

Minutes of the meeting of the Kingaroy Shire Council, held in the Council Chambers, Glendon Street, Kingaroy on Thursday, 28 September 2006 at 9.05 am.

***PRESENT***

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

1. ***LEAVE OF ABSENCE***

Nil

2. ***PRAYERS AND CONDOLENCES***

A motion of sympathy was passed to the relatives of the late Jeanette McLean, Elsie Beutel, Leslie Pedersen, Elsie Ciesiolka, Frank Laub, Kerry Anne Hauritz, Doris Kennedy, Morgan Windsor, Belynda Campbell, Darli Stephens and Brian Wallace

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

3. ***ADDRESS FROM PUBLIC GALLERY***

3.1 Mr Peter Ploetz will attend the meeting and will speak on the George Street Sewerage Main

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 24 August 2006 as recorded be confirmed.*

*Carried 11/0*

***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 matter 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 application to convert Preliminary Approval to Development Permit for Reconfigure a Lot - 1 Lot into 46 Lots - Banksia Drive, Kingaroy - Lot 199 RP868331. Applicant: O'Reilly Nunn Favier Owner: Harris Family Trust

**Background:**

Report pending completion of assessment – awaiting referral agency response – DMR.

**Motion:**

*Moved Cr Coleman seconded Cr Shaw*

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

*Carried 10/0*

- 6.1.2 **O'Reilly Nunn Favier** - Forwarding IDAS Application - Reconfiguring a Lot - One Lot into Two Lots at 8 Kingaroy Street Kingaroy - Lot 374 FY2645 - Applicant: Ron Oliver; Owner: RB & JI Oliver P/L as trustee

**Background:**

Report Nos: (A1-A11)

Application approved by delegated authority on Monday 4 September 2006. Refer to the Planning Officer's report for information.

**Motion:**

*Moved Cr Trout seconded Cr Campbell*

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

*Carried 10/0*

**PROCEDURE:**

**Motion:**

*Moved Cr Trout seconded Cr Fleischfresser*

*That the following matter lay on the table until later in the meeting*

*Carried 10/0*

- 6.1.5 **John & Sue Crane** - Requesting preliminary assessment for proposed guest villa development at 458 Schellbachs Road, Kingaroy - Lot 5 SP139369

**Background:**

Report pending completion of assessment.

**Motion:**

*Moved Cr ... seconded Cr ...*

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

...

## 6.2 **Correspondence**

- 6.2.1 **O'Reilly Nunn Favier** - Forwarding an IDAS Application for Material Change of Use from Industrial to Sales or Hire Yard at 93-95 River Road, Kingaroy - Lot 7 RP861173 and Lot 9 RP896787. Applicant/Owner: Gary Barron

### **Background:**

Application is not properly made as Part G "Environmentally Relevant Activity" is required to be completed by applicant. Information request being prepared.

### **Motion:**

*Moved Cr Trout seconded Cr Woods*

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

*Carried 10/0*

- 6.2.4 **O'Reilly Nunn Favier** - Seeking an IDAS development permit to realign boundaries at 23 Reservoir Street, Kingaroy - Lot 31 & 32 RP67068. Owner: Neil McMah

### **Background:**

Report Nos: (A37-A43)

Application approved by delegated authority on Tuesday 19 September 2006. Refer to the Planning Officer's report for information.

### **Motion:**

*Moved Cr Trout seconded Cr Campbell*

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

*Carried 10/0*

- 6.2.5 **O'Reilly Nunn Favier** - Seeking a development permit to create a long term lease over part of Lot 5 SP106946 - 6 Cornish Street, Kingaroy. Applicant: Kingaroy Musical Comedy Association

### **Background:**

Report pending completion of assessment.

### **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 **O'Reilly Nunn Favier** - Forwarding an IDAS Application seeking a boundary realignment for properties at Redmans and Malar Roads, Kingaroy - Lot 4 RP205532 and Lot 116 FTZ37472. Applicant: Col Otto

**Background:**

Report pending completion of assessment.

**Motion:**

*Moved Cr Trout seconded Cr Campbell*

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

*Carried 10/0*

- 6.2.7 **Jolare Holdings P/L** - Forwarding an IDAS Development Application for Code Assessment on a Duplex at 74 Windsor Circle Kingaroy - Lot 133 SP184628 - Applicant: Jolare Holdings P/L - Owner: Melanie Renshaw

**Background:**

Report pending completion of assessment.

**Motion:**

*Moved Cr Trout seconded Cr Fleischfresser*

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

*Carried 10/0*

- 6.2.9 **O'Reilly Nunn Favier** - Seeking a Negotiated Decision - IDAS Application - Material Change of Use and Reconfigure a Lot - Rural A to Residential A & 13 Lot Subdivision at 130 Taylors Road Kingaroy Lot 313 SP 140675. Applicant/Owner: Anthony & Helen Baker

**Background:**

Report pending completion of assessment.

**Motion:**

*Moved Cr Trout seconded Cr Campbell*

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

*Carried 10/0*

**ATTENDANCE:**

*The Mayor returned to the meeting and resumed the Chair*

**6.1 Business Arising Out Of Minutes**

- 6.1.3 **Jason Norris** - Forwarding an IDAS application for Material Change of Use for Tattoo Shop/Art work Shop at 27A First Avenue, Kingaroy - Lot 1 RP202297. Owner: Dennis A & Anne J Prior. Applicant: Jason Norris

**Background:**

Report Nos: (A48-A54)

The Planning Officer submitted a written report recommending that Council approve the application and issue a Development Permit – Material Change of Use and Development Permit – Operational Works subject to conditions and advice

**Motion:**

*Moved Cr Trout seconded Cr Campbell*

*That the report be received and adopted subject to inclusion under MCU2 Off Street Parking that the present car parking provided is adequate*

*Carried 11/0*

- 6.1.4 **Star Tyrepower - P Ploetz - Tristar Enterprises Pty Ltd** - Forwarding a request to change an existing approval for an environmentally relevant activity of motor vehicle workshop for Star Tyrepower at 190 Haly Street, Kingaroy - Lot 10 & 11 RP36994

**Background:**

Report Nos: (A44-A47)

The Consultant Town Planner recommended that Council approve the request for a minor change to the approval subject to original conditions of approval dated 30 August 1982 and inclusion of the following condition -

MCU 1 - That development of the subject land proceed generally in accordance with the proposed site plan, proposed shop floor plan, proposed wheel alignment and storage shed floor plan, typical section of storage shed, and elevations, dated 16 January 2006, prepared by AG Martin Design & Drafting, submitted as part of the request to change the existing approval application.

**Motion:**

*Moved Cr Trout seconded Cr Fleischfresser*

*That the report be received and adopted*

*Carried 11/0*

6.2 **Correspondence**

- 6.2.2 **Local Government Association of Queensland Inc (LGAQ)** - Circular 2006-248: Amendments to the Building Act 1975 (BA); Integrated Planning Act 1997(IPA); Integrated Planning Regulation 1998(IPR) and the new Building Regulation 2006(BR) will commence 1 September 2006

**Background:**

For Information Only.

**Motion:**

*Moved Cr Trout seconded Cr Shaw*

*That the letter be received*

*Carried 11/0*

- 6.2.3 **KO Andersson - Anderssons Fruit Market** - Lodging an appeal to Council in relation to the footpath design at his new development at Lot 4 corner of Markwell and Glendon Streets, Kingaroy

**Background:**

Report Nos: (A55-A62)

The Director of Engineering & Development Services submitted a written report recommending that Council require the footpath for his development as per plans, 1.8 metre coloured concrete (random pattern) except under awnings which requires full width coloured concrete (random pattern) for the entire perimeter of the newly developed site

**Motion:**

*Moved Cr Trout seconded Cr Fleischfresser*

*That the report be received and adopted*

**Motion:**

*Moved Cr Trout*

*That the motion be put*

*Carried 10/1*

*The motion on being put was declared carried 8/3*

*Cr Woods declared his vote against the motion*

- 6.2.8 **Bevan J Rowbotham & Debra L Fountain** - Forwarding an application for discretion for the siting of a dwelling at 1 Adermann Drive Kingaroy

**Background:**

Report Nos: (A13-A15)

The Assistant Building Surveyor submitted a written report concerning the request to relax setback requirements from Nolan Drive to allow driveway access to the rear of the house off Adermann Drive for property situated at 1 Adermann Drive Kingaroy and recommending that Council allow the relaxation to the Nolan Drive alignment and that the applicant be advised of the following:

- The minimum setback to Outer Most Projection (OMP) from the Adermann Drive alignment is to be 6000mm.
- The minimum setback to Outer Most Projection (OMP) from the Nolan Drive alignment is to be 4000mm.
- Certification from a licensed surveyor is to be provided stating that the house Outer Most Projection (OMP) is no closer than 4000mm from the Nolan Drive alignment.

- Acceptable solution A1(B)(b)(ii)(C) of Part 12 of the Queensland Development Code (QDC) must be complied with

**Motion:**

*Moved Cr Trout seconded Cr Dalton*

*That the report be received and adopted*

*Carried 11/0*

**6.3 General Business**

**6.3.1 Building Services – Inspection Services**

**Background:**

Report Nos: (A12)

The Assistant Building Surveyor submitted a Building Report concerning Council providing inspection services for private certifiers, certifying building within Kingaroy Shire and recommending that Council provide a service to private certifiers subject to appropriate suitability, to undertake building stage inspections on their behalf, and that a commercially viable fee be charged for this service

**Motion:**

*Moved Cr Trout seconded Cr Shaw*

*That the report be received and adopted*

*Carried 11/0*

**6.3.2 Building Services – Full Council Service**

**Background:**

Report Nos: (A16)

The Assistant Building Surveyor submitted a written report proposing to reinstate a full Council service for assessment and certification of all proposed building development in the Kingaroy Shire and recommending that Council reinstate a full building certification service, and put in place a suitable advertising campaign to promote the services available

**Motion:**

*Moved Cr Trout seconded Cr Fleischfresser*

*That the report be received and adopted*

*Carried 11/0*

**6.3.3 Building Fire Safety**

**Background:**

Report Nos: (A17-A36)

The Assistant Building Surveyor submitted a written report updating Council on building fire safety – budget accommodation inspections

**Motion:**

*Moved Cr Trout seconded Cr Lehmann*

*That the report be received*

*Carried 11/0*

**7. WATER AND SEWERAGE SERVICES SECTION**

**7.1 Business Arising Out of Minutes**

- 7.1.1 **Del D Wieden** - Forwarding a list of points for Council to consider relating to the moving of sewer lines on their properties

**Background:**

Report Nos: (B10-B44)

The Water Supply and Sewerage Engineer submitted a written report and policy document concerning Building Over or Adjacent to Sewers

**Motion:**

*Moved Cr Dalton seconded Cr Fleischfresser*

*That the report be received and the Building Over or Adjacent to Sewers Policy be adopted and method of charging such as infrastructure charging be investigated further*

...

**ADJOURNMENT:**

**Motion:**

*Moved Cr Moss seconded Cr Shaw*

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

*Carried 11/0*

**RESUMPTION:**

*The meeting resumed at 10.50am with attendance as previous to the Adjournment*

**7. WATER AND SEWERAGE SERVICES SECTION (CONTD)**

**7.1 Business Arising Out of Minutes**

- 7.1.1 **Del D Wieden** - Forwarding a list of points for Council to consider relating to the moving of sewer lines on their properties

**Background:**

Report Nos: (B10-B44)

The Water Supply and Sewerage Engineer submitted a written report and policy document concerning Building Over or Adjacent to Sewers

Following the adjournment the meeting continued discussions on the matter

**Motion:**

*Moved Cr Dalton seconded Cr Fleischfresser*

*That the report be received and the Building Over or Adjacent to Sewers Policy be adopted and method of charging such as infrastructure charging be investigated further*

...

**PROCEDURE:**

**Motion:**

*Moved Cr Woods seconded Cr Moss*

*That the matter lay on the table until later in the meeting*

*Carried 10/1*

**ATTENDANCE:**

*Cr Campbell left the meeting*

**7.2 Correspondence**

**7.2.1 Department of Natural Resources** - Forwarding outcomes of the Home Waterwise Rebate Scheme Enquiry at LGAQ Conference

**7.2.3 Local Government Association of Queensland Inc (LGAQ)** - Circular 2006-274: State-wide Expansion of SEQ Home Waterwise Rebate Scheme

**Background:**

Council has since received further advice from the Natural Resources, Mines & Water regarding this matter and advising that to date no further details were available but were expected soon and that the scheme may be retrospective back to the date of the commitment during the election campaign.

**Motion:**

*Moved Cr Dalton seconded Cr Lehmann*

*That the letter be received*

*Carried 10/0*

**ATTENDANCE:**

*Cr Campbell returned to the meeting*

**7.2.2 Department of Local Government, Planning, Sport and Recreation** - Advising that the Government has introduced legislation to allow homeowners in seweraged areas to use greywater on their lawns and gardens to reduce the impacts of drought on the community

**Background:**

Report Nos: (B4-B9)

The Water Supply and Sewerage Engineer submitted a written report concerning changes to the Plumbing and Drainage Act 2002 – Grey Water Use Facilities and recommending that Council approve the suggested fees and charges for accepting grey water use applications. It is also recommended that Council consider implementing a Local Law to allow for registration of all on-site treatment and grey water use systems, and implement an inspection and monitoring program to inspect all on-site treatment and grey water use systems shire wide.

**Motion:**

*Moved Cr Dalton seconded Cr Lehmann*

*That the report be received and the fees and charges structure be investigated further*

*Carried 11/0*

- 7.2.4 **Department of Local Government, Planning, Sport and Recreation** - Advising that Council's application for funding towards the new bores at Kumbia under the Smaller Communities Assistance Program (SCAP) has been received and the announcement of successful applicants will occur in October 2006

**Background:**

For Council's Information

**Motion:**

*Moved Cr Dalton seconded Cr Moss*

*That the letter be received*

*Carried 11/0*

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 16 August 2006 to 16 September 2006

**Motion:**

*Moved Cr Dalton seconded Cr Campbell*

*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 Environmental Protection Agency - Qld Parks & Wildlife Service** - Encouraging Council to take up voluntary delegations under the Environmental Protection (Water) Policy 1997 in order to manage the impacts of soil erosion and sediment release and other contaminants by signing the MoU

**Background:**

Council discussed this MoU at the October 2005 meeting, where it was resolved that Council not sign the document. Any soil erosion or sediment release complaints are investigated and, if warranted, forwarded to the EPA for their investigation. Council has always maintained an educational role rather than an enforcement role. With the ongoing dry spell, very few complaints are received. Council Officers will be working more closely with developers and builders etc to improve their on-ground control measures to minimise releases to stormwater. Unless Council wishes to change its position, it is recommended that the MoU not be signed and reasons for this decision be forwarded to the EPA.

**Motion:**

*Moved Cr Fleischfresser seconded Cr Shaw*

*That the letter be received*

*Carried 11/0*

- 8.2.2 CSIRO Sustainable Communities Initiative** - Forwarding details of the Sustainable Communities Initiative (SCI)

**Background:**

The CSIRO has established the Sustainable Communities Initiative (SCI) to explore how the public, private and civil sectors can work together to realise sustainable outcomes in communities. The SCI seeks to create a more sustainable Australia by harnessing the knowledge, expertise and resources of agencies and in partnership with communities, develop and deliver sustainable and innovative outcomes that address community challenges.

**Motion:**

*Moved Cr Fleischfresser seconded Cr Lehmann*

*That Council nominate their interest in the Sustainable Communities Initiative (SCI)*

*Carried 11/0*

- 8.2.3 **Senator The Hon Ian Campbell** - Requesting a response by 6 October 2006 to indicate Council's participation in the National Cigarette Butt Litter Programme

**Background:**

The Minister for the Department of Environment and Heritage is seeking an indication on the level of interest for a national day of enforcement action on cigarette butt litter. A co-ordinated approach is sought to maximise the effect of the campaign. The only concern is the repeat use of the word enforcement. With the information contained in the support kit (media releases, posters, fact sheets, etc), I would like to see Council take more of an awareness raising stance. It is suggested that Council seek a support kit and participate in the campaign.

**Motion:**

*Moved Cr Fleischfresser seconded Cr Shaw*

*That Council seek a support kit and participate in the campaign*

*Carried 11/0*

- 8.2.4 **Peter J & Deborah J Quilty** - Requesting permission to keep three (3) dogs at her residence at 39 Knight Street Kingaroy

**Background:**

Council has received a complaint about dogs barking from the premises. Upon receiving the complaint, the owners were interviewed and given until 26 September to reduce the number of dogs to two (2) and abate the barking nuisance. This has been the catalyst for the application. It is noted that there are no letters of consent from the adjoining neighbours to keep three (3) dogs. This is a requirement of an application for a three (3) dog permit. Despite the fact that the house in Chinchilla will be completed around 15 December, complaints have already been received about the keeping of dogs at these premises.

**Motion:**

*Moved Cr Fleischfresser seconded Cr Lehmann*

*That Council not agree to the request as complaints have already been received about the keeping of the third dog*

*Carried 11/0*

- 8.2.5 **Trevor & Trish Clegg** - Requesting Council consider allowing the free dumping of green waste and collection of mulch at the Kingaroy tip and providing reasons

**Background:**

Council incurs a cost to mulch the green waste (\$15,000 has been allocated in this year's budget – Council has been quoted \$6.00 per cubic metre finished product to mulch). When Council used to burn the green waste, there was basically no cost. With the cost to mulch, Council needs to generate income to offset the cost of mulching, in addition to what else we provide on site (ie supervision, drop off recycling, etc). It is the intention to initially use the mulch within Council operations, whether it is to establish gardens / erosion control at the landfill, within the Natural Resource Management team or in the Parks & Gardens program. No decision has been made on whether mulch will be made available to the public (whether free or at a cost). This will be dictated by supply and demand. The general public can utilise free tipping days to dispose of their green waste. Since supervision has commenced, the level of contamination within the green waste has significantly dropped. Two (2) skip bins are located adjacent to the green waste stockpile for the public to dispose of their general waste.

**Motion:**

*Moved Cr Fleischfresser seconded Cr Shaw*

*That Council not accede to the request and explain the new procedures for green waste disposal*

*Carried 11/0*

- 8.2.6 **Karen Baron** – Requesting Council stop the noise and dust problem from a motorcross track on property at Taylors Road and Moore Street Intersection and forward disc with evidence

**Background:**

When investigating the issues raised in the correspondence, there are three (3) elements, these being:

- Noise
- Dust
- Land use

The following comments are provided in relation to these three (3) elements:

**Noise**

Noise is by far the main area of concern in relation to the use of the motorbikes on the property. It is confirmed that the Police have jurisdiction to investigate and take action when complaints are made in relation to noise. Discussions took place on Wednesday, 27 September 2006 with Kingaroy Police in relation to the matter.

From 1 July 2006, the Police have had the "Police Powers and Responsibilities (Motorbike Noise) Amendment Act 2005 to enforce complaints in relation to the matter.

The Police have power under this legislation to give a noise abatement direction to cease a noise nuisance; they have power also to seize motorbikes for various lengths of time (48 hours for the first offence and two (2) weeks for the second offence).

A copy of this legislation is available for interested Councillors.

A recommendation from the Police is that they be contacted when the noise nuisance is occurring so they can make an assessment at that time.

The Police have visited the property previously and have provided advice to the property owner on options to minimise the noise.

### **Dust**

It is acknowledged by the complainant that dust is a secondary issue, in that you can control the dust issue, but still have the noise. Action in relation to dust can be taken by Council under the nuisance provisions of the Environmental Protection legislation. Given the location, dust may also be coming from several other sources, ie residential developments, agriculture.

### **Land Use**

Council's Consultant Town Planner undertook discussions and a site inspection on Tuesday, 26 September 2006. It was his opinion that Council could write to the property owner and seek written advice from her in relation to the activity to determine the nature of the activity (ie domestic or commercial) and see if a Material Change of Use application would be required.

The land use (dependant upon the information provided by the property owner) **may** trigger a development application under the "Outdoor Entertainment" classification of the Scheme.

For the information of Council, John Viklund had a telephone conversation with the property owner on 3 April 2006 in relation to the track. He advised that there were no planning issues if the track was used for domestic purposes only, however, it would become a planning issue if the track were used commercially or for a club.

The question is, from April until now, has the use intensified to warrant an application under the planning scheme?

### **Motion:**

*Moved Cr Coleman seconded Cr Shaw*

*That the author be advised to contact the Kingaroy Police when a noise nuisance is being created by the motorbikes and that Council write to the property owner seeking clarification on the usage of the facility.*

*Carried 11/0*

## **8.3 General Business**

### **8.3.1 Directors Report – Environment, Health and Community Services**

#### **Background:**

Report Nos: (C1-C13)

The Director of Environment, Health and Community Services submitted a written report on the Department activities for the month of August 2006

**Motion:**

*Moved Cr Fleischfresser seconded Cr Trout*

*That the report be received*

*Carried 11/0*

**9. CORPORATE AND COMMUNITY SERVICES SECTION****9.1 Business Arising Out of Minutes**

Nil

**9.2 Correspondence**

- 9.2.1 Kim & Judith Burton** - Requesting Council review their water usage account and advising the amount of water used is due to broken pipes occurring during the water mains upgrade to increase water pressure for the Moore Street development

**Background:**

Report Nos: (D41-D42)

The Manager of Rates & Property submitted a written report discussing a request from Mr K & Mrs J Burton of 43 Moore Street Kingaroy to reduce the current water usage charge of \$926.25 for the January 2006 to June 2006 period due to a leak caused by increased water pressure as result of a recently upgraded water mains.

**Motion:**

*Moved Cr Lehmann seconded Cr Campbell*

*That the charge be reduced to the corresponding period in 2005 as Council is unable to accede to the request to reassess water usage charges*

*Carried 11/0*

- 9.2.2 Department of the Premier and Cabinet** - Inviting Council to register an expression of interest in the 2007 Australia Day Ambassador Program.

**Background:**

Council participated in the Ambassador Program last year for the first time and was fortunate in having Sister Angelia Mary Doyle attend our Australia Day Ceremony. The feedback was very positive and it suggested that we should participate again in 2007.

**Motion:**

*Moved Cr Fleischfresser seconded Cr Lehmann*

*That Council participate in the 2007 Australia Day Ceremony*

*Carried 11/0*

- 9.2.3 Lesley M & Jaqueline M Saul** - Requesting Council allow a concession on water usage charges due to increased water pressure which resulted in a burst water pipe at their premises at 104 Moore Street, Kingaroy

**Background:**

Report Nos: (D36-D37)

The Manager of Rates & Property submitted a written report discussing a request from Mr LM & Mrs JM Saul of 104 Moore Street, Kingaroy to reduce the current water usage charge of \$1667.50 for the January 2006 to June 2006 period due to a leaks caused by increased water pressure as a result of recently upgraded water mains.

**Motion:**

*Moved Cr Lehmann seconded Cr Shaw*

*That Council agree to a 50% reduction in water usage charges as Council is unable to accede to the request to reassess water usage charges*

*Carried 11/0*

- 9.2.4 **South Burnett Musical Comedy Society** - Requesting Council waive the application fee of \$472.00 for the creation of a long term lease at Cornish Street, Kingaroy - Lot 5 SP106946

**Background:**

The South Burnett Musical Comedy Society Inc have entered into an agreement with the South Burnett Enterprise Centre for a long term lease over a block of land. The agreement specifies that the society is responsible for the survey and legal expenses. While this letter requests relief from an application fee it is assumed it is the above legal fees.

It is suggested that Council not reimburse them for the legal fees, however offer to waive any building application fees when they lodge their application to erect the storage and rehearsal facility.

**Motion:**

*Moved Cr Campbell seconded Cr Shaw*

*That Council agree to the request to waive the relevant subdivision application fee and future building application fees when an application is submitted*

*Carried 11/0*

- 9.2.5 **Kingaroy State High School** - Forwarding cheque for rates and excess water charges and requesting Council consider reducing the water charges in line with their normal water consumption and providing reasons

**Background:**

Report Nos: (D38-D39)

The Manager of Rates & Property submitted a written report discussing a request from Kingaroy State High School of Toomey Street, Kingaroy to reduce the current water usage charge of \$31,726.25 for the January 2006 to June 2006 period due to a prolonged leak that was extremely difficult to locate.

**Motion:**

*Moved Cr Moss seconded Cr Fleischfresser*

*That Council not accede to the request to reassess water usage charges*

*Carried 11/0*

- 9.2.6 **Local Government Association of Queensland Inc (LGAQ)** - Advising of Council's allocation under the "Breaking the Unemployment Cycle" 2006/2007

**Background:**

As reported at the budget meeting the above state government training program has finished and we are yet to be advised what if anything will take its place. Fortunately the Local Government Association was able to negotiate one more year for local government. However the funding has been reduced effecting the numbers of trainees available.

Council's quota has normally been 9 fulltime trainees and 3 school based trainees as follows:

- South Burnett Enterprise Centre-1 full time administration trainee
- Kingaroy Heritage Precinct- 1 full time administration trainee
- Kingaroy Library- 1 full time and 1 school based library services trainee
- Administration Office - 1 school based administration trainee
- South Burnett Community Private Hospital - 2 fulltime (hospitality services & health care) trainees and 1 school based administration trainee
- Road Construction - 3 fulltime trainees
- Parks & gardens - 1 fulltime trainee

This poses a difficult problem for Council as several of the above sites rely on their trainee to function and has ramifications in next year's budget. It is proposed to provide from our quota one trainee to each Enterprise Centre, Heritage Precinct, Hospital, Library, Parks, and Road Construction.

**Motion:**

*Moved Cr Lehmann seconded Cr Fleischfresser*

*That the offer for six (6) fulltime and three (3) school-based trainees be accepted.*

*Carried 11/0*

- 9.2.7 **Local Government Association of Queensland Inc (LGAQ)** - Requesting Council complete the Local Government Workcare Bank Guarantee and return by Friday 29 September 2006

**Background:**

Local Government Workcare has made significant savings for Queensland Local Government since its inception. One of the statutory requirements to be a member of the scheme is that each Local Government must underwrite the scheme's outstanding liabilities by way of an unconditional bank guarantee. Our liability for 2006/2007 has been assessed at \$154,871.29 an increase of \$23019.68

**Motion:**

*Moved Cr Trout seconded Cr Dalton*

*That the Local Government Workcare Bank Guarantee be endorsed and forwarded on to the Local Government Association of Queensland*

*Carried 11/0*

- 9.2.8 **Kingaroy Guides** - Requesting Council consider granting the Kingaroy Girl Guides a discount on their yearly Council rates

**Background:**

Report Nos: (D40)

The Manager of Rates & Property submitted a written report discussing an application from the Kingaroy Girl Guides Support Group for a discount (remission) on rates for their property situated at 2 Mant Street, Kingaroy recommending that Council again provide a 50% concession on valuation-based rates for the Kingaroy Girl Guides, the Kingaroy Scout Group and the Wooroolin Scout Group, upon payment of all rates and charges.

**Motion:**

*Moved Cr Lehmann seconded Cr Campbell*

*That Council approve a donation equal to fifty percent (50%) of the valuation based rates as follows:*

<i>Kingaroy Girl Guides</i>	<i>\$235.69</i>
<i>Kingaroy Scout Group</i>	<i>\$681.65</i>
<i>Wooroolin Scout Group</i>	<i>\$182.74</i>

*Carried 11/0*

- 9.2.9 **Kumbia Kindergarten** - Requesting Council consider waiving the fee for lodgement of a building application for the installation of a shade sail in the Kindergarten playground

**Background:**

Council has previously supported community and emergency service groups who request refunds of various application fees by way of making a donation equal to the relevant fees paid.

**Motion:**

*Moved Cr Lehmann seconded Cr Carroll*

*That Council agree to waive the building application fees*

*Carried 11/0*

9.3 **Monthly Financial Statements**

**Background:**

Report Nos: (D45-D50)

The Financial Statements for the period ended 31 August 2006 were presented for Council's approval

**Motion:**

*Moved Cr Lehmann seconded Cr Coleman*

*That the Financial Statements for the period ended 31 August 2006 be received and adopted*

*Carried 11/0*

#### 9.4 **General Business**

##### 9.4.1 **Managers Report – Library Services**

**Background:**

Report Nos: (D1)

The Manager of Library Services submitted a written report on activities for the month of August 2006

**Motion:**

*Moved Cr Lehmann seconded Cr Trout*

*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 **Sustainable Development Forum**

**Background:**

Report Nos: (D88-D89)

The Sustainable Development Forum reported in accordance with the meeting held on the 25 September 2006

**Motion:**

*Moved Cr Lehmann seconded Cr Fleischfresser*

*That the report be received and adopted*

*Carried 11/0*

##### 9.4.3 **Review of Delegations**

**Background:**

Report Nos: (D21 – D27)

The Deputy Chief Executive Officer submitted a written report regarding a review of Council's delegations to the Chief Executive Officer and the Chief Executives Officers delegations to other staff and recommended that Council adopt the following resolutions:

- That pursuant to section 472 of the Local Government Act 1993 Council delegate the powers contained in Schedule 1 to the Chief Executive Officer
- That pursuant to section 1086 of the Local Government Act 1993 Council appoints the Chief Executive Officer to be an Authorised Person in accordance with Part 5 of Chapter 15 of the Local Government Act 1993
- That pursuant to Local Law 1 Administration Council appoints the Chief Executive Officer to be an Authorised Person
- That pursuant to Local Law 3 – Libraries Councils appoints the Chief Executive Officer to be the Library Authority

- That pursuant to Local Law 18 – Cemeteries Council appoints the Chief Executive Officer to the Cemetery Authority

**Motion:**

*Moved Cr Lehmann seconded Cr Woods*

*That pursuant to section 472 of the Local Government Act 1993 Council delegate the powers contained in Schedule 1 to the Chief Executive Officer*

*Carried 11/0*

**Motion:**

*Moved Cr Trout seconded Cr Lehmann*

*That pursuant to section 1086 of the Local Government Act 1993 Council appoints the Chief Executive Officer to be an Authorised Person in accordance with Part 5 of Chapter 15 of the Local Government Act 1993*

*Carried 11/0*

**Motion:**

*Moved Cr Lehmann seconded Cr Woods*

*That pursuant to Local Law 1 Administration Council appoints the Chief Executive Officer to be an Authorised Person*

*Carried 11/0*

**Motion:**

*Moved Cr Lehmann seconded Cr Shaw*

*That pursuant to Local Law 3 – Libraries Councils appoints the Chief Executive Officer to be the Library Authority*

*Carried 11/0*

**Motion:**

*Moved Cr Fleischfresser seconded Cr Woods*

*That pursuant to Local Law 18 – Cemeteries Council appoints the Chief Executive Officer to the Cemetery Authority*

*Carried 11/0*

9.4.4 **Local Disaster Management Group**

**Background:**

Report Nos: (D2-D3)

The Chief Executive Officer reported in accordance with the meeting held on Wednesday 6 September 2006

**Motion:**

*Moved Cr Shaw seconded Cr Lehmann*

*That the report be received*

*Carried 11/0*

**9.4.5 Enterprise Agreement Meeting Report****Background:**

Report Nos: (D4 - D20)

The Deputy Chief Executive Officer submitted a written report concerning the Enterprise Bargaining Meeting including minutes from the two meetings held on Wednesday 6 September 2006 and Wednesday 13 September 2006

**Motion:**

*Moved Cr Lehmann seconded Cr Campbell*

*That the report be received*

*Carried 11/0*

**9.4.6 Chief Executive Officer Annual Leave****Background:**

Proposed dates of Annual Leave for the Chief Executive Officer is 3 October 2006 to 9 October 2006. The Chief Executive Officer will then be attending the LGMA State Conference.

**Motion:**

*Moved Cr Lehmann seconded Cr Woods*

*That the Chief Executive Officer be granted leave for 3 October 2006 to 9 October 2006 and the Deputy Chief Executive Officer be approved Acting Chief Executive Officer during the period of leave and the Chief Executive Officer's attendance at the LGMA Conference*

*Carried 11/0*

**9.4.7 Regional Arts Development Fund (RADF) Meeting****Background:**

Report Nos: (D28 –D31)

The Regional Arts Development Fund (RADF) Committee reported in accordance with the minutes of the meeting held on Monday 18 September 2006

**Motion:**

*Moved Cr Lehmann seconded Cr Trout*

*That the report be received and adopted*

*Carried 11/0*

**9.4.8 Sir Joh Bjelke-Petersen Memorial Centre****Background:**

A consultant has been appointed to undertake the feasibility study and will commence work next week. The cost of the study is \$50,000.00 excluding GST. The committee has \$30,000.00 – (Tarong Coal Community Benefit Fund \$15,000.00, Kingaroy State High School \$5000.00, Kingaroy State High School P&C \$5000.00, Council \$5000.00) in funds and is asking for all partners to consider increasing their contribution to the funding of the study. The Kingaroy State High School and Kingaroy State High School P&C have both agreed to contribute a further \$5000.00 each.

**Motion:**

*Moved Cr Lehmann seconded Cr Campbell*

*That Council contribute a further \$5000 towards the feasibility study*

*Carried 11/0*

**9.4.9 Rates Collection Figures****Background:**

Report Nos: (D32-D33)

The Manager of Rates & Property submitted a written report discussing the rates position at the close of the discount period and payment trends emerging following the introduction of new payment methods recommending that the report be received.

**Motion:**

*Moved Cr Lehmann seconded Cr Campbell*

*That the report be received*

*Carried 11/0*

***DECLARATION OF INTEREST:***

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

*The Deputy Mayor assumed the Chair.*

**9.4.10 State Government Pensioner Rebate on Garbage Service – Mrs M Semgreen****Background:**

Report Nos: (D34-D35)

The Manager of Rates & Property submitted a written report discussing a request from Mrs M Semgreen of 191 Semgreens Road, Kingaroy to allow a State Government Pensioner Rebate on Debtors Invoice for her Garbage Service.

**Motion:**

*Moved Cr Woods seconded Cr Shaw*

*That Council make contact with officers from the Nanango Shire Council with a view to entering into a Section 58 Agreement and transferring responsibility for 'billing' the individual garbage charges to the Nanango Shire Council. Further, Mrs Semgreen be advised Council is unable to provide any concession on her current invoice. However, pending the outcome of negotiations with Nanango Shire, pension rebate and discount may be available in the future*

*Carried 10/0*

**ATTENDANCE:**

*The Mayor returned to the meeting and resumed the Chair*

**9.4.11 Recruitment Policy**

**Background:**

Report Nos: (D43-D44 )

The Deputy Chief Executive Officer submitted a policy on recruitment and selection for Council consideration

**Motion:**

*Moved Cr Lehmann seconded Cr Trout*

*That Council adopt the Policy on Recruitment and Selection*

*Carried 11/0*

**9.4.12 Unaudited Financial Statements**

**Background:**

Report Nos: (D51-D87)

The Manager of Finance submitted the Unaudited Financial Statements for the financial year 2005/2006

**Motion:**

*Moved Cr Lehmann seconded Cr Moss*

*That the report be received*

*Carried 11/0*

**9.4.13 Kingaroy & District Historical Society****Background:**

The Kingaroy & District Historical Society have advised that they are in the process of winding up and deregistering as a society and are looking at avenues for disposal of their assets. In particular they are offering the railway building situated in O'Neill Square and leased to the Kingaroy Chamber of Commerce to the Kingaroy Shire Council.

Also they wish to transfer the funds held by the Historical Society to Council to assist a Kingaroy friends of the museum group and to be managed by Council and seeking comments on both these proposals

**Motion:**

*Moved Cr Fleischfresser seconded Cr Shaw*

*That Council agree in principle to the transfer of the former Railway Station building and funds to Council ownership*

*Carried 11/0*

**ADJOURNMENT:****Motion:**

*Moved Cr Moss Seconded Cr Shaw*

*That the meeting adjourn until 1.30pm*

*Carried 11/0*

**RESUMPTION:**

*The meeting resumed at 1.15pm with attendance as previous to the Adjournment*

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

Nil

**10.2 Correspondence**

- 10.2.1 Judy EA Ong** - Seeking Council's assistance towards constructing a walking track/bike track (wheel-chair friendly) to connect the front driveway/entrance of Canowindra Aged Care Centre with Earle Park

**Background:**

In general terms the request seems reasonable and would link the recently upgraded Earle Park with the facility. This being said there are many other older areas in Kingaroy and the Shire that would also benefit from an upgraded footpath network.

Council will be updating its Cycleways and Pathways Plan this financial year and will look at all requests of this nature during this review. There is currently \$25,000 earmarked for Bikeways and Footpath works this financial year with this being earmarked for the completion of the First Avenue bikeway / footpath from Markwell St to Alford and continuing North.

It is recommended that the writer be advised that the project will be included when reviewing the Cycleways and Pathways Plan and the project prioritised along with other projects.

**Motion:**

*Moved Cr Campbell seconded Cr Lehmann*

*That the writer be advised that the project will be included when reviewing the Cycleways and Pathways Plan and the project prioritised along with other projects*

*Carried 11/0*

10.2.2 **Department of Main Roads - Brisbane** - Forwarding a copy of the Department of Main Roads Strategic Plan 2006-2011

**Background:**

For Information Only

**Motion:**

*Moved Cr Campbell seconded Cr Trout*

*That the letter be received*

*Carried 11/0*

10.3 **General Business**

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

**Background:**

Report Nos: (E1-E6)

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 17 August 2006 to 21 September 2006

**Motion:**

*Moved Cr Campbell seconded Cr Shaw*

*That the report be received*

*Carried 11/0*

**11. RURAL COMMUNITIES AND ENVIRONMENTAL SERVICES SECTION****11.1 Business Arising Out of Minutes**

Nil

**11.2 Correspondence****11.2.1 Department of Natural Resources, Mines and Water - Advising of the Land Protection fund payment for 2006/2007 totalling \$19,633.00****Background:**

Department of Natural Resources and Mines and Water has determined Councils 2006/2007 annual payment as follows;

Research, Extension and services Contribution	\$14,794.00
Wild Dog Barrier Fence, Rabbit Control/Research, Rabbit Board	\$3784.00
Plague Pest Contingency Fund	\$1056.00
Total annual payment	\$19,633.00

**Motion:**

*Moved Cr Carroll seconded Cr Lehmann*

*That the letter be received*

*Carried 11/0*

**11.2.2 Department of Natural Resources, Mines and Water - Requesting Council's advise its requirements in relation to an application by the owner of Lot 359 FY2529 being Michael James Jackson to purchase unallocated state land known as Lot 1 AP4666****Background:**

The Department of Natural Resources Mines and Waters has advised of an application to purchase Lot 1 AP4666 (Unallocated State Land) and seeking Council's comments and requirements with regards to the purchase. The applicant has ownership of the parcel of land adjoining to the unallocated state land. The land has not been identified as a significant wildlife corridor or environmental area. The land is currently used for grazing purposes. No special requirements have been identified.

**Motion:**

*Moved Cr Carroll seconded Cr Lehmann*

*That Council offer no objection provided it be amalgamated with the adjoining parcel*

*Carried 11/0*

- 11.2.3 **Department of Natural Resources, Mines and Water** - Inviting applications for funding by 16 October 2006 under the Reclaim the Bush - a Pest Offensive program

**Background:**

The Government recently announced *Reclaim the Bush-a-Pest Offensive*, an \$11 million initiative under the *Blueprint for the Bush* to address pest management issues in regional Queensland. The implementation of a 3 year program also aims to encourage projects that demonstrate partnerships with local government, regional natural resource management groups and indigenous communities.

Minimum grant for projects is \$50,000. No maximum has been set, however applicants requesting large grants are expected to demonstrate partnerships and/or co-investment with other organisations. Six areas for funding include;

- (1) Prevention of new weed threats
- (2) Woody Weed control
- (3) Wild dog control programs
- (4) Feral pig control programs
- (5) Prevention of weed spread
- (6) Indigenous community pest management

**Motion:**

*Moved Cr Carroll seconded Cr Lehmann*

*That Council submit an application for investigating a suitable location for wash down facilities within the South Burnett, additional work teams and equipment to undertake the control of woody weeds and feral animals within the Shire*

*Carried 11/0*

- 11.2.4 **Department of Natural Resources, Mines and Water** - Forwarding a copy of the Stock Route Water Agreement Fees discussion paper and requesting submissions by 23 October 2006.

**Background:**

Department of Natural Resources Mines and Water has prepared a discussion paper on Stock Route Water Agreement Fees. Kingaroy Shire do not have any active stock routes or any agreements with landholders regarding water use from stock route water facilities.

**Motion:**

*Moved Cr Carroll seconded Cr Shaw*

*That the letter be received*

*Carried 11/0*

- 11.2.5 **Department of Primary Industries and Fisheries –**

**Background:**

Kingaroy and Murgon Shire Council meet with the Department of Primary Industries and Fisheries staff to discuss the concerns and issues in relation to the proposed dip licence agreement. Outcome from this meeting was documented and forwarded to Local

Government Association of Queensland. DPI&F has since replied with no intention to support Council in resolving the issues raised at the meeting. The letter also encourages Council to sign the agreement or alternative arrangement would need to be made. It is suggested that Council confirms the intention mentioned in the letter for alternative arrangements. Council has provides information to relevant local party representatives and industry leaders.

**Motion:**

*Moved Cr Carroll seconded Cr Fleischfresser*

*That*

- *The issue be discussed with the Local Government Association of Queensland;*
- *further advice be obtained from the Department of Primary Industries & Fisheries concerning alternative arrangements for the dip;*
- *Council make representation to the Minister for Primary Industries, The Premier, the Member for Blair, the Member for Nanango, the Opposition Spokesman for Primary Industries and Agforce;*
- *Council further liaise with Murgon Shire Council with the object of joint submissions; and*
- *Council consider alternatives to keeping the clearing dip open*

*Carried 11/0*

**11.2.6 LM Gooder; Goodger District Hall Committee –**

**Background:**

Goodger District Hall Committee and Goodger School of Arts hosted a community meeting on the 23rd of September 2006 to discuss future management options for the preservation of Goodger School. Local residents and committee members agreed to approach Council for involvement in a sub-committee to explore future options for the preservation of the historical school. The Goodger School is the last school remaining within the Shire on public land and has not been sold or removed. It is suggested that councillor Woods and Council NRM staff become involved in future discussions with the sub-committee.

**Motion:**

*Moved Cr Carroll seconded Cr Coleman*

*That the letter be received and Council agree to meet with the Committee*

*Carried 11/0*

**11.3 General Business**

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

**Background:**

Report Nos: (F1-F4)

The Natural Resource, Pest & Livestock Manager submitted a written report on work undertaken for the period ended 21 September 2006

**Motion:**

*Moved Cr Carroll seconded Cr Shaw*

*That the report be received*

*Carried 11/0*

12. **MAYOR'S MINUTES**

12.1 **Mayor's Report**

**Background:**

Report Nos: (G1-G8)

The Mayor presented his monthly report covering the period 28 August 2006 to 28 September 2006

**Motion:**

*Moved Cr Shaw seconded Cr Lehmann*

*That the Mayors report be received*

*Carried 11/0*

**PROCEDURE:**

**Motion:**

*Moved Cr Campbell seconded Cr Shaw*

*That the following matter be taken from the table and considered.*

*Carried 11/0*

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

6.1 **Business Arising Out of Minutes**

6.1.5 **John & Sue Crane** - Requesting preliminary assessment for proposed guest villa development at 458 Schellbachs Road, Kingaroy - Lot 5 SP139369

**Background:**

Report Nos: (A63-A69)

The Planning Officer submitted a written report concerning the proposed guest villa development at 458 Schellbachs Road Kingaroy recommending that Council advise the applicant it would be unlikely to support a formal application to develop as proposed, and provide reasons and advice in accordance with the report (section 2).

**Motion:**

*Moved Cr Trout seconded Cr Fleischfresser*

*That the report be received & adopted*

*Carried 11/0*

**PROCEDURE:**

**Motion:**

*Moved Cr Coleman seconded Cr Lehmann*

*That the following matter be taken from the table and considered.*

*Carried 11/0*

**7. WATER AND SEWERAGE SERVICES SECTION (CONT)**

**7.1 Business Arising Out of Minutes**

- 7.1.5 **Del D Wieden** - Forwarding a list of points for Council to consider relating to the moving of sewer lines on their properties

**Background:**

Report Nos: (B10-B44)

The Water Supply and Sewerage Engineer submitted a written report and policy document concerning Building Over or Adjacent to Sewers

**Motion:**

*Moved Cr Dalton seconded Cr Fleischfresser*

*That the report be received and the Building Over or Adjacent to Sewers Policy be adopted and method of charging such as infrastructure charging be investigated further*

*Carried 10/1*

**ADJOURNMENT:**

**Motion:**

*Moved Cr Coleman seconded Cr Fleischfresser*

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

*Carried 11/0*

**RESUMPTION:**

*The meeting resumed at 3.55 pm*

**ATTENDANCE:**

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

**13. GENERAL BUSINESS**

**13.1 Future Capital Works Program**

**Background:**

Report Nos: (H1-H11)

The Deputy Chief Executive Officer submitted a written report on Councils Future Capital Works Program

The Council had discussions on items for the Future Ten Year Capital Works Program

There being no further business the meeting was declared closed

Confirmed before me this ..... day of ..... 2006

**MAYOR**