



"Working Together for a Better Dalby"

Minutes Ordinary Meeting of Council

Held at Dalby Town Council Chambers

ON Tuesday 4 December 2007

Commencing at 4.05 p.m.

Minutes Ordinary Meeting of Council

Tuesday 4 December 2007

ORDER OF BUSINESS:

Item	Precis	File No	Page
DECLARATION OF MEETING OPENING			5
PRESENT			5
APOLOGIES			5
ORD/1	CONDOLENCES		6
ORD/2	CONGRATULATIONS		6
ORD/3	CONFIRMATION OF MINUTES OF PREVIOUS ORDINARY MEETING		6
ORD/3.1	Adopt Minutes Previous Ordinary Meeting Tuesday 27th November 2007	1/2/10	6
ORD/4	BUSINESS ARISING OUT OF THE MINUTES OF PREVIOUS ORDINARY MEETING		7
ORD/4.1	Dalby Region Flood Management Study Report Prepared 1985	27/2/1	7
ORD/4.2	Confidential Report Flood Planning Recommendations Dalby Town Council Presented Sinclair Knight Mertz	27/2/1	7
ORD/4.3	Confidential Community Services Special Report Re: K R & C M Turner - Development Agreement Reconfigure Lot 227 RP869367 and Dalby Investment Corporation Request to Remove Railway Tracks on Lot 15 SP122105 Bunya Highway	P.4132	8
ORD/5	ON THE TABLE		9
ORD/6	PRESENTATION OF PETITIONS AND MEMORIALS BY COUNCILLORS		9
ORD/7	ADOPTION OF REPORTS OF GENERAL PURPOSES COMMITTEE MEETING/S		9
ORD/8	CONSIDERATION OF NOTICES OF BUSINESS		9
ORD/9	CONSIDERATION OF NOTICES OF MOTION		9
ORD/10	QUESTIONS WITHOUT NOTICE		9
ORD/11	RECEPTION OF NOTICES OF MOTION FOR NEXT MEETING		9
DELEGATIONS			10
ORD/D.1	Mr Gavin Walton Update Council Mackay Industry Network Tour	5/3/3 & 6/1/10	10
ORD/D.2	Sought Council's Approval Advertise Vacant Position Manager Economic and Business Development	6/1/10, 25/3/36 & 4/1/5	12
KRA 1 - COMMUNITY WELLBEING			13
ORD.CW/1	REPORTS		13
ORD.CW/1.1	Community Services Special Report Re: Youth Week 2008	5/1/51 & 6/9/2	13
ORD.CW/1.2	Community Services Special Report Re: Regional Arts Development Fund	5/1/49	15
ORD.CW/1.3	Report Aquatic Centre Project Council Committee Meeting Wednesday 21 November 2007	1/2/16 & 16/2/1	17
ORD.CW/1.4	Report Dalby Wambo Disaster Management Group Meeting Tuesday 20th November 2007	1/2/16 & 5/7/3	19
ORD.CW/2	INWARDS CORRESPONDENCE		20
ORD.CW/3	GENERAL BUSINESS		20

Minutes Ordinary Meeting of Council Tuesday 4th December 2007 - 04/12/07

KRA 2 - OUR ORGANISATION			21
ORD.ORG/1	REPORTS		21
ORD.ORG/1.1	Corporate Services Special Report Re: Attendance 2007 Local Government National Human Resource Conference	1/15/15	21
ORD.ORG/1.2	Report Safety Committee Meeting Thursday 22 November 2007	4/1/16	22
ORD.ORG/2	INWARDS CORRESPONDENCE		23
ORD.ORG/2.1	Darling Downs Regional Organisation Councils Chairs Report Future DDROC 2007/08 Membership Levies	5/3/19, Doc. No. 507867	23
ORD.ORG/2.2	Darling Downs Regional Organisation Councils Minutes Meeting Directors 9th November 2007	5/3/19, Doc. No. 507730	24
ORD.ORG/3	GENERAL BUSINESS		24
KRA 3 - BUILT ENVIRONMENT			25
ORD.BE/1	REPORTS		25
ORD.BE/2	INWARDS CORRESPONDENCE		25
ORD.BE/3	GENERAL BUSINESS		25
KRA 4 - UTILITY SERVICES			26
ORD.UTS/1	REPORTS		26
ORD.UTS/2	INWARDS CORRESPONDENCE		26
ORD.UTS/3	GENERAL BUSINESS		26
KRA 5 - PLANNING AND LIVEABILITY			27
ORD.PAL/1	REPORTS		27
ORD.PAL/1.1	(D342-06/07) Community Services Special Report Re: Development Application Reconfiguring a Lot to Create 41 Allotments - Turner	P4448 & P4449, Doc. No. 342-06/07	27
ORD.PAL/2	INWARDS CORRESPONDENCE		34
ORD.PAL/3	GENERAL BUSINESS		34
KRA 6 - ECONOMIC PROSPERITY			35
ORD.ECP/1	REPORTS		35
ORD.ECP/2	INWARDS CORRESPONDENCE		35
ORD.ECP/3	GENERAL BUSINESS		35
ORD.ECP/3.1	Change Watering Times Under Level 3 Restrictions	9/1/17	35
ORD.ECP/3.2	Local Government Remuneration Tribunal Report	1/1/3 & 5/3/3	37
ORD.ECP/3.3	Local Transition Committee Meeting Friday 7th December 2007	1/20/2	37
ORD.ECP/3.4	Enquiry Proposed Works Corner Sandalwood Avenue and Branch Creek Road	P.2590	38
MEETING CLOSURE			39

DECLARATION OF MEETING OPENING

The Chairperson declared the meeting open at 4.05 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
R. Hamilton, SOCIAL CULTURAL & SPORTING OFFICER
C.M. Harding, CEO's PERSONAL ASSISTANT
T.A. Fagg, UTILITIES MANAGER
M. Wilson, PLANNING MANAGER

Observers Nil

Delegation Mr Gavin Walton, Condamine Electric Company
Melissa Bartle and Corey Back

APOLOGIES

An apology for non-attendance was received from Mr Graeme Preston, A/DES

ORD/1 CONDOLENCES

Nil.

ORD/2 CONGRATULATIONS

Nil.

ORD/3 CONFIRMATION OF MINUTES OF PREVIOUS ORDINARY MEETING

ORD/3.1 Adopt Minutes Previous Ordinary Meeting Tuesday 27th November 2007

To His Worship the Mayor and Councillors

File No 1/2/10

Date 28 November 2007

Responsible Officer Cr W. Geisel, MAYOR

Signed: _____

Summary/Purpose

Minutes of the Ordinary Meeting of Council held on Tuesday, 27 November 2007.

Officer's Recommendation

That the minutes of the last Ordinary Meeting held on Tuesday, 27 November 2007 copies of which have been printed and circulated to Members, be taken as read and confirmed.

COUNCIL RESOLUTION

MOVED and SECONDED

That the minutes of the last Ordinary Meeting held on Tuesday, 27 November 2007 copies of which have been printed and circulated to Members, be taken as read and confirmed.

CARRIED

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

ORD/4.1 Dalby Region Flood Management Study Report Prepared 1985

File No 27/2/1

Summary/Purpose

Cr J M Hart requested Council in the new year review the Dalby Region Flood Management Study Report prepared for Council by Munro Johnson and Associates in 1985, stating that at the time no major recommendations were implemented.

Cr B T O'Shea joined the Meeting at 4.07 p.m.

ORD/4.2 Confidential Report Flood Planning Recommendations Dalby Town Council Presented Sinclair Knight Mertz

File No 27/2/1

Summary/Purpose

Cr B T O'Shea expressed his concerns with the adoption of part B (D) of the resolution in relation to the flood planning recommendations adopted at Council's meeting held on Tuesday 27th November 2007 which read as follows:-

- (d) House extensions comprising habitable floor area are allowable below the 1 in 100 year ARI providing the extension does not constitute more than 20% of total floor area of the existing dwelling;

suggesting that Council reconsider the matter at its next meeting scheduled for Tuesday 11th December 2007 to amend the percentage of total floor area to 30%.

COUNCIL RESOLUTION

MOVED and SECONDED

That Council discuss the matter further at its next meeting scheduled for Tuesday, 11th December 2007.

The MOTION was LOST

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

ORD/4.3 Confidential Community Services Special Report Re: K R & C M Turner - Development Agreement Reconfigure Lot 227 RP869367 and Dalby Investment Corporation Request to Remove Railway Tracks on Lot 15 SP122105 Bunya Highway

File No P.4132

Summary/Purpose

Mr Blaine Patterson, DCS sought clarification on Council's resolution part B of this report on whether Council resolved to proceed with this part of the resolution at its meeting held on Tuesday 27th November 2007.

Council agreed that the resolution should be amended to read as follows to reflect a true and accurate recording of the minutes:-

"That the Report be received and that:-

- A. Dalby Investment Corporation be advised that Council has no objection to the application for removal of the railway line on land described as Lot 15 on SP122105, fronting Council land at the corner of Irvingdale Road and Bunya Highway; and
- B. defer any decision in relation to part C pending receipt of legal advice".

Declaration of Material Personal Interest/Conflict of Interest

Cr C P Milford declared a Material Personal Interest and retired from the Meeting at 4.15 p.m. and re-joined the Meeting at 4.25 p.m.

COUNCIL RESOLUTION

MOVED and SECONDED

That the Report be received and that:-

- A. Dalby Investment Corporation be advised that Council has no objection to the application for removal of the railway line on land described as Lot 15 on SP122105, fronting Council land at the corner of Irvingdale Road and Bunya Highway; and
- B. defer any decision in relation to part C pending receipt of legal advice.

CARRIED

ORD/5 ON THE TABLE

Nil.

ORD/6 PRESENTATION OF PETITIONS AND MEMORIALS BY COUNCILLORS

Nil.

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

Nil.

ORD/8 CONSIDERATION OF NOTICES OF BUSINESS

Nil.

ORD/9 CONSIDERATION OF NOTICES OF MOTION

Nil.

ORD/10 QUESTIONS WITHOUT NOTICE

Nil.

ORD/11 RECEPTION OF NOTICES OF MOTION FOR NEXT MEETING

Nil.

DELEGATIONS

ORD/D.1 **Mr Gavin Walton Update Council Mackay Industry Network Tour**

To S.M. Hegedus, CHIEF EXECUTIVE OFFICER

File No 5/3/3 & 6/1/10

Date 28 November 2007

Responsible Officer B. Patterson, DIRECTOR COMMUNITY SERVICES

Signed: _____

Summary/Purpose

Mr Gavin Walton joined the Meeting at 4.20 p.m. to update Council on the Mackay Industry Network Tour organised jointly by Dalby Chamber of Commerce, State Development and Chinchilla Economic Tourism Development Association and held from Sunday 21st to Tuesday 23rd October 2007.

The following representatives attended the tour:

- Mayor and 3 Councillors from Chinchilla
- Murilla Shire Council's Economic Development Officer
- Chinchilla property developers
- Business owners from Chinchilla and Dalby
- State Development Project Officer

- Met with Gladstone Engineering Alliance, Gladstone Area Promotion and Development, Businesses and Acting Director Gladstone State Development
- Met with Mackay Mayor, Julie Boyd, Mackay Area Industry Network, Commerce Queensland Mackay, Mackay Whitsunday Regional Economic Development Corporation, Mackay District Health, business members, Principal, Senior State Development Officers
- Site visits Mackay - G&S Engineering Services, P & H MinePro Services, Anderson Industries and AusGroup Industries
- In Emerald met with Peter Maguire, Mayor of Emerald, Central Highlands Development Corporation, State Development Senior Officer, Emerald Chamber of Commerce, local business representatives.

Mining Companies want:-

- To source locally but don't necessarily know what is available
- Need a huge range of support services as well as mine related services
- Prefer to communicate with one trusted local or regional contact
- Require suppliers to comply with their operating rules, regulations and standards

DELEGATIONS

ORD/D.1 Mr Gavin Walton Update Council Mackay Industry Network Tour ...(Cont'd)

What Can We Do:-

- Monitor what mining companies are planning in the regional (Department Mines and Energy)
- Identify the whole range of support services mining companies may require
- Prepare capability and capacity directory of businesses in region
- Conduct a "Supply Chain Gap Analysis" and attract businesses into area to fill those gaps
- Establish relationship of trust with the mining companies (e.g. Purchasing Officers)
- Ensure businesses 'comply' with mining companies purchasing policy, quality assurance and safety procedures
- Go to mining companies and show them what business capacities are available in each town/area

Growth and Development Brings:-

- Demand for industrial and residential land
- Need to improve local infrastructure
- Increased population which changes community culture
- Additional burden on local facilities (health, education)
- Loss of local skilled labour
- Higher cost of living which alienates locals

Surat Basin Development

- Three power stations already built
- Three major mining companies already operating in the area
- Four working mines, four more to start soon
- Missing railway link built by 2012
- Potentially up to 40 new mines operating in next 10 years.

Mr Matthew Wilson, Planning Manager joined the Meeting at 4.40 p.m.

Council needs to look at its strengths and weaknesses and work out the gap. Council should continue to positively market Dalby, and host future initiatives similar to the community welcoming weekend.

Be proactive, prepare and plan for change.

Mr Gavin Walton retired from the Meeting at 4.55 p.m.

Declaration of Material Personal Interest/Conflict of Interest

Nil

Justification

Nil

**ORD/D.2 Sought Council's Approval Advertise Vacant Position Manager
Economic and Business Development**

File No 6/1/10, 25/3/36 & 4/1/5

Summary/Purpose

Mr S M Hegedus, CEO advised Council of a recently advertised position for a Manager Economic and Business Development within the Chinchilla Shire, and highlighted the need and opportunity for the employment of an Economic Development Manager for the Dalby and Wambo area.

Mr Hegedus suggested that Council should also be proactive and advertise a similar position to enhance long-term business prospects, growth and development within the region with applications closing on Friday 21st December 2007.

COUNCIL RESOLUTION

MOVED and SECONDED

That Council advertise a vacant position for Manager Economic Development.

CARRIED

KRA 1 - COMMUNITY WELLBEING

ORD.CW/1

REPORTS

ORD.CW/1.1

Community Services Special Report Re: Youth Week 2008

To

S M Hegedus, CHIEF EXECUTIVE OFFICER

File No

5/1/51 & 6/9/2

Date

20 November 2007

Prepared by

R. Hamilton, SOCIAL CULTURAL & SPORTING OFFICER

Responsible Officer

B. Patterson, DIRECTOR COMMUNITY SERVICES

Signed:

Summary/Purpose

The purpose of this report is to provide background information about a proposal received by Council from a local youth group regarding Youth Week 2008, and to introduce the group to Council.

Representatives from a local youth group have approached Council requesting assistance and support for a drug and alcohol free youth event to launch Youth Week proposed to run from 5th to 13th April 2008.

With the aid of a powerpoint presentation Ms Melissa Bartle and Mr Corey Back provided Council with a detailed and interesting overview of their proposal:-

- Theme of event is extreme sports and youth culture including break dancing, skateboarding, BMX and motocross demonstrations, as well as beat boxing, DJ's and various styles of contemporary dance.
- Proposed venue is Dalby Showgrounds to be held on Saturday 5th April 2008 from 1.30 p.m. to 10.00 p.m.
- Proposed youth event that engages youth with a positive message and provide positive influence and role models. Plus delivers extreme sports entertainment.

How will this be achieved:-

- JC Epidemic is a not-for profit Christian youth organization. They stage extreme sporting events in order to capture the attention of Australia's young people and speak motivational and encouraging words into their lives. Through drug-and-alcohol-free events showcasing freestyle motocross, BMX, skating, street dancing, live music and wakeboarding, JC Epidemic draws in crowds of young people who are able to experience something exciting and potentially life-changing.

Councillors recommended that the event organizers apply for funding through Council's minor grants scheme.

Declaration of Material Personal Interest/Conflict of Interest

Nil.

KRA 1 - COMMUNITY WELLBEING

ORD.CW/1 REPORTS

ORD.CW/1.1 Community Services Special Report Re: Youth Week 2008 ...(Cont'd)

Officer's Recommendation

That Council support the proposal to be made by the Youth Group with regard to staging a Launch Event for National Youth Week 2008.

Justification

Nil.

COUNCIL RESOLUTION

MOVED and SECONDED

That Council provide a letter of support for the proposal presented by the Youth Group with regard to staging a Launch Event for National Youth Week 2008.

CARRIED

KRA 1 - COMMUNITY WELLBEING

ORD.CW/1 REPORTS

ORD.CW/1.2 Community Services Special Report Re: Regional Arts Development Fund

To S M Hegedus, CHIEF EXECUTIVE OFFICER

File No 5/1/49

Date 20 November 2007

Prepared by R. Hamilton, SOCIAL CULTURAL & SPORTING OFFICER

Responsible Officer B. Patterson, DIRECTOR COMMUNITY SERVICES

Signed: _____

Summary/Purpose

The purpose of this report is to highlight the outcomes from the Regional Arts Development Fund State Conference held in Cairns from Tuesday 13th November to Friday 16th November 2007.

Declaration of Material Personal Interest/Conflict of Interest

Nil.

Officer's Recommendation

That Council support the collaboration of the existing RADF Committees in the new Dalby Regional Council area in their planning for a coordinated platform for funding applications relevant to all areas to be combined under Local Government Amalgamations.

That Council recommend to the LTC that unexpended 2007 funds remain with each of the existing committees to allocate to successful applicants within their region.

Justification

Nil.

KRA 1 - COMMUNITY WELLBEING

ORD.CW/1 REPORTS

ORD.CW/1.2 Community Services Special Report Re: Regional Arts Development Fund ...(Cont'd)

COUNCIL RESOLUTION

MOVED and SECONDED

That this Report is received and that Council:-

- (a) support the collaboration of the existing RADF Committees in the new Dalby Regional Council area in their planning for a coordinated platform for funding applications relevant to all areas to be combined under Local Government Amalgamations.
- (b) recommend to the LTC that unexpended 2007 funds remain with each of the existing committees to allocate to successful applicants within their region.

CARRIED

KRA 1 - COMMUNITY WELLBEING

ORD.CW/1 REPORTS

**ORD.CW/1.3 Report Aquatic Centre Project Council Committee Meeting
Wednesday 21 November 2007**

To S M Hegedus, CHIEF EXECUTIVE OFFICER

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

Date 23 November 2007

Responsible Officer B. Patterson, DIRECTOR COMMUNITY SERVICES

Signed: _____

Summary/Purpose

A copy of the minutes of the Aquatic Centre Project Council Committee Meeting held on Wednesday 21 November 2007 commencing at 10.10 a.m.

Declaration of Material Personal Interest/Conflict of Interest

Cr C T Tillman declared a Material Personal Interest and retired from the Meeting at 5.40 p.m.

Officer's Recommendation

That the minutes be received and noted.

Justification

Nil

Concerns were once again raised in relation to the heritage listing of the existing pool into the Queensland Heritage Register.

Mr Blaine Patterson, DCS advised that Council had submitted its objection to the entry of the Dalby Swimming Pool complex into the Heritage Register and that Council had received a response advising that an independent assessor had been appointed to inquire into the objection. The Assessor's report is to be considered at the 14 March 2008 meeting of the Queensland Heritage Council.

Copies of Council's objection and response letter are to be forwarded to each Councillor.

Cr D S Smiles also drew Council's attention to the Queensland Heritage and Other Legislation Amendment Bill 2007 which states that under Section 54E introduces an obligation on an owner who has been issued with a maintenance notice to carry out essential maintenance work on the State Heritage Place. It is an offence for an owner to fail to comply with a notice.

KRA 1 - COMMUNITY WELLBEING

ORD.CW/1 REPORTS

**ORD.CW/1.3 Report Aquatic Centre Project Council Committee Meeting
Wednesday 21 November 2007 ...(Cont'd)**

COUNCIL RESOLUTION

MOVED and SECONDED

That Council write to Minister for Sustainability, Climate Change and Innovation Hon Andrew McNamara, and Heritage Council advising that Council;-

- (a) is progressing with the concept design of a new Aquatic Centre; and
- (b) reiterate that entering the existing site into the Heritage Register would place a financial burden on Council in terms of repairs and maintenance and that no funds have been allocated.

CARRIED

COUNCIL RESOLUTION

MOVED and SECONDED

That the minutes be received and noted.

CARRIED

Cr C T Tillman re-joined the meeting at 5.50 p.m.

KRA 1 - COMMUNITY WELLBEING

ORD.CW/1 REPORTS

ORD.CW/1.4 Report Dalby Wambo Disaster Management Group Meeting Tuesday 20th November 2007

To S M Hegedus, CHIEF EXECUTIVE OFFICER

File No 1/2/16 & 5/7/3

Date 23 November 2007

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

Responsible Officer S M Hegedus, CHIEF EXECUTIVE OFFICER

Signed: _____

Summary/Purpose

A copy of the minutes of the Dalby Wambo Disaster Management Group Meeting held on Tuesday 20 November 2007.

Officer's Recommendation

That the minutes be received and noted.

Justification

Nil

COUNCIL RESOLUTION

MOVED and SECONDED

That the minutes be received and noted.

CARRIED

KRA 1 - COMMUNITY WELLBEING

ORD.CW/2 INWARDS CORRESPONDENCE

Nil.

ORD.CW/3 GENERAL BUSINESS

Nil.

KRA 2 - OUR ORGANISATION

ORD.ORG/1

REPORTS

ORD.ORG/1.1

Corporate Services Special Report Re: Attendance 2007 Local Government National Human Resource Conference

To His Worship the Mayor and Councillors

File No 1/15/15

Date 22 November 2007

Prepared by S.M. Hegedus, CHIEF EXECUTIVE OFFICER
M. Brown, HUMAN RESOURCE OFFICER

Responsible Officer S.M. Hegedus, CHIEF EXECUTIVE OFFICER

Signed: _____

Summary/Purpose

This report provides a brief overview of attendance of the 2007 Local Government National Human Resource Conference.

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/1.2 Report Safety Committee Meeting Thursday 22 November 2007

To His Worship the Mayor and Councillors

File No 4/1/16

Date 23 November 2007

Responsible Officer S.M. Hegedus, CHIEF EXECUTIVE OFFICER

Signed:

Summary/Purpose

Report of the Safety Committee meeting held on Thursday 22 November 2007 commencing at 1:15 p.m.

Officer's Recommendation

That the Report of the Meeting be received and the recommendation contained therein be adopted.

Link to Corporate Plan

KRA 2 – Objective 2.3 Our People – Strategy 2.3.6 – continually develop, implement and review Council's Workplace Health and Safety Management System to achieve best practice in Workplace Health and Safety.

Justification

Nil

COUNCIL RESOLUTION

MOVED and SECONDED

That the minutes be received and noted.

CARRIED

KRA 2 - OUR ORGANISATION

ORD.ORG/2

INWARDS CORRESPONDENCE

ORD.ORG/2.1

Darling Downs Regional Organisation Councils Chairs Report Future DDROC 2007/08 Membership Levies

To His Worship the Mayor and Councillors

File No 5/3/19, Doc. No. 507867

Date 28 November 2007

Responsible Officer S.M. Hegedus, CHIEF EXECUTIVE OFFICER

Signed:

Summary/Purpose

A letter dated 15 November 2007 detailing the future of the Darling Downs Regional Council limited and 2007/08 membership levies, advising that the Directors resolved that the Executive be authorised to undertake the necessary steps to ensure that the ownership of DDROC post 15 March 2008 transition to:-

- Toowoomba Regional Council
- Dalby Regional Council; and
- Southern Downs Regional Council

A copy of the Chair's report to the Board and an invoice for membership levy of \$8,055.00 is attached.

Declaration of Material Personal Interest/Conflict of Interest

Nil

Officer's Recommendation

That the letter and report be received and that Council pay the membership levy of \$8,055.00.

Justification

Nil

COUNCIL RESOLUTION

MOVED and SECONDED

That the letter and report be received and that Council pay the membership levy of \$8,055.00.

CARRIED

KRA 2 - OUR ORGANISATION

ORD.ORG/2

INWARDS CORRESPONDENCE

ORD.ORG/2.2

Darling Downs Regional Organisation Councils Minutes Meeting Directors 9th November 2007

To His Worship the Mayor and Councillors

File No 5/3/19, Doc. No. 507730

Date 28 November 2007

Responsible Officer S.M. Hegedus, CHIEF EXECUTIVE OFFICER

Signed:

Summary/Purpose

A copy of the minutes of the Darling Downs Regional Organisation of Council's meeting of Directors held on Friday 9 November 2007.

Declaration of Material Personal Interest/Conflict of Interest

Nil

Officer's Recommendation

That the minutes be received and noted.

Justification

Nil

COUNCIL RESOLUTION

MOVED and SECONDED

That the minutes be received and noted.

CARRIED

ORD.ORG/3

GENERAL BUSINESS

Nil.

KRA 3 - BUILT ENVIRONMENT

ORD.BE/1 REPORTS

Nil.

ORD.BE/2 INWARDS CORRESPONDENCE

Nil.

ORD.BE/3 GENERAL BUSINESS

Nil.

KRA 4 - UTILITY SERVICES

ORD.UTS/1 REPORTS

Nil.

ORD.UTS/2 INWARDS CORRESPONDENCE

Nil.

ORD.UTS/3 GENERAL BUSINESS

Nil.

KRA 5 - PLANNING AND LIVEABILITY

ORD.PAL/1

REPORTS

ORD.PAL/1.1 (D342-06/07) Community Services Special Report Re: Development Application Reconfiguring a Lot to Create 41 Allotments - Turner

To S M Hegedus, CHIEF EXECUTIVE OFFICER

File No P4448 & P4449, Doc. No. 342-06/07

Date 29 November 2007

Prepared by M.D. Wilson, PLANNING MANAGER

Responsible Officer B. Patterson, DIRECTOR COMMUNITY SERVICES

Signed: _____

Summary/Purpose

DEVELOPMENT APPLICATION

Application No:	342-06/07
Applicant:	Kevin Turner
Owner:	KJ & BA Turner
Site Address:	Wyley Street
Real Property Description:	Lot 324 on AG3341, Lot 1 on RP148318 and Lots 62 & 63 on D94
PDLU Designation:	Rural Residential
Zoning:	Medium Constraint and High Constraint adjacent the Myall Creek
Proposal:	Reconfiguring a Lot to create 41 allotments plus park
Area of Land:	24.3 ha

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

(D342-06/07) Community Services Special Report Re: Development Application Reconfiguring a Lot to Create 41 Allotments - Turner ... (Cont'd)

Officer's Recommendation

RECOMMENDED that:

- A. The applicant be advised that the application for a Development Permit for Reconfiguring a Lot (41 Lots plus park) on land described as Lot 324 on AG3341, Lot 1 on RP148318 and Lots 62 & 63 on D94 in the Parish of Dalby, situated at Wyley Street, Dalby, is partly 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 relevant to a stage 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.
5. Stormwater collected on the site resulting from development, shall be adequately managed on site and drained to a legal point of discharge, by either:
 - (a) A discharge agreement in favour of the applicant and Council, or
 - (b) Attenuated to pre-development flows in accordance with Council's Planning Scheme.
6. The subject site shall be adequately drained and all stormwater shall be disposed of to the satisfaction of Council and to relevant engineering standards. The stormwater disposal system shall be designed to include appropriate pollution control devices or methods to ensure no contamination or silting of creeks or other waterways.
7. Any fill placed on the subject land in relation to the development shall not cause any ponding of water on any other land. In addition, any filling shall be compensated for by appropriate cut and drainage arrangements to ensure that in the event of a 1 in 100 year ARI runoff or drainage patterns resulting from site works does not worsen the impact of flooding on properties in the catchment.

KRA 5 - PLANNING AND LIVEABILITY

ORD.PAL/1

REPORTS

ORD.PAL/1.1

(D342-06/07) Community Services Special Report Re: Development Application Reconfiguring a Lot to Create 41 Allotments - Turner ... (Cont'd)

8. Lot 40 shall be filled to create a minimum 10m x 15m building pad above the level of the 1 in 100 year ARI flood event.
9. Lot 41 is not approved and shall be as a Reserve for Community Purposes – Parks and Gardens in accordance with the Land Act 1994 with Council as trustee.
10. Reticulated water supply shall be provided separately to each allotment in the subdivision in accordance with the requirements of Council's Planning Scheme, including:
 - (a) extension of the water main for the full frontage of Wyley Street,
 - (b) the extension of the water main into the new road,
 - (c) interconnection with the existing water main in Wyley Street,
 - (c) provision of hydrants and the provision of connections,
 - (e) the provision of a ring main configuration at the terminus of main,
 - (f) the provision of water service connection (excluding meter) to each allotment, and
 - (g) any other works determined during detailed design.

All work shall be constructed in accordance with Council's Planning Scheme and minimum standards prior to the signing and sealing of any Plan of Survey.

11. The applicant shall contribute a total of \$6000 towards the preparation of a network analysis for water supply to be undertaken in the area. Should the network analysis reveal any works necessary to provide an adequate water supply to the area, the applicant shall undertake any works or make any necessary monetary contributions to Council in the context of an application for Operational Works as it relates to water supply.
12. All new roads reserves are to be provided generally in accordance with the proposal at the applicant's cost and shall have a minimum width of 20 metres.
13. All new roads are to be constructed with a minimum 6.0 metre wide bitumen surface and 1.0 metre wide sealed shoulders together with all associated works for the full length of all street frontages in accordance with the provisions of Council's Transitional Planning Scheme. To this end, any road construction shall be subject to application for Operational Works.
14. "No Through Road" signs (where necessary) and road name signs shall be erected at each intersection in accordance with Council's Transitional Planning Scheme.

KRA 5 - PLANNING AND LIVEABILITY

ORD.PAL/1

REPORTS

ORD.PAL/1.1

(D342-06/07) Community Services Special Report Re: Development Application Reconfiguring a Lot to Create 41 Allotments - Turner ... (Cont'd)

15. The proposed cul-de-sac heads shall be constructed in accordance with Council's standards.
16. Wyley Street shall be constructed for the full frontage to a minimum six (6) metre wide bitumen surface with a one (1) metre wide sealed road shoulder provided on each side including a bridge or culvert a minimum 8 metres in width plus a 1.2m wide separated pedestrian path on one side connecting the already constructed part of Wyley Street with the new section of road. The developer is responsible for the full cost of connecting the new section of road into the existing road network and constructing it for the full frontage of the subject land with Wyley Street to relevant engineering standards and the satisfaction of Council.
17. Allotments 1 to 7 shall not access Oakwood Street North.
18. Allotments 34 to 40 shall not access Louisa Street or Wyley Street.
19. Street lighting is to be designed and installed in accordance with AS1158 and the EDROC Standards Manual, Category P5.
20. Prior to the signing and sealing of a Plan of Survey, the applicant shall submit three choices for the name of each new street to Council for consideration. Council may, at its discretion, accept any of the choices or nominate an alternative name if any are not considered favourable.
21. Where deemed necessary by Council, the relocation of services within the subject land shall be undertaken by the applicant at no cost to Council.
22. 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.
23. Underground telephone and electricity services shall be provided to all allotments.
24. 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.
25. 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.
26. Where appropriate, easements shall be provided in favour of Council to contain infrastructure elements, including water mains.
27. Where appropriate, easements shall be provided in favour of Council for stormwater drainage purposes.

KRA 5 - PLANNING AND LIVEABILITY

ORD.PAL/1 REPORTS

ORD.PAL/1.1 (D342-06/07) Community Services Special Report Re: Development Application Reconfiguring a Lot to Create 41 Allotments - Turner ... (Cont'd)

28. The cost of providing services to each proposed Lot shall be at the expense of the applicant.
29. 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.
30. Bollards shall be installed at the end of cul-de-sac heads restricting vehicular access to the area reserved for park.
31. Lot 100 shall be dedicated as a Reserve for Community Purposes – Parks and Gardens in accordance with the Land Act 1994 with Council as trustee.
32. A drainage easement covering lots 26 – 31 & lot 33 and restricting the construction of habitable buildings or residential outbuildings within the area of those lots affected by the high flood hazard area as defined in the Myall Creek Flood Study July 2007 shall be prepared at the applicant's expense with Dalby Town Council and its statutory successor as grantee. The terms of the easement shall restrict filling and the construction of outbuildings and dwellings and shall ensure that floodwaters are not unduly obstructed.

Environmental Health

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

Building

34. 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.

KRA 5 - PLANNING AND LIVEABILITY

ORD.PAL/1

REPORTS

ORD.PAL/1.1

(D342-06/07) Community Services Special Report Re: Development Application Reconfiguring a Lot to Create 41 Allotments - Turner ... (Cont'd)

Contributions

35. 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.
 36. 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 connection.
 37. 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:-

Drawing No.	Title	Author	Date
067555S issue B	Proposed Subdivision of Lot 324 on AG3341 and Lot 1 on RP148318 and Lots 62 on D94 and Lots 63 on D94	Ring Surveys	24.10.2007

C. The applicant be advised that:-

- (a) Prior to works commencing on-site a separate application for Development Permit for Operational Works will be required to be approved. Prior to the construction of dwellings applications for Building Works and Plumbing or Drainage Works will be required to be approved. Depending on the scale of earthworks associated with individual dwellings, a Development Permit for Operational Works may also be required to be approved prior to the commencement of works associated with the construction of a dwelling;
- (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

(D342-06/07) Community Services Special Report Re: Development Application Reconfiguring a Lot to Create 41 Allotments - Turner ... (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.
- (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

(D342-06/07) Community Services Special Report Re: Development Application Reconfiguring a Lot to Create 41 Allotments - Turner ... (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 staged infrastructure charges are in accordance with the following table, if contributions are paid during the 2007/2008 financial year:

Refer to the table included in section 2 of this report. This shall be included for the applicant's assistance.

Justification

Nil.

Cr C P Milford retired from the Meeting at 5.55 p.m.

COUNCIL RESOLUTION

MOVED and SECONDED

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

CARRIED

ORD.PAL/2

INWARDS CORRESPONDENCE

Nil.

ORD.PAL/3

GENERAL BUSINESS

Nil.

KRA 6 - ECONOMIC PROSPERITY

ORD.ECP/1 REPORTS

Nil.

ORD.ECP/2 INWARDS CORRESPONDENCE

Nil.

ORD.ECP/3 GENERAL BUSINESS

ORD.ECP/3.1 Change Watering Times Under Level 3 Restrictions

File No 9/1/17

Summary/Purpose

Welcome rain over the last few weeks has brought water flowing back into Loudoun Weir and a change to Dalby's current level 3 water restrictions. Council will continue to monitor water levels and a further review of water restrictions may be required in the new year.

The relaxation on watering hours will come into effect from 12:00 midnight on Friday 7th December 2007 and shall apply as follows:-

- (a) a total ban on sprinklers and hosing on Monday of each week;
- b)
 - (i) properties with a street address containing an even number shall be permitted to use hoses, sprinklers, irrigators and soaker hoses, etc, on Tuesday, Thursday and Saturday of each week between the hours of 5.00 p.m. and 7.00 p.m.
 - (ii) properties with a street address containing an odd number shall be permitted to use hoses, sprinklers, irrigators and soaker hoses on Wednesday, Friday and Sunday of each week between the hours of 5.00 p.m. and 7.00 p.m.
- c) the water restrictions shall apply to all lands within the Town area and other areas connected to Dalby Town Council Water Supply.

All residents connected to the Dalby Town Council Water Supply are advised that authorised Council officers will be monitoring adherence to the programme and all residents are requested to abide by the restrictions, as failure to do so will incur a fine.

KRA 6 - ECONOMIC PROSPERITY

ORD.ECP/3 GENERAL BUSINESS

ORD.ECP/3.1 Change Watering Times Under Level 3 Restrictions ...(Cont'd)

COUNCIL RESOLUTION

MOVED and SECONDED

That Council amend the current watering times to allow use of sprinklers, hoses and soaker hoses only between 5.00 p.m. and 7.00 p.m. on allocated days effective Midnight Friday 7th December 2007.

CARRIED

KRA 6 - ECONOMIC PROSPERITY

ORD.ECP/3

GENERAL BUSINESS

ORD.ECP/3.2

Local Government Remuneration Tribunal Report

File No

1/1/3 & 5/3/3

Summary/Purpose

Mr S M Hegedus, CEO presented a copy of the Local Government Remuneration Tribunal Report and a copy of the remuneration levels for Mayors, Deputy Mayors and Councillors.

On the 29th November 2007, the Local Government Remuneration Tribunal determined the categories of local government and the levels of remuneration that may be paid to Mayors, Deputy Mayors and Councillors as required by Division 3 of Part 3 of Chapter 4 of the Local Government Act 1993.

A summary of the Tribunal's determinations is contained in Section 12 of the report.

For the Dalby Regional Council the following range of salaries are proposed:

- Mayor's salary from \$82,000 to \$101,000
- Deputy Mayor \$53,790 - 69,000
- Councillors \$44,000 to \$60,000

As part of the remuneration levels determined, an additional payment, entitled Amalgamation Loading is to be paid to Councillors, Deputy Mayors and Mayors, where one or more Councils, or parts of Councils are being amalgamated, which is a fixed amount phasing out over a four year period.

ORD.ECP/3.3

Local Transition Committee Meeting Friday 7th December 2007

File No

1/20/2

Summary/Purpose

Mr S M Hegedus, CEO advised that the next Dalby Regional Council Local Transition Committee meeting is to be held at Wambo Shire Council's office on Friday 7th December 2007 commencing at 10.00 a.m. and invited any Councillors who may wish to attend as observers.

KRA 6 - ECONOMIC PROSPERITY

ORD.ECP/3

GENERAL BUSINESS

ORD.ECP/3.4

Enquiry Proposed Works Corner Sandalwood Avenue and Branch Creek Road

File No

P.2590

Summary/Purpose

Cr J M Hart questioned if Council was aware of any proposed round-a-bout to be constructed on the corner of Sandalwood Avenue and Branch Creek Road.

Council agreed to write to Wambo Shire Council enquiring on any proposed works on this corner.

COUNCIL RESOLUTION

MOVED and SECONDED

That Council write to Wambo Shire Council requesting details of any proposed works on the corner of Sandalwood Avenue and Branch Creek Road.

CARRIED

MEETING CLOSURE

The Meeting concluded at 6.30 p.m.

I hereby certify that the foregoing is a true record of the Minutes of the Proceedings of the Ordinary Meeting held this fourth day of December 2007.

Submitted to the Ordinary Meeting of Council held this eleventh day of December 2007.

Signed:

Cr Geisel
MAYOR OF DALBY

5th December 2007

APPENDIX / ATTACHMENTS
