

Minutes of the meeting of the Kingaroy Shire Council, held in the Council Chambers, Glendon Street, Kingaroy on Thursday, 24 February 2005 at 9.07 am.

PRESENT

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

1. **LEAVE OF ABSENCE**

Nil

2. **PRAYERS AND CONDOLENCES**

A motion of sympathy was passed to the relatives of the late HJ Roesler, AL Brydon, LE Collard, DH Hardy and ME Dwyer

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

3. **ADDRESS FROM PUBLIC GALLERY**

Nil

4. **RECEIPT OF PETITIONS**

Nil

5. **CONFIRMATION OF MINUTES**

Motion:

Moved Cr Lehmann seconded Cr Shaw

That the minutes of the previous meeting held on Thursday 27 January 2005 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 **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

- 6.1.2 **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

6.2 **Correspondence**

- 6.2.22 **Mr Clive T & Mrs Kathryn Strachan** - Lodging an objection to the proposed home unit development by Rick Diesel at 18 James Street Kingaroy (Signed by C & K Strachan; K Postlethwaite & R Stronge)

Background:

Report Nos: (A11-A20)

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

Motion:

Moved Cr Trout seconded Cr Fleischfresser

That the report be received and adopted

Carried 9/0

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

- 6.1.3 **O'Reilly Nunn Favier** - Forwarding an IDAS Development Application - Family Lot Subdivision - 646 Kearney's Road, Kumbia - Lot 67 on FY452. Owner: Colin & Glenda Banks. Applicant: O'Reilly Nunn Favier

Background:

Report Nos: (A23-A29)

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 and advice

Motion:

Moved Cr Trout seconded Cr Fleischfresser

That the report be received and adopted and advice be included that the house should be situated as far as possible from the northern boundary of the Lot

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PROCEDURE

Motion:

Moved Cr Woods seconded Cr Coleman

That the motion lay on the table until after the morning tea break

Carried 9/0

ATTENDANCE

Cr KM Campbell entered the meeting

Cr Moss left the meeting

- 6.1.4 **O'Reilly Nunn Favier** - Forwarding an IDAS Application for Reconfiguration of Boundaries - One Lot into Two Community Title Lots & Common Property - Lot 16 RP855131 Kurtellen Crescent - Applicant/Owner: John & Katherine Tosswill

Background:

Report Nos (A4-A8)

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

Motion:

Moved Cr Trout seconded Cr Fleischfresser

That the report be received and adopted

Carried 9/0

6.2 **Correspondence (Cont)**

- 6.2.20 **O'Reilly Nunn Favier** - Forwarding an IDAS Application - Reconfiguring a Lot - Subdivision - House Excision (One Lot into Two Lots) Lot 20 RP848606 - 141 Moore Street Kingaroy - Applicant/Owner: Merv & Yvonne Pates

Background:

A report was not available for the meeting

Motion:

Moved Cr Trout seconded Cr Fleischfresser

That consideration of the matter be deferred until the March General Meeting

Carried 9/0

- 6.2.29 **O'Reilly Nunn Favier** - Forwarding an amended plan and further information in relation to application for Reconfiguring of Boundaries at 141 Moore Street Kingaroy – M & Y Pates - Lot 20 RP848606 & Lot 4 RP807383

Background:

A report was not available for the meeting

Motion:

Moved Cr Trout seconded Cr Fleischfresser

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

Carried 9/0

- 6.2.30 **Kevin & Daphne Liesegang** - Forwarding a submission in relation to the Conceptual Layout for Kilkenny Estate - IDAS Application - Wine Tourism Facility and Community Management Scheme Subdivision - Lot 1 RP36985 Weens Road - Applicant: Frederick D Butler

Background:

The submission was submitted after the public notification closing date and is not a properly made submission. Notwithstanding, the contents of the submission will be considered concurrent with assessment of the development application

Motion:

Moved Cr Trout seconded Cr Fleischfresser

That the letter be received

Carried 9/0

- 6.2.32 **Hawthorn Cuppaidge & Badgery** - Lodging a submission on behalf of D & G Lillico in relation to the proposed development at Lot 1 SP104332 & Lot 5 SP164630 - Evelyn Street; Hodge Street & Harris Road Kingaroy

Background:

For consideration with the application by RW Diesel for a 14 lot residential subdivision and 32 accommodation units. Consideration of the application has been deferred pending completion of public notification procedures.

Motion:

Moved Cr Trout seconded Cr Fleischfresser

That the letter be received.

Carried 9/0

ATTENDANCE

The Mayor returned to the meeting and resumed the Chair

6.1 Business Arising Out of Minutes (Cont)

- 6.1.5 **Mr Andrew Hamilton** - Forwarding an Enquiry Preliminary to Formal Application to Subdivide Lot 67 RP7946 into four (4) blocks at 15 First Avenue Kingaroy

Background:

Report Nos: (A1-A3)

The Manager of Planning Services submitted a written report recommending that Council provide advice and invite the applicant to respond

Motion:

Moved Cr Trout seconded Cr Fleischfresser

That the report be received and adopted

Carried 10/0

6.2 Correspondence (Cont)

- 6.2.1 **Promax Consulting Services** - Forwarding a Request to Change an Existing Approval - 11 Multiple Dwelling Units at Lot 30 RP37011 - 32-34 James Street Kingaroy - Applicant: Promax Consulting Services; Owner: Karsburg P/L

Background:

Report Nos: (A32-A38)

The Manager of Planning Services submitted a written report (late report) recommending that Council issue a Development Permit (Changed Approval) (Material Change of Use) and Preliminary Approval (Operational Works) subject to conditions.

ATTENDANCE

Cr Moss returned to the meeting

Motion:

Moved Cr Trout seconded Cr Fleischfresser

That the report be received and adopted

Carried 11/0

- 6.2.2 **Donald J & Beth Chaseling** - Lodging a submission in relation to the Draft Town Plan and an objection to the lack of waste disposal facilities in the area East of Kingaroy
- 6.2.3 **Swickers Kingaroy Bacon Factory** - Lodging a submission in relation to the Kingaroy Shire Draft Planning Scheme - 400 Meter Buffer
- 6.2.4 **Queensland Beekeepers Association Inc.** - Forwarding a submission regarding the Draft Planning Scheme for Kilkivan, Kingaroy, Murgon, Nanango and Wondai Shires
- 6.2.5 **Martin Lear** - Lodging a submission in relation to the Kingaroy Shire Draft Planning Scheme
- 6.2.6 **Department of Primary Industries & Fisheries – State Apiary Project Coordinator Biosecurity** - Lodging a submission in relation to the Kingaroy Shire Draft Planning Scheme
- 6.2.7 **O'Reilly Nunn Favier** - Lodging a submission in relation to the Kingaroy Shire Draft Planning Scheme
- 6.2.8 **Allan N & Helen Swendson** - Lodging a submission in relation to the Kingaroy Shire Draft Planning Scheme
- 6.2.9 **Buckley Vann** - Lodging a submission on behalf of R Boyce; K MacLaren & G Wilson in relation to the Kingaroy Shire Draft Planning Scheme
- 6.2.10 **Cameron J & Jennifer M Bisley** - Lodging a submission in relation to the Kingaroy Shire Draft Planning Scheme
- 6.2.11 **Colin S & Alison J Otto** - Lodging a submission in relation to the Kingaroy Shire Draft Planning Scheme
- 6.2.12 **Department of Primary Industries & Fisheries** - Lodging a submission in relation to the Kingaroy Shire Draft Planning Scheme

- 6.2.13 **Cr CD Dalton** - Lodging a submission in relation to the Kingaroy Shire Draft Planning Scheme
- 6.2.14 **Swickers Kingaroy Bacon Factory** - Lodging a submission in relation to the Kingaroy Shire Draft Planning Scheme
- 6.2.15 **Ergon Energy** - Lodging a submission in relation to the Kingaroy Shire Draft Planning Scheme
- 6.2.16 **Cr Kevin F Woods** - Lodging a submission in relation to the Kingaroy Shire Draft Planning Scheme
- 6.2.17 **Director of Health & Building - Darryl Brooks** - Lodging a submission in relation to the Kingaroy Shire Draft Planning Scheme
- 6.2.18 **Graham MG & Lisa Wilson** - Lodging a submission in relation to the Kingaroy Shire Draft Planning Scheme
- 6.2.21 **Buckley Vann** - Forwarding additional information in relation to the Submission to the Kingaroy Shire Council Draft IPA Planning Scheme
- 6.2.26 **Mr L D Chapman & Associates** - Forwarding comments in relation to the proposed Draft Town Plan
- 6.2.28 **Swickers Kingaroy Bacon Factory** - Lodging a submission in relation to the Kingaroy Shire Draft Planning Scheme

Background:

All submissions are currently being reviewed. A compiled report will be presented to Council upon completion

Motion:

Moved Cr Trout seconded Cr Dalton

That the letters be received and consideration be deferred pending presentation of the compiled report.

Carried 11/0

- 6.2.19 **Tony & Michelle Andrews** - Requesting approval to construct a shed for domestic purposes at 10 Gum Tree Drive Kingaroy

Background:

Report Nos: (A21-A22)

The Manager of Planning Services submitted a written report recommending that Council accede to the request subject to the shed being used for domestic storage purposes only.

Motion:

Moved Cr Trout seconded Cr Fleischfresser

That the report be received and adopted

Carried 11/0

- 6.2.23 **State Development & Innovation** - Requesting comments by 21 March 2005 in relation to the Discussion Paper - Project Enable - Telecommunications Infrastructure - Strategic Policy and Statutory Planning

Background:

A report was not available for the meeting

Motion:

Moved Cr Trout seconded Cr Fleischfresser

That Council indicate support for project En@ble and authorise the Manager of Planning Services to make a detailed response if necessary

Carried 11/0

- 6.2.24 **Martin Design & Drafting** - Forwarding Revised Design for the Development Application for Additional Units at 5 Rae Street Kingaroy - Lot 2 RP79040 - Applicant: AG Martin Design & Drafting - Owner: Robert H & Toni A Cox

Background:

Outstanding procedures include public notification

Motion:

Moved Cr Trout seconded Cr Fleischfresser

That consideration of the matter be deferred until the relevant procedures are completed

Carried 11/0

- 6.2.25 **Mr Reginald B & Mrs Joy I White** - Forwarding an IDAS Application - Reconfiguring a Lot for Family Subdivision - (1 Lot into 2 Lots) Lot 359 FY543 Wenzels Road - Applicant/Owner: Reginald B & Joy I White

Background:

A report was not available for the meeting

Motion:

Moved Cr Trout seconded Cr Fleischfresser

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

Carried 11/0

- 6.2.27 **John & Judith Provan - Unique Garages** - Requesting permission to erect a colorbond steel shed on a vacant block of land at 103-105 Moore Street Kingaroy for domestic storage use only

Background:

Report Nos: (A9-A10)

The Manager of Planning Services submitted a written report recommending that Council accede to the request subject to the shed being used for domestic storage purposes only

Motion:

Moved Cr Trout seconded Cr Shaw

That the report be received and adopted

Carried 11/0

- 6.2.31 **Minister for Small Business and Tourism** - Inviting Council to make a submission on the drafting of a new program designed to encourage the Local Government sector to press ahead with regulatory reform and the reduction of red tape benefiting home-based businesses

Background:

A report was not available for the meeting

Motion:

Moved Cr Trout seconded Cr Shaw

That the letter be received

Carried 11/0

6.3 **General Business**

6.3.1 **Unit Development/Design**

Background:

Report Nos: (A30-A31)

The Manager of Planning Services submitted a written report on current applications designed in accordance with the Draft Planning Scheme Codes and recommended that:

- Council staff be authorised to utilise the draft codes for self-assessable compliance; and
- That a workshop be convened for local developers and related industry to present the draft Scheme codes for duplex and unit development.

Motion:

Moved Cr Trout seconded Cr Shaw

That the report be received and adopted

Carried 11/0

7. **WATER AND SEWERAGE SERVICES SECTION**

7.1 **Business Arising Out of Minutes**

Nil

7.2 **Correspondence**

Nil

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 14 January 2005 to 15 February 2005

Motion:

Moved Cr Dalton seconded Cr Trout

That the report be received

Carried 11/0

8. **HEALTH SERVICES SECTION**

8.1 **Business Arising Out of Minutes**

Nil

8.2 **Correspondence**

- 8.2.1 **Minister for Environment Local Government & Planning** - Seeking Council's formal advice of acceptance of an offer of subsidy up to \$9063 to conduct contaminated land investigations at Bunya Park Landfill Bunya Highway - Lot 211 FY2189 under the Landfill Remediation Assessment Program

Background:

Council previously applied to the Department for 50% funding to undertake an environmental assessment of the closed Bunya Park landfill. The Minister has formally advised that the application has been successful. Council has previously received funding to undertake similar assessments on all other closed landfill sites. An allocation has been allowed for this work to take place in this years budget.

Motion:

Moved Cr Fleischfresser seconded Cr Coleman

That Council accept the offer from the Minister to undertake an environmental assessment of the closed Bunya Park Landfill under the Landfill Remediation Assessment Program.

Carried 11/0

- 8.2.2 **Donald J & Beth Chaseling** - Forwarding the results of the questionnaire pertaining to the use of Wheelie Bins and the closure of the Transfer Stations

Background:

The results from the recent questionnaire undertaken by residents of Coolabunia, Malar and Booie have been forwarded to Council for its consideration. This questionnaire was developed in response to Council recently closing the various transfer stations in the area

Motion:

Moved Cr Fleischfresser seconded Cr Trout

That the letter be received and the contents noted

Carried 11/0

- 8.2.3 **Sally Potter** - Requesting permission to keep an additional dog (Chihuahua/Foxy Cross) at 98 Alford 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 Coleman

That Council accede to the request with the usual conditions

Carried 11/0

8.3 **General Business**

8.3.1 **Directors Report – Health and Building**

Background:

Report Nos: (C1-C4)

The Director of Health & Building submitted a written report on the Department activities for the month of January 2005

Motion:

Moved Cr Fleischfresser seconded Cr Dalton

That the report be received

Carried 11/0

8.3.1.1 **RSPCA Pound Agreement**

Motion:

Moved Cr Fleischfresser seconded Cr Dalton

That the following people be appointed as authorised persons for the purposes of section 7(3), (4) and section 8 of the Local Law No 5 (Impounding of Animals):

Kim Osborne – Manager

Coralee Watson – Assistant Manager

Jana Van Boxtel – Animal Attendant

Darren Dean – Animal Attendant

Carried 10/1

8.3.2 Regional Waste Management

Motion:

Moved Cr Fleischfresser seconded Cr Dalton

That Council confirm its commitment to Regional Waste Management and instigate discussions with Nanango Shire with a view to establishment of a Regional Waste Management Service/Facility to service the eastern area of the Kingaroy Shire and the northern area of the Nanango Shire

Carried 11/0

9. CORPORATE AND COMMUNITY SERVICES SECTION

9.1 Business Arising Out of Minutes

Nil

9.2 Correspondence

- 9.2.1 **Kumbia Branch - Queensland Country Women's Assoc.(QCWA)** – Requesting a refund of the garbage disposal levy charged on the recent rates notice as the QCWA Rest Rooms are not used on a continuous basis

Background:

Report Nos: (D8)

The Manager of Rating & Property submitted a written report on Queensland Country Women's Association – Kumbia Lot 417 K 6232 - 38 Bell Street, Kumbia, request for concession on Garbage Charges.

Motion:

Moved Cr Moss seconded Cr Fleischfresser

That Council provide a refund of \$112.50 on garbage charges for the Queensland Country Women's Association Kumbia Branch.

Carried 11/0

- 9.2.2 **Kingaroy Chamber of Commerce - Peanut Festival Committee** - Seeking formal confirmation that Council will support the 2005 Peanut Festival

Background:

- (a) *Insurance* - Council's insurance covers only Council's involvement in the parade. Other organisations and bodies require their own cover for their involvement. ie Council's responsibility applies as usual to street/footpath/furniture condition and any extra involvement such as barricading, traffic light control, street closure etc. Any organisation entering an exhibit is responsible for any equipment/persons involved with that exhibit. If Council is the organising body, we should be aware of relevant risk management issues ie animals in the parade eg horses, unstable or hazardous exhibits, traffic/crowd control, marshalling and dispersal of exhibits. However, because it was the Centenary Parade last year Council covered the total cost of insurance
- (b) *Banner* – Temporary reservation made for 22/8/05 – 12/09/05. Fee (\$120.00) waived previous year.

- (c) *Shade Structures and Sound Shell* – Budget provisions for Shade to Stage area this year.
- (d) *Workplace Health & Safety and Food Safety Inspections* – PCA has previously supplied these services but is unable to continue
- (e) *Permanent Power Supplies* – two (2) permanent power supplies already exist.

Motion:

Moved Cr Lehmann seconded Cr Shaw

That Council agree to meet the insurance premium for the parade, the fee for the erection of the street banner be waived and the normal time of three (3) weeks be extended by an extra three (3) weeks if no other booking has been made, it be noted that the stage shade structure will be in place, the two (2) permanent power supplies on power poles be approved and discussions be held with the organisers on the Workplace Health & Safety and Food Safety Inspections

Carried 11/0

- 9.2.3 **Minister for Environment Local Government & Planning** - Forwarding a Consultation Kit in relation to Draft Legislative Proposals - A Regulatory Framework For Councillor Codes of Conduct and requesting comment by Friday 4 March 2005.

Background:

Listed for the information of Councillors if they wish to make comment

Motion:

Moved Cr Lehmann seconded Cr Shaw

That any comments Councillors have, be compiled and forwarded

Carried 11/0

- 9.2.4 **Gemma Ross** - Requesting Council's support for a proposed Campdraft to be held on 5 & 6 March 2005 to raise funds for the 2005 Leukaemia Foundation Quest

Background:

The hire fees for the Town Hall charged to charity organisations have already been discounted by 50%, however, Council has assisted Leukaemia Fundraisers in the past with free use of Town Hall facilities.

Motion:

Moved Cr Lehmann seconded Cr Coleman

That the letter be received

Carried 11/0

- 9.2.5 **Burrandowan Race Club Inc** - Requesting Council consider reimbursement of the application paid to erect a temporary Street Banner for the annual races to be held in May 2005

Background:

No assistance of this kind has been provided to this committee in the past

Motion:

Moved Cr Lehmann seconded Cr Moss

That the writers be advised that the fee charged has been discounted by fifty percent (50%) and Council is unable to offer any further reduction

Carried 10/1

- 9.2.6 **Fraser Coast South Burnett Regional Tourism Board** - Requesting Council contribute a minimum of \$100 towards the South Burnett Marketing Plan

Background:

The writers have contacted Council and advised that the letter was received by mistake and it is to be disregarded as Council is already contributing money through the South Burnett Local Government Association

Motion:

Moved Cr Lehmann seconded Cr Coleman

That the letter be received

Carried 11/0

- 9.2.7 **South Burnett Child Care Association Inc.** - Requesting Council consider a reduction in the fees paid for Food Operators Licence as they are a non profit organisation

Background:

Council has a fee of \$15.00 for non profit establishments (this applies to sporting clubs, churches other halls) for an application and license fee. The same fee applies to the renewal of the license which falls due at the end of September. Due to the fact that there are two (2) premises, this fee should technically be applied to each location (Avoca and Toomey Street), so \$30.00 would apply to cover both premises.

Motion:

Moved Cr Lehmann seconded Cr Shaw

That Council not accede to the request

Carried 11/0

- 9.2.8 **Kingaroy State Emergency Service** - Requesting Council consider installing a wheelchair ramp outside the main training room of the SES Depot in Glendon Street and a pathway to the Cadet Shed at the rear of the building

Background:

The main training room in the SES Building in Glendon Street does not have disabled access. Investigations are being undertaken into how access can be gained and costs involved. These will be available for the budget deliberations

Motion:

Moved Cr Lehmann seconded Cr Moss

That consideration of the matter be referred to the 2005/2006 Budget

Carried 11/0

- 9.2.9 **National Retail Association Limited** - Advising Council of the principal considerations in relation to seven day trading for retail

Background:

A letter was received from The Queensland Retail Traders and Shopkeepers Association advising of an application to allow seven (7) day trading in an area bounded by Bundaberg, Dalby and the Queensland Border. The Kingaroy Chamber of Commerce and Industry is discussing this matter at a special meeting being held and will advise Council of the outcomes. The National Retail Association advise that a phone survey carried out in the Kingaroy Area indicated 83% of residents support extended trading hours.

Motion:

Moved Cr Fleischfresser seconded Cr Trout

That consideration of the matter be deferred until the March meeting

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ADJOURNMENT

Motion:

Moved Cr Lehmann

That the meeting adjourn for ten (10) minutes

Carried 11/0

RESUMPTION

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

Following the resumption the meeting continued with discussions on the following matter

9. **CORPORATE AND COMMUNITY SERVICES SECTION**

9.2 **Correspondence (Cont)**

- 9.2.9 **National Retail Association Limited** - Advising Council of the principal considerations in relation to seven day trading for retail

Background:

A letter was received from The Queensland Retail Traders and Shopkeepers Association advising of an application to allow seven (7) day trading in an area bounded by Bundaberg, Dalby and the Queensland Border. The Kingaroy Chamber of Commerce and Industry is discussing this matter at a special meeting being held and will advise Council of the outcomes. The National Retail Association advise that a phone survey carried out in the Kingaroy Area indicated 83% of residents support extended trading hours.

Motion:

Moved Cr Fleischfresser seconded Cr Trout

That consideration of the matter be deferred until the March meeting

Carried 11/0

- 9.2.10 **Perry James Wild** – Making formal complaint concerning dust and noise from developments at the back of Moore Street and seeking a reduction in his rates for the inconvenience caused

Background:

The Deputy Director of Engineering Services met with Mr Wild on two occasions last week in relation to the dust complaint and general progress of the adjacent development. There was obvious dust accumulated in the pool from the south easterly wind that had prevailed over the previous weekend. Some of this dust would no doubt have come from the detention basin construction at the rear of his allotment but some may also have come from general building sites to the east which were also very dry and dusty when inspected. Subsequent discussions with the developer – G Wieden arrived at a solution which reduces the dust to acceptable levels by further use of a water truck and sprinklers including after hours and weekend watering. Ongoing monitoring has taken place over the past week and the measures agreed have reduced the dust to minimal amounts.

In relation to the claim for reduction in his water rates, the predominant cause of the dust has been the activities of the developer and not Council. Whilst Council has a supervisory role in the development at the end of the day it is his responsibility to protect surrounding landowners from nuisance be it dust, noise or sediment etc. As such Council should have no liability to compensate Mr Wild, moreover any compensation should be negotiated between Wieden and Wild.

Motion:

Moved Cr Lehmann seconded Cr Moss

That Council not accede to the request

Carried 11/0

9.3 Monthly Financial Statements**Background:**

Report Nos: (D1-D6)

The Financial Statements for the period ended 31 January 2005 were presented for Council's approval

Motion:

Moved Cr Lehmann seconded Cr Shaw

That the Financial Statements for the period ended 31 January 2005 be received and adopted

Carried 11/0

9.4 **General Business**

9.4.1 **Managers Report – Library Services**

Background:

Report Nos: (D7)

The Manager of Library Services submitted a written report on activities for the month of January 2005

Motion:

Moved Cr Shaw seconded Cr Lehmann

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

Carried 11/0

9.4.2 **Amendment to Council's Purchasing Policy**

Background:

Report Nos: (D9-D10)

Submitting amendments to Council's Purchasing Policy to clarify Stores Requisitions limitations for Council Officers

Motion:

Moved Cr Moss seconded Cr Lehmann

That the report be received and adopted

Carried 11/0

9.4.3 **Tarong Mine Wine & Food In the Park – Underground Power**

Background:

The Festival Committee are planning on installing underground power in Memorial Park for the festival. The estimated cost is \$11,500 and is substantially above what they had budgeted. A verbal request has been received for Council to contribute \$5,000 and the trenching.

Motion:

Moved Cr Lehmann seconded Cr Fleischfresser

That Council agree to contribute to a maximum of \$5,000 plus the cost of trenching and assist in gaining further donations

Carried 11/0

9.4.4 Regional Arts Development Fund (RADF) Bid

Background:

The Annual Bid from Council on behalf of the RADF Committee is required to be submitted by the 28 February 2005. At the Committee meeting held on Wednesday 23 February, the newly appointed Committee considered the level of funds. They would like to deliver the grants program and other initiatives for 2005/2006.

Under the RADF bidding process, Council must match \$1 for every \$1.50 received from Arts Queensland. The amount being sought from Arts Queensland this round is \$13,200, which would require a Council contribution of \$8,800. While this was the level of funds committed in the 2004/2005 budget it was specifically to assist with the Centenary Projects. The normal contribution is in the vicinity of \$5,000. Consequently, this request for funds will require Council making an increased commitment of around \$3,800 in the 2005/2006 budget.

Motion:

Moved Cr Lehmann seconded Cr Shaw

That Council commit an amount of \$8,800 to allow a bid for \$22,000 to be submitted to Arts Queensland on behalf of the RADF Committee

Carried 10/1

DECLARATION OF INTEREST

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

The Deputy Mayor assumed the Chair

PROCEDURE

Motion:

Moved Cr Shaw seconded Cr Coleman

That the following matter be taken from the table and considered

Carried 10/0

6. **TOWN PLANNING & DEVELOPMENT SERVICES SECTION (CONT)**

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

- 6.1.3 **O'Reilly Nunn Favier** - Forwarding an IDAS Development Application - Family Lot Subdivision - 646 Kearney's Road, Kumbia - Lot 67 on FY452. Owner: Colin & Glenda Banks. Applicant: O'Reilly Nunn Favier

Background:

Report Nos: (A23-A29)

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 and advice

Motion:

The wording of the motion was altered from the original motion that lay on the table at a request from the meeting and with the consent of the Mover and Seconder.

Moved Cr Trout seconded Cr Fleischfresser

That the report be received and adopted and the following condition be included:

RaL 4 Future Dwelling

To limit possible land use conflicts between any future dwelling on the proposed family lot and cultivation on Lot 68 FY 452, such dwelling shall be located east of the ridge line as indicated on proposal plan Drawing No 2739P/1 Rev A.

Following registration of the Survey Plan, a requisition shall be added to proposed Lot 1 to this effect

Carried 10/0

ATTENDANCE

The Mayor returned to the meeting and resumed the Chair

10. WORKS AND SERVICES SECTION**10.1 Business Arising Out of Minutes**

Nil

10.2 Correspondence

- 10.2.1 Sport and Recreation Queensland** - Advising applications close Friday 29 March 2005 for funding under the Sport and Recreation Queensland Local Government Development Program for 2005

Background:

The Local Government Development Programme provides financial assistance to Local Governments to undertake recreation planning, education and training projects, provide opportunities and develop places to increase participation in Sport & Recreation. In previous years, Council has received a number of grants towards volunteer training, the Skate Park and recreation planning. The 2005 Programme has been changed with the maximum funding for any project being up to 50% of the total costs of the project and with a number of new exclusions. Unfortunately, the new programme will not allow existing programmes such as the Walking and Exercise Programme and the volunteer training to continue.

Motion:

Moved Cr Coleman seconded Cr Moss

That the Director of Engineering Services report to the March meeting on possible projects to be submitted.

Carried 11/0

- 10.2.2 Tony Zimmermann** - Requesting consideration be given by Council as to the proposed future use of the pathway which separates Lots 105 & 106 Savoy Court Kingaroy

Background:

The pathway in question was designed as part of an earlier staged residential development to provide a linkage between the various streets in the development. With Canowindra now being constructed on the site obviously the use has changed from what was proposed but there is still a "semi residential" use in the various aged care levels. I am attempting to speak to the Architect for Blue Care to ascertain what the future requirements for the Canowindra Site are in respect of exercise paths for the residents.

In the event that the pathway was not required to compliment the Canowindra Site then I could see no particular problem offering the land to the adjacent land owners for sale through the relevant legislative process. This would require consultation with both neighbouring parties and possibly an exemption from the Minister to allow the sale to proceed.

If the pathway is deemed as being required then the adjoining owner would be required to pay the entire cost of the fence if he wished to fence it, as pathways are viewed in the same manner as roads in terms of fencing. The pathway has existed from the registration of the subdivision plan and the owner would have been aware of its existence when purchasing the lot.

Motion:

Moved Cr Campbell seconded Cr Coleman

That Council not object to the closure of the path between Lots 105 and 106 RP 850244, Savoy Court, Kingaroy subject to written confirmation from Blue Care that they will not offer an objection

Carried 11/0

- 10.2.3 **South Burnett Events Corporation** - Requesting Council assist with rubbish collection; assistance of workforce; party lights and umbrellas for the Tarong Mine Wine & Food in the Park 2005 to be held on 12 March 2005.

Background:

The very successful Wine & Food in the Park Festival has been held in Memorial Park for the last six (6) years. As it is a major tourism and business draw card for the Shire, Council has supported the event in a number of ways over the period. Support in 2004 included:-

- (a) Provision of coloured lighting (ie, Kumbia & Wooroolin Christmas lights)
- (b) Provision of Parks & Gardens gang members for the Friday prior to the event to assist committee members in erecting safety webbing around the park and placing the coloured lights in the trees.
- (c) Placement and collection of rubbish bins.
- (d) Flower plantings and special parks maintenance.

The writer has requested the use of workforce members on Sunday to dismantle the event and the use of umbrellas as additional items this year. Council does not have large umbrellas for use and staff may not volunteer to undertake the Sunday work.

Motion:

Moved Cr Coleman seconded Cr Campbell

That Council again support the Wine & Food in the Park Festival and provide similar assistance to that of previous years.

Carried 11/0

- 10.2.4 **Nanango Shire Council** - Forwarding a copy of a letter addressed to South Burnett Local Government Association in relation to Road Alliance Concerns - DMR Funding Allocation

Background:

Many Local Government have had concerns about the funding from Main Roads into the process and it would appear from the correspondence that there have been some "moving targets" in regards what Main Roads are going to put into the project and how this was to be calculated.

The Deputy Director of Engineering Services recommends Council support Nanango in their proposal to consider the issues at the next SBLG, although it is mentioned that these issues have been raised on many times in the past. To this point the RRG Technical Committees have not looked at allocating any Main Roads funding apart from the TIDS allocations that have been discussed previously.

Motion:

Moved Cr Campbell seconded Cr Shaw

That Council prepare statistics suggested by the Nanango Shire for presentation at the next South Burnett Local Government Association meeting and it be suggested that Mr Christopher Mountford, Research Officer, Local Government Association of Queensland Inc, be invited to attend the meeting

Carried 11/0

- 10.2.5 **Kingaroy Sportfishing Club Inc.** - Requesting Council's assistance with finding a new meeting place for the Kingaroy Sportfishing Club and a shed to store some equipment and Apex memorabilia in case the Apex Club reforms - use of the Enterprise Centre has been suggested

Background:

Historically the Sports Fishing Club has met in the Apex shed at the Old Council Depot Site. As the Apex Club in Kingaroy is now defunct it is unlikely that the Club will be reactivated the Sports Fishing Club require somewhere else to meet.

The issue raises the question of what the arrangements are for the future of all three service clubs sheds and the final arrangements once the Old Depot site is cleaned up. The loose arrangements was that Council would construct the slabs at the enterprise centre and the clubs would relocate the sheds. Funds were allowed for in the current budget but have been utilised for the new depot construction hence there will be a need to reallocate funds next financial year.

Given that the KSFC club only meets once a month and is not a service club as such, it may be difficult to allocate a specific shed to the Group. The KSFC and Apex do have a fair amount of equipment for fish stocking and other events that they need to store somewhere once the sheds are moved or sold off. Having said this it would seem a waste of money to build or relocate a shed if Apex were never reformed.

Options for Relocation of Service Sheds:

- (a) Relocate the sheds as planned next financial year once agreement can be reached with the groups.
- (b) Allocate existing sheds at the enterprise centre (if available) to the groups and subsidise the rental on the basis that they make the sheds available to other groups for meetings ie the Kingaroy Sports Fishing Club.
- (c) Apply for funding to build new sheds at the enterprise centre for the 2 groups – Rotary and Lions.

Motion:

Moved Cr Campbell seconded Cr Coleman

That the Kingaroy Sports Fishing Club be advised that Council is still considering its options in regards the relocation of the service club sheds and that their concerns will be considered when a solution is resolved.

Carried 11/0

- 10.2.6 **Kingaroy & Districts Vintage Machinery Club Inc** - Requesting Council waive the fees for the erection of a storage shed at the Kingaroy Airport

Background:

Council has provided similar assistance to a number of Clubs/Organisations in the past.

Motion:

Moved Cr Campbell seconded Cr Shaw

That Council waive the building fees for the erection of the new club building at the Sir Joh Bjelke-Petersen Airport

Carried 11/0

10.3 **General Business**

10.3.1 **Directors Report – Engineering Services**

Background:

Report Nos: (E1-E8)

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 21 January 2005 to 18 February 2005

Motion:

Moved Cr Campbell seconded Cr Lehmann

That the report be received

Carried 11/0

10.3.1.1 **Risk Management**

Motion:

Moved Cr Campbell seconded Cr Shaw

That the vacant position of Risk Management Officer be reclassified to Works Engineer with Risk Management responsibilities and the position be advertised as soon as possible

Carried 11/0

10.3.2 **Contract 517 – Upgrading of WJ Lang Memorial Pool**

Background:

Tenders closed on 15 February 2005 with four (4) tenders being received.

Technical assessment of the tenders is being undertaken by JWP however, unfortunately this is not available for the meeting.

In order to meet the deadlines for the project it will be necessary to authorise the Mayor, Sport & Recreation Portfolio Holder and Chief Executive Officer to accept the appropriate tender.

Motion:

Moved Cr Dalton seconded Cr Campbell

That the Mayor, Cr Coleman and the Chief Executive Officer be authorised to accept the successful tender

Carried 11/0

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

11.1 **Business Arising Out of Minutes**

Nil

11.2 **Correspondence**

- 11.2.1 **Minister for Environment Local Government & Planning** - Requesting comments by 30 March 2005 in relation to the Release of the Draft Koala Conservation Plan and adoption of temporary SPP 1/05 Conservation of Koalas in South-East Queensland

Background:

The population of koalas in Queensland is now considerably lower than at the time of European settlement and continuing to decline as a result of habitat loss and fragmentation, car strikes, dog attack and disease.

The strategy proposes changes to the Integrated Planning Act 1997, preparation of a development assessment code, the adoption of koala sensitive design and operational practices by the Department of Main Roads, as well as other non-statutory measures.

Motion:

Moved Cr Carroll seconded Cr Coleman

That Council's Natural Resources Management Officer undertake investigations and prepare a submission if necessary.

Carried 11/0

11.3 General Business

11.3.1 Managers Report – Rural Services

Background:

Report Nos: (F1-F2)

The Manager of Rural Services submitted a written report on his duties for the period ended Thursday 17 February 2005

Motion:

Moved Cr Carroll seconded Cr Moss

That the report be received and adopted

Carried 11/0

12. MAYOR'S MINUTES

12.1 Mayor's Report

Background:

Report Nos: (G1-G3)

The Mayor presented his monthly report covering the period 31 January 2005 to 24 February 2005.

Motion:

Moved Cr Lehmann seconded Cr Woods

That the Mayors report be received

Carried 11/0

12.2 Temporary Use of Former Council Stores Complex

Background:

Freemans Estates, are discontinuing their monthly auctions and the Kingaroy State High School P & C Committee have agreed to continue the service to Kingaroy as a fundraising initiative. The site currently used by Freemans is not available and it has been difficult to locate a temporary venue to continue the business

Motion:

Moved Cr Shaw seconded Cr Campbell

That Council offer the temporary use of the former Council Stores complex to the Kingaroy State High School P & C Committee to use as a site for their proposed future auctions for fundraising

Carried 11/0

13. **GENERAL BUSINESS**

Motion:

Moved Cr Woods seconded Cr Lehmann

That Cr Trout be granted leave of absence for the March General Council meeting

Carried 11/0

There being no further business the meeting was declared closed

Confirmed before me this day of 2005

MAYOR