



***"Working Together for a Better Dalby"***

## **Minutes Ordinary Meeting of Council**

***Held at Dalby Town Council Chambers***

**ON Tuesday 26 June 2007**

**Commencing at 4.05 p.m.**

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# Minutes Ordinary Meeting of Council

Tuesday 26 June 2007

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**Minutes Ordinary Meeting of Council Tuesday 26th June 2007 - 26/06/07**

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## DECLARATION OF MEETING OPENING

The Chairperson declared the meeting open at 4.05 p.m.

## PRESENT

<b>Mayor</b>	Cr W. Geisel (Chairperson)
<b>Councillors</b>	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
<b>Officers</b>	S.M. Hegedus, CHIEF EXECUTIVE OFFICER T. Bennett, DIRECTOR FINANCIAL & INFORMATION SERVICES M. P. Sullivan, DIRECTOR ENGINEERING SERVICES M. Wilson, PLANNING MANAGER C.M. Harding, CEO's PERSONAL ASSISTANT Graeme Preston, SPECIAL PROJECTS ENGINEER
<b>Observers</b>	Nil
<b>Delegation</b>	Mr Keith Young, Dalby State Emergency Service Controller

## APOLOGIES

An apology for non-attendance was received from Mr Blaine Patterson, DCS.

## ORD/1                      CONDOLENCES

Nil.

## ORD/2                      CONGRATULATIONS

Nil.



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

Nil.

**ORD/5 ON THE TABLE**

Nil.

**ORD/6 PRESENTATION OF PETITIONS AND MEMORIALS BY COUNCILLORS**

Nil.

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

Nil.

**ORD/8 CONSIDERATION OF NOTICES OF BUSINESS**

Nil.

**ORD/9 CONSIDERATION OF NOTICES OF MOTION**

Nil.

**ORD/10 QUESTIONS WITHOUT NOTICE**

Nil.

**ORD/11 RECEPTION OF NOTICES OF MOTION FOR NEXT MEETING**

Nil.

## **KRA 1 - COMMUNITY WELLBEING**

**ORD.CW/1**

### **REPORTS**

**ORD.CW/1.1**

**Report Showgrounds Management Advisory Committee Meeting Tuesday 19th June 2007**

**To** S M Hegedus, CHIEF EXECUTIVE OFFICER

**File No** 1/2/16, 5/1/35 & P1323

**Date** 19 June 2007

**Prepared by** C.M. Harding, CEO's PERSONAL ASSISTANT

**Responsible Officer** B. Patterson, DIRECTOR COMMUNITY SERVICES

Signed: \_\_\_\_\_

### **Summary/Purpose**

A copy of the minutes of the Showgrounds Management Advisory Committee Meeting held on Tuesday 19th June 2007.

### **Officer's Recommendation**

That the minutes be received and noted.

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### **Link to Corporate Plan**

KRA1 Community Wellbeing – Objective 1.1 Community Amenities and Lifestyle – Strategy 1.1.4 Develop and implement a Master Plan for the redevelopment of the Showgrounds.

### **COUNCIL RESOLUTION**

MOVED and SECONDED

That the minutes be received and noted.

**CARRIED**

*Crs C T Tillman, B O'Shea and M Wilson, PM joined the Meeting at 4.07p.m.*

## **KRA 1 - COMMUNITY WELLBEING**

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**ORD.CW/2                      INWARDS CORRESPONDENCE**

Nil.

**ORD.CW/3                      GENERAL BUSINESS**

**ORD.CW/3.1                      Mr Keith Young, Local Controller Dalby State Emergency Service  
Address Council Budget Requirements and Report on 2006/07  
Activities**

**To**                                      S.M. Hegedus, CHIEF EXECUTIVE OFFICER

**File No**                                5/7/3

**Date**                                    20th June 2007

**Responsible Officer**              B. Patterson, DIRECTOR COMMUNITY SERVICES

Signed: \_\_\_\_\_

### **Summary/Purpose**

Mr Keith Young, Local Controller, Dalby State Emergency Service joined the Meeting at 4.00 p.m. to address Council in relation to budget requirements and to report on the 2006/07 year's activities.

- Difficult year to keep SES Group going - 10 members regularly training
- Doug Schmidt resigned as Deputy Controller
- No group leader and the role of Group Leader is training the members
- Call outs have been minimal this year
- Group continues to support events such as Cotton Week - Christmas Street Party, Triathlons and Dalby Show
- Also supported Tara with severe storm and sent 2 members to Innisfail after Cyclone Larry
- Keith Young elected to the VEC Committee - this committee meets with the Minister and his under staff - position is challenging.
- Would like to have 30 members
- Administrative duties becoming a burden for the group - suggested Council write to Minister identifying the decline in numbers and the potential impact for the town and also the increase in administrative requirements which is impacting significantly on the SES group
- Suggested to raise this matter as an agenda item at the LGAQ Meeting scheduled for August 2007
- Council instigate a recruitment drive for new members by issuing various media releases

In retiring from the meeting, Mr Keith Young thanked Council for their continued support throughout the year.

### **Declaration of Material Personal Interest/Conflict of Interest**

Nil

## **KRA 1 - COMMUNITY WELLBEING**

**ORD.CW/3                      GENERAL BUSINESS**

**ORD.CW/3.1                      Mr Keith Young, Local Controller Dalby State Emergency Service  
Address Council Budget Requirements and Report on 2006/07  
Activities ...(Cont'd)**

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### **Justification**

Nil

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### **COUNCIL RESOLUTION**

MOVED and SECONDED

that Council:-

- (a) promote the local SES Group by instigating a recruitment drive for new members through appropriate media releases;
- (b) write to the Minister for Emergency Services acknowledging decline in members and increased administration burden; and
- (c) raise as an agenda item at the LGAQ Conference scheduled for August 2007

**CARRIED**

*Mr Keith Young and Mr Graeme Preston retired from the Meeting at 4.25 p.m.*

## **KRA 3 - BUILT ENVIRONMENT**

**ORD.BE/1**

### **REPORTS**

**ORD.BE/1.1**

**Corporate Services Special Report Re: Review Roadside Memorial Marker Policy**

**To** His Worship the Mayor and Councillors

**File No** 1/12/1, 12/1/1 & 18/1/1,

**Date** 20 June 2007

**Responsible Officer** S.M. Hegedus, CHIEF EXECUTIVE OFFICER

Signed: \_\_\_\_\_

### **Summary/Purpose**

This Report reviews Council's current Policy BE 3.1.9 - Roadside Memorial Marker and recommends an amendment.

### **Declaration of Material Personal Interest/Conflict of Interest**

Nil

### **Officer's Recommendation**

That this Report be received and that the attached amended Policy BE 3.1.9 Roadside Memorial Marker be adopted.

### **Justification**

Nil

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## **COUNCIL RESOLUTION**

MOVED and SECONDED

That this Report be received and that the attached amended Policy BE 3.1.9 Roadside Memorial Marker be adopted.

**CARRIED**

### ***KRA 3 - BUILT ENVIRONMENT***

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**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**

#### **ORD.UTS/2.1                      Shannon Donaldson Lawyers Provide Details Australian Water Fund Grant Bremner**

**To**    S.M. Hegedus, CHIEF EXECUTIVE OFFICER

**File No**                                        9/1/4, Doc. No. 465772

**Date**    20 June 2007

**Responsible Officer**                      M. P. Sullivan, DIRECTOR ENGINEERING SERVICES

Signed: \_\_\_\_\_

#### **Summary/Purpose**

A letter dated 15th June 2007 advising that they have been retained by Vitonga East Farms Pty Ltd which trades as "Bremner Farms" and have been instructed to make submissions to Council and the Minister in respect of the Australian Water Fund Grant for the integrated redevelopment of the Dalby water supply.

Further stating that their clients will contend that the terms and conditions of the grant should be reviewed and conditions imposed on its continuation requiring a minimum annual release of water into Myall Creek which is necessary to facilitate the wetting of the creek bed and the ability of our clients to continue accessing water from the creek.

#### **Declaration of Material Personal Interest/Conflict of Interest**

Nil

#### **Officer's Recommendation**

That this letter be received and noted.

#### **Justification**

Nil

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### **COUNCIL RESOLUTION**

MOVED and SECONDED

That this letter be received and noted.

**CARRIED**

## **KRA 5 - PLANNING AND LIVEABILITY**

**ORD.PAL/1**

### **REPORTS**

**ORD.PAL/1.1**

**(D134-06/07) Community Services Special Report Re: Reconfiguring a Lot to Create 2 Lots at Winton and Wood Streets - Hold**

**To** SM Hegedus, CHIEF EXECUTIVE OFFICER

**File No** A3264, Doc. No. 134-06/07

**Date** 21 June 2007

**Prepared by** MD Wilson, PLANNING MANAGER

**Responsible Officer** BF Patterson, DIRECTOR OF COMMUNITY SERVICES

Signed: \_\_\_\_\_

### **Summary/Purpose**

#### **DEVELOPMENT APPLICATION**

<b>Application No:</b>	134-06/07
<b>Applicant:</b>	Stephen Hold
<b>Owner:</b>	Stephen Hold
<b>Site Address:</b>	Winton and Wood Streets
<b>Real Property Description:</b>	Lot 53 on D930
<b>PDLU Designation:</b>	Residential
<b>Zone:</b>	Medium Constraint
<b>Proposal:</b>	2 lot subdivision
<b>Area of Land:</b>	18,260m <sup>2</sup>

This report considers the proposed development, provides an assessment of the merits of the proposal and makes a recommendation to decide the development application.

The matter of connection to Council's reticulated sewer is an issue here.

### **Officer's Recommendation**

**RECOMMENDED** that:

- A. the applicant be advised that the application for Development Approval for Reconfiguring a Lot to create 2 lots on land described as Lot 53 on D930, situated at the corner of Winton and Wood Streets, Dalby, is approved, subject to the following conditions:-

## **KRA 5 - PLANNING AND LIVEABILITY**

ORD.PAL/1

### **REPORTS**

ORD.PAL/1.1

**(D134-06/07) Community Services Special Report Re: Reconfiguring a Lot to Create 2 Lots at Winton and Wood Streets - Hold ...(Cont'd)**

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#### **Planning**

1. Compliance with the facts and circumstances set out in the application and all Council Local Laws being adhered to and generally in accordance with the approved plans (except where varied by conditions of approval).
2. All vehicles, equipment, debris, rubbish and the like stored on the subject land and not associated with the residential use of the land shall be removed.
3. All outstanding rates and charges shall be paid in full prior to the submission to Council of the Plan of Survey.
4. All conditions are to be complied with prior to the endorsement of approval of the relevant Plan of Subdivision, unless otherwise stated.
5. The applicant shall pay to Council a parks contribution at the rate applicable at the time the contribution is paid. The 2006/07 fees and charges indicate \$500 per additional Lot.

#### **Engineering**

6. Reticulated water supply shall be provided separately to each allotment in the subdivision in accordance with the requirements of the Transitional Planning Scheme.
7. The applicant shall pay to Council a contribution for water supply headworks at the rate applicable at the time the contribution is paid. The 2006/07 fees and charges indicate \$1200 per additional Lot.
8. Reticulated sewer shall be provided separately to each allotment in the subdivision in accordance with the requirements of the Transitional Planning Scheme.
9. The applicant shall pay to Council a contribution for sewerage headworks at the rate applicable at the time the contribution is paid. The 2006/07 fees and charges indicate \$1200 per additional Lot.
10. Winton Street shall be sealed from the end of the existing sealed road in Winton Street to the south-western boundary of Lot 1. The standard of seal shall be 6 metres in width.
11. The applicant shall pay to Council a contribution for transport headworks at the rate applicable at the time the contribution is paid. The 2006/07 fees and charges indicate \$600 per additional Lot.
12. Where deemed necessary by Council, the relocation of services within the subject land shall be undertaken by the applicant at no cost to Council.

## **KRA 5 - PLANNING AND LIVEABILITY**

ORD.PAL/1

### **REPORTS**

ORD.PAL/1.1

### **(D134-06/07) Community Services Special Report Re: Reconfiguring a Lot to Create 2 Lots at Winton and Wood Streets - Hold ...(Cont'd)**

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13. Prior to the issue of a Development Approval for a Dwelling House, an approved crossing shall be provided at the point of access to each allotment in accordance with Council's Local Planning Policies on Engineering Works.
14. 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.
15. The subject site shall be adequately drained and all stormwater shall be disposed of to the satisfaction of Council and to relevant engineering standards.
16. Any filling on-site shall not interfere with the natural drainage of adjoining land or cause unmanageable flows to affect other land.
17. The applicant shall submit a certificate from the provider agency to indicate provision of a telephone supply is available to each of the proposed allotments.
18. The applicant shall submit a certificate from the provider agency to indicate provision of a power supply is available to each of the proposed allotments.
19. Where appropriate, easements shall be provided in favour of Council to contain infrastructure elements.
20. The cost of providing services to each proposed Lot shall be at the expense of the applicant.

### **Environmental Health**

21. The operations and construction work associated with this development are to be carried out to the requirements of Council. In particular, no nuisance is to be caused to adjoining residents by the way of smoke, dust, stormwater discharge or siltation of drains, at any time, including non-working hours. Where material is spilled or carried onto existing roads, it is to be removed forthwith so as to restrict dust nuisance and ensure traffic safety. Adequate safety precautions are to be maintained where work is taking place on existing roads and any damage deemed by the Environmental Health Officer to be attributable to the progress of works or vehicles associated with the development of the site, shall be repaired to Council's satisfaction.

### **Building**

22. All buildings shall be sited in accordance with the Queensland Development Code.

## **KRA 5 - PLANNING AND LIVEABILITY**

### **ORD.PAL/1                      REPORTS**

#### **ORD.PAL/1.1                      (D134-06/07) Community Services Special Report Re: Reconfiguring a Lot to Create 2 Lots at Winton and Wood Streets - Hold ...(Cont'd)**

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B.     The approved plan/drawing for this development approval is listed in the following table:

<b>Plan/Drawing Number</b>	<b>Plan/Drawing Name</b>	<b>Date</b>
067520S	Proposed Subdivision of Lot 53 on D930	10.08.2006

C.     The applicant be advised that:-

- (a)     Prior to works commencing on-site, separate applications for Development Permit for Operational Works, Building Works, Plumbing or Drainage Works will be required to be approved;
- (b)     Prior to commencement of the use, the applicant shall contact Council's Planning Manager, to arrange a Development Compliance Inspection;
- (c)     The applicant must ensure compliance with environmental conditions whether required to hold an Environmental Authority or not. These include, but are not limited to water quality, air quality, noise levels, waste waters, lighting and visual quality as a result of any activity or by-product or storage of materials within the confines of the building(s) and property boundaries.

Any amendment, alteration or addition to the development approval will require further consideration by Council in assessing any changes to the environmental conditions;

- (d)     The **relevant period** for the development approval (Reconfiguring of a Lot) shall be **four (4) years** starting the day the approval is granted or takes effect. In accordance with Section 3.5.21(2) of the IPA, the development approval for Reconfiguring a Lot lapses if a plan for the reconfiguration is not given to Council under Section 3.7.2(2) within the abovementioned **relevant period**.

An applicant may request Council to extend the **relevant period** provided that such request is made in accordance with Section 3.5.22 of the IPA and before the development approval lapses under Section 3.5.21 of the IPA;

- (e)     Council is to be indemnified against any claims arising from works carried out by the applicant on Council's property.

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### **COUNCIL RESOLUTION**

MOVED and SECONDED

That this Report be received and the recommendations contained therein be adopted.

**CARRIED**

## **KRA 5 - PLANNING AND LIVEABILITY**

**ORD.PAL/1                      REPORTS**

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**ORD.PAL/1.2                      (D393-06/07) Community Services Special Report Re: Request to Change or Cancel Conditions - Price**

**To**                                      SM Hegedus, CHIEF EXECUTIVE OFFICER

**File No**                                P4500, Doc. No. 393-05/07

**Date**                                    20 June 2007

**Prepared by**                        MD Wilson, PLANNING MANAGER

**Responsible Officer**            BF Patterson, DIRECTOR OF COMMUNITY SERVICES

Signed: \_\_\_\_\_

### **Summary/Purpose**

#### **DEVELOPMENT APPLICATION**

<b>Application No:</b>	393-05/06
<b>Applicant:</b>	David Price
<b>Owner:</b>	David Price
<b>Site Address:</b>	36 Mary Street, Dalby
<b>Real Property Description:</b>	Lots 1-2 on RP95516 and Lot 5 on RP72499
<b>PDLU Designation:</b>	Residential
<b>Zone:</b>	Medium Constraint
<b>Proposal:</b>	Request to Change or Cancel Conditions
<b>Area of Land:</b>	4049m <sup>2</sup>

This report considers the request to change or cancel conditions, provides an assessment of the merits of the request and makes a recommendation to decide the matter.

### **Declaration of Material Personal Interest/Conflict of Interest**

Nil.

### **Officer's Recommendation**

**RECOMMENDED** that the request to change or cancel conditions be refused and the applicant advised accordingly.

### **Justification**

Nil.

## ***KRA 5 - PLANNING AND LIVEABILITY***

ORD.PAL/1                      REPORTS

ORD.PAL/1.2                (D393-06/07) Community Services Special Report Re: Request to  
Change or Cancel Conditions - Price ...(Cont'd)

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### **COUNCIL RESOLUTION**

MOVED and SECONDED

That this Report be received and that the request to change or cancel conditions be refused and the applicant be advised accordingly.

**CARRIED**

## **KRA 5 - PLANNING AND LIVEABILITY**

**ORD.PAL/1                      REPORTS**

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**ORD.PAL/1.5                      (D556-06/07) Community Services Special Report Re: Material Change of Use to establish a Commercial Development Class 6( B) - Feng Yu**

**To**                                      SM Hegedus, CHIEF EXECUTIVE OFFICER

**File No**                                P1656, Doc. No. 556-06/07

**Date**                                    20 June 2007

**Prepared by**                        MD Wilson, PLANNING MANAGER

**Responsible Officer**            BF Patterson, DIRECTOR OF COMMUNITY SERVICES

Signed:

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### **Summary/Purpose**

#### **DEVELOPMENT APPLICATION**

<b>Application No:</b>	556-06/07
<b>Applicant:</b>	Jian Feng Yu
<b>Owner:</b>	Woodview Investments Pty Ltd and Penington Pty Ltd
<b>Site Address:</b>	Shop 1, 119 Cunningham Street
<b>Real Property Description:</b>	Lot 1 on RP197098
<b>PDLU Designation:</b>	Comprehensive Development Precinct 1
<b>Zone:</b>	High Constraint
<b>Proposal:</b>	Material Change of Use to establish a Commercial Development Class 6(B)
<b>Area of Land:</b>	1,673m <sup>2</sup> (actual shop area approximately 60m <sup>2</sup> )

This report considers the proposed development, provides an assessment of the merits of the proposal and makes a recommendation to decide the development application.

### **Declaration of Material Personal Interest/Conflict of Interest**

Nil.

### **Officer's Recommendation**

**RECOMMENDED** that:

- A. the applicant be advised that the application for Development Approval for a Material Change of Use to establish a Commercial Development Class 6(B) on land described as Lot 1 on RP197098, situated at Shop 1, 119 Cunningham Street, Dalby, is approved, subject to the following conditions:-

## **KRA 5 - PLANNING AND LIVEABILITY**

ORD.PAL/1

### **REPORTS**

ORD.PAL/1.5

**(D556-06/07) Community Services Special Report Re: Material Change of Use to establish a Commercial Development Class 6( B) - Feng Yu ... (Cont'd)**

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#### **Planning**

1. Compliance with the facts and circumstances set out in the application and all Council Local Laws being adhered to and generally in accordance with the approved plans (except where varied by conditions of approval).
2. The use of the premises for the purpose of Commercial Development – Class 6(B) shall at all times accord with Section 1.4.3 of the Transitional Planning Scheme.
3. A contribution toward car parking in lieu of the provision of on-site car parking provided at the rate applicable at time of payment (for a shortfall of 2 car parking spaces). The 2006/2007 financial year fees and charges require payment of \$4,000 per car parking space.

#### **General**

4. Prior to the commencement of the use and at all times thereafter, all conditions of this approval must be fully satisfied unless otherwise stated.
- B. The approved plan/drawing for this development approval is listed in the following table:

<b>Plan/Drawing Number</b>	<b>Plan/Drawing Name</b>	<b>Date</b>
Nil	Proposal Noodle Bar Fitting at Shop 1, 119 Cunningham Street	15.06.2007

- C. The applicant be advised that:-
- (a) Prior to works commencing on-site, separate applications for Development Permit for Building Works and Plumbing & Drainage Works will be required to be approved;
  - (b) Prior to commencement of the use, the applicant shall contact Council's Planning Manager, to arrange a Development Compliance Inspection;
  - (c) The applicant must ensure compliance with environmental conditions whether required to hold an Environmental Authority or not. These include, but are not limited to water quality, air quality, noise levels, waste waters, lighting and visual quality as a result of any activity or by-product or storage of materials within the confines of the building(s) and property boundaries.

Any amendment, alteration or addition to the development approval will require further consideration by Council in assessing any changes to the environmental conditions;

## **KRA 5 - PLANNING AND LIVEABILITY**

ORD.PAL/1

REPORTS

ORD.PAL/1.5

**(D556-06/07) Community Services Special Report Re: Material Change of Use to establish a Commercial Development Class 6( B) - Feng Yu ... (Cont'd)**

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- (d) The **relevant period** for the development approval (material change of use) shall be **four (4) years** starting the day the approval is granted or takes effect. In accordance with Section 3.5.21(1) of the IPA, the development approval for a Material Change of Use lapses if the first change of use under the approval does not happen within the abovementioned **relevant period**. However, if there are one or more **related approvals** for the development approval for a Material Change of Use, the **relevant period** is taken to have started on the day the latest related approval takes effect. (Please refer to Section 3.5.21(7) of the IPA for the meaning of **related approval**).

An applicant may request Council to extend the **relevant period** provided that such request is made in accordance with Section 3.5.22 of the IPA and before the development approval lapses under Section 3.5.21 of the IPA;

- (e) Council is to be indemnified against any claims arising from works carried out by the applicant on Council's property.
- (f) Council considered the matter of car parking associated with the development proposal and has decided to relax the provisions of the Scheme. Consequently, no additional on-site car parking spaces are required subject to the conditions contained in the approval. For future reference it should be noted that Shop 1 has an effective 4 car parking space credit.

### **COUNCIL RESOLUTION**

MOVED and SECONDED

That this Report be received and the recommendations contained therein be adopted.

**The MOTION was LOST**

### **COUNCIL RESOLUTION**

MOVED and SECONDED

That this Report be received and the recommendations contained therein be adopted with the deletion of Condition A (3).

**CARRIED**

## **KRA 5 - PLANNING AND LIVEABILITY**

ORD.PAL/1

REPORTS

ORD.PAL/1.5

**(D556-06/07) Community Services Special Report Re: Material Change of Use to establish a Commercial Development Class 6( B) - Feng Yu ... (Cont'd)**

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### **Justification**

- Availability of on-street car parking;
- The building is established with no prospect of providing additional car parking on-site;
- Short-term parking for take-away rather than longer-term parking for a restaurant;
- Peak type use during meal times – lunch and evening (evening trade will not create a conflict in demand for car parks);
- No extension of premises – no effective change in the area of commercial space; and
- There is off-street Council car parking in the vicinity.

## **KRA 5 - PLANNING AND LIVEABILITY**

**ORD.PAL/1                      REPORTS**

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**ORD.PAL/1.6                      (D567-06/07) Community Services Special Report Re: Material Change of Use to establish a Commercial Development Class 6(B) - Lucky Star Noodle Box Pty Ltd**

**To**                                      SM Hegedus, CHIEF EXECUTIVE OFFICER

**File No**                                P1710, Doc. No. 567-06/07

**Date**                                    20 June 2007

**Prepared by**                        MD Wilson, PLANNING MANAGER

**Responsible Officer**            BF Patterson, DIRECTOR OF COMMUNITY SERVICES

Signed:

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### **Summary/Purpose**

#### **DEVELOPMENT APPLICATION**

<b>Application No:</b>	567-06/07
<b>Applicant:</b>	Lucky Star Noodle Box Pty Ltd
<b>Owner:</b>	Robert and Catherine Forbes
<b>Site Address:</b>	126 Cunningham Street
<b>Real Property Description:</b>	Lot 2 on RP96208
<b>PDLU Designation:</b>	Comprehensive Development Precinct 1
<b>Zone:</b>	High Constraint
<b>Proposal:</b>	Material Change of Use to establish a Commercial Development Class 6(B)
<b>Area of Land:</b>	420m <sup>2</sup> (actual shop area approximately 58m <sup>2</sup> )

This report considers the proposed development, provides an assessment of the merits of the proposal and makes a recommendation to decide the development application.

### **Declaration of Material Personal Interest/Conflict of Interest**

Nil.

### **Officer's Recommendation**

**RECOMMENDED** that:

- A. the applicant be advised that the application for Development Approval for a Material Change of Use to establish a Commercial Development Class 6(B) on land described as Lot 2 on RP96208, situated at 126 Cunningham Street, Dalby, is approved, subject to the following conditions:-

## **KRA 5 - PLANNING AND LIVEABILITY**

ORD.PAL/1

### **REPORTS**

ORD.PAL/1.6

**(D567-06/07) Community Services Special Report Re: Material Change of Use to establish a Commercial Development Class 6(B) - Lucky Star Noodle Box Pty Ltd ...(Cont'd)**

---

#### **Planning**

1. Compliance with the facts and circumstances set out in the application and all Council Local Laws being adhered to and generally in accordance with the approved plans (except where varied by conditions of approval).
2. The use of the premises for the purpose of Commercial Development – Class 6(B) shall at all times accord with Section 1.4.3 of the Transitional Planning Scheme.
3. A contribution toward car parking in lieu of the provision of on-site car parking provided at the rate applicable at time of payment (for a shortfall of 2 car parking spaces). The 2006/2007 financial year fees and charges require payment of \$4,000 per car parking space.

#### **General**

4. Prior to the commencement of the use and at all times thereafter, all conditions of this approval must be fully satisfied unless otherwise stated.
- B. The approved plan/drawing for this development approval is listed in the following table:

<b>Plan/Drawing Number</b>	<b>Plan/Drawing Name</b>	<b>Date</b>
1 of 3	Proposed Shop Plan	12.06.2007

- C. The applicant be advised that:-
- (a) Prior to works commencing on-site, separate applications for Development Permit for Building Works and Plumbing & Drainage Works will be required to be approved;
  - (b) Prior to commencement of the use, the applicant shall contact Council's Planning Manager, to arrange a Development Compliance Inspection;
  - (c) The applicant must ensure compliance with environmental conditions whether required to hold an Environmental Authority or not. These include, but are not limited to water quality, air quality, noise levels, waste waters, lighting and visual quality as a result of any activity or by-product or storage of materials within the confines of the building(s) and property boundaries.

Any amendment, alteration or addition to the development approval will require further consideration by Council in assessing any changes to the environmental conditions;

## **KRA 5 - PLANNING AND LIVEABILITY**

ORD.PAL/1

REPORTS

ORD.PAL/1.6

**(D567-06/07) Community Services Special Report Re: Material Change of Use to establish a Commercial Development Class 6(B) - Lucky Star Noodle Box Pty Ltd ...(Cont'd)**

---

- (d) The **relevant period** for the development approval (material change of use) shall be **four (4) years** starting the day the approval is granted or takes effect. In accordance with Section 3.5.21(1) of the IPA, the development approval for a Material Change of Use lapses if the first change of use under the approval does not happen within the abovementioned **relevant period**. However, if there are one or more **related approvals** for the development approval for a Material Change of Use, the **relevant period** is taken to have started on the day the latest related approval takes effect. (Please refer to Section 3.5.21(7) of the IPA for the meaning of **related approval**).

An applicant may request Council to extend the **relevant period** provided that such request is made in accordance with Section 3.5.22 of the IPA and before the development approval lapses under Section 3.5.21 of the IPA;

- (e) Council is to be indemnified against any claims arising from works carried out by the applicant on Council's property;
- (f) Council considered the matter of car parking associated with the development proposal and has decided to relax the provisions of the Scheme. Consequently, no additional on-site car parking spaces are required subject to the conditions contained in the approval. For future reference it should be noted that Shop 1 has an effective 4 car parking space credit.

### **COUNCIL RESOLUTION**

MOVED and SECONDED

That this Report be received and the recommendations contained therein be adopted.

**The MOTION was LOST**

### **COUNCIL RESOLUTION**

MOVED and SECONDED

That this Report be received and the recommendations contained therein be adopted with the deletion of Condition A (3).

**CARRIED**

## **KRA 5 - PLANNING AND LIVEABILITY**

ORD.PAL/1

### **REPORTS**

ORD.PAL/1.6

**(D567-06/07) Community Services Special Report Re: Material Change of Use to establish a Commercial Development Class 6(B) - Lucky Star Noodle Box Pty Ltd ...(Cont'd)**

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### **COUNCIL RESOLUTION**

MOVED and SECONDED

That Council review its Local Planning Policy - Car Parking Provision at a Future Directions Meeting.

**CARRIED**

### **Justification**

- Availability of on-street car parking;
- The building is established with no prospect of providing additional car parking on-site;
- Short-term parking for take-away rather than longer-term parking for a restaurant;
- Peak type use during meal times – lunch and evening (evening trade will not create a conflict in demand for car parks);
- No extension of premises – no effective change in the area of commercial space; and
- There is off-street Council car parking in the vicinity.

## **KRA 5 - PLANNING AND LIVEABILITY**

**ORD.PAL/1                      REPORTS**

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**ORD.PAL/1.3                      (D408-05/06) Community Services Special Report Re: Without Prejudice Negotiations - Brosnan**

**To**                                      SM Hegedus, CHIEF EXECUTIVE OFFICER

**File No**                                P1164, Doc. No. 408-05/06

**Date**                                    19 June 2007

**Prepared by**                        MD Wilson, PLANNING MANAGER

**Responsible Officer**            BF Patterson, DIRECTOR OF COMMUNITY SERVICES

Signed:

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### **Summary/Purpose**

#### **DEVELOPMENT APPLICATION**

<b>Application No:</b>	408-05/06
<b>Applicant:</b>	Walter Brosnan
<b>Owner:</b>	WBG Investments Pty Ltd
<b>Site Address:</b>	85 Drayton Street, Dalby
<b>Real Property Description:</b>	Lots 15 & 16 on RP62931
<b>PDLU Designation:</b>	Comprehensive Development Precinct 2
<b>Zone:</b>	High Constraint
<b>Proposal:</b>	Appeal Against Refusal
<b>Area of Land:</b>	1,750 m <sup>2</sup>
<b>Submissions:</b>	Nil

This report considers the Appeal and Expert Advice, provides an assessment of the merits of the Appeal on this basis and makes a recommendation for the future conduct of the Appeal.

### **Officer's Recommendation**

**RECOMMENDED** that:

- A.** in accordance with the Local Government Act Section 463(f) Council go into Committee to discuss legal proceedings.
- B.** Council's Director of Community Services be authorised to manage the future conduct of the Appeal in the following way:
  - (a)** The applicant be advised that, Council is not yet satisfied that the proposed use can be accommodated on the subject land in accordance with the Transitional Planning Scheme. Council seeks clarification and better particulars on the following matters:

## **KRA 5 - PLANNING AND LIVEABILITY**

ORD.PAL/1

### **REPORTS**

ORD.PAL/1.3

**(D408-05/06) Community Services Special Report Re: Without Prejudice Negotiations - Brosnan ...(Cont'd)**

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1. There appears to be inconsistencies between the proposed Landscaping Plan and the plans provided with the ASK Consulting Report. Council requires a resolved plan in order to further consider the merits of the Appeal.
2. The ASK Consulting Report identifies substantial barriers for the management of noise. Figure 2 of the report indicates the required heights of barriers in a number of locations. Council requires a plan which clearly indicates the nature and extent of the proposed walls. Figure 2 is difficult to decipher.
3. The proposed barriers, particularly the 4m high barrier which appears to be on the northern boundary shared with existing residential uses, is likely to have a significant impact on visual amenity. A 4m wall is not an insubstantial structure when it acts as the back fence of a residential yard. The height and extent of the walls required to provide adequate noise attenuation raise some questions about the suitability of the proposed development at 85 Drayton Street. Acoustic fencing is one way of treating noise. Is there an alternative which deals with the offending activities such as accommodating them in buildings rather than relying on boundary barriers, which have a significant impact upon the visual amenity of the adjoining land uses?
4. The adjoining land use to the east appears to be a residential land use. Why is it not proposed to provide a landscape strip similar to the other adjoining residential properties?
5. Given the absence of landscaping, has the adjoining residential use to the east been identified as a sensitive noise receptor for the purposes of the Noise Impact Report?

- (b) Seek expert planning and legal advice on the merits of the Appeal.
- 

## **COUNCIL RESOLUTION**

### **RESOLUTION INTO COMMITTEE OF THE WHOLE**

MOVED and SECONDED

That the Meeting resolve into a Committee of the Whole at 5.10 p.m. to discuss legal advice in relation to the Development Application.

**CARRIED**

## **KRA 5 - PLANNING AND LIVEABILITY**

ORD.PAL/1

REPORTS

ORD.PAL/1.3

(D408-05/06) Community Services Special Report Re: Without Prejudice Negotiations - Brosnan ...(Cont'd)

---

### **RESUMPTION OF COUNCIL MEETING**

MOVED and SECONDED

That the Committee of the Whole resume into open Council at 5.25 p.m.

**CARRIED**

### **PROCEEDINGS OF THE COMMITTEE OF THE WHOLE**

MOVED and SECONDED

That this Report be received and the recommendations contained therein be adopted with the inclusion of condition 6 to read as follows:-

6. Please provide a full suite of elevations including streetscape elevations.

**CARRIED**

## **KRA 5 - PLANNING AND LIVEABILITY**

**ORD.PAL/1                      REPORTS**

---

**ORD.PAL/1.4                      (D481-05/06) Community Services Special Report Re: Development Application - Material Change of Use & Reconfiguring of Lot - First Four Investments Pty Ltd**

**To**                                      SM Hegedus, CHIEF EXECUTIVE OFFICER

**File No**                                P2842 & P2843, Doc. No. 481-05/06

**Date**                                    19 June 2007

**Prepared by**                        MD Wilson, PLANNING MANAGER

**Responsible Officer**            BF Patterson, DIRECTOR OF COMMUNITY SERVICES

Signed:

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### **Summary/Purpose**

#### **DEVELOPMENT APPLICATION**

<b>Application No:</b>	481-05/06
<b>Applicant:</b>	First Four Investments Pty Ltd
<b>Owner:</b>	First Four Investments Pty Ltd
<b>Site Address:</b>	29 Archibald Street and Archibald Street, Dalby
<b>Real Property Description:</b>	Lot 1 on RP49325 & Lot 2 on RP2099
<b>PDLU Designation:</b>	Comprehensive Development Precinct 1
<b>Zone:</b>	Medium Constraint
<b>Proposal:</b>	Appeal Against Refusal and Conditions
<b>Area of Land:</b>	1,618 m <sup>2</sup>
<b>Submissions:</b>	1

This report considers the Appeal and Expert Advice, provides an assessment of the merits of the Appeal on this basis and makes a recommendation for the future conduct of the Appeal.

### **Declaration of Material Personal Interest/Conflict of Interest**

Nil.

### **Officer's Recommendation**

**RECOMMENDED** that:

- A.** in accordance with the Local Government Act Section 463 (f) Council go into committee to discuss legal proceedings.

## **KRA 5 - PLANNING AND LIVEABILITY**

ORD.PAL/1

REPORTS

ORD.PAL/1.4

**(D481-05/06) Community Services Special Report Re: Development Application - Material Change of Use & Reconfiguring of Lot - First Four Investments Pty Ltd ...(Cont'd)**

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**B.** Council's Director of Community Services be authorised to manage the future conduct of the Appeal in the following way:

Efforts be made to settle the Appeal subject to the following:

- (a) Conceding to the approval of the Reconfiguring a Lot component of the Development Application subject to a condition requiring "substantial completion" of all proposed dwelling units prior to signing and sealing the Plan of Survey;
- (b) Condition 8 remaining unchanged on the basis it is agreed that the proposed development meets the condition.
- (c) Conceding that condition 11 would be no longer relevant where the reconfiguring a lot part of the development application is allowed, and may be removed.
- (d) Conceding that the Reconfiguring a Lot part of the development application is allowed subject to reasonable and relevant conditions.

### **Justification**

Nil.

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## **COUNCIL RESOLUTION**

### **RESOLUTION INTO COMMITTEE OF THE WHOLE**

MOVED and SECONDED

That the Meeting resolve into a Committee of the Whole at 5.25 p.m. to discuss legal advice in relation to the Development Application.

**CARRIED**

### **RESUMPTION OF COUNCIL MEETING**

MOVED and SECONDED

That the Committee of the Whole resume into open Council at 5.30 p.m.

**CARRIED**

## **KRA 5 - PLANNING AND LIVEABILITY**

ORD.PAL/1

REPORTS

ORD.PAL/1.4

(D481-05/06) Community Services Special Report Re: Development Application - Material Change of Use & Reconfiguring of Lot - First Four Investments Pty Ltd ...(Cont'd)

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### **PROCEEDINGS OF THE COMMITTEE OF THE WHOLE**

MOVED and SECONDED

That this Report be received and the recommendations contained therein be adopted.

**CARRIED**

ORD.PAL/2

INWARDS CORRESPONDENCE

Nil.

ORD.PAL/3

GENERAL BUSINESS

Nil.

## ***KRA 6 - ECONOMIC PROSPERITY***

### **ORD.ECP/1                      REPORTS**

Nil.

### **ORD.ECP/2                      INWARDS CORRESPONDENCE**

Nil.

### **ORD.ECP/3                      GENERAL BUSINESS**

Nil.

## **KRA 2 - OUR ORGANISATION**

**ORD.ORG/1**

**REPORTS**

**ORD.ORG/1.1**

**Adopt Councillors Remuneration Schedule 2007/08**

**To**

His Worship the Mayor and Councillors

**File No**

1/1/3

**Date**

20 June 2007

**Responsible Officer**

S.M. Hegedus, CHIEF EXECUTIVE OFFICER

Signed:

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### **Previous Consideration**

This item was previously discussed at an Ordinary Meeting of Council held on Tuesday 22nd May 2007 where it was resolved that:-

*That the Remuneration Schedule as presented be received and that a public notice be issued under Section 465 (1) of the Local Government Act advising Council will formally adopt the remuneration schedule for 2007/08 at the Ordinary Meeting of Council scheduled for Tuesday, 26th June 2007.*

Public Notice was advertised in the Dalby Herald and placed on Council's noticeboard and no comments or objections were received.

Council needs to formally adopt its Remuneration Schedule for 2007/08.

### **Summary/Purpose**

To adopt Council's Remuneration Schedule 2007/08.

### **Declaration of Material Personal Interest/Conflict of Interest**

Nil

### **Officer's Recommendation**

That Council adopts its Remuneration Schedule for 2007/08 to take effect as of 1st July 2007.

### **Justification**

Nil

## ***KRA 2 - OUR ORGANISATION***

ORD.ORG/1                REPORTS

ORD.ORG/1.1            Adopt Councillors Remuneration Schedule 2007/08 ...(Cont'd)

---

### **COUNCIL RESOLUTION**

MOVED and SECONDED

That Council adopts its Remuneration Schedule for 2007/08 to take effect as of 1st July 2007.

**CARRIED**

## **KRA 2 - OUR ORGANISATION**

### **ORD.ORG/1                      REPORTS**

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**ORD.ORG/1.2                      Financial & Information Services Report Re: Amendment to Council's Purchasing Policy**

**To**                                      S.M. Hegedus, CHIEF EXECUTIVE OFFICER

**File No**                                1/14/1

**Date**                                    19 June, 2007

**Prepared by**                        D. G. Carvosso, PROCUREMENT SUPERVISOR

**Responsible Officer**            T. Bennett, DIRECTOR FINANCIAL & INFORMATION SERVICES

Signed: \_\_\_\_\_

### **Summary/Purpose**

The purpose of this report is to provide additional amendments to Council's Purchasing Policy to comply with s484 "When Tenders are Required" and s485 "When Quotations are Required" of the Local Government Act 1993.

### **Declaration of Material Personal Interest/Conflict of Interest**

Nil

### **Officer's Recommendation**

That Council resolve to amend clause 1.6 of Policy 2.2.1 "Purchasing Policy" to state that "Goods and Services Tax (GST)" - All amounts for the purpose of this Purchasing Policy are to be inclusive of GST.

That the financial limitations outlined in the Register of Financial Delegations be amended to reflect GST inclusive limitations.

### **Justification**

Nil

## **KRA 2 - OUR ORGANISATION**

ORD.ORG/1

REPORTS

ORD.ORG/1.2

Financial & Information Services Report Re: Amendment to Council's Purchasing Policy ...(Cont'd)

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### **COUNCIL RESOLUTION**

MOVED and SECONDED

That Council resolve to amend clause 1.6 of Policy 2.2.1 "Purchasing Policy" to state that "Goods and Services Tax (GST)" - All amounts for the purpose of this Purchasing Policy are to be inclusive of GST.

That the financial limitations outlined in the Register of Financial Delegations be amended to reflect GST inclusive limitations.

**CARRIED**

## **KRA 2 - OUR ORGANISATION**

### **ORD.ORG/1                      REPORTS**

---

**ORD.ORG/1.3                      Financial & Information Services Report Re: Operational & Capital Works Report - May 2007**

**To**                                      S M Hegedus, CHIEF EXECUTIVE OFFICER

**File No**                                1/2/3

**Date**                                    21 June, 2007

**Prepared by**                        M Gladman, DFIS's PERSONAL ASSISTANT

**Responsible Officer**            T Bennett, DIRECTOR FINANCIAL & INFORMATION SERVICES

Signed: \_\_\_\_\_

#### **Summary/Purpose**

The purpose of this report is for Council to receive the Operational & Capital Works Report for May, 2007.

#### **Declaration of Material Personal Interest/Conflict of Interest**

Nil

#### **Officer's Recommendation**

That the Operational & Capital Works Report for May, 2007 be received and noted.

#### **Justification**

Nil

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### **COUNCIL RESOLUTION**

MOVED and SECONDED

That the Operational and Capital Works Report for May, 2007 be received and adopted with an amendment to the format to provide a more improved image and functionality.

**CARRIED**

## **KRA 2 - OUR ORGANISATION**

### **ORD.ORG/1                      REPORTS**

---

**ORD.ORG/1.4                      Financial & Information Services Confidential Report - Approval for Borrowings - Covered Arena**

**To**                                      S M Hegedus, CHIEF EXECUTIVE OFFICER

**File No**                                2/2/2

**Date**                                    18 June, 2007

**Prepared by**                        M Gladman, DFIS's PERSONAL ASSISTANT

**Responsible Officer**            T Bennett, DIRECTOR FINANCIAL & INFORMATION SERVICES

Signed: \_\_\_\_\_

#### **Summary/Purpose**

The purpose of this report is to provide Council with the approval for borrowing in the 2006/07 Financial Year.

#### **Declaration of Material Personal Interest/Conflict of Interest**

Nil

#### **Officer's Recommendation**

That the letter from the Department of Local Government, Planning, Sport and Recreation be received and comments contained therein, noted.

#### **Justification**

Nil

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### **COUNCIL RESOLUTION**

MOVED and SECONDED

That the letter from the Department of Local Government, Planning, Sport and Recreation be received and comments contained therein, noted.

**CARRIED**

## **KRA 2 - OUR ORGANISATION**

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**ORD.ORG/2                      INWARDS CORRESPONDENCE**

Nil.

**ORD.ORG/3                      GENERAL BUSINESS**

**ORD.ORG/3.1                      Proposed Meeting Dates July 2007**

**To**                                      His Worship the Mayor and Councillors

**File No**                                1/1/1

**Date**                                    20th June 2007

**Responsible Officer**              S M Hegedus, CHIEF EXECUTIVE OFFICER

Signed:

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### **Summary/Purpose**

The proposed list of meeting dates for July 2007 be received.

**ORD.ORG/3.2                      Cr Tillman Updated Council Queensland Arts Council Production  
Tales My Mother Told Me**

**File No**                                5/2/9

---

### **Summary/Purpose**

Cr C T Tillman updated Council on the Queensland Arts Council Production Tales My Mother Told Me which is to be held in Dalby on the 24th August 2007:-

- First rehearsal held on Monday 25th June 2007
- 20 people auditioned
- Janet Ash doing two monologues

## **KRA 2 - OUR ORGANISATION**

**ORD.ORG/3**

**GENERAL BUSINESS**

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**ORD.ORG/3.3**

**Chief Executive Officer Provide Update Staff Matters in Relation to LG Reform**

**To** His Worship the Mayor and Councillors

**File No** 5/3/3

**Date** 20th June 2007

**Responsible Officer** S.M. Hegedus, CHIEF EXECUTIVE OFFICER

Signed:

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### **Summary/Purpose**

Mr S M Hegedus CEO will provide an update on staff matters in relation to LG Reform.

Joint Statement issued from the Premier the Hon Peter Beattie and Minister for Local Government, Planning and Sport the Hon. Andrew Fraser in relation to jobs guarantee extended until 2011 is included as Attachment 1.

Issue Number 2 from the Department of Local Government, Planning, Sport and Recreation in relation to Government strengthens job security package is included as Attachment 2.

### **Declaration of Material Personal Interest/Conflict of Interest**

Nil

### **Officer's Recommendation**

That the letters be received and noted.

### **Justification**

Nil

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*Messrs Trish Bennett, DFIS, Matt Sullivan, DES, Matthew Wilson, PM and Cath Harding, CEO's PA retired from the Meeting at 6.10 p.m.*

## ***KRA 2 - OUR ORGANISATION***

**ORD.ORG/3                      GENERAL BUSINESS**

**ORD.ORG/3.3                      Chief Executive Officer Provide Update Staff Matters in Relation to LG Reform ...(Cont'd)**

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### **COUNCIL RESOLUTION**

#### **RESOLUTION INTO COMMITTEE OF THE WHOLE**

MOVED and SECONDED

That the Meeting resolve into a Committee of the Whole at 6.10 p.m. to discuss staff related matters in relation to LG Reforms.

**CARRIED**

#### **RESUMPTION OF COUNCIL MEETING**

MOVED and SECONDED

That the Committee of the Whole resume into open Council at 6.25 p.m.

**CARRIED**

**MEETING CLOSURE**

The Meeting concluded at 6.35 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 June 2007.

Submitted to the Ordinary Meeting of Council held this tenth day of July 2007.

Signed:

\_\_\_\_\_  
Cr Geisel  
MAYOR OF DALBY

27th June 2007

**APPENDIX / ATTACHMENTS**

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