



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

## **Minutes Ordinary Meeting of Council**

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

**ON Tuesday 4 September 2007**

Commencing at 4.05 p.m.

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# Minutes Ordinary Meeting of Council

Tuesday 4 September 2007

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## **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 D.S. Smiles  
Cr R.A. Thornton  
Cr C.T. Tillman

**Officers** S.M. Hegedus, CHIEF EXECUTIVE OFFICER  
T. Bennett, DIRECTOR FINANCIAL & INFORMATION SERVICES  
M. P. Sullivan, DIRECTOR ENGINEERING SERVICES  
B. Patterson, DIRECTOR COMMUNITY SERVICES  
M. Wilson, PLANNING MANAGER  
G. Irwin, DEVELOPMENT OFFICER  
A. Christensen, DEVELOPMENT/SPECIAL PROJECTS ENGINEER  
R. Hamilton, SOCIAL CULTURAL & SPORTING OFFICER

**Observers** Nil

**Delegation** Mr David Kevin, King and Company

## **APOLOGIES**

An apology for non-attendance was received from Cr B T O'Shea.

**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 28th August 2007**

**To**                              His Worship the Mayor and Councillors

**File No**                      1/2/10

**Date**                         30 August 2007

**Responsible Officer**    Cr W. Geisel, MAYOR

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

**Summary/Purpose**

Minutes of the Ordinary Meeting of Council held on Tuesday, 28 August 2007.

**Officer's Recommendation**

That the minutes of the last Ordinary Meeting held on Tuesday, 28 August 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, 28 August 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**

Nil.

**ORD/5 ON THE TABLE**

Nil.

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

Nil.

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

Nil.

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

Nil.

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

Nil.

**ORD/10 QUESTIONS WITHOUT NOTICE**

Nil.

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

Nil.

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

**ORD.PAL/1**

### **REPORTS**

**SUP/ORD.PAL/1.9**

**Community Services Special Report Re: Consideration of legal advice regarding Myall Creek Flood Study**

**To**

SM Hegedus, CHIEF EXECUTIVE OFFICER

**File No**

27/2/1

**Date**

31 August 2007

**Prepared by**

MD Wilson, PLANNING MANAGER

**Responsible Officer**

BF Patterson, DIRECTOR OF COMMUNITY SERVICES

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

### **Summary/Purpose**

This report considers legal advice provided by King & Company regarding the Myall Creek Flood Study.

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

Nil.

### **Officer's Recommendation**

**RECOMMENDED** that:

- A. in accordance with the Local Government Act Section 463 (f) Council go into committee to discuss legal advice.
- B. Council consider the contents of this report in making resolutions regarding development applications for residential development included in the high and extreme flood hazard areas.

### **Justification**

Nil.

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*Mr David Kevin, King and Company joined the Meeting at 4.05 p.m.*

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

ORD.PAL/1

REPORTS

SUP/ORD.PAL/1.9

Community Services Special Report Re: Consideration of legal advice regarding Myall Creek Flood Study ...(Cont'd)

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### **COUNCIL RESOLUTION**

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

MOVED and SECONDED

That the Meeting resolve into a Committee of the Whole at 4.07 p.m. to discuss legal advice in relation to the Myall Creek Flood Study.

**CARRIED**

*Ms Rose Hamilton, SCSO joined the Meeting at 4.50 p.m.*

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

MOVED and SECONDED

That the Committee of the Whole resume into open Council at 5.45 p.m.

**CARRIED**

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

MOVED and SECONDED

That this Report be received and that the legal advice be received and noted.

**CARRIED**

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

**ORD.PAL/1                      REPORTS**

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**ORD.PAL/1.2                      (D353-06/07) Community Services Special Report Re: Material Change of Use to Establish Residential Development Multiple Occupancy 73 Patrick Street - Clark**

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

**File No**                                P2934, Doc. No. 353-06/07

**Date**                                    29 August 2007

**Prepared by**                        M.D. Wilson, PLANNING MANAGER

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

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

### **Previous Consideration**

This item was previously tabled at the Ordinary Meeting of Council held on 28 August 2007 where it was resolved that this Report be deferred to the Ordinary Meeting scheduled for Tuesday 4th September 2007 pending receipt of legal advice.

### **Summary/Purpose**

#### **DEVELOPMENT APPLICATION**

<b>Application No:</b>	D353-06/07
<b>Applicant:</b>	C & A Clark
<b>Owner:</b>	C & A Clark
<b>Site Address:</b>	73 Patrick Street, Dalby
<b>Real Property Description:</b>	Lot 4 on RP72634, Parish of Dalby
<b>PDLU Designation:</b>	Residential
<b>Zoning:</b>	High Constraint
<b>Proposal:</b>	Material Change of Use to establish Residential Development Class 1B Multiple Occupancy – 4 dwelling units
<b>Area of Land:</b>	1518m <sup>2</sup>
<b>Submissions:</b>	Nil

This report considers the proposed development and provides an assessment of the merits of the proposal. The purpose of the report is to seek a resolution from Council deciding the application.

A potential reason for refusal would rely on the flood study prepared by Sinclair Knight Mertz and adopted by Council. It appears that, if Council were to approve development, the issue of liability will exist regardless of the flood planning code that is currently being developed.

Making a decision on this matter provides the applicant with some certainty and allows clear options. If refused, the applicant can appeal against Council's decision and seek legal advice.

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

ORD.PAL/1

### **REPORTS**

ORD.PAL/1.2

**(D353-06/07) Community Services Special Report Re: Material Change of Use to Establish Residential Development Multiple Occupancy 73 Patrick Street - Clark ...(Cont'd)**

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Mr David Kevin, Solicitor from King and Company provided information to Mr Craig Clark on the Myall Creek Flood Report and the impact this information has for Council, in the probability of a flood event in Dalby.

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

Nil.

### **Officer's Recommendation**

**RECOMMENDED** that:

A recommendation will be provided at the Council Meeting following officer's review of the legal advice being provided on the issue of flooding.

### **Justification**

Nil.

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## **COUNCIL RESOLUTION**

MOVED and SECONDED

That Council defer the application pending receipt of additional information from the applicant on how issues of flooding identified in the Myall Creek Flood Study will be resolved by the developer, taking into consideration the Floodplain Management Australian Guidelines.

**CARRIED**

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

**ORD.PAL/1                      REPORTS**

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**ORD.PAL/1.1                      (D513-06/07) Community Services Special Report Re: Material Change of Use to Establish Residential Development Multiple Occupancy 9 Carlow Drive - Pearse**

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

**File No**                                P3391, Doc. No. 513-06/07

**Date**                                    29 August 2007

**Prepared by**                        M.D. Wilson, PLANNING MANAGER

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

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

### **Previous Consideration**

This item was previously tabled at the Ordinary Meeting of Council held on 28 August 2007 where it was resolved that this Report be deferred to the Ordinary Meeting scheduled for Tuesday 4th September 2007 pending receipt of legal advice.

### **Summary/Purpose**

#### **DEVELOPMENT APPLICATION**

<b>Application No:</b>	D513-06/07
<b>Applicant:</b>	B. Pearse
<b>Owner:</b>	P & P Baker
<b>Site Address:</b>	9 Carlow Drive, Dalby
<b>Real Property Description:</b>	Lot 16 on RP853434, Parish of Dalby
<b>PDLU Designation:</b>	Residential
<b>Zoning:</b>	High Constraint
<b>Proposal:</b>	Material Change of Use to establish Residential Development Class 1B Dual Occupancy – 2 dwelling units
<b>Area of Land:</b>	1000m <sup>2</sup>
<b>Submissions:</b>	Nil

This report considers the proposed development and provides an assessment of the merits of the proposal. The purpose of the report is to seek a resolution from Council deciding the application.

A potential reason for refusal would rely on the flood study prepared by Sinclair Knight Mertz and adopted by Council. It appears that, if Council were to approve development, the issue of liability will exist regardless of the flood planning code that is currently being developed.

Making a decision on this matter provides the applicant with some certainty and allows clear options. If refused, the applicant can appeal against Council's decision and seek legal advice.

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

ORD.PAL/1

REPORTS

ORD.PAL/1.1

**(D513-06/07) Community Services Special Report Re: Material Change of Use to Establish Residential Development Multiple Occupancy 9 Carlow Drive - Pearse ...(Cont'd)**

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

Nil.

### **Officer's Recommendation**

**RECOMMENDED** that:

A recommendation will be provided at the Council Meeting following officer's review of the legal advice being provided on the issue of flooding.

### **Justification**

Nil.

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### **COUNCIL RESOLUTION**

MOVED and SECONDED

That Council defer the application pending receipt of additional information from the applicant on how issues of flooding identified in the Myall Creek Flood Study will be resolved by the developer, taking into consideration the Floodplain Management Australian Guidelines.

**CARRIED**



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

ORD.PAL/1

REPORTS

SUP/ORD.PAL/1.10

Community Service Special Report Re: Dalby Tourist Park - 32 Myall Street - Flood Study Impacts ...(Cont'd)

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### **COUNCIL RESOLUTION**

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

MOVED and SECONDED

That the Meeting resolve into a Committee of the Whole at 6.00 p.m. to discuss legal advice in relation to the impact of the Myall Creek Flood Study.

**CARRIED**

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

MOVED and SECONDED

That the Committee of the Whole resume into open Council at 6.15 p.m.

**CARRIED**

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

MOVED and SECONDED

That the applicant be advised that a development application would require additional information on how issues of flooding identified in the Myall Creek Flood Study would be resolved by the developer, taking into consideration the Floodplain Management Australian Guidelines.

**CARRIED**

*Messrs. David Kevin, King and Company, Allan Christensen, Development/Special Projects Engineer and Gerard Irwin, DO retired from the Meeting at 6.15 p.m.*

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

**ORD.PAL/1                      REPORTS**

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**ORD.PAL/1.3                      (D481-05/06) Community Services Special Report Re: Material Change of Use - Appeal Against Refusal and Conditions - First Four Investments Pty Ltd**

**To**                                      SM Hegedus, CHIEF EXECUTIVE OFFICER

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

**Date**                                    30 August 2007

**Prepared by**                        MD Wilson, PLANNING MANAGER

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

Signed:

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### **Summary/Purpose**

#### **DEVELOPMENT APPLICATION**

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

This report recommends conditions Council may propose for inclusion in a consent order settling the appeal.

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

Nil.

### **Officer's Recommendation**

**RECOMMENDED** that:

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

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

ORD.PAL/1

### **REPORTS**

ORD.PAL/1.3

**(D481-05/06) Community Services Special Report Re: Material Change of Use - Appeal Against Refusal and Conditions - First Four Investments Pty Ltd ...(Cont'd)**

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

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

- (a) A proper plan of subdivision be acquired for inclusion as an approved plan in the consent order.
- (b) Minor amendments to conditions be allowed such that they do not prejudice the intent of the relevant condition.
- (c) Conceding that the Reconfiguring a Lot part of the development application is allowed subject to the following reasonable and relevant 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. 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.
- 3. All outstanding rates and charges shall be paid in full prior to the submission to Council of the Plan of Survey.
- 4. All conditions of this approval must be complied with and dwelling units shall be substantially complete, prior to the endorsement of approval of the relevant Plan of Subdivision, unless otherwise stated.

#### **Engineering**

- 5. Each new Lot shall have vehicular access to Archibald Street to the satisfaction of Council and in accordance with appropriate engineering standards.
- 6. Each proposed Lot shall be separately connected to Council's reticulated water supply system to the satisfaction of Council and to relevant engineering standards.
- 7. The applicant shall pay to Council a contribution for water supply headworks at the rate applicable at the time the contribution is paid. The 2007/08 fees and charges indicate \$1500 per additional Lot.

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

ORD.PAL/1

### **REPORTS**

ORD.PAL/1.3

**(D481-05/06) Community Services Special Report Re: Material Change of Use - Appeal Against Refusal and Conditions - First Four Investments Pty Ltd ...(Cont'd)**

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8. Each proposed Lot shall be separately connected to Council's reticulated sewerage system to the satisfaction of Council and to relevant engineering standards.
9. The applicant shall pay to Council a contribution for sewerage headworks at the rate applicable at the time the contribution is paid. The 2007/08 fees and charges indicate \$1500 per additional Lot.
10. 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.
11. The subject site shall be adequately drained and all stormwater shall be disposed of to the satisfaction of Council and to relevant engineering standards.
12. Any fill placed on the subject land in relation to the development shall not cause any ponding of water on any land beyond.
13. The access driveway to the rear lot along the full length of the proposed access handle (from the road frontage to the rear boundary of those lots proposed to accommodate dwelling units 1 and 2) shall be constructed to a sealed or concreted standard to a minimum width of 2.4 metres in accordance with Council's requirements.
14. 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.
15. 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.
16. Where appropriate, easements shall be provided in favour of Council to contain infrastructure elements, including water mains.
17. The cost of providing services to each proposed Lot shall be at the expense of the applicant.
18. A 3 metre wide easement shall be provided over the sewer servicing the allotments accommodating dwelling units 1 and 2; alternatively, sewer servicing arrangements shall be made in compliance with Council's Zones of Influence Policy.

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

ORD.PAL/1

REPORTS

ORD.PAL/1.3

**(D481-05/06) Community Services Special Report Re: Material Change of Use - Appeal Against Refusal and Conditions - First Four Investments Pty Ltd ...(Cont'd)**

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### **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.

### **General**

20. 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 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 IPA and before the development approval lapses under Section 3.5.21 of IPA.

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

### **Justification**

Nil.

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## **COUNCIL RESOLUTION**

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

MOVED and SECONDED

That the Meeting resolve into a Committee of the Whole at 6.15 p.m. to discuss legal advice in relation to the Development Application.

**CARRIED**

*Ms Rose Hamilton, SCSO re-joined the Meeting at 6.15 p.m.*

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

ORD.PAL/1                      REPORTS

ORD.PAL/1.3                      (D481-05/06) Community Services Special Report Re: Material Change of Use - Appeal Against Refusal and Conditions - First Four Investments Pty Ltd ...(Cont'd)

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### **RESUMPTION OF COUNCIL MEETING**

MOVED and SECONDED

That the Committee of the Whole resume into open Council at 6.18 p.m.

**CARRIED**

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

MOVED and SECONDED

That this Report be received and that Council's Director of Community Services be authorised to manage the future conduct of the Appeal as per the recommendations contained in this report.

**CARRIED**

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

**ORD.PAL/1                      REPORTS**

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**ORD.PAL/1.4                      (D205-04/05) Community Services Supplementary Special Report Re: Development Application for a Material Change of Use**

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

**File No**                                A1961 & A1962, Doc. No. 205-04/05

**Date**                                    28 August 2007

**Prepared by**                        M. Wilson, PLANNING MANAGER

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

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

### **Summary/Purpose**

#### **DEVELOPMENT APPLICATION**

<b>Application No:</b>	D205-04/05
<b>Applicant:</b>	Thomas Dell
<b>Owners:</b>	CG, EA, TE and LJ Dell
<b>Site Address:</b>	94A & 96 Orpen Street, Dalby
<b>Real Property Description</b>	Lot 15 on RP194924, and Lot 8 on RP203839 Parish of Dalby
<b>PDLU Designation</b>	Rural Residential
<b>Proposal:</b>	Request to Change Existing Approval

This report considers the request to change an existing approval and makes a recommendation to decide the request

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

NIL

### **Officer's Recommendation**

That Council advise the applicant that condition 20 of Development Permit Number D205-04/05 is deleted.

### **Justification**

NIL

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

ORD.PAL/1                      REPORTS

ORD.PAL/1.4                      (D205-04/05) Community Services Supplementary Special Report Re:  
Development Application for a Material Change of Use ...(Cont'd)

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### **COUNCIL RESOLUTION**

MOVED and SECONDED

That this Report be received and that Council advise the applicant that condition 20 of Development Permit Number D205-04/05 is deleted.

**CARRIED**

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

**ORD.PAL/1                      REPORTS**

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**ORD.PAL/1.5                      (D395-06/07) Community Services Special Report Re: Material Change of Use to Establish Multiple Occupancy - Garrick**

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

**File No**                                P2333, Doc. No. 395-06/07

**Date**                                    28 August 2007

**Prepared by**                        M.D. Wilson, PLANNING MANAGER

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

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

### **Summary/Purpose**

#### **DEVELOPMENT APPLICATION**

<b>Application No:</b>	395-06/07
<b>Applicant:</b>	B Garrick
<b>Owner:</b>	Bush & Beach Equipment Hire Pty Ltd
<b>Site Address:</b>	43 Drury Street
<b>Real Property Description:</b>	Lot 66 on D966
<b>PDLU Designation:</b>	Residential
<b>Zoning:</b>	Medium Constraint
<b>Proposal:</b>	Residential Development Dual Occupancy Class 1(B) – comprising 2 units
<b>Area of Land:</b>	885m <sup>2</sup>
<b>Submissions:</b>	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.

### **Officer's Recommendation**

- A. the applicant be advised that the application for Development Approval for Material Change of Use to establish a Dual Occupancy on land described as Lot 66 on D966, situated at 43 Drury Street, Dalby, is approved, subject to the following conditions:-

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

ORD.PAL/1

REPORTS

ORD.PAL/1.5

**(D395-06/07) Community Services Special Report Re: Material Change of Use to Establish Multiple Occupancy - Garrick ...(Cont'd)**

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### **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 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 5 June 2007. The revised drawings shall refer to the correct allotment details and the correct street. 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 identified for residential purposes being Residential Development Class 1 B, shall at all times accord with section 1.4.3 of the Transitional Planning Scheme.
5. A solid screen fence a minimum of 1.8 metres in height shall be provided along the boundaries of the subject land for the full extent of the boundary shared with adjoining properties.
6. 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. The landscaping plan shall be in accordance with Council's Local Planning Policy 3 'Landscaping'.
7. Landscaping shall be undertaken in accordance with the approved landscape plan.
8. Landscape works and associated landscape infrastructure are to be maintained at all times.
9. A minimum of 2 car parking spaces shall be provided on site in accordance with the relevant Australian Standard for Off-Street Car parking.
10. Car parking spaces shall be maintained and kept for the purposes of parking for visitors and residents.
11. Vehicle bollards or tyre stops shall be used to control vehicle access and protect landscaping or pedestrian areas where appropriate.
12. The height of buildings shall not exceed 8.5 metres above natural ground level.

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

ORD.PAL/1

REPORTS

ORD.PAL/1.5

**(D395-06/07) Community Services Special Report Re: Material Change of Use to Establish Multiple Occupancy - Garrick ...(Cont'd)**

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### **Engineering**

13. 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 unit.
14. The applicant shall pay to Council a contribution for sewerage headworks at the rate applicable at the time the contribution is paid. The 2007/08 fees and charges indicate \$1,125 per unit.
15. 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 unit.
16. Each dwelling unit shall be connected to water, sewer, electricity and telephone. Units shall be plumbed to allow individual metering in accordance with the requirements of Council's Engineering Services Section.
17. A kerb crossing shall be provided at the point of access to the subject land in accordance with Council's Local Planning Policies on Engineering Works.
18. All internal vehicular manoeuvring areas and the entrance/exit to the site shall be constructed and maintained in accordance with Council's Transitional 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 the Transitional Planning Scheme and Local Planning Policy 6 Car Parking Provision.
19. Stormwater from roof and sealed areas shall be collected inside the subject land and discharged to Council's street drainage system by way underground piping.
20. Should any services require relocation within the subject land, this shall be undertaken by the applicant at no cost to Council.
21. Habitable floor heights shall be a minimum of 300mm above the 1 in 100 year ARI flood event.

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

ORD.PAL/1

REPORTS

ORD.PAL/1.5

**(D395-06/07) Community Services Special Report Re: Material Change of Use to Establish Multiple Occupancy - Garrick ...(Cont'd)**

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### **Environmental Health**

22. 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.

### **General**

23. Prior to the commencement of the use and at all times thereafter, all conditions of this approval must be fully satisfied unless otherwise stated.
- B. The approved plans/drawings for this development approval are listed in the following table:-
- There are no approved drawings.
- 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;
- (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 IPA, the development approval for 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 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 IPA for the meaning of **related approval**).

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

ORD.PAL/1

REPORTS

ORD.PAL/1.5

**(D395-06/07) Community Services Special Report Re: Material Change of Use to Establish Multiple Occupancy - Garrick ...(Cont'd)**

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

### **Justification**

Nil.

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### **COUNCIL RESOLUTION**

MOVED and SECONDED

That this Report be received and the recommendations contained therein be adopted with an amendment to condition 5 to read as follows:-

5. A solid screen fence a minimum of 1.8 metres in height shall be provided along the boundaries of the subject land for the full extent of the boundary shared with adjoining properties, subject to consultation with adjoining owners.

**CARRIED**

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

**ORD.PAL/1                      REPORTS**

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**ORD.PAL/1.6                      (D397-06/07) Community Services Special Report Re: Material Change of Use to Establish Dual Occupancy - Garrick**

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

**File No**                                P2292, Doc. No. 397-06/07

**Date**                                    28 August 2007

**Prepared by**                        M.D. Wilson, PLANNING MANAGER

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

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

### **Summary/Purpose**

#### **DEVELOPMENT APPLICATION**

<b>Application No:</b>	397-06/07
<b>Applicant:</b>	B Garrick
<b>Owner:</b>	Bush & Beach Equipment Hire Pty Ltd
<b>Site Address:</b>	102 Bunya Street
<b>Real Property Description:</b>	Lot 52 on D961
<b>PDLU Designation:</b>	Residential
<b>Zoning:</b>	Medium Constraint
<b>Proposal:</b>	Residential Development Dual Occupancy Class 1(B) – comprising 2 units
<b>Area of Land:</b>	885m <sup>2</sup>
<b>Submissions:</b>	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.

### **Officer's Recommendation**

- A. the applicant be advised that the application for Development Approval for Material Change of Use to establish a Dual Occupancy on land described as Lot 52 on D961, situated at 102 Bunya Street, Dalby, is approved, subject to the following conditions:-

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

ORD.PAL/1

REPORTS

ORD.PAL/1.6

**(D397-06/07) Community Services Special Report Re: Material Change of Use to Establish Dual Occupancy - Garrick ...(Cont'd)**

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### **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 plans (except where varied by conditions of approval).
2. All outstanding rates and charges shall be paid.
3. The use of the premises identified for residential purposes being Residential Development Class 1 B, shall at all times accord with section 1.4.3 of the Transitional Planning Scheme.
4. A solid screen fence a minimum of 1.8 metres in height shall be provided along the boundaries of the subject land for the full extent of the boundary shared with adjoining properties.
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. The landscaping plan shall be in accordance with Council's Local Planning Policy 3 'Landscaping'.
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 2 car parking spaces shall be provided on site in accordance with the relevant Australian Standard for Off-Street Car parking.
9. Car parking spaces shall be maintained and kept for the purposes of parking for visitors and residents.
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 8.5 metres above natural ground level.

### **Engineering**

12. 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 unit.
13. The applicant shall pay to Council a contribution for sewerage headworks at the rate applicable at the time the contribution is paid. The 2007/08 fees and charges indicate \$1,125 per unit.

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

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

#### **ORD.PAL/1.6                      (D397-06/07) Community Services Special Report Re: Material Change of Use to Establish Dual Occupancy - Garrick ...(Cont'd)**

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14. 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 unit.
15. Each dwelling unit shall be connected to water, sewer, 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.
16. A kerb crossing shall be provided at the point of access to the subject land in accordance with Council's Local Planning Policies on Engineering Works.
17. All internal vehicular manoeuvring areas and the entrance/exit to the site shall be constructed and maintained in accordance with Council's Transitional 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 the Transitional Planning Scheme and Local Planning Policy 6 Car Parking Provision.
18. Stormwater from roof and sealed areas shall be collected inside the subject land and discharged to Council's street drainage system by way underground piping.
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.

#### **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/1.6

**(D397-06/07) Community Services Special Report Re: Material Change of Use to Establish Dual Occupancy - Garrick ...(Cont'd)**

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#### **General**

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

B. The approved plans/drawings for this development approval are listed in the following table:-

<b>Plan/Drawing Number</b>	<b>Plan/Drawing Name</b>	<b>Date</b>
070129-A 0.01 Issue 2	Site Plan	05.06.2007
070129-A 0.02 Issue 1	Section & Elevation	05.06.2007

C. The applicant be advised that:-

- (a) Prior to works commencing on site, separate applications for Development Permit for Building Works and Plumbing 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 IPA, the development approval for 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 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 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 IPA and before the development approval lapses under Section 3.5.21 of IPA;

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

ORD.PAL/1

REPORTS

ORD.PAL/1.6

**(D397-06/07) Community Services Special Report Re: Material Change of Use to Establish Dual Occupancy - Garrick ...(Cont'd)**

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### **Justification**

Nil.

### **COUNCIL RESOLUTION**

MOVED and SECONDED

That this Report be received and the recommendations contained therein be adopted with an amendment to Condition 4 to read as follows:

4. A solid screen fence a minimum of 1.8 metres in height shall be provided along the boundaries of the subject land for the full extent of the boundary shared with adjoining properties subject to consultation with adjoining owners.

**CARRIED**

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

**ORD.PAL/1                      REPORTS**

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**ORD.PAL/1.7                      (D515-06/07) Community Services Special Report Re: Material Change of Use to Establish Retail/Office Space Comprising 12 Tenancies at the Corner of Drayton and Myall Streets - Pioneer Spirit Pty Ltd**

**To**                                      SM Hegedus, CHIEF EXECUTIVE OFFICER

**File No**                                P1228, Doc. No. 515-06/07

**Date**                                    29 August 2007

**Prepared by**                        MD Wilson, PLANNING MANAGER

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

Signed:

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### **Summary/Purpose**

#### **DEVELOPMENT APPLICATION**

<b>Application No:</b>	515-06/07
<b>Applicant:</b>	Pioneer Spirit Pty Ltd
<b>Owner:</b>	David Turner
<b>Site Address:</b>	66 Drayton Street
<b>Real Property Description:</b>	Lot 15 D14947
<b>PDLU Designation:</b>	Comprehensive Development Precinct 2
<b>Zone:</b>	High Constraint
<b>Proposal:</b>	Material Change of Use to establish Shops and Offices (12 Tenancies)
<b>Area of Land:</b>	2428m <sup>2</sup>
<b>Submissions:</b>	1

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**

*Cr R G Latemore declared a conflict of interest as he is a member of the Friends of Myall Creek and withheld from voting on the resolution.*

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

ORD.PAL/1

REPORTS

ORD.PAL/1.7

**(D515-06/07) Community Services Special Report Re: Material Change of Use to Establish Retail/Office Space Comprising 12 Tenancies at the Corner of Drayton and Myall Streets - Pioneer Spirit Pty Ltd ... (Cont'd)**

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### **Officer's Recommendation**

**RECOMMENDED** that:

- A. The applicant be advised that Council considers that the proposed development conflicts with the Strategic Plan, but that there are sufficient grounds to justify the approval despite the conflict. Those planning grounds are:
1. A precedence of allowing office uses in the Comprehensive Development Precinct 2 has been established.
  2. The proposed development is in close proximity to similar uses.
  3. The proposed development is not in conflict with the draft Dalby Town Planning Scheme 2006 which provides for office space and retail space on the subject land as code assessable development.
  4. The existing uses located on Drayton Street and included in the Comprehensive Development Precinct 2 are represented by a wide range of uses and the proposed use is not in conflict with those uses.
  5. The proposed development generally meets the other provisions contained in the planning scheme.
  6. The proposed development does not create additional or unexpected impacts upon amenity in the locality, taking into account the intended use of the land expressed in planning policy.

It should be noted that on their own, each of these grounds may not be sufficient to justify the approval of the development application, and that the proposal has been assessed on the particular circumstances that apply. Further, the planning grounds cannot be taken to be an expression of Council's policy with regard to the development of office space or retail space in the Comprehensive Development Precinct 2, but relate only to the assessment of this development application.

- B. The applicant be advised that the application for Development Approval for a Material Change of Use to establish Commercial Development Class 6 A (Shops) and Class 5 (Offices) on land described as Lot 15 D14947, situated at 66 Drayton Street, Dalby, is approved, subject to the following conditions:-

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

ORD.PAL/1

### **REPORTS**

ORD.PAL/1.7

**(D515-06/07) Community Services Special Report Re: Material Change of Use to Establish Retail/Office Space Comprising 12 Tenancies at the Corner of Drayton and Myall Streets - Pioneer Spirit Pty Ltd ... (Cont'd)**

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### **Planning**

1. Compliance with the facts and circumstances set out in the application and all Council Local Laws being adhered to and generally in accordance with the approved plans (except where varied by conditions of approval).
2. The use of the building is limited to the following purposes defined in accordance with section 1.4.3 of the Transitional Planning Scheme:
  - (a) Commercial Development Class 5 (professional offices)
  - (b) Commercial Development Class 6 A (shop) and 6 E (showroom)
3. Any outstanding rates and charges for the property shall be paid prior to the commencement of use.
4. A minimum of 31 car parking spaces shall be provided in accordance with the approved plan. Car parking spaces shall be kept for visitors, customers and employees.
5. A Landscape Plan shall be provided for Council's review and endorsement. The plan shall be prepared by a suitably qualified person and shall include the following:
  - (a) Native species;
  - (b) Proposals to screen the 1.8 metre high mesh fence located on the boundary shared with the Myall Creek esplanade with plantings in the esplanade reserve;
  - (c) The mesh fence shall be plastic coated and of a colour that reduces its impact on the esplanade; and
  - (d) The bin enclosure shall be fully screened; and
  - (e) The location of rubbish bins including bins at points which provide access to the creek.
6. Landscaping shall be undertaken at the developer's expense in accordance with the endorsed Landscape Plan and shall be maintained at all times.
7. The height of buildings shall not exceed 8.5 metres above natural ground level.

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

ORD.PAL/1

### **REPORTS**

ORD.PAL/1.7

**(D515-06/07) Community Services Special Report Re: Material Change of Use to Establish Retail/Office Space Comprising 12 Tenancies at the Corner of Drayton and Myall Streets - Pioneer Spirit Pty Ltd ... (Cont'd)**

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### **Engineering**

8. Owners and occupiers of shops shall only use the premises if they accept the business risk associated with flooding.
9. A footpath designed in accordance with engineering standards shall be provided connecting the footpath in Drayton Street with the creekside walk. The footpath shall be a minimum of 1.2 metres in width.
10. The existing driveway crossover into Drayton Street shall be removed and kerb and channel reinstated.
11. An invert/kerb crossing shall be provided in Myall Street providing access to the subject land in accordance with Council's Local Planning Policies on Engineering Works. Design detail shall be provided with Operational Works drawings.
12. All internal vehicular manoeuvring areas and entrances/exits to the site shall be constructed and maintained in accordance with Council's Planning Scheme and Local Planning Policy 6 Car Parking Provision. To this end:
  - (a) carparking spaces, entrances to the site and vehicular manoeuvring areas or other surfaces that are traversed by vehicles must be fully sealed surfaces;
  - (b) access points 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.
13. All vehicles shall enter and leave the site in forward gear and all loading and unloading shall take place on the subject land.
14. Stormwater from roof and sealed areas shall be collected inside the subject land and discharged to the road reserve or any recognised external drain by way of effective subsurface drainage system. All necessary approvals to achieve a lawful point of discharge must be obtained. Systems for the effective removal of sediments from any stormwater discharged from the site must be included as part of the stormwater system.
15. 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/1.7                      (D515-06/07) Community Services Special Report Re: Material Change of Use to Establish Retail/Office Space Comprising 12 Tenancies at the Corner of Drayton and Myall Streets - Pioneer Spirit Pty Ltd ... (Cont'd)**

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16. Each tenancy shall be connected to water, sewer, 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.

#### **Environmental Health**

17. A refuse container storage area located so that it affords easy, safe access for Council's cleansing contractor 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.
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.

#### **General**

19. Prior to the commencement of use, all conditions of this approval must be fully complied with or adequately bonded to Council's satisfaction.
- C. The approved plans/drawings for this development approval are listed in the following table:

<b>Plan/Drawing Number</b>	<b>Plan/Drawing Name</b>	<b>Date</b>
061113.01 Amendment 6	Site Plan	14.06.2007
061113.02 Amendment 6	Floor Plan	14.06.2007
061113.03 Amendment 6	Elevations	14.06.2007

- 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/1.7

**(D515-06/07) Community Services Special Report Re: Material Change of Use to Establish Retail/Office Space Comprising 12 Tenancies at the Corner of Drayton and Myall Streets - Pioneer Spirit Pty Ltd ... (Cont'd)**

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E. The applicant be advised that:-

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

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

- (d) The **relevant period** for the development approval (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.

### **Justification**

Nil.

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

ORD.PAL/1

REPORTS

ORD.PAL/1.7

**(D515-06/07) Community Services Special Report Re: Material Change of Use to Establish Retail/Office Space Comprising 12 Tenancies at the Corner of Drayton and Myall Streets - Pioneer Spirit Pty Ltd ... (Cont'd)**

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### **COUNCIL RESOLUTION**

MOVED and SECONDED

That this Report be deferred pending receipt of an engineering report on the suitability of the service area of the car park, in particular the loading and unloading area.

**CARRIED**

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

**ORD.PAL/1                      REPORTS**

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**ORD.PAL/1.8                      (D586-06/07) Community Services Special Report Re: Material Change of Use to Build a Storage Shed for Vehicles - Buckley**

**To**                                      SM Hegedus, CHIEF EXECUTIVE OFFICER

**File No**                                A4253, Doc. No. 586-06/07

**Date**                                    28 August 2007

**Prepared by**                        MD Wilson, PLANNING MANAGER

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

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

### **Summary/Purpose**

#### **DEVELOPMENT APPLICATION**

<b>Application No:</b>	586-06/07
<b>Applicant:</b>	S Buckley
<b>Owner:</b>	S Buckley
<b>Site Address:</b>	2A Henry Street
<b>Real Property Description:</b>	Lot 1 on RP87923
<b>PDLU Designation:</b>	Multiple Occupancy
<b>Zone:</b>	High Constraint
<b>Precinct:</b>	Residential
<b>Proposal:</b>	Construction of a storage shed (Industrial Development Class 8) for the storage of vehicles
<b>Area of Land:</b>	678m <sup>2</sup>
<b>Submissions:</b>	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.

### **Officer's Recommendation**

**RECOMMENDED** that:

- A. the applicant be advised that the application for Development Approval for a Material Change of Use to establish Industrial Development Class 8 (Storage Shed) on land described as Lot 1 on RP87923, situated at 2A Henry Street, Dalby, is approved, subject to the following conditions:-

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

ORD.PAL/1

### **REPORTS**

ORD.PAL/1.8

**(D586-06/07) Community Services Special Report Re: Material Change of Use to Build a Storage Shed for Vehicles - Buckley ...(Cont'd)**

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#### **Planning**

1. Compliance with the facts and circumstances set out in the application and all Council Local Laws being adhered to and generally in accordance with the approved plans (except where varied by conditions of approval).
2. All outstanding rates and charges shall be paid in full prior to the commencement of use.
3. The use of the premises for the purpose of Industrial Development - Class 8 shall at all times accord with section 1.4.3 of the Transitional Planning Scheme.
4. A solid screen fence with a minimum height of 1.8 metres shall be provided along the full extent of the boundaries shared with adjoining properties.
5. A Landscaping Plan including a full planting schedule, prepared by a suitably qualified person, shall be submitted for Council's consideration and approval prior to the occupation of the building. The landscape plan shall include landscaping generally in accordance with Council's Transitional Planning Scheme.
6. Landscaping shall be undertaken in accordance with the approved landscape plans.
7. Landscape works and associated landscape infrastructure are to be maintained at all times.

#### **Engineering**

8. All internal vehicular manoeuvring areas and the entrance/exit to the site shall be constructed and maintained in accordance with Council's Transitional 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 the Transitional Planning Scheme and Local Planning Policy 6 Car Parking Provision.
9. 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.
10. 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/1.8                      (D586-06/07) Community Services Special Report Re: Material Change of Use to Build a Storage Shed for Vehicles - Buckley ...(Cont'd)**

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11. 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 \$1,260.

#### **Environmental Health**

12. 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.

#### **General**

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

<b>Plan/Drawing Number</b>	<b>Plan/Drawing Name</b>	<b>Date</b>
D267-07 Issue A	Site Plan	10 July 2007
COND10842 Sheet 2 of 5	Elevations	15 June 2007

- C. The applicant be advised that:-
- (a) Prior to works commencing on-site, separate applications for Development Permit for 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/1.8                      (D586-06/07) Community Services Special Report Re: Material Change of Use to Build a Storage Shed for Vehicles - Buckley ...(Cont'd)

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

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

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

### **Justification**

Nil.

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### **COUNCIL RESOLUTION**

MOVED and SECONDED

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

**CARRIED**

ORD.PAL/2                      INWARDS CORRESPONDENCE

Nil.

ORD.PAL/3                      GENERAL BUSINESS

Nil.

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## **KRA 1 - COMMUNITY WELLBEING**

**ORD.CW/1**

### **REPORTS**

**ORD.CW/1.1**

**Financial & Information Services Report Re: Unconfirmed Minutes Dalby Wambo Library, Aerodrome and Saleyards Boards June July and August 2007**

**To**

S M Hegedus, CHIEF EXECUTIVE OFFICER

**File No**

25/1/1; 25/2/1; 25/3/1

**Date**

24 August, 2007

**Prepared by**

M Gladman, DFIS's PERSONAL ASSISTANT

**Responsible Officer**

T. Bennett, DIRECTOR FINANCIAL & INFORMATION SERVICES

Signed:

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### **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 June, July and August, 2007.

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

Nil

### **Officer's Recommendation**

That the unconfirmed minutes be received and noted.

### **Justification**

Nil

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### **COUNCIL RESOLUTION**

MOVED and SECONDED

That the Report be received and the unconfirmed minutes be received and noted.

**CARRIED**

## **KRA 1 - COMMUNITY WELLBEING**

### **ORD.CW/1                      REPORTS**

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#### **ORD.CW/1.2                      Community Services Special Report Re: Facilities Strategic Planning Process**

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

**File No**                                5/1/55

**Date**                                    30 August 2007

**Prepared by**                        R. Hamilton – SOCIAL, CULTURAL AND SPORTING OFFICER

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

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

#### **Summary/Purpose**

This report intends to inform Council about the consultation currently being undertaken in conjunction with the Community Facilities Strategic Plan development, which link to the existing Master Plan for the Dick Aland Sporting Reserve, and proposed facility priorities as identified in the attached Draft Community Facilities Strategic Plan.

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

*Cr R G Latemore declared a conflict of interest as he is a member of the Dalby Cricket Club and advised that he will vote on the resolution.*

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

1. That Council provide any comments regarding the identified priorities for Dalby's sporting and community facilities, and draft strategic plan that it deems necessary.
2. That Council resolve to approve and endorse the Joint Usage Agreement for the Dalby Cricket Associations and Dalby Australian Football Club and to enforce existing agreement dates if a decision is not able to be negotiated successfully by the relevant parties.
3. That Council does not approve the development of a Rugby League training field on top of the mound between the Rugby League and Cricket Fields at the Dick Aland Sports Reserve.

#### **Justification**

Nil.

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## **KRA 1 - COMMUNITY WELLBEING**

**ORD.CW/1**

**REPORTS**

**ORD.CW/1.2**

**Community Services Special Report Re: Facilities Strategic Planning Process ...(Cont'd)**

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### **COUNCIL RESOLUTION**

MOVED and SECONDED

1. That Council resolve to approve and endorse the Joint Usage Agreement for the Dalby Cricket Associations and Dalby Australian Football Club and to enforce existing agreement dates if a decision is not able to be negotiated successfully by the relevant parties.
2. That Council does not approve the development of a Rugby League training field on top of the mound between the Rugby League and Cricket Fields at the Dick Aland Sports Reserve.

**CARRIED**

### **COUNCIL RESOLUTION**

MOVED and SECONDED

This Report be deferred to the Ordinary Meeting of Council scheduled for Tuesday 11th September 2007 to allow sufficient time for Council to give due consideration and provide feedback on the identified priorities for Dalby's sporting and community facilities detailed in the Community Facilities Strategic Plan.

**CARRIED**

*Ms Rose Hamilton, SCSO retired from the Meeting at 7.25 p.m.*

**ORD.CW/2**

**INWARDS CORRESPONDENCE**

Nil.

**ORD.CW/3**

**GENERAL BUSINESS**

Nil.

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

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

Nil.

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

Nil.

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

Nil.

## **KRA 3 - BUILT ENVIRONMENT**

**ORD.BE/1**

**REPORTS**

**ORD.BE/1.1**

**Engineering Services Special Report: Stage 3 Concept Main Street Revitalisation Project**

**To**

S.M. Hegedus, CHIEF EXECUTIVE OFFICER

**File No**

1/2/2 & 12/1/18

**Date**

30 August 2007

**Prepared by**

W. Berting, DESIGN AND ASSETS MANAGER

**Responsible Officer**

M. P. Sullivan, DIRECTOR ENGINEERING SERVICES

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

### **Summary/Purpose**

As part of the current planning and design of the next stage of the Main Street Revitalisation Project, Council has requested that consideration be given to including a left slip lane in Cunningham Street to enable southbound traffic to pass a vehicle that is stopped to make a right turn into Archibald Street.

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

NIL

### **Officer's Recommendation**

That a left slip lane is not to be included in the development of the Cunningham and Archibald Street stage of the Main Street Revitalisation Project.

### **Justification**

NIL

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### **COUNCIL RESOLUTION**

MOVED and SECONDED

That this Report be received and that a left slip lane is not to be included in the development of the Cunningham and Archibald Street stage of the Main Street Revitalisation Project.

**CARRIED**

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

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**ORD.BE/2                      INWARDS CORRESPONDENCE**

Nil.

**ORD.BE/3                      GENERAL BUSINESS**

Nil.

## **KRA 4 - UTILITY SERVICES**

**ORD.UTS/1**

### **REPORTS**

**ORD.UTS/1.1**

**Engineering Services Special Report Re: Gas Business Regulatory Fees and Charges**

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

**File No** 1/2/2 &14/1/1

**Date** 30 August 2007

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

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

### **Summary/Purpose**

The purpose of this report is for Council to give consideration to its 2007/2008 Gas Business Regulatory Fees and Charges.

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

NIL

### **Officer's Recommendation**

That the report be received and that Council resolve to adopt the following Regulatory Fees and Charges for its Gas Business (all prices are inclusive of GST):

#### **Standard Retail Contract**

Supply Charge	\$12.00 per month
First 20,000 Mj per month	\$0.0214 per Mj
Next 30,000 Mj per month	\$0.0197 per Mj
Next 500,000 Mj per month	\$0.0170 per Mj
Next 950,000 Mj per month	\$0.0140 per Mj
Over 1,500,000 Mj per month	\$0.0116 per Mj

#### **Individual Retail Contract**

<b>Category</b>	<b>Annual Consumption</b>	<b>Price per MJ</b>
A	> 12,000,000 MJ	\$0.0110
B	5,000,000 – 12,000,000 MJ	\$0.0132
C	1,000,000 – 5,000,000 MJ	\$0.0142

## **KRA 4 - UTILITY SERVICES**

### **ORD.UTS/1                      REPORTS**

**ORD.UTS/1.1                      Engineering Services Special Report Re: Gas Business Regulatory Fees and Charges ...(Cont'd)**

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#### **Residential Connection Charges**

Connection fee (street to house, maximum distance 12m)	\$400.00
Connection fee (street to house > 12m)	At actual cost
Disconnection fee (at house)	\$55.00
Disconnection fee (at street)	\$400.00
Reconnection fee (at house)	\$65.00
Reconnection fee (street to house, maximum distance 12 m)	\$400.00
Reconnection fee (street to house > 12m)	At actual cost

**Gas main extensions to service new customers - At actual cost**

**Commercial/Industrial Connections - At actual cost**

#### **Justification**

Nil

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## **COUNCIL RESOLUTION**

MOVED and SECONDED

That the report be received and that Council resolve to adopt the following Regulatory Fees and Charges for its Gas Business (all prices are inclusive of GST) with an amendment to the "Supply Charge" to read as "Access Charge":

#### **Standard Retail Contract**

Access Charge	\$12.00 per month
First 20,000 Mj per month	\$0.0214 per Mj
Next 30,000 Mj per month	\$0.0197 per Mj
Next 500,000 Mj per month	\$0.0170 per Mj
Next 950,000 Mj per month	\$0.0140 per Mj
Over 1,500,000 Mj per month	\$0.0116 per Mj

#### **Individual Retail Contract**

<b>Category</b>	<b>Annual Consumption</b>	<b>Price per MJ</b>
A	> 12,000,000 MJ	\$0.0110
B	5,000,000 – 12,000,000 MJ	\$0.0132
C	1,000,000 – 5,000,000 MJ	\$0.0142

## **KRA 4 - UTILITY SERVICES**

### **ORD.UTS/1                      REPORTS**

**ORD.UTS/1.1                      Engineering Services Special Report Re: Gas Business Regulatory Fees and Charges ...(Cont'd)**

---

#### **Residential Connection Charges**

Connection fee (street to house, maximum distance 12m)	\$400.00
Connection fee (street to house > 12m)	At actual cost
Disconnection fee (at house)	\$55.00
Disconnection fee (at street)	\$400.00
Reconnection fee (at house)	\$65.00
Reconnection fee (street to house, maximum distance 12 m)	\$400.00
Reconnection fee (street to house > 12m)	At actual cost

**Gas main extensions to service new customers - At actual cost**

**Commercial/Industrial Connections - At actual cost**

**CARRIED**

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

Nil.

### **ORD.UTS/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                  Request Donation Relay for Life Charity Event**

**File No**                              2/4/13 & 1/13/8

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#### **Summary/Purpose**

Mr S M Hegedus, CEO advised that Council has organised a team for the Relay for Life Charity Event to be held at the PCYC on Saturday 8th September 2007. To participate each team is required to raise a minimum of \$1,000 prior to the event and therefore seek Council's consideration in donating \$250 towards this event.

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

The Mayor Cr Warwick Geisel declared a Conflict of Interest as he is the Patron on the Cancer Council of Queensland Dalby Branch and advised that he will not be voting on the resolution.

#### **COUNCIL RESOLUTION**

MOVED and SECONDED

That this letter be received and that Council accede to the request and donate \$250.

**CARRIED**

## **KRA 6 - ECONOMIC PROSPERITY**

**ORD.ECP/3**

**GENERAL BUSINESS**

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**ORD.ECP/3.2**

**Report on Local Transition Committee Meeting 3rd September 2007**

**File No**

5/3/3

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### **Summary/Purpose**

Cr David Smiles presented a brief report on the Local Transition Committee Meeting held in Chinchilla on Monday 3 September 2007:-

- Called for nominations for Chairperson - Cr Ray Brown from Tara was elected
- Agreed CEO's to attend meetings as observers
- Interim CEO has delegated authority to nominate other employees as observers
- Committee proxy members can attend as observers
- Only one union proxy can attend
- No discussion on new Council name
- Cr Smiles is a member of the Interim CEO's Selection Committee - each Council has a representative elected to this committee
- Interim CEO's Selection Committee will meet on 21st September 2007
- Next Local Transition Committee Meeting is scheduled for 28th September 2007 to be held in Dalby
- Local Transition Committee Meetings will be held on Fridays
- Council agreed not to issue media release in response to continued debate surrounding the name Dalby Regional Council being appointed to the merged local governments

## **KRA 6 - ECONOMIC PROSPERITY**

**ORD.ECP/3**

**GENERAL BUSINESS**

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**ORD.ECP/3.3**

**Darling Downs Branch Australian Stock Horse Society Discuss Concerns Showgrounds Infrastructure**

**File No**

5/1/35 & P.1326

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### **Summary/Purpose**

Mr Blaine Patterson, DCS acknowledged receipt of a letter received from the Darling Downs Branch Australian Stock Horse Society expressing concerns in relation to the showgrounds infrastructure, in particular the stallion stabling.

Council representatives attended a meeting on Monday 3rd September 2007 to debate the issues raised in the letter, with the main issue identified being that with only three months to go until the Australian Stock Horse sale there are no stallion stables and no funds have been allocated to construct any.

The horse related branches within Dalby maybe able to contribute to the construction of the facilities, however would not probably cover the full cost to fully construct the stables.

Council officers confirmed that Council has no funding allocated in the budget.

This letter will be placed on the agenda of Council's meeting scheduled for Tuesday 11th September 2007.

**MEETING CLOSURE**

The Meeting concluded at 7.45 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 September 2007.

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

Signed: \_\_\_\_\_  
Cr Geisel  
MAYOR OF DALBY

5th September 2007

**APPENDIX / ATTACHMENTS**

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