

# **CAMBOOYA SHIRE COUNCIL**



**Minutes**

**for**

**Ordinary Meeting**

**21 March 2007**



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### CAMBOOYA SHIRE COUNCIL

Minutes of the Ordinary Meeting held in the Council Chambers, Greenmount  
on Wednesday 21 March 2007, commencing at 9:00am

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**PRESENT**

Cr CE Taylor (Mayor)  
Cr MA Williams (Deputy Mayor)  
Cr NB Schmidt  
Cr FW Mengel  
Cr MJ MacGinley  
Cr MR Middleton  
I Stevenson (Chief Executive Officer)  
GW Scheiwe (Director Engineering Services)  
KM Phillips (Personal Assistant)

The Mayor opened the meeting at 9:00am.

**1. APOLOGIES – LEAVE OF ABSENCE**

Crs Gordon and Moule advised that they were unable to attend the Meeting.

*Resolution 01/0307*

Moved by Cr Middleton, seconded by Cr Schmidt, that Crs Gordon and Moule be granted leave of absence from the Meeting.

**Carried**

**Attendance**

At 9:02am Cr Robertson attended the meeting.

**2. CONFIRMATION OF MINUTES**

Council is requested to confirm the Minutes of the Ordinary Meeting of Council held on 21 February 2007.

*Resolution 02/0307*

Moved by Cr Mengel, seconded by Cr Middleton, that the Minutes of the Ordinary Meeting of Council held on 21 February 2007 which have been circulated to Councillors, be confirmed subject to typographical errors on pages 7 and 20 being corrected.

**Carried**

**Attendance**

At 9:04am the Manager Development Services attended the meeting.

### 3. RECEIPT AND CONSIDERATION OF OFFICERS' REPORTS

#### A) DEVELOPMENT SERVICES

##### A.1 Application PSW/2007/07 Boundary Clearance Variation for a sales display office building on Lot 1 RP162507, Parish of Cambooya and situated at 13129 New England Highway, Cambooya

**Applicant:** Richard Old  
**Owner:** TAR & JR Old

An application was received for a boundary clearance variation for a new sales display building located on Lot 1 RP162507, Parish of Cambooya and situated at 13129 New England Highway, Cambooya. The proposed building is 54m<sup>2</sup> and is proposed to be sited approximately 4m from the New England Highway boundary. The property has an area of 4.87ha.

A copy of proposal letters, plan and aerial photo of the property were attached for Councillors information. The applicant states that the proposed building is for sales display offices for Precision Steel Framing who intend establishing a steel frame fabrication business. The building will be erected adjacent to the windmill and tank stand.

A Material Change of Use (produce shed, two display sheds and workshops, toilet block, restaurant centre and retail sales) was approved by Council at its meeting of 19 October 2005.

#### **Planning Scheme**

The Rural Development Code under the *Planning Scheme* requires that a building and associated outbuildings in a rural area are set back 50m from the New England Highway. The *Planning Scheme* does not specify a set back distance for commercial development in a rural area. However, consideration of the levels, depth, shape or conditions of the allotment and the nature of any existing or proposed buildings or structures on adjoining allotments should be made.

#### **Referral Agency Response**

The Department of Main Roads (Concurrence Agency) advice states that they require the building to be no closer than 4m to the New England Highway boundary.

#### **Comments**

The proposed single story office/display (metal cladding) building is to be located 4m from the New England Highway boundary, with an eave high of 2.4m. The building will be located adjacent to the existing driveway access from the New England Highway and will be accessed directly from the existing car park. Staff will utilise the existing toilet and car parking facilities.

While there is no acceptable solution specified for commercial proposals located in a Rural Land Use Area in the *Planning Scheme*, the building design, scale and siting should be compatible with the existing character of the area.

The proposed development is an extension of the existing commercial business that provides retail sales and services to the local area. It is considered that the position of the proposed building will not detract from the amenity of the area and Council could approve the siting variation because of the commercial use of the premises.

*Resolution 03/0307*

Moved by Cr Williams, seconded by Cr Middleton, that a development permit be issued for a sales display office with a floor area of 54m<sup>2</sup> to be located 4m from the New England Highway boundary on Lot 1 RP162507, Parish of Cambooya and situated at 13129 New England Highway, Cambooya as the building will not detract from the amenity of the area.

**Carried**

**A.2 Application PSW/2007/08 for an Oversized Shed exceeding 110m<sup>2</sup> in floor area and 3m in height on Lot 5 RP841721, Parish of Drayton situated at 24 Mt Rascal Road, Mt Rascal**

**Applicant: Richard Gosper**  
**Owner: Richard Gosper**

An application was received for an oversized shed, 144m<sup>2</sup> in floor area and 4.8m in wall height, on the above rural residential property with an area of 1.111ha. A copy of the proposal letter, plan and aerial photo were attached for Councillors information.

**Planning Scheme**

The Rural Residential Development Code under the *Planning Scheme* requires that an acceptable solution for code assessable development is that outbuildings do not exceed 80m<sup>2</sup> in floor area in the Rural Residential Land Use Area.

**Comments**

The proposed shed is located approximately 12m from the northern property boundary and 24m from the eastern boundary and is 144m<sup>2</sup> in area with a height of 4.8m. The applicant has indicated that the oversized garage will be for storage of machinery such as bobcat, excavator, motor bikes, tools and household items.

The applicant has submitted letters of support from two adjoining property owners. Copies were attached for Councillors information.

The building will be positioned in the centre of the allotment and the slab/foundations will be cut into the land approximately 1.8m deep on the north eastern side. It is considered that the amenity of the adjoining properties will not be affected.

*Resolution 04/0307*

Moved by Cr Schmidt, seconded by Cr MacGinley, that a development permit be issued for an oversized shed with a floor area of 144m<sup>2</sup> and wall height of 4.8m on Lot 5 RP841721, Parish of Drayton situated at 24 Mt Rascal Road, Mt Rascal subject to the following conditions:

1. Usage is limited to home use and includes no direct or indirect commercial benefits, and no permanent occupation.
2. No external lighting other than sensor lighting is permitted.
3. Drainage is effectively managed to avoid erosion or runoff.
4. Provide suitable landscaping around the building to minimise visual impacts.
5. The building is not to be used for human habitation.

**Carried**

**A.3 Development Application RAL/2006/0031 for Reconfiguration of Lot (Subdivision) on Lot 77 on RP23190, Parish of Hodgson situated at Pittsworth Felton Road, Felton**

**Applicant: Byrne Surveyors**

**Owner: D & R Aquilini**

An application was received for the reconfiguration (subdivision) of Lot 77 on RP23190, Parish of Hodgson situated at Pittsworth Felton Road, Felton. A copy of the site plan was attached for Councillors information.

**Planning Scheme**

The property is included in the Rural Land Use Area of the *Planning Scheme*. The parent lot is situated in the Rural (Plains Landscape) Area of the *Planning Scheme* which requires a minimum lot size of 40ha and minimum road frontage of 200m to a road.

**Proposal**

The applicant proposed to subdivide the existing lot into four lots with one lot area of 83.63ha and the other 3 lot areas of 40ha. Lots 2, 3 and 4 have a minimum 200m road frontage to Pittsworth Felton Road. Proposed Lot 1 will have a 622m frontage to Toowoomba Karara Road. Proposed Lot 1 will retain the existing dwellings, farm sheds and bore while Lots 2, 3 and 4 will be vacant.

**Referral Agencies**

The application was referred to the Department of Natural Resources and Water (DNR&W) for advice on land management, surface and groundwater and soil conservation matters. The land is covered by property Plan No SC300499 (Farm Unit Felton-4-S) under the *Soil Conservation Act 1986* and there are surface water and ground water entitlements.

DNR&W advised that the initial proposal posed a risk of land degradation and recommended the boundary between Lot 2 and Lot 3 be located perpendicular to the flowpath of Hodgson Creek. A copy of this advise was attached for Councillors information.

The applicant advised that they have consulted DNR&W and will locate the boundary between Lot 2 and Lot 3 approximately perpendicular to the Hodgson Creek to avoid the risk of a diversion of floodwaters. They advise that the land has ground water and surface water entitlements and is regulated under the *Water Act 2000 and the Water Resource (Condamine-Balonne Rivers) Plan 2004*.

The land is identified as Good Quality Agricultural Land (Overlay Map 2) and largely contains cultivated crop land and is identified in the Felton Coal deposit key resource area (Overlay Map 5). The Department of Mines & Energy advise they have no issues with the subdivision.

The application was referred to the Department of Main Roads who require that accesses be constructed in accordance with their minimum standards. A copy of this information was attached for Councillors information.

### Services

Electricity supply is available to the proposed lots from the overhead service.

### Comments

As the proposed development fronts two Main Roads, only a minimum road contribution will be required for each of the roads in accordance with Planning Policy No.3 - Roadworks Standards and Contributions.

The proposed subdivision complies with the requirements of section 4.10 Reconfiguring of a Lot Code of the *Planning Scheme*. The boundaries of the lots will be located in order to prevent the risk of a diversion of floodwaters. The land is identified in the flood plain of the Hodgson Creek, however there are areas on the allotments that are suitable for building sites.

The subdivision will require the owner to amend the water licence under the *Water Act 2000* and is also regulated under the *Water Resource (Condamine-Balonne Rivers) Plan 2004*.

Council could approve the proposal as the reconfiguration of lots is of an appropriate size and configuration to sustain the utility and productive capacity of the land for rural purposes, and maintains the current land management practices.

#### *Resolution 05/0307*

Moved by Cr Schmidt, seconded by Cr MacGinley, that a Development Permit be issued for a subdivision of land described as Lot 77 RP23190, Parish of Hodgson situated at Pittsworth Felton Road, Felton into 4 lots subject to the following conditions:

#### **General**

1. A security for the total value of works and contributions not completed or paid for, must be lodged when the Plan of Survey plan is submitted for Council endorsement (based on estimate of cost by Council's Engineering Department following design by a Registered Professional Engineer). An unconditional security is to be delivered to Council's Office at 54 Hodgson Street, Greenmount.
2. Declared plants and any existing environmental weeds on the property are to be destroyed.
3. Authority be given to affix Council's Common seal to the Plan of Survey and documents associated with this approval.
4. All outstanding rates and charges on the land are to be paid prior to the sealing of the Plan of Survey.

5. The contributions payable will be those fees and charges applicable at the time of sealing the Plan of Survey.
6. Payment of Department of Natural Resources and Water valuation fees of \$160 (ie 4 x \$40) which will result from the issue of split valuations.
7. Payment of a sealing fee of \$100 per Plan of Survey.
8. Plan of Survey to be provided in electronic format for MGA Zone 56 (GDA 94) co-ordinates.

#### **Roadworks**

9. Payment of Roadworks Contribution of \$4,000 (2006/07 Schedule of Fees and Charges).

#### **Electricity**

10. Provision to be made to service the lots to Ergon's specifications including connection to the existing overhead power infrastructure. Applicant is to provide Council with a copy of the signed Offer Agreement from Ergon Energy.

#### **Referral Agency Advice**

11. The approved Soil Conservation Plan is to be amended in accordance with the *Soil Conservation Act 1986*.

**Carried**

**The Manager Development Services summarised the following matters for Councillors information:**

#### **A.4 Private Certification – FIMA & Associates (P\Bell04)**

During the course of a routine inspection programme by the Local Laws Officer it was discovered that a removal dwelling intended for relocation to 4 Bell Street, Greenmount (Lot 73 RP30160) had been relocated to the incorrect allotment at 6 Bell Street, Greenmount (Lot 72 RP30160).

The approval was granted by a private certifier (FIMA & Associates - Mark McKechnie) on 7 May 2004. A review of the information supplied to Council reveals no record of inspections being undertaken or a final certificate (Form 21) being issued by the private certifier.

#### *Resolution 06/0307*

Moved by Cr Robertson, seconded by Cr MacGinley, that a complaint be lodged to the Queensland Building Services Authority against Mark McKechnie – QPDB Pty Ltd for approving a dwelling situated at 4 Bell Street, Greenmount (Lot 73 RP30160) which was subsequently erected on the incorrect property known as 6 Bell Street, Greenmount (Lot 72 RP30160).

**Carried**

#### **A.5 Planning and Environment Court – Fenton Appeal**

Manager Development Services advised that directions orders were issued by Judge Alan Wilson SC on 14 March 2007 allowing Council to consolidate existing and further grounds for refusal and requiring 2 without prejudice meetings prior to the hearing in the matter.

**Noted**

**A.6 Wyreema Skate Park**

Cambooya Shire Council has received a grant of \$60,000 under the Local Sport and Recreation Program 2007 towards constructing a skate park facility at Obst Park, Wyreema.

**Noted****Attendance**

At 9:43am the Manager Development Services retired from the meeting.

**B) CORPORATE SERVICES****B.1 Accounts for Payment**

*Resolution 07/0307*

Moved by Cr Middleton, seconded by Cr Mengel, that the accounts paid during the month of February 2007 totalling \$1,020,731.38 be confirmed, as detailed below:

Operating Fund	Vouchers 17783 - 17820	\$	76,940.31
	EFT Payments 5253 - 5403	\$	943,791.07
	(the above figures include \$40,900 Trust Fund Monies)		

**Carried****B.2 Financial Statements (F\F1\_2)**

- a) Statement of Financial Performance
- b) Operating Statement
- c) Statement of Financial Position
- d) Statement of Cash Flows

*Council reviewed the financial information provided with the Agenda.*

**Noted**

**C) ENGINEERING SERVICES REPORT****C.1 Request for B-Double Route – Greenmount-Etonvale Road (A\D2\_13)**

An application was received at the Department of Main Roads from Young Transport to operate 25m B-Doubles on Greenmount-Etonvale Road and Greenmount Connection Road (refer attached correspondence). Council has been asked to comment on the application.

The application is to operate from the existing as-of-right route on the New England Highway, on Greenmount-Etonvale Road and Greenmount Connection Road to access Kialla Pure Foods on Greenmount-Etonvale Road. Greenmount Connection Road is a declared Main Road and is under the control of Main Roads. Greenmount-Etonvale Road is a Council controlled road.

The general existing standard of Greenmount-Etonvale Road is 6m width seal on an 8m formation and the existing traffic is approximately 1,200 vehicles per day. Programmed improvement works in the next two years will see the alignment improved at Stenzel Gully and the width increased to 9m seal on a 9m formation for the full length.

Main Roads has issued draft guidelines for recommended road widths for multi-combination vehicles (a copy of this was provided for Councillors information). In this table, Greenmount-Etonvale Road does not meet the desired widths in its current state, however it will be suitable once upgraded. It is believed that B-Doubles already use this route. While not currently complying with the guidelines, it is considered that Greenmount-Etonvale Road is suitable for use by B-Doubles. The entrance to Kialla Pure Foods is also considered to be adequate for this use.

*Resolution 08/0307*

Moved by Cr Middleton, seconded by Cr Mengel, that Council offers no objection to the proposed 25m B-Double route on the southern portion of the Greenmount-Etonvale Road and Greenmount Connection Road on a temporary basis for 12 months only to access Kialla Pure Foods. Further that access and egress to Kialla Pure Foods is to be from the south only.

**Carried****C.2 Request for reimbursement for road construction – Lots 95-101 Clifton Street, Greenmount**

Correspondence has been received from David and Pauline Peake requesting a variation to Council's normal policy regarding this matter (letter and map were provided for Councillors information).

The owners of the property are proposing to erect a dwelling on each of the seven lots in question. If the dwellings are erected one at a time starting at the southern end, Council will refund up to \$8,000 each time towards the construction under its normal contribution policy. This situation is not preferred as it would result in the construction of several very short sections of road. To avoid this situation, the owner proposed to pay up front for construction of the full length of Clifton Street to service all of his properties, with Council to reimburse \$8,000 each time a house is completed, to the point where the full road construction cost has been refunded.

This solution is a practical approach to the problem and is believed to follow the intent of Council's policy.

The owner has been quoted a price of \$32,422 (incl GST) by Council to construct Clifton Street. This price is to construct up to a 6m wide seal on 8.5m formation. If the owner was subdividing, then kerb and channel would also be a requirement, however in this case, it is considered that having no kerb and channel is in keeping with the surrounding area.

The small size of these lots (ranging from 807m<sup>2</sup> – 809m<sup>2</sup> each) means that on-site disposal of sewerage is also a consideration. This cannot be assessed until applications are made for building permits, with the size and configuration of each dwelling determining the on-site disposal area needs. If some or all of the lots are too small for disposal for their proposed dwelling, then boundary reconfiguration could be an option. However, it is likely that the lots are adequately sized to support disposal for small homes on each of the existing lots.

The owner also needs to be aware that there may be difficulties with on-site sewerage disposal, which could limit the number of dwellings he could erect on these properties.

A review of Council's Policy regarding this matter may also be prudent to clarify such matters in the future. A copy of the existing Policy was attached for Councillors information. Strictly interpreted, it only applies to reconfiguring a lot or material change of use, and it only applies to gravelling of unformed roads.

*Resolution 09/0307*

Moved by Cr Robertson, seconded by Cr Mengel, that Council defer this matter pending further advice.

**Carried**

## **Adjournment**

The meeting adjourned for morning tea at 10:35am and resumed at 11:12am with all attending members (excluding Cr Middleton who retired from the Meeting at 11:10am), the Chief Executive Officer, Director Engineering Services, Manager Development Services and Personal Assistant in attendance.

### **C.3 Shire Infrastructure Inspection and Community Consultation Meeting**

The Director Engineering Services tabled a proposed Shire Infrastructure Inspection Schedule for 2 May 2007 and discussion also took place regarding the proposed annual Community Consultation Meeting.

It was agreed that the Shire Infrastructure Inspections would take place on 2 May 2007 and that the Community Consultation Meeting would be held on 9 May at the Wyreema Hall commencing at 7:30pm, subject to availability of the Hall.

### **C.4 Report - Lease Conditions, Wyreema Treatment Plant Land**

Councillors endorsed the report by the Chief Executive Officer, regarding the lease conditions of the Wyreema treatment plant land, detailed in the business papers.

### C.5 Funding of Sign – Hodgson Vale Sports Club

At the Ordinary Meeting of Council held on 22 December 2006, Council moved to contribute an amount up to a maximum of \$2,000 (inc GST) to enable a community billboard to be erected at Lions Park, subject to Department of Main Roads approval for the location of the sign (Resolution 11/1206).

A verbal request has since been received from the Hodgson Vale Sports Club asking Council to meet the costs of having the sign erected and that the Club be allowed to reimburse its share of these costs (\$2,000 incl GST) to Council over a period of time.

*Resolution 10/0307*

Moved by Cr Schmidt, seconded by Cr MacGinley, that Council decline the request to allow Hodgson Vale Sports Club to reimburse its share of these costs (\$2,000 incl GST) to Council over a period of time.

**Carried**

### C.6 Cambooya Landcare Association – The Glovebox Guide

The Manager Development Services advised that Cambooya Landcare Association Inc is seeking a loan from Council to fund the booklet "The Glovebox Guide - A guide to managing vegetation in Cambooya Shire". This guide includes general information on vegetation management including grazing, fire and weeds. The costing of a glovebox guide is anticipated to be \$15 each.

*Resolution 11/0307*

Moved by Cr Robertson, seconded by Cr Schmidt, that Council loan Cambooya Landcare Association Ltd an amount of up to \$3,000 (excl GST) to make up the shortfall of producing the Glovebox Guide, which would be repaid as the books are sold.

**Carried**

## 4. GENERAL BUSINESS

### Chief Executive Officer

#### a. SSS Response – Council Contribution to Consultant Studies.

The CEO referred to proceedings of the DDROC SSS Review Group Meeting of 23 February 2007, where this Council's response in relation to the funding of the various consultant studies proposed as part of the process, was discussed.

It was resolved that this Council re-iterate its previous decision that it would not fund \$1,000 for the Toowoomba Statistical Division Study and \$9,000 for the Cambooya/Jondaryan/Pittsworth merger amalgamation study proposal, as it believes that both were not in the best interests of our community.

- b. Proposed that Council endorse the draft Memorandum of Understanding, prepared to formalise a proposed Alliance between the Cambooya, Jondaryan and Pittsworth Shire Councils, to further develop our interest in exploring the advantages/disadvantages of developing a Shared Services Charter between us based on the New England Strategic Alliance of Councils Model.

It was resolved that the Mayor and CEO be authorised to sign the Memorandum of Understanding, on Council's behalf.

- c. Tabled a letter from the Minister for Local Government, Planning and Sport seeking any concerns Council may have regarding the scheduled election date and Easter public holidays, coupled with SSS. Council endorsed the draft reply supplied by the Chief Executive Officer advising that, essentially, this Council sees no reason to not hold the quadrennial elections on 29 March 2008 as planned.
- d. Provided an update on the status of the Melbourne Brisbane Inland Rail Alliance following a meeting in Toowoomba attended by the Mayor and himself.

*Resolution 12/0307*

Moved by Cr Robertson, seconded by Cr MacGinley, that this Council formally resolves to offer its support to the Melbourne to Brisbane Inland Rail Alliance, in its efforts to promote the concept of a Melbourne to Brisbane Inland Rail link, and that our local State and Federal members be advised accordingly.

Further, that to confirm our support for the Alliance, that Council provides a donation of \$200 to assist with its promotion of the link.

**Carried**

- e. Advised of the need to employ a suitably qualified person to undertake the necessary financial requirements of Council (ie. preparation of financial statements, etc.) and that the position would be advertised shortly.
- f. Discussed the benefits of the LG Asset Program, an asset management mentoring and improvement program. The key aim of LG Asset is to raise awareness of the need for a whole of organisation approach to asset management, provide the tools and a best practice framework to enable continuous improvement of Councils' asset management practices and processes. Councillors resolved that LGAQ be advised that Cambooya Shire Council would participate in the LG Asset Program from the commencement of the new financial year.
- g. Advised that he had arranged for a consultant from Brandons to review our Bizeasset system with a view to finalising asset values for the 2006/07 year.

**Mayor**

Presented information regarding the strong community support and time provided by Jondaryan Shire resident Eric Folker at Wyreema to the communities in both Shires. Mr Folker has been nominated for Jondaryan Shire Australia Awards on four occasions without receiving an award. It was agreed that Cambooya Shire Council present Mr Folker with a certificate of appreciation at the April Meeting followed by morning tea in recognition of his outstanding community service.

**Cr Mengel**

Advised that the Cambooya School ANZAC service is on Tuesday 24 April, 2007. It was agreed that Cr Mengel will represent Council at this event.

**5. NEXT MEETING**

The next Ordinary Meeting of Council will be held on 18 April 2007.

**6. CLOSURE**

There being no further business, the Mayor closed the meeting at 12:45pm.

Council at the Ordinary Meeting held on 18 April 2007 confirmed these minutes.

Certified Correct ..... **MAYOR**

