

Minutes of the meeting of the Kingaroy Shire Council, held in the 'Lil Ol' Church, Wooroolin on Thursday 28 October 2004 at 9.00 am.

PRESENT

Cr KR Nunn (Mayor), Crs WD Moss, MG Shaw, RC Coleman, CD Dalton, BJ Carroll, TW Fleischfresser, LJ Trout, 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 GL Moseling, GH Rea, SJ Dundas, J Smith, WH Ford, WA Coleman, HL Vidler and AE Dukes

3. **ADDRESS FROM PUBLIC GALLERY**

Nil

4. **RECEIPT OF PETITIONS**

Cr Moss presented a petition on behalf of residents in the Booie and Malar Area concerning the closure of the Malar Transfer Station

Motion:

Moved Cr Moss seconded Cr Shaw

That the petition be received and referred to the next meeting

Carried 10/0

5. **CONFIRMATION OF MINUTES**

Motion:

Moved Cr Lehmann seconded Cr Shaw

That the minutes of the previous meeting held on Thursday 23 September 2004 as recorded be confirmed.

Carried 10/0

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

SEE BUSINESS FUNCTION HEADINGS

6. **PLANNING AND DEVELOPMENT SERVICES SECTION**

DECLARATION OF INTEREST

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

The Deputy Mayor assumed the Chair

6.2 **Correspondence**

- 6.2.1 **O'Reilly Nunn Favier** - Forwarding an IDAS Application - Wine Tourism Facility and Community Management Scheme Subdivision - (1 Lot into 74 Lots plus Common Property) - Lot 1 RP36985 - Applicant: Frederick D Butler; Owner: D & G Fleischfresser

Background:

Outstanding procedures include information request response and public notification.

Motion:

Moved Cr Trout seconded Cr Dalton

That consideration of the matter be deferred pending completion of the required procedures.

Carried 8/0

ATTENDANCE

Cr Fleischfresser returned to the meeting

- 6.2.2 **O'Reilly Nunn Favier** - Forwarding an IDAS Application - Material Change of Use and Reconfiguration of Boundaries - Stage 4 Fishers Street, Kingaroy - Lot 20 RP848606 - Applicant: O'Reilly Nunn Favier - Owner: Merv & Yvonne Pates

- 6.2.25 **ME and JM Leach** - Lodging an objection to the proposed Material Change of Use and Reconfiguration of Boundaries - (1 Lot into 32 Lots plus balance area) Lot 20 RP848606 - Owner: Merv & Yvonne Pates - 141 Moore Street Kingaroy

- 6.2.33 **Mr John H & Mrs Jessie NL Gossow** - Forwarding letter of objection to the development application by Merv Pates Lot 20 RP 848606, 141 Moore Street, Kingaroy

Background:

Outstanding procedures include public notification.

Motion:

Moved Cr Trout seconded Cr Dalton

That consideration of the matter be deferred pending completion of the required procedures.

Carried 9/0

- 6.2.8 **O'Reilly Nunn Favier** - Forwarding an IDAS Application - Material Change of Use - Multiple Unit Dwellings at corner James Street & First Avenue Kingaroy - Lot 1 RP57427 - Applicant: Rick Diesel; Owner: Southpine Nominees

- 6.2.16 **O'Reilly Nunn Favier** - Forwarding a Replacement Report to IDAS Application for a Material Change of Use - Multiple Unit Dwellings - cnr James Street & First Avenue - Lot 1 RP57427 - Applicant: Rick Diesel; Owner: Southpine Nominees

Background:

Outstanding procedures include information request response and public notification.

Motion:

Moved Cr Trout seconded Cr Dalton

That consideration of the matter be deferred pending completion of the required procedures.

Carried 9/0

- 6.2.9 **O'Reilly Nunn Favier** - Forwarding an IDAS Application - Reconfiguring a Lot - Subdivision (Two Lots into Three Lots) at 36-38 Kingaroy Street - Lots 18 & 19 RP47278 - Applicant: Ross Jolly; Owner: Secondchoice Pty Ltd

Background:

Report Nos: (A34-A38)

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.

Motion:

Moved Cr Trout seconded Cr Fleischfresser

That the report be received and adopted subject to the inclusion of condition RAL4 Boundary Truncation:

"The applicant shall truncate the south western boundary of the property at the intersection of Kingaroy Street and River Road by a single chord truncation at an offset of 1 metre into the property from the existing truncation, and dedicate the truncated portion as road reserve."

Carried 9/0

- 6.2.14 **O'Reilly Nunn Favier** - Forwarding an IDAS Application - Reconfiguring a Lot - Family Subdivision - One Lot into Two Lots at Booie Crawford Road Booie - Lot 1 RP7869 - Applicant/Owner: Dean M Rasmussen

Background:

A report is not available for this meeting

Motion:

Moved Cr Trout seconded Cr Fleischfresser

That consideration of the matter be deferred until the November general meeting

Carried 9/0

- 6.2.15 **O'Reilly Nunn Favier** - Forwarding further information to Council's Preliminary Approval (Lot 199 RP 868331 into 32 Residential A Lots - Banksia Drive - Shane Harris) and requesting that a Development Permit (Re-configure a Lot) now be issued

Background:

Report Nos: (A59-A61)

The Manager of Planning Services submitted a written report recommending that Council issue a Development Permit (Reconfigure a Lot) subject to conditions

Motion:

Moved Cr Trout seconded Cr Fleischfresser

That the report be received and adopted

Carried 9/0

- 6.2.21 **O'Reilly Nunn Favier** - Forwarding an IDAS Application - Reconfiguring a Lot - Boundary Re-Alignment to address an existing encroachment - Lot 15 RP7915 & Lot 25 RP213857 Pound Street - Applicant: O'Reilly Nunn Favier; Owner: Babfox P/L & Sunshine North P/L

Background:

Report Nos: (A6-A8)

The Manager of Planning Services submitted a written report recommending that Council issue a Development Permit (Reconfigure a Lot) without conditions.

Motion:

Moved Cr Trout seconded Fleischfresser

That the report be received and adopted

Carried 9/0

- 6.2.28 **O'Reilly Nunn Favier** - Submitting "Oleander Avenue" and "Frangipani Drive" as suggested names for the two new roads in Stages 1, 2 & 3 at Patesville Gardens Estate - Lot 20 RP848606 - Owner: Merv & Yvonne Pates

Background:

The proposed road names are not currently in use in Kingaroy Shire and are recommended to Council as suitable for adoption. The applicant has suggested "Poinciana Avenue" as an alternative to "Oleander Avenue".

Motion:

Moved Cr Trout seconded Cr Fleischfresser

That Council agree to the names in principle and it be suggested that the Developers discuss with Council's Officers, street names which may be more suitable

Carried 9/0

- 6.2.29 **O'Reilly Nunn Favier** - Submitting "Summers Court" and "Allan Place" as suggested names for the two new roads in Stages 9, 11 & 12 in Wieden Estate - Ivy Street Kingaroy - Lot 102 SP141684 - Owner: Wieden Developments Pty Ltd

Background:

"Summers" is not currently in use in Kingaroy Shire and is recommended to Council as suitable for adoption. There is an "Allens Road" in Wooroolin. The applicant suggests "David Court" as an alternative name. "David" is not currently in use in Kingaroy Shire and is recommended to Council as suitable for adoption.

Motion:

Moved Cr Trout seconded Cr Fleischfresser

That the names "Summers Court" and "David Court/Place" be approved

Carried 9/0

- 6.2.36 **O'Reilly Nunn Favier** - Advising of the developer's intent to develop a plan for the Fisher Street Park and proposing that the park design consultancy fees be credited towards the Pates development parks contributions

Background:

The 1.2 ha park was dedicated to Council in 1994 pursuant to the Leopard Court / Raintree Avenue development, and remains undeveloped. Council would typically have the park designed at a cost of about \$1,500. Development of the park is now timely with residential development occurring in the vicinity.

Motion:

Moved Cr Trout seconded Cr Dalton

That Council agree to the request to a limit of \$2,000 to be credited towards the Parks contribution and the consultants liaise with Councils Officers prior to the development of the final plan

Carried 9/0

ATTENDANCE

The Mayor returned to the meeting and resumed the Chair

6.1 Business Arising Out of Minutes

- 6.1.1 **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
- 6.1.2 **Mary E Somerville** - Forwarding submission and supporting reasons regarding proposed extensions of existing piggery at Lot 25 BO 204 Memerambi Gordonbrook Road

Background:

Report Nos: (A9-A31)

The Manager of Planning Services submitted a written report recommending that Council issue a Development Permit (Material Change of Use) subject to conditions.

Motion:

Moved Cr Fleischfresser seconded Cr Trout

That the report be received and adopted

Carried 10/0

- 6.1.3 **A & S Charlwood Designs** - Forwarding an IDAS Application - proposed Duplex - Lot 8 RP868330 - 16 Banksia Drive, Kingaroy - Applicant: A & S Charlwood Designs; Owner: Martin & Patricia Mearns

6.2 **Correspondence**

- 6.2.26 **H & B Henschen** - Lodging an objection to the proposed Material Change of Use Application for a Duplex - Lot 8 RP868330 - 16 Banksia Drive Kingaroy - Applicant: A & S Charlwood Designs; Owner: Martin & Patricia Mearns

Background:

Report Nos (A46-A53)

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.

Motion:

Moved Cr Trout seconded Cr Dalton

That the report be received and adopted

Carried 10/0

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

- 6.1.4 **Elmes Construction Group P/L - David J Elmes** - Forwarding a request to change an existing approval at 69-71 Kingaroy Street - Lot 24 SP126023 & Lot 6 RP57921 - Owners: G & M Clark

Background:

The developer has constructed a refuse collection area and additional driveway along the Knight Street frontage contrary to the approved plan of development. Concerns relate to streetscape, amenity and pedestrian safety. The Manager of Planning Services presented a written report to the September general meeting recommending repositioning of the refuse collection area and removal of the driveway and kerb entrance. Council deferred consideration of the matter pending further written information from the applicant.

Motion:

Moved Cr Trout seconded Cr Dalton

That consideration of the matter be deferred until the relevant information is received

Carried 10/0

DECLARATION OF INTEREST

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

6.2 Correspondence (Cont)

- 6.2.3 **Kingaroy Fitness Centre - Kath Madder (Fitmad Pty Ltd)** - Forwarding response to noise complaints at the Kingaroy Fitness Centre and proposals to limit the noise before moving to their new premises

Background:

The proponent has moved plans forward to vacate the current premises and commence trading from the approved new premises (former Salvation Army Store), with the intention that associated works be progressively completed. During the meantime the applicant advises she has reduced the stereo volume during aerobic classes to reduce the intensity of nuisance being caused. The proposed actions are considered a reasonable effort to resolve the complaint, and it is recommended that Council not commence prosecution proceedings subject to:

- The proponent continuing efforts to limit noise generation during the meantime; and
- The proponent submitting a proposed schedule for relocation to the new premises and completion of associated approval requirements to be to the satisfaction of Council.

Motion:

Moved Cr Trout seconded Cr Dalton

That Council not commence prosecution proceedings subject to:

- *The proponent continuing efforts to limit noise generation during the meantime; and*
- *The proponent submitting a proposed schedule for relocation to the new premises and completion of associated approval requirements to the satisfaction of Council.*

Carried 9/0

ATTENDANCE

Cr Fleischfresser returned to the meeting

- 6.2.4 **Kimmorley & Associates Pty Ltd** - Forwarding IDAS Application - Request to Change an Existing Approval for property situated at 48 Alice Creek Road, Kumbia Owner: Ailsa M Newman Applicant: Kimmorley & Associates Pty Ltd Lot 36 on FY694

Background:

Report Nos: (A54-A57)

The Manager of Planning Services submitted a written report recommending that Council issue an amended Development Permit (Reconfigure a Lot) subject to conditions.

Motion:

Moved Cr Trout seconded Cr Fleischfresser

That the report be received and adopted

Carried 10/0

- 6.2.5 **The Planning Place** - Requesting a Negotiated Decision Notice - Material Change of Use - Rural to Residential and Industrial Lot 10 on RP204229 and part of Lot 12 on RP204229
Owner: Neil & Veronica McCall Applicant: Pegasus Finance & Land Pty Ltd

Background:

A report was not available for this meeting

Motion:

Moved Cr Dalton seconded Cr Trout

That consideration of the matter be deferred until the next general meeting

Carried 10/0

- 6.2.6 **Allan G & Delma L Edwards** - Forwarding an IDAS Application to subdivide One Lot into Two Lots at 27-29 Hodge Street Kingaroy - Lot 5 RP37030 - Owner/Applicant: Allan G & Delma L Edwards

Background:

Report Nos: (A39-A43)

The Manager of Planning Services submitted a written report recommending that Council issue a Development Permit (Reconfigure a Lot and Operational Works).

Motion:

Moved Cr Trout seconded Cr Dalton

That the report be received and adopted

Carried 10/0

- 6.2.7 **Brett & Shelley Rutter** - Forwarding concerns regarding the IDAS development application for Indoor Entertainment - Dance Studio at 119 Youngman Street, Kingaroy - Lot 4 on RP207495 - Applicant: Melissia Slatter

Background:

Report Nos: (A44-A45)

The Manager of Planning Services submitted an addendum report addressing the submission, and recommending that Council issue a Development Permit (Material Change of Use) subject to conditions.

Motion:

Moved Cr Trout seconded Cr Fleischfresser

That the report be received and adopted

Carried 10/0

- 6.2.10 **Ewan D & Wendy N Buttsworth** - Forwarding an IDAS Application - Reconfiguring a Lot - Family Subdivision (One Lot into Two Lots) at 262 Whiterock Road Goodger - Lot 2 RP105996 - Applicant/Owner: Ewan D & Wendy N Buttsworth

Background:

Report Nos: (A1-A5)

The Manager of Planning Services submitted a written report recommending that Council issue a Development Permit (Reconfigure a Lot) subject to conditions.

Motion:

Moved Cr Dalton seconded Cr Fleischfresser

That the report be received and adopted

Carried 10/0

- 6.2.11 **Mr L D Chapman & Associates** - Forwarding a request on behalf of C & A Kackell for a variation to the recreation area requirements contained in the Town Plan Division V Article 4 regarding the proposed Duplex Development at Lot 128 on Wieden's Subdivision

Background:

The relevant grounds of support are contained in the applicant's correspondence, and are generally agreed with. Communal open space is not considered beneficial to duplex development residents. It is recommended that Council accede to the request.

Motion:

Moved Cr Trout seconded Cr Fleischfresser

That Council accede to the request.

Carried 10/0

- 6.2.12 **Minister for Local Government and Planning** - Giving notice of approval to commence public notification of the Kingaroy Shire Council Draft Planning Scheme subject to requirements

Background:

Notification of the Draft Planning Scheme commenced on 12 October 2004 and will continue until 27 January 2005. Events to occur during the notification period include an open day on a Saturday (date to be decided) and an information session for all South Burnett Councillors on Friday 29 October 2004, Wondai. A memo has previously been circulated to this effect.

Motion:

Moved Cr Trout seconded Cr Lehmann

That the letter be received

Carried 10/0

- 6.2.13 **Mr Terrance L Gordon** - Forwarding an IDAS Application - Reconfiguring a Lot - Family Subdivision at 679 Memerambi Gordonbrook Road Kingaroy - Lot 399 FY805 - Applicant/Owner: Terrance L Gordon

Background:

Outstanding procedures include Department of Main Roads referral.

Motion:

Moved Cr Trout seconded Cr Shaw

That consideration of the matter be deferred pending completion of the required procedures.

Carried 10/0

- 6.2.17 **Kevin W & Gavina M Lee** - Forwarding an IDAS Application - Proposal: Two Farmstay Cottages at 27 Harchs Road Kingaroy - Lot 2 RP812735 - Applicant/Owner: Kevin & Gavina Lee

Background:

Outstanding procedures include public notification.

Motion:

Moved Cr Trout seconded Cr Shaw

That consideration of the matter be deferred pending completion of the required procedures.

Carried 10/0

- 6.2.18 **Unique Garages - John Provan** - Requesting permission to erect a colourbond steel building on a vacant block of land in Moore Street for domestic storage use only prior to house plans being lodged with Council

- 6.2.20 **Mark & Jan Fuhrman-Luck** - Requesting permission to erect a shed to be used for domestic storage purposes at 74 Moore Street Kingaroy

Background:

The applicant owns two contiguous Residential A lots and manages the holding as one large residential allotment. A dwelling is established on the other lot. The applicant intends to continue to keep and manage both lots as a single parcel.

Motion:

Moved Cr Campbell seconded Cr Dalton

That Council accede to the request subject to the shed being used for domestic storage purposes only.

Carried 10/0

- 6.2.19 **Mr Leslie K & Mrs Diane M Driver** - Forwarding an application for the construction of a new shed to be built on Lot 89 Avocado Crescent to be used for domestic storage purposes

Background:

The applicant owns two contiguous Residential A lots and manages the holding as one large residential allotment. A dwelling is established on the other lot. The applicant intends to continue to keep and manage both lots as a single parcel.

Motion:

Moved Cr Trout seconded Cr Fleischfresser

That approval be granted subject to the shed being used for domestic storage purposes only.

Carried 10/0

- 6.2.22 **Department of Primary Industries** - Requesting comments by 01-11-04 concerning the Regulatory Impact Statement and draft Public Benefit Test - Proposed Amendments to the Fisheries Regulation 1995 & Integrated Planning Regulation 1998

Background:

For Councillors information

Motion:

Moved Cr Trout seconded Cr Lehmann

That the letter be received

Carried 10/0

- 6.2.23 **Unique Garages - John Provan** - Requesting approval to erect a colourbond steel building on a vacant block of land in Macaulay Drive for domestic storage use only

Background:

The applicant advises his client intends to build a new residence on the lot in the near future, and requests permission to erect a shed in the meantime.

Motion:

Moved Cr Trout seconded Cr Fleischfresser

That Council accede to the request subject to the shed being used for domestic storage purposes only

Carried 10/0

- 6.2.24 **Graham Bickerton** - Forwarding an IDAS Application - Reconfiguring a Lot - Family Lot Subdivision - One Lot into Two Lots at 8293 Bunya Highway Kumbia - Lot 1 RP31887 - Applicant: Graham Bickerton; Owner: A Bickerton Pty Ltd

Background:

Outstanding procedures include Department of Main Roads referral.

Motion:

Moved Cr Trout seconded Cr Shaw

That consideration of the matter be deferred until the required procedures are complete.

Carried 10/0

- 6.2.27 **Allan N & Helen Swendson** - Requesting an extension of time to complete the subdivision of Stage 1C at Swendson Place - Lot 3 RP848621

Background:

The Manager of Planning Services advises the proposed subdivision remains consistent with the preferred land use for the locality. The conditions of approval have been reviewed and are generally consistent with current requirements.

Motion:

Moved Cr Trout seconded Cr Dalton

That Council accede to the request

Carried 10/0

- 6.2.30 **RG & MM Clark - Ascot Lodge Motor Inn Kingaroy P/L** - Forwarding a Request to Change an Existing Approval - Restaurant to be Opened to the Public at 69-71 Kingaroy Street - Lot 24 SP126023 & Lot 6 RP57921 - Applicant: Ascot Lodge Motor Inn; Owner: Raymond & Martha Clark

Background:

Report Nos: (A58)

The Manager of Planning Services submitted a written report recommending that Council issue a Development Permit for the Minor Change to the Approval subject to conditions

Motion:

Moved Cr Trout seconded Cr Dalton

That the report be received and adopted

Carried 10/0

- 6.2.31 **Mr Graham R & Mrs Robyn G Jensen** - Forwarding an IDAS Application - Relative's Apartment at 37 Knight Street Kingaroy - Lot 3 RP63427 - Applicant/Owner: Graham R & Robyn G Jensen

Background:

Outstanding procedures include Department of Main Roads referral and public notification.

Motion:

Moved Cr Lehmann seconded Cr Trout

That consideration of the matter be deferred until the required procedures are complete.

Carried 10/0

- 6.2.32 **Michael and Shaque Dugdell** - Requesting a concession on construction of building within 6 metres of front boundaries and forwarding reasons

Background:

Requesting approval to construct their house, one (1) metre from the property boundary. Given the total area of the property and the ability to construct the dwelling elsewhere on the property it is recommended that Council not accede to the request.

Motion:

Moved Cr Fleischfresser seconded Cr Lehmann

That Council not accede to the request

Carried 10/0

- 6.2.34 **Local Government Association of Queensland Inc** - Advising draft state planning policy has been prepared on the protection of extractive resources with submissions due 13 December 2004

Background:

The Manager of Planning Services has not yet prepared a report on the subject.

Motion:

Moved Cr Lehmann seconded Cr Shaw

That consideration of the matter be deferred until the November General meeting

Carried 10/0

- 6.2.35 **Kimmorley & Associates Pty Ltd** - Forwarding IDAS Application - Reconfiguring a Lot - Family Transfer Lot Subdivision at 5251 Bunya Mountains Road Kumbia - Lot 63 FY719 - Applicant: Kimmorley & Associates P/L; Owner: Robert J & Noreen M Kennedy

Background:

A report is not available for this meeting

Motion:

Moved Cr Trout seconded Cr Fleischfresser

That consideration of the matter be deferred until the November General meeting

Carried 10/0

- 6.2.37 **Ms Carol Charlwood** – Forwarding application for a site relaxation on property at 16 Moonya Street, Kingaroy

Background:

Provided that the alignment of the proposed verandah is kept in line with the existing house along the Doonkuna Street frontage, it is recommended that Council offer no objection to the request

Motion:

Moved Cr Trout seconded Cr Fleischfresser

That Council accede to the request

Carried 10/0

6.3 General Business

6.3.1 Supply of Electricity to Subdivision Developments

Background:

Report Nos: (A32-A33)

The Manager of Planning Services submitted a written report regarding processes for reticulating electricity to new developments.

Motion:

Moved Cr Trout seconded Cr Dalton

That the report be received and adopted

Carried 10/0

7. WATER AND SEWERAGE SERVICES SECTION

7.1 Business Arising Out of Minutes

Nil

7.2 Correspondence

- 7.2.1 Local Government Association of Queensland Inc** - Seeking comments by 12 November 2004 regarding the DNR&M Consultation Draft - Planning Guidelines for Water Supply and Sewerage

Background:

The new guidelines are a technical document which will update the old Water Resources publications that are now over 15 years old with contemporary and best practice guidelines. Staff will review the guidelines and provide feedback to the LGAQ after review.

Motion:

Moved Cr Dalton seconded Cr Trout

That Council staff review the guidelines and provide feedback to the Local Government Association

Carried 10/0

7.3 **General Business**

7.3.1 **Directors Report – Water and Sewerage**

Background:

Report Nos: (B1-B3)

The Director of Engineering Services submitted a written report on activities undertaken during the period 20 September 2004 to 21 October 2004

Motion:

Moved Cr Dalton seconded Cr Trout

That the report be received

Carried 10/0

8. **HEALTH SERVICES SECTION**

8.1 **Business Arising Out of Minutes**

Nil

8.2 **Correspondence**

8.2.1 **KM Laherty** - Requesting permission to keep a third dog at their residence at 43 Hodge Street Kingaroy

Background:

Council in the past has approved the keeping of three (3) dogs subject to certain conditions such as the dogs not causing a nuisance, all dogs to be registered with the Council and when one dog leaves the premises or passes away it will not be replaced.

Motion:

Moved Cr Fleischfresser seconded Cr Lehmann

That Council accede to the request with the usual conditions

Carried 10/0

8.2.2 **Queensland Health** - Seeking comments by Friday 3 December 2004 concerning the Consultation Draft of the Public Health Bill 2005

8.2.3 **Local Government Association of Queensland Inc** - Requesting comments to the Association by Friday 26 November 2004 concerning the Consultation Draft of the Public Health Bill 2005

Background:

The Public Health Bill 2005 is intended to replace the outdated public health provisions of the Health Act 1937(Qld). It is based on proposals approved by Cabinet following extensive consultation, including public release of the Discussion Paper, Review of the Health Act 1937: New Population Health Legislation for Queensland and the Draft Policy Paper, Review of the Health Act 1937 (Public Health). The bill covers the public health role of local government; control of public health risks; insect and pest eradication programs, among many other areas of interest to local government.

Motion:

Moved Cr Fleischfresser seconded Cr Lehmann

That the matter be referred to the Director of Health & Building for a submission

Carried 10/0

- 8.2.4 **Trevor J & Suellen J Nightingale** – Requesting permission to keep a third dog at their residence at 18 Albion Street Taabinga Village

Background:

Council in the past has approved the keeping of three (3) dogs subject to certain conditions such as the dogs not causing a nuisance, all dogs to be registered with the Council and when one dog leaves the premises or passes away it will not be replaced.

Motion:

Moved Cr Fleischfresser seconded Cr Lehmann

That Council accede to the request with the usual conditions

Carried 10/0

- 8.2.5 **Local Government Association of Queensland Inc** - Forwarding details regarding proposed new smoking bans in public places and advise Councils taking up the delegation will be able to issue on the spot fines for offences and receive the normal quantum of funds from the fines

Background:

The fax has been sent through for the information of Council and further information is to be provided regarding the delegations in due course

Motion:

Moved Cr Trout seconded Cr Lehmann

That the letter be received

Carried 10/0

- 8.2.6 **Donald J & Beth Chaseling** - Requesting on behalf of concerned residents that Council rescind the motion to close the Waste Transfer Stations at Malar and Coolabunia and suggesting that the Transfer Stations be opened on certain days and be manned

Background:

Correspondence to be considered in conjunction with the petition which has been presented to the October meeting

Motion:

Moved Cr Fleischfresser seconded Cr Lehmann

That consideration of the matter be deferred until the November meeting

Carried 10/0

8.3 General Business**8.3.1 Directors Report – Health and Building****Background:**

Report Nos: (C1-C9)

The Director of Health & Building submitted a written report on the Department activities for the period September/October 2004

Motion:

Moved Cr Fleischfresser seconded Cr Trout

That the report be received

Carried 10/0

ADJOURNMENT**Motion:**

Moved Cr Dalton

That the meeting adjourn for ten (10) minutes

Carried 10/0

RESUMPTION

The meeting resumed at 10.55 am with attendance as previous to the Adjournment

8. HEALTH SERVICES SECTION (CONT)**8.3 General Business****8.3.1.1 Environmental Protection – Amendment of Environmental Legislation Fees and Charges****Motion:**

Moved Cr Fleischfresser seconded Cr Trout

That Council's fees and charges be amended for the Environmental Protection Act 1994 to the following:

<i>Application for assessment of development application</i>	<i>\$205.00</i>
<i>Request to extend currency period for development approval</i>	<i>\$153.70</i>
<i>Request to change development approval, other than changing a condition</i>	<i>\$153.70</i>
<i>Change or cancel condition imposed on development approval</i>	<i>\$153.70</i>
<i>Application for registration</i>	<i>\$75 plus prescribed annual fee</i>
<i>Continuing registration</i>	<i>\$50.00</i>
<i>Add new activity to registration certificate</i>	<i>\$200 plus prescribed annual fee</i>
<i>Amendment to registration</i>	<i>Nil</i>

Carried 10/0

8.3.2 **South Burnett Regional Waste Management**

Background:

Report Nos: (C10)

The Acting Chief Executive Officer submitted a written report on attendance at the South Burnett Councils meeting on waste management held on 22 October 2004 and recommending that Council support the South Burnett Local Government Association in their initiatives to establish a Joint Local Government in accordance with Part 2 of the Local Government Act 1993 for the purpose of providing regional services and that further investigation of the issue be undertaken

Motion:

Moved Cr Lehmann seconded Cr Shaw

That Council support the South Burnett Local Government Association in their initiatives to establish a Joint Local Government in accordance with Part 2 of the Local Government Act 1993 for the purpose of providing regional services and that further investigation of the issue be undertaken

PROCEDURE

Motion:

Moved Cr Shaw

That the motion be put

Carried 7/3

The motion on being put was declared Carried 10/0

9. **CORPORATE AND COMMUNITY SERVICES SECTION**

9.1 **Business Arising Out of Minutes**

Nil

9.2 **Correspondence**

- 9.2.1 **Mr LC & Mrs ND Porter** - Requesting Council consider some form of sponsorship to enable them to enter the Endeavour Rally leaving from Kingaroy in 2005

Background:

Council makes a provision in its budget each year to make donations to various community and welfare organisations. These donations are at the discretion of Council.

However, it should be noted that the writer may not be the only entrant from Kingaroy in the 2005 "Endeavour Rally"

Motion:

Moved Cr Lehmann seconded Cr Shaw

That Council not accede to the request and consideration be given to various forms of assistance for the Endeavour Rally start in Kingaroy

Carried 10/0

- 9.2.2 **Kingaroy Sporting Club** - Requesting Council consider waiving the excess water rates and associated interest charged to the Kingaroy Sporting Club due to an unexplained extremely high water consumption reading

Background:

Report Nos: (D8-D9)

The Manager of Rating & Property submitted a written report detailing the background to this request.

Motion:

Moved Cr Lehmann seconded Cr Shaw

That Council not accede to the request and the reasons be explained

Carried 10/0

- 9.2.3 **Chris James** - Advising he was selected to attend the prestigious National Youth Science Forum to be held in Canberra in January 2005 and requesting Council consider sponsoring part of the cost of \$1650

Background:

Council's normal response to requests of this nature from individuals or groups is to offer them the Town Hall free of charge to run a fund raising function. While this is generally for sporting and recreational type activities, we did make the same offer to the Kingaroy High School OPTI Minds team at the last meeting. There is a small budget provision in the youth budget for donations for youth activities if Council wishes to provide some assistance

Motion:

Moved Cr Lehmann seconded Cr Shaw

That Council offer the use of the Town Hall free of charge for a fund raising event

Carried 10/0

- 9.2.4 **Local Government Association of Queensland Inc** - Forwarding Urgent Circular Affecting All Councils - Matter Listed for Arbitration - Application by Australian Services Union (ASU) to Vary the Queensland Local Government Officers Award 1998

Background:

The need for some modification to the Queensland Local Government Officers Award 1998 has been agreed for some time. However, as is expected the Unions proposals if implemented would have a significant financial and operational implications for Council. It is suggested we support the Local Government Association counter proposals.

Motion:

Moved Cr Shaw seconded Cr Moss

That the letter be received and Council support the Local Government Association counter proposals.

Carried 10/0

- 9.2.5 **Gayndah Shire Council** - Requesting Council consider sponsoring a morning tea, luncheon or dinner at the Australian Local Government Women's Association Conference to be held in Gayndah from 3-5 August 2005

Background:

Unless Council wishes to provide some sponsorship to the conference then no further action is required.

Motion:

Moved Cr Lehmann seconded Cr Shaw

That the letter be received

Carried 10/0

- 9.2.6 **Office of the Premier & Minister for Trade** - Forwarding details regarding the recently released Discussion Paper : Queensland's Future - Building on the Smart State and requesting comments by 30 November 2004

Background:

Unless Council wishes to contribute to the discussion paper "Queensland's Future – Building on the Smart State" then no further action is required

Motion:

Moved Cr Lehmann seconded Cr Shaw

That the matter be referred to the Mayor and Chief Executive Officer for response if considered appropriate

Carried 10/0

- 9.2.7 **Country Way Promotions Committee** - Requesting to know whether Council will be participating in the 2005/06 Country Way Touring Guide

Background:

At the May 2003 meeting Council resolved that provision be made in the 2004/2005 budget to participate in the Country Way Touring Guide.

Accordingly, provision was made in our budget as follows:

Membership	\$500	
Booklet / Advertising	<u>\$2,400</u>	\$2,900

Motion:

Moved Cr Lehmann seconded Cr Coleman

That Council participate in the Country Way Touring Guide

Carried 10/0

Motion:

Moved Cr Campbell seconded Cr Fleischfresser

That the issue of Tourism Publications and advertising be referred to the Tourism Committee

Carried 10/0

- 9.2.8 **Local Government Association of Queensland Inc** - Requesting Council's support and participation in the Local Government Technology and Innovation Expo to be held on the Gold Coast 1-3 December 2004

Background:

Provision was made in the budget for Council's two (2) IT Officers to attend this Expo

Motion:

Moved Cr Lehmann seconded Cr Shaw

That the letter be received

Carried 10/0

9.3 **Monthly Financial Statements**

Background:

Report Nos: (D10-D15)

The Financial Statements for the period ended 30 September 2004 were presented for Council's approval

Motion:

Moved Cr Moss seconded Cr Lehmann

That the Financial Statements for the period ended 30 September 2004 be received and adopted

Carried 10/0

9.4 **General Business**

9.4.1 **Managers Report – Library Services**

Background:

Report Nos: (D6-D7)

The Manager of Library Services submitted a written report on activities for the month of September 2004

Motion:

Moved Cr Coleman seconded Cr Lehmann

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

Carried 10/0

9.4.2 **Cross Government Project to reduce Social Isolation of Older People**

Background:

Report Nos: (D1)

Cr Moss submitted a written report on the isolation problem in older residents

Motion:

Moved Cr Moss seconded Cr Lehmann

That the report be received

Carried 10/0

9.4.3 **State Emergency Services Annual Workshop**

Background:

Report Nos: (D2-D3)

Cr Moss submitted a written report on attendance at the SES Annual Workshop held in Goomeri on 18/19 September 2004

Motion:

Moved Cr Moss seconded Cr Shaw

That the report be received

Carried 10/0

9.4.4 **Annual Local Government Association of Queensland Conference – Mackay**

Background:

Report Nos: (D4-D5)

Cr Moss submitted a written report on attendance at the Annual Local Government Association of Queensland Conference held in Mackay

Motion:

Moved Cr Moss seconded Cr Lehmann

That the report be received

Carried 10/0

9.4.5 **Australia Day Awards – Review of Categories**

Background:

Current categories for Australia Day Awards are:

- Citizen Award
- Young Citizen Award – Persons under 25 years
- Sporting Award – Player 18 years or over
- Sporting Award – Player under 18 years
- Sporting Award – Coach or Administrator
- Community Event of the Year Award
- Cultural Award – Over 18 years
- Cultural Award – Under 18 years
- Kumbia and Wooroolin Awards

There are sometimes a lack of nominations for some of the categories and it is suggested that Council review and decide if changes should be made

Motion:

Moved Cr Trout seconded Cr Lehmann

That the following be the categories for the Australia Day Awards:

- *Citizen Award*
- *Young Citizen Award – Persons under 25 years*
- *Sporting Award*
- *Sporting Award – Coach or Administrator*
- *Community Event of the Year Award*
- *Cultural Award*
- *Small Communities Award*
- *Rural Award*

and that the nominations be advertised prior to the event

Carried 10/0

9.4.6 **Date of November/December Meeting**

Background:

Owing to the Christmas Break, the December meeting is usually brought forward. Councillors need to consider what date they need to set the December meeting and if the November meeting needs to be altered as a result.

Motion:

Moved Cr Shaw seconded Cr Moss

That the December 2004 General meeting be held on Thursday 16 December 2004 at 9.00 am, and the Agenda Group meetings be held on the previous Tuesday 14 December 2004

Carried 10/0

MR PHIL DAY, SENIOR INSPECTOR BIO SECURITY, DEPARTMENT OF PRIMARY INDUSTRIES

Mr Day made a presentation to Council on the Local Drought Committee and answered questions on Drought declaration

ADJOURNMENT

Motion:

Moved Cr Shaw

That the meeting adjourn until 1.30 pm

Carried 10/0

RESUMPTION

The meeting resumed at 1.50 pm

PRESENT

Cr KR Nunn (Mayor), Crs WD Moss, MG Shaw, RC Coleman, BJ Carroll, TW Fleischfresser, LJ Trout, MA Lehmann and KM Campbell

10. **WORKS AND SERVICES SECTION**

10.1 **Business Arising Out of Minutes**

Nil

10.2 **Correspondence**

10.2.1 **Wide Bay Burnett Regional Road Group** - Requesting a Submission of Projects for 2005/2006 Financial Year and forwarding information in relation to additional Transport Infrastructure Development (TIDS) Funding

Background:

Report Nos: (E7-E8)

The projects to be submitted are Councils bids for the 2005/06 financial years for the additional \$7m statewide funding for which the WBB RRG will distribute \$889,000. The equivalent Council proportion of this amount was \$46,790 in 2004/05.

It should be remembered that the roads to be submitted must be LRRS roads and Council will be required to match the funds received. The projects submitted will be scored in accordance with the regional priorities agreed to by the RRG.

The Deputy Director of Engineering Services submitted a written report recommending that Council nominate "Replacement of the Flagstone Creek Bridge on Kumbia Brooklands Road" as the project for the 2005/2006 additional Transport Infrastructure Development Scheme funding to the value of \$200,000, and that a detailed submission including estimate be prepared by Engineering Staff

Motion:

Moved Cr Campbell seconded Cr Coleman

That the report be received and adopted

Carried 9/0

ATTENDANCE

Cr Dalton returned to the meeting

- 10.2.2 **Council of the Shire of Esk** - Seeking Council's support to lobby the appropriate authorities to have the necessary works carried out at the intersection of Warrego Highway/Brisbane Valley Highway to improve traffic safety

Background:

The Warrego Highway / Brisbane Valley Highway intersection has a bad accident record. Many South Burnett residents travel to Brisbane via this route. Support should be given to any upgrading of intersection will benefit all road users including South Burnett residents.

Motion:

Moved Cr Campbell seconded Cr Trout

That Council agree to provide a letter of support

Carried 10/0

- 10.2.3 **Project Services - Department of Public Works** - Requesting confirmation that Council would be prepared to assume trusteeship of the Access Restriction Strip at Victoria Street Kingaroy - Lot 10 RP103545

Background:

An access restriction strip exists on the southern side of Goessling Street. The reason for this access restriction strip is not known. Investigations reveal that there are no reasons to have an access restriction strip. It would be beneficial for the access restriction strip to become road reserve.

Motion:

Moved Cr Campbell seconded Cr Coleman

That Council recommend that the access restriction strip be removed and dedicated as road

Carried 10/0

10.3 **General Business**

10.3.1 **Directors Report – Engineering Services**

Background:

Report Nos: (E1-E6)

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 20 September 2004 to 21 October 2004

Motion:

Moved Cr Campbell seconded Cr Moss

That the report be received

Carried 10/0

10.3.2 **New Depot Opening / Open Day**

Background:

Construction of the new depot is anticipated to be completed prior to Christmas. Council previously considered a suggestion of an Open Day.

Motion:

Moved Cr Campbell seconded Cr Lehmann

Council agree to an official opening / open day for the new depot in early December with the actual date to be determined by the Mayor and Chief Executive Officer

Carried 10/0

11. **RURAL COMMUNITIES AND ENVIRONMENTAL SERVICES SECTION**

11.1 **Business Arising Out of Minutes**

Nil

11.2 **Correspondence**

11.2.1 **Local Government Association of Queensland Inc** - Seeking nominations for Council elected members and managers for representation on the LGAQ Natural Resource Management Reference Group - nominations forms to be submitted by 22 October 2004

Background:

Council is invited to nominate officers or Councillors for selection on the State LGAQ Natural Resource Management reference group. Nominees require a sound knowledge and experience in Natural Resource Management Officer programs such as Regional Arrangements, Land Protection Act, Vegetation Management Act, Salinity and Water Quality Plan, Biodiversity Protection and Recovery Plans. Nominations are due on 22 October 2004.

It would be beneficial for Council to have a representative on this reference group and suggest that the Natural Resource Management Officer, Leanne Petersen be nominated for the position

Motion:

Moved Cr Carroll seconded Cr Lehmann

That Council nominate the Natural Resources Management Officer, Leanne Petersen for the Local Government Association Natural Resource Reference Group

Carried 10/0

- 11.2.2 **Office of the Gene Technology Regulator** - Forwarding a Request for Advice on Licence Application DIR055/2004 from Monsanto Australia Limited - Limited and Controlled Release of Genetically Modified Cottons

Background:

Council has consistently opposed the release of genetically modified crops into our Shire. Unfortunately, unless we can make a submission that the release of genetically modified cotton will have some harmful health effects we have very little chance of our opposition being supported. It is suggested the letter be received.

Motion:

Moved Cr Carroll seconded Cr Coleman

That the letter be received

Carried 10/0

- 11.2.3 **Local Government Association of Queensland Inc** - Seeking submissions regarding annual review of MOU for the Administration of the Land Protection Act 2002

Background:

A Memorandum of Understanding between the Local Government Association and the Department of Natural Resources for the administration of the Land Protection Act 2002 is a good idea. It is suggested the annual review be referred to Council's Natural Resource Management Officer for comment if required.

Motion:

Moved Cr Carroll seconded Cr Campbell

That the matter be referred to the Natural Resources Management Officer for comment if required

Carried 10/0

- 11.2.4 **Alwyn R & Dianne L Reed** - Requesting assistance from Council in the cost of one 20 litre drum of Taskforce for the use of spraying African Love Grass on section of road from bitumen edge to their boundary fence line on Burrandowan Road & Benair Road

Background:

Report Nos: (F31)

The Natural Resource Management Officer submitted a written report on the request for financial assistance to purchase chemical to control African Lovegrass on Burrandowan Road and Benair Road

Motion:

Moved Cr Carroll seconded Cr Moss

That Council not provide financial assistance to the landholder to spray African Lovegrass on the roadside

Carried 10/0

11.3 General Business

11.3.1 Managers Report – Rural Services

Background:

Report Nos: (F1)

The Manager of Rural Services submitted a written report on his duties for the period ended 30 September 2004

Motion:

Moved Cr Carroll seconded Cr Lehmann

That the report be received and adopted

Carried 10/0

DECLARATION OF INTEREST

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

11.3.2 Future of Saleyards Report

Background:

Report Nos: (F2-F30)

The Director of Administration & Finance submitted a written report on the future of the Saleyards following the closing date of a survey forwarded to all rural landholders and users of the Saleyards

Motion:

Moved Cr Dalton seconded Cr Shaw

That Council defer a decision until the January 2005 meeting and in the meantime:

- a. The agents be requested to resume fortnightly sales as soon as possible but within a timeframe determined by Council so that the current situation with monthly sales does not continue indefinitely. If agents are unable to resume fortnightly sales within this time frame then Council will assume that the yards should be closed due to lack of support*
- b. A meeting be held with agents to discuss the survey results and their future commitment to the Coolabunia Yards*
- c. Approaches be made to prospective new agents to see if they are intending to set up in Coolabunia and what time they need to establish themselves*

- d. Staff not proceed with any major improvements included in the budget until the above period has expired
- e. A mail out be sent to relevant landowners advising of the survey results and the above actions. This will also allow Council to determine if any change in support for the yards has eventuated from the survey
- f. Investigation of other selling options at the Yards be undertaken
- g. A community committee be formed to carry out further investigations

Carried 9/0

ATTENDANCE

Cr Campbell returned to the meeting

11.3.3 Pest Survey Program

Background:

The conduct of pest survey programs allows Council officers to access and inspect properties for compliance with Land Protection (Pest and Stock Route Management) Act 2002 without having to obtain the owners consent or a warrant.

In order for a pest survey program to be conducted Council must resolve to conduct a program and advertise the fact in a local newspaper.

Motion:

Moved Cr Carroll seconded Cr Dalton

That Council resolve to carry out an approved survey program under Section 241 of the Land Protection (Pest and Stock Route Management) Act 2002 of properties within the Kingaroy Local Government area to locate, monitor, map and enforce compliance with the requirements of the Land Protection (Pest and Stock Route Management) Act 2002 in relation to declared Class 1 and 2 pests species and pests species declared under Council's Local Law No 9 (Control of Pests)

The pest survey program will commence on Monday, 22 November 2004 will extend over a period of twelve (12) months expiring on 20 November 2005.

It is the intention of Council that authorised officers will inspect properties in the Kingaroy Local Government area during the period of the program.

Carried 10/0

ATTENDANCE

Cr Trout left the meeting

12. MAYOR'S MINUTES

12.1 Mayor's Report

Background:

Report Nos: (G1-G9)

The Mayor presented his monthly report covering the period 24 September 2004 to 16 October 2004

Motion:

Moved Cr Lehmann seconded Cr Moss

That the Mayors report be received and a letter be written to Mitre 10 congratulating them for being awarded the "Business of the Year" Award

Carried 9/0

13. **GENERAL BUSINESS**

13.1 **Wooroolin Wetlands – Natural Resource Management Officer**

Background:

The Natural Resources Management Officer made a presentation on the Wooroolin Wetlands.

There being no further business the meeting was declared closed

Confirmed before me this day of 2004

MAYOR