



"Working Together for a Better Dalby"

Minutes of Ordinary Meeting of Council

Held at Dalby Town Council Chambers

ON Friday 29 February 2008

Commencing at 3.05 p.m.

Minutes of Ordinary Meeting of Council

Friday 29 February 2008

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DECLARATION OF MEETING OPENING

The Chairperson declared the meeting open at 3.05 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
S.M. Hegedus, CHIEF EXECUTIVE OFFICER
T. Bennett, DIRECTOR FINANCIAL & INFORMATION SERVICES
B. Patterson, DIRECTOR COMMUNITY SERVICES
Graeme Preston, A/DIRECTOR ENGINEERING SERVICES
M. Wilson, PLANNING MANAGER
T.A. Fagg, UTILITIES MANAGER
R. Hamilton, SOCIAL CULTURAL & SPORTING OFFICER
C.M. Harding, CEO's PERSONAL ASSISTANT
Craig Tunley, ECONOMIC DEVELOPMENT MANAGER
T. Hohn, TECHNICAL OFFICER MARKETING

Observers Nil

Delegation Nil

APOLOGIES

Nil

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.

Cr David Smiles joined the meeting and Mr Craig Tunley, Economic Development Manager retired from the Meeting at 3.10 p.m.

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

Nil.

ORD/8 CONSIDERATION OF NOTICES OF BUSINESS

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

Community Services Special Report Re: Minor Grants Scheme

To

S M Hegedus, CHIEF EXECUTIVE OFFICER

File No

2/4/13

Date

22 February 2008

Prepared by

R. Hamilton, SOCIAL CULTURAL & SPORTING OFFICER

Responsible Officer

B. Patterson, DIRECTOR COMMUNITY SERVICES

Signed: _____

Summary/Purpose

This report has been prepared in relation to the second round of Council's Minor Grants Scheme which opened officially on the 1st February 2008 and will close on the 29th February 2008.

Declaration of Material Personal Interest/Conflict of Interest

Nil.

Officer's Recommendation

That Council approve an assessment panel comprising of Cr Carolyn Tillman, Ms Rose Hamilton SCISO and Mr Rohan Fuller of Arrow Energy to process the applications and report their recommendations to Cr Warwick Geisel and Mr Stephen Hegedus CEO.

That Council endorse the delegation of responsibility for distribution of Minor Grants funding to the Mayor and Chief Executive Officer on behalf of Council.

Justification

Nil.

KRA 1 - COMMUNITY WELLBEING

ORD.CW/1 REPORTS

**ORD.CW/1.2 Report Showgrounds Management Advisory Committee Meeting
Tuesday 12 February 2008**

To S M Hegedus, CHIEF EXECUTIVE OFFICER

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

Date 13 February 2008

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 12 February 2008.

Mr Blaine Patterson, DCS gave a brief update on the DOTARS funding advising that no further advice had been received in relation to the additional \$1.3M.

Cr David Smiles sought feedback in relation to the Committee structure for the new regional Council. In responding, Mr Stephen Hegedus, CEO advised that the Committee structure will be decided by the new council, and that the ongoing management of the project would be the responsibility of the A/Chief Executive Officer. The A/CEO could delegate responsibility to the Project Director.

Cr Smiles stated that it could be very beneficial to the project, to have Cr Milford continue with his involvement on the Showgrounds Management Advisory Committee as a community representative, due to his commitment to the project to date.

Officer's Recommendation

That the minutes be received and noted.

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.

KRA 1 - COMMUNITY WELLBEING

ORD.CW/1 REPORTS

ORD.CW/1.2 Report Showgrounds Management Advisory Committee Meeting
Tuesday 12 February 2008 ...(Cont'd)

COUNCIL RESOLUTION

MOVED and SECONDED

That the minutes be received and noted.

CARRIED

Mr Terry Fagg, Utilities Manager joined the Meeting at 3.12 p.m.

COUNCIL RESOLUTION

MOVED and SECONDED

That it be recommended to the new Dalby Regional Council that Carl Milford be invited to continue his involvement with the Showgrounds Management Advisory Committee and participate in the capacity of a community representative until the completion of the Covered Arena Project.

CARRIED

KRA 1 - COMMUNITY WELLBEING

ORD.CW/1 REPORTS

ORD.CW/1.3 Community Services Monthly Report Re: Social, Cultural and Sporting Development - February 2008

To S M Hegedus, CHIEF EXECUTIVE OFFICER

File No 1/2/13

Date 22 February 2008

Prepared by RA Hamilton, SOCIAL CULTURAL & SPORTING OFFICER

Responsible Officer BF Patterson, DIRECTOR OF COMMUNITY SERVICES

Signed: _____

Summary/Purpose

This report details Social, Cultural and Sporting Development activities for the month of February 2008.

Declaration of Material Personal Interest/Conflict of Interest

Nil.

Officer's Recommendation

That this report be received and noted.

Justification

Nil.

COUNCIL RESOLUTION

MOVED and SECONDED

That this report be received and noted.

CARRIED

KRA 1 - COMMUNITY WELLBEING

ORD.CW/2 INWARDS CORRESPONDENCE

Nil.

ORD.CW/3 GENERAL BUSINESS

Nil.

Ms Rose Hamilton, SCSO retired from the Meeting at 3.20 p.m.

KRA 2 - OUR ORGANISATION

ORD.ORG/1

REPORTS

ORD.ORG/1.1

Financial and Information Services Monthly Report January 2008

To

His Worship the Mayor and Councillors

File No

1/2/3, 2/4/12

Date

20 February 2008

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 Financial and Information Services Report for January 2008.

Declaration of Material Personal Interest/Conflict of Interest

Nil

Officer's Recommendation

That this report be received and noted.

Justification

Nil

COUNCIL RESOLUTION

MOVED and SECONDED

That this report be received and noted.

CARRIED

KRA 2 - OUR ORGANISATION

ORD.ORG/1

REPORTS

ORD.ORG/1.1

**Financial and Information Services Monthly Report January 2008
...(Cont'd)**

Cr David Smiles raised his concerns on the following matters:-

- highlighted operating expenditure for the maintenance and repairs of the CBD Streetscape compared to the expenditure spent on the streets and parks
- Council should consider a new special rate for the CBD area

Also Cr B T O'Shea raised the question whether reserves would carry across to the new council - Mrs Trish Bennett, DFIS advised that only assets and liabilities will transfer to the new Council and it is up to the new Council to give direction on whether to create reserves.

KRA 2 - OUR ORGANISATION

ORD.ORG/1 REPORTS

ORD.ORG/1.2 Financial and Information Services Report Unconfirmed Minutes Dalby Wambo Library Aerodrome Saleyards Boards October November December 2007 and February 2008

To S M Hegedus, CHIEF EXECUTIVE OFFICER

File No 25/1/1, 25/2/1, 25/3/1

Date 20 February 2008

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 present the unconfirmed minutes of the Dalby-Wambo Library, Aerodrome and Saleyards Board Meetings held during the months of October, November, December 2007 and February 2008.

Declaration of Material Personal Interest/Conflict of Interest

Nil

Officer's Recommendation

That the unconfirmed minutes be received and noted.

Justification

Nil

COUNCIL RESOLUTION

MOVED and SECONDED

That the unconfirmed minutes be received and noted.

CARRIED

Cr C P Milford joined the meeting at 3.30 p.m.

KRA 2 - OUR ORGANISATION

ORD.ORG/1

REPORTS

ORD.ORG/1.3

Financial and Information Services Special Report Re Provision of Information Technology to Mayor Councillors

To

S M Hegedus, CHIEF EXECUTIVE OFFICER

File No

1/2/3, 1/1/3

Date

20 February, 2008

Prepared by

T. Bennett, DIRECTOR FINANCIAL & INFORMATION SERVICES

Responsible Officer

T Bennett, DIRECTOR FINANCIAL & INFORMATION SERVICES

Signed:

Summary/Purpose

The purpose of this report is to provide direction to Mayor/Councillors regarding the provision of information technology to Mayor/Councillors during the term of the Council.

Declaration of Material Personal Interest/Conflict of Interest

Nil

Officer's Recommendation

That the report be received and noted and for all equipment to be returned to Information Services by Friday 29 February 2008.

Justification

Nil

COUNCIL RESOLUTION

MOVED and SECONDED

That the report be received and noted and for all equipment to be returned to Information Services by Friday 29 February 2008.

CARRIED

KRA 2 - OUR ORGANISATION

ORD.ORG/1 REPORTS

ORD.ORG/1.4 Corporate Services Monthly Report - September 2007 to January 2008

To Hon. Worship the Mayor and Councillors

File No 1/2/1

Date 21 February 2008

Prepared by K. Anderson, CORPORATE SUPPORT MANAGER

Responsible Officer S M Hegedus, CHIEF EXECUTIVE OFFICER

Signed: _____

Summary/Purpose

Report on projects completed and work in progress by the corporate services team during the period September 2007 to January 2008.

Officer's Recommendation

That this Report be received and noted.

Officer's Recommendation

That this report be received and noted.

COUNCIL RESOLUTION

MOVED and SECONDED

That this report be received and noted.

CARRIED

KRA 2 - OUR ORGANISATION

ORD.ORG/1 REPORTS

ORD.ORG/1.5 Reticulated Natural Gas Rebate

To S M Hegedus, CHIEF EXECUTIVE OFFICER

File No 14/1/1; 1/2/3

Date 18 February 2008

Prepared by T. Bennett, DIRECTOR FINANCIAL & INFORMATION SERVICES

Responsible Officer T Bennett, DIRECTOR FINANCIAL & INFORMATION SERVICES

Signed: _____

Summary/Purpose

The purpose of this report is to advise Council on the outcome of the announcement made by the State Government regarding the provision of a rebate to pensioners and senior card holders on Council's reticulated natural gas scheme.

Declaration of Material Personal Interest/Conflict of Interest

Nil

Officer's Recommendation

That the report be received and noted and a budget adjustment of \$10,200 for computer programming be created in the Information Services Budget.

Justification

Nil

COUNCIL RESOLUTION

MOVED and SECONDED

That the report be received and noted and a budget adjustment of \$10,200 for computer programming be created in the Information Services Budget.

CARRIED

KRA 2 - OUR ORGANISATION

ORD.ORG/1 REPORTS

Ms Toni Hohn, Technical Officer Marketing joined the Meeting at 3.35 p.m.

ORD.ORG/2 INWARDS CORRESPONDENCE

ORD.ORG/2.1 Western Downs Regional Organisation of Councils - Request Contribution Seed Funding Prior Amalgamation

To His Worship the Mayor and Councillors

File No 5/2/26, Doc. No. 533100

Date 25 February 2008

Responsible Officer S.M. Hegedus, CHIEF EXECUTIVE OFFICER

Signed: _____

Summary/Purpose

A Letter dated 18 February 2008 advising that the Western Downs Development Group sponsored by WDROC, have proposed that the group develop further into a Regional Development Corporation Limited by guarantee with various memberships from the community including but not limited to business, industry, training institutions, and local government.

As the sponsor organisation WDROC considered the establishment of the group and the need for seed funding and approved that each Member Council be requested to contribute \$3,000 prior to amalgamation as seed funding to fund the establishment of the Corporation until the full membership can be determined and approached for the required funding of operations.

Declaration of Material Personal Interest/Conflict of Interest

Nil

Officer's Recommendation

That this letter be received and Council's direction is required.

Justification

Nil

Cr G M Nearhos joined the Meeting at 3.35 p.m. and Cr J M Hart joined the Meeting at 3.45 p.m.

KRA 2 - OUR ORGANISATION

ORD.ORG/2 INWARDS CORRESPONDENCE

**ORD.ORG/2.1 Western Downs Regional Organisation of Councils - Request
Contribution Seed Funding Prior Amalgamation ...(Cont'd)**

COUNCIL RESOLUTION

MOVED and SECONDED

That this letter be received and that Council advise it cannot accede to the request.

CARRIED

ORD.ORG/3 GENERAL BUSINESS

Nil.

KRA 2 - OUR ORGANISATION

ORD.ORG/3

GENERAL BUSINESS

ORD/9

CONSIDERATION OF NOTICES OF MOTION

ORD/9.1

Councillor Thornton Notice of Motion Community Services Special Report Re: Dalby Waste Transfer Station

To

S.M. Hegedus, CHIEF EXECUTIVE OFFICER

File No

7/4/2, Doc. No. 531933

Date

22 February 2008

Responsible Officer

B. Patterson, DIRECTOR COMMUNITY SERVICES

Signed:

Summary/Purpose

A letter dated 13 February 2008 giving notice to move a resolution to rescind or amend the Ordinary Meeting's resolution of 29 January 2008 in relation to the adoption of the Community Services Special Report Re: Dalby Waste Transfer Station.

Declaration of Material Personal Interest/Conflict of Interest

Nil

Recommendation

That the resolution adopted by Council on 29 January 2008 be rescinded to allow Council debate the matter further.

Recommendation

That Council:-

- (a) continue with the design of a Waste Transfer Station; and
- (b) defer making a decision in relation to the location of the waste transfer station to the new regional council.

Justification

Nil

KRA 3 - BUILT ENVIRONMENT

ORD.BE/1

REPORTS

ORD.BE/1.1

Built Environment - Engineering Services Monthly Report January 2008

To

S.M. Hegedus, CHIEF EXECUTIVE OFFICER

File No

1/2/2 & 10/2/2

Date

14 February 2008

Prepared by

T.J. Dredge, ENGINEERING SUPPORT OFFICER

Responsible Officer

Graeme Preston, A/DIRECTOR ENGINEERING SERVICES

Signed:

Summary/Purpose

This Report details Built Environment activities for the month of January 2008.

Officer's Recommendation

That this Report be received and noted.

COUNCIL RESOLUTION

MOVED and SECONDED

That this Report be received and noted.

CARRIED

KRA 3 - BUILT ENVIRONMENT

ORD.BE/2 INWARDS CORRESPONDENCE

Nil.

ORD.BE/3 GENERAL BUSINESS

Nil.

KRA 4 - UTILITY SERVICES

ORD.UTS/1

REPORTS

ORD.UTS/1.1

Engineering Services Special Report: 2007 WaterWise Survey Report

To

S.M. Hegedus, CHIEF EXECUTIVE OFFICER

File No

1/2/2 & 9/1/19

Date

22 February 2008

Prepared by

T. Hohn, TECHNICAL OFFICER MARKETING

Responsible Officer

Graeme Preston, A/DIRECTOR ENGINEERING SERVICES

Signed: _____

Summary/Purpose

The purpose of this report is to provide Council with results from the 2007 WaterWise Survey and to consider the establishment of a focus group to discuss water exemptions and public space water usage.

Ms Toni Hohn, Technical Officer Marketing provided a brief summary of key findings:-

- Community engagement - 434 surveys returned
- Demographics
- Water conservation awareness
- Behaviours
- Water restrictions
- Waterwise rebate scheme
- Recycled water
- Exemption and public space water use
- Alternative water sources

Declaration of Material Personal Interest/Conflict of Interest

NIL

Officer's Recommendation

That this report be received and that Council resolve to:

- 1) The formation of a focus group be deferred until after amalgamation; and
- 2) Recommendations outlined in the WaterWise Survey Report - be deferred until after amalgamation.

KRA 4 - UTILITY SERVICES

ORD.UTS/1

REPORTS

ORD.UTS/1.1

Engineering Services Special Report: 2007 WaterWise Survey Report
...(Cont'd)

Justification

NIL

COUNCIL RESOLUTION

MOVED and SECONDED

That this report be received and that:

- 1) The formation of a focus group be deferred until after amalgamation; and
- 2) Recommendations outlined in the WaterWise Survey Report - be deferred until after amalgamation.

CARRIED

Ms Toni Hohn, Technical Officer Marketing retired from the Meeting at 4.08 p.m.

KRA 4 - UTILITY SERVICES

ORD.UTS/1 REPORTS

ORD.UTS/1.2 Engineering Services Special Report Re: Total Management Plan for Water and Wastewater Scheme

To S.M. Hegedus, CHIEF EXECUTIVE OFFICER

File No 1/2/2 & 10/1/19

Date 19 February 2008

Prepared by T.A. Fagg, UTILITIES MANAGER

Responsible Officer Graeme Preston, A/DIRECTOR ENGINEERING SERVICES

Signed: _____

Summary/Purpose

To present for Council's consideration, the Total Management Plan for the Water and Wastewater Schemes.

Declaration of Material Personal Interest/Conflict of Interest

Nil

Officer's Recommendation

It is recommended that the Total Management Plan for Water Supply and Wastewater be adopted.

Justification

Nil

COUNCIL RESOLUTION

MOVED and SECONDED

That this Report be received and that the Total Management Plan for Water Supply and Wastewater be adopted.

CARRIED

KRA 4 - UTILITY SERVICES

ORD.UTS/1 REPORTS

ORD.UTS/1.3 Water - Engineering Services Monthly Report January 2008

To S.M. Hegedus, CHIEF EXECUTIVE OFFICER

File No 1/2/2

Date 15 February 2008

Prepared by T.A. Fagg, UTILITIES MANAGER

Responsible Officer Graeme Preston, A/DIRECTOR ENGINEERING SERVICES

Signed: _____

Summary/Purpose

This Report details Water Supply activities for the month of January 2008.

Mr Terry Fagg, Utilities Manager advised that Condamine Alliance have approached Council advising of their intention to upgrade the Loudoun Weir Fishway at no cost to Council.

Cr B T O'Shea reiterated that Council should be the only authority to open and close the fish ladder and that no one external to Council should operate the reservoir.

Merit Lining will commence lining of Edward Street Reservoir shortly.

Officer's Recommendation

That this Report be received and noted.

COUNCIL RESOLUTION

MOVED and SECONDED

That this Report be received and noted.

CARRIED

KRA 4 - UTILITY SERVICES

ORD.UTS/1 REPORTS

ORD.UTS/1.4 Wastewater - Engineering Services Monthly Report January 2008

To S.M. Hegedus, CHIEF EXECUTIVE OFFICER

File No 1/2/2

Date 18 February 2008

Prepared by T.A. Fagg, UTILITIES MANAGER

Responsible Officer Graeme Preston, A/DIRECTOR ENGINEERING SERVICES

Signed: _____

Summary/Purpose

This report details Sewerage undertakings for the month of January 2008.

Officer's Recommendation

That this Report be received and noted.

COUNCIL RESOLUTION

MOVED and SECONDED

That this Report be received and noted.

CARRIED

KRA 4 - UTILITY SERVICES

ORD.UTS/1 REPORTS

ORD.UTS/1.5 Gas Operations - Engineering Services Monthly Report January 2008

To S.M. Hegedus, CHIEF EXECUTIVE OFFICER

File No 1/2/7 & 1/2/2

Date 12 February 2008

Prepared by Nicole Riley, CUSTOMER SERVICE - REVENUE

Responsible Officer Graeme Preston, A/DIRECTOR ENGINEERING SERVICES

Signed:

Summary/Purpose

This Report details operations of Council's Gas Undertaking for the month of January 2008.

Officer's Recommendation

That this Report be received and noted.

COUNCIL RESOLUTION

MOVED and SECONDED

That this Report be received and noted.

CARRIED

KRA 4 - UTILITY SERVICES

ORD.UTS/2 INWARDS CORRESPONDENCE

Nil.

ORD.UTS/3 GENERAL BUSINESS

Nil.

Mr T A Fagg, Utilities Manager retired from the Meeting at 4.20 p.m.

KRA 5 - PLANNING AND LIVEABILITY

ORD.PAL/1

REPORTS

ORD.PAL/1.1 (030.2007.0263.001) Community Services Special Report Re: Material Change of Use to establish a Multiple Dwelling at 68 Irvingdale Road - Hoefler

To SM Hegedus, CHIEF EXECUTIVE OFFICER

File No P4179, Doc. No. 030.2007.0263.001

Date 22 February 2008

Prepared by MD Wilson, PLANNING MANAGER

Responsible Officer BF Patterson, DIRECTOR OF COMMUNITY SERVICES

Signed: _____

Summary/Purpose

DEVELOPMENT APPLICATION

Application No:	030.2007.0263.001
Applicant:	Daniel Hoefler
Owner:	Colleen Hoefler
Site Address:	68 Irvingdale Road, Dalby
Real Property Description:	Lot 1 on RP156122
Zone:	Town
Precinct:	Rural Residential
Proposal:	MCU – Addition of dwelling to create multiple dwellings
Area of Land:	6068m ²
Submissions:	Nil

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.

KRA 5 - PLANNING AND LIVEABILITY

ORD.PAL/1

REPORTS

ORD.PAL/1.1

(030.2007.0263.001) Community Services Special Report Re: Material Change of Use to establish a Multiple Dwelling at 68 Irvingdale Road - Hoefler ...(Cont'd)

Officer's Recommendation

RECOMMENDED that:

- A. the applicant be advised that the application for Development Approval for a Material Change of Use on land described as Lot 1 RP156122, situated at 68 Irvingdale Road, Dalby, is approved, subject to the following conditions:-

MATERIAL CHANGE OF USE

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 outstanding rates and charges shall be paid.
3. The use of the premises for Multiple Dwelling purposes, shall at all times accord with section 3.3 of the planning scheme.
4. A minimum of 4 car parking spaces shall be provided on site in accordance with the relevant Australian Standard for Off-Street Car parking.
5. Car parking spaces shall be maintained and kept for the purposes of parking for visitors and residents.
6. The height of buildings shall not exceed 8.5 metres above natural ground level.
7. Prior to the commencement of development a revised site drawing shall be provided for Council's review and endorsement. The revised site drawing shall be generally in accordance with the site drawing provided to Council with the development application. The revised site drawing shall be to scale and prepared by a suitably qualified person. Once endorsed, the revised drawing shall become the approved drawing.
8. The proposed additional dwelling must have a covered entrance to the front door, and the front door must be visible from and facing the main street frontage.

KRA 5 - PLANNING AND LIVEABILITY

ORD.PAL/1

REPORTS

ORD.PAL/1.1

(030.2007.0263.001) Community Services Special Report Re: Material Change of Use to establish a Multiple Dwelling at 68 Irvingdale Road - Hoefler ...(Cont'd)

Engineering

9. Each dwelling unit shall be connected to water, electricity and telephone. Units shall be plumbed to allow individual metering at the property boundary or within common land, in accordance with the requirements of Council's Engineering Services Section.
10. Each dwelling unit shall be connected to an on-site effluent disposal system designed in accordance with Schedule 1 – Queensland Plumbing and Wastewater Code.
11. A kerb crossing shall be provided at the point of access to the subject land in accordance with Council's Engineering Standards.
12. All internal vehicular manoeuvring areas and the entrance/exit to the site shall be constructed and maintained in accordance with Council's Planning Scheme. To this end:
 - (a) Car parking spaces, the entrance to the site and vehicular manoeuvring areas or other surfaces that are traversed by vehicles must be fully sealed surfaces;
 - (b) The access point from the road network must be constructed in accordance with Council's Planning Scheme, and be maintained in a safe and functional manner in perpetuity by the operator of the facility; and
 - (c) Car parking spaces shall be linemarked, and maintained at all times in accordance with Schedule 3 of the Planning Scheme.
13. The premises shall be provided with a water tank with bubbler overflows.
14. Should any services require relocation within the subject land, this shall be undertaken by the applicant at no cost to Council.
15. Stormwater from roof and sealed areas shall be collected inside the subject land and discharged to a lawful point of discharge in accordance with Council's engineering requirements.

Environmental Health

16. 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.

KRA 5 - PLANNING AND LIVEABILITY

ORD.PAL/1

REPORTS

ORD.PAL/1.1

(030.2007.0263.001) Community Services Special Report Re: Material Change of Use to establish a Multiple Dwelling at 68 Irvingdale Road - Hoefler ...(Cont'd)

Contributions

17. The applicant shall pay to Council a contribution for water supply headworks at the rate applicable at the time the contribution is paid. The 2007/08 fees and charges indicate \$1,125 per additional dwelling unit.
18. The applicant shall pay to Council a contribution for transport headworks at the rate applicable at the time the contribution is paid. The 2007/08 fees and charges indicate \$750 per additional dwelling unit.

General

19. 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 applicant be advised of the following Concurrence Agency Response/s:
- (a) Refer to Attached Concurrence Agency Response.
- C. The applicant be advised that:-
- (a) Prior to works commencing on-site, separate applications for Development Permit for Building Works and Plumbing or Drainage Works will be required to be approved. A development permit for Operational Works may be required where greater than 20m³ of fill or excavation is proposed on the site;
 - (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/1.1

(030.2007.0263.001) Community Services Special Report Re: Material Change of Use to establish a Multiple Dwelling at 68 Irvingdale Road - Hoefler ...(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) An applicant has the opportunity to make representations regarding conditions or other matters of the development approval within 20 business days of receiving the decision notice in accordance with section 3.5.17 of the IPA. The applicant's appeal period may also be suspended in accordance with section 3.5.18 of the IPA, to allow further time for consideration of matters contained in the development approval. In the case of refusal, an applicant does not have the opportunity to extend the appeal period.
- (g) An applicant has the opportunity to appeal against Council decision in accordance with the relevant section of the Integrated Planning Act 1997:

4.1.27 Appeals by Applicants,

- (1) An applicant for a development application may appeal to the court against any of the following—
- (a) the refusal, or the refusal in part, of a development application;
 - (b) a matter stated in a development approval, including any condition applying to the development, and the identification of a code under section 3.1.6;
 - (c) the decision to give a preliminary approval when a development permit was applied for;
 - (d) the length of a period mentioned in section 3.5.21;
 - (e) a deemed refusal.
- (2) An appeal under subsection (1)(a) to (d) must be started within 20 business days (the **applicant's appeal period**) after the day the decision notice or negotiated decision notice is given to the applicant.
- (3) An appeal under subsection (1)(e) may be started at any time after the last day a decision on the matter should have been made.

KRA 5 - PLANNING AND LIVEABILITY

ORD.PAL/1

REPORTS

ORD.PAL/1.1

(030.2007.0263.001) Community Services Special Report Re: Material Change of Use to establish a Multiple Dwelling at 68 Irvingdale Road - Hoefler ...(Cont'd)

- (h) It should be noted that Council resolved not to accept security in lieu of completion of works, except in the following circumstances:
- (a) where it is Council's opinion that necessary works would result in the provision of sub-standard services for future development and the work is not critical to the development, or
 - (b) where it is Council's opinion the work is very minor, not critical to the development, and, the timing for the completion of that work is an unreasonable impost on the developer.

In both cases, the acceptance of security in lieu of works is at Council's discretion.

- (i) Your infrastructure charges are in accordance with the table in the Report, Section 2.4, Schedule 15 – Headwork Contribution, if contributions are paid during the 2007/2008 financial year:

Justification

Nil.

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

ORD.PAL/1.2 (030.2007.0274.001) Community Services Special Report Re: Material Change of Use to Establish Light Industry - Self Storage Sheds

To SM Hegedus, CHIEF EXECUTIVE OFFICER

File No P3254, Doc. No. 030.2007.0274.001

Date 22 February 2008

Prepared by MD Wilson, PLANNING MANAGER

Responsible Officer BF Patterson, DIRECTOR OF COMMUNITY SERVICES

Signed: _____

Summary/Purpose

DEVELOPMENT APPLICATION

Application No:	030.2007.0274.001
Applicant:	D M Sandys
Owner:	D M Sandys
Site Address:	Lots 4-5 Winton Street West, Dalby
Real Property Description:	Lot 4 & 5 on RP804508
Zone:	Town
Precinct:	Light Industry
Proposal:	MCU – Establish Storage Sheds
Area of Land:	2292m ²
Submissions:	Awaiting Public Notification

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.

KRA 5 - PLANNING AND LIVEABILITY

ORD.PAL/1

REPORTS

ORD.PAL/1.2

(030.2007.0274.001) Community Services Special Report Re: Material Change of Use to Establish Light Industry - Self Storage Sheds ... (Cont'd)

Officer's Recommendation

RECOMMENDED that:

- A. Council authorise the Chief Executive Officer to decide this application on the following basis:
- (a) There are no submissions made objecting to the application;
 - (b) No significant changes are made to the application; and
 - (c) The following Conditions are applied.
- B. the applicant be advised that the application for Development Approval for a Material Change of Use on land described as Lot 4 and 5 on RP804508, situated at Winton Street West, Dalby, is approved, subject to the following conditions:-

MATERIAL CHANGE OF USE

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. Prior to the commencement of development a revised site plan demonstrating that a Van design vehicle can manoeuvre on site shall be provided for Council's review and endorsement.
3. Lots 4 & 5 shall be amalgamated prior to the commencement of use.
4. All outstanding rates and charges shall be paid.
5. The use of the premises for Light Industry purposes, shall at all times accord with section 3.3 of the planning scheme.
6. A total of 15 car parking spaces shall be provided on site in accordance with the approved plans.
7. A landscape strip with a minimum width of 2 metres shall be provided along the frontage of the subject land with Winton Street West and shall be in accordance with As 82.1 and 82.3 of the Town Code.
8. Landscape works and associated landscape infrastructure are to be maintained at all times.

KRA 5 - PLANNING AND LIVEABILITY

ORD.PAL/1

REPORTS

ORD.PAL/1.2

(030.2007.0274.001) Community Services Special Report Re: Material Change of Use to Establish Light Industry - Self Storage Sheds ... (Cont'd)

9. Vehicle bollards or tyre stops shall be used to control vehicle access and protect landscaping or pedestrian areas where appropriate.
10. The height of buildings shall not exceed 10 metres above natural ground level.
11. Prior to the commencement of development the applicant shall submit a Management Plan detailing after hours management of access taking into account the adjacent sensitive land uses.

Engineering

12. The premises shall be connected to electricity and telephone.
13. The premises shall be connected to Council's reticulated water service in accordance with Council's Engineering Standards.
14. A kerb crossing shall be provided at the point of access to the subject land in accordance with Council's Engineering Standards.
15. All internal vehicular manoeuvring areas and the entrance/exit to the site shall be constructed and maintained in accordance with Council's Planning Scheme. To this end:
 - (a) Car parking spaces, the entrance to the site and vehicular manoeuvring areas or other surfaces that are traversed by vehicles must be fully sealed surfaces;
 - (b) The access point from the road network must be constructed in accordance with Council's Planning Scheme, and be maintained in a safe and functional manner in perpetuity by the operator of the facility; and
 - (c) Car parking spaces shall be linemarked, and maintained at all times in accordance with Schedule 3 of the Planning Scheme..
16. Stormwater from roof and sealed areas shall be collected inside the subject land and discharged to a lawful point of discharge in accordance with Council's engineering requirements.
17. Should any services require relocation within the subject land, this shall be undertaken by the applicant at no cost to Council.

KRA 5 - PLANNING AND LIVEABILITY

ORD.PAL/1

REPORTS

ORD.PAL/1.2

(030.2007.0274.001) Community Services Special Report Re: Material Change of Use to Establish Light Industry - Self Storage Sheds ... (Cont'd)

Environmental Health

18. 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.

Contributions

19. The applicant shall pay to Council a contribution for water supply headworks at the rate applicable at the time the contribution is paid. The 2007/08 fees and charges indicate 10 charge units per hectare of site area.
20. The applicant shall pay to Council a contribution for transport headworks at the rate applicable at the time the contribution is paid. The 2007/08 fees and charges indicate \$1,500 per 100m² of gross floor area.

General

21. Prior to the commencement of the use, and at all times thereafter, all conditions of this approval must be fully satisfied, unless otherwise stated.
- C. The approved plans/drawings for this development approval are listed in the following table:

Plan/Drawing Number	Plan/Drawing Name	Date
07-0704.01	Building A Floor Plan	27/09/07
07-0704.02	Building B Floor Plan	27/09/07
07-0704.03	Building C Floor Plan	27/09/07
07-0704.04	Building A Elevations	27/09/07
07-0704.05	Building B Elevations	27/09/07
07-0704.06	Building C Elevations	27/09/07
07-0704.07	Building A Slab Setout Plan	27/09/07
07-0704.08	Building B Slab Setout Plan	27/09/07
07-0704.09	Building C Slab Setout Plan	27/09/07
07-0704.10	Standard Section	27/09/07
07-0704.11	Site Plan	27/09/07

KRA 5 - PLANNING AND LIVEABILITY

ORD.PAL/1

REPORTS

ORD.PAL/1.2

(030.2007.0274.001) Community Services Special Report Re: Material Change of Use to Establish Light Industry - Self Storage Sheds ... (Cont'd)

D. The applicant be advised that:-

- (a) Prior to works commencing on-site, separate applications for Development Permit for Operational Works, Building Works and 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 (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**).

n 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) An applicant has the opportunity to make representations regarding conditions or other matters of the development approval within 20 business days of receiving the decision notice in accordance with section 3.5.17 of the IPA. The applicant's appeal period may also be suspended in accordance with section 3.5.18 of the IPA, to allow further time for consideration of matters contained in the development approval. In the case of refusal, an applicant does not have the opportunity to extend the appeal period.

KRA 5 - PLANNING AND LIVEABILITY

ORD.PAL/1

REPORTS

ORD.PAL/1.2

(030.2007.0274.001) Community Services Special Report Re: Material Change of Use to Establish Light Industry - Self Storage Sheds ... (Cont'd)

- (g) An applicant has the opportunity to appeal against Council decision in accordance with the relevant section of the Integrated Planning Act 1997:

4.1.27 Appeals by Applicants,

- (1) An applicant for a development application may appeal to the court against any of the following—
- (a) the refusal, or the refusal in part, of a development application;
 - (b) a matter stated in a development approval, including any condition applying to the development, and the identification of a code under section 3.1.6;
 - (c) the decision to give a preliminary approval when a development permit was applied for;
 - (d) the length of a period mentioned in section 3.5.21;
 - (e) a deemed refusal.
- (2) An appeal under subsection (1)(a) to (d) must be started within 20 business days (the **applicant's appeal period**) after the day the decision notice or negotiated decision notice is given to the applicant.
- (3) An appeal under subsection (1)(e) may be started at any time after the last day a decision on the matter should have been made.
- (h) It should be noted that Council resolved not to accept security in lieu of completion of works, except in the following circumstances:
- (a) where it is Council's opinion that necessary works would result in the provision of sub-standard services for future development and the work is not critical to the development, or
 - (b) where it is Council's opinion the work is very minor, not critical to the development, and, the timing for the completion of that work is an unreasonable impost on the developer.
- In both cases, the acceptance of security in lieu of works is at Council's discretion.
- (i) Your infrastructure charges are in accordance with the table featured in the Report, Section 2.4, Schedule 15 – Headwork Contribution, if contributions are paid during the 2007/2008 financial year.

KRA 5 - PLANNING AND LIVEABILITY

ORD.PAL/1

REPORTS

ORD.PAL/1.2

(030.2007.0274.001) Community Services Special Report Re: Material Change of Use to Establish Light Industry - Self Storage Sheds ...
...(Cont'd)

Justification

Nil.

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

ORD.PAL/1.3 (030.2007.0291.001) Community Services Special Report Re: Material Change of Use to establish a Business Office - BMO Accountants

To SM Hegedus, CHIEF EXECUTIVE OFFICER

File No P1179, Doc. No. 030.2007.0291.001

Date 22 February 2008

Prepared by MD Wilson, PLANNING MANAGER

Responsible Officer BF Patterson, DIRECTOR OF COMMUNITY SERVICES

Signed:

Summary/Purpose

DEVELOPMENT APPLICATION

Application No:	030.2007.0291.001
Applicant:	BMO Accountants
Owner:	Michael Briggs
Site Address:	Drayton Street, Dalby
Real Property Description:	Lot 2 on SP138167
PDLU Designation:	Commerce & Trade (Overlay)
Precinct:	Commerce & Trade (Overlay)
Proposal:	MCU – Business Office
Area of Land:	1.81 ha
Submissions:	Nil

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.

KRA 5 - PLANNING AND LIVEABILITY

ORD.PAL/1 REPORTS

ORD.PAL/1.3 (030.2007.0291.001) Community Services Special Report Re: Material Change of Use to establish a Business Office - BMO Accountants ... (Cont'd)

Officer's Recommendation

RECOMMENDED that:

- A. the applicant be advised that the proposed development is considered to conflict with the planning scheme with respect to the outcomes for development in the Commerce & Trade Precinct (Overlay). Despite this conflict, it is considered that there are sufficient grounds to allow the development. The grounds relied upon in approving the proposed development area:
- (a) The proposed development does not constitute the development of a use considered inconsistent with the planning scheme precinct,
 - (b) The proposed development is not considered to have an unacceptable impact upon the amenity of the area subject to compliance with conditions of approval,
 - (c) The proposed development is not considered to have an unacceptable impact on noise affecting the area, and
 - (d) The proposed development is not considered to have an unacceptable impact on traffic safety or trip generation affecting the area.
- B. the applicant be advised that the application for Development Approval for a Material Change of Use to establish a Business Office on land described as Lot 2 on SP138167, situated at Drayton Street, Dalby, is approved, subject to the following conditions:-

MATERIAL CHANGE OF USE

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. Prior to the commencement of development a revised suite of drawings shall be provided for Council's review and endorsement. The revised drawings shall be generally in accordance with the suite of drawings provided to Council dated 7 December 2007. The revised drawings shall include 66 car parking spaces in addition to loading bays. Once endorsed, the revised drawings shall become the approved drawings.
3. All outstanding rates and charges shall be paid.
4. The use of the premises for Business Office purposes, shall at all times accord with section 3.3 of the planning scheme.

KRA 5 - PLANNING AND LIVEABILITY

ORD.PAL/1

REPORTS

ORD.PAL/1.3

(030.2007.0291.001) Community Services Special Report Re: Material Change of Use to establish a Business Office - BMO Accountants ... (Cont'd)

5. A Landscaping Plan including a full planting schedule, prepared by a suitably qualified person, shall be submitted for Council's consideration and approval with the development application for Operational Works.
6. Landscaping shall be undertaken in accordance with the approved landscape plan.
7. Landscape works and associated landscape infrastructure are to be maintained at all times.
8. A minimum of 66 car parking spaces shall be provided on site in accordance with the relevant Australian Standard for Off-Street Car parking and in addition to the loading bays shown on the approved plan.
9. Car parking spaces shall be maintained and kept for the purposes of parking for visitors and employees.
10. Vehicle bollards or tyre stops shall be used to control vehicle access and protect landscaping or pedestrian areas where appropriate.
11. The height of buildings shall not exceed 10 metres above natural ground level.
12. Operating hours shall be restricted to:
 - (a) 7am to 7pm: Monday to Friday, and
 - (b) 8am to 5pm on Saturday.
13. Unloading and loading for the premises shall be restricted to:
 - (a) 7am to 6pm: Monday to Friday,
 - (b) 8am to 5pm: Saturday, and
 - (c) No unloading or loading on Sunday or Public Holidays.

KRA 5 - PLANNING AND LIVEABILITY

ORD.PAL/1

REPORTS

ORD.PAL/1.3

(030.2007.0291.001) Community Services Special Report Re: Material Change of Use to establish a Business Office - BMO Accountants ... (Cont'd)

Engineering

14. The building shall be connected to water, sewer, electricity and telephone.
15. All internal vehicular manoeuvring areas and the entrance/exit to the site shall be constructed and maintained in accordance with Council's Planning Scheme. To this end:
 - (a) Car parking spaces, the entrance to the site and vehicular manoeuvring areas or other surfaces that are traversed by vehicles must be fully sealed surfaces;
 - (b) The access point from the road network must be constructed in accordance with Council's Planning Scheme, and be maintained in a safe and functional manner in perpetuity by the operator of the facility; and
 - (c) Car parking spaces shall be linemarked, and maintained at all times in accordance with Schedule 3 of the Planning Scheme..
16. Stormwater from roof and sealed areas shall be collected inside the subject land and discharged to Council's street drainage system by way of underground piping.
17. Should any services require relocation within the subject land, this shall be undertaken by the applicant at no cost to Council.
18. Habitable floor heights shall be a minimum of 300mm above the 1 in 100 year ARI flood event as defined by the Myall Creek Flood Study, July 2007.
19. A 1.8m wide footpath shall be provided in the road verge along the full frontage of the subject land with Drayton Street in accordance Council's Engineering Standards.
20. Owners and occupiers of the premises shall only use the premises if they accept the risk associated with flooding as a business risk.

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.

KRA 5 - PLANNING AND LIVEABILITY

ORD.PAL/1

REPORTS

ORD.PAL/1.3

(030.2007.0291.001) Community Services Special Report Re: Material Change of Use to establish a Business Office - BMO Accountants ... (Cont'd)

22. A refuse container storage area shall be provided. This storage area is to be imperviously sealed, screened, provided with a hose cock and drained and sited in accordance with Council's standards.
23. The applicant or representatives of the applicant must not:
 - Burn or bury waste generated in association with this development approval at or on the approved development site; nor
 - Allow waste generated in association with this development approval to burn, or be burnt or buried, at or on the approved development site;
 - Unless otherwise approved, in writing, by Council.
24. Where regulated waste is removed from the approved development site, the development applicant or representatives of the applicant must monitor and record the following:
 - The date, quantity and type of waste removed; and
 - Name of the waste transporters and/or disposal operator that removed the waste; and
 - The intended treatment/disposal destination of the waste.

NOTE: Records of documents maintained in compliance with a waste tracking system established under the *Environmental Protection Act 1994* or any other law for regulated waste will be deemed to satisfy this condition.

General

25. Prior to the commencement of the use, and at all times thereafter, all conditions of this approval must be fully satisfied, unless otherwise stated.
- C. The approved plans/drawings for this development approval are listed in the following table:

Plan/Drawing Number	Plan/Drawing Name	Date
D409-07 Issue B	Site Plan	07.12.2007
D409-07 Issue B	Proposed Floor Plan	07.12.2007
D409-07 Issue B	Elevations	07.12.2007
D409-07 Issue B	Typical Section	07.12.2007

- D. The applicant be advised of the following Concurrence Agency Response/s:
- (a) Refer to Attached Concurrence Agency Response.

KRA 5 - PLANNING AND LIVEABILITY

ORD.PAL/1

REPORTS

ORD.PAL/1.3

(030.2007.0291.001) Community Services Special Report Re: Material Change of Use to establish a Business Office - BMO Accountants ... (Cont'd)

E. The applicant be advised that:-

- (a) Prior to works commencing on-site, separate applications for Development Permit for Building Works and Plumbing or Drainage Works will be required to be approved. A development permit for Operational Works may be required where greater than 20m³ of fill or excavation is proposed on the site;
- (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 (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) An applicant has the opportunity to make representations regarding conditions or other matters of the development approval within 20 business days of receiving the decision notice in accordance with section 3.5.17 of the IPA. The applicant's appeal period may also be suspended in accordance with section 3.5.18 of the IPA, to allow further time for consideration of matters contained in the development approval. In the case of refusal, an applicant does not have the opportunity to extend the appeal period.

KRA 5 - PLANNING AND LIVEABILITY

ORD.PAL/1

REPORTS

ORD.PAL/1.3

(030.2007.0291.001) Community Services Special Report Re: Material Change of Use to establish a Business Office - BMO Accountants ... (Cont'd)

- (g) An applicant has the opportunity to appeal against Council decision in accordance with the relevant section of the Integrated Planning Act 1997:

4.1.27 Appeals by Applicants,

- (1) An applicant for a development application may appeal to the court against any of the following—
- (a) the refusal, or the refusal in part, of a development application;
 - (b) a matter stated in a development approval, including any condition applying to the development, and the identification of a code under section 3.1.6;
 - (c) the decision to give a preliminary approval when a development permit was applied for;
 - (d) the length of a period mentioned in section 3.5.21;
 - (e) a deemed refusal.
- (2) An appeal under subsection (1)(a) to (d) must be started within 20 business days (the **applicant's appeal period**) after the day the decision notice or negotiated decision notice is given to the applicant.
- (3) An appeal under subsection (1)(e) may be started at any time after the last day a decision on the matter should have been made.
- (h) It should be noted that Council resolved not to accept security in lieu of completion of works, except in the following circumstances:
- (a) where it is Council's opinion that necessary works would result in the provision of sub-standard services for future development and the work is not critical to the development, or
 - (b) where it is Council's opinion the work is very minor, not critical to the development, and, the timing for the completion of that work is an unreasonable impost on the developer.

In both cases, the acceptance of security in lieu of works is at Council's discretion.

Justification

Nil.

KRA 5 - PLANNING AND LIVEABILITY

ORD.PAL/1 REPORTS

ORD.PAL/1.3 (030.2007.0291.001) Community Services Special Report Re: Material Change of Use to establish a Business Office - BMO Accountants ... (Cont'd)

COUNCIL RESOLUTION

MOVED and SECONDED

That this Report be received and the recommendations contained therein be adopted with condition 19 and 22 to be amended to read as follows:-

19. Applicant be requested to make a 50% contribution (\$12,500) in lieu of building a footpath in the road verge along the full frontage of the subject land with Drayton Street.
22. A refuse container storage area shall be provided. This storage area is to be imperviously sealed, screened, and sited in accordance with Council's standards.

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 19 and condition 22 to be amended to read as follows:-

22. A refuse container storage area shall be provided. This storage area is to be imperviously sealed, screened, and sited in accordance with Council's standards.

CARRIED

KRA 5 - PLANNING AND LIVEABILITY

ORD.PAL/1 REPORTS

ORD.PAL/1.4 (030.2008.011.001) Community Services Special Report Re: Material Change of Use to establish a Temporary Work Camp - The Dimidium Group

To SM Hegedus, CHIEF EXECUTIVE OFFICER

File No P1065, Doc. No. 030.2008.0011.001

Date 22 February 2008

Prepared by MD Wilson, PLANNING MANAGER

Responsible Officer BF Patterson, DIRECTOR OF COMMUNITY SERVICES

Signed:

Summary/Purpose

DEVELOPMENT APPLICATION

Application No:	030.2008.0011.001
Applicant:	The Dimidium Group
Owner:	Black Street Dalby Pty Ltd
Site Address:	28 Black Street
Real Property Description:	Lot 1 on RP174033
Zone:	Town
Precinct:	Residential
Proposal:	Material Change of Use to establish a Temporary Work Camp
Area of Land:	30,000m ²
Submissions:	Awaiting completion of Public Notification

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.

KRA 5 - PLANNING AND LIVEABILITY

ORD.PAL/1

REPORTS

ORD.PAL/1.4

(030.2008.011.001) Community Services Special Report Re: Material Change of Use to establish a Temporary Work Camp - The Dimidium Group ...(Cont'd)

Officer's Recommendation

RECOMMENDED that:

- A. Council authorise the Chief Executive Officer to decide this application on the following basis:
- (a) There are no submissions made objecting to the application;
 - (b) No significant changes are made to the application; and
 - (c) The following Conditions are applied.
- B. the applicant be advised that the proposed development is considered to conflict with the planning scheme with respect to the outcomes for development in the residential precinct. Despite this conflict, it is considered that there are sufficient grounds to allow the development. The grounds relied upon in approving the proposed development area:
- (a) It is unlikely that the proposed development will restrict the proper sequence of development in the area due to its temporary nature and the current availability of residential land in the immediate area and the town, and the existing use of the site for caravan Park purposes,
 - (b) The amenity of the area is considered to be adequately protected from the impact of the work camp by the installation of the proposed landscaping incorporating planting and fencing, and
 - (c) The traffic impacts of the proposed development are considered to be acceptable.
- C. the applicant be advised that the application for Development Approval for a Material Change of Use to establish a Temporary Work Camp on land described as Lot 1 on RP174033, situated at 28 Black Street, Dalby, is approved, subject to the following conditions:-

MATERIAL CHANGE OF USE

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 outstanding rates and charges shall be paid.
3. The use of the premises identified as an undefined use (temporary workers camp) is limited to the facilities mentioned under conditions of approval.

KRA 5 - PLANNING AND LIVEABILITY

ORD.PAL/1

REPORTS

ORD.PAL/1.4

(030.2008.011.001) Community Services Special Report Re: Material Change of Use to establish a Temporary Work Camp - The Dimidium Group ...(Cont'd)

4. A minimum of 152 car parking spaces plus an additional space per 3 employees of the workers camp shall be provided on site.
5. Car parking spaces shall be maintained and kept for the purposes of parking for residents and employees.
6. Vehicle bollards or tyre stops shall be used to control vehicle access and protect landscaping or pedestrian areas where appropriate.
7. Prior to the commencement of development a revised suite of drawings shall be provided for Council's review and endorsement. The revised drawings shall be generally in accordance with the suite of drawings provided to Council with the development application and shall include the additional car parking spaces required by condition 4.
8. A solid screen fence a minimum of 1.8 metres in height shall be provided along the full extent of the Northern and Western boundaries of the subject land.
9. A Landscaping Plan including a full planting schedule, prepared by a suitably qualified person, shall be submitted for Council's consideration and approval with the development application for Operational Works.
10. Landscaping shall be undertaken in accordance with the approved landscape plan.
11. Landscape works and associated landscape infrastructure are to be maintained at all times.
12. The height of buildings shall not exceed 8.5 metres above natural ground level.
13. Unloading and loading for the premises shall be restricted to:
 - (a) 7am to 6pm: Monday to Friday,
 - (b) 8am to 5pm: Saturday, and
 - (c) No unloading or loading on Sunday or Public Holidays.
14. The use shall cease within 5 years from the date of this approval.

KRA 5 - PLANNING AND LIVEABILITY

ORD.PAL/1

REPORTS

ORD.PAL/1.4

(030.2008.011.001) Community Services Special Report Re: Material Change of Use to establish a Temporary Work Camp - The Dimidium Group ...(Cont'd)

Engineering

15. The premises shall be connected to water, sewer, gas, electricity and telephone. The facilities and units shall be plumbed in accordance with the relevant standards and as agreed with Council to avoid excessive demands on the existing systems.
16. A kerb crossing shall be provided at the point of access to the subject land in accordance with Council's Engineering Standards.
17. All internal vehicular manoeuvring areas and the entrance/exit to the site shall be constructed and maintained in accordance with Council's Planning Scheme. To this end:
 - (a) Car parking spaces, the entrance to the site and vehicular manoeuvring areas or other surfaces that are traversed by vehicles must be fully sealed surfaces;
 - (b) The access point from the road network must be constructed in accordance with Council's Planning Scheme, and be maintained in a safe and functional manner in perpetuity by the operator of the facility; and
 - (c) Car parking spaces shall be linemarked, and maintained at all times in accordance with Schedule 3 of the Planning Scheme..
18. Stormwater from roof and sealed areas shall be collected inside the subject land and discharged to a lawful point of discharge by way of underground piping. Stormwater designs shall be managed in accordance with Council's engineering standards and subject to operational works.
19. Should any services require relocation within the subject land, this shall be undertaken by the applicant at no cost to Council.
20. Habitable floor heights shall be a minimum of 300mm above the 1 in 100 year ARI flood event as defined by the Myall Creek Flood Study, July 2007.

KRA 5 - PLANNING AND LIVEABILITY

ORD.PAL/1

REPORTS

ORD.PAL/1.4

(030.2008.011.001) Community Services Special Report Re: Material Change of Use to establish a Temporary Work Camp - The Dimidium Group ...(Cont'd)

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.
22. A refuse container storage area shall be provided. This storage area is to be imperviously sealed, screened, provided with a hose cock and drained and sited in accordance with Council's standards.

Contributions

23. Prior to the commencement of development the applicant shall pay to Council a contribution for water supply headworks. The headworks charge shall be calculated on the basis of \$484 per resident or bedroom.
24. Prior to the commencement of development the applicant shall pay to Council a contribution for sewerage headworks. The headworks charge shall be calculated on the basis of \$484 per resident or bedroom.
25. Prior to the commencement of development the applicant shall pay to Council a contribution for transport headworks. The headworks charge shall be calculated on the basis of \$242 per resident or bedroom:

General

26. Prior to the commencement of the use, and at all times thereafter, all conditions of this approval must be fully satisfied, unless otherwise stated.

KRA 5 - PLANNING AND LIVEABILITY

ORD.PAL/1

REPORTS

ORD.PAL/1.4

(030.2008.011.001) Community Services Special Report Re: Material Change of Use to establish a Temporary Work Camp - The Dimidium Group ...(Cont'd)

D. The applicant be advised that:-

- (a) Prior to works commencing on-site, separate applications for Development Permit for Operational Works, Building Works and 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 (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**).

n 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) An applicant has the opportunity to make representations regarding conditions or other matters of the development approval within 20 business days of receiving the decision notice in accordance with section 3.5.17 of the IPA. The applicant's appeal period may also be suspended in accordance with section 3.5.18 of the IPA, to allow further time for consideration of matters contained in the development approval. In the case of refusal, an applicant does not have the opportunity to extend the appeal period.

KRA 5 - PLANNING AND LIVEABILITY

ORD.PAL/1

REPORTS

ORD.PAL/1.4

(030.2008.011.001) Community Services Special Report Re: Material Change of Use to establish a Temporary Work Camp - The Dimidium Group ...(Cont'd)

- (g) An applicant has the opportunity to appeal against Council decision in accordance with the relevant section of the Integrated Planning Act 1997:

4.1.27 Appeals by Applicants,

- (1) An applicant for a development application may appeal to the court against any of the following—
- (a) the refusal, or the refusal in part, of a development application;
 - (b) a matter stated in a development approval, including any condition applying to the development, and the identification of a code under section 3.1.6;
 - (c) the decision to give a preliminary approval when a development permit was applied for;
 - (d) the length of a period mentioned in section 3.5.21;
 - (e) a deemed refusal.
- (2) An appeal under subsection (1)(a) to (d) must be started within 20 business days (the **applicant's appeal period**) after the day the decision notice or negotiated decision notice is given to the applicant.
- (3) An appeal under subsection (1)(e) may be started at any time after the last day a decision on the matter should have been made.
- (h) It should be noted that Council resolved not to accept security in lieu of completion of works, except in the following circumstances:
- (a) where it is Council's opinion that necessary works would result in the provision of sub-standard services for future development and the work is not critical to the development, or
 - (b) where it is Council's opinion the work is very minor, not critical to the development, and, the timing for the completion of that work is an unreasonable impost on the developer.

In both cases, the acceptance of security in lieu of works is at Council's discretion.

- (i) Your infrastructure charges are in accordance with the table in Report, Section 2.3, Schedule 15 – Headwork Contribution, if contributions are paid during the 2007/2008 financial year.

KRA 5 - PLANNING AND LIVEABILITY

ORD.PAL/1

REPORTS

ORD.PAL/1.4

(030.2008.011.001) Community Services Special Report Re: Material Change of Use to establish a Temporary Work Camp - The Dimidium Group ...(Cont'd)

Justification

Nil.

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**

ORD.PAL/1.5 **(050.2008.0052.001) Community Services Special Report Re: Request to Change an Existing Approval - Dalby Baptist Church**

To SM Hegedus, CHIEF EXECUTIVE OFFICER

File No P3405, Doc. No. 050.2007.0052.001

Date 20 February 2008

Prepared by MD Wilson, PLANNING MANAGER

Responsible Officer BF Patterson, DIRECTOR OF COMMUNITY SERVICES

Signed:

Summary/Purpose

DEVELOPMENT APPLICATION

Application No:	050.2007.0052.001
Applicant:	Dalby Baptist Church
Owner:	Dalby Baptist Church
Site Address:	Corner of Winton & Hayden Streets
Real Property Description:	Lot 10 on SP148208
PDLU Designation:	Rural Residential
Zone:	Town
Precinct:	Rural Residential
Proposal:	Request to change an existing approval other than a change of condition
Area of Land:	32,380m ²
Submissions:	N/A

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

Declaration of Material Personal Interest/Conflict of Interest

Nil.

KRA 5 - PLANNING AND LIVEABILITY

ORD.PAL/1

REPORTS

ORD.PAL/1.5

(050.2008.0052.001) Community Services Special Report Re: Request to Change an Existing Approval - Dalby Baptist Church ...(Cont'd)

Officer's Recommendation

RECOMMENDED that:

- A. Council consider this proposal a minor change to the development approval,
- B. the applicant be advised that the request to change the development approval other than a change of condition for Development Approval for a Material Change of Use to establish a Class 9(B) Church on land described as Lot 10 on SP148208, situated at the corner of Winton and Hayden Streets, Dalby, is approved in the following respects:-

- (1) The schedule of approved drawings is amended to read:

Plan/Drawing Number	Plan/Drawing Name	Date
WD06 Rev. D	Elevations	17.10.2007
WD05 Rev. D	Roof Plan	17.10.2007
WD04 Rev. D	First Floor Plan	17.10.2007
WD03 Rev. D	Ground Floor Plan	17.10.2007
WD02 Rev. D	1:200 Part Site Plan	17.10.2007
WD01 Rev. D	1:500 Site Plan	17.10.2007
TP01 Rev A	Site Plan (for the purposes of identifying landscaping)	

- (2) All other conditions detailed in the approval dated 27 July 2006 remain current.

Justification

Nil.

KRA 5 - PLANNING AND LIVEABILITY

ORD.PAL/1 REPORTS

ORD.PAL/1.5 (050.2008.0052.001) Community Services Special Report Re: Request to Change an Existing Approval - Dalby Baptist Church ...(Cont'd)

COUNCIL RESOLUTION

MOVED and SECONDED

That this Report be received and that:-

- A. Council consider this proposal a minor change to the development approval,
- B. the applicant be advised that the request to change the development approval other than a change of condition for Development Approval for a Material Change of Use to establish a Class 9(B) Church on land described as Lot 10 on SP148208, situated at the corner of Winton and Hayden Streets, Dalby, is approved in the following respects:-

(1) The schedule of approved drawings is amended to read:

Plan/Drawing Number	Plan/Drawing Name	Date
WD06 Rev. D	Elevations	17.10.2007
WD05 Rev. D	Roof Plan	17.10.2007
WD04 Rev. D	First Floor Plan	17.10.2007
WD03 Rev. D	Ground Floor Plan	17.10.2007
WD02 Rev. D	1:200 Part Site Plan	17.10.2007
WD01 Rev. D	1:500 Site Plan	17.10.2007
TP01 Rev A	Site Plan (for the purposes of identifying landscaping)	

(2) All other conditions detailed in the approval dated 27 July 2006 remain current.

CARRIED

KRA 5 - PLANNING AND LIVEABILITY

ORD.PAL/1 REPORTS

ORD.PAL/1.6 (D010.2007.0180) Community Services Special Report Re: Temporary Work Camp Request to Change or Cancel Conditions - Laing O'Rourke

To SM Hegedus, CHIEF EXECUTIVE OFFICER

File No P984, Doc. No. 010.2007.0180.001

Date 21 February 2008

Prepared by MD Wilson, PLANNING MANAGER

Responsible Officer BF Patterson, DIRECTOR OF COMMUNITY SERVICES

Signed:

Summary/Purpose

DEVELOPMENT APPLICATION

Application No:	010.2007.0180.001
Applicant:	Laing O'Rourke
Owner:	DT Henning, GM Henning, PW Henning & L Huber
Site Address:	Warrego Highway, Dalby
Real Property Description:	Lot 262 on AG789
Zone:	Town Zone
Precinct:	Part Light Industrial, part Open Space and part Residential
Proposal:	Temporary Work Camp
Area of Land:	36.96Ha
Submissions:	2

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

Declaration of Material Personal Interest/Conflict of Interest

Crs David Smiles and Greg Nearhos declared a Material Personal Interest and retired from the Meeting at 4.50 p.m.

KRA 5 - PLANNING AND LIVEABILITY

ORD.PAL/1

REPORTS

ORD.PAL/1.6

(D010.2007.0180) Community Services Special Report Re: Temporary Work Camp Request to Change or Cancel Conditions - Laing O'Rourke ...(Cont'd)

Officer's Recommendation

RECOMMENDED that:

- A. the applicant be advised that the request, although not a formal request, would be decided in the following manner:
- (1) The increase in scale of Stage 1 is generally acceptable and would be allowed,
 - (2) The postponement of full construction for access roads and parking areas would not be allowed for two reasons:
 - (a) The use may not be considered a minor change in accordance with the Integrated Planning Act due to submissions which were made regarding road capacity and suitability, and the increased likelihood of such submissions being made, or a submitter electing to contest the application being denied such an opportunity through a decision to decide this matter as a minor change, and
 - (b) The scale of Stage 1 is such that it is considered reasonable to require a fully constructed access road and parking areas.
- B. in the event that a formal request is made to change the development approval in the ways mentioned in this report – the Chief Executive Officer be authorised to make a decision in accordance with the advice detailed above.
-

KRA 5 - PLANNING AND LIVEABILITY

ORD.PAL/1

REPORTS

ORD.PAL/1.6

(D010.2007.0180) Community Services Special Report Re: Temporary Work Camp Request to Change or Cancel Conditions - Laing O'Rourke ...(Cont'd)

COUNCIL RESOLUTION

MOVED and SECONDED

That this Report be received and that:-

- A. the applicant be advised that the request, although not a formal request, would be decided in the following manner:
- (1) The increase in scale of Stage 1 is generally acceptable and would be allowed,
 - (2) The postponement of full construction for access roads and parking areas would not be allowed for two reasons:
 - (a) The use may not be considered a minor change in accordance with the Integrated Planning Act due to submissions which were made regarding road capacity and suitability, and the increased likelihood of such submissions being made, or a submitter electing to contest the application being denied such an opportunity through a decision to decide this matter as a minor change, and
 - (b) The scale of Stage 1 is such that it is considered reasonable to require a fully constructed access road and parking areas.
- B. in the event that a formal request is made to change the development approval in the ways mentioned in this report – the Chief Executive Officer be authorised to make a decision in accordance with the advice detailed above.

CARRIED

Crs David Smiles and Greg Nearhos re-joined the Meeting at 4.50 p.m.

KRA 5 - PLANNING AND LIVEABILITY

ORD.PAL/1 REPORTS

**ORD.PAL/1.7 (D512-06/07) Community Services Delegated Report Re:
Reconfiguring a Lot to Establish 8 Allotments at 193 Branch Creek
Road - Dooley: Negotiated Decision**

To SM Hegedus, CHIEF EXECUTIVE OFFICER

File No A2590, Doc. No. 512-06/07 10.2007.29.1

Date 21 February 2008

Prepared by MD Wilson, PLANNING MANAGER

Responsible Officer BF Patterson, DIRECTOR OF COMMUNITY SERVICES

Signed:

Summary/Purpose

DEVELOPMENT APPLICATION

Application No:	512-06/07 (10.2007.29.1)
Applicant:	K Dooley
Owner:	Shirely Geisel
Site Address:	193 Branch Creek Road
Real Property Description:	Lot 95 on AG43
PDLU Designation:	Rural Residential
Zone:	Low Constraint
Proposal:	Reconfiguring a lot to create 8 allotments
Area of Land:	77,500m ²

This report considers the representations made by the applicant regarding conditions of approval, provides an assessment of the merits of the proposal and makes a recommendation to decide the negotiated decision.

KRA 5 - PLANNING AND LIVEABILITY

ORD.PAL/1

REPORTS

ORD.PAL/1.7

(D512-06/07) Community Services Delegated Report Re: Reconfiguring a Lot to Establish 8 Allotments at 193 Branch Creek Road - Dooley: Negotiated Decision ...(Cont'd)

Officer's Recommendation

RECOMMENDED that:

- A. the applicant be advised that the written representations made regarding conditions of approval have been considered, and that:
- (1) Condition 6. be retained,
 - (2) Condition 7. be amended to read:
 7. Branch Creek Road shall be upgraded by construction of a 4.2 metre wide sealed pavement from the centre line of the road (eastern side of the road) plus a 1.0 metre wide sealed shoulder in accordance with Council's standards. The full frontage of the subject land shared with Branch Creek Road shall be upgraded.
 - (3) Condition 8. be amended to read:
 8. A 4.0 metre wide strip 102.92 metres in length along the Branch Creek Road frontage of proposed Lot 99 shown as the hatched area on Attachment A and an additional 4.0 metre single chord truncation shall be dedicated as road reserve. Alternatively, the area of land to be dedicated as road reserve may taper from the boundary of proposed Lot 99 and 1 for a distance of approximately 25 metres until it reaches the 4.0 metre width.
 - (4) Condition 9. be retained, but the applicant be advised that Council would accept a contribution in lieu of the works required to satisfy this condition.
 - (5) Condition 12. be amended to read:
 12. Telephone services to all allotments shall be provided underground.
 - (6) Condition 21. be deleted, and
 - (7) the fully revised set of conditions is:

KRA 5 - PLANNING AND LIVEABILITY

ORD.PAL/1

REPORTS

ORD.PAL/1.7

(D512-06/07) Community Services Delegated Report Re: Reconfiguring a Lot to Establish 8 Allotments at 193 Branch Creek Road - Dooley: Negotiated Decision ...(Cont'd)

- A. the applicant be advised that the application for Development Approval for Reconfiguring a Lot to create 8 allotments on land described as Lot 95 on AG43, situated at 193 Branch Creek Road, Dalby, is approved, subject to the following conditions:-

Planning

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 approved plan (except where varied by conditions of approval).
2. All outstanding rates and charges shall be paid in full prior to the submission to Council of the Plan of Survey.
3. All conditions of this approval are to be complied with prior to the endorsement of approval of the relevant Plan of Subdivision, unless otherwise stated.

Engineering

4. The applicant shall provide all necessary stormwater drainage and erosion and sediment control measures (both internal and external to the estate) in accordance with Council's Planning Scheme. Stormwater shall be disposed of to a lawful point of discharge.
5. Any fill placed on the subject land in relation to the development shall not cause any ponding of water on any other land.
6. Reticulated water supply shall be provided separately to each allotment in the subdivision in accordance with the requirements of Council's Planning Scheme.

All work shall be constructed in accordance with Council's Planning Scheme, and shall include the extension of the water main for the full frontage of the subject land. To this end, prior to the signing and sealing of any Plan of Survey for Reconfiguration of Lots on the site, each new allotment shall be provided with a water service connection up to but excluding a water meter.

7. Branch Creek Road shall be upgraded by construction of a 4.2 metre wide sealed pavement from the centre line of the road (eastern side of the road) plus a 1.0 metre wide sealed shoulder in accordance with Council's standards. The full frontage of the subject land shared with Branch Creek Road shall be upgraded.
8. A 4.0 metre wide strip 102.92 metres in length along the Branch Creek Road frontage of proposed Lot 99 shown as the hatched area on Attachment A and an additional 4.0 metre single chord truncation shall be dedicated as road reserve. Alternatively, the area of land to be dedicated as road reserve may taper from the boundary of proposed Lot 99 and 1 for a distance of approximately 25 metres until it reaches the 4.0 metre width.

KRA 5 - PLANNING AND LIVEABILITY

ORD.PAL/1

REPORTS

ORD.PAL/1.7

(D512-06/07) Community Services Delegated Report Re: Reconfiguring a Lot to Establish 8 Allotments at 193 Branch Creek Road - Dooley: Negotiated Decision ...(Cont'd)

9. Street lighting is to be designed and installed in accordance with AS1158 Category P5 and the EDROC Standards Manual.
10. Where deemed necessary by Council, the relocation of services within the subject land shall be undertaken by the applicant at no cost to Council.
11. 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.
12. Telephone services to all allotments shall be provided underground.
13. The applicant shall submit a certificate from the provider agency to indicate provision of a telephone supply to each of the proposed allotments is available.
14. The applicant shall submit a certificate from the provider agency to indicate provision of a power supply to each of the proposed allotments is available.
15. Where appropriate, easements shall be provided in favour of Council to contain infrastructure elements, including water mains.
16. Where appropriate, easements shall be provided in favour of Council for stormwater drainage purposes.
17. The cost of providing services to each proposed Lot shall be at the expense of the applicant.
18. Habitable floor heights shall be a minimum of 300mm above the 1 in 100 year ARI flood event.

Environmental Health

19. 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.

KRA 5 - PLANNING AND LIVEABILITY

ORD.PAL/1

REPORTS

ORD.PAL/1.7

(D512-06/07) Community Services Delegated Report Re: Reconfiguring a Lot to Establish 8 Allotments at 193 Branch Creek Road - Dooley: Negotiated Decision ...(Cont'd)

Building

20. Prior to the issue of the Final Inspection Certificate for a Dwelling House, an approved invert crossing shall be provided at the point of access to each allotment in accordance with Council's Local Planning Policies on Engineering Works.

Contributions

21. The applicant shall pay to Council a parks contribution at the rate applicable at the time the contribution is paid. The 2007/08 fees and charges indicate \$515 per additional Lot.
22. The applicant shall pay to Council a contribution for water supply headworks at the rate applicable at the time the contribution is paid. The 2007/08 fees and charges indicate \$1,500 per additional lot.
23. The applicant shall pay to Council a contribution for transport headworks at the rate applicable at the time the contribution is paid. The 2007/08 fees and charges indicate \$750 per additional lot.
- B. The approved plan/drawing for this development approval is listed in the following table:

Plan/Drawing Number	Plan/Drawing Name	Date
Y70319.P01	Proposed Lots 1-7 & 99 Cancelling Lot 95 on AG43	19.04.2007

- 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;

KRA 5 - PLANNING AND LIVEABILITY

ORD.PAL/1

REPORTS

ORD.PAL/1.7

(D512-06/07) Community Services Delegated Report Re: Reconfiguring a Lot to Establish 8 Allotments at 193 Branch Creek Road - Dooley: Negotiated Decision ...(Cont'd)

- (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.
-

COUNCIL RESOLUTION

MOVED and SECONDED

That this Report be received and the recommendations contained therein be adopted with the following amendments:-

- Retain Condition 6 to read as follows:-
 6. Reticulated water supply shall be provided separately to each allotment in the subdivision in accordance with the requirements of Council's Planning Scheme.
- Retain Condition 7 with an amended provision that the applicant be requested to make a negotiated contribution in lieu of works to read as follows:-
 7. Branch Creek Road shall be upgraded by construction of a 4.2 metre wide sealed pavement from the centre line of the road (eastern side of the road) plus a 1.0 metre wide sealed shoulder in accordance with Council's standards. The full frontage of the subject land shared with Branch Creek Road shall be upgraded or a contribution from the developer be requested in lieu of the construction being carried out to be negotiated with the Chief Executive Officer.
- Amend Condition 8 to read as follows:-
 8. a 4.0 metre single chord truncation shall be dedicated as road reserve on the intersection of Branch Creek Road and Sandalwood Avenue East.

CARRIED

KRA 5 - PLANNING AND LIVEABILITY

ORD.PAL/1 REPORTS

ORD.PAL/1.8 (D413-06/07) Community Services Special Report Re: Request to Change or Cancel Conditions Multiple Occupancy 76 Pratten Street - First Four Investments Pty Ltd

To S M Hegedus, CHIEF EXECUTIVE OFFICER

File No P1451, Doc. No. 413-06/07

Date 22 February 2008

Prepared by M.D. Wilson, PLANNING MANAGER

Responsible Officer B. Patterson, DIRECTOR COMMUNITY SERVICES

Signed:

Summary/Purpose

DEVELOPMENT APPLICATION

Application No:	413-06/07
Applicant:	First Four Investments Pty Ltd
Owner:	First Four Investments Pty Ltd
Site Address:	76 Pratten Street
Real Property Description:	Lots 1 & 2 RP59762
PDLU Designation:	Multiple Occupancy
Zoning:	High Constraint
Proposal:	Request to change condition 2
Area of Land:	1346m ²
Submissions:	Nil

This report considers the request, provides an assessment of the merits of the request and makes a recommendation to decide the request.

Declaration of Material Personal Interest/Conflict of Interest

Nil.

KRA 5 - PLANNING AND LIVEABILITY

ORD.PAL/1

REPORTS

ORD.PAL/1.8

(D413-06/07) Community Services Special Report Re: Request to Change or Cancel Conditions Multiple Occupancy 76 Pratten Street - First Four Investments Pty Ltd ...(Cont'd)

Officer's Recommendation

RECOMMENDED that:

A. The applicant be advised that:

- (i) Condition 2 is amended to read:
 2. Prior to the commencement of development a revised suite of drawings shall be provided for Council's review and endorsement. The revised drawings shall be generally in accordance with the suite of drawings provided to Council dated 12 April 2007. The revised drawings shall incorporate:
 - (a) a minimum 4 metre setback to the wall of the building from the Connelly Street frontage; and
 - (b) a minimum 1.0 metre setback to the wall of the building from the shared side boundary with Lot 1 RP210364; and
 - (c) Connelly Street frontage of the building shall be articulated to the satisfaction of the Planning Manager; and
 - (d) once endorsed, the revised drawings shall become the approved drawings.
- (ii) The proposed articulation of the Connelly Street frontage of the building is acceptable.
- (iii) All other conditions of the approval issued 20 August 2007 remain unaltered.

Justification

Nil.

KRA 5 - PLANNING AND LIVEABILITY

ORD.PAL/1

REPORTS

ORD.PAL/1.8

(D413-06/07) Community Services Special Report Re: Request to Change or Cancel Conditions Multiple Occupancy 76 Pratten Street - First Four Investments Pty Ltd ...(Cont'd)

COUNCIL RESOLUTION

MOVED and SECONDED

That this Report be received and that:

A. The applicant be advised that:

- (i) Condition 2 is amended to read:
 2. Prior to the commencement of development a revised suite of drawings shall be provided for Council's review and endorsement. The revised drawings shall be generally in accordance with the suite of drawings provided to Council dated 12 April 2007. The revised drawings shall incorporate:
 - (a) a minimum 4 metre setback to the wall of the building from the Connelly Street frontage; and
 - (b) a minimum 1.0 metre setback to the wall of the building from the shared side boundary with Lot 1 RP210364; and
 - (c) Connelly Street frontage of the building shall be articulated to the satisfaction of the Planning Manager; and
 - (d) once endorsed, the revised drawings shall become the approved drawings.
- (ii) The proposed articulation of the Connelly Street frontage of the building is acceptable.
- (iii) All other conditions of the approval issued 20 August 2007 remain unaltered.

CARRIED

KRA 5 - PLANNING AND LIVEABILITY

ORD.PAL/1

REPORTS

ORD.PAL/1.9 **Community Services Special Report Re: Sign Application - Carmichael Builders Pty Ltd**

To SM Hegedus, CHIEF EXECUTIVE OFFICER

File No P2064, Doc. No. 010.2007.0255.001

Date 22 February 2008

Prepared by CC Land, ENVIRONMENTAL HEALTH OFFICER

Responsible Officer BF Patterson, DIRECTOR OF COMMUNITY SERVICES

Signed: _____

Summary/Purpose

This report addresses the application for a non-permitted advertisement under Local Law No. 11 (Control of Advertisements) by Carmichael Builders Pty Ltd.

Declaration of Material Personal Interest/Conflict of Interest

Nil.

Officer's Recommendation

It is recommended that Council approve the application from Carmichael Builders for a wedge shaped design style sign, displaying content relating to Carmichael Builders' business. This sign application is also subject to Department of Main Roads' approval as triggered by the IPA.

Justification

Nil.

COUNCIL RESOLUTION

MOVED and SECONDED

That this Report be received and that Council approve the application from Carmichael Builders for a wedge shaped design style sign, displaying content relating to Carmichael Builders' business. This sign application is also subject to Department of Main Roads' approval as triggered by the IPA.

CARRIED

KRA 5 - PLANNING AND LIVEABILITY

ORD.PAL/1 **REPORTS**

ORD.PAL/1.10 **Community Services Special Report Re: Street Name Approval - Jandowae Road - Carmichael Builders**

To S M Hegedus, CHIEF EXECUTIVE OFFICER

File No P4812, Doc. No. 257-05/06

Date 21 February 2008

Prepared by M. Wilson, PLANNING MANAGER

Responsible Officer B. Patterson, DIRECTOR COMMUNITY SERVICES

Signed: _____

Summary/Purpose

A letter dated 20 February 2008 seeks Council's approval for road names for the subdivision at Jandowae Road. The applicant also seeks approval of naming rights for a detention basin and building approval for estate signage.

Declaration of Material Personal Interest/Conflict of Interest

Nil.

Officer's Recommendation

Recommended that:

- A. Council advise the applicant that Diggers Drive replaces Diggers Parade as an approved street name for the new road within the subdivision.
- B. Council advise the applicant of its deliberations in respect of the naming of the detention basin.
- C. Council advise the applicant that estate signage is not accepted in an area to be dedicated as road reserve.

Justification

Nil.

KRA 5 - PLANNING AND LIVEABILITY

ORD.PAL/1

REPORTS

ORD.PAL/1.10

Community Services Special Report Re: Street Name Approval - Jandowae Road - Carmichael Builders ...(Cont'd)

COUNCIL RESOLUTION

MOVED and SECONDED

That this Report be received and that:

- A. Council advise the applicant that Diggers Drive replaces Diggers Parade as an approved street name for the new road within the subdivision.
- B. Council advise the applicant that it accedes to the request to the naming of the detention basin to Carmichael Park.
- C. Council advise the applicant that estate signage is not accepted in an area to be dedicated as road reserve.

CARRIED

KRA 5 - PLANNING AND LIVEABILITY

ORD.PAL/1 **REPORTS**

ORD.PAL/1.11 **Community Services Monthly Town Planning Report - February 2008**

To S M Hegedus, CHIEF EXECUTIVE OFFICER

File No 1/2/8

Date 22 February 2008

Prepared by MD Wilson, PLANNING MANAGER

Responsible Officer BF Patterson, DIRECTOR OF COMMUNITY SERVICES

Signed: _____

Summary/Purpose

This report details Town Planning activities for the month of February 2008 and seeks direction on matters of compliance and policy.

Declaration of Material Personal Interest/Conflict of Interest

Nil.

Officer's Recommendation

RECOMMENDED that:

That this report be received and noted.

Justification

Nil

COUNCIL RESOLUTION

MOVED and SECONDED

That this Report be received and noted.

CARRIED

KRA 5 - PLANNING AND LIVEABILITY

ORD.PAL/1 REPORTS

ORD.PAL/1.12 Community Services Monthly Building Report - February 2008

To S M Hegedus, CHIEF EXECUTIVE OFFICER

File No 1/2/9

Date 21st February 2008

Prepared by L D Henning, CUSTOMER SERVICE OFFICER

Responsible Officer B Patterson, DIRECTOR COMMUNITY SERVICES

Signed:

Summary/Purpose

This Report details building activities for the month of February 2008.

Declaration of Material Personal Interest/Conflict of Interest

Nil.

Officer's Recommendation

That this Report be received and noted.

Justification

Nil.

COUNCIL RESOLUTION

MOVED and SECONDED

That this Report be received and noted.

CARRIED

KRA 5 - PLANNING AND LIVEABILITY

ORD.PAL/1

REPORTS

ORD.PAL/1.13

Community Services Monthly Report Re: Health and Environment - February 2008

To

SM Hegedus, CHIEF EXECUTIVE OFFICER

File No

1/2/4

Date

21 February 2008

Prepared by

CC Land, ENVIRONMENTAL HEALTH OFFICER

Responsible Officer

BF Patterson, DIRECTOR OF COMMUNITY SERVICES

Signed:

Summary/Purpose

To present the report on the activities of Council's Health and Environment Program for February 2008

Declaration of Material Personal Interest/Conflict of Interest

Nil.

Officer's Recommendation

That this report be received and noted.

Justification

Nil.

COUNCIL RESOLUTION

MOVED and SECONDED

That this Report be received and noted.

CARRIED

KRA 5 - PLANNING AND LIVEABILITY

ORD.PAL/2 INWARDS CORRESPONDENCE

Nil.

ORD.PAL/3 GENERAL BUSINESS

ORD.PAL/3.1 Mayor's Speech Marks End of Proud Era Dalby Town Council

File No 1/1/1 & 1/20/1

Summary/Purpose

In officially declaring the final Council meeting closed, the Mayor Cr Warwick Geisel invited the Councillors and staff in turn to present some final comments to reflect on their time with Council and then presented his final words to mark this significant occasion.

"Fellow councillors, Council staff and members of the gallery, we have now come to the end of the last ever meeting of Dalby Town Council. However before I declare the meeting closed, I'd like to say a few words to mark this significant occasion.

After 145 years of governance, in just 2 weeks Dalby Town Council will join five neighbouring councils to become the new Dalby Regional Council.

Tonight is indeed, the end of an era - but it's also an opportunity to reflect on our proud past, present and future.

Holding office between 1863 and 2008 there have been a total of 49 Mayors, more than 200 Councillors and 21 CEO's whom have each played their part in shaping the leading regional centre that Dalby is today.

For me personally it has been a real honour to serve on Council for 23 years - 3 years as Deputy Mayor and 20 years as Mayor of Dalby. During that time I have met and worked along side an extraordinary number of talented people who have each helped Council in some way to build a better Dalby.

As councillors and council staff - both past and present - we can be proud of being part of a Council renowned for leading the way with innovative projects, for forging strong partnerships with local business and industry, and for caring about the wellbeing of our community.

I hope that like me, you have a real sense of achievement for having served Dalby town - regardless of whether this was your first term or one of many.

The Dalby Town Council I will remember is one of vision and determination, governed by people passionate about progressing their town. The town I proudly call home will always be a welcoming modern country town that offers a wealth of opportunity and a balanced family lifestyle.

KRA 5 - PLANNING AND LIVEABILITY

ORD.PAL/3 GENERAL BUSINESS

**ORD.PAL/3.1 Mayor's Speech Marks End of Proud Era Dalby Town Council
...(Cont'd)**

I sincerely thank all the councillors and fantastic council staff I have worked with, and wish my fellow Dalby Regional Council candidates all the best at the 15 March election.

On behalf of council I would also like to thank our dedicated executive team - CEO Steve and his team of Directors - Trish, Blaine and Graeme. You are all true professionals and I know you'll be valuable assets in the new council.

And would you please put yours hands together in thanks to the talented lady who has taken our council minutes for the past 6 years. Thank you Cath.

I would also like to make mention of my loving family, and in particular my wife Beth. They continue to be right behind me and I am very grateful for their support.

As at midnight 14 March 2008 Dalby Town Council will cease to exist and a new regional council will be elected.

Dalby Town Council started with six elected members representing 200 people, is now a Council representing 11,000 people and will soon form part of a regional council representing 30,000 people.

I look forward to the next chapter in the growth of our town and surrounding region as part of a \$10 billion super shire under the leadership of Dalby Regional Council.

I now officially declare the last meeting of Dalby Town Council closed at 6.15 pm, Friday 29 February 2008".

KRA 6 - ECONOMIC PROSPERITY

ORD.ECP/1 REPORTS

Nil.

ORD.ECP/2 INWARDS CORRESPONDENCE

Nil.

ORD.ECP/3 GENERAL BUSINESS

Nil.

MEETING CLOSURE

The Meeting concluded at 6.15 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-ninth day of February 2008.

Submitted to the Ordinary Meeting of Dalby Regional Council.

Signed:

Cr Geisel
MAYOR OF DALBY

3 March 2008

APPENDIX / ATTACHMENTS
