



## GENERAL MEETING AGENDA

TUESDAY  
14 DECEMBER 2021  
at 8.30AM

PRESENT -

APOLOGY -

PRAYER -

DECLARATIONS OF INTEREST -

MINUTES - Confirmation of Minutes of General Meeting held on 23 November 2021.

BUSINESS

1. INFRASTRUCTURE AND UTILITY SERVICES

- 1.1 INFRASTRUCTURE and UTILITY SERVICES ACTIVITY REPORT **Report # 01**  
Consideration of Report to Council from Director Infrastructure and Utility Services dated 6 December 2021 regarding summary of activities undertaken during the month ending 30 November 2021.

**Recommended – That Council receive and note the information in the Report.**

- 1.2 MONTHLY STATUS REPORT **Report # 02**  
Consideration of Report to Council from Director Infrastructure and Utility Services dated 6 December 2021 regarding monthly Infrastructure and Utility Services Status Report for the month ending 30 November 2021.

**Recommended – That Council receive and note the information in the Report.**

- 1.3 2021-2022 CAPITAL PROJECTS STATUS REPORT for MONTH ENDING 30 NOVEMBER 2021 **Report # 03**  
Consideration of Report to Council from Director Infrastructure and Utility Services dated 6 December 2021 regarding a Status Report that provides a breakdown of projects as approved in the 2021-2022 Capital Works Program for the month ending 30 November 2021.

**Recommended – That Council receive and note the information in the Report.**

- 1.4 DECLARATION OF LIMNOBIUM LAEVIGATUM (AMAZON FROGBIT) **Report # 04**  
Consideration of Report to Council from Natural Assets Manager dated 30 November 2021 regarding declaration of Limnobium laevigatum (Amazon Frogbit) under Subordinate Local Law No. 3 (Community and Environmental Management) 2012 as it has been identified as a clear and present threat of becoming a local pest with the potential to have an immediate impact on the environment and local waterways.

**Recommended – That Council declare Limnobium laevigatum (Amazon Frogbit) in accordance with Hinchinbrook Shire Council Local Law No. 3 (Community and Environment Management) 2012, as a local pest.**

2. COMMUNITY and DEVELOPMENT SERVICES

- 2.1 COMMUNITY and DEVELOPMENT SERVICES ACTIVITY REPORT **Report # 05**  
Consideration of Report to Council from Acting Director Community and Development Services dated 1 December 2021 regarding summary of activities undertaken during the month ending 30 November 2021.

**Recommended – That Council receive and note the information in the Report.**

2.2 MONTHLY STATUS REPORT

**Report # 06**

Consideration of Report to Council from Acting Director Community and Development Services dated 6 December 2021 regarding monthly Community and Development Services Status Report for the month ending 30 November 2021.

**Recommended – That Council receive and note the information in the Report.**

2.3 YOUTH DEVELOPMENT ADVISORY COMMITTEE

**Report # 07**

Consideration of Report to Council from Acting Director Community and Development Services dated 1 December 2021 seeking approval of Youth Development Advisory Committee Terms of Reference.

**Recommended – That Council approve the Terms of Reference for the Youth Development Advisory Committee.**

2.4 CEMETERY ADVISORY COMMITTEE

**Report # 08**

Consideration of Report to Council from Acting Director Community and Development Services dated 1 December 2021 seeking approval of the formation of the Cemetery Advisory Committee Terms of Reference.

**Recommended – That Council:**

- A. Approve the formation of the Cemetery Advisory Committee;
- B. Approve the Terms of Reference for the Cemetery Advisory Committee; and
- C. Authorise the Chief Executive Officer via relevant staff to appoint Cemetery Advisory Committee members in accordance with the Cemetery Advisory Committee Terms of Reference.

2.5 FREEDOM of ENTRY

**Report # 09**

Consideration of Report to Council from Acting Director Community and Development Services dated 1 December 2021 concerning request from Third Battalion of The Royal Australian Regiment for Freedom of Entry to Hinchinbrook as part of the 20<sup>th</sup> Anniversary celebration in October 2022.

**Recommended – That Council grant "Freedom of Entry" to the Commanding Officer, Officers and Soldiers of the Third Battalion, The Royal Australian Regiment as part of the 20<sup>th</sup> Anniversary celebrations in October 2022.**

3. CORPORATE and FINANCIAL SERVICES

3.1 CORPORATE and FINANCIAL SERVICES ACTIVITY REPORT

**Report # 10**

Consideration of Report to Council from Director Corporate and Financial Services dated 5 December 2021 regarding summary of activities undertaken during the month ending 30 November 2021.

**Recommended – That Council receive and note the information in the Report.**

3.2 MONTHLY STATUS REPORT

**Report # 11**

Consideration of Report to Council from Director Corporate and Financial Services dated 6 December 2021 regarding monthly Corporate and Financial Services Status Report for the month ending 30 November 2021.

**Recommended – That Council receive and note the information in the Report.**

- 3.3 FINANCIAL PERFORMANCE REPORT for the PERIOD ENDING 30 NOVEMBER 2021 **Report # 12**  
Consideration of Report to Council from Acting Finance Manager dated 7 December 2021 regarding a report of Council's financial activities for the month ending 30 November 2021.

**Recommended – That Council receive and note the information in the Report.**

- 3.4 AUDIT and RISK COMMITTEE – POLICY and CHARTER **Report # 13**  
Consideration of Report to Council from Director Corporate and Financial Services dated 1 December 2021 seeking approval of updated Audit and Risk Committee Policy and Audit and Risk Committee Charter, following recent name change of the Audit Committee to Audit and Risk Committee which reflects the importance of understanding, managing and alleviating risk across the organisation.

**Recommended – That Council:**

- A. Approve the Audit and Risk Committee Policy as presented; and
- B. Approve the Audit and Risk Committee Charter as presented.

- 3.5 HSC 21/18 – LEASING and MANAGEMENT OF HINCHINBROOK AQUATIC CENTRE LOT 18 on SP169627 – McILWRAITH STREET INGHAM **Report # 14**  
Consideration of Report to Council from Director Corporate and Financial Services dated 4 December 2021 outlining findings of Tender HSC 21/18 for leasing and management of the Hinchinbrook Aquatic Centre following the report being held over from Council's Special Meeting on 2 November 2021 to enable a review of the process and conclusions drawn.

**Recommended – That Council:**

- A. Appoint Grimsey's Aquatics Pty Ltd as Council's preferred tenderer to enter a lease for the management of the Hinchinbrook Aquatic Centre, as a result of the evaluation undertaken; and
- B. Delegate authority to the Chief Executive Officer in accordance with the *Local Government Act 2009*, to negotiate, finalise and execute any and all matters in relation to this activity.

- 3.6 HSC 21/27 – LEASING and MANAGEMENT OF TYTO RESTAURANT/CAFÉ LOT 801 on SP225261 - McILWRAITH STREET INGHAM **Report # 15**  
Consideration of Report to Council from Director Corporate and Financial Services dated 29 October 2021 outlining the tender process, evaluation outcome and findings of Tender HSC 21/27 for leasing and management of TYTO Restaurant/Café.

**Recommended – That Council:**

- A. Appoint Jaymee Van Der Heul T/A 4850 Smoke & Grill as Council's preferred tenderer to enter a lease for the TYTO Restaurant/Café, as a result of the evaluation undertaken; and
- B. Delegate authority to the Chief Executive Officer in accordance with the *Local Government Act 2009*, to negotiate, finalise and execute any and all matters in relation to this matter.

- 3.7 CHANGE APPLICATION (MINOR CHANGE – MCU20/0005 - MATERIAL CHANGE OF USE SHOP (DRIVE THROUGH BOTTLE SHOP) - KEAST STREET LUCINDA - LOTS 1 and 4 on SP186122 **Report # 16**  
Consideration of Report to Council from Planning Consultant dated 6 December 2021 concerning a Change Application from BNC Planning Pty Ltd on behalf of Jenk Holdings Pty Ltd for an existing Development Permit for Material Change of Use – Shop (Drive Through Bottle Shop) described as Lots 1 and 4 on SP186122 located at 6 Keast Street Lucinda.

**Recommended – That Council approve the Change Application to Development Permit for Material Change of Use – Shop (Drive Through Bottle Shop) on land located at 6 Keast Street Lucinda and formally described as Lots 1 and 4 on SP186122, subject to amended conditions as set out in Attachment A and amended infrastructure charges as set out in Attachment F.**

**3.8 OPERATIONAL WORK ASSOCIATED WITH MCU20/0005 - MATERIAL CHANGE OF USE *Report # 17***  
**SHOP (DRIVE THROUGH BOTTLE SHOP) - KEAST STREET LUCINDA - LOTS 1 and 4 on SP186122**

Consideration of Report to Council from Planning Consultant dated 6 December 2021 concerning a Development Application for Operational Works associated with a Material Change of Use – MCU20/0005 from BNC Planning Pty Ltd on behalf of Jenk Holdings Pty Ltd on land described as Lots 1 and 4 on SP186122 located at 6 Keast Street Lucinda.

**Recommended – That Council approve the Development Application for a Development Permit for Operational Work associated with a Material Change of Use (MCU20\0005) on land located at 6 Keast Street Lucinda and formally described as Lots 1 and 4 on SP186122, subject to conditions as set out in Attachment A.**

**3.9 OPERATIONAL WORK - FILLING of LAND *Report # 18***  
**EDDLESTON DRIVE CORDELIA – LOT 139 on SP268889**

Consideration of Report to Council from Planning Consultant dated 6 December 2021 concerning a Development Application for Operational Work – Filling of Land from Greg Wiseman on land described as Lot 139 on SP268889 located at 112 Eddleston Drive Cordelia.

**Recommended – That Council approve the Development Application for a Development Permit for Operational Work – Filling of Land on land located at 112 Eddleston Drive Cordelia and formally described as Lot 139 on SP268889, subject to conditions as set out in Attachment A.**

**3.10 INFRASTRUCTURE MATERIAL CHANGE OF USE – EXTRACTIVE INDUSTRY - QUARRY UNDER 5,000T *Report # 19***  
**MILTON and ALLENDALE ROAD UPPER STONE - LOT 60 on CWL715**

Consideration of Report to Council from Regulatory Services Manager dated 6 December 2021 concerning a request from David and Kate Milton to review infrastructure charges levied on a Development Application approved by Council in December 2020 for Material Change of Use – Extractive Industry (Quarry under 5,000t per year) on land situated along Milton and Allendale Roads Upper Stone described as Lot 60 on CWL715.

**Recommended – That Council note that the levied Infrastructure Charges identified within the Infrastructure Charges Notice associated with the Development Approval for Material Change of Use – Extractive Industry (Quarry under 5,000t per annum) on land described as Lot 60 on CWL715 and located along Milton and Allendale Road Upper Stone, cannot be levied.**

**3.11 RECONFIGURING A LOT *Report # 20***  
**BOUNDARY REALIGNMENT - TWO LOTS into TWO LOTS**

**STALLANS LAND TREBONNE – LOT 10 and 11 on SP248037**

Consideration of Report to Council from Planning Consultant dated 6 December 2021 concerning Development Application for Reconfiguring a Lot – Boundary Realignment – Two Lots into Two Lots at 218 Stallans Lane Trebonne formally described as Lot 10 and 11 on SP248037. The application was lodged by Brazier Motti Pty Ltd on behalf of Salvatore Spina.

**Recommended – That Council approve the proposed Reconfiguring a Lot – Boundary Realignment - Two Lots into Two Lots on land located at 218 Stallans Lane Trebonne and formally described as Lot 10 and 11 on SP248037, subject to conditions as set out in Attachment A.**

3.12 RECONFIGURING A LOT *Report # 21*

BOUNDARY REALIGNMENT - TWO LOTS into TWO LOTS

FOUR MILE ROAD VICTORIA ESTATE – LOT 5 on SP130471 and LOT 2 on SP195687

Consideration of Report to Council from Planning Consultant dated 6 December 2021 concerning Development Application for Reconfiguring a Lot – Boundary Realignment – Two Lots into Two Lots at 111 Four Mile Road Victoria Estate formally described as Lot 5 on SP130471 and Lot 2 on SP195687. The application was lodged by Luke Sartor.

**Recommended – That Council approve the proposed Reconfiguring a Lot – Boundary Realignment (Two Lots into Two Lots) on land located at 111 Four Mile Road Victoria Estate and more formally described as Lot 5 on SP130471 and Lot 2 on SP195687, subject to conditions as set out in Attachment A.**

3.13 REQUEST to EXTEND CURRENCY PERIOD - RECONFIGURING A LOT *Report # 22*

BOUNDARY REALIGNMENT

LUCINDA ROAD HALIFAX – LOT 1 on RP727874 and LOT 2 on RP715816

Consideration of Report to Council from Planning Consultant dated 6 December 2021 concerning request to extend the currency period of an existing Development Application – Boundary Realignment at Lucinda Road Halifax formally described as Lot 1 on RP727874 and Lot 2 on RP715816. The application was lodged by Alfio Girgenti.

**Recommended – That Council approve the extension to the currency period associated with Development Permit for Reconfiguring a Lot - Two Lots into Two Lots on land at Lucinda Road, Halifax and formally described as Lot 1 on RP727874 and Lot 2 on RP715816 by six months until 26 May 2022.**

3.14 RECONFIGURING A LOT *Report # 23*

SUBDIVISION (ONE LOT into THREE LOTS)

SIR ARTHUR FADDEN PARADE INGHAM – LOT 1 on RP707843

Consideration of Report to Council from Planning Consultant dated 6 December 2021 concerning Development Application for Reconfiguring a Lot – Subdivision – One Lot into Three Lots at 96 Sir Arthur Fadden Parade Ingham formally described as Lot 1 on RP707843. The application was lodged by Siro and Mary Sartor.

**Recommended – That Council approve the proposed Reconfiguring a Lot – Subdivision (One Lot into Three Lots) on land located at 96 Sir Arthur Fadden Parade Ingham and formally described as Lot 1 on RP707843, subject to conditions as set out in Attachment A.**

3.15 RECONFIGURING A LOT *Report # 24*

CREATION of ACCESS EASEMENT

DALRYMPLE STREET INGHAM – LOT 4 on SP118941 and LOT 1 on RP740807

Consideration of Report to Council from Planning Consultant dated 6 December 2021 concerning Development Application for Reconfiguring a Lot – Creation of Access Easement at 15 and 17 Dalrymple Street Ingham formally described as Lot 4 on SP118941 and Lot 1 on RP740807. The application was lodged by Steven Grassi.

**Recommended – That Council approve the proposed Reconfiguring a Lot – Creation of Access Easement on land located at 15 and 17 Dalrymple Street Ingham and formally described as Lot 4 on SP118941 and Lot 1 on RP740807 subject to conditions, as set out in Attachment A.**



**3.16 REFERRAL AGENCY RESPONSE – DESIGN and SITING  
LYONS STREET INGHAM - LOT 2 on RP707446**

**Report # 25**

Consideration of Report to Council from Planning Consultant dated 6 December 2021 concerning a Referral Agency Response – Design and Siting variation lodged by Steven and Donna Hobbs seeking to establish an open carport (Class 10a) on property described as Lot 2 on RP707446 located at 14 Lyons Street Ingham. The proposed open carport awning will be constructed with a steel frame and skillion roof between 3.4m and 4.23m in height. A portion of the open carport will be constructed within 0.45m of the side boundary shared with 12 Lyons Street Ingham. The open carport has a height of 3.8m within the setback area where the acceptable outcome for side boundary setbacks is 1.5m, and exemptions for Class 10a structures within the side boundary do not apply. In addition, the total site coverage of all buildings and structures on the subject land will exceed 50%.

**Recommended – That Council issue a Referral Agency Response for the proposed open carport (Class 10a) on land located at 14 Lyons Street Ingham and formally described as Lot 2 on RP707446, subject to conditions, as set out in Attachment A.**

**3.17 REFERRAL AGENCY RESPONSE – BUILDING OVER RELEVANT INFRASTRUCTURE SERVICES  
LYONS STREET INGHAM – LOT 16 on RP712441**

**Report # 26**

Consideration of Report to Council from Planning Consultant dated 6 December 2021 concerning a Referral Agency Response – Building over Relevant Infrastructure Services lodged by North Queensland Building Certification on behalf of Charles Azzopardi seeking to construct a new dwelling on property described as Lot 16 on RP712441 located at 3 Lyons Street Ingham. The dwelling is proposed to be located centrally above a Council sewer main which traverses centrally through the property.

**Recommended – That Council issue a Referral Agency Response for the proposed structure on land located at 3 Lyons Street Ingham and formally described as Lot 16 on RP712441, subject to conditions set out in Attachment A.**

**3.18 MINISTERIAL INFRASTRUCTURE DESIGNATION – KIDSTON GENEX CONNECTION PROJECT**

**Report # 27**

Consideration of Report to Council from Regulatory Services Manager dated 6 December 2021 concerning Notice of proposed Infrastructure Designation from the Minister for State Development, Infrastructure, Local Government and Planning received for the Genex Kidston Connection Project (which entails a 275kV single circuit, twin conductor transmission line and a 275kV switching station, with the transmission line extending from Kidston Renewable Energy Hub to the Mount Fox Switching Station), and recommending Council make a submission in support of the Ministerial Infrastructure Designation outlining the need for the imposition of Council conditions and requirements relating to the application.

**Recommended – That Council:**

- A. Make a submission to the Minister for State Development, Infrastructure, Local Government and Planning in support of the proposed Ministerial Infrastructure Designation, outlining the matters to which Council would ordinarily have considered in relation to the making of the development application; and**
- B. Delegate authority to the Chief Executive Officer in accordance with the *Local Government Act 2009* to finalise all matters associated with this submission.**

**3.19 HINCHINBROOK SHIRE COUNCIL LOCAL LAW AMENDMENTS**
**Report # 28**

Consideration of Report to Council from Regulatory Services Manager dated 6 December 2021 concerning Council undertaking an amendment process through the creation of an Amending Local Law and an Amending Subordinate Local Law to address a number of consistent and ongoing complaints in relation to local issues that either are disadvantageous to the good order and amenity of the Shire's business community and residents, or for which there is no clear regulatory framework in effect, particularly Shire regulated parking, residential smoke nuisance, obligation to maintain a building or structure so as not to cause a safety hazard or visual blight for the community, and ensuring that appropriate connection to sewerage infrastructure occurs before temporary occupancy of structures (while in the process of constructing a home) occurs.

**Recommended – That Council:**

- A. Adopt the Local Law Making Process as contained in Attachment A;**
- B. Commence the Process for making an Amending Local Law with the following purpose and general effect:**

Local Law	Purpose	General Effect
Local Law No. 3 (Community and Environmental Management) 2012	To enhance public safety and amenity related to the upkeep and integrity of buildings and structures	Regulates the need for property owners to maintain their buildings and structures to a reasonable standard for the safety of the public.  Regulates the need for property owners to maintain their buildings and structures to a reasonable standard for the amenity to avoid visual blight from a public place.  Regulates the need for property owners to maintain their buildings and structures when affected by graffiti.

- C. Commence the Process for making an Amending Subordinate Local Law with the following purpose and general effect:**

Subordinate Local Law	Purpose	General Effect
Subordinate Local Law No. 1.03 Establishment or Occupation of a Temporary Home 2012	To ensure that a temporary home is connected to appropriate sewerage infrastructure.	Prohibits the disposal of sewage associated with a temporary home other than by means of connection to reticulated sewerage infrastructure or an approved and installed on-site sewerage disposal system (where reticulated sewerage infrastructure is not available).
Subordinate Local Law No. 3 (Community and Environmental Management 2012)	To ensure the activity of creating a fire for personal use does not cause an unreasonable nuisance in a residential environment.	Prohibits the activity of creating fires for personal use in residential zoned land if carried out in such a way that creates nuisance to neighbours.
Subordinate Local Law No. 5 (Parking) 2012	To clarify the extent of regulated parking within the Hinchinbrook Shire Council local government area.	To apply regulated parking to the whole of the Hinchinbrook Shire Council.

- D. Delegate Authority to the Chief Executive Officer to formalise the Amending Local Law and Amending Subordinate Local Law and carry out Steps 2 to 5 of the Local Law Making Process.**



**3.20 SALE of LAND for RECOVERY of OVERDUE RATES**
**Report # 29**

Consideration of Report to Council from Finance Manager dated 1 December 2021 seeking Council approval to sell properties in the Residential category with overdue rates and charges that have remained overdue for a period in excess of three (3) years.

**Recommended – That Council:**

**A. Sell the following properties for overdue rates and charges:**

Property ID	Legal Property Description
100524	Lot 125 CWL 2515 and Lot 32 SP 311019
101176	Lot 2 RP 710098
106373	Lot 17 SP 145983
100400	Lot 2 I 22486
104500	Lot 119 CWL 3314
100455	Lot 13 CWL 3397

**B. Authorise the Chief Executive Officer to:**

1. Provide the necessary Notices and take all necessary steps to affect the sales;
2. Appoint an auctioneer to conduct the sale by Public Auction;
3. Set a reserve price for the land in accordance with the Local Government Regulation 2012;
4. If the reserve price for the land is not reached at the auction, enter into negotiations with any bidder who attended the auction to sell the land by agreement. However, the price for the land under the agreement must not be less than the reserve price for the land; and
5. Approve the auction date in accordance with legislative requirements.

**4. GOVERNANCE**

**4.1 OFFICE of the MAYOR and CHIEF EXECUTIVE OFFICER ACTIVITY REPORT**

**Report # 30**

Consideration of Report to Council from Chief Executive Officer dated 6 December 2021 concerning summary of activities undertaken in the Office of the Mayor and Chief Executive Officer during the month ending 30 November 2021.

**Recommended – That Council receive and note the information in the Report.**

**4.2 MONTHLY STATUS REPORT**

**Report # 31**

Consideration of Report to Council from Chief Executive Officer dated 6 December 2021 concerning monthly Office of the Mayor and Chief Executive Officer Status Report for the month ending 30 November 2021.

**Recommended – That Council receive and note the information in the Report.**

- 4.3 MEMORANDUM of UNDERSTANDING BETWEEN HINCHINBROOK SHIRE COUNCIL and GIVIT **Report # 32**  
Consideration of Report to Council from Chief Executive Officer dated 6 December 2021 regarding renewal of Memorandum of Understanding with GIVIT which expired on 11 October 2021 following endorsement by the Hinchinbrook Local Disaster Management Group.

**Recommended - That Council:**

- A. Approve a Memorandum of Understanding between Council and GIVIT Listed Ltd, with a review of the partnership to be undertaken after three (3) years from the commencement of the Memorandum of Understanding; and
- B. Delegate authority to the Chief Executive Officer in accordance with the *Local Government Act 2009* to enter into finalising and executing any and all matters associated with or in relation to the Memorandum of Understanding.

- 4.4 COUNCILLOR MONTHLY ACTIVITY REPORT **Report # 33**  
Consideration of Report to Council from Chief Executive Officer dated 6 December 2021 providing Councillor Activity Reports for the month ending 30 November 2021 to ensure transparency and public scrutiny.

**Recommended – That Council receive and note the information in the Report.**

#### **LATE BUSINESS**

*Matters referred to Council following close of agenda, subject to resolution of Council to accept a late report.*

Kelvin Tytherleigh  
CHIEF EXECUTIVE OFFICER