



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

## **Minutes of Ordinary Meeting of Council**

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

**ON Tuesday 13 November 2007**

Commencing at 4.05 p.m.

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# Minutes of Ordinary Meeting of Council

Tuesday 13 November 2007

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## **DECLARATION OF MEETING OPENING**

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

## **PRESENT**

<b>Mayor</b>	Cr W. Geisel (Chairperson)
<b>Councillors</b>	Cr J.M. Hart Cr R.G. Latemore Cr C.P. Milford Cr G.M. Nearhos Cr B.T. O'Shea Cr R.A. Thornton
<b>Officers</b>	S.M. Hegedus, CHIEF EXECUTIVE OFFICER T. Bennett, DIRECTOR FINANCIAL & INFORMATION SERVICES B. Patterson, DIRECTOR COMMUNITY SERVICES Graeme Preston, A/DIRECTOR ENGINEERING SERVICES M. Wilson, PLANNING MANAGER C.M. Harding, CEO's PERSONAL ASSISTANT
<b>Observers</b>	Nil
<b>Delegation</b>	Nil

## **APOLOGIES**

Apologies for non-attendance were received from Cr C T Tillman and Cr D S Smiles

## **ORD/1**

## **CONDOLENCES**

Nil.

## **ORD/2**

## **CONGRATULATIONS**

Nil.



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

Nil.

**ORD/5 ON THE TABLE**

Nil.

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

Nil.

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

Nil.

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

Nil.

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

Nil.

**ORD/10 QUESTIONS WITHOUT NOTICE**

Nil.

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

Nil.

## **KRA 1 - COMMUNITY WELLBEING**

**ORD.CW/1**

### **REPORTS**

**ORD.CW/1.1**

### **Confidential Report - Naming Rights at Dalby Showgrounds**

**To**

S M Hegedus, CHIEF EXECUTIVE OFFICER

**File No**

P1323

**Date**

6 November 2007

**Responsible Officer**

B. Patterson, DIRECTOR COMMUNITY SERVICES

Signed:

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### **Summary/Purpose**

This report is to inform Council of a proposal put forth in respect to naming the Showgrounds Car Park and the Showgrounds Pavilion, currently being constructed.

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

Nil

### **Officer's Recommendation**

In accordance with the Local Government Act Section 463 (h) Council go into committee to discuss this matter.

That Council direction be provided.

### **Justification**

Nil

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## **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 the naming rights of the Dalby Showgrounds.

**CARRIED**

## **KRA 1 - COMMUNITY WELLBEING**

ORD.CW/1                      REPORTS

ORD.CW/1.1                Confidential Report - Naming Rights at Dalby Showgrounds ...(Cont'd)

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### **RESUMPTION OF COUNCIL MEETING**

MOVED and SECONDED

That the Committee of the Whole resume into open Council at 4.15 p.m.

**CARRIED**

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

MOVED and SECONDED

That this Report be received and that Council defer the matter pending further discussions with relevant stakeholders and Cr Milford to report back to Council.

**CARRIED**

## **KRA 1 - COMMUNITY WELLBEING**

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**ORD.CW/2                      INWARDS CORRESPONDENCE**

Nil.

**ORD.CW/3                      GENERAL BUSINESS**

**ORD.CW/3.1                      Discussion Property Auction 45 Bunya Street**

**To**                                      His Worship the Mayor and Councillors

**File No**                                P.827

**Date**                                    6 November 2007

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

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

### **Summary/Purpose**

General discussion in relation to the property at 45 Bunya Street scheduled to be auctioned on 17th November, 2007.

Future planning for the park, the purchase of this property would be beneficial to Council.

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

Nil

### **Officer's Recommendation**

Council's direction is required.

### **Justification**

Nil

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

MOVED and SECONDED

That the Meeting resolve into a Committee of the Whole at 4.17 p.m. to discuss the auctioning of property located at 45 Bunya Street.

**CARRIED**

## **KRA 1 - COMMUNITY WELLBEING**

**ORD.CW/3                      GENERAL BUSINESS**

**ORD.CW/3.1                      Discussion Property Auction 45 Bunya Street ...(Cont'd)**

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### **RESUMPTION OF COUNCIL MEETING**

MOVED and SECONDED

That the Committee of the Whole resume into open Council at 4.23 p.m.

**CARRIED**

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

MOVED and SECONDED

That Council register an interest in the property with the agent subject to the property not been sold at auction on Saturday 17th November 2007.

**CARRIED**

## **KRA 2 - OUR ORGANISATION**

**ORD.ORG/1**

**REPORTS**

**ORD.ORG/1.1**

**Chief Executive Officer's Special Report Re: Corporate and Operational Plan Quarterly Review September 2007**

**To**

His Worship the Mayor and Councillors

**File No**

1/12/3

**Date**

6 November 2007

**Responsible Officer**

S.M. Hegedus, CHIEF EXECUTIVE OFFICER

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

### **Summary/Purpose**

The purpose of this report is to report on the implementation of Council's Corporate and Operational Plan for the first quarter of the 2007/08 financial year.

**Under the Queensland Local Government Act Section 463 (1) (c) Council may resolve that a meeting be closed to the public to discuss the local government budget.**

### **Officer's Recommendation**

That this Report be received and that the Corporate and Operational Plan quarterly review as at 30 September 2007 be received and noted.

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### **COUNCIL RESOLUTION**

MOVED and SECONDED

That this Report be received and that the Corporate and Operational Plan quarterly review as at 30 September 2007 be received and noted.

**CARRIED**

## **KRA 2 - OUR ORGANISATION**

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

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**ORD.ORG/1.2                      Financial and Information Services Report Re: September Review Budget 2007/08**

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

**File No**                                2/1/1-30

**Date**                                    6 November, 2007

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

Signed:

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#### **Summary/Purpose**

The purpose of this report is to present the Budget Financial Statements following the operational review for the period ended 30 September, 2007.

**Under the Queensland Local Government Act Section 463 (1) (c) Council may resolve that a meeting be closed to the public to discuss the local government budget.**

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

That the Review for the period ending 30 September, 2007 be received and noted and that the amendments as detailed in the Operational & Capital Report for year to September 2007, be applied to the original budget allocations.

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#### **COUNCIL RESOLUTION**

MOVED and SECONDED

That the Review for the period ending 30 September, 2007 be received and noted and that the amendments as detailed in the Operational and Capital Report for year to September 2007, be applied to the original budget allocations.

**CARRIED**

## **KRA 2 - OUR ORGANISATION**

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**ORD.ORG/2**

**INWARDS CORRESPONDENCE**

**ORD.ORG/2.1**

**Unconfirmed Minutes Dalby Regional Council Local Transition Committee and Employment Sub Committee Meeting 2 November 2007**

**To**

His Worship the Mayor and Councillors

**File No**

1/20/2 & 1/20/3

**Date**

7 November 2007

**Responsible Officer**

S.M. Hegedus, CHIEF EXECUTIVE OFFICER

Signed:

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### **Summary/Purpose**

A copy of the unconfirmed minutes of the Dalby Regional Council Local Transition Committee and the minutes of the Employment Sub-Committee Meeting held in Tara on Friday 2 November 2007.

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

Nil

### **Officer's Recommendation**

That the minutes be received and noted.

### **Justification**

Nil

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### **COUNCIL RESOLUTION**

MOVED and SECONDED

That the minutes be received and noted.

**CARRIED**

Mr S M Hegedus, CEO advised Council that the Transition Action Plan must be submitted within the next three weeks, and that key officers from Dalby Town Council will have to attend several working group meetings and therefore may not be able to concentrate on their core business during this period.

## **KRA 2 - OUR ORGANISATION**

**ORD.ORG/2**

**INWARDS CORRESPONDENCE**

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**ORD.ORG/2.2**

**Electoral Commission Queensland Details 2008 Quadrennial Local Government Elections**

**To** His Worship the Mayor and Councillors

**File No** 1/6/13, Doc. No. 502891

**Date** 6 November 2007

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

Signed:

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### **Summary/Purpose**

A letter dated 28th October 2007 providing details of the conduct of the 2008 Quadrennial Local Government elections.

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

Nil

### **Officer's Recommendation**

That this letter be received and noted.

### **Justification**

Nil

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## **COUNCIL RESOLUTION**

MOVED and SECONDED

That this letter be received and noted.

**CARRIED**

## **KRA 2 - OUR ORGANISATION**

**ORD.ORG/2**

**INWARDS CORRESPONDENCE**

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**ORD.ORG/2.3**

**Minister Transport Trade Employment and Industrial Relations  
Request Submission Application Show Holiday 2008**

**To**

His Worship the Mayor and Councillors

**File No**

5/1/35; P.1323 & 1/13/1, Doc. No. 501514

**Date**

6 November 2007

**Responsible Officer**

S.M. Hegedus, CHIEF EXECUTIVE OFFICER

Signed:

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### **Summary/Purpose**

A letter dated 26 October 2007 seeking Council's consideration in nominating a show holiday for 2008. Council has written to the Dalby Show Society and Wambo Shire Council seeking consideration of Friday 18th April 2008 as the gazetted holiday for the Dalby Show in accordance with the Holidays Act 1983.

Council has received notification from Dalby Show Society confirming the 18th and 19th April 2008 will be the dates they intend to stage the show. No response has been received to date from Wambo Shire Council.

The deadline for receipt of requests for the appointment of a holiday in 2008 is Friday 23 November 2007.

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

Nil

### **Officer's Recommendation**

That this letter be received, the contents noted and that a suitable reply be forwarded to the Minister requesting Friday 18 April 2008 be appointed as the gazetted holiday for the Dalby Show.

### **Justification**

Nil

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## **COUNCIL RESOLUTION**

MOVED and SECONDED

That this letter be received, the contents noted and that a suitable reply be forwarded to the Minister requesting Friday 18 April 2008 be appointed as the gazetted holiday for the Dalby Show.

**CARRIED**

### ***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**                      **Community Services Special Report Re: PAL 5.3.7 Relative's Apartment - Granny Flat**

**To**                                      SM Hegedus, CHIEF EXECUTIVE OFFICER

**File No**                              1/12/1

**Date**                                      6 November 2007

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

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

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

### **Summary/Purpose**

This report considers the relevance of Policy PAL 5.3.7 - Relative's Apartment - Granny Flat which is included in Council's Policy Register.

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

Nil

### **Officer's Recommendation**

**RECOMMENDED** that:

- A. Council resolve to remove **PAL 5.3.7 - Relative's Apartment - Granny Flat** from Council's Policy Register.

### **Justification**

Nil

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### **COUNCIL RESOLUTION**

MOVED and SECONDED

That this Report be received and that Council resolve to remove PAL 5.3.7 Relative's Apartment Granny Flat from Council's Policy Register.

**CARRIED**



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

ORD.PAL/1

### **REPORTS**

ORD.PAL/1.2

**(D/A400-06/07) Community Services Special Report Re: Development Application for Reconfiguration of 3 Lots to create 19 Allotments - Thompson ...(Cont'd)**

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3. All conditions of this approval are to be complied with prior to the endorsement of approval of the relevant Plan of Subdivision, unless otherwise stated.
4. Allotments shall not access the unnamed road adjacent to lots 10-17 and 19 or Wyley Street adjacent to Lots 9 and 10.

### **Engineering**

5. Lots 9, 10, 11 and 12 shall be dedicated as Drainage Reserve under the Land Act 1994 with Dalby Town Council as trustee. The entire reserve is to be dedicated at the time of signing and sealing the first Plan of Survey. Landscaped elements in the form of turfed areas, areas of tree plantings and other landscaping elements shall be provided to this area in accordance with Council's Local Planning Policy; to this end, the applicant must prepare a landscaping master plan and this shall be submitted at the time of application for Operational Works.
6. 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 Transitional Planning Scheme.
7. The subject site shall be adequately drained and all stormwater shall be disposed of to a lawful point of discharge 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.
8. Any filling on site shall not interfere with the natural drainage of adjoining land or cause ponding to affect other land.
9. 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) the extension of the water main into the new road,
  - (b) interconnection with the existing water main in Dalby Cooyar Road,
  - (c) provision of hydrants and the provision of connections,
  - (d) the provision of a ring main configuration at the terminus of mains,
  - (e) the provision of water service connection (excluding meter) to each allotment, and
  - (f) 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.

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

**ORD.PAL/1**

### **REPORTS**

**ORD.PAL/1.2**

**(D/A400-06/07) Community Services Special Report Re: Development Application for Reconfiguration of 3 Lots to create 19 Allotments - Thompson ...(Cont'd)**

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10. The applicant shall contribute a total of \$5000 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.
11. All new roads are to drain to Oakwood Street North and any overflow from the development to be channelled to Oakwood Street North via the new road or registered easements. All stormwater and other easements deemed necessary are to be provided at the developer's cost, at a minimum width of 4.0 metres, in accordance with the provisions of Council's Transitional Planning Scheme.
12. All new roads reserves are to be provided at the applicant's cost at a minimum width of 20 metres.
13. All new roads are to be constructed with a minimum 6 metre wide bitumen surfacing and 1 metre wide sealed shoulders on either side of the road, 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. Oakwood Street North shall be upgraded to a 6.0 metre wide sealed pavement plus 1 metre wide shoulders in accordance with Council's planning scheme standards. Road upgrade shall be undertaken for the full frontage of the subject land with Oakwood Street North.
15. A "No Through Road" sign and road name sign shall be erected at the intersection of Oakwood Street North and the new road in accordance with Council's Transitional Planning Scheme.
16. The proposed cul-de-sac heads shall be constructed in accordance with Council's standards.
17. Street lighting is to be designed and installed in accordance with AS1158 and the EDROC Standards Manual, Category P5.
18. 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.
19. Where deemed necessary by Council, the relocation of services within the subject land shall be undertaken by the applicant at no cost to Council.

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

ORD.PAL/1

REPORTS

ORD.PAL/1.2

**(D/A400-06/07) Community Services Special Report Re: Development Application for Reconfiguration of 3 Lots to create 19 Allotments - Thompson ...(Cont'd)**

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20. 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.
21. Underground telephone and electricity services shall be provided to all allotments.
22. 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.
23. 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.
24. Where appropriate, easements shall be provided in favour of Council to contain infrastructure elements, including water mains.
25. The cost of providing services to each proposed Lot shall be at the expense of the applicant.
26. 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.

### **Environmental Health**

27. 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**

28. 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.
29. Existing buildings contained on the proposed new allotments shall comply with the Queensland Development Code siting requirements.

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

ORD.PAL/1

REPORTS

ORD.PAL/1.2

**(D/A400-06/07) Community Services Special Report Re: Development Application for Reconfiguration of 3 Lots to create 19 Allotments - Thompson ...(Cont'd)**

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### **Contributions**

30. 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.
  31. 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.
  32. 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:-
- The approved plan shall be generally in accordance with Drawing No. 056565S Issue B prepared by Ring Surveys and dated 16 February 2007, but amended in accordance with the conditions of approval.
- C. The applicant be advised of the following Concurrence Agency Response/s:
- (a) Refer to Attached Concurrence Agency Response.
- D. 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/1.2

**(D/A400-06/07) Community Services Special Report Re: Development Application for Reconfiguration of 3 Lots to create 19 Allotments - Thompson ...(Cont'd)**

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- (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/1.2

**(D/A400-06/07) Community Services Special Report Re: Development Application for Reconfiguration of 3 Lots to create 19 Allotments - Thompson ...(Cont'd)**

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

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

- (i) Your infrastructure charges are in accordance with the following table, if contributions are paid during the 2007/2008 financial year:

Refer to the table contained in section 2.7 of this report. The table will be attached to the decision notice.

### **COUNCIL RESOLUTION**

MOVED and SECONDED

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

**CARRIED**

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

**ORD.PAL/1                      REPORTS**

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**ORD.PAL/1.3                      (D/A511-06/07) Community Services Special Report Re: Development Application for Material Change of Use to Establish a Multiple Occupancy at 4 North Street - Fletcher-Dutton**

**To**                                      SM Hegedus, CHIEF EXECUTIVE OFFICER

**File No**                                P4111, Doc. No. 511-06/07

**Date**                                    7 November 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>	511-06/07
<b>Applicant:</b>	Patrick Fletcher-Dutton
<b>Owner:</b>	P & D Fletcher-Dutton
<b>Site Address:</b>	4 North Street, Dalby
<b>Real Property Description:</b>	Lot 4 on RP109162
<b>PDLU Designation:</b>	Residential
<b>Zone:</b>	High Constraint
<b>Proposal:</b>	Material Change of Use to establish a multiple occupancy
<b>Area of Land:</b>	1487m <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.

### **Officer's Recommendation**

**RECOMMENDED** that:

- A. the applicant be advised that the application for Development Approval for a Material Change of Use to establish a Multiple Dwelling (3 units) on land described as Lot 4 on RP109162, situated at 4 North Street, Dalby is approved, subject to the following conditions:-

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

ORD.PAL/1

REPORTS

ORD.PAL/1.3

**(D/A511-06/07) Community Services Special Report Re: Development Application for Material Change of Use to Establish a Multiple Occupancy at 4 North Street - Fletcher-Dutton ...(Cont'd)**

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### **MATERIAL CHANGE OF USE**

#### **Planning**

1. Compliance with the facts and circumstances set out in the application and all Council Local Laws being adhered to and generally in accordance with the approved plans (except where varied by conditions of approval).
2. All outstanding rates and charges shall be paid.
3. The use of the premises identified for Residential Development Class 1B (Multiple Occupancy), shall at all times accord with section 1.4.3 of the 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 5 car parking spaces shall be provided on site in accordance with the relevant AS 2980.1.
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.

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

ORD.PAL/1

REPORTS

ORD.PAL/1.3

**(D/A511-06/07) Community Services Special Report Re: Development Application for Material Change of Use to Establish a Multiple Occupancy at 4 North Street - Fletcher-Dutton ...(Cont'd)**

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### **Engineering**

12. 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.
13. The premises shall be connected to Council's reticulated water and sewer service in accordance with Council's Engineering Standards.
14. A kerb crossing shall be provided at the point of access to the subject land in accordance with Council's Engineering Standards.
15. All internal vehicular manoeuvring areas and the entrance/exit to the site shall be constructed and maintained in accordance with Council's Planning Scheme. To this end:
  - (a) Car parking spaces, the entrance to the site and vehicular manoeuvring areas or other surfaces that are traversed by vehicles must be fully sealed surfaces;
  - (b) The access point from the road network must be constructed in accordance with Council's Planning Scheme, and be maintained in a safe and functional manner in perpetuity by the operator of the facility; and
  - (c) Car parking spaces shall be linemarked, and maintained at all times in accordance with Schedule 3 of the Planning Scheme..
16. Stormwater from roof and sealed areas shall be collected inside the subject land and discharged to Council's street drainage system by way of underground piping.
17. Should any services require relocation within the subject land, this shall be undertaken by the applicant at no cost to Council.
18. Habitable floor heights shall be a minimum of 300mm above the 1 in 100 year ARI flood event as defined by the Myall Creek Flood Study, July 2007.

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

ORD.PAL/1

### **REPORTS**

ORD.PAL/1.3

**(D/A511-06/07) Community Services Special Report Re: Development Application for Material Change of Use to Establish a Multiple Occupancy at 4 North Street - Fletcher-Dutton ...(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.
20. A refuse container storage area shall be provided. This storage area is to be imperviously sealed, screened, provided with a hose cock and drained and sited in accordance with Council's standards.

#### **Contributions**

21. 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 dwelling unit.
22. 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 dwelling unit.
23. The applicant shall pay to Council a contribution for transport headworks at the rate applicable at the time the contribution is paid. The 2007/08 fees and charges indicate \$750 per dwelling unit.

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

ORD.PAL/1

### **REPORTS**

ORD.PAL/1.3

**(D/A511-06/07) Community Services Special Report Re: Development Application for Material Change of Use to Establish a Multiple Occupancy at 4 North Street - Fletcher-Dutton ...(Cont'd)**

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#### **General**

24. 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>
D106-07 Issue A	Site Plan	15 March 2007
D106-07 Issue A	Floor Plan Unit 1	15 March 2007
D106-07 Issue A	Floor Plan Unit 2 & 3	15 March 2007
D106-07 Issue A	Unit 1 Elevations	15 March 2007
D106-07 Issue A	Unit 2 & 3 Elevations	15 March 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. A development permit for Operational Works may be required where greater than 20m<sup>3</sup> of fill or excavation is proposed on the site;
- (b) Prior to commencement of the use, the applicant shall contact Council's Planning Manager, to arrange a Development Compliance Inspection;
- (c) The applicant must ensure compliance with environmental conditions whether required to hold an Environmental Authority or not. These include, but are not limited to water quality, air quality, noise levels, waste waters, lighting and visual quality as a result of any activity or by-product or storage of materials within the confines of the building(s) and property boundaries.

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

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

ORD.PAL/1

REPORTS

ORD.PAL/1.3

**(D/A511-06/07) Community Services Special Report Re: Development Application for Material Change of Use to Establish a Multiple Occupancy at 4 North Street - Fletcher-Dutton ...(Cont'd)**

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

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

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

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

ORD.PAL/1

### **REPORTS**

ORD.PAL/1.3

**(D/A511-06/07) Community Services Special Report Re: Development Application for Material Change of Use to Establish a Multiple Occupancy at 4 North Street - Fletcher-Dutton ...(Cont'd)**

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- (3) An appeal under subsection (1)(e) may be started at any time after the last day a decision on the matter should have been made.
  
- (h) It should be noted that Council resolved not to accept security in lieu of completion of works, except in the following circumstances:
  - (a) where it is Council's opinion that necessary works would result in the provision of sub-standard services for future development and the work is not critical to the development, or
  
  - (b) where it is Council's opinion the work is very minor, not critical to the development, and, the timing for the completion of that work is an unreasonable impost on the developer.

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

- (i) Your infrastructure charges are in accordance with the following table, if contributions are paid during the 2007/2008 financial year:

Refer to the table contained in Section 2.4 of this report. The table will be attached to the decision notice.

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## **COUNCIL RESOLUTION**

MOVED and SECONDED

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

**CARRIED**

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

**ORD.PAL/1                      REPORTS**

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**ORD.PAL/1.4                      (D/A572-06/07) Community Services Special Report Re: Material Change of Use to Establish Vehicle Showroom and Workshop - B T Investments Pty Ltd**

**To**                                      SM Hegedus, CHIEF EXECUTIVE OFFICER

**File No**                                P1159 & P1160, Doc. No. 572-06/07

**Date**                                    30 October 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>	572-06/07
<b>Applicant:</b>	B. T. Investments Pty Ltd
<b>Owner:</b>	A C Black
<b>Site Address:</b>	43 – 45 Drayton Street
<b>Real Property Description:</b>	Lot 91 on RP819401 & Lot 18 on D149415
<b>PDLU Designation:</b>	Comprehensive Development Precinct 1 and Comprehensive Development Precinct 2
<b>Zone:</b>	High Constraint
<b>Precinct:</b>	Town Centre
<b>Proposal:</b>	Material Change of Use to Establish a Vehicle Showroom (Class 5 Commercial Use) and Extended Workshop (Class 8 Industrial)
<b>Area of Land:</b>	4936m <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.

### **Officer's Recommendation**

**RECOMMENDED** that:

- A. the applicant be advised that the application for Development Approval for a Vehicle Showroom (Class 5 Commercial Use) and Workshop (Class 8 Industrial) on land described as Lot 91 on RP819401 and Lot 18 on D149415 , situated at 43 & 45 Drayton Street respectively, Dalby, is approved, subject to the following conditions:-

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

**ORD.PAL/1**

**REPORTS**

**ORD.PAL/1.4**

**(D/A572-06/07) Community Services Special Report Re: Material Change of Use to Establish Vehicle Showroom and Workshop - B T Investments 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. 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 20 June 2007. The revised drawings shall:
  - (a) Increase the height of the underside of the portico to a minimum height of 5 metres in order to allow the thoroughfare of an Articulated Vehicle.
  - (b) Landscaping shall be provided in the area accommodating on-site rainwater storage tanks to provide screening and reduce the bulk and scale of the workshop and rainwater tanks.

Once endorsed, the revised drawings shall become the approved drawings.

3. All outstanding rates and charges shall be paid.
4. Lot 91 on RP819401 and Lot 18 on D149415 shall be amalgamated prior to the commencement of use.
5. The use of that part of the premises for commercial purposes being Class 6 (E) Showroom, shall at all times accord with section 1.4.3 of the Transitional Planning Scheme. Similarly, the use of that part of the premises for industrial purposes being Class 8 Vehicle Workshop, shall at all times accord with section 1.4.3 of the Transitional Planning Scheme.
6. Fencing along the south-eastern site boundary shall be a minimum 1800 mm high screen fence. Any security fencing proposed on other boundaries shall protect amenity and must not be chain mesh without plastic coating. All fencing shall be attractive and in keeping with the built character of the area.
7. 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'.
8. Landscaping shall be undertaken in accordance with the approved landscape plan.
9. Landscape works and associated landscape infrastructure are to be maintained at all times.

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

ORD.PAL/1

### **REPORTS**

ORD.PAL/1.4

**(D/A572-06/07) Community Services Special Report Re: Material Change of Use to Establish Vehicle Showroom and Workshop - B T Investments Pty Ltd ...(Cont'd)**

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10. A minimum of 38 car parking spaces shall be provided on site in accordance with the relevant Australian Standard for Off-Street Car parking.
11. Car parking spaces shall be maintained and kept for the purposes of parking for visitors and employees.
12. The height of buildings shall not exceed 10 metres above natural ground level.
13. Necessary arrangements shall be made to ensure rights of access via the existing easement and any required extension of those rights to service the new lot are secured prior to the commencement of construction.

### **Engineering**

14. The premises shall be connected to Council's reticulated water and sewer service in accordance with Council's Engineering Standards.
15. The kerb crossing at Drayton shall be provided at the point of access to the subject land in accordance with IPWEAQ Standard Drawing R051.
16. All internal vehicular manoeuvring areas and the entrance/exit to the site shall be constructed and maintained in accordance with Council's Planning Scheme. To this end:
  - (a) Car parking spaces, the entrance to the site and vehicular manoeuvring areas or other surfaces that are traversed by vehicles must be fully sealed surfaces;
  - (b) The access point from the road network must be constructed in accordance with Council's Planning Scheme, and be maintained in a safe and functional manner in perpetuity by the operator of the facility; and
  - (c) Car parking spaces shall be linemarked, and maintained at all times in accordance with the Planning Scheme.
17. Stormwater shall be discharged to Council's reticulated stormwater system by way of underground piping.
18. Should any services require relocation within the subject land, this shall be undertaken by the applicant at no cost to Council.
19. Any damage caused to Council's footpath during site works or works associated with the construction of a crossing shall be repaired and the footpath reinstated in accordance with Council's engineering standards.

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

ORD.PAL/1

### **REPORTS**

ORD.PAL/1.4

**(D/A572-06/07) Community Services Special Report Re: Material Change of Use to Establish Vehicle Showroom and Workshop - B T Investments Pty Ltd ...(Cont'd)**

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#### **Environmental Health**

20. 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.
21. A refuse container storage area shall be provided. This storage area is to be imperviously sealed, screened, provided with a hose cock and drained and sited in accordance with Council's standards.
22. Noise associated with the approved use shall be managed in accordance with the requirements of the Environmental Protection Act.

#### **Contributions**

23. 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 \$7,392 per dwelling unit.
24. 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 \$7,392 per dwelling unit.
25. 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 \$7,950 per dwelling unit.

#### **General**

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

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

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

**ORD.PAL/1.4                      (D/A572-06/07) Community Services Special Report Re: Material Change of Use to Establish Vehicle Showroom and Workshop - B T Investments Pty Ltd ...(Cont'd)**

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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>
D186-07 Issue A Sheet 1 of 4	Site Plan	20-06-2007
D186-07 Issue A Sheet 2 of 4	Floor Plan	20-06-2007
D186-07 Issue A Sheet 3 of 4	Proposed Floor Plan	20-06-2007
D186-07 Issue A Sheet 4 of 4	Elevations	20-06-2007

C.        The applicant be advised of the following Concurrence Agency Response/s:

(a)        Refer to Attached Concurrence Agency Response.

D.        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**).

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

ORD.PAL/1

### **REPORTS**

ORD.PAL/1.4

**(D/A572-06/07) Community Services Special Report Re: Material Change of Use to Establish Vehicle Showroom and Workshop - B T Investments Pty Ltd ...(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 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/1.4                      (D/A572-06/07) Community Services Special Report Re: Material Change of Use to Establish Vehicle Showroom and Workshop - B T Investments Pty Ltd ...(Cont'd)**

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

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

- (i) Your infrastructure charges are in accordance with the following table, if contributions are paid during the 2007/2008 financial year:

Refer to table contained in Section 5 of this report. The table will be attached to the decision notice.

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## **COUNCIL RESOLUTION**

### **MOVED and SECONDED**

That this Report be received and the recommendations contained therein be adopted with the amendment to conditions 23, 24 and 25 to read as follows:-

- 23. 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 \$7,392 in accordance with Local Planning Policy No 20.
- 24. 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 \$7,392 in accordance with Local Planning Policy No 20.
- 25. 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 \$7,950 in accordance with Local Planning Policy No 20.

**CARRIED**

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

**ORD.PAL/1                      REPORTS**

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**ORD.PAL/1.5                      (010.2007.0166.001) Community Services Special Report Re: Material Change of Use to establish a Multiple Dwelling - Pioneer Spirit Pty Ltd**

**To**                                      SM Hegedus, CHIEF EXECUTIVE OFFICER

**File No**                                P1803, Doc. No. 010.2007.0166.001

**Date**                                    6 November 2007

**Prepared by**                        MD Wilson, PLANNING MANAGER

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

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

### **Summary/Purpose**

#### **DEVELOPMENT APPLICATION**

<b>Application No:</b>	010.2007.0166.001
<b>Applicant:</b>	Pioneer Spirit Pty Ltd
<b>Owner:</b>	Pioneer Spirit Pty Ltd
<b>Site Address:</b>	34 Myall Street
<b>Real Property Description:</b>	Lot 4 on RP54216
<b>Precinct:</b>	Residential
<b>Overlay:</b>	Multiple Occupancy
<b>Proposal:</b>	MCU Multiple Dwelling
<b>Area of Land:</b>	2307m <sup>2</sup>
<b>Submissions:</b>	N/A

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/1.5

**(010.2007.0166.001) Community Services Special Report Re: Material Change of Use to establish a Multiple Dwelling - Pioneer Spirit Pty Ltd ... (Cont'd)**

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### **Officer's Recommendation**

**RECOMMENDED** that:

- A. the applicant is advised that the application for Development Approval for a Material Change of Use to establish a Multiple Dwelling on land described as Lot 4 on RP54216, situated at 34 Myall Street, Dalby, is refused, for the following reasons:-
- (a) The proposed development conflicts with **PC22 Flooding**, and cannot be made to comply by the setting of conditions,
  - (b) The proposed development conflicts with **PC26 Excavation and Filling**, and cannot be made to comply by the setting of conditions,
  - (c) The proposed development would increase residential density in an area subject to high and extreme flood hazard,
  - (d) There are not sufficient grounds to allow the proposed development despite the conflict with the Town code,
- B. The applicant is advised of the following Concurrence Agency Response/s:
- (a) Refer to Attached Concurrence Agency Response.
- C. The applicant is advised that:-
- (a) 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/1.5

**(010.2007.0166.001) Community Services Special Report Re: Material Change of Use to establish a Multiple Dwelling - Pioneer Spirit Pty Ltd ... (Cont'd)**

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### **Justification**

Nil

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### **COUNCIL RESOLUTION**

MOVED and SECONDED

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

**The MOTION was LOST**

### **COUNCIL RESOLUTION**

MOVED and SECONDED

That this Report be received and that Council defer decision on this matter pending receipt of the draft flood planning code proposed to be presented to Council at its meeting scheduled for Tuesday 27th November 2007.

**CARRIED**

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

**ORD.PAL/1                      REPORTS**

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**ORD.PAL/1.6                      (010.2007.0184.001) Confidential Community Services Special Report  
Re: Request to Change Approval (extension to the relevant period) -  
Barkol Holdings Pty Ltd & Commercial Force Pty Ltd**

**To**                                      SM Hegedus, CHIEF EXECUTIVE OFFICER

**File No**                                P1178, Doc. No. 010.2007.0184.001

**Date**                                    1 November 2007

**Prepared by**                        MD Wilson, PLANNING MANAGER

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

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

### **Summary/Purpose**

#### **DEVELOPMENT APPLICATION**

<b>Application No:</b>	010.2007.0184.001
<b>Applicant:</b>	Barkol Holdings Pty Ltd
<b>Owner:</b>	Commercial Force Pty Ltd and Barkol Holdings Pty Ltd
<b>Site Address:</b>	17775 Warrego Highway, Dalby
<b>Real Property Description:</b>	Lot 2 on RP117248
<b>PDLU Designation:</b>	Industrial
<b>Zone:</b>	Town
<b>Precinct:</b>	Commerce & Trade (Overlay)
<b>Proposal:</b>	Request to change development approval (extend the relevant period)
<b>Area of Land:</b>	1.877 Ha

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

### **Officer's Recommendation**

**RECOMMENDED** that:

- A. in accordance with the Local Government Act Section 463 (g) Council close its meeting to the public to discuss actions to be taken by the local government under the *Integrated Planning Act 1997*,
- B. the applicant be advised that the request to extend the relevant period for a development permit for material change of use to establish Commercial Development (Truck Stop) and Industrial Development (Car Wash) on land described as Lot 2 on RP117248, situated at 17775 Warrego Highway, Dalby, is allowed, and will now expire on 1 September 2009.

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

ORD.PAL/1

### **REPORTS**

ORD.PAL/1.6

**(010.2007.0184.001) Confidential Community Services Special Report  
Re: Request to Change Approval (extension to the relevant period) -  
Barkol Holdings Pty Ltd & Commercial Force Pty Ltd ...(Cont'd)**

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### **Justification**

In accordance with Section 3.5.23 of the Integrated Planning Act 1997 the request to extend the relevant period is refused for the following reasons:

- (a) the approval is inconsistent with the current laws and policies which apply to the development; and
- (b) the approval is inconsistent with Council's current infrastructure charges.

### **COUNCIL RESOLUTION**

MOVED and SECONDED

That this Report be received and that the applicant be advised that the request to extend the relevant period for a development permit for material change of use to establish Commercial Development (Truck Stop) and Industrial Development (Car Wash) on land described as Lot 2 on RP117248, situated at 17775 Warrego Highway, Dalby is refused.

**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                      Consider Gas Rebate Natural Gas Access Charge**

**File No**                              14/1/1

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#### **Summary/Purpose**

Due to the amount of confusion within the community in relation to the new natural gas access charge, Cr B T O'Shea sought Council's consideration in rebating the two months access charge for July and August in the next billing period.

Cr O'Shea feared that Council had not provided sufficient explanation and notification of the new pricing structure to the community.

Mr Graeme Preston, A/DES advised that an advertisement and public notice was issued in early September, along with a brochure being sent out with gas notices.

Mrs Trish Bennett, DFIS explained that once Council had adopted the new pricing structure that it applied to the next billing period.

#### **COUNCIL RESOLUTION**

MOVED and SECONDED

That Council rebate gas consumers the two months gas access charge applicable for the July and August period, in the next gas billing, due to the confusion with customers with the new gas access charge.

**CARRIED**

Cr R G Latemore requested a Division of the Vote which is recorded as follows:

#### ***THOSE IN FAVOUR***

Cr Warwick Geisel  
Cr John Hart  
Cr R G Latemore  
Cr B T O'Shea

#### ***THOSE AGAINST***

Cr C P Milford  
Cr G M Nearhos  
Cr R A Thornton

## **KRA 6 - ECONOMIC PROSPERITY**

**ORD.ECP/3**

**GENERAL BUSINESS**

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**ORD.ECP/3.2**

**Update Darling Downs Regional Organisation Council Meeting Friday 9th November 2007**

**File No**

5/3/19

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### **Summary/Purpose**

Cr B T O'Shea presented a brief report on his attendance at the DDROC Meeting held on Friday 9th November, 2007:-

- Provided an update on possible future directions in respect to regional planning:-
  - Moves to set up regional plans and that they will be statutory
  - Current growth pressures in both South East Queensland and the Darling Downs
  - Possible changes to regional planning boundaries by the State Government
  - Local Government Association of Queensland's proposals in respect of the review of the Local Government Act, particularly as it pertains to planning
  - Maps presently being used by Department do not comply with Town Plans
  - Brisbane west comes under the Maranoa Plan
  - Future regional planning for the Darling Downs region be based on the area that encompasses the Toowoomba Regional Council, Dalby Regional Council, Southern Downs Regional Council and Goondiwindi Regional Council
- Future DDROC - Mr John Hasted has been invited to remain in the position at no financial disadvantage until the end of January 2008 and then employed as a part time casual until the future operations of DDROC are determined by its new membership post the 15th March 2008 elections.

## **KRA 6 - ECONOMIC PROSPERITY**

**ORD.ECP/3                      GENERAL BUSINESS**

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**ORD.ECP/3.3                      Councillor Thornton Attended Meeting Dalby Agricultural College**

**File No                              1/13/1**

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### **Summary/Purpose**

Cr R A Thornton reported on his attendance at a meeting held at the Dalby Agricultural College on the 1st November 2007, advising that the purpose of the meeting was to provide feedback to a company called Deloitte, hired to provide a business strategy to the college, on how to best deliver services and courses in the future.

Mr Blaine Patterson, DCS also advised that the University of Southern Queensland is embarking on a similar program and considering options on how best to deliver more courses to regional areas.

**ORD.ECP/3.4                      Meeting Dalby Liquor Accord Discuss Problems Location Take-a-way Food Van Cunningham Street**

**File No                              1/11/13, 1/11/4, 1/15/11, 1/11/9 & 7/9/1**

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### **Summary/Purpose**

Mr Blaine Patterson, DCS advised of a planned meeting of the Dalby Liquor Accord to be held on Wednesday 14th November 2007 to discuss problems arising again with the location of the Take-a-way food van in Cunningham Street, and whether to restrict their hours of operation to coincide with the closing of the night clubs.

Apparently, due to the position of this business, large groups of young people are congregating around the van which is increasing the amount of incidents and altercations occurring after the closure of the night clubs.

**MEETING CLOSURE**

The Meeting concluded at 6.00 p.m.

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

Submitted to the Ordinary Meeting of Council held this twenty-seventh day of November 2007.

Signed:

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

14 November 2007

**APPENDIX / ATTACHMENTS**

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