



**HINCHINBROOK
SHIRE COUNCIL**

**MINUTES OF THE SPECIAL MEETING
OF THE
HINCHINBROOK SHIRE COUNCIL**

**HELD IN THE COUNCIL CHAMBERS,
INGHAM
ON THURSDAY 17TH DECEMBER, 2009
AT 2.00 P.M.**

ATTENDANCE

- Present were Councillors Cr. G. Giandomenico, A.J. Lancini, G.P. Gianotti, L.R. Molachino, and Cr. S.J. Kaurila, Cr. P.D. Lynch and D.M. Bosworth.
- Also present was the Chief Executive Officer (R.W. Clark), Manager Engineering Services (B.E. Leach) and Executive Secretary (B.K. Edwards).

PRAYER

- The Mayor opened the meeting with prayer.

1. BUSINESS -

1. FUNCTION II - DEVELOPMENT AND PLANNING

A. PROGRAM A – ECONOMIC DEVELOPMENT

1. AMENDMENT TO 2009 / 2010 COMMERCIAL CHARGES, REGULATORY FEES & OTHER CHARGES.
Consideration of amendments to the 2009 / 2010 Commercial Charges, Regulatory Fees & Other Charges to specify the *Sustainable Planning Act*.

Resolved – That the 2009 / 2010 Commercial Charges, Regulatory Fees & Other Charges be amended to specify the *Sustainable Planning Act*.
(*Crs. Bosworth and Kaurila – Carried unanimously*)

2. DELEGATION OF AUTHORITY UNDER THE LOCAL GOVERNMENT ACT – SUSTAINABLE PLANNING ACT 2009.

Consideration of exercising delegation of authority to the Chief Executive Officer under Division 4, Subdivision 3, Section 256 of the *Sustainable Planning Act 2009* for the purpose of requesting third party advice or comment about an application at any stage of IDAS other than the compliance stage.

Resolved – That in accordance with Section 472 (1) of the *Local Government Act* Council delegate authority to the Chief Executive Officer under Division 4, Subdivision 1, Section 246 of the *Sustainable Planning Act 2009* to be the Assessment Manager for the purpose of requesting third party advice or comment about an application at any stage of IDAS other than the compliance stage.

3. DELEGATION OF AUTHORITY UNDER THE LOCAL GOVERNMENT ACT – SUSTAINABLE PLANNING ACT 2009.

Consideration of exercising delegation of authority to the Chief Executive Officer under Division 4, Subdivision 1, Section 246 of the *Sustainable Planning Act 2009* to approve operational works applications for excavation and filling of land and operational works associated with reconfigurations.

Resolved – That in accordance with Section 472 (1) of the *Local Government Act*, Council delegate authority to the Chief Executive Officer under Division 4, Subdivision 1, Section 246 of the *Sustainable Planning Act 2009* to be the Assessment Manager for the purpose of assessing and deciding applications for operational works (excavation and filling) and carrying out operational work for reconfiguring a lot.

4. DELEGATION OF AUTHORITY UNDER THE LOCAL GOVERNMENT ACT – SUSTAINABLE PLANNING ACT 2009.

Consideration of exercising delegation of authority to the Chief Executive Officer under Division 3, Subdivision 1, Section 318 (2) of the *Sustainable Planning Act 2009* regarding Council delegating authority under Section 472 of the *Local Government Act 1993* to extend the decision making period by not more than twenty (20) business days for *Sustainable Planning Act* applications.

Resolved – That in accordance with Section 472 of the *Local Government Act*, Council delegate authority to the Chief Executive Officer under Division 3, Subdivision 1, Section 318 (2) of the *Sustainable Planning Act* to extend the decision making period by not more than twenty (20) business days for *Sustainable Planning Act* applications.

That all of the recommendations contained in Development and Planning – Economic Development 1.1.A.2 to 1.1.A.4 be adopted.

(Crs. Kaurila and Lancini – Carried unanimously)

2. FUNCTION V - INFRASTRUCTURE MANAGEMENT

A. PROGRAM A – TRANSPORT

1. LUCINDA FORESHORE BUFFER ZONE.

Consideration of Report to Council from Manager Engineering Services dated 17th December, 2009 seeking Council's direction in relation to the Lucinda Foreshore Buffer Zone following a recent working bee intended to remove noxious weeds, coconuts and some pruning of the lower limbs on the larger trees, which unfortunately lead to considerable damage to and removal of native vegetation and which is at odds with the Reserve Management Plan.

Resolved – That Council request the Lucinda Progress Association to provide their views in relation to the damage caused to the Lucinda Foreshore Buffer Zone.

That Council place a moratorium on the Lucinda Progress Association to cease work in all public open spaces at Lucinda.

That Council immediately engage Green Corps in consultation with the Lucinda Progress Association to commence a revegetation process of the damaged area at the Lucinda Foreshore Buffer Zone.

(Crs. Gianotti and Kaurila – Carried unanimously)

3. FUNCTION II - DEVELOPMENT AND PLANNING

A. PROGRAM A – ECONOMIC DEVELOPMENT

1. EVERETT FAMILY TRUST PTY. LTD., Hermit Park, 31st August, 2009, seeking approval for the proposed Material Change of Use – Impact Assessment – 110 Residential Lots, Tourist Facilities / Accommodation and Reconfiguration of Land - Develop Rural Zoned Land for Residential Subdivision Purposes over Lot 125 on CWL2515 and Lot 32 on CWL74, Parish of Marathon at Manda Road, off Mount Cudmore Road, Bemerside. Land is zoned *Rural*. (058/0288)

Resolved – That conditional approval be granted for the proposed Material Change of Use – Impact Assessment – 110 Residential Lots, Tourist Facilities / Accommodation and Reconfiguration of Land – Develop Rural Zoned Land for Residential Subdivision Purposes over Lot 125 on CWL2515 and Lot 32 on CWL74, Parish of Marathon at Manda Road, off Mount Cudmore Road, Bemerside for the following reason:-

The proposed use will have minimal impact on surrounding uses; and that the development be subject to the following conditions:-

- (a) Development is to be carried out generally in accordance with the submitted plans;
- (b) The road leading to the proposed development from the end of the sealed construction on Manda Road is to be upgraded / constructed to Council's sealed rural road standard, as are link roads within the development. Roads / streets within built-up areas of the development are to be constructed to Council's urban standard;
- (c) A secure and potable reticulated water supply in accordance with the Hinchinbrook Shire Planning Scheme and the Department of Environment and Resource Management [DERM] "Planning Guidelines for Water and Sewerage Supply", be provided for the development, and including a supply to each allotment;
- (d) A waste water treatment and disposal system meeting Department of Environment and Resource Management [DERM] requirements and in accordance with "Planning Guidelines for Water and Sewerage Supply", be provided for the development;
- (e) Provision of kerb and channel to Council's standard profiles and including invert access crossings to each urban allotment and all urban road frontages of the development;
- (f) Filling and levelling of lots and footpaths, to ensure water drains to the front of lots and/or other legal points of discharge;
- (g) Surface drainage to be catered for in a manner that lessens possible impacts in receiving areas;
- (h) Provision of underground electricity reticulation to each lot, including network of street lighting for minor roads to the current Australian Standard AS/NZS 1158.3.1:1999;
- (i) Provision to Telstra's requirements, of telecommunications conduits under the road at various intervals to serve the proposed lots without requiring future excavation of the sealed road surface;
- (j) Prior to commencing works on that component, the Applicant is to submit a landscaping and recreation area plan for the proposed cabins, restaurant, and conference centre, that meets the Hinchinbrook Shire Planning Scheme requirements for Council's consideration and approval. Such works to be part of the approval;
- (k) Park and Recreation Space is provided in appropriate locations to a value of not less than \$205,260 (132 ETU's @ \$1,555), or alternatively a Public Open Space contribution of \$205,260 (132 ETU's @ \$1,555);
- (l) Prior to commencing works on that component, the Applicant to submit a detailed drawing showing car parking provision, manoeuvring space and access for the proposed cabins, restaurant, and conference centre, that meets the Hinchinbrook Shire Planning Scheme requirements for Council's consideration and approval. Such works to be part of the approval;
- (m) Prior to approval of operational works for roads the developer is required to submit evidence from the Department of Main Roads, to establish approval of the proposed intersection works at Mt. Cudmore Road / Bruce Highway;
- (n) 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;
- (o) 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];
- (p) 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 Lynch – Carried – Cr. Bosworth recorded her vote against the motion)

2. **CONCLUSION** – This concluded the business of the meeting which closed at 3.00 p.m.

3. **APPROVED** and adopted this 28th day of January, 2010.

MAYOR