



GENERAL MEETING MINUTES

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

TUESDAY 13 DECEMBER 2022
at 8.30AM

PRESENT – R Jayo Mayor (Chair)
AP Cripps Councillor
ME Brown Councillor
AJ Lancini Councillor
DM Marbelli Councillor
WG Skinner Councillor

- K Tytherleigh Chief Executive Officer (CEO)
J Stewart Director Infrastructure Utility Services (DIUS)
P Cohen Acting Director Corporate and Community Services (A/DCCS)
V Aster Acting Regulatory Services Manager (ARSM)
E Prior Administration Services Team Leader (ASTL)

APOLOGY – KS Milton Councillor

PRAYER – Mayor Ramon Jayo began the meeting with a Prayer.

DECLARATIONS OF INTEREST –

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

Item 2.6 - HSC 22/17 – DRFA Program – Betterment Works – Gangemis and Quabbas Roads

In accordance with Section 150EN of the *Local Government Act 2009*, Councillor DM Marbelli informed the meeting she has a possible Declarable Conflict of Interest in relation to Item 2.6 as her husband Paul Marbelli is cousin to Steven and Ramon Marbelli of Timrith Transport who submitted a tender for the HSC22/17 DRFA Program.

Item 2.8 – Reconfiguring a Lot – Subdivision (One lot into two lots) and Access Easement
El Alamein Road Abergowrie – Lot 88 on CWL2321

In accordance with Section 150EP of the *Local Government Act 2009*, Councillor ME Brown informed the meeting she has a possible Declarable Conflict of Interest in relation to Item 2.8 as the proponent is a relative.

Item 2.11 – Other Change Application – Material Change of Use – Extractive Industry
895 Lannercost Extension Road Lannercost – Lot 3 On Rp725204

In accordance with Section 150EP of the *Local Government Act 2009*, Councillor DM Marbelli informed the meeting she has a possible Declarable Conflict of Interest in relation to Item 2.11 as the owner of the quarry is a close member of the family.

PREVIOUS MINUTES – *Moved Councillor Lancini*
Seconded Councillor Marbelli

Resolution – That the Minutes of the General Meeting held on 22 November 2022 be approved as a correct record of proceedings and the Minutes be authorised and signed by the Mayor.

**Carried 6-0
131222-00**

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 5 December 2022 regarding summary of activities undertaken during the month ending 30 November 2022.

Moved Councillor Skinner
Seconded Councillor Lancini

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

**Carried 6-0
131222-01**

1.2 INFRASTRUCTURE and UTILITY SERVICES MONTHLY STATUS REPORT

Consideration of Report to Council from Director Infrastructure and Utility Services dated 5 December 2022 regarding monthly Infrastructure and Utility Services Status Report for the month ending 30 November 2022.

Moved Councillor Brown
Seconded Councillor Marbelli

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

**Carried 6-0
131222-02**

1.3 2022-2023 CAPITAL PROJECTS STATUS REPORT for MONTH ENDING 30 NOVEMBER 2022

Consideration of Report to Council from Director Infrastructure and Utility Services dated 5 December 2022 regarding a Status Report that provides a breakdown of projects as approved in the 2022-2023 Capital Works Program for the month ending 30 November 2022.

Moved Councillor Marbelli
Seconded Councillor Lancini

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

**Carried 6-0
131222-03**

1.4 ROADS TO RECOVERY (R2R) INSITU STABILISATION PROGRAM – CANDIDATE UPDATE

Consideration of Report to Council from Infrastructure Operations Manager dated 4 December 2022 seeking endorsement to proceed with the recommended project candidates for the 2022-2023 Insitu Cement Stabilisation Program.

Moved Councillor Skinner
Seconded Councillor Brown

Resolution – That Council:

- A. Proceed with the Insitu Cement Stabilisation of the Abergowrie Road cutting and Maskells Road as the two project candidates of the 2022-2023 Insitu Stabilisation Program as presented; and
- B. Authorise the Infrastructure Operations Manager via the Chief Executive Officer to manage the final amendments to the Roads to Recovery funding for 2022-2023 to ensure full funding acquittal for the respective financial year.

**Carried 6-0
131222-04**

2. **CORPORATE and COMMUNITY SERVICES**

2.1 CORPORATE and COMMUNITY SERVICES ACTIVITY REPORT

Consideration of Report to Council from Director Corporate and Community Services dated 2 December 2022 regarding summary of activities undertaken during the month ending 30 November 2022.

Moved Councillor Cripps
Seconded Councillor Marbelli

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

**Carried 6-0
131222-05**

2.2 CORPORATE and COMMUNITY SERVICES STATUS REPORT

Consideration of Report to Council from Director Corporate and Community Services dated 5 December 2022 regarding monthly Corporate and Community Services Status Report for the month ending 30 November 2022.

Moved Councillor Cripps
Seconded Councillor Brown

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

**Carried 6-0
131222-06**

2.3 FINANCIAL PERFORMANCE REPORT for the PERIOD ENDING 30 NOVEMBER 2022

Consideration of Report to Council from Director Corporate and Community Services dated 7 December 2022 regarding a report of Council's financial performance and interim position for the month ending 30 November 2022.

Moved Councillor Cripps
Seconded Councillor Skinner

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

**Carried 6-0
131222-07**

2.4 2022-2023 SOLE SUPPLIER REGISTER

Consideration of Report to Council from Acting Finance Manager dated 7 December 2022 seeking approval of suggested amendments to the 2022-2023 Sole Supplier Register.

Moved Councillor Marbelli
Seconded Councillor Lancini

Resolution – That Council:

- A. Determine that due to the specialised nature of the services sought, it would be impractical for the Council to invite tenders and is satisfied that there is only one supplier who is reasonably available to deliver the services required;**
- B. Approve the amendments made to Attachment A – '2022-2023 Sole Supplier Register – December 2022' in accordance with section 235(a) and 235(b) of the Local Government Regulation 2012; and**
- C. Delegate authority to the Chief Executive Officer in accordance with the *Local Government Act 2009*, to negotiate and enter into contracts, finalise and execute any and all matters associated with or in relation to Sole Suppliers, subject to Council's normal procurement policies and procedures.**

**Carried 6-0
131222-08**

2.5 HSC 22/16 – TYTO RESTAURANT/CAFÉ – LOT 801 on SP225261, MCILWRAITH STREET INGHAM

Consideration of Report to Council from Acting Finance Manager dated 4 December 2022 outlining the tender process undertaken and evaluation outcome of HSC 22/16 – TYTO Restaurant/Café – Lot 801 on SP225261 which closed on 7 October 2022.

Moved Councillor Cripps
Seconded Councillor Brown

Resolution – That Council:

- A. Appoint Boonyee Rushgin Learning and Growing Pty Ltd 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.**

**Carried 6-0
131222-09**

In accordance with the Declaration of Interest for Item 2.6, Councillor DM Marbelli excluded herself from the meeting at 9.44am while the matter was discussed and vote taken.

2.6 HSC 22/17 – DRFA PROGRAM – BETTERMENT WORKS – GANGEMIS AND QUABBAS ROADS

Consideration of Report to Council from Acting Finance Manager dated 7 December 2022 outlining the tender process undertaken and evaluation outcome of HSC 22/17 – DRFA Program – Betterment Works – Gangemis and Quabbas Roads.

Moved Councillor Cripps

Seconded Councillor Brown

Resolution – That Council:

- A. Approve the awarding of tender HSC 22/17 – DRFA Program – Betterment Works – Gangemis and Quabbas Roads to Keita Services Pty Ltd for the tendered price of \$584,527.86 (excl. GST); and**
- B. Delegate authority to the Chief Executive Officer in accordance with the *Local Government Act 2009*, to negotiate and enter into contract, finalise and execute any and all matters in relation to this procurement activity.**

**Carried 5-0
131222-10**

Councillor DM Marbelli returned to meeting at 9.46am

2.7 RECONFIGURING a LOT – REARRANGEMENT OF BOUNDARIES and ACCESS EASEMENTS – SIX LOTS into FIVE LOTS - STONE RIVER ROAD and KEHLS ROAD TREBONNE

Consideration of Report to Council from Development and Regulatory Services Manager dated 6 December 2022 concerning Development Application from Hansen Surveys on behalf of Silvia Poggio for Reconfiguring a Lot – Rearrangement of Boundaries and Access Easements – Six Lots into Five Lots at 357 Stone River Road and 168 Kehls Road Trebonne, formally described as Lots 4, 5 and 6 on RP722607, Lot 3 on RP735162, Lot 1 on RP731600 and Lot 2 on RP738929. The subject allotments front Stone River Road and are not connected to council's reticulated water network or sewerage service area. The allotment is improved with a dwelling and associated outbuildings and is approximately 85.86ha in size.

Moved Councillor Cripps

Seconded Councillor Lancini

Resolution – That Council approve the proposed Reconfiguring a Lot – Rearrangement of Boundaries (Six Lots into Five Lots), Access Easements (3) and Drainage Easement (1) on land located at 357 Stone River Road and 168 Kehls Road, Trebonne, formally known as Lots 4, 5 and 6 on RP722607, Lot 3 on RP735162, Lot 1 on RP731600 and Lot 2 on RP738929, subject to conditions, as set out in Attachment A.

**Carried 6-0
131222-11**

In accordance with the Declaration of Interest for Item 2.8, Councillor ME Brown excluded herself from the meeting at 9.48am while the matter was discussed and vote taken.

2.8 RECONFIGURING a LOT – SUBDIVISION (ONE LOT into TWO LOTS) and ACCESS EASEMENT EL ALAMEIN ROAD ABERGOWRIE – LOT 88 on CWL2321

Consideration of Report to Council from Development and Regulatory Services Manager dated 1 December 2022 concerning Development Application from Hansen Surveys on behalf of Robert and Margaret Carey for Reconfiguring a Lot – Subdivision (One Lot into Two Lots) and Access Easement at 218 El Alamein Road Abergowrie, formally described as Lot 88 on CWL2321. The subject allotments are designated Rural Zone and front Abergowrie Road which is a state controlled road and is not connected to Council's reticulated water network or sewerage service area. The allotment is improved with a dwelling and associated outbuildings is approximately 39.2ha in size and is divided by a cane rail network into two portions.

Moved Councillor Cripps

Seconded Councillor Lancini

Resolution – That Council approve the proposed Reconfiguring a Lot – Subdivision (One Lot into Two Lots) and Access Easement on land located at 218 El Alamein Road Abergowrie, formally known as Lot 88 on CWL2321, subject to conditions, as set out in Attachment A.

**Carried 5-0
131222-12**

Councillor ME Brown returned at 9.51am

2.9 REFERRAL AGENCY RESPONSE – DESIGN and SITING

JOHN DORY STREET TAYLORS BEACH – LOT 73 on RP723878

Consideration of Report to Council from Development and Regulatory Services Manager dated 30 November 2022 concerning a Referral Agency Response – Design and Siting variation lodged by Laurie Rhodes and Bernard Allman seeking to establish a singular Class 10a shed structure on the eastern portion of the property at 118 John Dory Street Taylors Beach described as Lot 73 on RP723878, which entails an encroachment on the side boundary towards the allotment boundary of Lot 72 on RP723878. The property has an area of 708m² and is currently unimproved vacant land. The Class 10a structure has dimensions of 12m wide, 12m long, and a 4.4m high roof. The structure is proposed to be constructed at 500mm to the side boundary from its outermost projection.

Moved Councillor Cripps

Seconded Councillor Marbelli

Resolution – That Council issue a Referral Agency Response for the proposed Class 10a shed structure on land located at 118 John Dory Street Taylors Beach, formally described as Lot 73 on RP723878, subject to conditions, as set out in Attachment A.

Carried 6-0

131222-13

2.10 REFERRAL AGENCY RESPONSE – DESIGN and SITING

CASSIA STREET ALLINGHAM – LOT 23 on RP725655

Consideration of Report to Council from Development and Regulatory Services Manager dated 6 December 2022 concerning a Referral Agency Response – Design and Siting variation lodged by Ingham Building and Roofing on behalf of Thomas and Teana Arkink seeking to establish two Class 10a structures on the south western portion of the property at 19 Cassia Street Allingham described as Lot 23 on RP725655, which entails an encroachment to both the side boundary towards the allotment boundary of Lot 22 on RP725655 and the road frontage of Cassia Street Allingham. The property has an area of 966m² and is improved with an existing dwelling and associated Class 10a outbuildings. The Class 10a structures have dimensions of 3.4m wide, 10.38m long, and 3.79m high and 8.5m wide, 6.2m long, and 3.2m high respectively. Structure 1 is proposed to be constructed 850mm to the side boundary and 800mm to the road frontage, while Structure 2 is proposed to be constructed 760mm to the side boundary.

Moved Councillor Lancini

Seconded Councillor Brown

Resolution – That Council issue a Referral Agency Response for the two proposed Class 10a open carport structures, on land located at 19 Cassia Street, Allingham Qld 4850, formally described as Lot 23 on RP725655, subject to conditions, as set out in Attachment A.

Carried 6-0

131222-14

In accordance with the Declaration of Interest for Item 2.5, Councillor DM Marbelli excluded herself from the meeting at 9.54am while the matter was discussed and vote taken.

The Mayor adjourned at 9.57am for morning tea and resumed the meeting at 10.11am.

2.11 OTHER CHANGE APPLICATION – MATERIAL CHANGE OF USE – EXTRACTIVE INDUSTRY

895 LANNERCOST EXTENSION ROAD LANNERCOST – LOT 3 on RP725204

Consideration of Report to Council from Development and Regulatory Services Manager dated 1 December 2022 concerning a Change Application in relation to a Development Permit lodged by Mortons Earthmoving Pty Ltd on behalf of the property owner Francesco Succio for Material Change of Use – Extractive Industry (annual extraction, screening and haulage of rock or other material up to 30,000 tonnes) at 895 Lannercost Extension Road Lannercost formally known as Lot 3 on RP725204.

Moved Councillor Lancini

Seconded Councillor Brown

Resolution – That Council defer this report to a further meeting.

Carried 5-0

131222-15

Councillor DM Marbelli returned 10.37am.

2.12 OPERATIONAL WORKS – PRESCRIBED TIDAL WORKS (DUNGENESS BREAKWATER AND DREDGING) AND ENVIRONMENTAL AUTHORITY FOR ERA 16 – DREDGING IN WATERS ADJACENT TO LOT 540 on SP291542 AND LOCATED AT DUNGENESS ROAD LUCINDA *Report # 16*

Consideration of Report to Council from Development and Regulatory Services Manager dated 6 December 2022 concerning a Development Application lodged by Milford Planning Pty Ltd on behalf of Hinchinbrook Shire Council for Operational Works – Prescribed Tidal Works (Dungeness Breakwater and Dredging) and Environmental Authority for ERA 16 – Dredging in Waters Adjacent to Lot 540 on SP291542 and located at Dungeness Road Lucinda.

*Moved Councillor Cripps
Seconded Councillor Marbelli*

Resolution – That Council approve the development application (OPW20\0004) for Operational Works – Prescribed Tidal Works (Dungeness Breakwater and Dredging) and Environmental Authority for ERA 16 – Dredging in Waters Adjacent to Lot 540 on SP291542 and located at Dungeness Road Lucinda, subject to reasonable and relevant conditions as set out in Attachment A.

**Carried 6-0
131222-16**

2.13 TRUSTEE LEASE (3 YEARS) BETWEEN HINCHINBROOK SHIRE COUNCIL AND INGHAM THEATRE GROUP over PART of LOT 3 on I22484 – JANE STREET INGHAM

Consideration of Report to Council from Development and Regulatory Services Manager dated 6 December 2022 concerning a request from Ingham Theatre Group to enter into a three year Trustee Lease with Council over a portion of the structures at the Hinchinbrook Meeting Place located at Jane Street Ingham formally described as Lot 3 on I22484.

*Moved Councillor Cripps
Seconded Councillor Marbelli*

Resolution – That Council as Trustee of the land:

- A. Offers a Trustee Lease over part of Lot 3 on I22484 to the Ingham Theatre Group, for a term not less than three (3) years;
- B. Considers that an exception applies pursuant to section 236(1)(b)(ii) of the Local Government Regulation 2012 to make the Trustee Lease offer; and
- C. Delegates authority to the Chief Executive Officer pursuant to section 257 of the *Local Government Act 2009* to take the necessary actions to finalise the Transfer of the Trustee Lease.

**Carried 6-0
131222-17**

2.14 PROPOSED TRUSTEE LEASES over PART of LOT 118 on CWL3455 – TOWNSVILLE ROAD INGHAM

Consideration of Report to Council from Development and Regulatory Services Manager dated 8 December 2022 concerning utilisation of the Ingham Airport land to improve and expand existing lease areas. Council undertook an open market expression of interest to obtain an understanding of potential future lease and capital investment opportunities. Subsequent to this additional interest has been received.

*Moved Councillor Brown
Seconded Councillor Cripps*

Resolution – That Council:

- A. Pursuant to the Local Government Regulation 2012, disposes its interest in parts of Lot 118 on CWL3455 to parties that are further developing the Ingham Airport through Trustee Leases under the Land Act 1994, without first going to tender as an exception exists for this arrangement under section 236(1)(a)(vii) of the Regulation; and
- B. Delegates 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 Trustee Leases.

**Carried 6-0
131222-18**

2.15 HINCHINBROOK SHIRE COUNCIL LOCAL LAW AMENDMENTS

Consideration of Report to Council from Development and Regulatory Services Manager dated 6 December 2022 seeking to undertake an amendment process to model Local Laws and subordinate Local Laws by making Amending Local Law No. 1 2022 and Amending Subordinate Local Law No. 1 (Miscellaneous Subordinate Local Laws) 2022.

Moved Councillor Marbelli

Seconded Councillor Lancini

Resolution – That Council:

1. Makes Amending Local Law No. 1 2022 with the following purpose and general effect:

Local Law	Purpose	General Effect
Amendment to 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.

2. Makes Amending Subordinate Local Law No.1 (Miscellaneous Subordinate Local Laws) 2022 with the following purpose and general effect:

Subordinate Local Law	Purpose	General Effect
Amendment to 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).
Amendment to 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.
Amendment to 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.

**Carried 6-0
131222-19**

2.16 ROUND ONE 2022-2023 REGIONAL ARTS DEVELOPMENT FUND

Consideration of Report to Council from Director Corporate and Community Services dated 1 December 2022 concerning Lucinda Progress Association's request to repaint power poles.

Moved Councillor Marbelli

Seconded Councillor Brown

Resolution – That Council endorse the recommendation from the RADF Committee and approve the Lucinda Progress Association – application for the re-painting and restoration of existing power pole artworks in Lucinda for the amount requested \$8,000 (excl. GST).

**Carried 6-0
131222-20**

A/DCCS left the meeting at 11.01am

A/DCCS returned to the meeting at 11.03am

3. MAYOR AND CHIEF EXECUTIVE SERVICES

3.1 MAYOR and CHIEF EXECUTIVE SERVICES ACTIVITY REPORT

Consideration of Report to Council from Chief Executive Officer dated 7 November 2022 concerning summary of activities undertaken during the month ending 30 November 2022.

Moved Councillor Marbelli

Seconded Councillor Brown

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

**Carried 6-0
131222-21**

A/DCCS left the meeting at 11.08am

A/DCCS returned to the meeting at 11.08am

3.2 MAYOR and CHIEF EXECUTIVE SERVICES MONTHLY STATUS REPORT

Consideration of Report to Council from Chief Executive Officer dated 5 December 2022 concerning monthly Mayor and Chief Executive Services Status Report for the month ending 30 November 2022.

Moved Councillor Skinner

Seconded Councillor Lancini

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

**Carried 6-0
131222-22**

3.8 COUNCILLOR MONTHLY ACTIVITY REPORT

Consideration of Report to Council from Chief Executive Officer dated 7 December 2022 providing Councillor Activity Reports for the month ending 30 November 2022 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
131222-23**

CONCLUSION – This concluded the business of the meeting which closed at 11.15am.

APPROVED, CONFIRMED and ADOPTED on 31 January 2023.

Councillor R Jayo - MAYOR