



GENERAL MEETING MINUTES

HELD: ADMINISTRATION CENTRE
COUNCIL CHAMBERS
25 LANNERCOST STREET
INGHAM QLD 4850

TUESDAY 23 FEBRUARY 2021
at 8.30AM

- PRESENT - R Jayo Mayor (Chair)
AP Cripps Deputy Mayor
ME Brown Councillor
AJ Lancini Councillor
DM Marbelli Councillor
KS Milton Councillor
WG Skinner Councillor
- K Tytherleigh Chief Executive Officer (CEO)
J Stewart Director Infrastructure and Utility Services Delivery (DIUS)
N McGrath Director Community and Development Services (DCDS)
B Edwards Executive Officer (EO)

The Mayor was absent when the General Meeting commenced at 8.30am due to his participation in a radio interview concerning current local major flooding affecting the Lower Herbert area

The Deputy Mayor assumed the Chair

Regulatory Services Manager P Cohen and Finance Manager T Eggington were also present

PRAYER - Deputy Mayor AP Cripps began the meeting with Prayer

APOLOGY - Nil

DECLARATIONS OF INTEREST -

Deputy Mayor A Cripps invited Councillors to use this opportunity to make public any Declarations of Interest.

Item 3.9 – Herbert River Improvement Trust Development Application for Operational Works – Halifax Levee

In accordance with Section 150EN and 150EQ of the *Local Government Act*, Councillor AJ Lancini informed the meeting he has a Declarable Conflict of Interest in relation to Item 3.9 as he is a property owner that is affected by the Halifax Levee. Having regard to the nature of his Declarable Conflict of Interest, Councillor AJ Lancini informed the meeting that he will leave the meeting room while the matter is considered and voted on.

In accordance with Section 150EN and 150EQ of the *Local Government Act*, Councillor DM Marbelli informed the meeting she has a Declarable Conflict of Interest in relation to Item 3.9 as she is a property owner that is affected by the Halifax Levee. Having regard to the nature of his Declarable Conflict of Interest, Councillor DM Marbelli informed the meeting that she will leave the meeting room while the matter is considered and voted on.

CEO K Tytherleigh advised Councillors that he had also received advice from Mayor R Jayo that he has a Declarable Conflict of Interest in relation to Item 3.9 which will be declared prior to the item being discussed.

PREVIOUS MINUTES - *Moved Councillor Lancini*
Seconded Councillor Brown

Resolution - That the Minutes of the General Meeting held on 27 January 2021 be approved as a correct record of proceedings and the Minutes be authorised and signed by the Mayor.

**Carried 6-0
230221-00**

BUSINESS

1. INFRASTRUCTURE AND UTILITY SERVICES

1.1 INFRASTRUCTURE and UTILITY SERVICES ACTIVITY REPORT

Consideration of Report to Council from Director Infrastructure and Utility Services dated 4 February 2021 regarding summary of activities undertaken during the month ending 31 January 2021.

Moved *Councillor Skinner*
Seconded *Councillor Marbelli*

Resolution – That Council receive and note the information in the Report.

**Carried 6-0
230221-01**

Mayor R Jayo returned to the meeting at 8.43am and resumed the Chair

1.2 MONTHLY STATUS REPORT

Consideration of Report to Council from Director Infrastructure and Utility Services dated 8 February 2021 regarding monthly Infrastructure and Utility Services Status Report for the month ending 31 January 2021.

Moved *Councillor Milton*
Seconded *Councillor Brown*

Resolution – That Council receive and note the information in the Report.

**Carried 7-0
230221-02**

1.3 2020-2021 CAPITAL PROJECTS STATUS REPORT for MONTH ENDING 31 JANUARY 2021

Consideration of Report to Council from Director Infrastructure and Utility Services dated 4 February 2021 regarding a Status Report that provides a breakdown of projects as approved in the 2020-2021 Capital Works Program for the month ending 31 January 2021.

Moved *Councillor Skinner*
Seconded *Councillor Milton*

Resolution – That Council receive and note the information in the Report.

**Carried 7-0
230221-03**

1.4 PRINCIPAL CYCLE NETWORK PLAN – DAVIDSON STREET

Consideration of Report to Council from Director Infrastructure and Utility Services dated 4 February 2021 seeking Council's endorsement to lodge grant application for a shared footpath along Davidson Street under the Cycle Network Local Government Grants Program based on Council's endorsed Priority Plan.

Moved *Councillor Cripps*
Seconded *Councillor Marbelli*

Resolution – That Council endorse a grant application for a shared footpath along Davidson Street (Skinner Street to Palm Terrace) under the Cycle Network Local Government Grants Program for a total budget of \$576,000 (excl. GST).

**Carried 7-0
230221-04**

2. COMMUNITY and DEVELOPMENT SERVICES

2.1 COMMUNITY and DEVELOPMENT SERVICES ACTIVITY REPORT

Consideration of Report to Council from Director Community and Development Services dated 11 February 2021 regarding summary of activities undertaken during the month ending 31 January 2021.

Moved *Councillor Brown*
Seconded *Councillor Marbelli*

Resolution – That Council receive and note the information in the Report.

**Carried 7-0
230221-05**

2.2 MONTHLY STATUS REPORT

Consideration of Report to Council from Director Community and Development Services dated 8 February 2021 regarding monthly Community and Development Services Status Report for the month ending 31 January 2021.

Moved *Councillor Marbelli*
Seconded *Councillor Lancini*

Resolution – That Council receive and note the information in the Report.

**Carried 7-0
230221-06**

2.3 TROPICAL COAST TOURISM AGREEMENT

Consideration of Report to Council from Director Community and Development Services dated 15 February 2021 concerning request from Tropical Coast Tourism for funding support of \$25,000 (excl. GST) through the development of a Service Level Agreement with Council to supports its campaigns promoting the destinations, lifestyle, and businesses located between Babinda and Ingham to a domestica and international market.

Moved *Councillor Brown*
Seconded *Councillor Lancini*

Resolution – That Council:

- A. Authorise the Chief Executive Officer via relevant staff to develop a draft Service Level Agreement for the 2021-2022 financial year with Tropical Coast Tourism for Council's consideration; and
- B. Refer the matter for consideration of funding membership to Tropical Coast Tourism to the 2021-2022 financial year budget process.

**Carried 7-0
230221-07**

3. CORPORATE and FINANCIAL SERVICES

3.1 CORPORATE and FINANCIAL SERVICES ACTIVITY REPORT

Consideration of Report to Council from Director Corporate and Financial Services dated 8 February 2021 regarding summary of activities undertaken during the month ending 31 January 2021.

Moved *Councillor Cripps*
Seconded *Councillor Skinner*

Resolution – That Council receive and note the information in the Report.

**Carried 7-0
230221-08**

3.2 MONTHLY STATUS REPORT

Consideration of Report to Council from Director Corporate and Financial Services dated 8 February 2021 regarding monthly Corporate and Financial Services Status Report for the month ending 31 January 2021.

Moved *Councillor Cripps*
Seconded *Councillor Milton*

Resolution – That Council receive and note the information in the Report.

**Carried 7-0
230221-09**

3.3 FINANCIAL PERFORMANCE REPORT for the PERIOD ENDING 31 JANUARY 2021

Consideration of Report to Council from Director Corporate and Financial Services dated 15 February 2021 regarding a report of financial activities for the month ending 31 January 2021.

Moved *Councillor Cripps*
Seconded *Councillor Marbelli*

Resolution – That Council receive and note the information in the Report.

**Carried 7-0
230221-10**

Finance Manager T Eggington left the meeting at 9.40am

3.4 HSC 20/28 – WORKS for QUEENSLAND (W4Q)
SEATING and INFORMATION SHELTERS CONSTRUCTION

Consideration of Report to Council from Director Corporate and Financial Services dated 4 February 2021 outlining findings of tender evaluation for HSC 20/28 – Works for Queensland (W4Q) Seating and Information Shelters Construction.

Moved *Councillor Lancini*
Seconded *Councillor Milton*

Resolution – That Council:

- A. Award Tender HSC 20/28 Works for Queensland (W4Q) Seating and Information Shelters Construction to D.J. Duffy Constructions for their tendered price of \$257,949; 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 associated with or in relation to this contract.

**Carried 7-0
230221-11**

3.5 CHANGE APPLICATION - MATERIAL CHANGE OF USE – MOTEL (HOTEL and ACCOMMODATION)
KEAST STREET LUCINDA - LOTS 1 and 4 on SP186122

Consideration of Report to Council from Planning Consultant dated 8 February 2021 concerning a Change Application for an existing Development Permit for Material Change of Use – Motel (Hotel and Accommodation) described as Lots 1 and 4 on SP186122 located at 6 Keast Street Lucinda.

Moved *Councillor Cripps*
Seconded *Councillor Lancini*

Resolution – That Council approve the Change Application (Minor Change) to the Development Permit for Material Change of Use – Motel (Hotel and Accommodation) on land known as Lots 1 and 4 on SP186122 and located at 6 Keast Street, Lucinda, subject to amended conditions as set out in Attachment A and Infrastructure Charges as set out in Attachment F.

**Carried 7-0
230221-12**

3.6 REQUEST for NEGOTIATED INFRASTRUCTURE CHARGES NOTICE
RECONFIGURING a LOT – SUBDIVISION (ONE LOT into TWO LOTS)
VASS STREET LUCINDA – LOT 613 on L46913

Consideration of Report to Council from Milford Planning dated 8 February 2021 concerning Request for Negotiated Infrastructure Charges Notice associated with recently issued Development Permit for Reconfiguring a Lot – Subdividing One Lot into Two Lots at 1 Vass Street Lucinda wherein applicant has requested clarification of Infrastructure Charges Notice and Council's consideration of calculation of charges in accordance with past contribution for infrastructure connections to property.

Mayor R Jayo called for a Division

Recommendation – That Council refuse the Request for a Negotiated Infrastructure Charges Notice associated with Development Permit (RC20/0006) – Reconfiguring a Lot – Subdivision (One Lot into Two Lots) on land described as Lot 613 on L46913, located at Vass Street, Lucinda, and issue correspondence as set out in Attachment G.

Pursuant to Section 254H of the Local Government Regulation 2012, the meeting decided to approve the request for the following reasons:

- As the applicant argued that they had already paid for two existing sewerage connections and whilst Council's records indicate that there were two connections, the manner in which the connections arose were not documented and Council was unable to refute the applicants assertion of prior contribution to a second sewerage connection, it was becoming of Council to accept the argument.*

Moved Mayor Jayo
Seconded Councillor Milton

Resolution – That Council approve the request for a Request for a Negotiated Infrastructure Charges Notice to a total of \$5,200.

All Councillors voted for the motion.

**Carried 7-0
230221-13**

3.7 REFERRAL AGENCY RESPONSE – DESIGN and SITING
FERRERO STREET LUCINDA – LOT 16 on L46925

Consideration of Report to Council from Planning Consultant dated 8 February 2021 concerning request for Referral Agency Response – Design and Siting for new Class 10a structure (open car port) to be established approximately 1.5m from the front property boundary and 3.7m from the closest side boundary on land described as Lot 16 on L46925 and located at 16 Ferrero Street Lucinda.

Moved Councillor Lancini
Seconded Councillor Marbelli

Resolution – That Council issue a Referral Agency Response for the proposed Class 10a structure (car port) at Lot 16 on L46925 and located at 16 Ferrero Street, Lucinda, subject to conditions as set out in Attachment A.

**Carried 7-0
230221-14**

3.8 SELECTIVE INSPECTION PROGRAM

UNLAWFUL HABITATION of CLASS 10A STRUCTURE FORREST BEACH LOCALITY

Consideration of Report to Council from Regulatory Services Manager dated 8 February 2021 seeking Council's approval of a Selective Inspection Program to provide Council Officers with additional powers of entry to allow them as Authorised Persons to enter and inspect premises within the Forrest Beach locality to determine a shed's compliance with the *Building Act 1975*, Building Code of Australia and *Planning Act 2016*.

Moved Councillor Cripps
Seconded Councillor Marbelli

Resolution – That Council approve a Selective Inspection Program, pursuant to Section 134 of the *Local Government Act 2009*, in that:

- A. The purpose of the Selective Inspection Program is to determine compliance with relevant Acts for the habitation of Class 10a structures on land within the Forrest Beach locality;
- B. The inspections will commence on 15 March 2021, continuing for three (3) months up to, and including, 15 June 2021; and
- C. The following objective criteria is established for inspection of premises:
 - i. Be contained in the Forrest Beach locality;
 - ii. Be improved with a Class 10a structure only; and
 - iii. Not have a valid approval for the temporary habitation of the structure.

**Carried 7-0
230221-15**

The meeting adjourned at 10.00am for morning tea and resumed at 10.20am

In accordance with Section 150EQ of the Local Government Act, Mayor R Jayo informed the meeting he has a Declarable Conflict of Interest in relation to Item 3.9 as he is a property owner that may or may not be affected by the Halifax Levee. Having regard to the nature of his Declarable Conflict of Interest, Mayor R Jayo informed the meeting that he will leave the meeting room while the matter is considered and voted on.

In accordance with the previous Declarations of Interest for Item 3.9, Mayor R Jayo and Councillors AJ Lancini and DM Marbelli excluded themselves from the meeting at 10.20am while the matter was discussed and vote taken.

Deputy Mayor AP Cripps assumed the Chair

3.9 HERBERT RIVER IMPROVEMENT TRUST DEVELOPMENT APPLICATION for OPERATIONAL WORKS HALIFAX LEVEE

Consideration of Report to Council from Planning Consultant dated 18 February 2021 concerning Development Application for Operational Works for improvement of Halifax Levee by the Herbert River Improvement Trust. The Halifax Levee is a Category 3 levee, where the proposed works requires impact assessment. The proposed works are to raise the levee height by 200mm (with an average overall height of 1.2 metres), and widening in line with the additional height, enabling immunity for the Halifax township from the remodelled 1% AEP (1 in 100 year flood) level for the Herbert River.

Moved Councillor Skinner
Seconded Deputy Mayor Cripps

Resolution – That Council approve the Development Application seeking a Development Permit for Operational Work – Modification to the Halifax Levee (Category 3 Levee) and Filling of Land on various land parcels in Halifax, subject to:

- A. The conditions as set out in Attachment A; and
- B. Receipt of evidence that QLeave payment has been made.

**Carried 2-2
230221-16**

Councillors Skinner and Cripps voted for the motion

Councillors Brown and Milton were opposed to the motion

Deputy Mayor Cripps used his casting vote and voted for the motion

Mayor R Jayo and Councillors AJ Lancini and DM Marbelli returned to the meeting at 10.51am

Mayor R Jayo resumed the Chair

4. GOVERNANCE

4.1 OFFICE of the MAYOR and CHIEF EXECUTIVE OFFICER ACTIVITY REPORT

Consideration of Report to Council from Chief Executive Officer dated 8 February 2021 concerning summary of activities undertaken in the Office of the Mayor and Chief Executive Officer during the month ending 31 January 2021.

Moved Councillor Lancini
Seconded Councillor Marbelli

Resolution – That Council receive and note the information in the Report.

**Carried 7-0
230221-17**

4.2 MONTHLY STATUS REPORT

Consideration of Report to Council from Acting Chief Executive Officer dated 11 January 2021 concerning monthly Office of the Mayor and Chief Executive Officer Status Report for the month ending 31 January 2021.

Moved Councillor Marbelli
Seconded Councillor Milton

Resolution – That Council receive and note the information in the Report.

**Carried 7-0
230221-18**

4.3 DISASTER RECOVERY FUNDING ARRANGEMENTS – NORTH QUEENSLAND RECOVERY and RESILIENCE GRANTS

Consideration of Report to Council from Chief Executive Officer dated 17 February 2021 seeking Council's intention to submit a Program of Works, up to a maximum of \$857,000, for projects and activities they deem essential for the recovery of their communities and to increase resilience, in response to Queensland Reconstruction Authority letter dated 16 December 2020.

Recommendation – That Council submit the following projects to the North Queensland Recovery and Resilience Grants program:

Project	Estimated Cost (excl. GST)
Sand Loading Machine	\$31,067.45
Signage and Signage Trailer for Lower Herbert	\$36,067.45
Four Disaster Message Boards for Problematic Roads	\$126,067.45
Two Variable Message Boards	\$56,067.45
Employment of Community Resilience Officer	\$131,067.45
Lower Herbert Flood Study	\$106,067.30
Gangemi Road	\$205,167.25
Cavallaros Road	\$165,428.20
TOTAL	\$857,000.00

Pursuant to Section 254H of the Local Government Regulation 2012, the meeting opted to amend the list of projects to submit.

Moved *Councillor Brown*
Seconded *Councillor Lancini*

Resolution – That Council submit the following projects to the North Queensland Recovery and Resilience Grants program:

Project	Estimated Cost (excl. GST)
Sand Loading Machine	\$31,067.45
Signage and Signage Trailer for Lower Herbert	\$36,067.45
Four Disaster Message Boards for Problematic Roads	\$126,067.45
Two Variable Message Boards	\$56,067.45
Employment of Community Resilience Officer	\$131,067.45
Road Infrastructure	\$476,662.75
TOTAL	\$857,000.00

**Carried 7-0
230221-19**

4.4 COUNCILLOR REPRESENTATION

HINCHINBROOK CHAMBER OF COMMERCE INDUSTRY & TOURISM INC.

Consideration of Report to Council from Chief Executive Officer dated 8 February 2021 concerning appointment of Councillor Mary Brown to the Hinchinbrook Chamber of Commerce Industry & Tourism Inc. to replace Mayor Ramon Jayo.

Moved *Councillor Milton*
Seconded *Councillor Marbelli*

Resolution – That consideration be deferred pending receipt of further information.

**Carried 7-0
230221-20**

4.5 COUNCILLOR ACTIVITY REPORT as at 31 JANUARY 2021

Consideration of Report to Council from Acting Chief Executive Officer dated 8 February 2021 providing Councillor Activity Reports for the month ending 31 January 2021 to ensure transparency and public scrutiny.

Moved *Councillor Milton*
Seconded *Councillor Skinner*

Resolution – That Council receive and note the information in the Report, subject to Councillor Brown's January 2021 Activities being included and a minor amendment being made to Councillor Marbelli's Activity Report.

**Carried 7-0
230221-21**

CONCLUSION – This concluded the business of the meeting which closed at 11.30am

APPROVED, CONFIRMED and ADOPTED on 30 March 2021

Councillor R Jayo – MAYOR