

Minutes of the meeting of the Kingaroy Shire Council, held in the Council Chambers, Glendon Street, Kingaroy on Thursday 18 December 2003 at 9.00 am.

PRESENT

Cr KR Nunn (Mayor), Crs WD Moss, MG Shaw, GMG Wilson, CD Dalton, BJ Carroll, TW Fleischfresser, LJ Trout, AD Wieden, MA Lehmann and KM Campbell

1. **LEAVE OF ABSENCE**

Nil

2. **PRAYERS AND CONDOLENCES**

A motion of sympathy was passed to the relatives of the late MI Lederhose, KM Farran, SC Kath, SL Smith, VM Stone, J Lewis, MA Russell and ALC Hatchett

A representative of the Ministers Fraternal offered prayers for the bereaved, for Council and for the conduct of the Council meeting

3. **ADDRESS FROM PUBLIC GALLERY**

3.1 **Address by Mr David Elmes – Regarding Rogers Drive Motel Application**

3.2 **Address by Mr Jeff Laing – Regarding Rogers Drive Motel Application**

3.3 **Address by Mr Ian Crosthwaite – Regarding Mt Jones subdivision**

4. **RECEIPT OF PETITIONS**

Nil

5. **MAYOR'S MINUTES**

5.1 **Mayor's Report**

Report Nos: (A1-A26)

The Mayor presented his monthly report covering the period 21 November 2003 to 19 December 2003

Motion:

Moved Cr Moss seconded Cr Campbell

That the Mayors report be received

Carried 11/0

6. **CONFIRMATION OF MINUTES**

Motion:

Moved Cr Shaw seconded Cr Campbell

That the minutes of the previous meeting held on Thursday, 20 November 2003 as recorded be confirmed.

Carried 11/0

CONSIDERATION OF BUSINESS SECTIONS INCLUDING BUSINESS ARISING OUT OF MINUTES OF PREVIOUS MEETINGS

SEE BUSINESS FUNCTION HEADINGS

7. TOWN PLANNING AND SUBDIVISION SECTION

7.1 Business Arising Out of Minutes

- 7.1.1 **Messrs T McGowan, D Kennedy & J Wagner** - Forwarding an IDAS Application for a Four Star Thirty (30) Bed Motel at Lot 5 SP112069 - D'Aguilar Highway & Rogers Drive Kingaroy - Lot 5 SP112069 - Applicant: Messrs T McGowan, D Kennedy & J Wagner

7.2 Correspondence

- 7.2.2 **JA & CF Barbeler** - Forwarding a submission objecting to the proposed development application for a 30 Bed Motel at Rogers Drive & D'Aguilar Highway - Applicant: T McGowan; D Kennedy & J Wagner
- 7.2.6 **Heathwood Cardillo Wilson Pty Ltd** - Forwarding a submission objecting to the proposed development application for a 30 Bed Motel at Rogers Drive & D'Aguilar Highway - Applicant: T McGowan; D Kennedy & J Wagner
- 7.2.7 **Pacestone Pty Ltd - Pauls South Burnett & South Burnett Beverages** - Forwarding a submission objecting to the proposed development application for a 30 Bed Motel at Rogers Drive & D'Aguilar Highway - Applicant: T McGowan; D Kennedy & J Wagner
- 7.2.9 **RG & MM Clark; David J Elmes** - Forwarding a submission objecting to the proposed development application for a 30 Bed Motel at Rogers Drive & D'Aguilar Highway - Applicant: T McGowan; D Kennedy & J Wagner

Background:

Report Nos: (B1-B19)

The Manager of Planning Services submitted a written report recommending

- (a) That, in accordance with s.3.4.8 of the Integrated Planning Act, Council accept that the non-compliance with the public notification procedures has not adversely affected the awareness of the public of the existence and nature of the application, or restricted the opportunity of the public to make properly made submissions, and proceed to assess the application despite the non-compliance; and
- (b) That Council refuse to approve the application and provide reasons.

Motion:

Moved Cr Trout seconded Cr Fleischfresser

That the report be received and adopted

Carried 9/2

7.1 **Business Arising Out of Minutes (Cont)**

- 7.1.2 **Benjamin Kaal - Burke & Wills Motor Inn** - Forwarding an IDAS Development Application - Eleven (11) Unit Motel Extension at The Burke & Wills Motel 20 Avoca Street Kingaroy - Lot 3 RP62878 - Applicant: Benjamin Kaal - Owner: Edamgrove Pty Ltd

Background:

Report Nos: (B20-B29)

The Manager of Planning Services submitted a written report recommending that Council issue a Development Permit (Material Change of use and Operational Works) subject to conditions and advice

Motion:

Moved Cr Trout seconded Cr Moss

That the report be received and adopted subject to inclusion of the following additional Conditions:

MCU6 – Streetscape and Amenity

The Avoca Street frontage of the site is included in the Urban Image Precinct.

Accordingly, the development is expected to present a positive image of Kingaroy to visitors travelling past the site. To this end the developer shall adopt one or a number of the following measures:

- *Create a veranda along the southern alignment, with timber post railing and roof over (preferred solution)*
- *Low level landscaping to break up building bulk*
- *The use of alcoves / recesses to break up building bulk*
- *Extend the roofline over the veranda in lieu of the eyelid awnings.*

The applicant's objective to prevent vandalism by the erection of a solid screen fence is duly noted. Should this option be taken, the minimum landscaping standard will be low level landscaping in front of the fence. Landscaping may extend half (½) metre outside the property boundary.

All work shall be to the satisfaction of Council.

OW9 – Kingaroy Street Access

The developer shall reconstruct the motel vehicle access in Kingaroy Street to Standard Drawing No R0051 by the Institute of Public Works Engineering Australia. The design of the access shall be graded such that a steel plate over the kerb is no longer required and that there is no rapid change of grade or trip hazard present. The existing width is considered satisfactory.

Carried 11/0

- 7.1.3 **Raymond C & Lorraine A Vidler** - Forwarding an IDAS Application - Reconfigure a Lot (1 Lot into 8 Lots) and a Material Change of Use (Rural A to Residential B) at Lot 23 RP37027 - 29/39 Prince Street Kingaroy- Applicant/Owner: Raymond C & Lorraine A Vidler

Background:

Report Nos: (B48-B56)

The Manager of Planning Services submitted a written report recommending that Council issue a Development Permit (Material Change of Use, Reconfigure a Lot and Operational Works) providing two options for the development, subject to conditions and advice, and that Council make a consequential amendment to the Planning Scheme to reflect the Material Change of use approval

Motion:

Moved Cr Trout seconded Cr Fleischfresser

That the report be received and adopted

Carried 11/0

- 7.1.4 **Raymond C & Lorraine A Vidler** - Forwarding an IDAS Development Application to erect a Tri-Plex at 18 Kurtellen Crescent - Lot 9 RP890680 - Owner/Applicant: Raymond C & Lorraine A Vidler

7.2 **Correspondence (Cont)**

- 7.2.17 **Mr Clive G & Mrs Dianne M Hannant** - Forwarding letter of concern regarding proposed application for Triplex at 18 Kurtellen Crescent by Ray Vidler

Background:

Report Nos: (B30-B38)

The Manager of Planning Services submitted a written report recommending Council issue a Development Permit (Material Change of Use and Operational Works) subject to conditions and advice

Motion:

Moved Cr Trout seconded Cr Fleischfresser

That the report be received and adopted

Carried 11/0

Adjournment

Moved Cr Trout

That the meeting adjourn for ten (10) minutes

Carried 11/0

Citizenship Ceremony

During the adjournment a Citizenship Ceremony was conducted for:

Mr Peter **BROWN**

Resumption

The meeting resumed at 10.48am with attendance as previous to the adjournment

DECLARATION OF INTEREST

The Mayor declared an interest in the following matters and left the meeting

The Deputy Mayor assumed the Chair

7. TOWN PLANNING AND SUBDIVISION SECTION (CONT)

7.1 Business Arising Out of Minutes (Cont)

7.1.5 **O'Reilly Nunn Favier** - Forwarding an amendment to IDAS Application for a Material Change of Use & Subdivision - 29 Rural Residential Lots at Curtis Road Kingaroy - Lot 1 RP854228 - Applicant: Bimgold Pty Ltd & Bigmall Pty Ltd

7.2 Correspondence

7.2.3 **GF & RA Pratt** - Forwarding a submission objecting to the proposed change from Rural A to Rural Residential C at Lot 1 RP854228 Curtis Road Kingaroy - Bimgold Pty Ltd & Big Mall Pty Ltd

7.2.4 **Gregory F & Tania M Kilkenny** - Forwarding a submission objecting to the proposed change from Rural A to Rural Residential C at Lot 1 RP854228 Curtis Road Kingaroy - Bimgold Pty Ltd & Big Mall Pty Ltd

7.2.5 **Ian C & Mary A Crosthwaite** - Forwarding a submission objecting to the proposed change from Rural A to Rural Residential C at Lot 1 RP854228 Curtis Road Kingaroy - Bimgold Pty Ltd & Big Mall Pty Ltd

7.2.8 **Robert M & Lorene F Green** - Forwarding a submission objecting to the proposed change from Rural A to Rural Residential C at Lot 1 RP854228 Curtis Road Kingaroy - Bimgold Pty Ltd & Big Mall Pty Ltd

7.2.13 **Allan N & Helen Swendson** - Forwarding a submission objecting to the proposed change from Rural A to Rural Residential C at Lot 1 RP854228 Curtis Road Kingaroy - Bimgold Pty Ltd & Big Mall Pty Ltd

7.2.22 **Ian C & Mary A Crosthwaite** - Forwarding further information (second submission) objecting to the proposed change from Rural A to Rural Residential C at Lot 1 RP854228 Curtis Road Kingaroy - Bimgold Pty Ltd & Big Mall Pty Ltd

7.2.23 **Ian C & Mary A Crosthwaite** - Forwarding further information (third submission) objecting to the proposed change from Rural A to Rural Residential C at Lot 1 RP854228 Curtis Road Kingaroy - Bimgold Pty Ltd & Big Mall Pty Ltd

Background:

Report Nos: (B59-B75)

The Manager of Planning Services submitted a written report recommending that Council refuse to approve the application and reasons and advice be given

Motion:

Moved Cr Trout seconded Cr Fleischfresser

That the report be received and adopted

Carried 7/3

ATTENDANCE

Cr Dalton left the meeting

Declaration of Interest

Cr Wieden declared an interest in the following matters and left the meeting

- 7.2.10 **O'Reilly Nunn Favier** - Forwarding IDAS Development Application to change use of land at Lot 2 SP 164658, Hillview Parade from Rural A to Residential A, applicant O'Reilly owner Wieden Developments Pty Ltd

Background:

The Manager of Planning Services advised that Public Notification Procedures are yet to be completed

Motion:

Moved Cr Trout seconded Cr Fleischfresser

That the matter be deferred until the relevant procedures are complete

Carried 8/0

- 7.2.11 **O'Reilly Nunn Favier** - Forwarding IDAS Development Application to change use of land at Lot 102 SP 141684, from Rural A to Residential B and reconfigure boundaries from one (1) lot into thirty-five (35) lots, application O'Reilly owner Wieden Developments PL

Background:

The Manager of Planning Services advised that Public Notification Procedures are yet to be completed

Motion:

Moved Cr Trout seconded Cr Fleischfresser

That the matter be deferred until the relevant procedures are complete

Carried 8/0

ATTENDANCE

Cr Wieden returned to the meeting

- 7.2.12 **O'Reilly Nunn Favier** - Forwarding request to change an existing approval - reconfiguration of boundaries to modify layout in the vicinity of Lots 47 and 48 - Sunrise Estate applicant O'Reilly owner Taylor

Background:

Report Nos: (B43-B47)

The Manager of Planning Services submitted a written report recommending that Council not agree to the proposed amendment, but that the proposed limited road construction and gravel lot access be accepted in lieu, and the developer be required to install "no through road" and end-of-road signage as appropriate at the end of the road seal to the satisfaction of Council, and that Council issue an Amended Decision Notice reflecting the changed conditions.

Motion:

Moved Cr Trout seconded Cr Moss

That Council not agree to the request

Carried 9/0

- 7.2.13 **O'Reilly Nunn Favier** - Forwarding an IDAS Application - Material Change of Use (change part of zone from Rural A to Residential A) & Reconfigure a Lot (subdivide 1 lot into 33 residential lots) Lot 20 RP848606 - Applicant/Owner: Merv & Yvonne Pates

Background:

The Manager of Planning Services advised that Public Notification Procedures are yet to be completed

Motion:

Moved Cr Trout seconded Cr Fleischfresser

That the matter be deferred until the relevant procedures are complete

Carried 9/0

- 7.2.14 **O'Reilly Nunn Favier** - Forwarding IDAS Development Application to subdivide Lot 1 RP 846781 and Lot 176 RP 885385 into twelve (12) residential lots, applicant Finn/O'Reilly owner Samback and Hicks

Background:

The Manager of Planning Services recommended that due to time constraints the matter be referred to the January meeting to allow a full and proper assessment of the application

Motion:

Moved Cr Moss seconded Cr Fleischfresser

That consideration of the matter be deferred until the January meeting

Carried 9/0

- 7.2.15 **Burning Beats Cafe - P Stoddard & K Cotter** - Requesting car parking dispensation from Council in relation to a pergola extension to the 'Burning Beats Cafe'

Background:

Report Nos: (B76-B77)

The Manager of Planning Services submitted a written report recommending that two (2) additional off-street parking spaces or an in-lieu contribution of \$5,000 per space shortfall be required for the development

Motion:

Moved Cr Trout seconded Cr Fleischfresser

That the report be received and adopted

Carried 5/4

DECLARATION OF INTEREST

Cr Wieden declared an interest in the following matter and left the meeting

7.3 General Business

7.3.1 Hillview Estate – Proposed Stormwater Detention Basin

Background:

Report Nos: (D1-D5)

The Deputy Director of Engineering Services submitted a written report over the proposed parkland on the western side of the Hillview Estate and recommending that Council reply to the consultant and developer that Council is prepared to consider the use of dry detention basins in the proposed park area, subject to all of the issues raised and discussed in this report being addressed to the satisfaction of Council. In particular, it is considered desirable that the use of a second discharge from the detention area should be further investigated as it may significantly reduce the required detention basin capacity and lead to a better integrated design being used to cover the entire area.

The developer shall be required to prepare a total Concept Plan for the entire area as part of Stage 6 approval. Such a plan shall be developed in consultation with Council.

Motion:

Moved Cr Trout seconded Cr Moss

That the report be received and adopted

Carried 8/0

ATTENDANCE

The Mayor returned to the meeting and assumed the Chair

Cr Wieden returned to the meeting

7.2 Correspondence (Cont)

- 7.2.1 **Local Government Association of Queensland Inc** - Requesting comments by 12 December 2003 on the recently released IPA Infrastructure Guidelines 1/03 (Priority Infrastructure Plans) and 2/03 (Infrastructure Charges Schedules).

Background:

The Manager of Planning Services advised that due to time constraints a full and proper assessment of the Guidelines has not been undertaken

Motion:

Moved Cr Trout seconded Cr Fleischfresser

That the Manager of Planning Services and Deputy Director of Engineering Services be authorised to make a submission to the Local Government Association of Queensland Inc if considered necessary

Carried 10/0

- 7.2.12 **Car-Gai Pty Ltd** - Forwarding Enquiry Preliminary for 1,500 m2 Building (Bulk Retail) at corner Kingaroy and Markwell Street, Lot 3 RP 213753 applicant owner Car-Gai Pty Ltd

Background:

Report Nos: (B39-B42)

The Manager of Planning Services submitted a written report that Council advise it considers the proposal to be generally consistent with Council's current planning regulations. However, Council will require that any formal application be accompanied by an economic impact assessment, prepared by a suitably qualified consultant, to assess the possible impacts of the development upon the Central Business District.

Motion:

Moved Cr Trout seconded Cr Fleischfresser

That the report be received and adopted subject to the deletion of the word "will" and insertion of the word "may" in the recommendation

Carried 10/0

- 7.2.18 **Hyfarm Pty Ltd** - Forwarding IDAS Development Application for extension to piggery (5,008 spu to 18,754 spu) at Lot 25 BO 204, Memerambi Gordonbrook Road applicant owner Hyfarm Pty Ltd

Background:

Manager of Planning Services advised that Concurrence Agency referral and public notification procedures are yet to be completed.

Motion:

Moved Cr Trout seconded Cr Fleischfresser

That the matter be deferred until the relevant procedures are complete

Carried 10/0

- 7.2.20 **Productivity Commission** - Inviting written submissions before Friday 30 January 2004 in response to the Draft Report on the Impacts of Native Vegetation & Biodiversity Regulations.

Background:

Regulatory regimes in a number of States and Territories, along with the Commonwealth's *Environment Protection and Biodiversity Conservation Act 1999*, form part of an important transition to more sustainable management of Australia's native vegetation and biodiversity. The introduction of these regimes, particularly within the past five years, has raised concerns over possible negative impacts on farming practices, productivity, property values and returns and the investment behaviour of affected landholders. These concerns appear to have been exacerbated, in part, by a lack of information and awareness about the implications of the new regimes.

Motion:

Moved Cr Trout seconded Cr Moss

That the Natural Resource Officer be authorised to attend the public hearings on the Draft Report being held in Toowoomba on Tuesday 3 February 2004

Carried 10/0

- 7.2.21 **Department of Natural Resources & Mines** - Requesting to know whether Council has any objection to the area of 21m² currently known as Lot 900 SP164055 to be opened as road - Public Use Land - Hillview Parade

Background:

The Manager of Planning Services advised this is a small triangular allotment which contains an electricity sub-station and that no objection be made

Motion:

Moved Cr Trout seconded Cr Fleischfresser

That no objection be made to the area being opened as road

Carried 10/0

- 7.2.24 **Burnett Mary Regional Group for Natural Resource Management Inc** – Forwarding an expression of interest kit inviting organisations to partner in delivery of priority action activities under the National Action Plan for Salinity & Water Quality

Background:

Report Nos: (B57-B58)

The Natural Resource Management Officer submitted a written report on the Burnett Mary Regional Group (BMRG) seeking an Expression of Interest from organisations wishing to partner with them to implement Priority Action Projects and recommending that Council submit an expression of interest for the following Priority Action Proposals:

(a) *Regional community water quality monitoring networks*

Expand on existing water quality monitoring networks and focusing on hotspots as identified by the State of the Region Report and the Reef Water Quality Protection Plan.

(b) Grazing land management systems frameworks

Establishing a groundwater-monitoring network and utilizing existing bores where suitable to determine the impact of current management practices on hydrological processes.

(c) Assessment and prioritisation framework for native vegetation and associated waterways, floodplains and wetlands

Continuation of the Land for Wildlife program, and devolved grants to assist on-ground implementation of rehabilitation of saline outbreaks and riparian areas with poor water quality (hot spots).

Motion:

Moved Cr Trout seconded Cr Moss

That the report be received and adopted

Carried 10/0

8. FINANCE SECTION**8.1 Business Arising Out of Minutes**

8.1.1 Nil

8.2 Correspondence

8.2.1 **Playgroup Association of Queensland Inc** - Seeking Council's support on behalf of the Kingaroy Toy Library for the 2003 Playgroup Toy Library Christmas Appeal

Background:

A similar request was received by Council last year where it was decided that while Council acknowledges the role played by the Kingaroy Toy Library in our community it was unable to provide financial assistance at that time

Motion:

Moved Cr Campbell seconded Cr Shaw

That the letter be received

Carried 10/0

8.2.2 **Local Government Association of Queensland Inc** - Advising Cost Shifting Report and Recommendations Released

8.2.5 **Local Government Association of Queensland Inc** - Inviting a response by 6 February 2004 concerning the Cost Shifting Report - Discussion Paper and Policy Forum

Background:

The letters are for the information of Councillors. The Local Government Association of Queensland has conducted further detailed assessment of the recommendations contained in the report and its draft responses are contained in the discussion paper. Council has been invited to comment on the paper and participate in policy forums.

Motion:

Moved Cr Campbell seconded Cr Lehmann

That the letter be received and the discussion paper be referred to the Mayor and Chief Executive Officer for comment and Council participate in any forums and workshops undertaken by the Local Government Association

Carried 10/0

- 8.2.3 **Department of Local Government & Planning** - Advising that Councils no longer need to identify to the Department individual projects only report its loan requirement as a total for each of the five years re 2004/2005 Five Year Project Program of Works

Background:

Staff are currently preparing our projected ten (10) year capital works program which forms the basis for determining our loan and subsidy requirements for the next ten (10) years. This report will be presented to Council at the January meeting.

Motion:

Moved Cr Lehmann seconded Cr Campbell

That consideration of the matter be deferred until the January 2004 meeting and an extension of time for lodgement of the funding application forms be sought from the Department

Carried 10/0

- 8.2.4 **Telecommunications Industry Ombudsman** - Forwarding a response to the complaint submitted by Kingaroy Shire Council regarding a claim for expenses incurred as a result of a fire started by Telstra Contractors

Background:

Despite numerous requests, Council has been unable to get Telstra to reimburse it for the cost of attending a fire caused by them in the Boobie area on the 6 December 2002. Telstra have denied any liability and the Telecommunications Industry Ombudsman has now advised that for various reasons it has decided not to investigate our claim any further and is closing our complaint.

The only option left to Council is to discuss the issue with Nanango Shire Council to determine if they are prepared to contribute. The cost to Kingaroy Shire Council was \$5,008

Motion:

Moved Cr Campbell seconded Cr Lehmann

That Council discuss the issue with Nanango Shire Council to determine if they are prepared to contribute towards the cost of \$5,008

Carried 10/0

- 8.2.6 **Department of Natural Resources** – Advising that the Chief Executive has now approved that Kingaroy be revalued with the Annual Valuation Effective Date 30 June 2004

Background:

A copy of the letter is supplied for the information of Councillors. No further action is required.

Motion:

Moved Cr Campbell seconded Cr Trout

That the letter be received

Carried 10/0

- 8.2.7 **RSPCA** – Seeking assistance from Council to replace the septic trench at the Kingaroy RSPCA

Background:

While the RSPCA is on Council owned land the Association has a Licence to Occupy over this site and is responsible for the maintenance of any buildings or structures.

However, they do provide a valuable service to the Community so Council may wish to assist as it has done with other organisations.

(a) Installed the grease trap at Town Common Hall at no cost to Licensee. This building is on Council land.

(b) Provided a loan to the Senior Citizens Association to install their grease trap

Motion:

Moved Cr Campbell seconded Cr Lehmann

That the Mayor and Chief Executive Officer be authorised to discuss the matter with the RSPCA and negotiate appropriate assistance

Carried 10/0

8.3 **Monthly Financial Statements**

Background:

Report Nos: (C1-C6)

The Financial Statements for the period ended 28 November 2003 were presented for Council's approval

Motion:

Moved Cr Campbell seconded Cr Lehmann

That the Financial Statements for the period ended 28 November 2003 be received and adopted

Carried 10/0

8.4 **General Business**

8.4.1 **Managers Report – Library Services**

Background:

Report Nos: (C7)

The Manager of Library Services submitted a written report on activities for the month of November 2003

Motion:

Moved Cr Campbell seconded Cr Lehmann

That the Manager of Library Services report be received and donors of books be thanked

Carried 10/0

8.4.2 **Economic Development Advisory Body Report**

Background:

Report Nos: (C14-C28)

The Economic Development Advisory Body reported in accordance with the meeting held on the 16 December 2003

Motion:

Moved Cr Campbell seconded Cr Lehmann

That the report be received and adopted

Carried 10/0

8.4.3 **Annual DataWorks Conference 2003 Report**

Background:

Report Nos: (C11-C13)

The Director of Administration & Finance submitted a written report on attendance at the Annual DataWorks Conference held on the Gold Coast on 2/3 October 2003

Motion:

Moved Cr Lehmann seconded Cr Campbell

That the report be received

Carried 10/0

8.4.4 **Local Government Accountants Association Annual Conference 2003 Report**

Background:

Report Nos: (C8-C10)

The Director of Administration & Finance and Manager of Finance submitted a written report on attendance at the Local Government Accountants Conference held in Cairns on 19-21 November 2003

Motion:

Moved Cr Campbell seconded Cr Lehmann

That the report be received

Carried 10/0

8.4.5 **Write Off of Store Items**

Background:

Under Legislation, Council can no longer use any asbestos pipes or fittings, nor can we sell or give them away. A review of our store has been carried out and a list of AC pipes and fittings in stock has been made. These pipes and fittings will now be disposed of in the proper manner. The value to be written off is \$13,153.11.

Motion:

Moved Cr Campbell seconded Cr Lehmann

That the AC pipes and fittings be removed from Council Store and their value of \$13,153.11 be written off

Carried 10/0

9. **WORKS SECTION**

9.1 **Business Arising Out of Minutes**

9.1.1 **ExxonMobil Aviation International - South Pacific** - Forwarding a proposal for consideration regarding the Mobil Fuel Dispensing Facility at the Kingaroy Airport

Background:

Negotiations have taken place with ExxonMobil re the acquisition of the Fuel Dispensing Facility as agreed at the September Council Meeting. The negotiated outcome is that Council will take over the facility at no cost, will have a five (5) year Fuel Supply Agreement with Mobil and will be responsible for future environmental works. Currently a Phase 1 Environmental Site Assessment is being undertaken by Mobil and a Contract of Sale document is expected to be received in the third week of December.

Motion:

Moved Cr Wieden seconded Cr Fleischfresser

That the Chief Executive Officer be authorised to finalise a suitable agreement with Pratt Air Services for the day to day operations of the facility

Carried 10/0

9.2 Correspondence

- 9.2.1 **Allan N & Helen Swendson** - Requesting that the road where Allan Swendson property is on be reverted back to Swendson Road as it was formerly known and forward reasons and photographs for Council's information

Background:

A search of the last thirty (30) years of Council records including Council's Road Register indicates that the road name is "*Clark & Swendson Road*".

The incorrect spelling on one (1) of the signs is easily remedied by the removal of the "e". A change of name is however a little more difficult and costly. A change would involve consultation with all landowners on the road and if agreed, Council notification to Department of Natural Resources, Emergency Services, Post Office, Electoral Commission, etc. Landowners would also need to advise of their change of address to family and businesses eg Banks, Insurance Companies, etc.

Motion:

Moved Cr Lehmann seconded Cr Shaw

That the name not be changed but that the signs be corrected to show the appropriate spelling of the road name

Carried 10/0

- 9.2.2 **Turner's Mitre 10 - CM & VJ Turner** – Seeking approval to permit the 'Mitre 10 DIY Rescue Truck' to be parked for one day only on the 9 January 2004 in the car parking spaces outside Mitre 10

Background:

Advice has been received from Turners Mitre 10 that the DIY Rescue Truck is planning to visit Kingaroy on Tuesday, 9 January 2004. Turners Mitre 10 have sought approval to park the vehicle in front of their Haly Street shop for the day.

The vehicle will cover all car spaces in front of The Busy Bee Café and Turners Mitre 10 and displays are likely to be placed on the footpath adjacent to the vehicle. The owners of Mitre 10 are contacting all shop owners in Haly Street seeking their approval.

Motion:

Moved Cr Shaw seconded Cr Lehmann

That Council approve the request subject to provision of evidence of suitable public liability insurance

Carried 10/0

- 9.2.3 **Department of Natural Resources & Mines** - Requesting comments regarding the future usage and tenure of Term Lease No.200508 - Lot 65 BO158 Parish of Chahpingah - Lessees: Allan Gregory Stone

Background:

The Stone's have had a ten (10) year special lease. Council's comments are not required until January. It is suggested that consideration be deferred until the January meeting to enable the Natural Resource Officer time to make an assessment

Motion:

Moved Cr Trout seconded Cr Wilson

That consideration of the matter be deferred until the January meeting

Carried 10/0

9.3 General Business

9.3.1 Directors Report – Engineering Services

Background:

Report Nos: (D17-D22)

The Director of Engineering Services submitted a written report on work undertaken in the roads, Drainage and Transport Services; Recreation & Sport; Engineering Management Services and Natural Resource Management for the period 14 November 2003 to 11 December 2003

Motion:

Moved Cr Wieden seconded Cr Shaw

That the report be received

Carried 10/0

9.3.2 Hillview Estate – Proposed Stormwater Detention Basin

Background:

Report Nos: (D1-D5)

The Deputy Director of Engineering Services submitted a written report over the proposed parkland on the western side of the Hillview Estate and recommending that Council reply to the consultant and developer that Council is prepared to consider the use of dry detention basins in the proposed park area, subject to all of the issues raised and discussed in this report being addressed to the satisfaction of Council. In particular, it is considered desirable that the use of a second discharge from the detention area should be further investigated as it may significantly reduce the required detention basin capacity and lead to a better integrated design being used to cover the entire area.

The developer shall be required to prepare a total Concept Plan for the entire area as part of Stage 6 approval. Such a plan shall be developed in consultation with Council.

Motion:

Moved Cr Shaw seconded Cr Trout

That it be noted the matter has been considered in the Town Planning and Subdivision Section

Carried 10/0

9.3.3 **Airports and Aviation Outlook 2003 – National Convention & Technical Workshop**

Background:

Report Nos: (D6-D16)

The Director of Engineering Services submitted a report on the attendance at the twenty second National Convention, AGM and Technical Workshop of the Australian Airports Association at Canberra from 17 to 21 November 2003

Motion:

Moved Cr Wieden seconded Cr Trout

That the report be received

Carried 10/0

9.3.4 **Memorial Park Former Croquet Area**

Background:

Council needs to give some consideration to future use of the area in Memorial Park formerly used by the Croquet Club.

Motion:

Moved Cr Trout seconded Cr Lehmann

That as the area is no longer needed for Croquet, Council look at a future design for the area

Carried 10/0

9.3.5 **Quotations for the Supply, Cartage and Application of Bitumen for Council Reseals**

Background:

Report Nos: (D23)

The Director of Engineering Services submitted a written report on the quotations for the supply, cartage, heating, spraying (and incorporation of cutter) of approximately 200,000 litres of multi-grade bitumen and recommending that the offer by Pioneer Road Services be accepted

Motion:

Moved Cr Trout seconded Cr Shaw

That the offer by Pioneer Road Services of 90 cents/litre, including GST be accepted

Carried 10/0

9.3.6 **Area 4 Inspections**

Background:

Report Nos: (D24-D26)

Area 4 Councillors Shaw, Fleischfresser, Lehmann and Cr Wieden, met on 12 December 2003, to consider a number of issues that have been raised. Each of the issues/ concerns were considered after a site visit and where the issue was an Area 4 matter, a decision was made. One of the issues is a "Whole of Shire" responsibility, ie Parks and Gardens and a recommendation on this issue is included for Council's consideration. A road name request is being considered by Council at its meeting and a recommendation is also included for Council's consideration

Motion:

Moved Cr Shaw seconded Cr Lehmann

That the report be received and adopted

Carried 10/0

10. **WATER AND SEWERAGE SECTION**

10.1 **Business Arising Out of Minutes**

10.1.1 Nil

10.2 **Correspondence**

10.2.1 Nil

10.3 **General Business**

10.3.1 **Directors Report – Water and Sewerage**

Background:

Report Nos: (E1-E3)

The Director of Engineering Services submitted a written report on activities undertaken during the period 14 November 2003 to 11 December 2003

Motion:

Moved Cr Wieden seconded Cr Lehmann

That the report be received

Carried 10/0

11. **HEALTH AND BUILDING SECTION**

11.1 **Business Arising Out of Minutes**

11.1.1 Nil

11.2 **Correspondence**

- 11.2.1 **Environmental Protection Agency** – Forwarding the Memorandum of Understanding (MoU) – Environmental Protection (Water) Policy 1997 for execution and return – current MoU expires 31 December 2003

Background:

Council has in the past taken up the MoU with the EPA, which gave Council the ability to enforce Sections 31 and 32 of the Environmental Protection (Water) Policy 1997. These sections relate to the release of any waste, sand, silt or mud to stormwater.

To date there has been no record of the MoU being used in the Kingaroy Shire. Very few Council's have taken up the delegation as it is seen to be doing work that the EPA should be doing.

Despite the existence of the MoU, there is still concern about the lack of clear delineation of responsibilities for the clean up of pollution incidents.

If Council decides not to take up the MoU, it will fall back to the EPA to investigate any complaints under the Environmental Protection Policy – Water.

Motion:

Moved Cr Fleischfresser seconded Cr Trout

That Council not sign the Memorandum of Understanding (MoU) with the Environmental Protection Agency in relation to the delegation of powers to enforce sections 31 and 32 of the Environmental Protection (Water) Policy 1997

Carried 10/0

11.3 **General Business**

11.3.1 **Directors Report – Health and Building**

Background:

Report Nos: (F1-F10)

The Director of Health & Building submitted a written report on the Department activities for the month of November 2003

Motion:

Moved Cr Fleischfresser seconded Cr Moss

That the report be received

Carried 10/0

12. **RURAL SERVICES SECTION**

12.1 **Business Arising Out of Minutes**

- 12.1.1 Nil

12.2 **Correspondence**

- 12.2.1 **Department of Primary Industries** - Forwarding the Review of the Agricultural Chemicals Distribution Control Act 1966 and Chemical Usage (Agricultural and Veterinary) Control Act 1988

Background:

The intent of the new legislation is to combine the separate pieces of legislation controlling the use of Agricultural and Veterinary chemicals into one (1) piece of legislation. There does not appear to be any significant impact on Council staff contained in the recommendations. In fact it appears that there may be some freeing up of requirements.

Motion:

Moved Cr Moss seconded Cr Shaw

That the letter be received

Carried 10/0

12.3 **General Business**

- 12.3.1 **Managers Report – Rural Services**

Background:

Report Nos: (G1)

The Manager of Rural Services submitted a written report on his duties for the period ended 4 December 2004

Motion:

Moved Cr Moss seconded Cr Lehmann

That the report be received and adopted

Carried 10/0

13. **GENERAL SECTION**

- 13.1 **Business Arising Out of Minutes**

- 13.1.1 Nil

13.2 **Correspondence**

- 13.2.1 **Local Government Association of Queensland Inc** - Requesting a response to the discussion paper released by the Queensland Government titled 'Queensland 2020: A State For All Ages'

Background:

The release of the discussion paper on Aging of the Population in Queensland provides a trigger for Council to commence planning for the future impacts on the Shire. See later correspondence 13.2.5 for suggested actions

Motion:

Moved Cr Campbell seconded Cr Lehmann

That the letter be received

Carried 10/0

- 13.2.5 **Local Government Association of Queensland Inc** - Requesting a response to the LGAQ Discussion Paper - "Ageing of the Population and the Potential Impact on Queensland Local Government"

Background:

Copies of the full report are available to Councillors on request. The feedback process raises the following questions:

- (a) Does the discussion paper highlight ageing of the population issues that are important to you?
- (b) If not, what other ageing of the population issues are important to you?
- (c) Are there other issues that may arise for communities as the population ages?
- (d) How can younger people prepare for the ageing of the population?
- (e) How do you see the role of older people changing as the population ages?
- (f) Taking a positive and intergenerational approach, what do you see as the key elements of society in 2020?
- (g) What issues need to be considered by your sector or community in planning for the ageing of the population?

The Local Government Association of Queensland Inc is proposing that Local Government Targeted Focus Groups be conducted around the State and that a specific Focus Group workshop be conducted in Brisbane. Consultation closes in March 2004. It is suggested that Council participate in the Focus Groups before formulating a response.

Motion:

Moved Cr Campbell seconded Cr Lehmann

That Mayor, Cr Shaw and the Chief Executive Officer attend the Focus Group Meeting and prepare a response

Carried 10/0

13.2.2 **Department of Local Government & Planning** - Forwarding Local Government Bulletin - Local Government and Other Legislation Amendment Act 2003

Background:

This bulletin provides explanations on recent amendments to the Local Government Act in relation to:

- Electoral Provisions
- Registers of Interest
- Boundary Changes
- Entities
- Rate Capping

And also provision of Workers Compensation Insurance for Councillors.

The matter is listed for information only.

Motion:

Moved Cr Lehmann seconded Cr Trout

That the letter be received

Carried 10/0

13.2.3 **Department of Industrial Relations** - Advising the Minister has appointed Monday 9 August 2004 a holiday for the Shire of Kingaroy for the purpose of the Royal Queensland Show

Background:

Information on Kingaroy Show Holiday and other public holidays in 2004. Normally referred to South Burnett National Show Society for information

Motion:

Moved Cr Lehmann seconded Cr Campbell

That the letter be received and referred to the South Burnett National Show Society for information

Carried 10/0

13.2.4 **Department of the Premier and Cabinet** - Inviting nominations by 1 February 2004 for the award of the Public Service Medal in the Australian Honours System

Background:

Invitation to nominate for an award of the Public Service Medal and a request to promote awareness of the Order of Australia

Motion:

Moved Cr Lehmann seconded Cr Campbell

That the matter be referred to Cr Shaw for further investigation

Carried 10/0

13.2.6 Market Facts (Qld.) Pty Ltd – Forwarding report on the Community Satisfaction Survey**Background:**

In 1999 the Council engaged Market Facts (Qld) Pty Ltd to conduct the first ever Community Satisfaction Survey of Shire Residents. The survey is the same as the one commissioned by the Local Government Association Queensland on a state wide basis. The results of the survey formed the basis for our Corporate Plan 2000-2004 and enabled Council to benchmark against the state results. Kingaroy Shire's 2003 survey has now been completed and the results collated. A copy of the full report will be provided to each Councillor once they have been printed. The results reflect favourably on the efforts of Council over the past four (4) years and will be used in preparing the draft Corporate Plan 2004-2008. It is suggested that Mr Ian Maxwell from Market Facts (Qld) Pty Ltd be invited to the January 2004 meeting to discuss the detail of the report and to answer any queries

Motion:

Moved Cr Trout seconded Cr Fleischfresser

That the report be received and Mr Ian Maxwell from Market Facts Pty Ltd be invited to attend the January 2004 General meeting to discuss the detail of the report and to answer any queries

Carried 10/0

14. RECEPTION AND CONSIDERATION OF COMMITTEE AND DELEGATES REPORT**14.1 Centenary of Kingaroy Committee Report****Background:**

Report Nos: (H1)

The Centenary of Kingaroy Committee reported in accordance with the minutes of the meeting held on 3 December 2003

Motion:

Moved Cr Fleischfresser seconded Cr Trout

That the report be received

Carried 10/0

ATTENDANCE

The Mayor left the meeting

The Deputy Mayor assumed the Chair

14.2 Medical Services Committee Report**Background:**

Report Nos: (H2)

The Medical Services Committee reported in accordance with the minutes of the meeting held on 2 December 2003

Motion:

Moved Cr Fleischfresser seconded Cr Shaw

That the report be received and adopted

Carried 9/0

14.3 Regional Arts Development Fund Committee Report

Background:

Report Nos: (H3-H6)

The Regional Arts Development Fund Committee reported in accordance with the minutes of the meeting held on 25 November 2003

Motion:

Moved Cr Campbell seconded Cr Carroll

That the report be received and adopted

Carried 9/0

14.4 Enterprise Bargaining Team Meeting Minutes

Background:

Report Nos: (H7-H10)

The Enterprise Bargaining Team reported in on its meeting held on 2 December 2003 where it

(a) Endorse the resolutions made by Council at their November 2003 General meeting in relation to:

- Nine Day Fortnight
- Extra Uniform Allocation / Uniform Allowance / Protective Clothing
- Real Decrease in Salaries of Staff

(b) Included current Policies in relation to the following in the next Enterprise Bargaining Agreement:

- Jury Service
- Bereavement Leave

(c) Listed the following decision in regard to the General Wage Increase for Council's consideration:

That the wage increase in our next agreement be based on converting the safety net increase to a percentage of a level 1 employee wage under the State Award and using this as the percentage increase for all employees

Motion:

Moved Cr Shaw seconded Cr Campbell

That the decisions made by the Enterprise Bargaining Team be endorsed

Carried 9/0

14.5 Chief Executive Officer Report – Annual Conference Local Government Managers Australia (Queensland Division)

Background:

Report Nos: (H11-H20)

The Mayor and Chief Executive Officer attended the Local Government Managers conference at the Gold Coast from 14-17 October 2003 and submit a report on the proceedings

Motion:

Moved Cr Campbell seconded Cr Shaw

That the report be received

Carried 9/0

15. DEPUTATIONS

Nil

16. CONSIDERATION OF NOTIFIED MOTIONS

Nil

17. RECEPTION OF NOTICES OF MOTION FOR NEXT MEETING

Nil

18. QUESTIONS ON NOTICE OF MOTION

Nil

19. CONSIDERATION OF ITEMS PLACE ON THE AGENDA WITH THE CONSENT OF THE MAYOR

Nil

20. GENERAL BUSINESS

20.1 Reception of Correspondence and Reports Listed for Information

Motion:

Moved Cr Campbell seconded Cr Shaw

That General Correspondence and Reports Listed for Information (Folio 11 – 133) be received that the Outward Correspondence be adopted, and Transfers Nos 30012 to 30090 (both inclusive) be received and recorded in Council's Rate Books.

Carried 9/0



Adjournment

Moved Cr Fleischfresser

That the meeting adjourn until 2.00 pm

Carried 9/0

Resumption

The meeting resumed at 2.15 pm

ATTENDANCE

Cr KR Nunn (Mayor), Crs WD Moss, MG Shaw, GMG Wilson, B Carroll, TG Fleischfresser, LJ Trout, AD Wieden, MA Lehmann and KM Campbell

Presentation

Mr John Mongard made a presentation on the Kingaroy Urban Renewal Study conducted by John Mongard Landscape Architects in conjunction with Thomson Adsett Architects Pty Ltd

Motion:

Moved Cr Campbell seconded Cr Fleischfresser

That the Kingaroy Urban Renewal Study report be received

Carried 10/0

Christmas Greetings

The Mayor extended Christmas Greetings to Councillors and Staff who suitably responded.

There being no further business the meeting was declared closed

Confirmed before me this day of 2003
MAYOR

