



"Working Together for a Better Dalby"

Minutes of Ordinary Meeting of Council

Held at Dalby Town Council Chambers

ON Tuesday 22 May 2007

Commencing at 4.05 p.m.

Minutes of Ordinary Meeting of Council

Tuesday 22 May 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 B.T. O'Shea
Cr D.S. Smiles
Cr R.A. Thornton
Cr C.T. Tillman

Officers S.M. Hegedus, CHIEF EXECUTIVE OFFICER
T. Bennett, DIRECTOR FINANCIAL & INFORMATION SERVICES
M. P. Sullivan, DIRECTOR ENGINEERING SERVICES
B. Patterson, DIRECTOR COMMUNITY SERVICES
M. Wilson, PLANNING MANAGER
K. Anderson, CORPORATE SUPPORT MANAGER
C.M. Harding, CEO's PERSONAL ASSISTANT
R. Hamilton, SOCIAL CULTURAL & SPORTING OFFICER

Observers Nil

Delegation O'Keefe and Partners

APOLOGIES

Nil

ORD/1 **CONDOLENCES**

Nil.

ORD/2

CONGRATULATIONS

ORD/2.1

Congratulations Organisers Queensland Secondary Schools Rugby League State Championships from 16th to 20th May 2007

File No

5/1/32

Summary/Purpose

The Mayor Cr Warwick Geisel requested Council forward a letter to the Organising Committee comprising of Steven Gillespie and Jeff Hart congratulating the Committee on the successful hosting of the Queensland Secondary Schools Rugby League State Championships in Dalby from the 16th - 20th May 2007

ORD/3 CONFIRMATION OF MINUTES OF PREVIOUS ORDINARY MEETING

ORD/3.1 Adopt Minutes Previous Ordinary Meeting held Tuesday 15th May 2007

To His Worship the Mayor and Councillors

File No 1/2/10

Date 17th May 2007

Responsible Officer Cr W. Geisel, MAYOR

Signed: _____

Summary/Purpose

Minutes of the Ordinary Meeting of Council held on Tuesday, 15th May 2007.

Officer's Recommendation

That the minutes of the last Ordinary Meeting held on Tuesday, 15th May 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, 15th May 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

ORD/9.1 Cr David Smiles Notice of Motion Financial and Information Services Report Re: 2007/08 Revenue Policy

To S M Hegedus, CHIEF EXECUTIVE OFFICER

File No 1/12/1, 2/5/1 & 2/1/1-30

Date 17th May 2007

Responsible Officer T. Bennett, DIRECTOR FINANCIAL & INFORMATION SERVICES

Signed: _____

Summary/Purpose

A letter dated 17th May 2007 from Cr D S Smiles giving notice in accordance with Local Law No. 5 Meetings of his intention to put forward a resolution to rescind a motion in relation to the Financial and Information Services Special Report Re: 2007/08 Revenue Policy.

KRA 1 - COMMUNITY WELLBEING

ORD.CW/1 REPORTS

Nil.

ORD.CW/2 INWARDS CORRESPONDENCE

ORD.CW/2.1 Don Gray and Jane Leggett Raised Concerns with Council's Community Infrastructure Application Submitted for Funding Aquatic Centre

To S M Hegedus, CHIEF EXECUTIVE OFFICER

File No 16/2/1

Date 17th May 2007

Responsible Officer B. Patterson, DIRECTOR COMMUNITY SERVICES

Signed: _____

Summary/Purpose

A letter dated 9th May 2007 seeking Council's assistance in correcting a situation through which, they believe, both the Councillors and the people of Dalby, may have been misled.

In particular, referring to the Community Infrastructure Application Form dated 26th September 2006 lodged by Dalby Town Council for funding for the proposed Aquatic Facility Project, stating that in their opinion that the application was flawed and submitted in such a manner that it was unlikely to succeed.

Further, respectfully requesting that Council support a return to the original motion in favour of the current pool site and to ensure that a new and properly presented application for funding be submitted without delay to the Department of Sport and Recreation. In the interim, requesting that no further ratepayer funds are spent in promoting a facility at the PCYC site.

Cr C T Tillman declared a Material Personal Interest and retired from the Meeting at 4.10 p.m.

Officer's Recommendation

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

KRA 1 - COMMUNITY WELLBEING

ORD.CW/2 INWARDS CORRESPONDENCE

**ORD.CW/2.1 Don Gray and Jane Leggett Raised Concerns with Council's
Community Infrastructure Application Submitted for Funding Aquatic
Centre ...(Cont'd)**

COUNCIL RESOLUTION

MOVED and SECONDED

That this letter be received and that:-

- (a) Council forward a suitable response to the signatories, acknowledging Council's unanimous support for the staff in this matter, and advising that Council cannot accede to their request:
and
- (b) to seek permission from Paul Hemmings to include a copy of letter received from Leisure Futures.

CARRIED

Cr C T Tillman re-joined the Meeting at 4.30 p.m.

ORD.CW/3 GENERAL BUSINESS

Nil.

KRA 1 - COMMUNITY WELLBEING

ORD.CW/1.2 **Community Services Special Report Re: O'Keefe and Partners
Community Business Partnership**

To SM Hegedus, CHIEF EXECUTIVE OFFICER

File No 6/1/20, Doc. No. 452628 & 453706

Date 17 May 2007

Responsible Officer BF Patterson, DIRECTOR OF COMMUNITY SERVICES

Signed: _____

Summary/Purpose

To provide an up-date on the work in progress as reported by O'Keefe & Partners. Attending the meeting from O'Keefe and Partners are Reegan Key, Client Services Manager based in Melbourne and Darrin Ruprecht, Project Manager based in Brisbane.

- Campaign Progress to Date
 - Campaign tools - support brochure, sponsorship schedule, exclusive sales agreements, information pack
 - Local business functions
 - Trust and foundations - Australian Sports Foundation application pending to receive deductible gifts through, Trusts and Foundations list currently being developed
 - Prospecting - meetings with local, regional and national organisations
 - Campaign redevelopment - following change in plans, timing and funding for Aquatic Centre and PCYC, O'Keefe and Partners has redeveloped the campaign plan and all campaign tools to fit with the new direction of the campaign. Primarily O'Keefe and Partner is now focused on the Events Centre and showgrounds.
- Formed Category 1 list - met with regional and national organisations - list outlines and highlights O'Keefe and Partners prospecting
- Moving Forward
 - Received updated information including plans, budgets and timelines for the Aquatic Centre/PCYC development from Dalby Town Council
 - Table impact of Council amalgamation on planned developments
 - Update all campaign tools and collateral and forward into the market place
 - Confirm hosts and schedule further prospecting functions for coming months
 - Present to local Lions and Apex Club etc
 - Develop invite lists for upcoming functions
 - Hold and follow up prospecting functions to inform and gather support from community
 - Confirm commitments with partners in exclusive sales agreements
 - Commence Chamber member mailing and follow up
 - Commence mailing to all contacts on Council list
 - Commence mailing to local community of support brochure
 - Confirm contributions from Taskforce Members
 - Continue intensified prospecting for partnerships in Brisbane and Dalby Town Council update and revise general prospect list and develop new opportunities

KRA 1 - COMMUNITY WELLBEING

ORD.CW/3 GENERAL BUSINESS

**ORD.CW/1.2 Community Services Special Report Re: O'Keefe and Partners
Community Business Partnership ...(Cont'd)**

- Develop publicity opportunities with local media to engage the greater community
- Due to the new retail power deregulation. Prospects (Origin and Energex) were unsuccessful, upon commencement need to target new retail providers i.e. Australian Power and Gas

Officer's Recommendation

That this report be received and noted.

COUNCIL RESOLUTION

RESOLUTION INTO COMMITTEE OF THE WHOLE

MOVED and SECONDED

That the Meeting resolve into a Committee of the Whole at 4.15 p.m. to discuss financial matters.

CARRIED

RESUMPTION OF COUNCIL MEETING

MOVED and SECONDED

That the Committee of the Whole resume into open Council at 4.50 p.m.

CARRIED

PROCEEDINGS OF THE COMMITTEE OF THE WHOLE

MOVED and SECONDED

That the Report be received and noted.

CARRIED

O'Keefe and Partners retired from the Meeting at 4.50 p.m.

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 March 2007**

To His Worship the Mayor and Councillors

File No 1/12/3

Date 14th May 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 third quarter of the 2006/07 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.

Ms Rose Hamilton, SCSO joined the Meeting at 5.20 p.m.

Officer's Recommendation

That this Report be received and that the Corporate and Operational Plan quarterly review as at 31st March 2007 be received and noted.

COUNCIL RESOLUTION

MOVED and SECONDED

That this Report be received and that the Corporate and Operational Plan quarterly review as at 31st March 2007 be received and noted.

CARRIED

Ms Kerri Anderson, CSM retired from the Meeting at 6.00 p.m.

KRA 2 - OUR ORGANISATION

ORD.ORG/1 REPORTS

ORD.ORG/1.2 Financial and Information Services Report March Quarterly Budget 2006/2007

To S M Hegedus, CHIEF EXECUTIVE OFFICER

File No 2/1/1-29

Date 17 May, 2007

Responsible Officer T Bennett, DIRECTOR FINANCIAL & INFORMATION SERVICES

Signed: _____

Summary/Purpose

The purpose of this report is to present the Budget Financial Statements following the operational review for the period ended 31 March, 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 31 March, 2007 be received and noted and that the amendments as detailed in the Account Management Report for year to March 2007, be applied to the original budget allocations.

COUNCIL RESOLUTION

MOVED and SECONDED

That the Review for the period ending 31 March, 2007 be received and noted and that the amendments as detailed in the Account Management Report for year to March 2007, be applied to the original budget allocations.

CARRIED

KRA 2 - OUR ORGANISATION

ORD.ORG/1 REPORTS

ORD.ORG/1.3 Draft Councillors Remuneration Schedule 2007/08

To His Worship the Mayor and Councillors

File No 1/1/3

Date 14th May 2007

Responsible Officer S.M. Hegedus, CHIEF EXECUTIVE OFFICER

Signed: _____

Summary/Purpose

A review of Councillors remuneration and elected members representation on Committees is required.

Section 465 (1) Public Notice of resolution authorising remuneration states:-

A resolution authorising the payment of provision of remuneration to Councillors of a local government may be passed only if notice has been given of the proposed resolution.

(2) *Notice must be given by:-*

- (a) *publishing, at least 4 weeks, and not more than 6 weeks, before the meeting, a notice setting out the proposed resolution, and the day and time of the proposed meeting, in a newspaper circulated generally in its area; and*
- (b) *putting a copy of the notice on display in a conspicuous place in its public office on the day on which the notice is published under paragraph (a); and*
- (c) *keeping the copy of the notice on display until after the meeting.*

A draft copy of the remuneration schedule detailing proposed payments and benefits to Councillors with an increase of 4.0% being applied to the meeting fee for the 2007/08 financial year and the Mayor's salary is attached.

Officer's Recommendation

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

COUNCIL RESOLUTION

MOVED and SECONDED

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

CARRIED

KRA 2 - OUR ORGANISATION

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:- Alternative Light Design
Leichhardt Avenue/Black Street Intersection**

To

S M Hegedus, CHIEF EXECUTIVE OFFICER

File No

1/2/2 & 12/1/10

Date

27 April 2007

Prepared by

M. Searles, CADET TECHNICAL OFFICER – ENGINEERING SERVICES

Responsible Officer

M. P. Sullivan, DIRECTOR ENGINEERING SERVICES

Signed: _____

Summary/Purpose

The purpose of this report is to inform Council of the results of enquiries into an alternative light design for the Leichhardt Avenue/Black Street Intersection. These enquiries were conducted in response to the Council Resolution to investigate using existing poles for the lighting design (resolution moved at the Council Meeting held 13/02/2007).

Officer's Recommendation

It is recommended that the lighting design provided by Ergon Energy be used to upgrade the lighting at the intersection of Leichhardt Avenue and Black Street.

COUNCIL RESOLUTION

MOVED and SECONDED

That this Report be received and that the lighting design provided by Ergon Energy be used to upgrade the lighting at the intersection of Leichhardt Avenue and Black Street.

CARRIED

KRA 3 - BUILT ENVIRONMENT

ORD.BE/1 REPORTS

ORD.BE/1.2 Engineering Services Special Report Re: - Attendance at 2006 Queensland Public Works Conference

To S M Hegedus, CHIEF EXECUTIVE OFFICER

File No 1/2/2 & 1/15/15

Date 27 April 2007

Responsible Officer M. P. Sullivan, DIRECTOR ENGINEERING SERVICES

Signed: _____

Summary/Purpose

This report provides an overview of attendance of the 2006 Queensland Public Works Conference.

Officer's Recommendation

That this report be received and noted.

COUNCIL RESOLUTION

MOVED and SECONDED

That this report be received and noted.

CARRIED

KRA 3 - BUILT ENVIRONMENT

ORD.BE/1 REPORTS

ORD.BE/1.3 Engineering Services' Special Report Re Quotations for the Supply and Delivery (1) Light Tipper Truck, Single Cab with Loading Platform - Quotation No 2.4/8/06-07 (B)

To S M Hegedus, CHIEF EXECUTIVE OFFICER

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

Date 16 May 2007

Prepared by C. Davidson, WORKS MANAGER

Responsible Officer M. P. Sullivan, DIRECTOR ENGINEERING SERVICES

Signed: _____

Summary/Purpose

Quotations for the supply and delivery of one (1) Light Tipper Truck, single cab with loading platform – Quotation No. 2.4/8/06-07 (B) closed on Tuesday 24 April 2007 at 2-30pm.

Officer's Recommendation

It is recommended, that following consideration of favourable specification, cost of unit, history and suitability to task, that Council accept the quotation offered by Black Truck Sales for the supply and delivery of one (1) Light Tipper Truck, single cab with loading platform as per specifications at a total cost to Council of \$38,923 (GST exclusive). **This item of plant is not in the current Budget. However an amount of \$150,000 was allocated for a backhoe (plant 342) in the current budget. We have deferred this item of plant in lieu of the truck.** Budget amount for this item is \$150,000 (GST exclusive).

COUNCIL RESOLUTION

MOVED and SECONDED

That this Report be received and that following consideration of favourable specification, cost of unit, history and suitability to task, that Council accept the quotation offered by Black Truck Sales for the supply and delivery of one (1) Light Tipper Truck, single cab with loading platform as per specifications at a total cost to Council of \$38,923 (GST exclusive). This item of plant is not in the current Budget. However an amount of \$150,000 was allocated for a backhoe (plant 342) in the current budget. We have deferred this item of plant in lieu of the truck. Budget amount for this item is \$150,000 (GST exclusive).

The MOTION was LOST

KRA 3 - BUILT ENVIRONMENT

ORD.BE/1 REPORTS

ORD.BE/1.3 Engineering Services' Special Report Re Quotations for the Supply and Delivery (1) Light Tipper Truck, Single Cab with Loading Platform - Quotation No 2.4/8/06-07 (B) ...(Cont'd)

COUNCIL RESOLUTION

MOVED and SECONDED

That Council defer consideration of the purchase of the plant item until the formation of the new Council in March 2008.

CARRIED

KRA 3 - BUILT ENVIRONMENT

ORD.BE/1 REPORTS

ORD.BE/1.4 Engineering Services Special Report Re: Quotations for the Supply and Delivery (1) Tipper Truck with Front of Body Mounted Crane Quotation No 2.4/8/06-07 (A)

To S M Hegedus, CHIEF EXECUTIVE OFFICER

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

Date 16 May 2007

Prepared by C. Davidson, WORKS MANAGER

Responsible Officer M. P. Sullivan, DIRECTOR ENGINEERING SERVICES

Signed: _____

Summary/Purpose

Quotations for the supply and delivery of one (1) Tipper Truck with front of body mounted crane – Quotation No. 2.4/8/06-07 (A) closed on Tuesday 24 April at 2-30pm.

Officer's Recommendation

It is recommended, following consideration of favourable specification, cost of unit, history and suitability to task, that Council accept the quotation offered by Black Truck Sales for the supply and delivery of one (1) Tipper Truck as per specifications at a total cost to Council of \$41,224 (GST exclusive). Budget amount for this item is \$110,000 (GST exclusive).

COUNCIL RESOLUTION

MOVED and SECONDED

That Council defer consideration of the purchase of the plant item until the formation of the new Council in March 2008.

CARRIED

KRA 3 - BUILT ENVIRONMENT

ORD.BE/1 REPORTS

ORD.BE/1.5 Built Environment - Engineering Services Monthly Report - April 2007

To S.M. Hegedus, CHIEF EXECUTIVE OFFICER

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

Date 15 April 2007

Prepared by K. Gillespie, UTILITIES SERVICES OFFICER ADMINSTRATOR

Responsible Officer M.P. Sullivan, DIRECTOR ENGINEERING SERVICES

Signed: _____

Summary/Purpose

This Report details Built Environment activities for the month of April.

Officer's Recommendation

That this Report be received and noted.

COUNCIL RESOLUTION

MOVED and SECONDED

That this Report be received and noted.

CARRIED

ORD.BE/2 INWARDS CORRESPONDENCE

Nil.

ORD.BE/3 GENERAL BUSINESS

Nil.

KRA 4 - UTILITY SERVICES

ORD.UTS/1

REPORTS

ORD.UTS/1.1

Water - Engineering Services Monthly Report April 2007

To

S.M. Hegedus, CHIEF EXECUTIVE OFFICER

File No

1/2/2

Date

14 May 2007

Prepared by

T.A. Fagg, UTILITIES MANAGER

Responsible Officer

M. P. Sullivan, DIRECTOR ENGINEERING SERVICES

Signed: _____

Summary/Purpose

This Report details Water Supply activities for the month of April 2007.

Officer's Recommendation

That this Report be received and noted.

COUNCIL RESOLUTION

MOVED and SECONDED

That this Report be received and noted.

CARRIED

KRA 4 - UTILITY SERVICES

ORD.UTS/1 REPORTS

ORD.UTS/1.2 Wastewater Engineering Services' Monthly Report April 2007

To S.M. Hegedus, CHIEF EXECUTIVE OFFICER

File No 1/2/2

Date 16 May 2007

Prepared by T.A. Fagg, UTILITIES MANAGER

Responsible Officer M. P. Sullivan, DIRECTOR ENGINEERING SERVICES

Signed: _____

Summary/Purpose

This report details Sewerage undertakings for the month of April 2007.

Officer's Recommendation

That this Report be received and noted.

COUNCIL RESOLUTION

MOVED and SECONDED

That this Report be received and noted.

CARRIED

KRA 4 - UTILITY SERVICES

ORD.UTS/1 REPORTS

ORD.UTS/1.3 Gas Operations - Engineering Services Monthly Report April 2007

To S.M. Hegedus, CHIEF EXECUTIVE OFFICER

File No 1/2/7

Date 15 May 2007

Prepared by N. Martin, CUSTOMER SERVICE OFFICER - REVENUE

Responsible Officer M. P. Sullivan, DIRECTOR ENGINEERING SERVICES

Signed: _____

Summary/Purpose

This Report details operations of Council's Gas Undertaking for the month of April 2007.

Officer's Recommendation

That this Report be received and noted.

COUNCIL RESOLUTION

MOVED and SECONDED

That this Report be received and noted.

CARRIED

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 (D027-06/07) Community Services Special Report Re: Request to Change or Cancel Conditions for a Material Change of Use to Establish a Dwelling House - Munchow

To SM Hegedus, CHIEF EXECUTIVE OFFICER

File No A3478, Doc. No. 027-06/07

Date 16 May 2007

Prepared by MD Wilson, PLANNING MANAGER

Responsible Officer BF Patterson, DIRECTOR OF COMMUNITY SERVICES

Signed: _____

Summary/Purpose

DEVELOPMENT APPLICATION

Application No:	D027-06/07
Applicant:	S Munchow
Owner:	S Munchow
Site Address:	Oakwood Street, Dalby
Real Property Description:	Lots 30-34 on RP15842, Parish of Dalby
PDLU Designation:	Rural
Proposal:	Request to change or cancel conditions

The applicant contends that Condition 3. of the development approval is unreasonable and should be changed.

Officer's Recommendation

It is RECOMMENDED that

- (i) the request to change or cancel conditions be refused; and
- (ii) the applicant be advised that Council resolved to refuse the request.

KRA 5 - PLANNING AND LIVEABILITY

ORD.PAL/1

REPORTS

ORD.PAL/1.1

(D027-06/07) Community Services Special Report Re: Request to Change or Cancel Conditions for a Material Change of Use to Establish a Dwelling House - Munchow ...(Cont'd)

Planning Manager Mr Matt Wilson presented the following alternative recommendation for Council's consideration:-

- (i) the request to change or cancel conditions be approved; and
 - (ii) the applicant be advised that condition 3 is changed to read as follows:-
3. Access may be gained from Riley Street via Oakwood Street South. The developer shall construct Riley Street to Council's engineering standards as a 6 metre wide gravel standard from the intersection of Riley Street with Oakwood Street South to the entrance to the subject land. The constructed road frontage to the subject land shall be a minimum 6 metre wide seal to Council's requirements. This condition requires an Operational Works Development Application to be lodged for Council approval.

COUNCIL RESOLUTION

MOVED and SECONDED

That the Report be received and that:-

- (i) the request to change or cancel conditions be refused; and
- (ii) the applicant be advised that Council resolved to refuse the request.

CARRIED

KRA 5 - PLANNING AND LIVEABILITY

ORD.PAL/1 REPORTS

ORD.PAL/1.2 (D310-06/07) Community Services Special Report Re: Development Application for Material Change of Use to Establish a Commercial Development Class 5 – Dalby Developments #2 Unit Trust

To SM Hegedus, CHIEF EXECUTIVE OFFICER

File No A3009, Doc. No. 310-06/07

Date 16 May 2007

Prepared by MD Wilson, PLANNING MANAGER

Responsible Officer BF Patterson, DIRECTOR OF COMMUNITY SERVICES

Signed:

Summary/Purpose

DEVELOPMENT APPLICATION

Application No:	D310-06/07
Applicant:	Dalby Developments #2 Unit Trust
Owner:	Dalby Developments Pty Ltd
Site Address:	25 New Street
Real Property Description:	Lot 1 on RP54043
PDLU Designation:	Comprehensive Development Precinct 1
Zoning:	High Constraint
Proposal:	Material Change of Use to establish a Commercial Development Class 5
Area of Land:	920m ²
Submissions:	Nil

The purpose of this report is to provide Council with an assessment of the development application and seek a decision on the application.

No properly made submissions were received regarding the development application, however, a late submission was received from the Queensland Fire and Rescue Service.

Officer's Recommendation

RECOMMENDED that:

the applicant be advised that the application for Development Approval for a Material Change of Use to establish a Commercial Development Class 5 on land described as Lot 1 on RP54053, situated at 25 New Street, Dalby, is approved, subject to the following conditions:-

KRA 5 - PLANNING AND LIVEABILITY

ORD.PAL/1

REPORTS

ORD.PAL/1.2

(D310-06/07) Community Services Special Report Re: Development Application for Material Change of Use to Establish a Commercial Development Class 5 – Dalby Developments #2 Unit Trust ...(Cont'd)

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 in full prior to the commencement of use.
3. The use of the premises identified for residential purposes being Commercial Development Class 5, shall at all times accord with Section 1.4.3 of the Transitional Planning Scheme.
4. A minimum of 1 parking space shall be provided on-site per 30m² of gross floor area in accordance with the relevant Australian Standard for Off-Street Car parking. A contribution shall be paid in lieu of the provision of on-site car parking spaces where the minimum requirement is not achieved. The contribution shall be in accordance with Council's Fees and Charges Schedule at the time the contribution is paid. The fee for the 2006/2007 financial year is \$4,000 per car parking space.
5. Car parking spaces shall be maintained and kept for the purposes of parking for employees and visitors and shall remain open during business hours.
6. The external facade of the north-western and north-eastern walls shall incorporate variations in colour, materials or etchings between the ground floor and first floor.

Engineering

7. Twelve car parking spaces shall be a minimum width of 2.5 metres in accordance with the Australian Standard for Off-Street Car Parking and shall be provided on the north-western side of the proposed car park.
8. A sealed crossing in accordance with Council's standards shall be provided to Starlings Lane.
9. A mirror to assist in sighting vehicles in Starlings Lane shall be attached to the western side of the building to provide sighting to the east, for traffic safety purposes. The mirror shall be sited so as to ensure it does not create a nuisance for vehicles in Starlings Lane.

KRA 5 - PLANNING AND LIVEABILITY

ORD.PAL/1

REPORTS

ORD.PAL/1.2

(D310-06/07) Community Services Special Report Re: Development Application for Material Change of Use to Establish a Commercial Development Class 5 – Dalby Developments #2 Unit Trust ...(Cont'd)

10. 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.
11. Stormwater from roof and sealed areas shall be collected inside the subject land and discharged to Council's underground drainage system by way of concealed underground piping. Systems for the effective removal of sediments from any stormwater discharged from the site must be included as part of the stormwater system.
12. Should any services require relocation within the subject land, this shall be undertaken by the applicant at no cost to Council.
13. The New Street footpath shall be a fully constructed concrete standard from the boundary of the site to the kerb for the full width of the site connecting the existing constructed footpath to Council's standards.
14. Signage shall be provided to ensure pedestrian and public safety from vehicles entering and exiting the fire station access lane.

Environmental Health

15. 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/1.2

(D310-06/07) Community Services Special Report Re: Development Application for Material Change of Use to Establish a Commercial Development Class 5 – Dalby Developments #2 Unit Trust ...(Cont'd)

General

16. Prior to commencement of the use, all conditions of this approval must be fully satisfied. At all times while the use operates, conditions of this approval must be fully complied with.
17. Prior to submission of an operational works development application, revised drawings shall be provided incorporating the changes required by conditions of approval. The revised drawings shall be submitted for Council's review and endorsement. Revised drawings shall include all elevations and shall be generally consistent with the drawings submitted with the development application. Once endorsed, the revised plans will become the approved drawings.

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 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 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;

KRA 5 - PLANNING AND LIVEABILITY

ORD.PAL/1 REPORTS

ORD.PAL/1.2 (D310-06/07) Community Services Special Report Re: Development Application for Material Change of Use to Establish a Commercial Development Class 5 – Dalby Developments #2 Unit Trust ...(Cont'd)

- (e) It is recommended that discussions be held with Queensland Fire and Rescue Service to determine requirements for signage to ensure pedestrian and public safety from vehicles entering and exiting the fire station access lane.
-

COUNCIL RESOLUTION

MOVED and SECONDED

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

CARRIED

KRA 5 - PLANNING AND LIVEABILITY

ORD.PAL/1 REPORTS

ORD.PAL/1.3 (D450-06/07) Community Services Special Report Re: Material Change of Use to Establish a Dual Occupancy at Branch Creek Road - Naumann

To SM Hegedus, CHIEF EXECUTIVE OFFICER

File No Part A2609 No. 450-06/07

Date 15 May 2007

Prepared by MD Wilson, PLANNING MANAGER

Responsible Officer BF Patterson, DIRECTOR OF COMMUNITY SERVICES

Signed:

Summary/Purpose

DEVELOPMENT APPLICATION

Application No:	450-06/07
Applicant:	T Naumann
Owner:	TMK Pty Ltd
Site Address:	Branch Creek Road
Real Property Description:	Lot 14 on SP195598
PDLU Designation:	Residential
Zoning:	Low Constraint
Proposal:	Material Change of Use to establish a Dual Occupancy
Area of Land:	1,149m ²
Submissions:	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.

One submission was received objecting to the proposed development.

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 Occupancy comprising 2 dwelling units on land described as Lot 14 on SP195598, situated at Branch Creek Road, Dalby, is approved, subject to the following conditions:-

KRA 5 - PLANNING AND LIVEABILITY

ORD.PAL/1

REPORTS

ORD.PAL/1.3

(D450-06/07) Community Services Special Report Re: Material Change of Use to Establish a Dual Occupancy at Branch Creek Road - Naumann ...(Cont'd)

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 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 Building Works. The Landscaping Plan shall be in accordance with Council's Local Planning Policy 3 "Landscaping".
5. Landscaping shall be undertaken in accordance with the approved Landscape Plan.
6. Landscape works and associated landscape infrastructure are to be maintained at all times.
7. A minimum of 2 car parking spaces shall be provided on-site in accordance with the relevant Australian Standard for Off-Street Car Parking.
8. Car parking spaces shall be maintained and kept for the purposes of parking for visitors and residents.
9. Vehicle bollards or tyre stops shall be used to control vehicle access and protect landscaping or pedestrian areas where appropriate.
10. The height of buildings shall not exceed 8.5 metres above natural ground level.
11. Each dwelling unit shall be connected to water, sewerage, electricity and telephone.

Engineering

12. A vehicle crossover shall be provided from St Andrews Chase to the satisfaction of Council and appropriate engineering standards. Existing vehicle crossovers and kerb breaks shall be removed and replaced by kerb and channel to Council's satisfaction where required.
13. The site shall be connected to Council's reticulated water supply system to the satisfaction of Council and to relevant engineering standards.

KRA 5 - PLANNING AND LIVEABILITY

ORD.PAL/1

REPORTS

ORD.PAL/1.3

(D450-06/07) Community Services Special Report Re: Material Change of Use to Establish a Dual Occupancy at Branch Creek Road - Naumann ...(Cont'd)

14. Each dwelling unit shall be connected to internal water supply system to the satisfaction of Council and to relevant engineering standards.
15. The applicant shall pay to Council a contribution for water supply headworks at the rate applicable at the time the contribution is paid. The 2006/07 fees and charges indicate \$900 per additional unit. Calculations indicate that there are 2 additional units.
16. The site shall be connected to Council's reticulated sewerage system to the satisfaction of Council and to relevant engineering standards.
17. Each dwelling shall be connected to internal sewerage systems to the satisfaction of Council and to relevant engineering standards.
18. The applicant shall pay to Council a contribution for sewerage headworks at the rate applicable at the time the contribution is paid. The 2006/07 fees and charges indicate \$900 per additional unit. Calculations indicate that there are 2 additional units.
19. Each dwelling unit shall be provided with electricity to relevant engineering standards.
20. Electricity, telecommunication or other similar lines shall be provided underground.
21. The applicant shall pay to Council a contribution for transport headworks at the rate applicable at the time the contribution is paid. The 2006/07 fees and charges indicate \$600 per additional unit. Calculations indicate that there are 2 additional units.
22. 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 maintained at all times.
23. Stormwater from roof and sealed areas shall be collected inside the subject land and discharged to Council's underground drainage system by way of underground piping. Systems for the effective removal of sediments from any stormwater discharged from the site must be included as part of the stormwater system.

KRA 5 - PLANNING AND LIVEABILITY

ORD.PAL/1 REPORTS

ORD.PAL/1.3 (D450-06/07) Community Services Special Report Re: Material Change of Use to Establish a Dual Occupancy at Branch Creek Road - Naumann ...(Cont'd)

24. Should any services require relocation within the subject land, this shall be undertaken by the applicant at no cost to Council.

Environmental Health

25. 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

26. Prior to the commencement of the use, all conditions of this approval must be fully satisfied.
- B. The approved plans/drawings for this development approval are listed in the following table:-

Plan/Drawing Number	Plan/Drawing Name	Date
HAL014 Issue B Sheet 1	Site Plan prepared by H. French	06.04.2007
HAL014 Issue B Sheet 2	Floor Plan Unit 1 prepared by H. French	07.04.2007
HAL014 Issue B Sheet 3	Elevation Unit 1 prepared by H. French	07.04.2007
HAL014 Issue B Sheet 4	Floor Plan Unit 2 prepared by H. French	07.04.2007
HAL014 Issue B Sheet 5	Elevation Unit 2 prepared by H. French	07.04.2007

- 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;

KRA 5 - PLANNING AND LIVEABILITY

ORD.PAL/1

REPORTS

ORD.PAL/1.3

(D450-06/07) Community Services Special Report Re: Material Change of Use to Establish a Dual Occupancy at Branch Creek Road - Naumann ...(Cont'd)

- (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 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 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;

COUNCIL RESOLUTION

MOVED and SECONDED

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

CARRIED

KRA 5 - PLANNING AND LIVEABILITY

ORD.PAL/1 REPORTS

ORD.PAL/1.4 (D451-06/07) Community Services Special Report Re: Material Change of Use to Establish a Dual Occupancy at Branch Creek Road - Naumann

To SM Hegedus, CHIEF EXECUTIVE OFFICER

File No Part A2609, Doc. No. 451-06/07

Date 15 May 2007

Prepared by MD Wilson, PLANNING MANAGER

Responsible Officer BF Patterson, DIRECTOR OF COMMUNITY SERVICES

Signed:

Summary/Purpose

DEVELOPMENT APPLICATION

Application No:	451-06/07
Applicant:	T Naumann
Owner:	TMK Pty Ltd
Site Address:	Branch Creek Road
Real Property Description:	Lot 51 SP195598
PDLU Designation:	Residential
Zoning:	Low Constraint
Proposal:	Material Change of Use to establish a Dual Occupancy
Area of Land:	1,147m ²
Submissions:	Nil

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

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 Dual Occupancy comprising 2 dwelling units on land described as Lot 51 on SP195598, situated at Branch Creek Road, Dalby, is approved, subject to the following conditions:-

KRA 5 - PLANNING AND LIVEABILITY

ORD.PAL/1

REPORTS

ORD.PAL/1.4

(D451-06/07) Community Services Special Report Re: Material Change of Use to Establish a Dual Occupancy at Branch Creek Road - Naumann ...(Cont'd)

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 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 building works. The Landscaping Plan shall be in accordance with Council's Local Planning Policy 3 "Landscaping".
5. Landscaping shall be undertaken in accordance with the approved Landscape Plan.
6. Landscape works and associated landscape infrastructure are to be maintained at all times.
7. A minimum of 2 car parking spaces shall be provided on-site in accordance with the relevant Australian Standard for Off-Street Car Parking.
8. Car parking spaces shall be maintained and kept for the purposes of parking for visitors and residents.
9. Vehicle bollards or tyre stops shall be used to control vehicle access and protect landscaping or pedestrian areas where appropriate.
10. The height of buildings shall not exceed 8.5 metres above natural ground level.
11. Each dwelling unit shall be connected to water, sewer, electricity and telephone.

Engineering

12. A vehicle crossover shall be provided from Montclair Close to the satisfaction of Council and appropriate engineering standards. Existing vehicle crossovers and kerb breaks shall be removed and replaced by kerb and channel to Council's satisfaction where required.
13. The site shall be connected to Council's reticulated water supply system to the satisfaction of Council and to relevant engineering standards.

KRA 5 - PLANNING AND LIVEABILITY

ORD.PAL/1

REPORTS

ORD.PAL/1.4

(D451-06/07) Community Services Special Report Re: Material Change of Use to Establish a Dual Occupancy at Branch Creek Road - Naumann ...(Cont'd)

14. Each dwelling unit shall be connected to internal water supply system to the satisfaction of Council and to relevant engineering standards.
15. The applicant shall pay to Council a contribution for water supply headworks at the rate applicable at the time the contribution is paid. The 2006/07 fees and charges indicate \$900 per additional unit. Calculations indicate that there are 2 additional units.
16. The site shall be connected to Council's reticulated sewerage system to the satisfaction of Council and to relevant engineering standards.
17. Each dwelling shall be connected to internal sewerage systems to the satisfaction of Council and to relevant engineering standards.
18. The applicant shall pay to Council a contribution for sewerage headworks at the rate applicable at the time the contribution is paid. The 2006/07 fees and charges indicate \$900 per additional unit. Calculations indicate that there are 2 additional units.
19. Each dwelling unit shall be provided with electricity to relevant engineering standards.
20. Electricity, telecommunication or other similar lines shall be provided underground.
21. The applicant shall pay to Council a contribution for transport headworks at the rate applicable at the time the contribution is paid. The 2006/07 fees and charges indicate \$600 per additional unit. Calculations indicate that there are 2 additional units.
22. 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 maintained at all times.
23. Stormwater from roof and sealed areas shall be collected inside the subject land and discharged to Council's underground drainage system by way of underground piping. Systems for the effective removal of sediments from any stormwater discharged from the site must be included as part of the stormwater system.

KRA 5 - PLANNING AND LIVEABILITY

ORD.PAL/1

REPORTS

ORD.PAL/1.4

(D451-06/07) Community Services Special Report Re: Material Change of Use to Establish a Dual Occupancy at Branch Creek Road - Naumann ...(Cont'd)

24. Should any services require relocation within the subject land, this shall be undertaken by the applicant at no cost to Council.

Environmental Health

25. 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

26. All buildings shall be a minimum of 1.5 metres from rear and side boundaries. Buildings shall be separated from sewer lines in accordance with Council's "Zones of Influence" Policy. Revised drawings, generally in accordance with the drawings submitted in response to the request for further information and in accordance with the conditions of approval, shall be provided for Council's review and endorsement. Once endorsed, the revised plans will become the approved drawings.
27. Prior to the commencement of the use, all conditions of this approval must be fully satisfied.
- B. 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.

KRA 5 - PLANNING AND LIVEABILITY

ORD.PAL/1

REPORTS

ORD.PAL/1.4

(D451-06/07) Community Services Special Report Re: Material Change of Use to Establish a Dual Occupancy at Branch Creek Road - Naumann ...(Cont'd)

- (d) The **relevant period** for the development approval (material change of use) shall be **four (4) years** starting the day the approval is granted or takes effect. In accordance with Section 3.5.21(1) of the IPA, the development approval for 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 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;

COUNCIL RESOLUTION

MOVED and SECONDED

That this Report be received and the recommendations contained therein be adopted with the amendment to Condition 26 to read as follows:-

26. All buildings shall be a minimum of 900mm from side boundaries. Buildings shall be separated from sewer lines in accordance with Council's "Zones of Influence" Policy. Revised drawings, generally in accordance with the drawings submitted in response to the request for further information but complying with the conditions of approval, shall be provided for Council's review and endorsement. Once endorsed, the revised plans will become the approved drawings.

CARRIED

KRA 5 - PLANNING AND LIVEABILITY

ORD.PAL/1 REPORTS

ORD.PAL/1.5 (D452-06/07) Community Services Special Report Re: Material Change of Use to Establish a Dual Occupancy at Branch Creek Road - Naumann

To SM Hegedus, CHIEF EXECUTIVE OFFICER

File No Part A2609, Doc. No. 452-06/07

Date 15 May 2007

Prepared by MD Wilson, PLANNING MANAGER

Responsible Officer BF Patterson, DIRECTOR OF COMMUNITY SERVICES

Signed:

Summary/Purpose

DEVELOPMENT APPLICATION

Application No:	452-06/07
Applicant:	T Naumann
Owner:	TMK Pty Ltd
Site Address:	Branch Creek Road
Real Property Description:	Lot 52 SP195598
PDLU Designation:	Residential
Zoning:	Low Constraint
Proposal:	Material Change of Use to establish a Dual Occupancy
Area of Land:	1,331m ²
Submissions:	Nil

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

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 Dual Occupancy comprising 2 dwelling units on land described as Lot 52 on SP195598, situated at Branch Creek Road, Dalby, is approved, subject to the following conditions:-

KRA 5 - PLANNING AND LIVEABILITY

ORD.PAL/1

REPORTS

ORD.PAL/1.5

(D452-06/07) Community Services Special Report Re: Material Change of Use to Establish a Dual Occupancy at Branch Creek Road - Naumann ...(Cont'd)

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 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 building works. The Landscaping Plan shall be in accordance with Council's Local Planning Policy 3 "Landscaping".
5. Landscaping shall be undertaken in accordance with the approved Landscape Plan.
6. Landscape works and associated landscape infrastructure are to be maintained at all times.
7. A minimum of 2 car parking spaces shall be provided on-site in accordance with the relevant Australian Standard for Off-Street Car Parking.
8. Car parking spaces shall be maintained and kept for the purposes of parking for visitors and residents.
9. Vehicle bollards or tyre stops shall be used to control vehicle access and protect landscaping or pedestrian areas where appropriate.
10. The height of buildings shall not exceed 8.5 metres above natural ground level.
11. Each dwelling unit shall be connected to water, sewer, electricity and telephone.

Engineering

12. A vehicle crossover shall be provided from Montclair Close to the satisfaction of Council and appropriate engineering standards. Existing vehicle crossovers and kerb breaks shall be removed and replaced by kerb and channel to Council's satisfaction where required.
13. The site shall be connected to Council's reticulated water supply system to the satisfaction of Council and to relevant engineering standards.

KRA 5 - PLANNING AND LIVEABILITY

ORD.PAL/1

REPORTS

ORD.PAL/1.5

(D452-06/07) Community Services Special Report Re: Material Change of Use to Establish a Dual Occupancy at Branch Creek Road - Naumann ...(Cont'd)

14. Each dwelling unit shall be connected to internal water supply system to the satisfaction of Council and to relevant engineering standards.
15. The applicant shall pay to Council a contribution for water supply headworks at the rate applicable at the time the contribution is paid. The 2006/07 fees and charges indicate \$900 per additional unit. Calculations indicate that there are 2 additional units.
16. The site shall be connected to Council's reticulated sewerage system to the satisfaction of Council and to relevant engineering standards.
17. Each dwelling shall be connected to internal sewerage systems to the satisfaction of Council and to relevant engineering standards.
18. The applicant shall pay to Council a contribution for sewerage headworks at the rate applicable at the time the contribution is paid. The 2006/07 fees and charges indicate \$900 per additional unit. Calculations indicate that there are 2 additional units.
19. Each dwelling unit shall be provided with electricity to relevant engineering standards.
20. Electricity, telecommunication or other similar lines shall be provided underground.
21. The applicant shall pay to Council a contribution for transport headworks at the rate applicable at the time the contribution is paid. The 2006/07 fees and charges indicate \$600 per additional unit. Calculations indicate that there are 2 additional units.
22. 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 maintained at all times.

KRA 5 - PLANNING AND LIVEABILITY

ORD.PAL/1

REPORTS

ORD.PAL/1.5

(D452-06/07) Community Services Special Report Re: Material Change of Use to Establish a Dual Occupancy at Branch Creek Road - Naumann ...(Cont'd)

23. Stormwater from roof and sealed areas shall be collected inside the subject land and discharged to Council's underground drainage system by way of underground piping. Systems for the effective removal of sediments from any stormwater discharged from the site must be included as part of the stormwater system.
24. Should any services require relocation within the subject land, this shall be undertaken by the applicant at no cost to Council.

Environmental Health

25. 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

26. All buildings shall be a minimum of 1.5 metres from rear and side boundaries. Buildings shall be separated from sewer lines in accordance with Council's "Zones of Influence" Policy. Revised drawings, generally in accordance with the drawings submitted in response to the request for further information and in accordance with the conditions of approval, shall be provided for Council's review and endorsement. Once endorsed, the revised plans will become the approved drawings.
 27. Prior to the commencement of the use, all conditions of this approval must be fully satisfied.
- B. 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.

KRA 5 - PLANNING AND LIVEABILITY

ORD.PAL/1

REPORTS

ORD.PAL/1.5

(D452-06/07) Community Services Special Report Re: Material Change of Use to Establish a Dual Occupancy at Branch Creek Road - Naumann ...(Cont'd)

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 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 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.

COUNCIL RESOLUTION

MOVED and SECONDED

That this Report be received and the recommendations contained therein be adopted with the amendment to Condition 26 to read as follows:-

26. All buildings shall be a minimum of 900mm from side boundaries. Buildings shall be separated from sewer lines in accordance with Council's "Zones of Influence" Policy. Revised drawings, generally in accordance with the drawings submitted in response to the request for further information but complying with the conditions of approval, shall be provided for Council's review and endorsement. Once endorsed, the revised plans will become the approved drawings.

CARRIED

KRA 5 - PLANNING AND LIVEABILITY

ORD.PAL/1 REPORTS

ORD.PAL/1.6 (D453-06/07) Community Services Special Report Re: Material Change of Use to Establish a Dual Occupancy at Branch Creek Road - Naumann

To SM Hegedus, CHIEF EXECUTIVE OFFICER

File No Part A2609, Doc. No. 452-06/07

Date 15 May 2007

Prepared by MD Wilson, PLANNING MANAGER

Responsible Officer BF Patterson, DIRECTOR OF COMMUNITY SERVICES

Signed:

Summary/Purpose

DEVELOPMENT APPLICATION

Application No:	453-06/07
Applicant:	T Naumann
Owner:	TMK Pty Ltd
Site Address:	Branch Creek Road
Real Property Description:	Lot 59 SP195598
PDLU Designation:	Residential
Zoning:	Low Constraint
Proposal:	Material Change of Use to establish a Dual Occupancy
Area of Land:	1,331m ²
Submissions:	Nil

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

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 Occupancy comprising 2 dwelling units on land described as Lot 53 on SP195598, situated at Branch Creek Road, Dalby, is approved, subject to the following conditions:-

KRA 5 - PLANNING AND LIVEABILITY

ORD.PAL/1

REPORTS

ORD.PAL/1.6

(D453-06/07) Community Services Special Report Re: Material Change of Use to Establish a Dual Occupancy at Branch Creek Road - Naumann ...(Cont'd)

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 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 building works. The Landscaping Plan shall be in accordance with Council's Local Planning Policy 3 "Landscaping".
5. Landscaping shall be undertaken in accordance with the approved Landscape Plan.
6. Landscape works and associated landscape infrastructure are to be maintained at all times.
7. A minimum of 4 car parking spaces shall be provided on-site in accordance with the relevant Australian Standard for Off-Street Car Parking.
8. Car parking spaces shall be maintained and kept for the purposes of parking for visitors and residents.
9. Vehicle bollards or tyre stops shall be used to control vehicle access and protect landscaping or pedestrian areas where appropriate.
10. The height of buildings shall not exceed 8.5 metres above natural ground level.
11. Each dwelling unit shall be connected to water, sewer, electricity and telephone.

Engineering

12. A vehicle crossover shall be provided from Turnberry Way to the satisfaction of Council and appropriate engineering standards. Existing vehicle crossovers and kerb breaks shall be removed and replaced by kerb and channel to Council's satisfaction where required.
13. The site shall be connected to Council's reticulated water supply system to the satisfaction of Council and to relevant engineering standards.

KRA 5 - PLANNING AND LIVEABILITY

ORD.PAL/1

REPORTS

ORD.PAL/1.6

(D453-06/07) Community Services Special Report Re: Material Change of Use to Establish a Dual Occupancy at Branch Creek Road - Naumann ...(Cont'd)

14. Each dwelling unit shall be connected to internal water supply system to the satisfaction of Council and to relevant engineering standards.
15. The applicant shall pay to Council a contribution for water supply headworks at the rate applicable at the time the contribution is paid. The 2006/07 fees and charges indicate \$900 per additional unit. Calculations indicate that there are 2 additional units.
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17. Each dwelling shall be connected to internal sewerage systems to the satisfaction of Council and to relevant engineering standards.
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19. Each dwelling unit shall be provided with electricity to relevant engineering standards.
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21. The applicant shall pay to Council a contribution for transport headworks at the rate applicable at the time the contribution is paid. The 2006/07 fees and charges indicate \$600 per additional unit. Calculations indicate that there are 2 additional units.
22. 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 maintained at all times.
23. Stormwater from roof and sealed areas shall be collected inside the subject land and discharged to Council's underground drainage system by way of underground piping. Systems for the effective removal of sediments from any stormwater discharged from the site must be included as part of the stormwater system.

KRA 5 - PLANNING AND LIVEABILITY

ORD.PAL/1

REPORTS

ORD.PAL/1.6

(D453-06/07) Community Services Special Report Re: Material Change of Use to Establish a Dual Occupancy at Branch Creek Road - Naumann ...(Cont'd)

24. Should any services require relocation within the subject land, this shall be undertaken by the applicant at no cost to Council.

Environmental Health

25. 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

26. All buildings shall be a minimum of 1.5 metres from rear and side boundaries. Buildings shall be separated from sewer lines in accordance with Council's "Zones of Influence" Policy. Revised drawings, generally in accordance with the drawings submitted in response to the request for further information and in accordance with the conditions of approval, shall be provided for Council's review and endorsement. Once endorsed, the revised plans will become the approved drawings.
27. Prior to the commencement of the use, all conditions of this approval must be fully satisfied.
- B. 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.

KRA 5 - PLANNING AND LIVEABILITY

ORD.PAL/1

REPORTS

ORD.PAL/1.6

(D453-06/07) Community Services Special Report Re: Material Change of Use to Establish a Dual Occupancy at Branch Creek Road - Naumann ...(Cont'd)

- (d) The **relevant period** for the development approval (material change of use) shall be **four (4) years** starting the day the approval is granted or takes effect. In accordance with Section 3.5.21(1) of the IPA, the development approval for 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 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.

COUNCIL RESOLUTION

MOVED and SECONDED

That this Report be received and the recommendations contained therein be adopted with the amendment to Condition 26 to read as follows:-

26. All buildings shall be a minimum of 900mm from side boundaries. Buildings shall be separated from sewer lines in accordance with Council's "Zones of Influence" Policy. Revised drawings, generally in accordance with the drawings submitted in response to the request for further information but complying with the conditions of approval, shall be provided for Council's review and endorsement. Once endorsed, the revised plans will become the approved drawings.

CARRIED

KRA 5 - PLANNING AND LIVEABILITY

ORD.PAL/1 **REPORTS**

ORD.PAL/1.7 **Community Services Monthly Town Planning Report - April 2007**

To SM Hegedus, CHIEF EXECUTIVE OFFICER

File No 1/2/8

Date 16 May 2007

Prepared by MD Wilson, PLANNING MANAGER

Responsible Officer BF Patterson, DIRECTOR OF COMMUNITY SERVICES

Signed: _____

Summary/Purpose

This Report details Town Planning activities for the month of April 2007.

Officer's Recommendation

That this Report be received and noted.

COUNCIL RESOLUTION

MOVED and SECONDED

That this Report be received and noted.

CARRIED

KRA 5 - PLANNING AND LIVEABILITY

ORD.PAL/1 **REPORTS**

ORD.PAL/1.8 **Community Services Monthly Building Report - April 2007**

To S M Hegedus, CHIEF EXECUTIVE OFFICER

File No 1/2/9

Date 17th May 2007

Prepared by S A Cameron, CUSTOMER SERVICE OFFICER

Responsible Officer B Patterson, DIRECTOR COMMUNITY SERVICES

Signed: _____

Summary/Purpose

This Report details building activities for the month of April 2007.

Officer's Recommendation

That this Report be received and noted.

COUNCIL RESOLUTION

MOVED and SECONDED

That this Report be received and noted.

CARRIED

KRA 5 - PLANNING AND LIVEABILITY

ORD.PAL/1 **REPORTS**

ORD.PAL/1.9 **Community Services Special Report Re: Easement Over Lot 327 on AG3744 Between Lot 3 on RP2105 and Myall Creek - Fitzsimmons**

To SM Hegedus, CHIEF EXECUTIVE OFFICER

File No P.1744 & 22/2/2, Doc. No. 447710

Date 17 May 2007

Responsible Officer BF Patterson, DIRECTOR OF COMMUNITY SERVICES

Signed: _____

Summary/Purpose

To inform Council of an easement request that has been submitted for Lot 327 on AG3744 between Lot 3 on RP2105 and Myall Creek.

Officer's Recommendation

That the applicant be informed that Council cannot accede to the request and that the water supply infrastructure currently in place be removed.

Mr S M Hegedus, CEO confirmed correspondence had been received from the applicant withdrawing their application Water Act 2000 Easement requirements for Lot 327 on AG3744 between Lot 3 on RP2105 and Myall Creek.

KRA 5 - PLANNING AND LIVEABILITY

ORD.PAL/1 **REPORTS**

ORD.PAL/1.10 **Community Services Special Report Re: Local Laws Review**

To SM Hegedus, CHIEF EXECUTIVE OFFICER

File No 1/5/2, Doc. No. 432704

Date 17 May 2007

Responsible Officer BF Patterson, DIRECTOR OF COMMUNITY SERVICES

Signed:

Summary/Purpose

To provide Council with a report on the Local Law reviews that had been resolved to be carried out.

Officer's Recommendation

That reviews of Local Law No. 20 Commercial Use of Roads and Local Law No. 11 Control of Advertisements be deferred until the 2008 elections.

COUNCIL RESOLUTION

MOVED and SECONDED

That this Report be received and that the reviews of Local Law No. 20 Commercial Use of Roads and Local Law No. 11 Control of Advertisements be deferred until the 2008 elections.

CARRIED

KRA 5 - PLANNING AND LIVEABILITY

ORD.PAL/1 REPORTS

ORD.PAL/1.11 Community Services Monthly Report Re: Health and Environment - April 2007

To SM Hegedus, CHIEF EXECUTIVE OFFICER

File No 1/2/4

Date 17 May 2007

Prepared by JK Mager, CUSTOMER SERVICE OFFICER

Responsible Officer BF Patterson, DIRECTOR OF COMMUNITY SERVICES

Signed: _____

Summary/Purpose

To present the report on the activities of Council's Health and Environment Program for April 2007.

Officer's Recommendation

That this report be received and noted.

COUNCIL RESOLUTION

MOVED and SECONDED

That this report be received and noted.

CARRIED

ORD.PAL/2 INWARDS CORRESPONDENCE

Nil.

ORD.PAL/3 GENERAL BUSINESS

Nil.

KRA 6 - ECONOMIC PROSPERITY

ORD.ECP/1 REPORTS

Nil.

ORD.ECP/2 INWARDS CORRESPONDENCE

Nil.

ORD.ECP/3 GENERAL BUSINESS

Nil.

KRA 1 - COMMUNITY WELLBEING

ORD.CW/1

REPORTS

ORD.CW/1.1

Community Services Monthly Report Re: Social, Cultural and Sporting Development April 2007

To

SM Hegedus, CHIEF EXECUTIVE OFFICER

File No

1/2/13

Date

17 May 2007

Prepared by

RA Hamilton, SOCIAL CULTURAL & SPORTING OFFICER

Responsible Officer

BF Patterson, DIRECTOR OF COMMUNITY SERVICES

Signed: _____

Summary/Purpose

This report details Social, Cultural and Sporting Development activities for the month of April 2007.

Officer's Recommendation

That this report be received and noted.

COUNCIL RESOLUTION

MOVED and SECONDED

That this report be received and noted.

CARRIED

Ms Rose Hamilton retired from the Meeting at 7.00 p.m.

KRA 1 - COMMUNITY WELLBEING

ORD.CW/1 REPORTS

ORD.CW/1.2 Ministerial Statement Council Workers No Forced Redundancies Jobs Guaranteed Two Years

File No 4/1/5 & 4/1/18-3

Summary/Purpose

A joint statement has been issued from the Premier and Minister for Local Government Planning and Sport assuring Council staff around Queensland that there will be no forced redundancies as a result of the Local Government Reform process.

Premier Peter Beattie and Minister Andrew Fraser announced a staff support package that would ensure local government sector employees who want to keep working for Councils will be able to do so and no forced redundancies for two years from March 2008.

ORD.CW/1.3 Mayor seeks permission Stephen Hegedus Attend IPWEA International Public Works Conference 26 August 2007

File No 5/3/8 & 1/15/15, Doc. No. 456780

Summary/Purpose

The Mayor sought Council's consideration and approval for Mr Stephen Hegedus, CEO to attend the presentation ceremony at the International Public Works Conference to be held at Cairns from 26 - 30 August 2007, during which the National Local Government Engineering Medal will be presented.

Stephen Hegedus won the IPWEAQ Engineer of the Year Award in 2005, and he has been nominated by the IPWEAQ Board for this prestigious award in 2007.

Council was unanimous in its approval for the CEO to attend.

MEETING CLOSURE

The Meeting concluded at 7.15 p.m.

I hereby certify that the foregoing is a true record of the Minutes of the Proceedings of the Ordinary Meeting held this twenty-second day of May 2007.

Submitted to the Ordinary Meeting of Council held this twenty-ninth day of May 2007.

Signed:

Cr Geisel
MAYOR OF DALBY

23rd May 2007

APPENDIX / ATTACHMENTS
