

DALBY TOWN COUNCIL



**MINUTES OF ORDINARY MEETING OF
COUNCIL**

Held at Dalby Town Council Chambers

ON Tuesday 26 July 2005

Commencing at 4.06 p.m.

MINUTES OF ORDINARY MEETING OF COUNCIL

Tuesday 26 July 2005

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DECLARATION OF MEETING OPENING

The Chairperson declared the meeting open at 4.06 p.m.

PRESENT

Mayor Cr W. Geisel (Chairperson)

Councillors
Cr J.M. Hart
Cr R.G. Latemore
Cr C.P. Milford
Cr G.M. Nearhos
Cr B.T. O'Shea
Cr D.S. Smiles
Cr R.A. Thornton
Cr C.T. Tillman

Officers
J.G. Brown, CHIEF EXECUTIVE OFFICER
S.M. Hegedus, DIRECTOR ENGINEERING SERVICES
J.J. Kelly, DIRECTOR FINANCIAL AND INFORMATION SERVICES
T.A. Summerville, PLANNING AND ENVIRONMENT MANAGER
K. Anderson, MARKETING OFFICER
C.M. Harding, CEO's PERSONAL ASSISTANT

Observers Nil

Delegation Nil

APOLOGIES

Nil

ORD/1 CONDOLENCES

Nil.

ORD/2 CONGRATULATION

**ORD/2.1 COUNCIL'S CONGRATULATIONS EXTENDED DALBY JUNIOR
SOCCER HOSTED ANNUAL CARNIVAL**

File No 1/13/1 & P.184

Summary/Purpose

Cr R.G. Latemore requested Council's congratulations be extended to the Dalby Junior Soccer Association for hosting the first of its two annual carnivals on Sunday 24th July 2005 with thirty two teams comprising more than 400 players participating in the carnival.

**ORD/2.2 COUNCIL CONGRATULATIONS EXTENDED SUCCESSFUL SEASON
DALBY INTER DISTRICT NETBALLERS**

File No 1/13/1

Summary/Purpose

Cr R.G. Latemore requested Council's congratulations be extended to Dalby Inter District netballers who capped a highly successful season with three wins and a second placing in the five divisions decided by the grand finals played on 17th July 2005.

For the second year running, Dalby outplayed teams from Toowoomba, Warwick, Millmerran, Oakey and Boonah to take out top position on the Inter District ladder.

**ORD/4 BUSINESS ARISING OUT OF THE MINUTES OF PREVIOUS
ORDINARY MEETING**

ORD/4.1 SECOND ASSESSMENT DALBY SWIMMING POOL

File No 16/2/1

Summary/Purpose

Mr S.M. Hegedus, DES updated Council on the progress to date in relation to obtaining a second assessment on the condition of the Dalby Swimming Pool, advising that he had met on site with an independent engineer who will submit a fee proposal for Council's consideration in the near future.

Mr Hegedus, DES also advised that he had been fortunate to find the preliminary report on the Dalby Swimming Pool Complex compiled by Farr, Evrat and Associates in October 1981 and will issue a copy to each Councillor.

ORD/5 **ON THE TABLE**

ORD/5.1 **ON THE TABLE TUESDAY 26TH JULY 2005**

To His Worship the Mayor and Councillors

File No 1/2/10

Date 20th July 2005

Prepared by C.M. Harding, CEO's Personal Assistant

Responsible Officer J.G. Brown, CHIEF EXECUTIVE OFFICER

Signed: _____

Summary/Purpose

- 01.** Books for Councillors and Officers to record their interest in contracts with Council in accordance with the Local Government Act, Section 192(1).
- 02.** Register of Moneys paid to Councillors.
- 03.** Local Laws of the Town of Dalby.
- 04.** Local Government Act 1993.
- 05.** Minutes of the 2005 Urban Local Government Association Queensland Annual Conference 18th to 21st May.

Officer's Recommendation

That these five (5) items be received.

COUNCIL RESOLUTION

MOVED by Cr Latemore and seconded by Cr Nearhos

That these five (5) items be received.

CARRIED

ORD/6 PRESENTATION OF PETITIONS AND MEMORIALS BY COUNCILLORS

Nil.

ORD/7 ADOPTION OF REPORTS OF GENERAL PURPOSES COMMITTEE MEETING/S

ORD/7.1 ADOPT REPORT GENERAL PURPOSES COMMITTEE MEETING THURSDAY 21ST JULY 2005

To His Worship the Mayor and Councillors

File No 1/2/10

Date 21st July 2005

Responsible Officer Cr W. Geisel, MAYOR

Signed: _____

Summary/Purpose

Report of the General Purposes Committee Meeting held on Thursday, 21st July 2005.

Officer's Recommendation

That the Report of the General Purposes Committee Meeting held on Thursday, 21st July 2005 be received and adopted.

COUNCIL RESOLUTION

MOVED by Cr Latemore and seconded by Cr Tillman

That the Report of the General Purposes Committee Meeting held on Thursday, 21st July 2005 be received and adopted.

CARRIED

KRA 1 - COMMUNITY WELLBEING

ORD.CW/1 REPORTS

Nil.

ORD.CW/2 INWARDS CORRESPONDENCE

Nil.

ORD.CW/3 GENERAL BUSINESS

ORD.CW/3.1 ENGINEERING SERVICES SPECIAL CONFIDENTIAL REPORT RE: MANAGEMENT RIGHTS OLYMPIC SWIMMING POOL.

File No 16/2/1 & 1/2/2

Summary/Purpose

This Report details Expressions of Interest received for the management of the Dalby Olympic Swimming Pool for the period 1st August 2005 to 30th June 2007.

Council received submissions from four (4) interested parties and interviewed two (2) of the parties on 22nd July 2005 to ascertain the relative merits of their submissions.

The submissions of the parties included payment of the following values:

- Ms Carolen Collins \$18,700
- Mr/Mrs Norman and Rhonda Wotherspoon \$9,000.

COUNCIL RESOLUTION

MOVED by Cr Thornton and seconded by Cr Nearhos

That this Report be received and that Ms Carolen Collins submission for the management rights of the Dalby Olympic Swimming Pool be accepted at a total cost to Council of \$18,700.

CARRIED

KRA 2 - OUR ORGANISATION

ORD.ORG/1 REPORTS

Nil.

ORD.ORG/2 INWARDS CORRESPONDENCE

ORD.ORG/2.1 C J POULTON TENDER RESIGNATION DALBY TOWN COUNCIL

File No 4/4/335 & 4/2/43, Doc. No. 313765

Date 21st July 2005

Responsible Officer S.M. Hegedus, DIRECTOR ENGINEERING SERVICES

Summary/Purpose

A letter dated 15th July 2005 tendering his resignation from Dalby Town Council effective from Monday 8th August 2005 as he is relocating to Maryborough City Council.

Officer's Recommendation

That this letter be received, the contents be noted and Council accept his resignation with regret.

COUNCIL RESOLUTION

MOVED by Cr Smiles and seconded by Cr Latemore

That this letter be received, the contents be noted and Council accept his resignation with regret.

CARRIED

Mr J.J. Kelly, DFIS had completed an inspection of the home at 22 Scarlet Street advising that the home is in good order, however will require maintenance and levelling and Mr Kelly is to bring a summary report back to Council.

KRA 2 - OUR ORGANISATION

ORD.ORG/2 **INWARDS CORRESPONDENCE**

ORD.ORG/2.2 **LOCAL GOVERNMENT ASSOCIATION OF QUEENSLAND SIZE SHAPE AND SUSTAINABILITY ACTION PLAN**

File No 5/3/3, Doc. No. 314255

Date 22nd July 2005

Responsible Officer J.G. Brown, CHIEF EXECUTIVE OFFICER

Summary/Purpose

A letter dated 19th July 2005 advising that the LGAQ Executive has approved the Action Plan to give effect to the Communiqué adopted at the Special Conference on Size Shape and Sustainability held in May/June 2005.

Officer's Recommendation

That this letter and action plan be received and noted.

COUNCIL RESOLUTION

MOVED by Cr Smiles and seconded by Cr Tillman

That this letter and action plan be received and noted.

CARRIED

Cr Smiles commented the Communiqué fails to address the problem of when two Councils in the same town take a different stance on amalgamation and that no mechanisms are in place or being developed to address this issue.

KRA 2 - OUR ORGANISATION

ORD.ORG/2 **INWARDS CORRESPONDENCE**

ORD.ORG/2.3 **QUEENSLAND AUDIT OFFICE EXPLANATION 2004/05 AUDIT FEE**

File No 2/4/19, Doc. No. 311013

Date 22nd July 2005

Responsible Officer J.J. Kelly, DIRECTOR FINANCIAL AND INFORMATION SERVICES

Summary/Purpose

A letter dated 4th July 2005 in response to Council's objection to the high costs to conduct the audit, advising that the Audit Fee has been set pursuant to S.95 of the Financial Administration and Audit Act 1977 and is based on charge out rates approved by the Treasurer, with the outcome being that the estimated 2004/05 audit fee of \$40,850 is considered reasonable.

Officer's Recommendation

That this letter be received and noted.

COUNCIL RESOLUTION

MOVED by Cr Thornton and seconded by Cr Milford

That this letter be received and noted.

CARRIED

KRA 2 - OUR ORGANISATION

ORD.ORG/2 INWARDS CORRESPONDENCE

**ORD.ORG/2.4 DALBY LEAGUES CLUB NOTIFICATION COMMUNITY LOAN
PROGRAM PROPOSAL LIGHTS AMENITIES BLOCK**

File No 2/4/13, P1620.5, Doc. No. 311293

Date 20th July 2005

Responsible Officer J.G. Brown, CHIEF EXECUTIVE OFFICER

Summary/Purpose

A letter dated 30th June 2005 notifying recent success in obtaining a grant for \$75,000 to assist with the erection of lights on the adjoining cricket oval for training for cricket and rugby league teams. Also a brand new amenities block will be constructed behind the current grandstand at the rugby league grounds.

The approximate costing for both projects is \$180,000 and we hereby submit our intent to apply to Council for assistance under the Community Loans Program.

Council has forwarded the necessary application form and information package and the application will be assessed by the Corporate Governance Sub Committee when received.

Officer's Recommendation

That this letter be received and the contents be noted.

COUNCIL RESOLUTION

MOVED by Cr Latemore and seconded by Cr Hart

That this letter be received, the contents noted and that Council endorse the action taken to date.

CARRIED

KRA 2 - OUR ORGANISATION

ORD.ORG/3 **GENERAL BUSINESS**

ORD.ORG/3.1 **DRAFT POLICY SPORTING ASSISTANCE**

To His Worship the Mayor and Councillors

File No 1/12/1

Date 21st July 2005

Responsible Officer J.G. Brown, CHIEF EXECUTIVE OFFICER

Signed: _____

Previous Consideration

This item was previously discussed at a General Purpose Committee Meeting of Council held on Thursday 23rd June 2005 where it was resolved that:-

It is recommended to Council that:-

- (a) this policy as amended be received; and
- (b) that the draft policy be placed on Council's web site for community comment for a period of two weeks; and
- (c) comments to be referred back to Council at a future meeting.

Cr R.A. Thornton requested an amendment to the Policy to part (a) be considered:-

Individual at National or International Level \$200
Team at National or International Level \$500

The public consultation period has concluded and no comments were received.

Summary/Purpose

A copy of the Sporting Assistance Policy is presented for adoption.

Officer's Recommendation

That the Sporting Assistance Policy be adopted.

COUNCIL RESOLUTION

MOVED by Cr Tillman and seconded by Cr Smiles

That the Sporting Assistance Policy be adopted.

CARRIED

KRA 2 - OUR ORGANISATION

ORD.ORG/3

GENERAL BUSINESS

ORD.ORG/3.2

PROPOSED MEETING DATES AUGUST 2005

To His Worship the Mayor and Councillors

File No 1/1/1

Date 21st July 2005

Responsible Officer J.G. Brown, CHIEF EXECUTIVE OFFICER

Signed:

Summary/Purpose

The proposed list of meeting dates for August, 2005 be accepted.

KRA 3 - BUILT ENVIRONMENT

ORD.BE/1 REPORTS

Nil.

ORD.BE/2 INWARDS CORRESPONDENCE

Nil.

ORD.BE/3 GENERAL BUSINESS

Nil.

KRA 4 - UTILITY SERVICES

ORD.UTS/1 REPORTS

Nil.

ORD.UTS/2 INWARDS CORRESPONDENCE

Nil.

ORD.UTS/3 GENERAL BUSINESS

Nil.

KRA 5 - PLANNING AND LIVEABILITY

ORD.PAL/2

INWARDS CORRESPONDENCE

ORD.PAL/2.1

(D324-04/05) OBJECTION LETTERS DEVELOPMENT APPLICATION FOR MATERIAL CHANGE OF USE a/c MCCONAGHY BUILT PTY LTD

To

J.G. Brown, CHIEF EXECUTIVE OFFICER

File No

P3393, Doc. No. 324-04/05

Date

19 July 2005

Prepared by

T.A. Summerville, PLANNING AND ENVIRONMENT MANAGER

Responsible Officer

J.G. Brown, CHIEF EXECUTIVE OFFICER

Signed:

Summary/Purpose

Letters of objection were received from the following objectors addressing their concerns and lodging their objection to the development application for a material change of use account McConaghy Built Pty Ltd, Eileen Street, Dalby:-

1. CDJ Machin, 4 Matheson Street, Dalby;
2. K Davidson, 4 Wharf Street, Dalby;
3. J Town, 2 Matheson Street, Dalby.

Officer's Recommendation

That these three (3) letters be received, the contents be noted and be considered in conjunction with the Community Services Special Report on the matter.

COUNCIL RESOLUTION

MOVED by Cr Latemore and seconded by Cr Milford

That these three (3) letters be received, the contents be noted and be considered in conjunction with the Community Services Special Report on the matter.

CARRIED

KRA 5 - PLANNING AND LIVEABILITY

ORD.PAL/1

REPORTS

ORD.PAL/1.1

(D324-04/05) COMMUNITY SERVICES SPECIAL REPORT RE: DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE a/c MCCONAGHY BUILT PTY LTD

To

J.G. Brown, CHIEF EXECUTIVE OFFICER

File No

P3393, Doc. No. D324-04/05

Date

19 July 2005

Prepared by

Campbell Higginson Town Planning

Responsible Officer

J.G. Brown, CHIEF EXECUTIVE OFFICER

Signed:

Summary/Purpose

DEVELOPMENT APPLICATION

Application No:	D324-04/05
Applicant:	McConaghy Built Pty Ltd
Owner:	Dalby Town Council
Site Address:	Eileen Street Dalby
Real Property Description:	Lot 8 RP65535 & Lot 61 RP15805, Parish of Dalby
PDLU Designation:	Major Open Space
Proposal:	Material Change of Use

Officer's Recommendation

RECOMMENDED that this report be received and the Assessment Manager's conditions as detailed in item 6 be adopted.

KRA 5 - PLANNING AND LIVEABILITY

ORD.PAL/1 REPORTS

ORD.PAL/1.1 (D324-04/05) COMMUNITY SERVICES SPECIAL REPORT RE:
DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE
a/c MCCONAGHY BUILT PTY LTD ...(Cont'd)

COUNCIL RESOLUTION

MOVED by Cr Smiles and seconded by Cr Milford

RECOMMENDED that this report be received and the Assessment Manager's conditions as detailed in item 6 be adopted with the inclusion of an extra condition 19 (a) as detailed below:-

- The applicant shall provide Council with a security bond of \$5000 for the rehabilitation of the land following completion of use. This bond shall only be returned if the site is returned to its original state as described in condition 19

CARRIED

KRA 5 - PLANNING AND LIVEABILITY

ORD.PAL/1 REPORTS

**ORD.PAL/1.2 (D491-04/05) COMMUNITY SERVICES SPECIAL REPORT RE:
DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE -
CODE ASSESSMENT - O'SHEA**

To J. G. Brown, CHIEF EXECUTIVE OFFICER

File No P706, 764, 765. Doc No: D491-04/05

Date 19 July 2005

Prepared by T.A. Summerville, PLANNING AND ENVIRONMENT MANAGER

Responsible Officer J.G. Brown, CHIEF EXECUTIVE OFFICER

Signed:

Summary/Purpose

DEVELOPMENT APPLICATION

Application No:	D491-04/05
Applicant:	B. O'Shea
Owner:	R.T O'Shea, P.G. O'Shea
Site Address:	38 & 40 Bunya Street & 5 Vowles Street, Dalby
Real Property Description	Lot 3 & 4 on RP63769 and Lot 3 RP66288, Parish of Dalby
PDLU Designation	Multiple Occupancy
Proposal:	Material Change of Use to establish Residential Development (Code Assessment)

Officer's Recommendation

RECOMMENDED that the applicant be advised that the application for a Development Permit for Code Assessment for Class 1b Residential Development (10 Multiple Dwellings) on land described as Lot 3 & 4 on RP63769 and Lot 3 RP66288 in the Parish of Dalby is approved, subject to the following conditions:-

- (1) Compliance with the facts and circumstances set out in the application and all Council By-laws being adhered to and generally in accordance with Plan Number TP-D491-04/05:-
 - (i) Variety be included in the layout and façade appearance of the multiple dwellings, building heights and roof shape to ensure that the development has minimal impact on the amenity of the surrounding area as shown on Plan Number TP-D491-04/05.
- (2) Physical access to the site, car parking and vehicle manoeuvring areas within the subject land shall be provided in accordance with Council's Planning Scheme.

KRA 5 - PLANNING AND LIVEABILITY

ORD.PAL/1

REPORTS

ORD.PAL/1.2

**(D491-04/05) COMMUNITY SERVICES SPECIAL REPORT RE:
DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE -
CODE ASSESSMENT - O'SHEA ...(Cont'd)**

- (3) The applicant shall either amalgamate all of the Lots within the development or alternatively provide a suitable easement to allow reciprocal access as shown on Plan Number TP-D491-04/05.
- (4) (a) All vehicular manoeuvring areas shall be constructed, paved, drained, sealed and maintained in accordance with Council's Planning Scheme.
- (b) The provision of one car parking spaces per unit as shown on Plan Number TP-D491-04/05 as well as one visitor car parking space provided per group of two units in accordance with Council's Planning Scheme.
- (5) (a) The site is to be drained in accordance with Council's Planning Scheme.
- (b) To this end, stormwater from roof and sealed areas shall be collected inside the subject land and discharged by way of sealed underground pipe to the street or alternatively directly to the stormwater pit.
- (6) Any damage which is incurred to footpaths abutting the subject land as a result of the proposed development shall be repaired immediately upon completion of works associated with the development, prior to the issue of a certificate of classification.
- (7) The relocation of services within the subject land shall be undertaken by the applicant at no cost to Council.
- (8) (a) Landscaping shall be undertaken as shown in green on Plan Number TP-D491-04/05 in accordance with Council's Planning Scheme. The requirements may be relaxed by the Chief Executive officer in certain circumstances.
- (b) To this end, landscape treatment shall include:-
- Planting beds a minimum of 600 mm wide along the Bunya and Vowles Street frontage of the subject land and adjacent to the driveway, planted with suitable shrubs that grow to a medium height as shown in green on Plan Number TP-D491-04/05.
 - A suitably solid fence to achieve a screen wall at least 1.85 high along adjoining properties as shown in brown on Plan Number TP-D491-04/05. The total cost of this new fencing to be met by the applicant.
 - All established trees as shown on the application must be retained on site, or alternatively any trees removed must be replacement with the same number of mature medium height trees a minimum of two metres in height.
- (c) Such landscaping shall be executed to the Chief Executive Officer's satisfaction and shall thereafter be maintained in perpetuity to Council's satisfaction by the existing or future owners and occupiers of the property.

KRA 5 - PLANNING AND LIVEABILITY

ORD.PAL/1

REPORTS

ORD.PAL/1.2

**(D491-04/05) COMMUNITY SERVICES SPECIAL REPORT RE:
DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE -
CODE ASSESSMENT - O'SHEA ...(Cont'd)**

- (9) (i) Provision of one (1) 240 litre wheeled refuse container per dwelling unit on the subject land;
- (ii) The container storage area is to be suitably screened from all roads and adjoining dwellings and provided with impervious paving.
- (10) Mechanical equipment, air conditioning units and other projections above the roofline shall be contained behind screened structures of a similar colour and character to the main building structure. The requirements may be relaxed by the Chief Executive Officer in certain circumstances.
- (11) Unless otherwise approved in writing by the Chief Executive Officer, the hours of construction will be limited to :-
- Monday to Saturday - 7.00a.m. to 7.00p.m.
No work on Sundays or Public Holidays
This will apply to any work creating noise or other inconvenience.
- (12) Any lighting device is to be so positioned and shielded so as not to cause any glare or lighting nuisance to any nearby residential occupation or passing vehicle.
- (13) The development may be staged over three stages, however, any new dwellings shall not be occupied until such time as the requirements of the conditions have been partly completed as they relate to individual dwellings or bonded to the satisfaction of the Chief Executive Officer.
- (14) Compliance with the above conditions within the periods limited by the Integrated Planning Act or, where no period is specified, within a period of four (4) years from the date of approval, otherwise the approval will lapse.

FURTHER RECOMMENDED that the applicant be advised that:-

- (a) This approval extends only to the Material Change of Use of the site for the purposes of Residential Development. A further application will be required for:-
- (i) Operational works including but not limited to construction of physical access to allotments, external and internal roadworks, stormwater drainage, water supply and sewerage provision and landscape treatment;
- (ii) Any new construction work, alterations, demolition, or change of class, which must be applied for and obtained under the provisions of the Building Act;
- (b) Workplace amenities shall be provided in compliance with the Workplace Health and Safety Act and the Workplace Health and Safety Regulations as administered by the Department of Training and Industrial Relations.

KRA 5 - PLANNING AND LIVEABILITY

ORD.PAL/1

REPORTS

ORD.PAL/1.2

**(D491-04/05) COMMUNITY SERVICES SPECIAL REPORT RE:
DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE -
CODE ASSESSMENT - O'SHEA ...(Cont'd)**

Cr O'Shea declared a Material Personal Interest and retired from the Meeting at 4.40 p.m.

COUNCIL RESOLUTION

MOVED by Cr Thornton and seconded by Cr Tillman

That this report be received and recommendations contained therein be adopted with the following amendment:-

Delete condition 8b and insert the following:

- To this end, landscape treatment shall include:-
 - Planting beds a minimum of 600 mm wide and 1000 mm long along the Bunya and Vowles Street entrances of the subject land adjacent to the driveways, planted with suitable shrubs that grow to a medium height as shown in green on Plan Number TP-D491-04/05.
 - A suitably solid fence to achieve a screen wall at least 1.85M high along adjoining properties as shown in brown on Plan Number TP-D491-04/05. The total cost of this new fencing to be met by the applicant.
 - All established trees as shown on the application must be retained on site, or alternatively any trees removed must be replaced with the same number of mature medium height trees a minimum of two metres in height in locations that are adjacent to neighbouring properties.

CARRIED

Cr O'Shea rejoined the Meeting at 4.45 p.m.

KRA 5 - PLANNING AND LIVEABILITY

ORD.PAL/1 REPORTS

**ORD.PAL/1.3 (D485-04/05) COMMUNITY SERVICES SPECIAL REPORT RE:
DEVELOPMENT APPLICATION FOR THE RECONFIGURATION OF A
LOT a/c PORTER**

To J.G. Brown, CHIEF EXECUTIVE OFFICER

File No P2887.3 2901, Doc. No. D485-04/05

Date 18 July 2005

Prepared by T.A. Summerville, PLANNING AND ENVIRONMENT MANAGER

Responsible Officer J.G. Brown, CHIEF EXECUTIVE OFFICER

Signed:

Summary/Purpose

DEVELOPMENT APPLICATION

Application No:	D485-04/05
Applicant:	PJ Porter
Owner:	PJ & EM Porter, CR & JL McEwan
Site Address:	17 & 20 Acacia Avenue
Real Property Description	L9 SP170083 & L10 RP897519, Parish of Dalby
PDLU Designation	Residential
Proposal:	Reconfiguring of a Lot – Realignment of Boundaries

Officer's Recommendation

RECOMMENDED that the applicant be advised that the application for a Development Permit for the Reconfiguring of Lots (boundary realignment) on land described as Lot 9 SP 170083 & Lot 10 RP 897519, Parish of Dalby situated at 17 & 20 Acacia Avenue Dalby is approved, subject to the following conditions:-

- (1) Compliance with the facts and circumstances set out in the application and all Council By-laws being adhered to and generally in accordance with the Plan Number TP-D485-04/05.
- (2) Submission of a certificate signed by a licensed surveyor, stating that after the completion of all works associated with the subdivision, survey marks, including permanent survey marks, were reinstated where necessary and all survey marks are in their correct position, in accordance with the plan of survey.
- (3) Compliance with the above conditions and submission of a certified Plan of Survey of the proposal, for Council's signing and sealing, within the periods limited by the Integrated Planning Act or, where no period is specified, within a period of two (2) years from the date of approval, otherwise the approval will lapse.

KRA 5 - PLANNING AND LIVEABILITY

ORD.PAL/1

REPORTS

ORD.PAL/1.3

(D485-04/05) COMMUNITY SERVICES SPECIAL REPORT RE:
DEVELOPMENT APPLICATION FOR THE RECONFIGURATION OF A
LOT a/c PORTER ...(Cont'd)

COUNCIL RESOLUTION

MOVED by Cr Thornton and seconded by Cr Latemore

That this report be received and recommendations contained therein be adopted.

CARRIED

KRA 5 - PLANNING AND LIVEABILITY

ORD.PAL/1 REPORTS

**ORD.PAL/1.4 (D493-04/05) COMMUNITY SERVICES SPECIAL REPORT RE:
DEVELOPMENT APPLICATION FOR THE RECONFIGURATION OF A
LOT a/c A & T SURVEYING.**

To J.G. Brown, CHIEF EXECUTIVE OFFICER

File No P1440, Doc. No. D493-04/05

Date 20 July 2005

Prepared by T.A. Summerville, PLANNING AND ENVIRONMENT MANAGER

Responsible Officer J.G. Brown, CHIEF EXECUTIVE OFFICER

Signed:

Summary/Purpose

DEVELOPMENT APPLICATION

Application No: D493-04/05
Applicant: A & T Surveying
Owner: P Bacon, R & S Weier, D & P Bell
Site Address: 28 Cunningham Street, Dalby.
Real Property Lot 5 on SP 174724, Parish of Dalby
Description
PDLU Comprehensive Development Precinct 1
Designation
Proposal: Reconfiguring of a Lot – Building Unit
 Subdivision

Officer's Recommendation

RECOMMENDED that the applicant be advised that the application for a Development Permit for the Reconfiguring of Lots (building unit subdivision) on land described as Lot 5 SP 174724 Parish of Dalby situated at 28 Cunningham Street Dalby is approved, subject to the following conditions:-

- (1) Compliance with the facts and circumstances set out in the application and all Council By-laws being adhered to and generally in accordance with the Plan Number TP-D493-04/05.
- (2) Existing buildings are to comply with the required separation distances/setbacks from the fire source features or are constructed with fire rated material in accordance with the provisions of the Building Act.
- (3) All access ways to the site, car parking and vehicle manoeuvring areas within the subject land shall be provided in accordance with Council's Planning Scheme.

KRA 5 - PLANNING AND LIVEABILITY

ORD.PAL/1

REPORTS

ORD.PAL/1.4

(D493-04/05) COMMUNITY SERVICES SPECIAL REPORT RE: DEVELOPMENT APPLICATION FOR THE RECONFIGURATION OF A LOT a/c A & T SURVEYING. ...(Cont'd)

- (4) Any damage which is incurred to footpaths abutting the subject land as a result of the proposed development shall be repaired immediately upon completion of works associated with the development.
- (5) Telephone and electricity services shall be provided to each allotment in accordance with Council's Transitional Planning Scheme.
- (6) Reticulated water supply and sewerage services shall be provided to each allotment individually in the subdivision, including the provision of connections. All work shall be constructed in accordance with Council's Transitional Planning Scheme. To this end, prior to the signing and sealing of any Plan of Survey for Reconfiguration of Lots on the site, each allotment shall be provided with a water service connection up to but excluding the water meter; and any new sewer sections and sewer connection points, including a jump up as considered necessary to allow the property to be individually connected to the sewer.
- (7) Any services that require relocation within the subject land shall be undertaken by the applicant at no cost to Council.
- (8) Submission of a certificate signed by a licensed surveyor, stating that after the completion of all works associated with the subdivision, survey marks, including permanent survey marks, were reinstated where necessary and all survey marks are in their correct position, in accordance with the plan of survey.
- (9) Compliance with the above conditions and submission of a certified Plan of Survey of the proposal, for Council's signing and sealing, within the periods limited by the Integrated Planning Act or, where no period is specified, within a period of two (2) years from the date of approval, otherwise the approval will lapse.

COUNCIL RESOLUTION

MOVED by Cr Thornton and seconded by Cr O'Shea

That this report be received and recommendations contained therein be adopted.

CARRIED

KRA 5 - PLANNING AND LIVEABILITY

ORD.PAL/1 **REPORTS**

ORD.PAL/1.5 **(D062-04/05, D390-04/05) COMMUNITY SERVICES SPECIAL REPORT
RE: DEVELOPMENT APPLICATION FOR RECONFIGURATION OF
LOTS AND OPERATIONAL WORKS a/c BAZLEY WATT STREET**

To J.G. Brown, CHIEF EXECUTIVE OFFICER

File No P802.6, Doc. No. D062-04/05, D390-04/05

Date 21 July 2005

Prepared by T.A. Summerville, PLANNING AND ENVIRONMENT MANAGER

Responsible Officer J.G. Brown, CHIEF EXECUTIVE OFFICER

Signed: _____

Summary/Purpose

Memorandum dated 21 July 2005 from Todd Summerville Planning and Environment Manager to Jeff Brown Chief Executive Officer in relation to Development Applications D062-04/05 & D390-04/05 for Reconfiguration of Lots and Operational Works - Bazley.

Officer's Recommendation

That this memorandum be received, and Council's direction is sought.

COUNCIL RESOLUTION

MOVED by Cr Thornton and seconded by Cr O'Shea

That this memorandum be received, and that Council accede to the request for the signing and sealing of the plans of survey subject to the following:-

- security bond of \$598,424 being provided in the form of an unconditional bank guarantee or cash; and
- the applicant executing a suitable agreement with Council where the applicant agrees to ensure full completion of the conditions of approval for the entire development by 30th July 2007 or the security bond shall be forfeited; and acknowledges that the return of any security bond on a pro rata basis will not be available.

CARRIED

KRA 5 - PLANNING AND LIVEABILITY

ORD.PAL/1 REPORTS

**ORD.PAL/1.6 (D454-04/05) COMMUNITY SERVICES SPECIAL REPORT RE:
DEVELOPMENT APPLICATION FOR RECONFIGURATION OF A LOT
a/c WALSH, DENSLEY'S LANE**

To J.G. Brown, CHIEF EXECUTIVE OFFICER

File No P3546, Doc. No. D454-04/05

Date 21 July 2005

Prepared by Campbell Higginson Town Planning

Responsible Officer J.G. Brown, CHIEF EXECUTIVE OFFICER

Signed:

Summary/Purpose

DEVELOPMENT APPLICATION

Application No:	D454-04/05
Applicant:	Peter Walsh
Owner:	T M Kennedy
Site Address:	Densley's Lane Dalby
Real Property Description:	Lot 8 on RP53334, Parish of Dalby
PDLU Designation:	Industrial
Proposal:	Reconfiguration of a Lot

Officer's Recommendation

RECOMMENDED that this report be received and the Assessment Manager's conditions as detailed in item 6 be adopted.

COUNCIL RESOLUTION

MOVED by Cr Thornton and seconded by Cr O'Shea

RECOMMENDED that this report be received and the matter be deferred pending further discussion with the applicant Mr Peter Walsh.

CARRIED

KRA 5 - PLANNING AND LIVEABILITY

ORD.PAL/1 REPORTS

**ORD.PAL/1.7 (D214-04/05) COMMUNITY SERVICES SPECIAL REPORT RE:-
FURTHER CONSIDERATION DEVELOPMENT APPLICATION FOR A
MATERIAL CHANGE OF USE a/c BARMETTLER**

To J.G. Brown, CHIEF EXECUTIVE OFFICER

File No P497 & P498, Doc No D214-04/05

Date 21 July 2005

Prepared by T.A. Summerville, PLANNING AND ENVIRONMENT MANAGER

Responsible Officer J.G. Brown, CHIEF EXECUTIVE OFFICER

Signed: _____

Summary/Purpose

Consideration of Submissions made by the applicant

DEVELOPMENT APPLICATION

Application No:	D214-04/05
Applicant:	D.M. and F. Barmettler
Owner:	D.M. and F. Barmettler
Site Address:	29 Wood Street (corner 93 Condamine Street), Dalby
Real Property Description	Lots 1/2 on RP 2077, Parish of Dalby
PDLU Designation	Residential
Proposal:	Material Change of Use to establish Residential Development (Impact Assessment) and the Reconfiguration of Lots - three (3) Lots

Officer's Recommendation

RECOMMENDED that Council issue a negotiated decision notice with the following changes to be made to the Conditions of Development Permit D214-04/05:

- Omit previous condition 21 and insert:

(21) Attached to each dwelling shall be a covered car parking space, enclosed on a minimum of two sides and provided with screening on any side facing Condamine Street and provided under the same roof as the dwelling, constructed of the same type and colour materials as the dwelling and each covered car parking space shall have a suitably constructed concrete floor.

KRA 5 - PLANNING AND LIVEABILITY

ORD.PAL/1

REPORTS

ORD.PAL/1.7

**(D214-04/05) COMMUNITY SERVICES SPECIAL REPORT RE:-
FURTHER CONSIDERATION DEVELOPMENT APPLICATION FOR A
MATERIAL CHANGE OF USE a/c BARMETTLER ...(Cont'd)**

- Omit previous condition 10 and insert:
 - (10) (a) Landscaping shall be undertaken as shown in green on Plan Number TP-D214-04/05 in accordance with Council's Planning Scheme. The requirements may be relaxed by the Chief Executive Officer in certain circumstances.
 - (b) To this end, landscape treatment shall include:-
 - Planting beds along of the street frontages of Lot 3 as shown in green on Plan Number TP-D214-04/05;
 - Planting of at least three (3) species of shrubs or trees at least 1.2 metres in height per unit on Lot 3;
 - A suitably solid fence or dense landscaping to achieve a screen wall at least 1.85m high from the building to the Lot boundary to prevent the view from each private outdoor living area to another private outdoor living area on the subject land and to screen the view of clothes drying facilities from the street;
 - A suitably solid fence to achieve a screen wall at least 1.85m high to screen adjoining properties as shown in brown on Plan Number TP-D214-04/05. The total cost of this new fencing to be met by the applicant;
 - A permanent timber and/or mesh styled fence to define outdoor areas of each unit as shown in purple on Plan Number TP-D214-04/05;
 - A feature approximately 0.5 metres in height to prevent all car parking spaces on the site from view from the street frontages of Lot 3.

COUNCIL RESOLUTION

MOVED by Cr Thornton and seconded by Cr Milford

That Council resolve to:-

- (a) receive this report; and
- (b) to agree to the representations made with respect to condition 10 (b) Points 1, 2, 5 and 7 but does not agree with the representations made with respect to condition 3 (a) (viii) and 6 (b) and 21; and
- (c) issue a negotiated decision notice with the following changes to be made to the Conditions of Development Permit D214-04/05:

- Omit previous condition 10 and insert:
 - (10) (a) Landscaping shall be undertaken as shown in green on Plan Number TP-D214-04/05 in accordance with Council's Planning Scheme. The requirements may be relaxed by the Chief Executive Officer in certain circumstances.
 - (b) To this end, landscape treatment shall include:-
 - Planting beds along of the street frontages of Lot 3 as shown in green on Plan Number TP-D214-04/05;
 - Planting of at least three (3) species of shrubs or trees at least 1.2 metres in height per unit on Lot 3;
 - A suitably solid fence or dense landscaping to achieve a screen wall at least 1.85m high from the building to the Lot boundary to prevent the view from each private outdoor living area to another private outdoor living area on the subject land and to screen the view of clothes drying facilities from the street;
 - A suitably solid fence to achieve a screen wall at least 1.85m high to screen adjoining properties as shown in brown on Plan Number TP-D214-04/05. The total cost of this new fencing to be met by the applicant;
 - A permanent timber and/or mesh styled fence to define outdoor areas of each unit as shown in purple on Plan Number TP-D214-04/05;
 - A feature approximately 0.5 metres in height to prevent all car parking spaces on the site from view from the street frontages of Lot 3

CARRIED

KRA 5 - PLANNING AND LIVEABILITY

ORD.PAL/1 REPORTS

ORD.PAL/1.8 COMMUNITY SERVICES MONTHLY TOWN PLANNING REPORT - JUNE 2005

To Jeff Brown, CHIEF EXECUTIVE OFFICER
File No 1/2/8
Date 21 July, 2005
Prepared by T.A. Summerville, PLANNING AND ENVIRONMENT MANAGER
Responsible Officer J.G. Brown, CHIEF EXECUTIVE OFFICER

Signed: _____

Summary/Purpose

This Report details Town Planning activities for the month of June, 2005.

Officer's Recommendation

That this Report be received and noted.

COUNCIL RESOLUTION

MOVED by Cr Thornton and seconded by Cr Smiles

That this Report be received and noted.

CARRIED

KRA 5 - PLANNING AND LIVEABILITY

ORD.PAL/1 REPORTS

ORD.PAL/1.9 COMMUNITY SERVICES MONTHLY REPORT RE: HEALTH AND ENVIRONMENT - JUNE 2005

To J.G. Brown, CHIEF EXECUTIVE OFFICER

File No 1/2/4,

Date 21 July, 2004.

Prepared by T.A. Summerville, PLANNING AND ENVIRONMENT MANAGER

Responsible Officer J.G. Brown, CHIEF EXECUTIVE OFFICER

Signed:

Summary/Purpose

I tender this report on the activities of Council's Health and Environment Program for the month of June, 2005. Accordingly, I request same to be presented to Council.

Officer's Recommendation

That this report be received and noted.

COUNCIL RESOLUTION

MOVED by Cr Latemore and seconded by Cr Nearhos

That this Report be received and noted.

CARRIED

ORD.PAL/3 GENERAL BUSINESS

Nil.

KRA 6 - ECONOMIC PROSPERITY

ORD.ECP/1 REPORTS

Nil.

ORD.ECP/2 INWARDS CORRESPONDENCE

ORD.ECP/2.1 WAMBO SHIRE COUNCIL INABILITY PROVIDE FINANCIAL ASSISTANCE SHED PIONEER PARK

File No 5/5/11, 2/4/13 & P833 Doc. No. 313754

Date 20th July 2005

Responsible Officer J.G. Brown, CHIEF EXECUTIVE OFFICER

Summary/Purpose

A letter dated 14th July 2005 advising Council's request for assistance with funding for the Pioneer Park Museum Association was considered by Council at its Draft Budget Meeting held on the 30th June 2005 notifying Council is unable to assist with funding for this proposal.

Officer's Recommendation

That this letter be received and the contents be noted.

Cr Milford was critical of the comments received from Wambo Shire Council, highlighting Dalby Town Council's \$70,000 contribution recently made towards the construction of the amphitheatre at Jimbour.

Cr Smiles also spoke against the comments finding them both subjective and patronising, stating this matter is a regional issue and that both Councils need to work cooperatively together.

COUNCIL RESOLUTION

MOVED by Cr Milford and seconded by Cr Smiles

That this letter be received, the contents be noted and that:-

- (a) copy of the letter be forwarded to the Minister of Local Government and Planning, the Hon. Desley Boyle advising that Dalby Town Council is trying to work cooperatively with Wambo Shire Council siting Council's contribution to Jimbour Amphitheatre; and
- (b) send a copy of letter to Pioneer Park Museum; and
- (c) a letter be forwarded to Wambo Shire Council expressing Council's disappointment in their lack of reciprocal support for this project.

CARRIED

KRA 6 - ECONOMIC PROSPERITY

ORD.ECP/2

INWARDS CORRESPONDENCE

ORD.ECP/2.2

WAMBO SHIRE COUNCIL RE: INABILITY PROVIDE FINANCIAL ASSISTANCE FUNDING IMPROVEMENTS VISITOR INFORMATION CENTRE

File No

1/13/11, 5/5/11, P976.5, Doc. No. 313755

Date

20th July 2005

Responsible Officer

J.G. Brown, CHIEF EXECUTIVE OFFICER

Summary/Purpose

A letter dated 14th July 2005 advising Council's request for funding for improvement to the Visitor Information Centre was considered by Council at its Draft Budget Meeting on the 30th June 2005 advising Council is not prepared to provide funding assistance.

Officer's Recommendation

That this letter be received and contents noted.

Cr Milford was critical of the comments received from Wambo Shire Council, highlighting Dalby Town Council's \$70,000 contribution recently made towards the construction of the amphitheatre at Jimbour.

Cr Smiles also spoke against the comments finding them both subjective and patronising, stating this matter is a regional issue and that both Councils need to work cooperatively together.

COUNCIL RESOLUTION

MOVED by Cr Milford and seconded by Cr Smiles

That this letter be received, the contents be noted and that:-

- (a) copy of the letter be forwarded to the Minister of Local Government and Planning, the Hon. Desley Boyle advising that Dalby Town Council is trying to work cooperatively with Wambo Shire Council siting Council's contribution to the Jimbour Amphitheatre; and
- (b) send a copy of the letter to Chamber of Commerce; and
- (c) a letter be forwarded to Wambo Shire Council expressing Council's disappointment in their lack of reciprocal support for this project.

CARRIED

KRA 6 - ECONOMIC PROSPERITY

ORD.ECP/3 GENERAL BUSINESS

ORD.ECP/3.1 COUNCIL EXTEND INVITATION WAYNE NEWTON ATTEND COUNCIL MEETING DISCUSS ETHANOL PLANT

File No 6/1/17

Summary/Purpose

The Mayor, Cr W. Geisel suggested an invitation be extended to Mr Wayne Newton, Agforce to attend a future Council meeting to address Council on his recent trip overseas to inspect Ethanol Plants and attend the conference.

COUNCIL RESOLUTION

MOVED by Cr Milford and seconded by Cr O'Shea

That Mr Wayne Newton be invited to attend a future Council Meeting.

CARRIED

ORD.ECP/3.2 INSPECTION REVERSE OSMOSIS PLANT LABOR PARTY BACKBENCHERS MONDAY 25TH JULY 2005

File No 9/1/4 & 9/1/5

Summary/Purpose

Cr B.T. O'Shea gave a brief report on the inspection of the Reverse Osmosis Plant with several Labor Party backbenchers on Monday 25th July 2005 reporting that the exercise was very worthwhile and that he had requested their support for Council's Water Submission.

KRA 6 - ECONOMIC PROSPERITY

ORD.ECP/3

GENERAL BUSINESS

ORD.ECP/3.3

UPDATE ON STRUCTURE OF AQUATIC CENTRE PROJECT PUBLIC MEETING SCHEDULED FOR WEDNESDAY 27TH JULY 2005

File No

16/2/1

Summary/Purpose

Mr S.M. Hegedus, DES discuss the proposed structure of the Aquatic Centre Project Public Meeting scheduled for Wednesday 27th July 2005 advising:-

- Due to large numbers registered the meeting will be held in the foyer;
- Aim of meeting is to allow community opportunity to present direct feedback to the Council;
- To control meeting, speakers will be identified by name and what organisation they represent;
- Cr O'Shea will facilitate meeting;
- Cr W. Geisel will open meeting and depict history of project to date;
- Time limit of three minutes on each speaker;
- Aquatic Centre fact sheet will be distributed summarising process to date;
- Report from J H Cockerell on condition of pool to be made available;
- Sign in book
- Meeting to conclude at 7.00 p.m.

MEETING CLOSURE

The Meeting concluded at 5.35 p.m.

I hereby certify that the foregoing is a true record of the Minutes of the Proceedings of the Ordinary Meeting held this twenty-sixth day of July 2005.

Signed:

J.G. Brown,
CHIEF EXECUTIVE OFFICER

Submitted to the Ordinary Meeting Of Council held this ninth day of August 2005.

Signed:

Cr Geisel
MAYOR OF DALBY

27th July 2005

APPENDIX / ATTACHMENTS
