



GENERAL MEETING MINUTES

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

TUESDAY 30 MARCH 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)
B Exelby Director Corporate and Financial Services (DCFS)
N McGrath Director Community and Development Services (DCDS)
B Edwards Executive Officer (EO)

PRAYER - Councillor WG Skinner began the meeting with Prayer

APOLOGY - Nil

DECLARATIONS OF INTEREST -

Mayor R Jayo invited Councillors to use this opportunity to make public any Declarations of Interest.

Item 3.5 - Referral Agency Response – Design and Siting – Rosella Street Allingham – Lot 2 on SP219071

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 3.5 as she is related to applicant Stephanie Ruggieri (nee Pisano) who is her husband's first cousin. Having regard to the nature of her 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.

Item 1.6 – Terms of Reference for Ingham Aerodrome User Group

In accordance with Section 150EN and 150EQ of the *Local Government Act*, Councillor ME Brown informed the meeting she has a Declarable Conflict of Interest in relation to Item 1.6 as she is a business owner which operates at the Aerodrome and is a Member of the Airport Reference Committee. Having regard to the nature of her Declarable Conflict of Interest, Councillor ME Brown informed the meeting that she will leave the meeting room while the matter is considered and voted on.

Item 3.9 – Material Change of Use – Extension to Educational Establishment (Student Car Park) - Chamberlain Street Ingham – Lot 32 on RP709282 and Lot 3 on RP710637

In accordance with Section 150EN and 150EQ of the *Local Government Act*, Councillor ME Brown informed the meeting she has a Declarable Conflict of Interest in relation to Item 3.9 as she is a member on the Gilroy Santa Maria Finance Committee. Having regard to the nature of her Declarable Conflict of Interest, Councillor ME Brown informed the meeting that she will leave the meeting room while the matter is considered and voted on.

Item 1.4 – Road Management Policy and Procedure

In accordance with Section 150EN and 150EQ of the *Local Government Act*, Councillor WG Skinner informed the meeting he has a Declarable Conflict of Interest in relation to Item 1.4 as he owns property serviced by Baillies Road. Having regard to the nature of his Declarable Conflict of Interest, Councillor WG Skinner informed the meeting that he will leave the meeting room while the matter is considered and voted on.

Item 4.4 – Queensland Reconstruction Authority – Resilience and Risk Reduction Funding

In accordance with Section 150EN and 150EQ of the *Local Government Act*, Councillor KS Milton informed the meeting she has a Declarable Conflict of Interest in relation to Item 4.4 as she owns properties serviced by Milton Road and Allendale Road. Having regard to the nature of his Declarable Conflict of Interest, Councillor KS Milton informed the meeting that she will leave the meeting room while the matter is considered and voted on.

PREVIOUS MINUTES - *Moved Councillor Lancini*
Seconded Councillor Brown

Resolution - That the Minutes of the General Meeting held on 3 February 2021 be approved as a correct record of proceedings and the Minutes be authorised and signed by the Mayor.

**Carried 7-0
300321-00**

BUSINESS

1. INFRASTRUCTURE AND UTILITY SERVICES

1.1 INFRASTRUCTURE and UTILITY SERVICES ACTIVITY REPORT for MONTH ENDING 28 FEBRUARY 2021

Consideration of Report to Council from Director Infrastructure and Utility Services dated 15 March 2021 regarding summary of activities undertaken during the month ending 28 February 2021.

Moved Councillor Skinner
Seconded Councillor Milton

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

**Carried 7-0
300321-01**

1.2 MONTHLY STATUS REPORT

Consideration of Report to Council from Director Infrastructure and Utility Services dated 15 March 2021 regarding monthly Infrastructure and Utility Services Status Report for the month ending 28 February 2021.

Moved Councillor Skinner
Seconded Councillor Milton

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

**Carried 7-0
300321-02**

1.3 2020-2021 CAPITAL PROJECTS STATUS REPORT for MONTH ENDING 28 FEBRUARY 2021

Consideration of Report to Council from Director Infrastructure and Utility Services dated 15 March 2021 regarding a Status Report that provides a breakdown of projects as approved in the 2020-2021 Capital Works Program for the month ending 28 February 2021.

Moved Councillor Milton
Seconded Councillor Marbelli

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

**Carried 7-0
300321-03**

In accordance with Section 150EN and 150EQ of the Local Government Act, Councillor WG Skinner informed the meeting he has a Declarable Conflict of Interest in relation to Item 1.4 as he owns property serviced by Baillies Road.

Having regard to the nature of his Declarable Conflict of Interest, Councillor WG Skinner excluded himself from the meeting at 8.39am while the matter was discussed and vote taken.

1.4 ROAD MANAGEMENT POLICY and PROCEDURE

Consideration of Report to Council from Infrastructure Assets Manager dated 10 March 2021 seeking adoption of the Road Management Policy and Road Management Procedure and associated documentation included in the Road Management Booklet which establishes Council's intention, strategic direction and levels of service for the management of public roads within the Shire following public consultation. The Road Management Policy will replace the Road Register Policy, Maintenance of Gravel Roads Policy and Roads Hierarchy.

Moved Councillor Milton
Seconded Councillor Marbelli

Resolution – That Council:

- A. Adopt the Road Management Policy and Road Management Procedure including the associated documentation included in the Road Management Booklet as presented; and**
- B. Acknowledge that a staged implementation is required as part of the adoption of the Road Management Policy and Procedure.**

**Carried 6-0
300321-04**

DIUS, J Stewart took the opportunity to acknowledge and thank his staff for their effort undertaken to investigate, formulate and produce the Road Management Booklet.

Councillor WG Skinner returned to the meeting at 8.56am

**1.5 TERMS of REFERENCE and ROAD SAFETY IMPLEMENTATION PLAN 2021-2023
for HINCHINBROOK ROAD SAFETY ADVISORY COMMITTEE**

Consideration of Report to Council from Infrastructure Assets Manager dated 10 March 2021 seeking adoption of Terms of Reference for the Hinchinbrook Road Safety Advisory Committee formed to provide strategic direction and leadership to ensure positive road safety outcomes for the Hinchinbrook Shire community is achieved, including the reduction of death and serious injury throughout the State and Local Road Network. The Committee does not have the power to commit Council to any decision or action, or to direct Council staff in their duties. The Committee may make recommendations for consideration by Council, but Council reserves the right to accept or reject recommendations for the User Group. Also seeking the formal adoption of the Hinchinbrook Shire Council Road Safety Implementation Plan 2021-2023.

Moved Councillor Lancini
Seconded Councillor Skinner

Resolution – That Council adopt the Hinchinbrook Road Safety Advisory Committee Terms of Reference and Road Safety Implementation Plan 2021-2023, subject to change of Councillors in the Membership Panel from one to two.

**Carried 7-0
300321-05**

In accordance with Section 150EN and 150EQ of the Local Government Act, Councillor ME Brown informed the meeting she has a Declarable Conflict of Interest in relation to Item 1.6 as she is a business owner which operates at the Aerodrome and is a Member of the Airport Reference Committee.

Having regard to the nature of her Declarable Conflict of Interest, Councillor ME Brown excluded herself from the meeting at 8.59am while the matter was discussed and vote taken.

1.6 TERMS of REFERENCE for INGHAM AERODROME USER GROUP

Consideration of Report to Council from Infrastructure Assets Manager dated 10 March 2021 seeking adoption of Terms of Reference for the Ingham Aerodrome User Group established in February 2018 as a forum for stakeholders of the Ingham Aerodrome to meet and discuss operations of the aerodrome, concerns and ideas with the aim to improve communication between Council and the Aerodrome stakeholders. The User Group does not have the power to commit Council to any decision or action, or to direct Council staff in their duties and may make recommendations for consideration by Council, but Council reserves the right to accept or reject recommendations for the User Group.

Moved Councillor Marbelli
Seconded Councillor Cripps

**Resolution – That Council adopt the Terms of Reference for the Ingham Aerodrome User Group. Carried 6-0
300321-06**

Councillor ME Brown returned to the meeting at 9.00am

1.7 REEF GUARDIAN COUNCIL PROGRAM – LOCAL ACTION PLAN

Consideration of Report to Council from Utility Services Manager dated 15 March 2021 seeking endorsement of the Reef Guardian Council Local Action Plan for the Hinchinbrook Shire which is a four year plan which records the diversity of Council's actions and projects that contribute to Reef health and aligns with Queensland and Australian Government objectives to improve the long-term outlook for the Reef by addressing key threats such as climate change, coastal development, land-based run-off and direct use. The action plan also looks at heritage values as an influencing factor to the future of the Reef.

Moved Councillor Milton
Seconded Councillor Cripps

**Resolution – That Council receive and endorse the Reef Guardian Council Local Action Plan for the Hinchinbrook Shire. Carried 7-0
300321-07**

1.8 COMMERCIAL RELEASE of GENETICALLY MODIFIED CANOLA

Consideration of Report to Council from Manager Public Spaces and Biosecurity dated 18 February 2021 concerning request from Department of Health - Office of the Gene Technology Regulator seeking advice from jurisdictions and organisations on matters relevant to the preparation of a Risk Assessment and Risk Management Plan in accordance with the *Gene Technology Act 2000* regarding a licence application for Dealings involving the Intentional Release (DIR 178) received from BASF Australia Ltd for the commercial cultivation of the genetically modified canola lines MS11 x RF3 and MS11 x RF3 x MON 88302. Seeking Council's comment on any potential risks to people or the environment that may be posed by the proposed commercial release of this genome.

Moved Councillor Cripps
Seconded Councillor Milton

Resolution – That Council

- A. Receive and note the information in the Report; and**
- B. Reserve Council's right not to make formal comment on the details of this application at this stage.**

**Carried 7-0
300321-08**

1.9 HINCHINBROOK COMMUNITY FERAL PIG MANAGEMENT PROGRAM

Consideration of Report to Council from Manager Public Spaces and Biosecurity dated 2 March 2021 concerning comprehensive review carried out on Hinchinbrook Community Feral Pig Management Program taking into account the changing funding paradigm, review of current practices, consideration of improvements, review of other programs that the program may benefit from, review of legislative changes taken place over recent years and that it aligns with Hinchinbrook Local Government Area Biosecurity Plan and other legislation such as the *Queensland Biosecurity Act 2014*.

Moved Councillor Milton
Seconded Councillor Cripps

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

**Carried 7-0
300321-09**

1.10 HINCHINBROOK LOCAL GOVERNMENT AREA BIOSECURITY PLAN

Consideration of Report to Council from Manager Public Spaces and Biosecurity dated 2 March 2021 concerning review of Hinchinbrook Local Government Area Biosecurity Plan reviewed by Biosecurity Plan Working Group in accordance with the requirements of the *Queensland Biosecurity Act 2014*.

Moved Councillor Milton
Seconded Councillor Skinner

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

**Carried 7-0
300321-10**

2. COMMUNITY and DEVELOPMENT SERVICES

Regulatory Services Manager (RSM), P Cohen entered the meeting at 9.25am

2.1 COMMUNITY and DEVELOPMENT SERVICES ACTIVITY REPORT

Consideration of Report to Council from Director Community and Development Services dated 11 March 2021 regarding summary of activities undertaken during the month ending 28 February 2021.

Moved Councillor Marbelli
Seconded Councillor Brown

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

**Carried 7-0
300321-11**

2.2 MONTHLY STATUS REPORT

Consideration of Report to Council from Director Community and Development Services dated 15 March 2021 regarding monthly Community and Development Services Status Report for the month ending 28 February 2021.

Moved Councillor Brown
Seconded Councillor Marbelli

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

**Carried 7-0
300321-12**

2.3 COMMUNITY ACTIVITY GRANT APPLICATIONS – MARCH 2021

Consideration of Report to Council from Director Community and Development Services dated 9 March 2021 seeking Council consideration of Community Activity Grant applications received for the 2020-2021 financial year. The Community Activity Grants Program is funded by Council to support local organisations and individuals in areas of achievement, community activities, community organisation support, and festivals and events.

Moved **Councillor Marbelli**
Seconded **Councillor Brown**

Resolution – That Council approve the application from the Australian Italian Committee for the Australian Italian Festival as follows:

- A. **Australian Italian Festival – application to assist with event costs for the amount requested: \$30,000 (excl. GST).**

That Council endorse the recommendation from the Community Activity Grant Committee and approve the specific projects as follows:

- A. **Ingham Squash and Racquets Association – application to assist with event costs for hosting the Queensland Squash Northern Region Junior Qualifier event for the amount requested: \$2,000 (excl. GST); and**
- B. **Taylors Beach Progress Association. – application to assist with costs for the Taylors Beach Family Fishing Tournament retrospective approval for the amount requested: \$1,710 (excl. GST).**

**Carried 7-0
300321-13**

2.4 2021 SHOW DAY PUBLIC HOLIDAY

Consideration of Report to Council from Director Community and Development Services dated 26 March 2021 concerning changing the 2021 Show Day Public Holiday from Friday 2 July 2021 to Friday 25 June 2021 following the Herbert River Pastoral and Agricultural Association's requirement to change the date due to the COVID-19 impacts and scheduling conflicts with other Shows in the region.

Moved **Councillor Marbelli**
Seconded **Councillor Lancini**

Resolution – That Council authorise the Chief Executive Officer to seek approval from the relevant State Government department to change the nominated Ingham Show Day public holiday from Friday 2 July 2021 to Friday 25 June 2021.

**Carried 7-0
300321-14**

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 5 March 2021 regarding summary of activities undertaken during the month ending 28 February 2021.

Moved **Councillor Cripps**
Seconded **Councillor Brown**

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

**Carried 7-0
300321-15**

3.2 MONTHLY STATUS REPORT

Consideration of Report to Council from Director Corporate and Financial Services dated 15 March 2021 regarding monthly Corporate and Financial Services Status Report for the month ending 28 February 2021.

Moved Councillor Lancini
Seconded Councillor Cripps

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

**Carried 7-0
300321-16**

3.3 FINANCIAL PERFORMANCE REPORT for the PERIOD ENDING 28 FEBRUARY 2021

Consideration of Report to Council from Director Corporate and Financial Services dated 25 March 2021 regarding a report of financial activities for the month ending 28 February 2021.

Moved Councillor Cripps
Seconded Councillor Brown

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

**Carried 7-0
300321-17**

3.4 HSC 20/23 – SUPPLY of QUARRY PRODUCTS for WARRENS HILL LANDFILL FACILITY

Consideration of Report to Council from Finance Manager dated 11 March 2021 outlining findings of tender process and evaluation outcome for HSC 20/23 – Supply of Quarry Products for Warrens Hill Landfill Facility which is a key component of the Warren’s Hill Landfill Facility Stage 1 Landfill Capping Project.

Moved Councillor Cripps
Seconded Councillor Lancini

Resolution – That Council approve the awarding of Tender HSC 20/23 – Supply of Quarry Products for Warrens Hill Landfill Facility to Molonga View Pty Ltd for the tendered price of \$516,000 (excl. GST).

**Carried 7-0
300321-18**

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 3.5 as she is related to applicant Stephanie Ruggieri (nee Pisano) who is her husband’s first cousin.

Having regard to the nature of her Declarable Conflict of Interest, Councillor DM Marbelli excluded herself from the meeting at 10.14am while the matter was discussed and vote taken.

3.5 REFERRAL AGENCY RESPONSE – DESIGN and SITING
ROSELLA STREET ALLINGHAM – LOT 2 on SP219071

Consideration of Report to Council from Regulatory Services Manager dated 4 March 2021 concerning request for Referral Agency Response – Design and Siting lodged by BNC Planning Pty Ltd on behalf of David and Stephanie Ruggieri for new Class 1a structure (dwelling) to be established approximately 3.8m from the front property boundary on land described as Lot 2 on SP219071 and located at 10 Rosella Street Allingham.

Moved Councillor Cripps
Seconded Councillor Milton

Resolution – That Council issue a Referral Agency Response for proposed Class 1a structure (dwelling) at Lot 2 on SP219071 and located at 10 Rosella Street Allingham, subject to conditions, as set out in Attachment A.

**Carried 6-0
300321-19**

Councillor DM Marbelli returned to the meeting at 10.15am

3.6 REFERRAL AGENCY RESPONSE – DESIGN and SITING
CHESTNUT STREET ALLINGHAM – LOT 13 on SP179180

Consideration of Report to Council from Regulatory Services Manager dated 11 March 2021 concerning request for Referral Agency Response – Design and Siting lodged by Simon Williams for new Class 1a structure (dwelling) to be established approximately 1m from the shared side boundary with 18 Chestnut Street Allingham on land described as Lot 13 on SP179180 and located at 16 Chestnut Street Allingham.

Moved *Councillor Cripps*
Seconded *Councillor Milton*

Resolution – That Council issue a Referral Agency Response for proposed Class 1a structure (dwelling) at Lot 13 on SP179180 and located at 16 Chestnut Street Allingham, subject to conditions, as set out in Attachment A.

**Carried 7-0
300321-20**

3.7 REFERRAL AGENCY RESPONSE – DESIGN and SITING
SIR ARTHUR FADDEN PARADE INGHAM – LOT 83 on RP727375

Consideration of Report to Council from Planning Consultant dated 18 March 2021 concerning request for Referral Agency Response – Design and Siting lodged by Hugh Markwell Architects on behalf of Eryn McCulloch for new Class 10a structure (garage) to be established at the rear of the property approximately 500mm from the side and rear boundaries on land described as Lot 83 on RP727375 and located at 55 Sir Arthur Fadden Parade Ingham.

Moved *Councillor Cripps*
Seconded *Councillor Marbelli*

Resolution – That Council approve issue a Referral Agency Response for proposed Class 10a structure (garage) at Lot 83 on RP727375, formally known as 55 Sir Arthur Fadden Parade Ingham, subject to conditions, as set out in Attachment A.

**Carried 7-0
300321-21**

3.8 PROPOSED MATERIAL CHANGE OF USE – DWELLING HOUSE
BRUCE HIGHWAY COOLBIE – LOT 1 on RP749540

Consideration of Report to Council from Regulatory Services Manager dated 15 March 2021 concerning receipt of a Development Application seeking a Development Permit for Material Change of Use – Dwelling House described as Lot 1 on RP749540 and located along the Bruce Highway Coolbie. The proposal involves the construction of a dwelling house within the accepted boundary setbacks for residential dwellings in the Rural Zone, in particular the proposed dwelling house is located approximately 28.2m from the site's southern property boundary, as opposed to the prescribed 1,000m or 50m with a suitable vegetation screen.

Moved *Councillor Cripps*
Seconded *Councillor Lancini*

Resolution – That Council approve proposed Material Change of Use – Dwelling House on land formally described Lot 1 on RP749540 and located along the Bruce Highway Coolbie, subject to the conditions as set out in Attachment A.

**Carried 7-0
300321-22**

In accordance with Section 150EN and 150EQ of the Local Government Act, Councillor ME Brown informed the meeting she has a Declarable Conflict of Interest in relation to Item 3.9 as she is a member on the Gilroy Santa Maria Finance Committee.

Having regard to the nature of her Declarable Conflict of Interest, Councillor ME Brown excluded herself from the meeting at 10.20am while the matter was discussed and vote taken.

**3.9 MATERIAL CHANGE OF USE – EXTENSION to EDUCATIONAL ESTABLISHMENT (STUDENT CAR PARK)
CHAMBERLAIN STREET INGHAM – LOT 32 on RP709282 and LOT 3 ON RP710637**

Consideration of Report to Council from Planning Consultant dated 18 March 2021 concerning receipt of a Development Application lodged by Brazier Motti on behalf of Gilroy Santa Maria College seeking a Development Permit for Material Change of Use – Extension to Educational Establishment (Student Car Park) on land described as Lot 32 on RP709282 and Lot 3 on RP710637 and located at 15 and 17 Chamberlain Street Ingham. The proposed extension is to facilitate a new car park on Lot 32 and the rationale for the proposed car park is to support the growing demand for student car parking immediately adjacent to the school grounds.

**Moved Councillor Milton
Seconded Councillor Cripps**

Resolution – That Council approve proposed Material Change of Use – Extension to Educational Establishment (Student Car Park) on land known as Lot 32 on RP709282 and Lot 3 on RP710637 and located at 15 and 17 Chamberlain Street Ingham, subject to reasonable and relevant conditions, as set out in Attachment A and the Infrastructure Charges Notice, as set out in Attachment G.

**Carried 6-0
300321-23**

Councillor ME Brown returned to the meeting at 10.24am

**3.10 EXTENSION to CURRENCY PERIOD – DEVELOPMENT PERMIT for MATERIAL CHANGE OF USE
UNDEFINED USE (OVER 50'S LIFESTYLE ACCOMMODATION)
BEATTS ROAD ALLINGHAM - LOT 11 on SP164492**

Consideration of Report to Council from Regulatory Services Manager dated 10 March 2021 concerning a request to extend the currency period for a Development Permit for a Material Change of Use – Undefined Use (Over 50's Lifestyle Accommodation) on land described as Lot 11 on SP164492 and located at Beatts Road Allingham. Original Development Permit was approved on 30 April 2009, subject to conditions and three extensions of the relevant period have been granted in 2012, 2015 and 2017 for a period of two years and four years respectively. The Development Permit is current until 30 April 2021 and the applicant has requested an extension to the approval currency period given the development has been on hold due to economic conditions over the past decade which has prevented the development from proceeding and COVID-19 has also been cited as a factor delaying the progress of the development, particularly the resulting uncertainty regarding timeframes for economic recovery.

**Moved Councillor Cripps
Seconded Councillor Lancini**

Resolution – That Council approve the request to extend the currency period for the Development Permit for a Material Change of Use – Undefined Use (Over 50's Lifestyle Accommodation) on land described as Lot 11 on SP164492 and located at Beatts Road Allingham for a period of two (2) years from the current lapse date to 30 April 2023, subject to Conditions of Approval detailed in the Decision Notice for Extension of Relevant Period dated 6 March 2017.

**Carried 7-0
300321-24**

**3.11 CHANGE APPLICATION – MATERIAL CHANGE OF USE
MEDICAL CENTRE, COFFEE SHOP and PHARMACY
HEARD STREET HALIFAX ROAD AND ALLINGHAM STREET INGHAM
LOTS 2 and 20 on RP703690 and LOTS 1 and 2 on RP709083**

Consideration of Report to Council from Regulatory Services Manager dated 18 March 2021 concerning a Change Application to Development Permit for a Material Change of Use – Medical Centre, Coffee Shop and Pharmacy on land described as Lots 2 and 20 RP703690 and Lots 1 and 2 on RP709083 and located at 16 Halifax Road, 22 Heard Street and 13 and 15 Allingham Street Ingham. Original Development Permit was approved on 20 May 2014 allowing the development to retain the existing medical centre, and develop a new medical centre tenancy, a discount pharmacy tenancy, a coffee shop, and additional car parking. A permissible change to the original Development Permit was granted by Council on 7 November 2016 relating to the staging of the proposed development and minor alterations to built form. This change to staging was required due to issues around licensing for proposed pharmacy and to permit the other aspects of the development to proceed. An extension to the currency period was approved for an additional two years to 7 November 2022. The applicant now proposes to amend the staging of the proposed development to better suit the intentions of the proposal and allow aspects of the development to proceed immediately and involves reversing the order of the development between Stage 1 and Stage 2 for the proposed commercial building and reducing the scale of these stages to accommodate a further Stage 3 extension to the proposed commercial building.

Moved Councillor Cripps
Seconded Councillor Brown

Resolution – That Council approve the proposed change to the Development Permit for Material Change of Use – Medical Centre, Pharmacy and Coffee Shop on land known as Lots 2 and 20 on RP703690 and Lots 1 and 2 on RP709083 and located at 16 Halifax Road, 22 Heard Street and 13 and 15 Allingham Street Ingham, subject to amended conditions as set out in Attachment A and Amended Infrastructure Charges Notice as set out in Attachment G.

**Carried 7-0
300321-25**

**3.12 RECONFIGURING a LOT – CREATION of ACCESS EASEMENTS
MOUNT CUDMORE ROAD BEMERSIDE – LOT 32 on SP311019 and LOT 125 on CWL2515**

Consideration of Report to Council from Planning Consultant dated 18 March 2021 concerning a Development Application lodged by Planning Plus on behalf of Barry Cheshire, Donna Cheshire, Kaylene Court and Giovanni Ricca for Reconfiguring a Lot – Creation of Access Easements on land formally described as Lot 32 on SP311019 and Lot 125 on CWL2515 and located at Mount Cudmore Road Bemerside. The new and amended easements seek to ensure that lawful access can be maintained to Lot 1 on CWL2514 located to the east of Lot 125 and relate to the formed portions of Mount Cudmore Road not contained within the gazetted road reserve.

Moved Councillor Cripps
Seconded Councillor Milton

Resolution – That Council:

- A. Approve the proposed Reconfiguring a Lot – Creation of Access Easement on land described as Lot 32 on SP311019 and Lot 125 on CWL2515 and located at Mount Cudmore Road Bemerside, subject to the conditions as set out in Attachment A; and**
- B. Note for the purpose of considering section 2.1 of Easement F on SP311019, that Council considers all members of the public requiring access to Mount Separation Road (including the owner of Lot 125 on CWL2515) via Easement F a Grantee's Associate.**

**Carried 7-0
300321-26**

3.13 RECONFIGURING a LOT – BOUNDARY REALIGNMENT - TWO LOTS into TWO LOTS
CASSADY STREET INGHAM – LOT 11 on SP320348 and LOT 12 on SP303973

Consideration of Report to Council from Planning Consultant dated 5 March 2021 concerning a Development Application lodged by Hansen Surveys on behalf of the Noel Fichera and Joshua Liddle for Reconfiguring a Lot – Boundary Realignment - Two Lots into Two Lots on land formally described as Lot 11 on SP320348 and Lot 12 on SP303973 and located at 49-55 Cassady Street Ingham. The proposed boundary realignment is to increase the area of existing Lot 12 to provide the dwelling house with additional land and incorporate existing structures associated with the educational establishment within the dwelling house allotment. The area will increase from 3,306m² to 11,720m² and the balance land to be included in Lot 12 as a result of the boundary realignment corresponds to approved Lots 11 and 13 of the Flynn Street Ingham residential subdivision.

Moved *Councillor Cripps*
Seconded *Councillor Marbelli*

Resolution – That Council approve proposed Reconfiguring a Lot – Boundary Realignment (Two Lots into Two Lots) on land formally described Lot 11 on SP320348 and Lot 12 on SP303973 and located at 49-55 Cassady Street Ingham, subject to conditions as set out in Attachment A.

**Carried 7-0
300321-27**

3.14 NEW TRUSTEE LEASE – RESERVE for SHOWGROUNDS and RECREATION
GIOVANNI and LYNETTE MASTRIIPPOLITO – HALIFAX – LOT 191 on SP112468

Consideration of Report to Council from Regulatory Services Manager dated 1 March 2021 seeking Council approval for Trustee Lease to be granted to Giovanni and Lynette Matrippolito over Lease A within Lot 191 on SP112468 at Halifax to enable the land to continue to be utilised for cane cultivation purposes.

Moved *Councillor Cripps*
Seconded *Councillor Brown*

Resolution – That Council:

- A. Approve a Trustee Lease between Hinchinbrook Shire Council and Mr Giovanni and Mrs Lynette Matrippolito for five (5) years commencing 1 May 2021 to 30 April 2026, over Lease A within Lot 191 on SP112468 for an annual rental of \$980 (excl. GST), subject to CPI increase annually;
- B. Deal with the Trustee Lease under Priority of the *Land Act 1994 Section 123*; and
- C. Delegate authority to the Chief Executive Officer in accordance with the *Local Government Act 2009* to finalise and execute any and all matters associated with or in relation to the Trustee Lease.

**Carried 7-0
300321-28**

3.15 NEW LICENCE AGREEMENT with RADIO 4JC INGHAM
PART of LOT 89 on CWL2997

Consideration of Report to Council from Regulatory Services Manager dated 1 March 2021 seeking Council approval for Licence Agreement with Radio 4JC Ingham for a five (5) year term over the use of Council Reserve within part of Lot 89 on CWL2997 on Warrens Hill to hold and shelter radio infrastructure to support the production of their Christian radio station to the local community and surrounding areas.

Moved *Councillor Cripps*
Seconded *Councillor Lancini*

Resolution – That Council:

- A. Approve a Licence Agreement between Hinchinbrook Shire Council and Radio 4JC Ingham for five (5) years commencing 1 May 2021 to 30 April 2026, over Licence D within Part of Lot 89 on CWL2997 for an annual rental of \$20 (excl. GST) subject to CPI increase annually; and
- B. Delegate authority to the Chief Executive Officer in accordance with the *Local Government Act 2009* to finalise and execute any and all matters associated with or in relation to the Licence Agreement.

**Carried 7-0
300321-29**

3.16 REQUEST from INGHAM DISABILITY SUPPORT SERVICES for INGHAM PARENTS SUPPORT GROUP INC LEASE FEES for 2020-2021 and 2021-2022 FINANCIAL YEARS

Consideration of Report to Council from Director Corporate and Financial Services dated 8 March 2021 concerning request from Ingham Disability Support Services, being Ingham Parents Support Group Inc. for Council to consider waiving the annual lease fees for the 2020-2021 and 2021-2022 financial years to support the Ingham Picture Theatre operations. The current Trustee Lease expires on 28 February 2025.

Moved Councillor Cripps
Seconded Councillor Brown

Resolution – That Council:

- A. Support the Ingham Disability Support Services being the Ingham Parents Support Group Inc. by approving the deferral of the 2021-2022 annual Trustee Lease fees of \$900 per annum (excl. GST), paid quarterly, until its first period of profit (exceeding the lease payment value), in accordance with section 61 of the *Land Regulation 2020*, due hardship related to the adverse economic conditions for theatres as a result of COVID-19 audience restrictions; and
- B. Delegate authority to Chief Executive Office in accordance with the *Local Government Act 2009* to finalise and execute any and all matters associated with or in relation to this matter.

**Carried 7-0
300321-30**

Mayor R Jayo requested that it be placed on record that staff advised Councillors that Council does not have the legal capacity to waive lease payments only defer payments. The payment then becomes a debt to Council and Council Executives can waive the debt under a current delegation.

RSM, P Cohen left the meeting at 10.40am

Councillor KS Milton left the meeting at 10.40am

4. GOVERNANCE

4.1 OFFICE of the MAYOR and CHIEF EXECUTIVE OFFICER ACTIVITY REPORT

Consideration of Report to Council from Chief Executive Officer dated 15 March 2021 concerning summary of activities undertaken in the Office of the Mayor and Chief Executive Officer during the month ending 28 February 2021.

Moved Councillor Lancini
Seconded Councillor Marbelli

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

**Carried 6-0
300321-31**

4.2 MONTHLY STATUS REPORT

Consideration of Report to Council from Acting Chief Executive Officer dated 15 March 2021 concerning monthly Office of the Mayor and Chief Executive Officer Status Report for the month ending 28 February 2021.

Moved Councillor Marbelli
Seconded Councillor Brown

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

**Carried 6-0
300321-32**

Councillor KS Milton returned to the meeting at 10.42am

4.3 2021-24 WORKS for QUEENSLAND (W4Q) FUNDING

Consideration of Report to Council from Chief Executive Officer dated 24 March 2021 seeking Council's list of projects to submit for the 2021-24 Works for Queensland (W4Q) Program wherein Council's allocation is \$2,150,000 as announced by Deputy Premier, Minister for Development, Infrastructure Local Government and Planning, the Hon. Steven Miles MP by letter dated 11 March 2021. Projects must be completed by 30 June 2024.

Moved Councillor Skinner

Seconded Councillor Cripps

Resolution – That Council submit the following projects to the 2021-24 Works for Queensland (W4Q) Program:

Project	W4Q Project Budget (excl. GST)
Forrest Beach Boat Ramp Toilet Renewal	\$80,000
Vince Corbett Park Toilet Renewal	\$250,000
Kehl/Lehane/Row/Druery Street Kerb and Channel Renewal	\$355,000
Roati Street Kerb and Channel Renewal	\$225,000
Herbert Street Stormwater Renewal	\$600,000
Lucinda Stormwater Renewal	\$450,000
Relining of Sewer Mains	\$190,000
Council's Total 2021-24 Allocation	\$2,150,000

Carried 7-0
300321-33

In accordance with Section 150EN and 150EQ of the Local Government Act, Councillor KS Milton informed the meeting she has a Declarable Conflict of Interest in relation to Item 4.4 as she owns properties serviced by Milton Road and Allendale Road.

Having regard to the nature of her Declarable Conflict of Interest, Councillor KS Milton excluded herself from the meeting at 10.45am while the matter was discussed and vote taken.

In accordance with Section 150EN and 150EQ of the Local Government Act, Councillor WG Skinner informed the meeting he has a Declarable Conflict of Interest in relation to Item 4.4 as he owns property serviced by Baillies Road.

Having regard to the nature of his Declarable Conflict of Interest, Councillor WG Skinner excluded himself from the meeting at 10.47am while the matter was discussed and vote taken.

4.4 QUEENSLAND RECONSTRUCTION AUTHORITY - RESILIENCE and RISK REDUCTION FUNDING

Consideration of Report to Council from Chief Executive Officer dated 24 March 2021 seeking Council's intention to submit an Expression of Interest for projects that reduce, mitigate and manage the risks of disasters and make the Hinchinbrook community and infrastructure more resilient to disasters under the Queensland Resilience and Risk Reduction Fund (QRRRF) which is jointly funded by the Commonwealth and Queensland governments as part of its five-year National Partnership Agreement on Disaster Risk Reduction.

Mayor R Jayo departed the meeting at 10.54am to attend a COVID-19 teleconference with the Premier of Queensland

Deputy Mayor AP Cripps assumed the Chair

Recommendation – That Council submit the following projects in order of priority to the Queensland Resilience and Risk Reduction Fund (QRRRF):

Project	Estimated Construction Cost (excl. GST)	Council's Inkind Co-contribution (excl. GST)	TOTAL (excl. GST)
Hinchinbrook Foreshore Erosion Management Plan	\$120,000.00	\$18,000.00	\$138,000.00
Lucinda Foreshore Erosion Control	\$369,250.00	\$55,387.50	\$424,637.50
Taylors Beach Foreshore Erosion Control	\$220,000.00	\$33,000.00	\$253,000.00
Covells Road	\$465,178.00	\$69,776.70	\$534,954.70
Gangemis Road	\$446,874.00	\$67,031.10	\$513,905.10
Quabbas Road	\$342,650.00	\$51,397.50	\$394,047.50
Cavallaros Road	\$165,428.20	\$24,814.23	\$190,242.43
Milton Road	\$96,932.50	\$14,539.87	\$111,472.37
Golloglys Road	\$450,000.00	\$67,500.00	\$517,500.00
Allendale Road	\$127,802.50	\$19,170.75	\$146,973.25
Hamleigh Road	\$979,072.00	\$14,685.30	\$993,757.30
Baillies Road - Hayleys Creek Crossing	\$150,000.00	\$22,500.00	\$172,500.00
Orient Road	\$100,000.00	\$15,000.00	\$115,000.00
Sheahans Road	\$50,000.00	\$7,500.00	\$57,500.00
Grassos Road	\$116,154.00	\$17,423.10	\$133,577.10
Capellaris Road	\$66,780.00	\$10,017.00	\$76,797.00
Nebbias Road	\$365,414.80	\$54,812.22	\$420,227.02
Pappins Road	\$1,076,051	\$161,407.65	\$1,237,458.65
Pattis Road	\$38,426.50	\$5,763.98	\$44,190.48

Following discussion, Councillors were of the opinion that it would serve the community better for a reduced list of projects to be submitted to the Queensland Resilience and Risk Reduction Fund (QRRRF).

Moved Councillor Marbelli
Seconded Councillor Lancini

Resolution – That Council submit the following projects in order of priority to the Queensland Resilience and Risk Reduction Fund (QRRRF):

Project	Estimated Construction Cost (excl. GST)	Council's Inkind Co-contribution (excl. GST)	TOTAL (excl. GST)
Hinchinbrook Foreshore Erosion Management Plan	\$120,000.00	\$18,000.00	\$138,000.00
Lucinda Foreshore Erosion Control	\$369,250.00	\$55,387.50	\$424,637.50
Taylor's Beach Foreshore Erosion Control	\$220,000.00	\$33,000.00	\$253,000.00
Covells Road	\$465,178.00	\$69,776.70	\$534,954.70
Quabbas Road	\$342,650.00	\$51,397.50	\$394,047.50
Cavallaros Road	\$165,428.20	\$24,814.23	\$190,242.43
Golloglys Road	\$450,000.00	\$67,500.00	\$517,500.00

Carried 4-0
300321-34

Councillor KS Milton and Councillor WG Skinner returned to the meeting at 11.02am

4.5 COUNCILLOR ADVISORY COMMITTEES and ORGANISATION REPRESENTATION

Consideration of Report to Council from Chief Executive Officer dated 11 March 2021 seeking adoption and endorsement of updated Councillor Advisory Committees and External Organisation Representation List outlining each Councillor representation for internal and external committees and external organisations.

Recommendation – That Council adopt and endorse the updated Councillor Advisory Committees and External Organisation Representation List as presented.

Councillor KS Milton requested an amendment to the resolution as follows:

Moved Councillor Milton
Seconded Councillor Marbelli

Amended Resolution – That Council adopt and endorse the updated Councillor Advisory Committees and External Organisation Representation List as presented with the exclusion of Councillor Brown being the representative on the Chamber of Commerce Chamber of Commerce Industry & Tourism Inc. and no Councillor attend the Chamber as a representative of Council as a trial for 12 months.

Carried 3-3
300321-35

Moved Councillor Milton
Seconded Councillor Marbelli

Resolution – That Council adopt and endorse the updated Councillor Advisory Committees and External Organisation Representation List as presented with the exclusion of Councillor Brown being the representative on the Chamber of Commerce Chamber of Commerce Industry & Tourism Inc. and no Councillor attend the Chamber as a representative of Council as a trial for 12 months.

Carried 6-0
300321-36

4.6 COUNCILLOR ACTIVITY REPORT as at 28 FEBRUARY 2021

Consideration of Report to Council from Acting Chief Executive Officer dated 15 March 2021 providing Councillor Activity Reports for the month ending 28 February 2021 to ensure transparency and public scrutiny.

Moved *Councillor Marbelli*
Seconded *Councillor Lancini*

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

**Carried 6-0
300321-37**

5. CORPORATE SERVICES

Moved *Councillor Milton*
Seconded *Councillor Lancini*

Resolution – That Council close the meeting to the public at 11.23am and move into Closed Session under Part 2 Division 1A Section 254J (3) (e) of the Local Government Regulation 2012, as the matter is a legal proceeding involving the local government, to discuss the following item:

Item 5.1 – Legal Proceedings – Warrgamay People Native Title Claim

Carried 6-0

Mayor R Jayo returned to the meeting at 11.24am and resumed the Chair

Moved *Mayor Jayo*
Seconded *Councillor Brown*

Resolution – That Council move out of the Closed Meeting at 12.08pm

Carried 7-0

5.1 LEGAL PROCEEDINGS – WARRGAMAY PEOPLE NATIVE TITLE CLAIM

Consideration of Report to Council from Regulatory Services Manager dated 18 March 2020 seeking Council's consent to determination of the Warrgamay People Native Title Claim.

Recommendation – That Council:

- A. Consent to a determination of the QUD882/2015 Warrgamay People Native Title Claim; and
- B. Delegate to the Chief Executive Officer the power to agree to any changes that are agreed by all parties or may be required by the Court to make the final determination order.

Moved *Councillor Cripps*
Seconded *Councillor Brown*

Resolution – That Council:

- A. Consent to a determination of the QUD882/2015 Warrgamay People Native Title Claim, subject to clarification of exclusive use claims over the Abergowrie State School, Ripple Creek sump system and creek systems in the Abergowrie/Broadwater area; and
- B. Delegate to the Chief Executive Officer the power to agree to any further changes agreed between the parties or that may be required by the Court to make the final determination order.

**Carried 7-0
300321-38**

CONCLUSION – This concluded the business of the meeting which closed at 12.10 pm

APPROVED, CONFIRMED and ADOPTED on 27 April 2021

Councillor R Jayo – MAYOR