visibility around the corner.
(Crs. Kaurila and Molachino - Carried unanimously)

3. SITING RELAXATION APPLICATION – 48 PANDANUS STREET, FORREST BEACH.
Consideration of Report to Council from Infrastructure Engineer, dated 14th January, 2009 in relation to a Siting Relaxation Application received for a proposed shed at 48 Pandanus Street, Forrest Beach, 0.5m from the side boundary adjacent to 50 Pandanus Street and on the boundary line adjacent to USL.

Resolved – That Council approve the siting relaxation application on the grounds that the proposed shed is not expected to impact upon the amenity of surrounding properties, the shed be constructed as per the submitted site plan with the dimensions shown to the outmost projection of the structure, and the shed walls to be fabricated with a maintenance free material.
(Crs. Kaurila and Gianotti - Carried unanimously)

C. PROGRAM E – BUILT ENVIRONMENT

1. REQUEST TO NAME UNNAMED PARK AT TAYLORS BEACH.
Consideration of Report to Council from Infrastructure Engineer dated 8th January, 2009 in relation to an earlier request from Eric and Glenda Kehl and Susan and Tom Schneider to have the park at the southern end of John Dory Street at Taylors Beach named in honour of the late Mr. Robert James Nazzari and / or the Nazzari family.

Resolved – That following the review of the Public Open Spaces, Council would consider it appropriate to name the park at the southern end of John Dory Street at Taylors Beach as the Robert (Bob) Nazzari Park.
(Crs. Lynch and Kaurila - Carried unanimously)

7. **FUNCTION III – COMMUNITY SERVICES**

A. **PROGRAM B – CULTURAL SERVICES**

1. **Q150 COMMUNITY FUNDING GRANT – BOOK DEPICTING HISTORY OF THE SHIRE PROPOSAL.**

Consideration of an outline of book contents for the work with the proposed title 'The Herbert River Story' and a small sample of the Author's proposed writing style. Further that consideration be given of appointment of a Councillor to the Steering Committee coordinating this project.

Resolved – That Council authorise Mrs. Bianka Vidonja-Balanzategui to write "The Herbert River Story".

That Deputy Mayor, Cr. Andrew Lancini be Council's representative on the Steering Committee to coordinate this project.

That Council note that the author's dedication is to be to the late Bob Shepherd.
(Crs. Kaurila and Molachino - Carried unanimously)

8. **FUNCTION V - INFRASTRUCTURE MANAGEMENT**

A. **PROGRAM C – TECHNICAL SERVICES**

1. **PROPOSED COMMERCIAL USE OF YANK'S JETTY – ORPHEUS ISLAND.**

Consideration of Report to Council from Manager Technical Support dated 23rd December, 2008 regarding a request received from a commercial operator (Northern Conquest Charters, Townsville) to operate regular snorkelling trips to Yank's Jetty at Orpheus Island.

Resolved – That Council contact Northern Conquest Charters and express interest in undertaking further discussions in establishing the operation.

That Council's Manager Engineering Services undertake further investigations regarding the management of similar facilities by other Councils or private operators.
(Crs. Lynch and Molachino - Carried unanimously)

2. **UPGRADE OF LIGHTING AND POWER OUTLETS.**

Consideration of Report to Council from Manager Technical Support dated 22nd January, 2009 regarding a request from the Forrest Beach Progress Association to upgrade the current lighting and power outlets to Progress Park.

Resolved - That Council approve the upgrade and allow the project to be included within the Current and Future Works Program under Miscellaneous Beach Upgrades.
(Crs. Gianotti and Molachino - Carried unanimously)

B. **PROGRAM E – BUILT ENVIRONMENT**

1. **DEPARTMENT OF LOCAL GOVERNMENT, SPORT & RECREATION, Brisbane, 15th January, 2009,** advising that the Acting Minister for Emergency Services has approved the activation of the Australian Government / State Natural Disaster Relief and Recovery Arrangements (NDRRA) as a result of the damage to local government assets caused by Tropical Cyclone Charlotte and flooding in North and West Queensland during January, 2009. Inviting Council to submit details of estimated restoration costs, provided they exceed the 2008 / 2009 "trigger point" of \$180,000. Council will be required to meet 25% of eligible restoration and emergency / post disaster repair costs up to its maximum contribution of \$180,000. Unless advised to the contrary, it will be presumed that Council will finance this cost from its own revenue. Applications for assistance should be submitted to the Department no later than three months from the date of this letter and it should be recognised that assistance is provided for the restoration of "essential public assets".
(011/0051)

Resolved – That the advice be received and noted and the information regarding asset damage will be provided in due course.

(Crs. Lancini and Kaurila - Carried unanimously)

9. FUNCTION IV- HEALTH & ENVIRONMENT SERVICES

A. PROGRAM B – ENVIRONMENTAL SERVICES

1. ERGON ENERGY TIDY TOWNS NOMINATION 2009.

Consideration of Report to Council from Manager Environmental Health Services dated 16th January, 2009, seeking Council's direction in relation to nominating a township in the Hinchinbrook Shire for the Ergon Energy Tidy Towns 2009 Awards.

Resolved – That Council write to the Halifax Progress Association inviting them to consider being involved in the nomination of Halifax in the Ergon Energy Tidy Towns Awards 2009.

(Crs. Lancini and Kaurila - Carried unanimously)

2. ENVIRONMENTAL PROTECTION ACT – NEW PROVISIONS COMMENCING 1ST JANUARY, 2009.

Consideration of Report to Council from Environmental Health Officer dated 1st December, 2008 detailing the adoption of new fees and charges bought about from the review of the *Environmental Protection Act 1994 and Regulation 1998*.

Cr. A.J. Lancini declared a material personal interest in Item 2.9.A.2. as he is the owner of BP Halifax and left the meeting and did not participate in the resolution thereon.

Resolved – That pursuant to the *Environmental Protection Act 2008* Chapter 11 Part 1 Section 514 (5) (a) and relating to the *Environmental Protection Regulation 2008* Chapter 8 and Schedule 10 Council resolves the following:-

1. The fee unit described in Chapter 8 Part 3 Section 120 (2) where M is (a) = \$100 or (b) = \$200 will be **\$100** instead;
2. The fees under Schedule 10 Part 1 Sections (1) & (2) are already covered by the current Town Planning fees and these fees will not be charged in addition;
3. The fee of \$500 under Schedule 10 Part 1 Sections (3) where the application for registration of 1 or more chapter 4 activities, other than continuing chapter 4 activities will be **\$100** instead;
4. The fee of \$500 under Schedule 10 Part 1 Sections (5) where the annual fee for a development application, or registration certificate, for a chapter 4 activity for which there is no aggregate environmental score will be **\$100** instead;
5. Where the total annual fee for an ERA is less than the amount of \$100 using the calculation in Chapter 8 Part 3 section 120 (i.e. unit rate multiplied by the AES) the minimum fee of **\$100** shall apply; and
6. The fees will apply for all new applications received by Council from 1st January, 2009.
(Crs. – Bosworth – lapsed due to lack of a seconder)

Cr. G.P. Gianotti declared a material personal interest in Item 2.9.A.2. as his brother is the owner of a panel beating business and left the meeting and did not participate in the resolution thereon.

Resolved – That pursuant to the *Environmental Protection Act 2008* Chapter 11 Part 1 Section 514 (5) (a) and relating to the *Environmental Protection Regulation 2008* Chapter 8 and Schedule 10 Council resolves:

1. The fee unit described in Chapter 8 Part 3 Section 120 (2) where M is (a) = \$100 or (b) = \$200 will be **\$100** instead;
2. The fees under Schedule 10 Part 1 Sections (1) & (2) are already covered by the current Town Planning fees and these fees will not be charged in addition;
3. The fee of \$500 under Schedule 10 Part 1 Sections (3) where the application for registration of 1 or more chapter 4 activities, other than continuing chapter 4 activities will be **\$100** instead;

4. The fee of \$500 under Schedule 10 Part 1 Sections (5) where the annual fee for a development application, or registration certificate, for a chapter 4 activity for which there is no aggregate environmental score will be **\$100** instead;
5. Where the total annual fee for an ERA is less than the amount of \$100 using the calculation in Chapter 8 Part 3 section 120 (i.e. unit rate multiplied by the AES) the minimum fee of **\$100** shall apply;
6. The fees will apply for all new applications received by Council from 1st January, 2009; and
7. Apply a different annual fee unit to the following ERA's (resulting annual fee in brackets):-
 - ERA 17 Abrasive blasting: **\$50** (\$800);
 - ERA 21 MV Workshop: **\$50** (\$350);
 - ERA 43 Concrete batching (200t/year): **\$50** (\$1500); and
 - ERA 49 Boat M&R: **\$25** (\$425).

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

Cr. A.J. Lancini and Cr. G.P. Gianotti returned to the meeting.

3. PEST SURVEY PLAN.

Consideration of a Pest Survey Program to be conducted for the whole of the Hinchinbrook Local Government area to survey and map areas for the control of Pond Apple, Hymenachne, Giant Sensitive Plant, Mikania Vine, Siam Weed and Acacia Curassavica to comply with the *Land Protection (Pest and Stock Route Management) Act 2002*.

Resolved – In accordance with the *Land Protection (Pest and Stock Route Management) Act 2002*, Council authorises a Pest Survey Program to be conducted for the whole of the Hinchinbrook Local Government area, valid for a period of three months starting on the 16th February, 2009. The purpose of the program is to survey and map areas for the control of Pond Apple, Hymenachne, Giant Sensitive Plant, Mikania Vine, Siam Weed and Acacia Curassavica.

(Crs. Lynch and Kaurila - Carried unanimously)

4. ACID SULFATE SOIL WATER QUALITY IMPROVEMENT PLAN FAR NORTH QUEENSLAND REGION.

Consideration of The Acid Sulfate Soils Water Quality Improvement Plan for the Far North Queensland NRM Region (Terrain NRM) developed by the Commonwealth and Queensland Department of Natural Resources & Water which aims to provide a framework for addressing acid sulphate soil risks through institutional, industry and community action. Inviting Council's comments on any omissions, errors and other areas of improvement by the 31st January, 2009. The intent is that the document will be finalised after communities, industries and other interested stakeholders have had the opportunity for review and comment.

Resolved – That the advice be received and noted.

(Crs. Lynch and Lancini - Carried unanimously)

5. ENVIRONMENTAL PROTECTION AGENCY, Townsville, 9th January, 2009, responding to Council's invitation to the Agency to discuss the Ingham Car Show Burnout Competition and advising that as from the 1st January, 2009, with the commencement of the *Environmental Protection Regulation 2008*, the responsibility for responding to environmental nuisance and minor water contamination is devolved to Local Government. This change establishes the respective role of each Agency, and in this instance, Council will be the organisation responsible for any future complaints regarding the smoke and noise generated from the event.

Further advising that given the previous history of complaints regarding the event, Council may wish to consider the location of the event and should Council decide the current location is appropriate; the EPA will provide Council with access to the EPA files relating to the previous history of event dealings.

Resolved – That Council’s Environmental Health Services Manager provide guidelines to the event organisers of the Ingham Car Show to assist with their formulation of a Nuisance Management Plan to minimise the recognised odour and noise nuisance caused once per year by the Burnout Competition.

That Council authorise that the 2009 Ingham Car Show Burnout Competition be held at the Ingham Showgrounds.
(Crs. Gianotti and Lancini - Carried unanimously)

6. INGHAM GOLF CLUB, Ingham, 2nd December, 2008, requesting Council to remove 3 African Tulip Trees from the Racecourse and Recreation Reserve at the corner of Marina Parade and Clements Street which are posing a threat to pedestrians with falling branches. These trees are also the subject of complaints from nearby residents as a result of debris littering their properties. (076/0045)

Resolved –That Council remove the trees as soon as practicable dependant on budget and advise the Golf Club accordingly of its decision.

It is expected that these trees can be removed by the end of the financial year.
(Crs. Bosworth and Kaurila - Carried unanimously)

10. FUNCTION V - INFRASTRUCTURE MANAGEMENT

A. PROGRAM C – TECHNICAL SERVICES

1. FORREST BEACH BUS SHELTERS.

Consideration of Report to Council from Engineering Technical Compliance Officer dated 20th January, 2009 seeking Council’s direction in relation to installing three new bus shelters at Forrest Beach.

Manager Environmental Health Services, T. Tanase left the meeting at 5.10 p.m.

Resolved – That Council install three (3) new bus shelters at Forrest Beach at the following locations:-

- Corner of Fig Street and Leichhardt Street, Allingham — in front of the water tower;
- Corner of Acacia Street and Pine Street, Allingham; and
- Pandanus Street, Allingham — in front of the Forrest Beach State School.

That Council seek funding under the TIDS program for the construction of the shelter in front of the Forrest Beach State School.

(Crs. Gianotti and Kaurila - Carried unanimously)

11. FUNCTION IV- HEALTH & ENVIRONMENT SERVICES

A. PROGRAM B – ENVIRONMENTAL SERVICES

1. CRIME AND MISCONDUCT COMMISSION, Brisbane, 23rd December, 2008, advising the Crime and Misconduct Commission (CMC) is currently undertaking a review of Queensland’s Police move-on powers as directed by Section 49 of the *Police Powers and Responsibilities Act 2000* (Qld). The CMC intends to undertake the following in its review:-

- call for public comment from interested individuals, representative groups, agencies and government departments;
- consult with major stakeholders such as the Queensland Police Service, legal groups, government departments and shopkeepers;
- analyse relevant Police and courts data; and
- review relevant research and examine similar legislation, and its effects, in other jurisdictions.

Inviting Council to make a written submission to the review and forwarding a copy of the Issues Paper setting out the current powers, their history, the nature of the review and how Council can make comment. Submissions may address any aspect of move-on powers considered relevant to Council and is due by the 20th February, 2009. (001/0006)

Resolved – That Council supports the retention of the move-on powers and believes that they need to be activated in times and areas of need in an acceptable timeframe.
(Crs. Molachino and Lynch - Carried unanimously)

12. FUNCTION III – COMMUNITY SERVICES

A. PROGRAM A – COMMUNITY ASSISTANCE

1. INGHAM ROD & REEL CLUB, Ingham, 9th January, 2009, advising their annual Hinchinbrook Catch and Release Tournament will be held on 22nd and 23rd May, 2009 and seeking sponsorship for this event. Council's support will assist in raising funds to promote recreational fishing through increased fish stocks. (012/0002)

Resolved – That Council provide the sum of \$250 sponsorship for Ingham Rod & Reel Club's Hinchinbrook Catch and Release Tournament.
(Crs. Molachino and Lancini - Carried unanimously)

2. BREAST CLINIC VISIT.

Consideration of request by Mr. Greg Shephard of Breast Screen Queensland for an alternative suitable site to place the breast screening van due to the construction of the new hospital and consideration of reducing the fees of the power boxes, toilets and car park at the Pavilion side of the Showgrounds from the 2nd February, 2009 to 9th April, 2009 when the van will be in Ingham. (041/0001)

Resolved – That Council permit the use of the Ingham Showgrounds for the rotation of the Breast Screen Queensland van, subject to payment of electricity used based on an assessed cost.
(Crs. Kaurila and Molachino - Carried unanimously)

3. NORTH QUEENSLAND SMALL BUSINESS DEVELOPMENT CENTRE, Townsville, 20th January, 2009, requesting Council to consider providing an office to the Centre to enable counselling interviews and workshops to be conducted. The Centre anticipates that it will visit Ingham to offer small business counselling one day per month, and conduct small business workshops every other month. The Centre will also liaise with the Hinchinbrook Chamber of Commerce regarding the dates of the workshops.

Resolved – That Council provide the Councillors Room to the Centre free of charge for the purpose of conducting business advisory services and workshops.
(Crs. Lynch and Kaurila - Carried unanimously)

B. PROGRAM C – RECREATION

1. HERBERT RIVER AMATEUR SWIMMING CLUB INC., Ingham, 1st December, 2008, requesting Council to consider improving shading at the Hinchinbrook Aquatic Centre as the 50m pool has limited shading and umbrellas shade a section of the 25m pool. The Club feel the reasons for improving shading are obvious, and as most learn to swim classes are carried out in the 25m pool and in direct sunlight, sun protection is a big priority. The pool is an important point of recreation and fitness for local people, and more shading could assist to lower the pool temperature slightly in summer as the current pool temperature is too high for training. Further encouraging Council to apply for a Sport & Recreation grant or to consider any other funding opportunity. (038/0002)

Resolved – That Council consider improving shading at the Aquatic Centre by investigating available Sport & Recreation grants.
(Crs. Lancini and Kaurila - Carried unanimously)

13. **FUNCTION I - CORPORATE SERVICES**

A. PROGRAM A – CORPORATE GOVERNANCE

1. **APPLICATION FOR STUDY ASSISTANCE – D. HOBAN.**

Consideration of request from Daniel Hoban seeking Council's approval for study assistance regarding commencement of a Bachelor of Communications Degree through the Open Universities Australia which is directly connected with his current position and responsibilities.

Resolved – That the proposed course be approved as a Category 2 course under the Council's Staff Education and Training Policy.

That Council is prepared to reimburse 50% of reasonable travel and accommodation costs subject to it being re-paid if the employees leave within 2 years of completing the course.

(Crs. Kaurila and Bosworth - Carried unanimously)

2. **LOCAL GOVERNMENT REMUNERATION TRIBUNAL**, Brisbane, 12th December, 2008, forwarding the Tribunal's 2008 Annual Report including its second determination about remuneration that is to be paid to Councillors from 1st January, 2009. The Report was handed to the Minister on the 2nd December, 2008 and is to be tabled in the Queensland Legislative Assembly in accordance with Section 250AQ of the *Local Government Act 1993*. Also requesting a copy of Council's resolution when it resolves how much remuneration is to be paid to each Councillor from the 1st January, 2009. Should Council wish to vary the remuneration the Tribunal has determined it may make a submission to the Tribunal at any time, under Section 250AL of the Act. The submission may seek approval to pay a higher or lower rate than that determined by the Tribunal including the special circumstances relevant to any such request. (004/0004)

Consideration was also given to Local Government Association of Queensland Circular # 2009-004 advising that according to Section 236A of the *Local Government Act 1993* all Councils (excluding Brisbane City Council) are required to make an annual resolution authorising the payment of Councillors remuneration regardless whether the amount has changed for the 2009 year. The Act provides that the resolution must be made within 2 months of the gazettal of the tribunal determination. The gazettal was made on the 12th December, 2008 and therefore the resolution needs to be made by the 12th February, 2009 and provide for the new remuneration to be paid from the 1st January 2009.

Resolved – That the advice be received and noted and the following table of Council Remuneration be adopted:-

Category 3 Council Remuneration

COUNCILLOR	% of rate (\$126,555) payable to a member of Queensland Legislative Assembly	Distance Allowance (based on \$108.60 / km x distance from residence to Ingham and return)
Cr. G. Giandomenico	57% (\$72,136)	NIL
Cr. A.J. Lancini (Deputy Mayor)	31% (\$39,232)	\$4,126
Cr. D.M. Bosworth	28% (\$35,435)	\$2,172
Cr. L.R. Molachino	28% (\$35,435)	\$1,086
Cr. G.P. Gianotti	28% (\$35,435)	\$4,344
Cr. S.J. Kaurila	28% (\$35,435)	\$5,430
Cr. P.D. Lynch	28% (\$35,435)	\$1,738

(Crs. Molachino and Kaurila - Carried unanimously)

3. **CORPORATE IDENTITY ROADMAP / POLICY.**

Consideration of Corporate Identity Roadmap / Policy.

Resolved – That Council adopt the Corporate Identity Roadmap / Policy as presented.
(Crs. Molachino and Kaurila - Carried unanimously)

4. BOOKMEN PUBLISHERS PTY. LTD., Sandgate, 9th December, 2008, inviting Council to participate in their publication of a unique series of historic chronologies to celebrate Queensland's 150th anniversary in 2009.

Resolved – That Council decline the offer by Bookmen Publishers Pty. Ltd.
(Crs. Kaurila and Lancini - Carried unanimously)

5. OFFICE OF THE DIRECTOR-GENERAL, DEPARTMENT OF LOCAL GOVERNMENT, SPORT & RECREATION, Brisbane, 18th December, 2008, advising on the new Sustainability Reporting process currently being developed as a key component of the Local Government Reform program which is aimed at ensuring the ongoing sustainability of all local councils in Queensland and the Department is now ready to implement the first stage involving an Annual Return on the Status of Asset Management.

Resolved – That the advice be received and noted and completion of the Annual Return on the Status of Asset Management be completed and returned by the end of March, 2009.
(Crs. Molachino and Kaurila - Carried unanimously)

6. COMMANDER CENTRE NORTH QUEENSLAND SPORTSTAR AWARDS.
Consideration was given to the appropriate nominations for the Sportstar Awards to be held in Normanton on the 4th April, 2009. Nomination for the Awards close on the 9th March, 2009.

Resolved – That Council delegate the Mayor, Cr. Pino Giandomenico and Cr. Lawrence Molachino to decide on Council's nominees for all categories in the 2008 Commander Centre North Queensland Sportstar Awards.
(Crs. Bosworth and Kaurila - Carried unanimously)

3. RURAL LIVING INFRASTRUCTURE PROGRAM (RLIP).
Consideration of potential projects to be submitted for funding under the State Government RLIP.

Resolved – That Council submit the following streetscape elements for funding under both the Federal Government (RLCIP) and State Government (RLIP) funding programs:-

<u>Element</u>	<u>Estimated Cost</u>
1. Detailed design Lann / Herb Sts incl. Mercer Lane	\$ 80,000
2. Construct Mercer Lane covered walkway	\$ 130,000
3. Construct Ped / Shelter – C/wealth Bank Cnr	\$ 37,000
4. Construct Lann St West streetscape	\$ 270,000
5. Construct Lann St East streetscape	\$ 153,000
6. Construct Herb St (High Park)	\$ 150,000
7. Post Office frontage streetscape	\$ 180,000
Total Estimated Cost	<u>\$1,000,000</u>

Costs to be funded by:-

1. Federal Government RLCIP	\$ 237,000
2. State Government RLIP (60% of \$1M)	\$ 600,000
3. Hinchinbrook Council	\$ 163,000
Total Estimated Cost	<u>\$1,000,000</u>

(Crs. Lynch and Kaurila - Carried unanimously)

8. SUBMISSION TO DEPARTMENT LOCAL GOVERNMENT, SPORT & RECREATION ON THE LOCAL GOVERNMENT BILL 2008.
Consideration of Local Government Association of Queensland Circular # 2009-008 advising of the delivery of their final submission on the Local Government Bill 2008 to the Department of Local Government on the 16th January, 2009.

Resolved – That Council support the submission by the Local Government Association of Queensland on the Local Government Bill and also submit the following item to be included in the Local Government Bill:-

- That a candidate has the option to stand for both the office of Mayor and Councillor in any one Election;

That the Chief Executive Officer attend the Queensland Local Government Managers Association (QLGMA) CEO Forum Workshop in Brisbane on the 19th February, 2009 in relation to the new Act and Regulations.

(Crs. Kaurila and Molachino - Carried unanimously)

B. MISCELLANEOUS CORRESPONDENCE

1. QUEENSLAND HEALTH.
Forwarding Certificate of Appreciation to Council for support the Active Ingham 10,000 Steps Community Challenge.
2. QUEENSLAND TRANSPORT.
Advising that the 2007/2008 Annual Report is available on the website at www.transport.qld.gov.au or hard copies can be obtained by contacting the Brisbane office. (600/0115)
3. DIRECTOR – GENERAL, DEPARTMENT OF EMERGENCY SERVICES.
Advising that the 2007/2008 Annual Report is available on the website at www.emergency.qld.gov.au/publications (600/0055)
4. INGHAM ROTARY CLUB, Ingham, 11th December, 2008, thanking Council for the use of Shire Hall for the 2008 Annual Carols by Candlelight which was a great success.(092/0007)
5. LOCAL GOVERNMENT GRANTS COMMISSION, Brisbane, 12th December, 2008, forwarding 1 hard copy and 1 electronic copy on disc of the 2008 Report on the Distribution of the Commonwealth Financial Assistance Grant. The report has been written to provide an overview of the methodology used by the Commission to allocate the 2008 / 2009 Grant and includes a summary of the year's activities. Encouraging all Mayors, Chief Executive Officers, Councillors and Senior Council staff to take the time to read the document. A copy will be available shortly on the Commission's website [www.qlggc.qld.gov.au](http://www qlggc.qld.gov.au) (011/0018)
6. POWERLINK QUEENSLAND.
Forwarding December, 2008 Newsletter for the Yabulu South to Ingham Replacement Transmission Line Project. (040/0007)
7. CANCER COUNCIL QUEENSLAND, Townsville, 15th December, 2008, thanking Council for allowing the use of the Ingham Showgrounds on the 4th and 5th April, 2009 and for sponsoring the event in the sum of \$250. (041/0001)
8. ALLIANCE BOXING CLUB, Forrest Beach, 16th December, 2008, thanking Council for recently supporting the Club and Zorran Cassady and advising that Zorran has had a fantastic year with three Gold Medal Titles. (012/0002)
9. LUCY MUNIZ, Ingham, 17th December, 2008, thanking Council for its immediate favourable response and the "instant" erection of the fence on the southern and western boundaries of her yard near the Tyto lagoons. Also thanking Council staff that cleared away plants and levelled ground on the western side as they erected the fence. A special thanks also to Ray Hoon who listened to her concerns and kept her informed. (079/0122)
10. STATE EMERGENCY SERVICES – HINCHINBROOK UNIT, Ingham, 19th December, 2008, forwarding the Local Controller's Report on the activities of the SES Unit for the Quarter ending September, 2008. (040/0011)

11. PREMIER OF QUEENSLAND, ANNA BLIGH MP, Brisbane, undated, forwarding the fourth edition of the *Criminal Justice System Bulletin 2006/2007* produced by the Department of the Premier and Cabinet and key Queensland criminal justice agencies which provides a concise overview of key developments in the juvenile and criminal justice systems and illustrates trends over the past 10 years. (007/0012)
12. EMERGENCY MANAGEMENT QUEENSLAND, Brisbane, 13th January, 2009, advising that an assessment of the Hinchinbrook All Hazards Disaster Risk Management Study Report has been undertaken to ensure that the agreed study outcomes have been met and the final payment of \$13,333 will now be paid to Council. Further advising the Department of Emergency Services has adopted the Project Team's recommendation that the Final Report be accepted on the basis that Council has met the deliverables of the Study as set out in the Schedule 1 of the Funding Agreement. (044/0029)
13. AUSTRALIAN ITALIAN FESTIVAL ASSOCIATION INC., Ingham, 15th January, 2009, forwarding Report on the Australian Italian Festival 2008 prepared for the Association by Jan Bimrose & Associates Pty. Ltd.
14. DEPARTMENT OF NATURAL RESOURCES & WATER, Brisbane, 11th December, 2008, advising that the 2007/2008 Annual Report is available on the website at www.nrw.qld.gov.au

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

C. PROGRAM C – MINUTES OF ORGANISATIONS / COMMITTEES ON WHICH COUNCIL IS REPRESENTED

1. TREBONNE ACTION GROUP.
Consideration of minutes of Trebonne Action Group Meetings held on 5th June, 2008, 10th July, 2008, 14th August, 2008, 11th September, 2008, 14th October, 2008 and 13th November, 2008.

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

14. COUNCILLOR ACTIVITY REPORT

Consideration of January, 2009 Councillor Activity Reports to ensure transparency and public scrutiny of Councillor workload.

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

3. GENERAL MEETING BUSINESS

2. FUNCTION I – CORPORATE SERVICES

A. PROGRAM A – CORPORATE GOVERNANCE

1. 2007 / 2008 ANNUAL REPORT.
The Hinchinbrook Shire Council 2007 / 2008 Annual Report was tabled as provided for under the *Local Government Act 1993*.

Resolved – That the Hinchinbrook Shire Council 2007 / 2008 Annual Report as tabled be adopted.
(*Crs. Lancini and Kaurila - Carried unanimously*)

2. NATIONAL COMPETITION POLICY.
Consideration of amended Competition & Water Reform Policy.

Resolved – That Council adopt the amended Competition & Water Reform Policy as amended for the 2007/2008 Annual Report.
(*Crs. Bosworth and Lancini - Carried unanimously*)

4. **CONCLUSION** – This concluded the business of the meeting which closed at 6.00 p.m.
5. **APPROVED** and adopted this 19th day of **February, 2009**.

MAYOR