

Minutes of the meeting of the Kingaroy Shire Council, held in the Council Chambers, Glendon Street, Kingaroy on Thursday, 24 November 2005 at 9.00 am.

PRESENT:

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

1. **LEAVE OF ABSENCE**

Cr WD Moss

Motion:

Moved Cr Coleman seconded Cr Campbell

That the apology be received and Leave of Absence be granted

Carried 10/0

2. **PRAYERS AND CONDOLENCES**

A motion of sympathy was passed to the relatives of the late Eileen Dulson, Mary Manthorpe, William McErlean, Elizabeth Connor, Rosie Koerper, Cooper Neale and Francis Price

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**

Nil

4. **RECEIPT OF PETITIONS**

Nil

5. **CONFIRMATION OF MINUTES**

Motion:

Moved Cr Woods seconded Cr Trout

That the minutes of the previous meeting held on Thursday 27 October 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

DECLARATION OF INTEREST:

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

The Deputy Mayor assumed the Chair

6. **PLANNING AND DEVELOPMENT SERVICES SECTION**

6.1 **Business Arising Out of Minutes**

- 6.1.1 **The Planning Place** - Forwarding an Enquiry Preliminary to Formal Application to establish a proposed community owned Vineyard and Winery at Lot 2 RP171212 Haydens Road Kingaroy

Background:

Report Nos: (A26-A31)

The Manager of Planning Services submitted a written report recommending that Council advise the applicant it would be unlikely to support a formal application to develop the land as proposed, and provide reasons and advice as per the report

Motion:

Moved Cr Trout seconded Cr Fleischfresser

That the report be received and adopted and the applicants be invited to discuss the Development Concept further with Council on a without prejudice basis

Carried 9/0

- 6.1.2 **O'Reilly Nunn Favier** - Forwarding an IDAS Application - Reconfiguring a Lot - One Lot into Two Lots - Belltower Restaurant and Distillery - Lot 5 SP139369 - 458 Schellbachs Road - Applicant: John Crane; Owner: Booie Range Distillery P/L

Background:

Report Nos: (A86-A97)

The Planning Officer submitted a written report recommending that Council approve a minor change to the Restaurant and Distillery Material Change of Use approval (Development Permit – Material Change of Use and Operational Works), and issue a Development Permit (Reconfigure a Lot) and Preliminary Approval (Operational Works) subject to conditions and advice

Motion:

Moved Cr Campbell seconded Cr Fleischfresser

That the report be received and adopted subject to:

- *Deletion of advice from Reconfigure a Lot Condition - OW1 Water supply*
- *Deletion of Material Change of Use conditions and associated Operational Works conditions*
- *Advice that Council considers use of the distillery building to be consistent with the existing Material Change of Use approval for a distillery and retail activity, and that further approval for cheese manufacture is not required.*

Carried 9/0

- 6.1.3 **O'Reilly Nunn Favier** - Forwarding an IDAS Application - Reconfiguration of Boundaries - One Lot into Two Lots at 30 Moonya Street Kingaroy - Lot 5 RP79919 - Applicant/Owner: Jacquie Henschen

Background:

Report Nos: (A8-A14)

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

Motion:

Moved Cr Trout seconded Cr Fleischfresser

That the report be received and adopted

Carried 9/0

6.2 Correspondence

- 6.2.1 **O'Reilly Nunn Favier** - Forwarding an IDAS Application - Reconfiguration of Boundaries - Two (2) Lot Subdivision at Weens Road Gordonbrook - Lot 10 FY2702 - Applicant/Owner: Kingaroy Piggeries Pty Ltd

Background:

Report Nos: (A32-A36)

Development Permit (Reconfigure a Lot and Operational Works) issued on 16 November 2005 by delegated authority, subject to conditions. The Planning Officer's report is attached for Council's information

Motion:

Moved Cr Trout seconded Cr Fleischfresser

That the report be received and it be noted that the application has been approved by delegated authority

Carried 9/0

- 6.2.5 **Kingaroy Recyclers - WD & VJ Henningsen** - Forwarding IDAS Application - Material Change of Use and Reconfiguration of Boundaries - Proposed Recycling Depot & Subdivision at River Road Kingaroy - Lot 5 RP909634- Applicant: W; V & W Henningsen & HJ Burrows; Owner: WE Henningsen

Background:

Outstanding procedures include information request/response, Concurrence Agency 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 9/0

- 6.2.6 **O'Reilly Nunn Favier** - Forwarding IDAS Application - Reconfiguration of Boundaries - Building Format Plans - Community Title Scheme Subdivision 2 Stages at 13-15 Tessmanns Road Kingaroy - Lots 140 & 141 SP172018 - Applicant/Owner: Sunshine North Pty Ltd

Background:

Report pending completion of development assessment

Motion:

Moved Cr Trout seconded Cr Fleischfresser

That consideration of the matter be deferred pending completion of the Assessment Report

Carried 9/0

- 6.2.11 **O'Reilly Nunn Favier** - Forwarding IDAS Application - Reconfiguration of Boundaries - Building Format Plan - 13 Fisher Street Kingaroy - Lot 80 RP49433 - Applicant: Kevin Lee; Owner: G Lee

Background:

Report pending completion of development assessment

Motion:

Moved Cr Trout seconded Cr Fleischfresser

That consideration of the matter be deferred pending completion of the Assessment Report

Carried 9/0

- 6.2.14 **Kingaroy Piggeries Pty Ltd** - Forwarding an IDAS Application - Material Change of Use - Pig Farming (5130 SPU) Lot 10 FY2702 - River Road Kingaroy - Applicant/Owner: Kingaroy Piggeries Pty Ltd

Background:

Outstanding procedures include information request/response, Concurrence Agency 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 9/0

6.3 **General Business**

6.3.1 **P&E Appeal No. BD 1482 of 2005 - Oasis Gardens - Richard David Butler V Kingaroy Shire Council - 12RP204229 and 10RP204229, Kelvyn Street and River Road**

Background:

Report Nos: (A37-A41)

The Manager of Planning Services submitted a written report recommending that Council agree to preparing a draft court order approving the development in part (northern part of Lot 12 RP 204229 to Residential B and Lot 10 RP 204229 to Light Industry) and refusing the development in part (southern part of Lot 12 RP 204229) subject to conditions, and that "without prejudice" advice be offered.

Motion:

Moved Cr Trout seconded Cr Fleischfresser

That the report be received and adopted

Carried 9/0

DECLARATION OF INTEREST:

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

6.3.2 **P&E Appeal No. BD 2790 of 2005 - Kilkenny Estate- Richard David Butler V Kingaroy Shire Council - 1RP36985, Weens Road**

Background:

The appellant has requested a mediation meeting with Council. The matter is referred to Council for consideration

Motion:

Moved Cr Trout seconded Cr Dalton

That Council not agree to a mediation meeting

Carried 8/0

ATTENDANCE:

Cr Fleischfresser returned to the meeting

The Mayor returned to the meeting and resumed the Chair

Cr Dalton left the meeting

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

6.1.4 **McLynskey Planners Pty Ltd - Forwarding an IDAS Application - Material Change of Use - Supermarket; Bulk Goods Outlet & Convenience Shop at Lots 15-18 RP7915 & Lot 31 RP109236 - Kingaroy; Avoca & Pound Sts - Applicant: Polo Properties P/L - Owner: Latcham & Babfox P/L.**

6.2 **Correspondence**

- 6.2.2 **Environmental Resources Management Australia** - Lodging a submission on behalf of Aldi Stores in regard to IDAS Application - Supermarket; Bulk Goods Outlet & Convenience Shop at Lots 15-18 RP7915 & Lot 31 RP109236 - Applicant: Polo Properties P/L - Owner: Latcham & Babfox P/L

Background:

Outstanding procedures include Department of Main Roads response. The Department has extended its concurrence agency assessment period until 21 November 2005

Motion:

Moved Cr Trout seconded Cr Fleischfresser

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

Carried 9/0

ATTENDANCE:

Cr Dalton returned to the meeting

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

- 6.1.5 **Darryl & June Wenzel** - Forwarding an IDAS Application - Material Change of Use - Education Tutoring Centre (formerly Gymnasium) at 4-6 Short Street Kingaroy - Lots 22 & 23 RP7917 - Applicant: June Wenzel; Owner: T & S Greenslade

Background:

Report Nos: (A1-A7)

Development Permit (Material Change of Use) issued on 10 November 2005 by delegated authority, subject to conditions. The Manager of Planning Services report is attached for Council's information

Motion:

Moved Cr Fleischfresser seconded Cr Lehmann

That the report be received and it be noted that the application has been approved by delegated authority

Carried 10/0

DECLARATION OF INTEREST:

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

- 6.1.6 **Mr Leslie B & Cr Lesley J Trout** - Forwarding an IDAS Application - Request to Change an Existing Approval - Relocation of Proposed Gilt Shed at Lot 262 FTZ37136 Trouts Road Crawford - Applicant: LB & LJ Trout

Background:

Report Nos: (A21-A25)

The Manager of Planning Services submitted a written report recommending that Council agree to issue a Development Permit (Material Change of Use) – Change to an Existing Approval with no change to conditions and provide advice

Motion:

Moved Cr Fleischfresser seconded Cr Lehmann

That the report be received and adopted

Carried 9/0

ATTENDANCE:

Cr Trout returned to the meeting

- 6.1.7 **GS & WF Sempf - Sempf's Sand Soil & Gravel** - Forwarding an IDAS Application - Environmentally Relevant Activity - Screening of Material - Boyne River and Land adjacent to Lots 41 BO148 & Lot 41 BO150 Burrandowan Road - Applicant: Sempf's Sand Soil & Gravel - Owner: RL & DP Black

6.2 **Correspondence (Cont)**

- 6.2.4 **Graham JG & Graham MG Wilson** - Lodging a submission in relation to the development application for riverbed extraction and screening of materials by Sempf's Sand Soil and Gravel P/L at Burrandowan Road - Lots 41 BO148 & 40 BO150

Background:

Report Nos: (A44-A77)

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 Trout seconded Cr Campbell

That the report be received and adopted

Carried 10/0

- 6.2.3 **Mr John A & Mrs Dianne J More** - Requesting a relaxation of the Building Code to allow construction of a single open carport at 6 Vernor Place Kingaroy

Background:

The building certifier has investigated this request and found that the proposal complies with the Queensland Development Code and as such has issued an approval for the carport.

Motion:

Moved Cr Trout seconded Cr Fleischfresser

That the letter be received

Carried 10/0

- 6.2.7 **Mr Michael X & Mrs Julie M Boyle** - Requesting a setback discretion for construction of a shed 800mm from the rear boundary at 116 Alford Street Kingaroy

Background:

The request has been investigated by the certifier and as the building is greater than 9m long it must be a minimum of at least 1.5m from the rear boundary as prescribed by the Queensland Development Code. Council does not have discretion in this case due to the size of the building

Motion:

Moved Cr Trout seconded Cr Shaw

That Council not accede to the request

Carried 10/0

- 6.2.8 **Urban Strategies Pty Ltd** - Requesting a Negotiated Decision Notice to vary Condition MCU 6 - roof water storage at Multiple Dwelling Units at 6-8 Gladys Street Kingaroy

Background:

Report Nos: (A78-A82)

The Manager of Planning Services submitted a written report recommending that Council issue a Negotiated Decision Notice in accordance with Option 2 of the applicant's request, to reduce the minimum capacity of the underground stormwater storage by 58,500 litres

Motion:

Moved Cr Trout seconded Cr Fleischfresser

That the report be received and adopted

Carried 10/0

- 6.2.9 **Raymond C & Lorraine A Vidler** - Forwarding a Request to Change an Existing Approval - Extension of the Currency Period - IDAS Application (Reconfigure a Lot & Material Change of Use - 1 Lot into 8 Lots) at Lot 23 RP37027 - 29/39 Prince Street Kingaroy

Background:

Report pending completion of development assessment

Motion:

Moved Cr Trout seconded Cr Dalton

That consideration of the matter be deferred pending completion of the Assessment Report

Carried 10/0

- 6.2.10 **Project Services - Department of Public Works** – Forwarding a Request for Council support for the proposed acquisition of land situated at 6 & 8 Queen Street Kingaroy for development as "public housing" for 1x5 Bed Detached House and 2x2 Bed Dual Occupancy

Background:

Report Nos: (A15-A20)

The Manager of Planning Services submitted a written report recommending that Council advise that the proposal would not be out of character with the locality and that advice be offered regarding uses in the locality, site characteristics and that further consultation occur regarding layout and design

Motion:

Moved Cr Trout seconded Cr Fleischfresser

That the report be received and adopted

Carried 10/0

- 6.2.11 **Local Government Association of Queensland Inc (LGAQ)** - Circular 2005-353: Building Codes Queensland are seeking comments on proposed changes to revise Queensland Building Legislation - comments are due 30 December 2005

Background:

Brief discussions have been held between the Director of Engineering & Development Services, Building Certifier and Les Chapman in this regard. There are a number of important matters within the proposed changes and will require a response. Of particular interest or concern are

- Ability to issue on the spot fines to illegal building works
- Increased public access to building proposals
- Requirement for certifiers (rather than a competent person) to inspect and approve foundations and excavations prior to pouring.

It is proposed that a submission be made and that the Director of Engineering and Development Services and Building Certifier prepare a submission in this regard.

Motion:

Moved Cr Trout seconded Cr Fleischfresser

That the Director of Engineering and Development Services and Building Certifier prepare a submission

Carried 10/0

- 6.2.13 **JMBS - John Middlemiss Building Surveyor** - Requesting approval on behalf of Denis Coughlin to erect a shed on a vacant lot at Lot 2 RP853174 - 52 Fitzroy Street Kingaroy

Background:

The applicant advises a house is proposed to be erected this year and that the shed is to be used for domestic storage during the meantime. The Manager of Planning Services recommends that Council permit the shed construction prior to erection of a dwelling, subject to use for domestic storage purposes only.

Motion:

Moved Cr Trout seconded Cr Fleischfresser

That Council permit the shed construction prior to erection of a dwelling, subject to use for domestic storage purposes only

Carried 10/0

- 6.2.15 **Minister for Environment Local Government & Planning - Desley Boyle** - Advising of approval for an extension of the commencement date for the IPA Planning Scheme to 31 March 2006

Background:

For the information of Council. The draft scheme has been submitted to the Department of Local Government and Planning for the second state interest check. GHD has recently released the latest draft, which requires proofing to ensure Council's changes have been correctly applied

Motion:

Moved Cr Trout seconded Cr Coleman

That the letter be received

Carried 10/0

- 6.2.16 **King & Company** - Recommending Council agree to a settlement withdrawing the Appeal and all parties to meet their own costs - Kingaroy Shire Council -ats- David & Gae Lillico - Planning & Environment Court Appeal No. 1 of 2005

Background:

This appeal is a submitter appeal against Council approval of a 14 lot subdivision and 32 cabins in May 2005. The appellant proposes to withdraw the appeal subject to all parties meeting their own costs and there being no other orders. Invoices to Council for legal services to date total \$573.50. Council's legal advice is that it would be virtually impossible to recover costs in this matter. The Manager of Planning Services recommends that Council consent to the appellant's withdrawal on the above basis.

Motion:

Moved Cr Trout seconded Cr Coleman

That Council consent to the appellant's withdraw of the appeal subject to all parties meeting their own costs and there being no other orders

Carried 10/0

- 6.2.17 **Don Errington Homes** - Requesting Council discretion to erect duplex dwellings subject to amended open space provisions at premises Lot 137 corner Tessmanns Road & Ivy Street Kingaroy

Background:

The Manager of Planning Services advised the proposed duplex layout generally complies with Transitional Planning Scheme requirements except that open space is provided evenly opposed to communally. The position of the duplex could be altered to comply with open space requirements. However, the proposed layout is considered to achieve a better and more functional outcome. The Manager recommended that Council accede to the request to allow the varied open space provision.

Motion:

Moved Cr Trout seconded Cr Fleischfresser

That Council accede to the request

Carried 10/0

- 6.2.18 **Goldtag Kennels - Trevor & Jan G Bignall** – Forwarding information regarding the complaint on Goldtag Kennels.
- 6.2.19 **Goldtag Kennels - Trevor & Jan G Bignall** – Advising that Mr Ted Harris will be overseeing any complaints Council may have regarding Goldtag Kennels
- 6.2.20 **Goldtag Kennels - Trevor & Jan G Bignall** – Forwarding further information regarding the recent complaints made about Goldtag Kennels

6.3 **General Business**

6.3.4 **Complaint Inspection – Goldtag Kennels**

Background:

Report Nos: (A83-A85)

The Manager of Planning Services submitted a written report on a Complaint Inspection – Notice of Consent 348 – Kennels – Trevor & Jan G Bignall – Goldtag Kennels, 4 Boonenne Ellesmere Road, Kingaroy Lot 3 RP 175686 – 4.026H – Rural Res A and recommending that the proponent be requested to meet with Council representatives to discuss future management of the kennels including necessary applications to legitimise the operations

Motion:

Moved Cr Trout seconded Cr Lehmann

That the report be received and adopted

...

PROCEDURE:

Motion:

Moved Cr Fleischfresser

That the matters concerning Goldtag Kennels lay on the table until later in the meeting

Carried 10/0

6.3.3 **Planning Fees and Services**

Background:

Report Nos: (A42-A43)

The Manager of Planning Services submitted a written report concerning new planning fees and services for the identification of relevant codes for development and providing pre-application code compliance checks

Motion:

Moved Cr Trout seconded Cr Campbell

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 **Baker Rossow, Consulting Engineers** – Seeking Council's consideration in permitting construction over the existing sewer for Department of Child Safety Building – Haly Street, Kingaroy

Background:

The request for Council to relax its policy in relation to building over sewers has resulted due to the difficulty in building a suitable building on the site to satisfy the requirements of the applicants client – Department of Child Safety

The existing sewer bisects the existing lots from George Street to Haly Street and is similar to many other situations in Kingaroy, although this section is probably the worst in terms of impact on lots and the number of lots affected

The difficulty in building over sewers relates to future servicing and maintenance and in this case as the area is in Council's CBD "Core Area" it is targeted for more intense development. It is therefore likely that applications will be received in the future for similar building types leading to the possibility of having as much as 150m of sewer under buildings. This is obviously unacceptable in terms of future operations, maintenance and replacement.

Council may wish to consider its involvement in addressing this issue and should consider its Economic Strategy, CBD Strategy, Planning Scheme and possible railway land development in deciding on the matter. If Council considers that there is a desire to provide alternatives a detailed report would be necessary

Motion:

Moved Cr Dalton seconded Cr Coleman

That a report on options for relocation of the sewer and funding alternatives be prepared by the Director of Engineering & Development Services and presented to the December 2005 meeting

Carried 10/0

ADJOURNMENT:

Motion:

Moved Cr Shaw

That the meeting adjourn for ten (10) minutes

Carried 10/0

RESUMPTION:

The meeting resumed at 11.05 am

PRESENT:

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

PROCEDURE:

Motion:

Moved Cr Fleischfresser

That the following matters in relation to Goldtag Kennels be taken from the table and considered.

Carried 9/0

6. PLANNING AND DEVELOPMENT SERVICES SECTION (CONT)

6.2 Correspondence

6.2.18 **Goldtag Kennels - Trevor & Jan G Bignall** – Forwarding information regarding the complaint on Goldtag Kennels.

6.2.19 **Goldtag Kennels - Trevor & Jan G Bignall** – Advising that Mr Ted Harris will be overseeing any complaints Council may have regarding Goldtag Kennels

6.2.20 **Goldtag Kennels - Trevor & Jan G Bignall** – Forwarding further information regarding the recent complaints made about Goldtag Kennels

6.3 General Business

6.3.4 Complaint Inspection – Goldtag Kennels

Background:

Report Nos: (A83-A85)

The Manager of Planning Services submitted a written report on a Complaint Inspection – Notice of Consent 348 – Kennels – Trevor & Jan G Bignall – Goldtag Kennels, 4 Boonenne Ellesmere Road, Kingaroy Lot 3 RP 175686 – 4.026H – Rural Res A and recommending that the proponent be requested to meet with Council representatives to discuss future management of the kennels including necessary applications to legitimise the operations

Motion:

Moved Cr Trout seconded Cr Lehmann

That the report be received and adopted

...

AMENDMENT:

Motion:

Moved Cr Lehmann seconded Cr Coleman

That the report be received and adopted and the Council representatives be Cr Trout, Cr Fleischfresser and relevant Council officers

Carried 9/0

The amendment became the motion and on being put was declared Carried 9/0

7. WATER AND SEWERAGE SERVICES SECTION (CONT)

7.3 General Business

7.3.1 Directors Report – Water and Sewerage

Background:

Report Nos: (B1-B3)

The Director of Engineering & Development Services submitted a written report on activities undertaken during the period 20 October 2005 to 17 November 2005

Motion:

Moved Cr Shaw seconded Cr Campbell

That the report be received

Carried 9/0

8. HEALTH SERVICES SECTION

8.1 Business Arising Out of Minutes

Nil

8.2 Correspondence

8.2.1 Keep Australia Beautiful Council Old Inc - Inviting Council to participate in the Clean Site Environmental Education Program

Background:

Council recently ran, in conjunction with the EPA an information session for builders and developers on this specific issue. From this, an information pack was developed that is distributed to builders and developers outlining their responsibilities and suggestions on how to best improve their practices. So in essence, what the KABC is proposing, has already been done. There are no funds allocated in the budget for this purpose. It is proposed that the correspondence be received and Officer's keep in contact with Council's who are participating to determine if the program provides good value for money.

Motion:

Moved Cr Fleischfresser seconded Cr Campbell

That the letter be received

Carried 9/0

- 8.2.2 **Local Government Association of Queensland Inc (LGAQ)** - Seeking Councils commitment to refuse to fluoridate their water supplies until or after the Queensland Government holds a state wide referendum on the matter and refuse to accept responsibility for managing the removal of asbestos

Background:

Councillors have been provided with information on fluoridation of water supplies. It is suggested that Council support the Local Government Association position on this matter

As mentioned in the Health Services Report, the Public Health Bill has been passed by Parliament, with the Asbestos provisions not commencing until July 2006. It has always been Council's position that it not supports the responsibility of the removal of less than 10 square metres of asbestos in non-workplace settings being devolved to local government. It is suggested that Council re-affirms this position to the LGAQ.

Motion:

Moved Cr Fleischfresser seconded Cr Campbell

That Council confirm its support for the position taken by the Local Government Association of Queensland

Carried 9/0

8.3 **General Business**

8.3.1 **Directors Report – Health and Building**

Background:

Report Nos: (C1-C6)

The Director of Environment, Health and Community Services submitted a written report on the Department activities for the month of October 2005

Motion:

Moved Cr Fleischfresser seconded Cr Campbell

That the report be received

Carried 9/0

8.3.1.1 **Memerambi Transfer Station – Christmas Arrangements**

Motion:

Moved Cr Fleischfresser seconded Cr Campbell

That the Memerambi Transfer Station be open 10.00am – 5.00pm on Saturday, 24 and 31 December in lieu of Sunday, 25 December and 1 January 2006 and the community be advised of this alteration.

Carried 9/0

8.3.1.2 **Integrated Environmental Management System (IEMS)**

Motion:

Moved Cr Fleischfresser seconded Cr Campbell

That Council endorse the Integrated Environmental Management System (IEMS)

Carried 9/0

9. **CORPORATE AND COMMUNITY SERVICES SECTION**

9.1 **Business Arising Out of Minutes**

Nil

9.2 **Correspondence**

- 9.2.1 **Colin S Black** - Suggesting Council provide a tribute to the late Harold Mears by moving his original residence to a site in Kumbia

Background:

The residence in question is privately owned and it has not been ascertained if it is for sale. While Kumbia's Centenary is still several years away it is suggested if Council is interested in undertaking or partnering in such a project to commemorate the occasion then further investigations should be undertaken

Motion:

Moved Cr Lehmann seconded Cr Woods

That the letter be received and the letter be passed on to the Kumbia Progress Association for further consideration

Carried 9/0

- 9.2.2 **Department of Industrial Relations** - Advising the Minister has appointed Monday 14 August 2006 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 Lehmann seconded Cr Woods

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

Carried 9/0

- 9.2.3 **Kingaroy Senior Citizens Club Inc** - Requesting Council consider making a donation of \$1000 towards one day of celebration for senior citizens as part of Senior's Week

Background:

Council has assisted with senior's week previously by providing the Town Hall Complex free of charge for an event. However this year the request is for a direct financial contribution.

Motion:

Moved Cr Woods seconded Cr Lehmann

That Council offer Council's Hall facilities free of charge or provide assistance to the equivalent rental value of the Town Hall

Carried 9/0

- 9.2.4 **Local Government Association of Queensland Inc (LGAQ)** - Circular 2005-361: Advising the State Government has released its preferred position for the development of the Blueprint for the Bush

Background:

For the information of Councillors

Motion:

Moved Cr Lehmann seconded Cr Woods

That the letter be received

Carried 9/0

- 9.2.5 **Bob Hills & Associates** - Advising that the Audit of Kingaroy Shire Council for 2004-05 has been completed and that there are no matters arising from the Audit which require consideration or response

Background:

For the information of Councillors

Motion:

Moved Cr Lehmann seconded Cr Woods

That the letter be received and the relevant officers be commended on the financial reports

Carried 9/0

9.3 **Monthly Financial Statements**

Background:

Report Nos: (D1-D6)

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

Motion:

Moved Cr Lehmann seconded Cr Shaw

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

Carried 9/0

9.4 **General Business**

9.4.1 **Managers Report – Library Services**

Background:

Report Nos: (D7-D8)

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

Motion:

Moved Cr Lehmann seconded Cr Trout

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

Carried 9/0

9.4.2 **Economic Development Advisory Body Report**

Background:

Report Nos: (D9-D10)

The Economic Development Advisory Body reported in accordance with the meeting held on the 21 November 2005

Motion:

Moved Cr Campbell seconded Cr Lehmann

That the report be received and adopted

Carried 9/0

9.4.3 **Adoption of Annual Report 2004/2005**

Background:

The Chief Executive Officer presented the Annual Report for the year 2004/2005 including the Annual Audited Financial Statements for the year ended 30 June 2005

Motion:

Moved Cr Trout seconded Cr Woods

That the Annual Report for the year 2004/2005 including the Annual Audited Financial Statements for the year ended 30 June 2005 be adopted

Carried 9/0

9.4.4 **Agenda Group 1 Meeting**

Motion:

Moved Cr Woods seconded Cr Lehmann

That until otherwise decided by Council, Agenda Group 1 meetings commence at 9.00 am on the appointed day

Carried 9/0

13. **GENERAL BUSINESS**

13.1 **Wide Bay Regional Planning Advisory Committee**

Background:

Mr Mark Saunders, Manager and Mr Bob Chambers from the Bundaberg Office of Department of Local Government & Planning, made a presentation on the Expansion of the Regional Planning Advisory Committee to include the Inland Burnett

ATTENDANCE:

Cr Dalton returned to the meeting

ADJOURNMENT:

Motion:

Moved Cr Lehmann

That the meeting adjourn until 1.30 pm

Carried 10/0

RESUMPTION:

The meeting resumed at 1.30 pm

PRESENT:

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

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

- 10.1.1 **Extension of Seal to Holliday Street** - The Manager of Planning Services reported that as part of the Development Application from Eric & Merle Lovett for accommodation units, advice was received that the applicants proposed to extend the Holliday Street Seal. This would leave only a short length of Holliday Street unsealed. Council is requested to complete this seal, or else to budget for the remaining seal to be completed in the following financial year.

Background:

Officers have investigated the extension and estimate that the cost is in the order of \$4,000/\$5,000 if undertaken in association with the works proposed by the Holliday Motel owners

Motion:

Moved Cr Trout seconded Cr Coleman

That Council agree to extend the Holliday Street seal

Carried 9/0

10.2 Correspondence

- 10.2.1 **Local Government Association of Queensland Inc (LGAQ)** - Circular 2005-331: Youth Crime Prevention Grants 2005/06 - submissions close 12 December 2005

Background:

The program is specifically in relation education programs and activities which will help 10–17 year olds either avoid involvement in crime or avoid re-offending. If Council wish to make a submission- what issues does Council think are a priority in the community. It is suggested that any proposals be submitted through South Burnett CTC Youth Services.

Motion:

Moved Cr Coleman seconded Cr Dalton

That the matter be referred to the Kingaroy Shire Youth Council for further consideration

Carried 9/0

- 10.2.2 **Office of the Queensland Studies Authority** - Seeking comments in relation to the Consultation Paper: Review of the Syllabuses for the Senior Phase of Learning.

Background:

Is Council interested in providing feedback on this issue? Council does use school based trainees from time to time and there may be some issues which need to be raised. Consultation workshops will be conducted at the Gold Coast on 28 November 2005 and Sunshine Coast on 30 November 2005

Motion:

Moved Cr Dalton seconded Cr Lehmann

That Cr Coleman be authorised to attend a Consultation Workshop and Council Officers make a submission

Carried 9/0

- 10.2.3 **Australian Sports Commission** - Requesting nominations for the Australian Sports Commission 2006 Ausport Awards - closing date Friday 2 December 2005.

Background:

Are Councillors aware of any sporting bodies sports, people or coaches have made an outstanding contribution or had an outstanding result that may warrant an application for the awards?

Motion:

Moved Cr Trout seconded Cr Coleman

That advice be sought from the South Burnett Sport & Recreation Officer on the matter

Carried 9/0

- 10.2.4 **Travelsafe Committee** - Requesting submissions by Monday 13 February 2006 in relation to the Inquiry into Vehicle Impoundment For Drink Drivers

Background:

Is Council interested in making a submission on this issue? Council may wish to refer this matter to the Community/Police Consultative Committee

Motion:

Moved Cr Dalton seconded Cr Coleman

That the matter be referred to the Community/Police Consultative Committee

Carried 9/0

- 10.2.5 **Local Government Association of Queensland Inc (LGAQ)** - Circular 2005-352: Requesting comments on both the RMPC MOU and the related document 'Guidelines for Costing of Sole Invitee Works by Local Governments' and on the practical application of RMPCs for a Review of RMPC Operations

Background:

Road Maintenance Performance Contracts are an important function for both Council and Main Roads and it would be worthwhile having some input in this matter. It is recommended that a submission be made to the review and that Council authorise attendance at the workshop on 28 November 2005.

Motion:

Moved Cr Dalton seconded Cr Lehmann

That a submission be made to the review and Council authorise attendance at the workshop by the Director of Engineering & Development Services

Carried 9/0

- 10.2.6 **Desmond R & Veronica M Godley** - Requesting Council provide a solution to the problems involved with the deciduous trees that overhang the Kingaroy Street Plaza Shops on the Corner of Kingaroy and Alford Streets Kingaroy

Background:

The letter is in relation to problems associated with the street trees in the CBD area with the issue not being constrained to Kingaroy Street. The problem created by the leaves can be alleviated by having suitable roof drainage on the buildings – it should be noted that a number of businesses have upgraded the drainage recently and this has improved the situation.

The issue of street trees is a difficult one as on one hand the trees are performing the original function of providing shade and are aesthetically pleasing, whilst on the other hand are causing some drainage problems and root problems. To date Council has not had any particular problems with the trees effecting Council's or other infrastructure.

The existing trees could be heavily pruned in say February / March prior to dropping their leaves which would alleviate the immediate problem but of course would be back to a similar level in a matter of a year or so. If Council had a particular desire to resolve the matter in another way a more detailed report would be required which could include consideration of a number of issues including

- Streetscape aspects
- Drainage issues
- Annuals / deciduous
- Ornamental vs natives etc.

From the outset I would comment that the trees have to date performed extremely well and have delivered the outcomes originally sought. To remove trees totally from the streetscape would be harsh but to replace them will be difficult. Whilst there may be a desire in some parts of the community to replace the existing ornamentals with natives, all trees lose leaves and natives are not always the best solution in an urban landscape.

Motion:

Moved Cr Lehmann seconded Cr Trout

That Council undertake appropriate pruning and provide advice to landowners in minimising the impacts of leaves in roof drainage systems

Carried 9/0

10.3 **General Business**

10.3.1 **Directors Report – Engineering and Development Services**

Background:

Report Nos: (E1-E8)

The Director of Engineering and Development Services submitted a written report on work undertaken in the Roads, Drainage and Transport Services; Recreation & Sport and Engineering Management Services for the period 20 October 2005 to 17 November 2005

Motion:

Moved Cr Coleman seconded Cr Woods

That the report be received

Carried 9/0

10.3.2 **Multiple Accesses to properties**

Background:

Historically Council has restricted properties to one (1) access per lot. Council requested a report considering the relevance of multiple access requirements in the current climate

Motion:

Moved Cr Lehmann seconded Cr Shaw

That consideration of the matter be deferred until the next meeting

Carried 9/0

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

11.1 **Business Arising Out of Minutes**

Nil

11.2 **Correspondence**

11.2.1 **Queensland Beekeepers Association Inc** - Requesting comments by 30 November 2005 in relation to the draft Apiary Site Application process

Background:

Various authorities issue permits for apiary locations within local government areas. Queensland Beekeeper's Association Inc are preparing amendments to the current system to improve efficiency ie less duplication of paperwork and delays. The amendments will be considered by the Natural Resource Management Officers and if necessary comment on the relevant changes by 30 November 2005.

Motion:

Moved Cr Carroll seconded Cr Lehmann

That further advice be sought from the Local Government Association of Queensland Inc

Carried 9/0

11.3 **General Business**

11.3.1 **Natural Resource Management, Pest and Livestock Report**

Background:

Report Nos: (F1-F20)

The Natural Resource, Pest & Livestock Manager submitted a written report on work undertaken for the month of October 2005

Motion:

Moved Cr Carroll seconded Cr Trout

That the report be received

Carried 9/0

11.3.1.1 **Stock Route Network Water Facilities**

Motion:

Moved Cr Carroll seconded Cr Lehmann

That:

- (a) *Crawford, Memerambi and Deep Creek water facilities are no longer used for travelling stock and are therefore not required under Section 162 (1) of the Land Protection (Pest and Stock Route management) Act.*
- (b) *Crawford Water Facility to be removed from Department of Natural Resources and Mines' (DNRM) Stock Route Network Assets Database. Council to investigate the ongoing operation of Crawford water facility asset and continue to provide water to the public.*
- (c) *Memerambi Water Facility to be removed from the DNRM Stock Route Network Assets Database. Assets to be sold and facility disbanded.*
- (d) *Deep Creek Water Facility to be removed from the DNRM Stock Route Network Assets Database. Council to undertake community consultation with local landholders to determine usage of water facility and investigate repair costs.*
- (e) *Kingaroy-Barkers Creek water facility to have necessary improvements made to it (ie fencing, signage) and a maintenance program be implemented.*

Carried 9/0

11.3.1.2 **Coolabunia Saleyards – Wash Down Bay**

Motion:

Moved Cr Carroll seconded Cr Lehmann

- (a) *That Council open the wash down bay the day prior, day of and close it the morning after sale days*
- (b) *That Porters Transport be kept informed of the situation and negotiations be held regarding their future use of the facility*
- (c) *That consultation with Porters Transport, Agents and livestock carriers be continued regarding the possible introduction of the National Truckwash System*

- (d) *That DPI – Toowoomba be kept informed regarding Council's proposals and actions to prevent any breach of the Environmental Protection Act*
- (e) *That samples be taken from nearby underground water supplies to determine the extent, if any, the effluent ponds are having on the local environment*
- (f) *That consideration of an upgrade to the facility be considered as part of the 2006/07 budget discussions.*

Carried 9/0

12. **MAYOR'S MINUTES**

12.1 **Mayor's Report**

Background:

Report Nos: (G1-G4)

The Mayor presented his monthly report covering the period 4 November 2005 to 24 November 2005

Motion:

Moved Cr Lehmann seconded Cr Trout

That the Mayors report be received

Carried 9/0

13. **GENERAL BUSINESS**

CLOSED SESSION:

Motion:

Moved Cr Lehmann

That the meeting be closed to the public for the purpose of consideration of allegations against a Council employee in relation to action taken under the Integrated Planning Act

Carried 9/0

OPEN COUNCIL:

Motion:

Moved Cr Lehmann

That the meeting resume in Open Council

Carried 9/0

The Mayor reported that whilst in closed Session Council considered allegations contained in an email in regard to action taken under the Integrated Planning Act

Motion:

Moved Cr Fleischfresser seconded Cr Trout

That the Mayors report be received

Carried 9/0

Motion:

Moved Cr Fleischfresser seconded Cr Lehmann

That Council express its confidence in the integrity and professionalism of its Manager of Planning Services and Planning Staff

Carried 9/0

Motion:

Moved Cr Lehmann seconded Cr Woods

That Council support the inclusion of Kingaroy Shire Council in the Wide Bay Burnett Regional Planning Advisory Committee

Carried 9/0

There being no further business the meeting was declared closed

Confirmed before me this day of 2005

MAYOR