



MINUTES OF THE GENERAL MEETING OF THE HINCHINBROOK SHIRE COUNCIL

HELD IN THE COUNCIL CHAMBERS, INGHAM
ON THURSDAY 29TH OCTOBER, 2009
AT 4.15 P.M.

ATTENDANCE

- Present were Councillors A.J. Lancini, G.P. Gianotti, P.D. Lynch, S.J. Kaurila and D.M. Bosworth.
- Also present was the Chief Executive Officer (R.W. Clark) and Executive Secretary (B.K. Edwards).

APOLOGY

- Apologies for non-attendance were received from Cr. G. Giandomenico and Cr. L.R. Molachino and it was resolved that leave of absence be granted.

PRAYER

- The Acting Mayor opened the meeting with prayer.

1. MINUTES

- Resolved that the Minutes of the General Meeting held on the 1st October, 2009 be approved as a correct record of proceedings and be signed by the Mayor.
(Crs. Gianotti and Lynch - Carried unanimously)

2. COMMITTEE BUSINESS REPORT -

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

Resolved – That the report be received for consideration.

(Crs. Lynch and Kaurila – Carried unanimously)

BUSINESS –

1. CEO REPORT OF COUNCILLOR REQUESTS

Consideration of CEO Report of Councillor Requests for the period 24th September, 2009 to 21st October, 2009.

Resolved – That the advice be received and noted.

(Crs. Lynch and Kaurila – Carried unanimously)

2. FINANCIALS

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

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, 2009.

Resolved – That the Report be received and noted.

***That all of the recommendations contained in Financials 2.2. and Works Report 2.3. be adopted.
(Crs. Bosworth and Kaurila – Carried unanimously)***

4. 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 September, 2009 and monthly Instruction Sheets during the month of September, 2009.

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

5. FUNCTION II - DEVELOPMENT AND PLANNING

A. PROGRAM A – ECONOMIC DEVELOPMENT

1. THE NORTH QUEENSLAND SMALL BUSINESS DEVELOPMENT CENTRE, Townsville, 25th September, 2009, referring to earlier discussions regarding request for Council to consider funding subsidy in the sum of \$10,000 each year to cover a small portion of the salary and travel costs associated with a Small Business Field Officer visiting the Hinchinbrook Region on a regular basis.

Resolved - That Council request further information from the Centre regarding their operational activity in our Shire for further consideration at a later date.
(Crs. Kaurila and Bosworth – Carried unanimously)

2. DEPARTMENT OF ENVIRONMENT & RESOURCE MANAGEMENT, Townsville, 25th September, 2009, seeking Council's views and / or requirements in relation to an application received from J. Dametto for Permanent Road Closure abutting Lot 73 on SP217213, Parish of Marathon at corner of Hawkins Creek and Dametto Road. The proposed use of the subject area if the road closure is approved would be used for growing crops in conjunction with the adjoining freehold land. The land is zoned *Rural*.
(019/0004)

Resolved – That Council advise the Department that it has no objection to the Permanent Road Closure application, subject to the parcel being amalgamated into an existing title.

3. DEPARTMENT OF ENVIRONMENT & RESOURCE MANAGEMENT, Charleville, 7th October, 2009, seeking Council's views and / or requirements in relation to an application received from The Hinchinbrook Prawn Co. Australia for Renewal of Special Lease 24/44337 being land described as Lot 166 on CWL3565 on Neames Inlet Road, Macknade. The proposed use of the land is Primary Industry (agriculture) and the land is zoned *Rural*.
(077/0001)

Resolved – That Council advise the Department that it has no objection to the Renewal of Special Lease application and has no requirements.

4. DEPARTMENT OF ENVIRONMENT & RESOURCE MANAGEMENT, Charleville, 8th October, 2009, seeking Council's views and / or requirements in relation to an application received from A.E. Erkkila for Renewal of Special Lease 24/44428 being land described as Lot 179 on CWL3263 on El Alamein Road, Abergowrie. The proposed use of the land is Primary Industry (Sugar Cane Growing) and the land is zoned *Rural*.
(077/0001)

Resolved – That Council advise the Department that it has no objection to the Renewal of Special Lease application and has no requirements.

***That all of the recommendations contained in Development & Planning – Economic Development 2.5.A.2. and 2.5.A.4. be adopted.
(Crs. Bosworth and Kaurila – Carried unanimously)***

5. THE HON. STIRLING HINCHLIFFE, MP, MINISTER FOR INFRASTRUCTURE & PLANNING, Brisbane, 1st October, 2009, responding to the Mayor's letter dated 1st September, 2009 regarding subdivision of rural land and advising that the *State Planning Policy 1/92 – Development and the Conservation of Agricultural Land* does not impose a statutory prohibition on small lot rural subdivisions, and concurrently, it does not recognise the concept of 'discretionary lot subdivision' as an entitlement for landowners.

Local Government should determine an appropriate minimum lot size as part of the preparation of its planning scheme in consultation with other Government agencies as part of a State Interest Review process. Council is responsible for the assessment of applications with Referral agencies having an involvement also. Requirements that are provided by a concurrence agency must also be included as part of Council's decision making process.

Other than concurrence agency requirements, Council is responsible as the assessment manager to determine whether there are sufficient planning grounds to depart from its planning scheme provisions where proposals do not comply.

The State Government has long held the view that subdivision of good quality agricultural land does not provide sustainable outcomes for future rural land use. Subdivision of land inevitably leads to greater fragmentation of rural holdings, jeopardising economic viability, reduces rural amenity and increases residential uses unrelated to agricultural activity. An inappropriate mix of residential and rural uses can lead to demands for restrictions on agricultural practices or consequences such as spraying, farm machinery operation and odours emission.

Further advising that good quality agricultural land is important to the economic development of north Queensland and Queensland as a whole due to its contribution to employment generation and wealth creation. The long-term cumulative degradation of good quality agricultural land by subdivision can eventually have adverse impacts on a region and will create a precedent by which subdivision is regarded as the answer to economic and viability problems in the future. (058/0284)

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

6. FORREST BEACH SHOP / DWELLING.
Consideration of Report to Council from Manager Corporate Communications dated 16th October, 2009 seeking Council direction in relation to the Forrest Beach Shop / Dwelling.

Resolved – That Council defer consideration of this matter to the next series of meetings pending further information being received including potential rehabilitation costs for the fuel facility.
(Crs. Kaurila and Bosworth – Carried unanimously)

7. CORPORATE PLAN AND ECONOMIC DEVELOPMENT STRATEGY PLAN.
Consideration of project plan and quotation dated 14th October, 2009 by Vital Places for consultancy services to complete the preparation of Council's Corporate Plan and preparation of Council's Economic Development Strategy Plan.

Resolved - That Council accept the Vital Places Consultancy Services proposal in the sum of \$29,800 (ex GST) for preparation of the Corporate Plan and Economic Development Strategy Plan.
(Crs. Kaurila and Lynch – Carried unanimously)

8. THORSBY & HOMEWOOD PTY. LTD., Ingham, 14th September, 2009, on behalf of **D. Larsen** seeking approval of the proposed reconfiguration of land (rearrangement of boundaries) between Lot 4 on SP155529 and Lots 5 and 6 on RP720949, Parish of Trebonne at Tokalon Road, Blackrock. Land is zoned *Rural*. (065/0131)

Resolved - That the Development Application for Reconfiguration (rearrangement of boundaries) between Lot 4 on SP155529 and Lots 5 and 6 on RP720949, Parish of Trebonne be approved subject to the following condition:-

- (a) **Each allotment in the reconfiguration is provided with a constructed access in accordance with Hinchinbrook Shire Council's standards.**

9. THORSBY & HOMEWOOD PTY. LTD., Ingham, 19th June, 2009, on behalf of **A. Girgenti** seeking approval of the proposed reconfiguration of land (rearrangement of boundaries) between Lot 1 on RP727874 and Lot 2 on RP715816, Parish of Cordelia at Lucinda Road, Halifax. Land is zoned *Rural*. (066/0204)

Resolved – That the Development Application for Reconfiguration (rearrangement of boundaries) between Lot 1 on RP727874 and Lot 2 on RP715816, Parish of Cordelia be approved subject to the following condition:-

(a) **Property access to Council Standards to be in place to both proposed lots.**

10. THORSBY & HOMEWOOD PTY. LTD., Ingham, 15th June, 2009, on behalf of **J. Woods** seeking approval of the proposed reconfiguration of land (subdivision) into two lots of Lot 1 on RP735214, Parish of Cordelia at 32 Eddleston Drive, Cordelia. Land is zoned *Village*. (066/0203)

Resolved - That the Development Application for Reconfiguration (subdivision) into two lots of Lot 1 on RP735214, Parish of Cordelia be approved subject to the following conditions:-

- (a) **The development being as per the proposal plans and written advice submitted with the Development Application with amendments required by Clause 3 below;**
- (b) **The Conditions listed in the Schedule (“Conditions of Development and Statement of Reasons”) attached to Department of Transport and Main Roads response (Reference: 830/852 DCT#2273 dated 17th September, 2009) form part of the approval;**
- (c) **Prior to commencement of civil works, submission of a proposal to satisfy Scheme requirements (Refer section 6.19, Table 29, Outcome 3) regarding creation of new lots in the mapped flood area for consideration and approval of Council. This submission is also to include detail to demonstrate that stormwater and surface drainage has been catered for in a manner as to not cause nuisance to adjoining properties. Such submission, when/if approved to form part of the approval;**
- (d) **Provision of a separate water reticulation service to each lot, via extension/modification of existing mains as necessary;**
- (e) **Payment to the Council of water headworks contribution of \$1,555 (one (1) additional lots x \$1,555); and**
- (f) **Payment to the Council of Public Open Space contribution of \$1,555 (one (1) additional lots x \$1,555).**

11. THORSBY & HOMEWOOD PTY. LTD., Ingham, 29th June, 2009, on behalf of **K. Barnes** seeking approval of the proposed reconfiguration of land (subdivision) into two lots of Lot 14 on RP899184, Parish of Trebonne at Pomona Road, Toobanna. Land is zoned *Rural*. (065/0130)

Resolved - That the Development Application for Reconfiguration (subdivision) into two lots of Lot 14 on RP899184, Parish of Trebonne be approved subject to the following condition:-

(a) **The Applicant constructing property access to both lots to Council’s standard (or demonstrating suitable constructions exist).**

12. W.P. & O.J. DAY, Ingham, 25th September, 2009, seeking approval of the proposed reconfiguration of land (subdivision) into three lots of Lot 1 on RP720200, Parish of Cordelia at 117 Sachs Lane, Victoria Estate. Land is zoned *Village*. (066/0207)

Resolved – That the Development Application for Reconfiguration (subdivision) into three lots of Lot 1 on RP720200, Parish of Cordelia be approved subject to the following conditions:-

- (a) **The lot layout being in accordance with the proposal plan submitted with the Development Application;**
- (b) **The fronting sections of Sachs Lane and Mudies Lane to be upgraded to Hinchinbrook Shire Council’s normal urban standard (kerb and channel and 8m seal);**

- (c) Provision of kerb and channel to Hinchinbrook Shire Council's standard profiles, and including invert access crossings to each allotment, or a contribution for later upgrading in lieu thereof;
- (d) Profiling of lots and adjacent footpaths, or other approved works, to ensure water drains to the front of lots and/or other legal points of discharge;
- (e) Prior to commencement of civil works, submission of a proposal to satisfy the Hinchinbrook Shire Planning Scheme requirements (Refer Section 6.19, Table 29, Outcome 3) regarding creation of new lots in the mapped flood area, for consideration and approval of Council. Such submission, when/if approved to form part of the approval;
- (f) Provision of a separate water reticulation service to each lot;
- (g) Provision of electricity supply to each lot;
- (h) Payment to the Council of water headworks contribution of \$3,110 (two (2) additional lots x \$1,555);
- (i) Payment to the Council of sewerage headworks contribution of \$3,110 (two (2) additional lots x \$1,555);
- (j) Payment to the Council of Public Open Space contribution of \$3,110 (two (2) additional lots x \$1,555);
- (k) 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 the approved cost estimate of engineering construction works;
- (l) 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
- (m) 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.

That all of the recommendations contained in Development & Planning – Economic Development 2.5.A.8. and 2.5.A.12. be adopted.

(Crs. Bosworth and Kaurila – Carried unanimously)

13. DEVELOPMENT APPLICATION FOR RECONFIGURING A LOT – D.K. & J.D. DREDGE – BEATTS ROAD, ALLINGHAM – LOT 14 on SP162495.

Consideration of Report to Council from Manager Engineering Services dated 20th October, 2009, seeking Council's direction regarding approval conditions relating to the requirement to upgrade the fronting section of Beatts Road, including the provision of kerbing and channelling. (066/0206)

Resolved – That Council require the entire frontage of the land, the subject of the existing development approval, to be upgraded to Council's 8m sealed and kerbed standard.

That any reconfiguration of the land would require the entire frontage to be upgraded to Council's 8m sealed and kerbed standard.

(Crs. Gianotti and Kaurila – Carried unanimously)

14. TYTO RESTAURANT LEASE.

Consideration of Report to Council from Chief Executive Officer regarding applications received for the leasing of the Tyto Restaurant.

Resolved – That Council accept the submission from Tolbright Pty. Ltd. as the preferred tender subject to the selection panel having further detailed discussions with them regarding a range of establishment and operating issues.

(Crs. Lynch and Kaurila – Carried unanimously)

15. JOSEPH ROSS GIRGENTI, MARGARET KATHERINE GIRGENTI, GERARD CHRISTOPHER GIRGENTI, ISABEL LYDIA GIRGENTI Vs HINCHINBROOK SHIRE COUNCIL – PLANNING & ENVIRONMENT APPEAL No. D215 of 2009.

Consideration of the Planning Report by Mr. Robert Henwood, KHA Development Managers, assessing the Material Change of Use application lodged by Messrs Girgenti over Lot 4 on SP140422 Parish of Cordelia.

Resolved – That Council instruct its Legal Counsel to enter into Without Prejudice discussions with the Appellant suggesting the Appeal be withdrawn on the basis that Council would be prepared to support an application to reconfiguration the subject land into two lots with areas of approximately 3300m² each, subject to reasonable and relevant conditions.

Note: Should the appellant agree to withdraw the application for a Material Change of Use a new development application for a Reconfiguration is required.
(*Crs. Kaurila and Bosworth – Carried unanimously*)

Manager Engineering Services, B.E. Leach entered the meeting.

6. **FUNCTION V - INFRASTRUCTURE MANAGEMENT**

A. **PROGRAM G – WATER**

1. **REQUEST TO EXTEND WATER SUPPLY ALONG WARREN'S HILL ROAD FROM BLACKROCK TURNOFF.**

Consideration of Report to Council from Water & Sewerage Manager dated 20th October, 2009 regarding a request received from applicants along Warren's Hill Road for Council to consider extending the water supply along Warren's Hill Road from the Blackrock turnoff to the next group of houses.

Resolved – That Council not support the request to extend the water supply area as requested due to this being an uneconomical supply service and that Council has no plans to extend the water supply in that area within the current five year budget cycle or beyond.

That Council advise the applicants that Council is prepared to allow them to join the water scheme following payment of current water charges including the cost of connection and pipeline to Council existing infrastructure.
(*Crs. Lynch and Kaurila – Carried unanimously*)

7. **FUNCTION IV – HEALTH & ENVIRONMENT SERVICES**

A. **PROGRAM A – HEALTH SERVICES**

1. **KEEPING OF POULTRY INCLUDING ROOSTERS IN INGHAM.**

Consideration of Report to Council from Environmental Health Technical Officer dated 22nd October, 2009, regarding an inspection of an allotment in Ingham where poultry including roosters are being kept.

Resolved –

1. The duly adopted provisions of Local Law No. 2 (Keeping and Control) 2002 be required to be complied with by all residents of the Shire;
2. Mr. Allan be allowed to retain existing numbers of poultry for a definite timeframe of 18 months or the date of the introduction of the new Model Local Laws (whichever may come first), and then be required to alter or reduce the number of poultry (including roosters) kept at 8 Burke Street, Ingham to a compliance level established by Council; and
3. Mr. Allan be asked to clear the vegetation and other material around the poultry enclosure so it is no longer unsightly or would harbour or likely to harbour vermin.

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

Cr. G. Gianotti declared a material person interest in Item 2.8.A.1. and left the meeting and did not participate in the discussions or resolution thereon.

8. **FUNCTION V - INFRASTRUCTURE MANAGEMENT**

A. **PROGRAM G – WATER**

1. **REFURBISHMENT OF WATER TOWERS PROJECT – CURRENT BUDGET.**

Consideration of Report to Council from Water & Sewerage Manager dated 20th October, 2009 regarding tenders received for the refurbishment of Shire water towers.

Resolved – That Council accept Brice Engineers Pty. Ltd. tender for the refurbishment of the Halifax Water Tower as recommended by the Consultants so as to have it repaired by June, 2010.

That Council call tenders for the refurbishment of the Tokalon and Ingham Water Towers to occur when funds are available within the water fund budget.
(*Crs. Bosworth and Lynch – Carried unanimously*)

Cr. G. Gianotti returned to the meeting.

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

A. **PROGRAM A – ECONOMIC DEVELOPMENT**

1. **PORT BELLBIRD PTY. LTD. [RAELINE LOUISE FIRTH AS TRUSTEE]**, Ingham, 26th August, 2009, seeking approval for the proposed Material Change of Use – Impact Assessment – Multiple Unit Development and Reconfiguration of Land – Creation of Easement over Lot 2 of RP703723, Parish of Cordelia at 30 Eleanor Street, Ingham. Land is zoned *Residential*. (058/0287)

Resolved – That conditional approval be granted for the proposed **Material Change of Use – Impact Assessment – Multiple Unit Development and Reconfiguration of Land – Creation of Easement over Lot 2 of RP703723, Parish of Cordelia** for the following reasons:-

The following conditions should be attached to an approval:-

- (a) Development is to be carried out generally in accordance with the submitted plans;
- (b) Property access/invert crossing to be constructed to Hinchinbrook Shire Council Standards. Existing redundant access to be removed and the kerb reinstated;
- (c) All parking, access and manoeuvring areas to be treated with an approved dust free surfacing;
- (d) All stormwater is to be directed to either the kerb and channel, or underground systems, or otherwise approved legal point of discharge as applicable. Any new kerb and channelling, pits, sections of underground line, or other ancillary works, are to be to Hinchinbrook Shire Council Standards;
- (e) Prior to building commencing the Applicant to submit a landscaping and recreation area plan that meets the Hinchinbrook Shire Planning Scheme requirements for Council's consideration and approval. Such works to be part of the approval;
- (f) Perimeter fencing to a height of 2m to be installed where a 2m wide landscaped strip is not provided;
- (g) Payment to the Council of water headworks contribution of \$1,555 (One (1) x ETU's additional);
- (h) Payment to the Council of sewerage headworks contribution of \$1,555 (One (1) x ETU's additional); and
- (i) Payment to the Council of public open space contribution of \$1,555 (One (1) x ETU's additional).

2. REWARDS MANAGEMENT PTY. LTD., West Perth, 12th September, 2008, on behalf of **Ark Fund Limited and G.J. Rae** seeking approval of the proposed Material Change of Use – Code Assessment – Cane Farming to Production Forestry (Teak Plantation) over Lot 108 on CWL2877, Lot 86 on SP164486, Lot 2 on RP737181, Lot 83 on SP213021 and Lot 368-370 on CAR12425, Parish of Leach and Lannercost at El Alamein Road, Rae's Road, Fallon Road and Abergowrie Road, Abergowrie. Land is zoned *Rural*.
(058/0265)

Resolved – That conditional approval be granted for the proposed Material Change of Use – Code Assessment – Production Forestry over Lot 108 CWL2877, Lot 86 SP164486, Lot 2 SP737181, Lot 83 SP213021, Lot 368-370 CAR12425, Parish of Leach and Lannercost for the following reasons:-

- The proposed development does not conflict with the Zone land use designation of “rural”; and
- The proposed use will have minimal impact on the amenity of the area and that the development be subject to the following conditions:-
 - (a) The development being as per the proposal plans submitted with the Development Application and as amended by the subsequent submission dated 14th May 2009, removing Lot 6 on RP835575 and Lot 7 RP712942 from the Material Change of Use proposal;
 - (b) All existing and proposed access points from the proposed plantation areas directly onto the existing Shire maintained road network are to be constructed to current Council Standards. At least one (1) access per allotment must be provided;
 - (c) Any future construction of a road access along Easement B RP737181, to ensure sufficient and safe access to the Hinchinbrook Shire Road network, will be the responsibility of Rewards Management Pty Ltd.;
 - (d) Any future construction of a road access along the gazetted road reserve for Fallon Road and Adams Road to connect Lots 368, 369 and 370 on CAR 12425 to the Hinchinbrook Shire Road network will be the responsibility of Rewards Management Pty. Ltd.;
 - (e) Managing groundcover at all times to recognise its role in stabilising and retaining nutrients and sediments on site;
 - (f) Being consistent with best practice, managing the release of pesticides and nutrients for agricultural purposes so it does not occur in quantities or circumstances that have the potential to result in adverse impacts on site, either directly or indirectly or adversely impact on on-site features of significant value, such as coastal wetlands or waterways;
 - (g) Undertake protective measures on land susceptible to soil erosion because of slope, soil, or agricultural practices, to avoid or minimise sediment entering waterways;
 - (h) In accordance with the Department of Environment and Resource Management concurrence agency requirements as detailed in the conditions contained in the Amended Referral Agency Response issued on 12th October 2009 (Ref IC1208TSV0009);
 - (i) The applicant is to advise the Department of Natural Resources & Waters or relevant authority where the teak wildings have spread into adjacent vegetation on State Lands;
 - (j) A ten (10m) metre buffer around the entire perimeter of the Teak plantation, including between the plantations and native vegetation internal to the property boundary, is to be maintained free of individual Teak plants;
 - (k) Maintenance to the buffer is to be conducted at regular intervals such as every three (3) months;
 - (l) The applicant is to destroy individual teak wildings that have invaded native vegetation, either on site or on adjacent State Lands including land within the banks of watercourses, lakes or springs;
 - (m) Exotic teak wildings to be destroyed within the banks of watercourses, lakes and springs must be cut within 20-50cm centimetres of ground level and the ground and rood mass must not be disturbed except where necessary for approved excavation;

- (n) All firebreaks and fire management lines are to be located within the subject block to ensure that clearing of remnant vegetation on adjacent lots does not occur; and
- (o) That the applicant is to destroy any crop regrowth that has the potential for harbouring of pests and disease that could threaten the viability of other agricultural industries.

Note: That the matter be referred to the Herbert River Improvement Trust as the proposed development abuts the Elphinstone and Lee Creeks.

***That all of the recommendations contained in Development & Planning – Economic Development 2.9.A.1. and 2.9.A.2. be adopted.
(Crs. Bosworth and Kaurila – Carried unanimously)***

10. FUNCTION V - INFRASTRUCTURE MANAGEMENT

A. PROGRAM A – TRANSPORT

1. PETER MORELLINI, Ingham, 25th September, 2009, requesting a site meeting with Council to address flood damage to a section of Morellini's Road which Council required to be surveyed out of his special lease at the time of freeholding his adjoining property. The levee was damaged by the 2009 floods and without repair approximately 70ha of sugar cane is threatened by tidal inundation. (044/0033)

Resolved – That Council advise Mr. Morellini to contact the Queensland Rural Adjustment Authority on 1800 623 946 or at their website www.graa.qld.gov.au to obtain details regarding funding available through the Small Business and Primary Producers grants which are components of the Community Recovery Package under the Natural Disaster Relief and Recovery Arrangements (NDRRA).

**As the damage is not covered by NDRRA, Council must not expend money on roads not on its Road Register.
(Crs. Gianotti and Bosworth – Carried unanimously)**

2. REQUEST FOR ADDITIONAL BOAT MOORING – ENTERPRISE CHANNEL.
Consideration of Report to Council from Manager Technical Support dated 20th October, 2009 regarding an email from Mr. Brian Carr and Marine Operations (Townsville) Maritime, Department of Transport and Main Roads requesting comment on the placement of an additional mooring at Dungeness.

Resolved – That Council not object to the proposal on the basis that there is to be no associated use of Council's Wharf.
(Crs. Bosworth and Kaurila – Carried unanimously)

3. REQUEST FOR EXTENSION OF BITUMEN SEAL – MORTON'S ROAD, LONG POCKET.
Consideration of Report to Council from Manager Engineering Services dated 20th October, 2009 regarding recent request from residents of Morton's Road, Long Pocket for Council to provide a sealed surface to the road.

Resolved – That Council defer consideration of this matter to the December series of meetings pending a deputation with residents of Morton's Road, Long Pocket on the 26th November, 2009.
(Crs. Lynch and Kaurila – Carried unanimously)

Cr. D.M. Bosworth declared a material personal interest in Item 2.10.A.4., and left the meeting and did not participate in the discussions or resolution thereon..

4. SOURCING OF NATURAL MATERIALS FOR ROAD GRAVEL.
Consideration of Report to Council from Manager Engineering Services dated 21st October, 2009 regarding sourcing of natural materials for road repairs due to the Cyclone Ellie recovery response and seeking Council's direction in relation to fine tuning Council's procurement process.

Resolved – That the Report be received and noted.

That Council work with suppliers to move to a situation whereby Council's offer documentation includes provisions requiring offerers to demonstrate that appropriate permits / approvals are in place as a condition of supply.
(Crs. Gianotti and Kaurila – Carried unanimously)

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

5. REVIEW OF HSC 09 / 72 – LANDSLIDE REMEDIATION WORKS – WALLAMAN FALLS ROAD, INGHAM.

Consideration of Report to Council from Works Engineer dated 21st October, 2009 seeking Council's endorsement of the Manager Engineering Services' decision to accept the lowest offer to undertake Landslide Remediation Works at Wallaman Falls Road, Ingham.

Resolved – That Council endorse Management Engineering Services' decision to accept the lowest offer, being from Geovert, to undertake Landslide Remediation Works at Wallaman Falls Road.
(Crs. Gianotti and Kaurila – Carried unanimously)

6. TYTO Q150 PROJECT – CONSTRUCTION OF TULLY STREET CAR PARK.

Consideration of Report to Council from Chief Executive Officer dated 21st October, 2009 regarding tenders called for the construction of the Tully Street car park due to the Tyto Q150 Project requiring to be completed by the 31st December, 2009.

Resolved – That Council determine in accordance with Section 486 (1) of the *Local Government Act* to enter into a contract with Keita Services in the sum of \$225,382.97 (incl. GST) to construct the Tully Street car park component of the Tyto Q150 Project and that the reason for not seeking advertised tenders was on the grounds of Section 486 (1) (b), a genuine emergency exists as such work must be completed by mid December, 2009 to comply with State Government Q150 funding requirements.
(Crs. Lynch and Kaurila – Carried unanimously)

B. PROGRAM C – TECHNICAL SERVICES

1. SITING RELAXATION APPLICATION – 111 LANNERCOST STREET, INGHAM.

Consideration of a Report to Council from Infrastructure Engineer dated 15th October, 2009 in relation to a Siting Relaxation Application received for a proposed extension to existing residence at 111 Lannercost Street, Ingham. (061/0004)

Resolved - That Council approve the Siting Relaxation Application of Mr. and Mrs. Care on the grounds that the proposed extension is expected to maintain the existing amenity to neighbouring residents and does not create an additional impact on lighting or ventilation of either property.
(Crs. – Carried unanimously)

2. L.A. WOOLLEY, Ingham, 30th June, 2009, seeking approval of the proposed Material Change of Use – Code Assessment – Close to Rural Boundary - Siting Relaxation over Lot 2 on RP721546, Parish of Berwick at 17 Seri's Road, Peacock Siding, Upper Stone. Land is zoned *Rural*. (058/0285)

Resolved – That Council approve the Material Change in Use application for Mr. Lance Woolley on the grounds that the proposed residential 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. – Carried unanimously)

3. SITING RELAXATION APPLICATION – 29 PHILP STREET, INGHAM.

Consideration of a Report to Council from Infrastructure Engineer dated 15th October, 2009 in relation to a Siting Relaxation Application received for a proposed verandah to be attached to an existing residence at 29 Philp Street, Ingham. (061/0004)

Resolved - That Council approve the Siting Relaxation Application of Mr. and Mrs. Whittington on the grounds that it does not detract from the existing amenity to neighbouring residents and does not create an additional impact on lighting or ventilation of either property.

(Crs. – Carried unanimously)

That all of the recommendations contained in Development & Planning – Economic Development 2.10.B.1. and 2.10.B.3. be adopted.

(Crs. Kaurila and Bosworth – Carried unanimously)

C. PROGRAM G – WATER

1. QUEENSLAND POLICE SERVICE, Townsville, 7th October, 2009, advising Council the Service previously had a radio base installed in the Ingham Water Tower and they would now like to re-establish the site as a community safety initiative. They presently occupy the Halifax Water Tower at no cost and request Council to provide the same consideration at Ingham with the condition that there will be nil interference to other radio systems located at the site. Their proposal is to either:-

1. install a small equipment rack inside the tower at ground level and run antenna cable to the roof; or
2. co-locate their base in the SES radio rack on the mezzanine floor below the water tank. (040/0019)

Resolved – That Council allow co-location of a radio base in the SES radio rack on the mezzanine floor below the water tank, subject to provision of engineering certification for the installation of any equipment installed on the roof of the tower, and the Queensland Police Service preparing a license agreement at their cost which includes covering responsibility for installation maintenance, removal of the equipment, entry to the facility, and insurance.

(Crs. Gianotti and Kaurila – Carried unanimously)

2. SOLAR WATER HEATERS.

Consideration of Report to Council from Water & Sewerage Manager dated 19th October, 2009 regarding the Hon. Stephen Robertson MP's request for Council's support to assist the Queensland Government's aim to have 200,000 solar water heaters installed in homes in Queensland by mid 2012. Requesting Council to reduce plumbing inspection fees for new solar installations now and consider the Department of Infrastructure & Planning's proposal of not requiring an inspection in the future (in certain circumstances).

Resolved – That Council set a new fee of \$55 specifically for the installation of solar water heaters and heat pump hot water systems as requested by the Minister.

(Crs. Lynch and Kaurila – Carried unanimously)

11. FUNCTION IV – HEALTH & ENVIRONMENT SERVICES

A. PROGRAM A – HEALTH SERVICES

1. FAR NORTH QUEENSLAND REGIONAL ORGANISATION OF COUNCILS ENERGY REVIEW.

Consideration of Far North Queensland Regional Organisation of Councils Energy Review proposal to engage localbuy to review the following energy matters:-

- Ascertain viability of going to tender for electricity supply;
- Audit energy accounts to infrastructure to ensure Councils are:-
 - Paying the correct tariff;
 - Only paying for infrastructure that is under Council control;
 - Paying ambulance levy only where appropriate.
- Provide advice on opportunities / benefits of aggregation in Far North Queensland;
- Provide options for greenpower purchase as a portion of streetlighting / building energy consumption;

- Provide design advice and cost benefit to retrofit existing infrastructure that is in the top 15% (approximate) of energy use;
- Provide advice regarding the cost benefit of “flaring” of landfills, electricity generation and heating.

Resolved – That Council endorse the Strategic Management Team commitment to participate in Phase 1 of the Energy Review proposal.
(Crs. Kaurila and Lynch – Carried unanimously)

B. PROGRAM B – ENVIRONMENTAL SERVICES

1. DO THE RIGHT THING SIGNAGE.

Consideration of Report to Council from Environmental Health Officer dated 16th October, 2009 seeking Council’s direction in relation to the proposed placement of fully funded metal “Do the Right Thing” anti-litter roadside signage at various locations within the Shire.

Resolved – That Council confirm the proposed placement of the anti-litter signs as follows:-

- Entrance to Forrest Beach;
- Entrance to Taylors Beach;
- Entrance to Lucinda;
- Northbound Entrance to Ingham; and
- Southbound Entrance to Ingham.

That the Manager Engineering Services liaise with the Department of Main Roads for further consideration by Council.

(Crs. Bosworth and Lynch – Carried unanimously)

12. FUNCTION III – COMMUNITY SERVICES

A. PROGRAM A – COMMUNITY ASSISTANCE

1. INGHAM SQUASH RACKETS ASSOCIATION, Ingham, 27th September, 2009, advising that the Association will hold its first Q Squash Northern Region Qualifier for 2010 on the 24th and 25th October, 2009 at the Ingham Squash Centre which is an open tournament featuring up to 100 local and northern regional juniors playing for a position in the Northern Region Redbacks junior squash team. Junior players and their families will travel from as far north as Cairns, and as far south as Mackay. Requesting Council’s financial assistance towards hosting this qualifying tournament. (012/0002)

Resolved – That Council provide the sum of \$250 (excl. GST) to the Ingham Squash Rackets Association, as the Q Squash Northern Region Qualifier qualifies under Council’s Support for Events Policy.

2. SANDRA CARRARA, Ingham, 12th October, 2009, advising that her son Daniel Carrara has been invited to join the 2009 Football Queensland Under 15 Tour to the United Kingdom and Scotland from the 21st November, 2009 to the 6th December, 2009. Requesting Council to consider providing financial assistance towards the costs involved as the tour is self funded entirely by the participant. (012/0002)

Resolved - That Council provide the sum of \$250 to Mr. Daniel Carrara, as the 2009 Football Queensland Under 15 Tour to the United Kingdom and Scotland qualifies under Council’s Support for Achievement Policy.

3. ANDY’S ROADHOUSE, Ingham, 14th October, 2009, advising that the annual Andy’s Roadhouse Charity Country Music Night will be held on Saturday 28th November, 2009 and requesting Council to provide a porta loo for the evening. (012/0002)

Resolved - That Council waive the fees associated with hiring a porta loo.

4. COUNCIL MARAKA QUEEN ENTRANT.
Consideration of sponsorship of Council Maraka Queen Entrant for 2009, Miss Dallas Thom.

Resolved – That Council provide the sum of \$350 to Council's Maraka Queen Entrant for 2009, Miss Dallas Thom from Council's public relations budget.

***That all of the recommendations contained in Development & Planning – Economic Development 2.12.A.1. and 2.12.A.4. be adopted.
(Crs. Bosworth and Kaurila – Carried unanimously)***

5. ABERGOWRIE STATE SCHOOL, Abergowrie, 14th October, 2009, advising that the School is proposing to install a school information sign along Abergowrie Road which could have multiple uses in the Abergowrie community such as announcing community-based events, warnings, as well as promoting the School's achievements and activities. The cost of the sign is approximately \$5,000 and seeking Council's support towards offsetting some of the costs of the sign with the P. & C. Association contributing one third.

Resolved – That Council advise that it cannot support the School on this occasion.
(Crs. Bosworth and Gianotti – Carried unanimously)

6. SCENIC RIM REGIONAL COUNCIL, Beaudesert, 23rd September, 2009, forwarding cheque in the sum of \$5,706.21 being donation to be used towards recovery efforts from the devastating floods that occurred in early 2009. The money was raised from three fundraising concerts in the Scenic Rim communities of Tamborine Mountain, Beaudesert and Boonah featuring music, dancing, opera, poetry and more where 240 people performed. (044/0032)

Resolved – That Council thank Scenic Rim Regional Council for its generous donation and advice be given that the money will be used towards equipment for the new SES vehicle.

That the equipment bear a plaque recognising the contribution by the Scenic Rim communities.

(Crs. Bosworth and Kaurila – Carried unanimously)

B. PROGRAM C – RECREATION

1. SWIMMING ENCLOSURE OPERATION.
Consideration of Report to Council from Manager Engineering Services dated 21st October, 2009 seeking Council's direction in relation to linking payment of swimming enclosure operating fees with the annual sign off of the respective Management Plans at the start of the swimming season.

Resolved – That Council link payment of the Lucinda and two Taylors Beach swimming enclosure operating fees with the annual sign off of the respective Management Plans at the start of the swimming season.

That Council standardise the operating fee for the three swimming enclosures at \$1,650 and appropriate budget alteration be implemented as part of the forthcoming review

(Crs. Lynch and Gianotti – Carried)

13. FUNCTION I - CORPORATE SERVICES

A. PROGRAM A – CORPORATE GOVERNANCE

1. STRATEGIC MANAGEMENT TEAM MEETING MINUTES.
Consideration was given to the Minutes of the SMT Meeting held on the 14th October, 2009.

Resolved – That the Minutes be received and noted.
(Crs. Bosworth and Gianotti – Carried unanimously)

2. TOWNSVILLE WOMEN'S LEADERSHIP FORUM.

Consideration of attendance by Cr. Maria Bosworth at Townsville Women's Leadership Forum on the 12th November, 2009 at Rydges Southbank, Townsville. The Forum is a one day event designed to support the leadership skills and aspirations of regional women across all sectors and industries. Registration is \$220 per person (standard rate is \$495).

Consideration was also given to further advice that the Forum has now been postponed to Tuesday 15th December, 2009.

**Resolved – That Cr. Maria Bosworth attend the Townsville Women's Leadership Forum on Tuesday 15th December, 2009 at Rydges Southbank, Townsville as part of her Councillors Professional Development allocation.
(Crs. Kaurila and Lynch – Carried unanimously)**

3. REGIONAL AND LOCAL COMMUNITY INFRASTRUCTURE PROGRAM (RLCIP).

Consideration of correspondence from The Hon. Anthony Albanese MP, Minister for Infrastructure, Transport, Regional Development, and Local Government dated 9th October, 2009, advising that Council is eligible to receive \$87,000 under Round Two of the Regional and Local Community Infrastructure Program (RLCIP).

The funding will be distributed to all local governments to support jobs whilst building and modernising infrastructure in communities across Australia and builds on the \$800 Million already provided to local councils and shires through Round One of the RLCIP in 2008 / 2009.

The allocation is a non-competitive allocation provided subject to a number of conditions including a requirement to enter into a funding agreement with the Commonwealth and to complete projects no later than 31st December, 2010.

All project proposals must be submitted by midnight Friday 20th November, 2009.

(011/0056)

**Resolved – That Council advise its project proposal is the provision of pedestrian footpath and refuge in McIlwraith Street linking the proposed Technology Learning Centre and Regional Gallery Project into the main street via Tully Street.
(Crs. Lynch and Gianotti) – The Motion was withdrawn**

**Resolved – That consideration be deferred to the next series of meetings pending receipt of further information regarding proposed projects including construction of a footpath in Tully Street, a footpath in Rotary Park, and possible projects in the current budget including refurbishment of existing assets.
(Crs. Kaurila and Gianotti – Carried)**

B. MISCELLANEOUS CORRESPONDENCE

1. HERBERT RIVER AMATEUR SWIMMING CLUB.

Forwarding Certificate of Appreciation to Council in recognition of Council's valuable contribution to the family carnival held on the 1st November, 2008 and

2. DEPARTMENT OF NATURAL RESOURCES & WATER, Brisbane, 7th October, 2009, advising that the Chief Executive decided that a valuation of Council to be effective on the 30th June, 2010 will not be undertaken. (013/0004)

3. NORTH QUEENSLAND SPORTS FOUNDATION, Townsville, received 30th September, 2009, forwarding 2008 / 2009 Annual Report.

4. CHAMBER OF COMMERCE, INDUSTRY & TOURISM INC., Ingham, 31st August, 2009, providing Council with an update on the Chambers annual membership and highlighting Chamber activities during the past year. (079/0130)

5. TERRAIN NATURAL RESOURCE MANAGEMENT, Innisfail, 25th September, 2009, advising that the Terrain 2009 Annual General Meeting will be held on Friday 27th November, 2009 in Cairns and seeking items to be considered at the meeting or follow on activities. (079/0029)
6. THE ROADS ALLIANCE, 25th September, 2009, forwarding the Roads Alliance Progress Report 2008 / 2009. (105/0005)
7. D. CASALE, Ingham, 2nd October, 2009, thanking Council for the financial contribution towards his costs associated with travel to Albury / Wodonga as part of the North Queensland Under 13 Futsal Team. (012/0002)
8. POWERLINK, Virginia, 12th October, 2009, updating Council on the Yabulu South to Ingham replacement powerline project and updating Council on the proposed schedule of construction activities. (040/0031)
9. DEPARTMENT OF EDUCATION, EMPLOYMENT & WORKPLACE RELATIONS, Canberra, 3rd September, 2009, advising that Council's application for TYTO Precinct – Enterprise Cluster and Business and Technology Incubation Centre was unsuccessful.
10. INGHAM STATE HIGH SCHOOL.
Forwarding Certification of Appreciation in recognition of Council's contribution to the School's Presentation Night. (600/0185)

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

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

1. TREBONNE ACTION GROUP.
Consideration of minutes of the Trebonne Action Group Meeting held on the 11th September, 2009.
2. NORTH QUEENSLAND SPORTS FOUNDATION.
Consideration of minutes of the North Queensland Sports Foundation Board Meeting held on 25th September, 2009.
3. LUCINDA PROGRESS ASSOCIATION.
Consideration of minutes of the Lucinda Progress Association Meeting held on the 31st August, 2009.

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

14. COUNCILLOR ACTIVITY REPORT

Consideration of Councillor Activity Reports as at the 21st October, 2009 to ensure transparency and public scrutiny of Councillor workload.

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

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

A. **PROGRAM A – ECONOMIC DEVELOPMENT**

1. **DRAFT QUEENSLAND PLANNING PROVISIONS (QPLAN) AND SUSTAINABLE PLANNING ACT (SPA) 2009.**

Consideration of Report to Council from Manager Corporate & Economic Development dated 23rd October, 2009 regarding the new Sustainable Planning Act 2009 and QPLAN which is the State's new Planning & Development system and sets out the levels of decision making along with some of the tools that sit at the State, Regional, Local and Individual site levels.

Resolved – That Council liaise with the Department of Infrastructure & Planning (DIP) to implement the requirements of SPA 2009 and QPLAN and invite Department staff to make a presentation to Council regarding the new legislation.
(Crs. Bosworth and Kaurila – Carried unanimously)

16. **FUNCTION V - INFRASTRUCTURE MANAGEMENT**

A. **PROGRAM C – TECHNICAL SERVICES**

1. **HSC 09 / 73 – UPGRADE OF ARNOT CREEK CULVERTS PROJECT.**

Consideration of Report to Council from Manager Technical Support dated 23rd October, 2009 regarding offers received for the upgrade of Arnot Creek culverts.

Resolved – That Council engage Cheshire Contractors Pty. Ltd. to undertake the upgrade of Arnot Creek Culvert Project for the sum of \$599,582.38 (incl. GST).
(Crs. Gianotti and Lynch – Carried unanimously)

Cr. P.D. Lynch declared a conflict of interest in Item 2.16.B.1. as he is a member of the Trebonne Action Group and left the meeting and did not participate in the discussions or recommendation thereon.

B. **PROGRAM E – BUILT ENVIRONMENT**

1. **100 YEAR FLOOD LEVEL – TREBONNE COMMUNITY HALL.**

Consideration of requested relaxation of the 100 year flood level for the Trebonne Community Hall.

Resolved – That Council grant a building floor height relaxation to 18.2m for the Trebonne Community Hall.
(Crs. Gianotti and Kaurila – Carried)

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

17. **FUNCTION III – COMMUNITY SERVICES**

A. **PROGRAM B – CULTURAL SERVICES**

1. **ROUND 1 2009 / 2010 RADF APPLICATIONS.**

Consideration of Report to Council from Arts & Cultural Officer / RADF Liaison Officer dated 21st October, 2009 advising Council that the Association received five applications for Round 1 funding for 2009 / 2010 from Gail Blythe (Building Community Cultural Capacity), HSC - Pam Lane (Arts Policy Development & Implementation), Bianka Vidonja Balanzategui (Cultural Tourism), Australian Italian Festival (Cultural Tourism), and NQ Recorder Society (Regional Partnerships). The Committee agreed to fund three projects totalling \$7,687.50 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 2009 / 2009 RADF applications totalling \$7,687.50.
(Crs. Kaurila and Gianotti – Carried unanimously)

18. **FUNCTION I - CORPORATE SERVICES**

A. **MISCELLANEOUS CORRESPONDENCE**

1. CHAMBER OF COMMERCE & INDUSTRY QUEENSLAND, Brisbane, 11th September, 2009, forwarding copy of "Blueprint for Fighting Queensland's Overregulation". The Chamber wishes to work with all three tiers of Government to lower the compliance costs of regulation and has accordingly recommended a seven point action plan for Regulatory Reform that the Chambers encourages Council to consider. Their overall objective must be to encourage business growth and employment by making it easier, not the reverse. Requesting Council to identify the areas of concern applicable to Council's area of operation as they believe productivity and the State's economy can be improved if everyone works together.

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

3. **GENERAL MEETING BUSINESS**

1. **FUNCTION III – COMMUNITY SERVICES**

A. **PROGRAM A – COMMUNITY ASSISTANCE**

1. G. FYFFE, Ingham, 12th October, 2009, advising that her son Kyle Inserra recently participated in the 13 years North Queensland team to compete at the National Schools Futsal Titles in Albury / Wodonga. From this carnival Kyle has now received a letter congratulating him on being selected in the Australian Viking DalPonte Futsal boys team to compete in San Francisco, USA in May, 2010. Requesting Council's financial assistance towards travel costs associated with Kyle international Futsal selection.

(012/0002)

Resolved - That Council provide the sum of \$250 to Mr. Kyle Inserra, as the Australian Viking DalPonte Futsal tour of San Francisco, USA qualifies under Council's Support for Achievement Policy.
(Crs. Bosworth and Gianotti – Carried unanimously)

2. **FUNCTION I - CORPORATE SERVICES**

A. **MISCELLANEOUS CORRESPONDENCE**

1. DEPARTMENT OF INFRASTRUCTURE, TRANSPORT, REGIONAL DEVELOPMENT & LOCAL GOVERNMENT, Sydney, 20th October, 2009, advising that Council's request for an extension of time to complete the RLCIP Round 1 (\$250 Million) project has been accepted. Also advising that the project should be completed by the 31st December, 2009 as funding under the RLCIP Round 2 (\$100 Million component) may be impacted by completion and proper acquittal of current projects under the RLCIP Round 1.

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

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

1. FORREST BEACH PROGRESS ASSOCIATION.
Consideration of minutes of the Forrest Beach Progress Association Meeting held on the 5th October, 2009.

Resolved – That the minutes be received and noted.
(Crs. Bosworth and Gianotti – Carried unanimously)

4. **CONCLUSION** – This concluded the business of the meeting which closed at 5.30 p.m.
5. **APPROVED** and adopted this 19th day of **November, 2009**.

ACTING MAYOR