

Minutes of the meeting of the Kingaroy Shire Council, held in the Council Chambers, Glendon Street, Kingaroy on Thursday, 25 November 2004 at 9.01 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**

Cr CD Dalton – December 2004/January 2005

**Motion:**

*Moved Cr Moss seconded Cr Fleischfresser*

*That the leave of absence be granted*

*Carried 10/0*

2. **PRAYERS AND CONDOLENCES**

A motion of sympathy was passed to the relatives of the late G Abel and JF Perkins

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**

Mr Bob Shepherd addressed Council on behalf of petitioners in the Boobie/Malar area concerning the closure of the Malar Transfer Station

4. **RECEIPT OF PETITIONS**

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

**Motion:**

*Moved Cr Moss seconded Cr Shaw*

*That the petition be received and it be noted that the matter is listed for consideration in the Health Section of the Agenda*

*Carried 10/0*

5. **CONFIRMATION OF MINUTES**

**Motion:**

*Moved Cr Lehmann seconded Cr Coleman*

*That the minutes of the previous meeting held on Thursday 28 October 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 declared an interest in the following matters and left the meeting

The Deputy Mayor assumed the Chair

**6.1 Business Arising Out of Minutes**

- 6.1.1 **Wayne Ford** - Forwarding IDAS Development Application for a Mini Shopping Complex at 17 River Road, Kingaroy - Lot 371 on FY2550 - Applicant/Owner: Wayne Howard Ford

**Background:**

Report Nos: (A20-A27)

The Manager of Planning Services submitted a written report recommending that Council issue a Preliminary Approval (Material Change of Use) subject to reasons and advice.

**Motion:**

*Moved Cr Trout seconded Cr Fleischfresser*

*That the report be received and adopted*

*Carried 9/0*

- 6.1.4 **O'Reilly Nunn Favier** - Forwarding an IDAS Application - Material Change of Use and Reconfiguration of Boundaries - Stage 4 Fisher Street, Kingaroy - Lot 20 RP848606 - Applicant: O'Reilly Nunn Favier - Owner: Merv & Yvonne Pates
- 6.1.5 **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
- 6.1.6 **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

**6.2 Correspondence**

- 6.2.2 **Mr HR & Mrs B Skinner** - Lodging an objection to the IDAS Application for a Material Change of Use and Reconfiguration of Boundaries (1 Lot into 32 Lots) at 141 Moore Street - Lot 20 RP848606 - Merv & Yvonne Pates (signed by other objectors)

**Background:**

Report Nos: (A56-A69)

The Manager of Planning Services submitted a written report recommending that:

- Council issue a Development Permit (Material Change of Use and Reconfigure a Lot) and a Preliminary Approval (Operational Works); and

- Council make a consequential amendment to its Transitional Planning Scheme to change the zone of the land from Rural A to Residential A to reflect the approval

**Motion:**

*Moved Cr Trout seconded Cr Fleischfresser*

*That the report be received and adopted subject to deletion of clause OW10 – Amenity and insertion of the following in its stead*

**OW10 – Amenity**

*The developer or any subsequent agents, contractors or servants, must not carry out any works that makes or causes audible noise to be emitted from the site:*

- a. *On a Sunday or Public Holiday, at any time; or*
- b. *On a Saturday or business day, before 6.30 am or after 6.30 pm*

*All reasonable precautions shall be taken to ensure nuisance is not caused to adjacent and nearby dwellings, roads, reserves or other property during construction work on the site, to the satisfaction of Council. Nuisance includes impacts due to noise, dust, mud, sediment, waste, smoke, soot, vibration, or electrical interference.*

*Such precautions shall be discussed and agreed to with Council prior to construction commencing and shall form part of the Construction Site Management Plan*

*Carried 9/0*

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

- 6.1.7 **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:**

Report Nos: (A7-A11)

Manager of Planning Services submitted a written report recommending that Council refuse the application and provide reasons

**Motion:**

*Moved Cr Trout seconded Cr Fleischfresser*

*That the report be received and adopted*

*Carried 6/3*

- 6.1.8 **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:**

Council is awaiting further information from the applicant prior to further consideration of the request.

**Motion:**

*Moved Cr Trout seconded Cr Moss*

*That consideration of the matter be deferred until the required information is received.*

*Carried 9/0*

- 6.1.13 **Kevin Taylor – Bimgold Pty Ltd & Big Mall Pty Ltd** - Forwarding legal advices to proceed the Mount Jones Rural Subdivision and requesting council reconsider refusal of the application

**Background:**

Report Nos: (A74-A79)

The Manager of Planning Services advised that negotiations are continuing with the applicant regarding agreed conditions of approval. A draft of conditions of approval has been provided to the Developers who have indicated their Agreement. If Council is also in Agreement with the proposed Conditions the matter can be taken back to the Court for finalisation.

**Motion:**

*Moved Cr Trout seconded Cr Fleischfresser*

*That on a "without prejudice" basis Council agree to settle the appeal on the basis that the application be approved subject to the recommended conditions*

*Carried 9/0*

## 6.2 **Correspondence (Cont)**

- 6.2.1 **O'Reilly Nunn Favier** - Forwarding an IDAS Application - Reconfiguration of Boundaries - 1 Lot into 37 Lots - Stage 7 Hillview Estate, Hillview Parade, Kingaroy - Lot 4 SP 168669 - Applicant/Owner: Wieden Developments Pty Ltd

**Background:**

Report Nos: (A44-A54)

The Manager of Planning Services submitted a written report recommending that Council issue a Development Permit (Reconfigure a Lot) and Preliminary Approval (Operational Works) subject to conditions and advice

**Motion:**

*Moved Cr Trout seconded Cr Fleischfresser*

*That the report be received and adopted subject to deletion of Clause OW11 – Amenity and insertion of the following in its stead*

**OW11 – Amenity**

*The developer or any subsequent agents, contractors or servants, must not carry out any works that makes or causes audible noise to be emitted from the site:*

- a. *On a Sunday or Public Holiday, at any time; or*
- b. *On a Saturday or business day, before 6.30 am or after 6.30 pm*

*All reasonable precautions shall be taken to ensure nuisance is not caused to adjacent and nearby dwellings, roads, reserves or other property during construction work on the site, to the satisfaction of Council. Nuisance includes impacts due to noise, dust, mud, sediment, waste, smoke, soot, vibration, or electrical interference.*

*Such precautions shall be discussed and agreed to with Council prior to construction commencing and shall form part of the Construction Site Management Plan*

*Carried 9/0*

### ***DECLARATION OF INTEREST***

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

- 6.2.8 **Mr J & Cr CD Dalton** - Forwarding an IDAS Application - Reconfiguring a Lot - Three Lots into Two Lots - Lots 13 & 14 RP37052 & Lot 22 SP135023 - Kate & Short Streets Wooroolin - Applicant/Owner: John & Cheryl Dalton

#### **Background:**

Report Nos: (A40-A43)

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

#### **Motion:**

*Moved Cr Trout seconded Cr Fleischfresser*

*That the report be received and adopted*

*Carried 8/0*

### ***ATTENDANCE***

Cr Dalton returned to the meeting

- 6.2.9 **O'Reilly Nunn Favier** - Forwarding an IDAS Application - Reconfiguration of Boundaries - Stage 3 Kingaroy Business Park - 2 Lots into 17 Lots - Part of Lot 4 RP862347 & Lot 7 SWP112069 - Applicant/Owner: Matchgate Pty Ltd

#### **Background:**

Outstanding procedures include Department of Main Roads referral.

#### **Motion:**

*Moved Cr Trout seconded Cr Fleischfresser*

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

*Carried 9/0*

- 6.2.10 **Mr HNM & Mrs RP Campbell** - Forwarding an IDAS Application - Reconfiguring a Lot - Subdivision by Lease - Lot 3 BO514 - Greystonlea Road Chahpingah - Applicant/Owner: Hugh & Rosslyn Campbell

**Background:**

The Manager of Planning Services advised that outstanding procedures include Information Request and Response

**Motion:**

*Moved Cr Trout seconded Cr Fleischfresser*

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

*Carried 9/0*

- 6.2.11 **O'Reilly Nunn Favier** - Forwarding an IDAS Application - Reconfiguration of Boundaries - One Lot into Two Community Title Lots & Common Property - part of Lot 102 SP141684 Ivy Street - Applicant: Gavina & Kevin Lee - Owner: Graham Wieden

**Background:**

Report Nos: (A36-A39)

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

**Motion:**

*Moved Cr Trout seconded Cr Fleischfresser*

*That the report be received and adopted*

*Carried 9/0*

**ATTENDANCE**

The Mayor returned to the meeting and resumed the Chair

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

- 6.1.2 **Greg O'Brien & Associates Pty Ltd** - Forwarding an IDAS Application for Material Change of Use (MCU) - Educational Establishment - Childcare Centre - 75-77 & 79-83 Ivy Street, Kingaroy - Applicant: Bilko Pty Ltd, Owner: HC Fiedler Super Fund

**Background:**

Report Nos: (A28-A35)

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*

*Carried 10/0*

- 6.1.3 **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

6.2 **Correspondence (Cont)**

- 6.2.14 **Elmes Construction Group P/L – David J Elmes** - Requesting Council approve the relocation of the garbage disposal area for Ascot Lodge Motor Inn Kingaroy

**Background:**

Report Nos: (A69-A73)

The Manager of Planning Services has previously reported on the matter to Council. The applicant has now provided further information for Council consideration.

**Motion:**

*Moved Cr Trout seconded Cr Fleischfresser*

*That authority be delegated to the Mayor to consult with the applicant and determine the application*

*Carried 10/0*

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

- 6.1.9 **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:**

Report Nos: (A1-A6)

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

**Motion:**

*Moved Cr Trout seconded Cr Fleischfresser*

*That the report be received and adopted*

*5/5*

*The motion was lost on the casting vote of the Mayor*

**Motion:**

*Moved Cr Campbell seconded Cr Moss*

*That the applicant be invited to discuss non-compliance issues with Council and authority be delegated to the Mayor, Cr Trout and the Chief Executive Officer to undertake those discussions*

*Carried 10/0*

**ATTENDANCE**

The Mayor left the meeting

The Deputy Mayor assumed the Chair

- 6.1.10 **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:**

A report has not been prepared for this meeting

**Motion:**

*Moved Cr Trout seconded Cr Fleischfresser*

*That consideration of the matter be deferred to the December meeting*

*Carried 9/0*

- 6.1.11 **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:**

Report Nos: (A15-A19)

The Manager of Planning Services submitted a written report recommending that consideration of the matter be deferred and the applicant be invited to submit a changed application in consultation with Council's Manager of Planning Services to a configuration consistent with Council Policy

**ATTENDANCE**

The Mayor returned to the meeting and resumed the Chair

**Motion:**

*Moved Cr Trout seconded Cr Fleischfresser*

*That the report be received and adopted subject to the Mayor and Chief Executive Officer being included in the consultation process*

*Carried 8/2*

- 6.1.12 **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 reviewed the Draft Policy. The Policy will not effect land in Kingaroy Shire. No further comments are offered

**Motion:**

*Moved Cr Trout seconded Cr Fleischfresser*

*That the letter be received*

*Carried 10/0*

**6.2 Correspondence (Cont)**

- 6.2.3 **Mr Ray & Mrs Colleen Hill** - Seeking a relaxation of the Building Code to allow the construction of a shed at their property at 325 Haly Street Kingaroy

**Background:**

The applicant wishes to erect a 7.5 × 6.0m shed on their property which is located on the corner of Haly Street and Windsor Circle. The applicant has indicated that they would be prepared to have the shed 3.0m from the boundary which would be more acceptable than their preferred option. The reasons mentioned in their correspondence are valid and it is recommended that a relaxation be granted to allow the shed to be located 3 metres from the boundary subject to no vehicular access coming off Haly Street and the use of the building be a rumpus room or an activity consistent with a Class 1.

**Motion:**

*Moved Cr Trout seconded Cr Fleischfresser*

*That a relaxation be granted to allow the shed to be located 3 metres from the boundary subject to no vehicular access coming off Haly Street and the use of the building be a rumpus room or an activity consistent with a Class 1.*

*Carried 10/0*

- 6.2.4 **Clerk of the Court** - Forwarding Notice of Appeal filed in the Planning & Environment Court by Kayleen M Seng regarding proposed Storage Sheds at 3 Alford Street Kingaroy - Lot 20 RP7917 - Owner: Kingaroy & District RSL & Citizens Memorial Club Inc.

**Background:**

An agreement has been negotiated between the RSL and the appellants since filing of the appeal. The appellant is now expected to withdraw the appeal and the RSL will then request to modify their approval to reflect the negotiated agreement. Modifications include building to the Court Lane frontage, shortening the shed length by 1.7 metres, and installing a remote door opener. No action is required by Council at the present time.

**Motion:**

*Moved Cr Campbell seconded Cr Fleischfresser*

*That the letter be received*

*Carried 10/0*

- 6.2.5 **Gregory RM & Kelly L Taffe - Taffe's Wine & Roses Homestead** - Forwarding an IDAS Application - Cellar Door/ Bed & Breakfast/ Light Meals & Wine Tastings at 849 Burrandowan Road Inverlaw - Lot 1 RP869396 - Applicant/Owner: Greg & Kelly Taffe (Taffe's Wine & Roses Homestead)

**Background:**

Outstanding procedures include Department of Main Roads referral and public notification

**Motion:**

*Moved Cr Trout seconded Cr Fleischfresser*

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

*Carried 10/0*

- 6.2.6 **Local Government Association of Queensland Inc** - Requesting comments by 1 March 2005 concerning the new Interim Vegetation Management Code for Native Forest Practices on Freehold Land

**Background:**

The code has not been reviewed at the present time

**ATTENDANCE**

Cr Dalton left the meeting

**Motion:**

*Moved Cr Trout seconded Cr Fleischfresser*

*That consideration of the matter be referred to the Manager of Planning Services and the Natural Resources Management Officer for report back to Council*

*Carried 9/0*

- 6.2.7 **Mr J & Cr CD Dalton** - Requesting permission to have two dwelling houses on one property at Lot 161 FY1635 - 12472 Bunya Highway Wooroolin for the intention of building a new house and relocation of old house for workers accommodation

**Background:**

The Manager of Planning Services advised that due to time restraints a report was unable to be prepared

**Motion:**

*Moved Cr Trout seconded Cr Fleischfresser*

*That consideration of the matter be deferred until the December meeting*

*Carried 9/0*

**ATTENDANCE**

Cr Dalton returned to the meeting

**DECLARATION OF INTEREST**

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

- 6.2.12 **Cr Bernard J & Gayle Carroll** - Requesting permission to have two dwelling houses on one property at Lot 74 BO189 - 118 Quires Road Boyneside for the intention of building a new brick house and relocation of the old house subject to future town planning solutions

**Background:**

The Manager of Planning Services advised that due to time restraints a report was unable to be prepared

**Motion:**

*Moved Cr Trout seconded Cr Fleischfresser*

*That consideration of the matter be deferred until the December meeting*

*Carried 9/0*

**ATTENDANCE**

Cr Carroll returned to the meeting

- 6.2.13 **DG & KM Roberts** - Requesting an extension of the period of approval until December 2006 for the subdivision of Lot 8 SP116121

**Background:**

Approval to subdivide the land into three (3) Lots was granted in 1996. Development has occurred in part (two (2) Lots) while the approval has been kept current since, for the remaining Lot. Conditions remain consistent except that Parks Contribution has increased from \$750 per lot to \$1,000 per lot. It is recommended that Council accede to the request subject to amendment of Parks Condition to the current rate of contribution

**Motion:**

*Moved Cr Trout seconded Cr Dalton*

*That an extension of the approval to December 2006 be granted subject to amendment of Condition 9 - Parks and Open Space to the current rate of contribution*

*Carried 10/0*

**PROCEDURE**

*Moved Cr Campbell*

*That precedence in the Order of Business be given to consideration of the following matters*

*8.1.1 Donald J & Beth Chaseling*

*8.2.1 Nelson R & Lynette J Dimond*

*8.2.2 Richard K & Barbara M Buttsworth*

*Carried 10/0*

8. **HEALTH SERVICES SECTION**

8.1 **Business Arising Out of Minutes**

- 8.1.1 **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

8.2 **Correspondence**

- 8.2.1 **Nelson R & Lynette J Dimond** - Forwarding a petition submitted by residents of the Shire in the Booie/Malar area requesting that Council reconsider the proposed closure of the Rubbish Transfer Station at Malar (signed by other objectors)
- 8.2.2 **Richard K & Barbara M Buttsworth** - Forwarding a Petition signed by residents of the Goodger area requesting Council reconsider the proposed closure of the Rubbish Transfer Station at Goodger (signed by other objectors)

**Background:**

Report Nos: (C30-C34)

The Director of Health & Building submitted a written report in response to petition and correspondence regarding closure of the transfer stations

An explanation was given to the meeting and debate ensued on the above matters

**ADJOURNMENT**

**Motion:**

*Moved Cr Trout seconded Cr Moss*

*That the meeting adjourn for ten (10) minutes*

*Carried 10/0*

**RESUMPTION**

*The meeting resumed at 11.20 am with attendance as previous to the Adjournment*

8. **HEALTH SERVICES SECTION (CONT)**

The debate continued on the following matters:

*8.1.1 Donald J & Beth Chaseling*

*8.2.1 Nelson R & Lynette J Dimond*

*8.2.2 Richard K & Barbara M Buttsworth*

**Motion:**

*Moved Cr Fleischfresser seconded Cr Shaw*

*That Council confirm its decision to rationalise its waste management facilities in line with previous reports to Council and the outcomes from the South Burnett Regional Waste Management Strategy and that Council continues to liaise with residents on alternative waste collection options*

*Carried 10/0*

**6. PLANNING AND DEVELOPMENT SERVICES SECTION (CONT)****6.3 General Business****6.3.1 Building Certifier****Background:**

Report Nos: (A12-A14)

The Director of Health & Building submitted a written report on the position of Building Compliance Officer and recommending that Council restrict its in-house building services to certifying sheds, extensions, pools and other minor approvals and this position be reviewed in April 2005

**Motion:**

*Moved Cr Trout seconded Cr Shaw*

*That the report be received and adopted*

*Carried 10/0*

**6.3.2 Shop Fitout – Dental Surgery****Background:**

Report Nos: (A55)

The Manager of Planning Services submitted a written report concerning a Shop Fitout – Dental Surgery at Shop 33, Lot 1 SP 148216, 45 Alford Street, Kingaroy and recommending that the proposed dental surgery be considered as an acceptable activity within a Major Shopping Development

**Motion:**

*Moved Cr Trout seconded Cr Lehmann*

*That the report be received and adopted*

*Carried 10/0*

**6.3.3 Building Application – 13 Savoy Court, Kingaroy – T Zimmerman****Background:**

The Owners have applied to erect a 6x6 metre carport in front of their existing double bay garage. Their dwelling was approved in October 2003. They propose to have their carport erected within 500 mm of the front boundary. The proposal is inconsistent with the Draft Planning Scheme on account of the width of the carport is greater than 3 metres and is unlikely to be within 20% of the average setback of adjoining residences

**Motion:**

*Moved Cr Trout seconded Cr Fleischfresser*

*That the request be refused*

*Carried 10/0*

**ATTENDANCE**

The Mayor left the meeting

The Deputy Mayor assumed the Chair

Cr Campbell left the meeting

**7. WATER AND SEWERAGE SERVICES SECTION**

**7.1 Business Arising Out of Minutes**

Nil

**7.2 Correspondence**

**7.2.1 Department of Natural Resources - Bundaberg** - Seeking comments in relation to the draft Guidelines for Land and Water Management Plans - Burnett and Mary Basins.

**Background:**

Land and Water Management Plans are required under the Water Act 2000 before certain water allocations are used for irrigation purposes and, in areas subject to degradation identified in a Water Use Plan (a plan relating to water use prepared in consultation with the community). The guidelines will describe how to complete a Land and Water Management Plan (LWMP) for an irrigated enterprise.

**Motion:**

*Moved Cr Coleman seconded Cr Shaw*

*That the letter be received*

*Carried 8/0*

**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 21 October 2004 to 16 November 2004

**Motion:**

*Moved Cr Dalton seconded Cr Shaw*

*That the report be received*

*Carried 8/0*

### 7.3.2 **Gordonbrook Dam – Fishing**

#### **Background:**

Some months ago Council agreed to undertake a risk assessment for recreational fishing in Gordonbrook Dam. This assessment was undertaken by Jardine Lloyd Thompson Pty Ltd in conjunction with Council and other Stakeholders. Unfortunately the Draft Risk Assessment that has been received was inconclusive and requires further investigations and discussions with both Jardine Lloyd Thompson Pty Ltd and the National Research Centre for Environmental Toxicology.

Recent test results have revealed very low cell counts, however this week's test is once again above 70,000 cells per ml.

#### **Motion:**

*Moved Cr Dalton seconded Cr Trout*

*That Council*

(a) *Obtain further input from the National Research Centre for Environmental Toxicology in accordance with the suggestions from the Consultant*

(b) *Obtain independent legal advice for appropriate wording for signage at the Gordonbrook Dam Recreational Area; and*

(c) *Continue the risk assessment process as recommended by Consultants Jardine Lloyd Thompson Pty Ltd*

*Carried 8/0*

## 8. **HEALTH SERVICES SECTION (CONT)**

### 8.1 **Business Arising Out of Minutes (Cont)**

8.1.2 **South Burnett Regional Waste Management** - That Council support the SBLGA 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

#### **Background:**

The Chief Executive Officers of all South Burnett Councils have met and discussed options for implementing the above proposal. A recommendation will be submitted to the next South Burnett Local Government Association meeting to engage a consultant to prepare a business case to determine benefits/costs of the proposal. Council will be requested to contribute to the cost of the consultant.

#### **Motion:**

*Moved Cr Shaw seconded Cr Dalton*

*That the report be received and Council agree to contribute to the cost of preparing a business case*

*Carried 8/0*

### 8.3 **General Business**

#### 8.3.1 **Directors Report – Health and Building**

**Background:**

Report Nos: (C1-C29)

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

**Motion:**

*Moved Cr Shaw seconded Cr Fleischfresser*

*That the report be received*

*Carried 8/0*

#### 8.3.1.1 **Tyre Reduction Policy**

**Motion:**

*Moved Cr Dalton seconded Cr Fleischfresser*

*That the Director of Health & Building review and update the Tyre Reduction Policy with the revised Policy being brought back to Council for consideration prior to 2005/2006 budget discussions*

*Carried 8/0*

#### 8.3.1.2 **RSPCA Pound Agreement**

**Motion:**

*Moved Cr Fleischfresser seconded Cr Shaw*

*That the Pound Agreement be approved and authority be given to the Mayor and Chief Executive Officer to complete the Agreement*

*Carried 8/0*

#### 8.3.1.3 **Cemetery – Columbarium Wall**

**Motion:**

*Moved Cr Fleischfresser seconded Cr Shaw*

*That Council support the concept of naming each side of columbarium wall at the Taabinga Cemetery and that six (6) parish names be brought to the December meeting for consideration*

*Carried 8/0*

### 8.3.2 Entrance Wall – Taabinga Cemetery

**Background:**

Report Nos: (C35)

Council has allocated funds in this year's budget to erect an entrance wall along Pioneer Avenue, adjacent to the Taabinga Cemetery. Council hasn't formally approved the construction, despite it being discussed previously by Council. A Plan of the proposed entrance wall is provided on Folio C35 of the Meeting Reports

**Motion:**

*Moved Cr Fleischfresser seconded Cr Shaw*

*That Council approve the construction along Pioneer Avenue of an Entrance Wall adjacent to the Taabinga Cemetery in accordance with details provided in Folio C35*

*Carried 8/0*

**ADJOURNMENT****Motion:**

*Moved Cr Coleman*

*That the meeting adjourn until 1.30 pm*

*Carried 8/0*

**RESUMPTION**

The meeting resumed at 1.30 pm

**PRESENT**

Cr KR Nunn (Mayor), Crs WD Moss, MG Shaw, RC Coleman, CD Dalton, BJ Carroll, TW Fleischfresser and LJ Trout

## 9. CORPORATE AND COMMUNITY SERVICES SECTION

### 9.1 Business Arising Out of Minutes

Nil

### 9.2 Correspondence

- 9.2.1 **Queensland Rail** - Offering surplus Queensland Rail properties to Council for purchase and requesting notification of interest within thirty days or alternative disposal options will be pursued

**Background:**

There does not appear to be any benefit to Council in purchasing the land at Crawford. However, the lot in Harris Road should be acquired for drainage purposes – price \$480

**Motion:**

*Moved Cr Moss seconded Cr Shaw*

*That Council accept the offer to purchase the Lot in Harris Road, Kingaroy for \$480 and decline the offer for the allotment in Crawford*

*Carried 8/0*

- 9.2.2 **Department of Industrial Relations** - Advising Monday 15 August 2005 has been appointed a holiday for the Shire of Kingaroy for the purpose of the Royal Queensland Show

**Background:**

This approval is in line with Council's request for exhibition Monday to be gazetted as our show holiday

**Motion:**

*Moved Cr Moss seconded Cr Shaw*

*That the letter be received and a copy of the letter be forwarded to the South Burnett National Show Society Kingaroy*

*Carried 8/0*

- 9.2.3 **Wondai Shire Council** - Requesting to know whether Council would be prepared to participate in sponsoring the closing lunch at the ALGWA Conference 2005 to be held at Gayndah

**Background:**

At the October meeting, Council agreed not to provide any sponsorship for the Australian Local Government Women's Association Conference

**Motion:**

*Moved Cr Moss seconded Cr Trout*

*That the matter be referred to the South Burnett Local Government Association for further consideration*

*Carried 8/0*

- 9.2.4 **Lifeline Community Care** – Seeking assistance from Council to obtain two (2) new garbage bins for their service in Kingaroy

**Background:**

Council regularly provides assistance to Community Welfare Organisations, the cost of replacing the two bins is \$86.20

**Motion:**

*Moved Cr Moss seconded Cr Shaw*

*That Council provide two (2) new garbage bins free of charge*

*Carried 8/0*

### 9.3 **Monthly Financial Statements**

**Background:**

Report Nos: (D1-D6)

The Financial Statements for the period ended 31 October 2004 were presented for Council's approval

**Motion:**

*Moved Cr Moss seconded Cr Trout*

*That the Financial Statements for the period ended 31 October 2004 be received and adopted*

*Carried 8/0*

### 9.4 **General Business**

#### 9.4.1 Managers Report – Library Services

**Background:**

Report Nos: (D35)

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

**Motion:**

*Moved Cr Shaw seconded Cr Trout*

*That the Manager of Library Services report be received, missing items be written off and donors of books be thanked*

*Carried 8/0*

#### 9.4.2 **Local Government Managers Association of Queensland Annual State Conference**

**Background:**

Report Nos: (D7-D27)

The Chief Executive Officer submitted a written report on attendance at the LGMAQ Annual State Conference held 26-29 October 2004 at Gold Coast Convention & Exhibition Centre

**Motion:**

*Moved Cr Fleischfresser seconded Cr Shaw*

*That the report be received*

*Carried 8/0*

### 9.4.3 Proposed New Rate Payment Methods

**Background:**

Report Nos: (D28-D34)

The Manager of Rating & Property submitted a written report discussing two (2) proposed new rate payment methods – *Bill EXPRESS*<sup>TM</sup> and *CentrePay*, and one (1) upgraded existing service – *POSTbillpay*<sup>®</sup> advantage and recommending that:

- (a) Council complete the necessary arrangements with Centrelink to become a registered organisation under the CentrePay payment scheme, and advertise the benefits of the scheme to ratepayers with the February 2005 Half Yearly Rate Notice;
- (b) Council refuse the offer from *Bill EXPRESS*<sup>TM</sup> to utilise their Over the Counter, Telephone and Internet Payment system;
- (c) As Council is an existing Australia Post customer, and we already have an established method of updating receipts to our rates system, and our Printing House has experience with all three (3) POST payment channels, Council accept Australia Post's offer to utilise the *POSTbillpay*<sup>®</sup> advantage payment system

**Motion:**

*Moved Cr Moss seconded Cr Dalton*

*That the report be received and adopted*

*Carried 8/0*

### 9.4.4 Adoption of Annual Report 2003/2004

**Motion:**

*Moved Cr Moss seconded Cr Trout*

*That the Annual Report for the year 2003/2004 including the Annual Audited Financial Statements for the year ended 30 June 2004 be adopted*

*Carried 8/0*

### 9.4.5 Appointment of Delegate – South Burnett Local Government Association

**Background:**

The next meeting of the South Burnett Local Government Association will be held in Wondai on Friday 3 December 2004. Cr Trout is scheduled to attend as Council's second delegate

**Motion:**

*Moved Cr Moss seconded Cr Fleischfresser*

*That Cr Trout be appointed as second Delegate to attend the South Burnett Local Government Association meeting being held in Wondai on Friday 3 December 2004*

*Carried 8/0*

**ATTENDANCE**

Cr Lehmann entered the meeting

**9.4.6 South Burnett CTC****Background:**

Requesting Council consider the future operations of the Town Common Hall

**Motion:**

*Moved Cr Moss seconded Cr Shaw*

*That the Mayor and Cr Coleman be authorised to meet with South Burnett CTC to discuss the future of the Town Common Hall*

*Carried 9/0*

**10. WORKS AND SERVICES SECTION****10.1 Business Arising Out of Minutes****10.1.1 Airport Fuel Dispensing Equipment Purchase****Background:**

At the September 2003 Council meeting the Mayor and Chief Executive Officer were delegated to negotiate acquisition of the Exxon Mobil Aviation Fuel Facility at the Airport. Lengthy negotiations have taken place and the final contract has been forwarded by Exxon Mobil for consideration. The contract was referred to King & Co for advice. Their advice indicates that Council would be unwise to accept the contract unless certain warranty and environmental clauses are included. Exxon Mobil advise they are not prepared to alter the contract.

**Motion:**

*Moved Cr Coleman seconded Cr Dalton*

*That Council act in accordance with the legal advice, meet with the User Group and investigate fuel supplies from alternative sources*

*Carried 9/0*

**10.2 Correspondence**

**10.2.1 Australian Sports Commission** - Informing Council that the Australian Sports Commission 2005 Ausport Awards will be presented as part of the ASC's Our Sporting Future forum from 2-4 March 2005 and nominations are now open.

**Background:**

The 2005 Ausport Awards have ten (10) categories including club development, rural and regional, two (2) National sporting organisations and schools awards and lifetime achievement awards in the areas of coaching development, officiating development and supporting the achievement of women in sport.

**Motion:**

*Moved Cr Trout seconded Cr Coleman*

*That the letter be received*

*Carried 9/0*

- 10.2.2 **Local Government Association of Queensland Inc** - Requesting comments regarding the Draft Code for 'Road Works on Local Government Roads Impacting on the Provision of Public Transport'

**Background:**

The *Transport and other Legislation Amendment Act No 2 2004* was given assent on 27 October 2004 and amendments were also made to the following Acts:-

- Transport Infrastructure Act 1997
- Transport Operations (Passenger Transport) 1994
- Transport Planning and Co-ordination Act 1994
- Integrated Planning Act

The powers relating to integrating Queensland Transport's powers on regulation of development into the IPA will not commence until subordinate legislative amendments are made. One (1) of these subordinate amendments will consist of a self-assessable code for "Roadworks on Local Government Roads Impacting on the Provision of Public Transport".

The "draft" Code sets performance criteria for carriageway and lane widths, road profiles, curves, intersections, tapers, bus bays, roundabouts and other road design features. Council will need to review the "draft" Code and assess any cost imposts as a result of its implementation.

**Motion:**

*Moved Cr Trout seconded Cr Coleman*

*That the matter be referred to the Director of Engineering Services for submission*

*Carried 9/0*

- 10.2.3 **Sport & Recreation Queensland** - Forwarding details regarding the Major Facilities Program 2006 and advising applications close 18 February 2005.

**Background:**

The Major Facilities Program 2006 provides funding assistance in 2006 to organisations to:-

- Construct , extend or upgrade facilities for community participation in sport and active recreation and regional sporting competition and training.
- Construct, extend or upgrade facilities to conduct State and National sporting competitions.

Council applied for funding assistance under this program for the upgrade of the WJ Lang Memorial Pool last year. This application was unsuccessful and as the Nanango Project was funded any further application for the pool upgrade would be unsuccessful.

Preparations for the upgrade of the WJ Lang Memorial Pool are underway with the intention of having the project undertaken during the winter season in 2005.

**Motion:**

*Moved Cr Coleman seconded Cr Shaw*

*That the letter be received*

*Carried 9/0*

**10.3 General Business**

**10.3.1 Directors Report – Engineering Services**

**Background:**

Report Nos: (E1-E7)

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 22 October 2004 to 18 November 2004

**Motion:**

*Moved Cr Moss seconded Cr Shaw*

*That the report be received*

*Carried 9/0*

**10.3.2 Salinity and Groundwater Investigations – 3.2 Priority Action Project**

**Background:**

Report Nos: (E10-E13)

The Natural Resources Management Officer submitted a written report concerning a draft project proposal for a salinity investigation study in the Kingaroy area and recommending that Council give "in principle" support to the proposal, Burnett Mary Regional Group will then expedite establishing a Memorandum of Understanding with Kingaroy Shire Council for implementation of the project commencing in December 2004

**Motion:**

*Moved Cr Lehmann seconded Cr Trout*

*That the report be received and adopted*

*Carried 9/0*

### 10.3.3 **Successful Envirofund Projects for Kingaroy Shire**

**Background:**

Report Nos: (E8)

The Natural Resource Management Officer submitted a written report on details of the successful Envirofund projects for the Kingaroy Shire worth \$31,000 for landholders to implement on-ground projects

**Motion:**

*Moved Cr Coleman seconded Cr Moss*

*That the report be received*

*Carried 9/0*

### 10.3.4 **Quotations for the Supply, Cart, Heat & Spray Bitumen**

**Background:**

Report Nos: (E9)

The Director of Engineering Services submitted a written report on quotations for the supply, cartage and application of multi-grade bitumen for Council's 2004/2005 reseals and recommending that the offer by Pioneer Road Services of 78 cents per litre, excluding GST be adopted

**Motion:**

*Moved Cr Lehmann seconded Cr Trout*

*That the report be received and adopted*

*Carried 9/0*

## 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** - Forwarding a Circular in relation to amendments to the Land Protection (Pest & Stock Route Management) Act 2004

**Background:**

This letter advises of amendments to the Land Protection (Pest & Stock Route Management) Act as a result of the new Natural Resources legislation Amendment Bill. It makes some alterations to the operations of the Act. No response necessary

**Motion:**

*Moved Cr Carroll seconded Cr Shaw*

*That the letter be received*

*Carried 9/0*

- 11.2.2 **Office of the Gene Technology Regulator** - Forwarding a Request for Advice on Licence Application DIR056/2004 from Bayer Cropscience Pty Ltd for Commercial Release of Genetically Modified Cotton - comments required by 15 December 2004

**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 Lehmann*

*That the letter be received*

*Carried 9/0*

- 11.2.3 **SEQ Fire & Biodiversity Consortium** - Requesting Council consider making a contribution of \$500 to the Southeast Queensland Fire and Biodiversity Consortium

**Background:**

Council staff regularly use the data provided by the Consortium and will utilise it extensively in the next twelve (12) months in the development of our Fire Management Plans. Accordingly, it is suggested that Council support the organisation and contribute \$500

**Motion:**

*Moved Cr Carroll seconded Cr Moss*

*That Council support the organisation and contribute \$500*

*Carried 9/0*

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 Thursday 18 November 2004

**Motion:**

*Moved Cr Lehmann seconded Cr Carroll*

*That the report be received and adopted*

*Carried 9/0*

12. **MAYOR'S MINUTES**

12.1 **Mayor's Report**

**Background:**

Report Nos: (G1-G2)

The Mayor presented his monthly report covering the period 29 October 2004 to 23 November 2004

**Motion:**

*Moved Cr Trout seconded Cr Lehmann*

*That the Mayors report be received*

*Carried 9/0*

**CLOSED SESSION**

**Motion:**

*Moved Cr Moss seconded Cr Shaw*

*That the meeting be closed to the public for the purpose of considering other Business for which a Public Discussion would be likely to prejudice the interests of the Proponents*

*Carried 9/0*

**OPEN COUNCIL**

**Motion:**

*Moved Cr Dalton seconded Cr Moss*

*That the meeting resume in Open Council*

*Carried 9/0*

*The Mayor reported that whilst in Closed Session the Council considered Business for which a Public Discussion would be likely to prejudice the interests of the Proponents*

**Motion:**

*Moved Cr Fleischfresser seconded Cr Shaw*

*That the Mayor's report be received*

*Carried 9/0*

13. **GENERAL BUSINESS**

13.1 **2.15 pm – Bjelke Petersen Recreation Area Presentation – Jodie Grant, South Burnett Sport and Recreation Development Officer and Mick North, Chairman Kingaroy Combined Sports Clubs Irrigation Committee**

**Background:**

A presentation to Council to seek support for upgrading of irrigation equipment for the Bjelke Petersen Recreation Area

**Motion:**

*Moved Cr Shaw seconded Cr Coleman*

*That the amount set aside in Council's budget as a loan for the Soccer Club be converted to a grant to the Kingaroy Combined Sports Clubs Irrigation Committee and the Mayor and Chief Executive Officer be authorised to negotiate final details*

*Carried 9/0*

13.2 **3.00 pm – PCA – Bob Hansen, General Manager of PCA**

**Background:**

Mr Bob Hansen, General Manager of Peanut Company of Australia, provided an update for Councillors information on the operations of Peanut Company of Australia

There being no further business the meeting was declared closed

Confirmed before me this ..... day of ..... 2004.  
*Mayor*