

# **CAMBOOYA SHIRE COUNCIL**



**Confirmed Minutes**

**for**

**Ordinary Meeting**

**18 April 2007**



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### CAMBOOYA SHIRE COUNCIL

**Minutes of the Ordinary Meeting held in the Council Chambers, Greenmount  
on Wednesday 18 April 2007, commencing at 9:00am**

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**PRESENT**

Cr CE Taylor (Mayor)  
Cr FW Mengel  
Cr MJ MacGinley  
Cr MR Middleton  
Cr PD Gordon  
I Stevenson (Chief Executive Officer)  
GW Scheiwe (Director Engineering Services)  
MR Lisle (Manager Development Services)  
KM Phillips (Personal Assistant)

The Mayor opened the meeting at 9:05am.

**Attendance**

At 9:09am Cr Schmidt attended the meeting.

**Attendance**

At 9:22am Cr Williams attended the meeting.

**1. APOLOGIES – LEAVE OF ABSENCE**

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

*Resolution 01 /0407*

Moved by Cr Mengel, seconded by Cr MacGinley, that Councillors Robertson and Moule be granted leave of absence from the Meeting.

**Carried**

**2. CONFIRMATION OF MINUTES**

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

*Resolution 02 /0407*

Moved by Cr Middleton, seconded by Cr Mengel, that the Minutes of the Ordinary Meeting of Council held on 21 March 2007, which have been circulated to Councillors, be confirmed.

**Carried**

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

#### A) DEVELOPMENT SERVICES

##### A.1 Application PSW/2007/05 for an access easement to a bore on Lots 1 & 2 RP105342 Parish of Etonvale and situated at 413 Drayton Connection Road, Finnie.

**Applicant:** J & S Geldens

**Owner:** J & S Geldens and Joan Nicol

An application was received for a proposed access easement to a bore located on Lot 2 RP105342 situated at 417 Drayton Connection Road, Finnie. A copy of the letter, concept plan and aerial photo were attached for Councillors information.

#### **Planning Scheme**

The proposed easement is located in the Rural (buffer) area of the *Planning Scheme* which requires a minimum lot size of 16ha and a minimum road frontage of 200m. The existing lots have an area of 1,750m<sup>2</sup> and will remain the same size.

The Reconfiguration of a Lot Code of the *Planning Scheme* states that "A proposed lot is smaller than provided for in A1.3, and the reconfiguring is a boundary rearrangement that would not create any additional lots and would improve the relationship of the lots to natural features, or would otherwise provide for the implementation of improved land management practices".

#### **Referral Agency**

The application was submitted to the Department of Main Roads (Concurrence Agency) who stated that they have no requirements.

#### **Comments**

The existing lots contain dwellings and outbuildings and have the shared use of a bore located on Lot 1 RP105342. The proposed easement (Easement B) on Lot 2 RP105342 will allow access to the shared bore for maintenance purposes. A concession could be granted from the payment of road contributions as the proposal is for an access easement only and the existing lot areas will remain. No additional lots will be created.

*Resolution 03 /0407*

Moved by Cr Gordon, seconded by Cr Middleton, that a Development Permit be issued for Reconfiguration of a Lot (access Easement) on Lots 1 and 2 RP105342 Parish of Etonvale and situated at 413 and 417 Drayton Connection Road, Finnie subject to the following conditions:

**General**

1. Authority be given to affix Council's Common Seal to the Plan of Survey and documents associated with this approval. All outstanding rates and charges on the land are to be paid prior to the sealing of the Plan of Survey.
2. The contributions and infrastructure charges payable will be those fees and charges applicable at the time of sealing the Plan of Survey (the contributions and infrastructure charges specified below are the rates for 2006/07 financial year).
3. Payment of Department of Natural Resources and Water valuation fees of \$80 (ie. 2 x \$40) which will result from the issue of split valuations.
4. Payment of a sealing fee of \$100 per Plan of Survey.
5. The Plan of Survey to be provided in electronic format for MGA Zone 56 (GDA 94) co-ordinates.

**Carried**

**A.2 Application RAL/2007/06 for Reconfiguration of Lot (Boundary Realignment) on Lot 1 RP202065 and Lot 2 RP106322 Parish of Cambooya situated at 13314 and 13328 New England Highway, Cambooya**

**Applicant:** T and A Tarlington and G and C Burnett-Smith

**Owner:** T and A Tarlington and G and C Burnett-Smith

An application was received for the reconfiguration (boundary realignment) of Lot 1 RP202065 and Lot 2 RP106322, situated at 13314 and 13328 New England Highway, Cambooya. A copy of letter, original survey plan dated 3 October 1984, proposed plan and aerial photo was attached for Councillors information.

**Background**

Council at its Meeting of 16 March 2005 approved a boundary realignment of Lot 1 RP202065 and Lot 2 RP106322 to provide adequate clearance for the buildings and to incorporate some existing building structures. The Plan of Survey was sealed by Council on 23 August 2005, but has not been registered.

**Planning Scheme**

The proposed lot is situated in the Rural Land Use area of the *Planning Scheme* which requires a minimum lot size of 40ha and a frontage of 200m.

Section 3.1.1 states that the Rural Land Use Area “*is intended to be used for a range of rural pursuits, including agriculture and animal husbandry*” and further that “*Subdivision for rural residential or residential purposes is not intended in the Rural Land Use Area, as it is catered for by the Rural Residential or Township Land Use Areas.*”

Section 4.10.3 – A1.4 states an acceptable solution as follows “*A proposed lot is smaller than provided for in A1.3, and the reconfiguring is a boundary rearrangement that would not create any additional lots and would improve the relationship of the lots to natural features, or would otherwise provide for the implementation of improved land management practices*”.

### **Referral Agency**

The application was sent to the Department of Main Roads (Concurrence Agency) and Department of Natural Resources and Water (Advice Agency Conditions). The Department of Main Roads advised that they have no requirements.

Department of Natural Resources and Water (NRW) advised that as the land is mapped as Good Quality Agricultural Land (GQAL) the land should not be built on unless there is an overriding need for the development in accordance with *State Planning Policy 1/92; Development and Conservation of Agricultural Land*.

They further advise “*The information received by NRW does not demonstrate that there is an overriding need for boundary realignment to occur at the proposed location, however if Council is satisfied there is an overriding need at this location the department would not object to this development in this instance*”.

The land is covered by Farm Code CAM-7-B approved under the *Soil Conservation Act 1986*. NRW advise that the applicant is to liaise with them regarding the proposed soil conservation works.

They also advise that an amendment to the existing water entitlement of 29ML/year (Water Licence 56615R) for irrigation purposes under the *Water Act 2000* will be required. A copy of NRW’s response is attached.

### **Services**

Frank Road is a gravel road along the frontage of the property. A corner truncation is required at the corner of Frank Road and the New England Highway. Minimum roadworks contributions for boundary realignment in a rural area of \$2,000 each is required for both Frank Road and the New England Highway. Council would not be responsible for the upgrading of the road to a bitumen standard (applicant is to bear the cost if required)

### **Comments**

The proposal is to realign the boundary between Lots 1 and 2. The size of the reconfigured allotments would not change significantly but would result in a vacant allotment (5.86ha) with a 200m frontage to Frank Road. The balance area will be approximately 36.2ha and would ultimately contain the existing 2 dwellings with access to New England Highway. The reconfiguration (boundary realignment) is less than the required 40ha required by the *Planning Scheme* for the Rural Land Use Area.

The applicant states that the owner of Lot 1 will continue to operate the commercial undertaking and the dwelling (presently on Lot 2) will house a manager to oversee the export facility. The proposed Lot 6 will be transferred to F & T Tarlington, whose intention is to build a new home upon this allotment.

Council must be satisfied that there is an overriding need to allow this boundary realignment in this instance.

Council may consider that the provisions set out in Section 4.10.3 – A1.4 of the *Planning Scheme* (which defines an acceptable solution) are met in this case. Although the existing lot areas are non compliant, they will not change with the proposed reconfiguration (boundary realignment) and the reconfiguration will not create additional lots.

If Council were to approve the application the following conditions should apply.

**“General**

1. *An unconditional security, in accordance with Council’s Policy for the works, services, contributions and headworks not completed, must be lodged when the survey plan is submitted for Council endorsement (based on estimate of cost by Council’s Engineering Services Section following design by a Registered Professional Engineer). The unconditional security is to be delivered to Council’s Office at 54 Hodgson Street, Greenmount.*
2. *Declared plants and 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 survey plan.*
5. *The contributions and infrastructure charges payable will be those fees and charges applicable at the time of sealing the Plan of Survey (the contributions and infrastructure charges specified below are the rates for 2006/07 financial year).*
6. *Payment of Department of Natural Resources and Water valuation fees of \$80 (ie. 2 x \$40) which will result from the issue of split valuations.*
7. *Payment of a sealing fee of \$100 per Plan of Survey.*
8. *Compliance with the provisions of the Aboriginal Cultural and Heritage Act 2003*
9. *The Plan of Survey is to be provided in electronic format for MGA Zone 56 (GDA 94) co-ordinates.*

**Approved Plans**

10. *The reconfiguration is to be developed in accordance with the proposal plan submitted by the applicant as determined by Council.*

**Roadworks**

10. *Provide a 3 chord 6m truncation at the intersection of Frank Road and New England Highway.*

**Road Contributions**

12. *A minimum roadworks contribution of \$4,000 (\$2,000 each for Frank Road and the New England Highway) is required in accordance with Council’s Policy No.3*

**Electricity**

13. Provision to be made to service the lots to Ergon's specifications including connection to the existing overhead power infrastructure.

**Soil Conservation**

14. Prior to sealing the Plan of Survey, construct a new contour bank on proposed Lot 6 to carry run-off in accordance with the Soil Conservation Act 1986 (attachment Plan B).
15. The Water Licence (56615R) is to be amended in accordance with the Water Act 2000."

The smaller allotment produced as a result of the reconfiguration is in conflict with the section 3.1.1 of the *Planning Scheme* which states that the intent of Land Use in Rural areas is "to be used for a range of rural pursuits, including agriculture and animal husbandry."

This development is also in conflict with the *State Planning Policy 1/92; Development and Conservation of Agricultural Land*, which states "the fact that existing farm units and smallholdings are not agriculturally viable does not in itself justify their further subdivision or rezoning for non-agricultural purposes. Subdivision provisions and policies should be devised in a way that encourages amalgamation of titles where this would enhance farm viability."

The policy is not designed to inhibit restructuring and farm amalgamation, and, in some instances subdivision will be necessary to enable assimilation with adjoining properties. The key principle should be whether an overriding need in terms of benefit to the community can be demonstrated for the development of this particular location.

A more desirable outcome would be to amalgamate the two lots to be consistent with the existing use of the property and the intent of the Rural Land Use area.

**Resolution 04/0407**

Moved by Cr Gordon, seconded by Cr Middleton, that the application be approved for Reconfiguration of Lots (Boundary Realignment) for land described as Lot 1 RP202065 and Lot 2 RP106322, Parish of Cambooya situated at 13314 and 13328 New England Highway, Cambooya as the boundary rearrangement would not create any additional lots and would provide for the implementation of improved land management practices subject to the following conditions:

**General**

1. An unconditional security, in accordance with Council's Policy for the works, services, contributions and headworks not completed, must be lodged when the survey plan is submitted for Council endorsement (based on estimate of cost by Council's Engineering Services Section following design by a Registered Professional Engineer). The unconditional security is to be delivered to Council's Office at 54 Hodgson Street, Greenmount.
2. Declared plants and 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 survey plan.
5. The contributions and infrastructure charges payable will be those fees and charges applicable at the time of sealing the Plan of Survey (the contributions and infrastructure charges specified below are the rates for 2006/07 financial year).
6. Payment of Department of Natural Resources and Water valuation fees of \$80 (ie. 2 x \$40) which will result from the issue of split valuations.
7. Payment of a sealing fee of \$100 per Plan of Survey.
8. Compliance with the provisions of the Aboriginal Cultural and Heritage Act 2003
9. The Plan of Survey is to be provided in electronic format for MGA Zone 56 (GDA 94) co-ordinates.

#### **Approved Plans**

10. The reconfiguration is to be developed in accordance with the proposal plan submitted by the applicant as determined by Council.

#### **Roadworks**

11. Provide a 3 chord 6m truncation at the intersection of Frank Road and New England Highway.
12. Council will not be responsible for any costs associated with the upgrading of Frank Road to a bitumen standard. Any costs for such an upgrade are to be met by the applicant.

#### **Road Contributions**

13. A minimum roadworks contribution of \$4,000 (\$2,000 each for Frank Road and the New England Highway) is required in accordance with Council's Policy No.3

#### **Electricity**

14. Provision to be made to service the lots to Ergon's specifications including connection to the existing overhead power infrastructure.

#### **Soil Conservation**

15. Prior to sealing the Plan of Survey, construct a new contour bank on proposed Lot 6 to carry run-off in accordance with the Soil Conservation Act 1986 (attachment Plan B).
16. The Water Licence (56615R) is to be amended in accordance with the Water Act 2000."

**Carried**

**A.3 Application PSW/2007/09 for Boundary Clearance Variation for a shed on Lot 14 RP13858, Parish of Cambooya and situated at 11 Balfour Street, Wyreema**

**Applicant:** Jason Shuttleworth  
**Owner:** Jason & Ann Shuttleworth

An application was received for a boundary clearance variation for a shed located on Lot 14 RP13858, Parish of Cambooya and situated at 11 Balfour Street, Wyreema. The proposed shed is 54m<sup>2</sup> and is proposed to be sited approximately 0.5m from the southern boundary to clear the existing bore.

A copy of the proposal letter, plan and aerial photo of the property were attached for Councillors information. The applicant stated that the proposed shed will be used to store a boat, additional vehicle and garden tools.

**Planning Scheme**

The Residential Development Code under the *Planning Scheme* requires that a house and associated outbuildings in a Township area is set back 6m from the front and 1.5m from rear and side boundaries. The *Planning Scheme* provides that a lesser distance may be approved having regard to the levels, depth, shape or conditions of the allotment and the nature of any existing or proposed buildings or structures on adjoining allotments.

**Comments**

The location of the existing bore and sewer main restricts the position of the proposed shed. The proposed shed is to be located 750mm from the existing sewer main (CED system) and the owner has submitted an engineers design to ensure that the foundations will not place an additional load on the CED main.

The proposed shed is to be positioned at the rear of the allotment behind the existing carport and dwelling. The existing carport is located on the southern boundary. It is considered that the position of the proposed shed will not detract from the amenity of the adjoining premises.

*Resolution 05/0407*

Moved by Cr Mengel, seconded by Cr MacGinley, that a development permit be issued for a Boundary Clearance Variation from 1.5m to 0.5m from the southern boundary for a shed (floor area 54m<sup>2</sup>) on Lot 14 RP13858, Parish of Cambooya and situated at 11 Balfour Street, Wyreema due to the location of the existing bore and subject to the following condition:

1. The shed be constructed in accordance with design Plan No F/20006/204-1 – P R Wilkes & Associates, Registered Professional Engineer of Queensland (RPEIQ), to ensure that the shed will not place an additional load on the CED service.

**Carried**

**A.4 Development Application RAL/2006/32 Request for Negotiated Conditions of Approval for Lot (1 lot into 6 lots) of Lot 3 on RP196523, Parish of Drayton situated at 66 Geddes Road, Top Camp**

**Applicant:** P Currey  
**Owner:** P Currey

A Request to Negotiate Conditions of Approval was received for RAL/2006/32 for Lot 3 on RP196523, Parish of Drayton, situated at 66 Geddes Road, Top Camp into 6 lots. The Decision Notice was issued on 27 February 2007. A copy of the request, locality plan, decision notice and aerial photo were attached for Councillors information.

The development provides for the subdivision of an allotment that contains steep sloping land. This will result in larger allotments to the west of the proposed new road (Lots 4, 5 and 6 will be between 7,155m<sup>2</sup> and 1,123ha), with the proposed Lots 4 and 5 having access via a shared concrete driveway from the new road. Easements B & C will be created to protect access rights.

**Conditions to be Negotiated**

The applicant requested to negotiate several conditions for approval:

**Condition 13 (c)**

*“A kerbed and landscaped median treatment (including underground irrigation) is to be constructed in the centre of the cul-de-sac to provide 3 on-street carparking spaces.”*

The applicant requests that the above condition be deleted for the following reasons:

1. Cul-de-sac size would need to be enlarged to safely incorporate central car parking bays.
2. Lot sizes in excess of 4000m<sup>2</sup> do not require additional spaces within the road reserve.
3. Underground irrigation to service a landscaped median should not be a requirement considering current water restrictions.

**Comment**

- The request is to delete the requirement for on-street carparking. The cul-de-sac size should be adequate for the condition imposed. The applicant needs to prove that 3 parking bays cannot be accommodated, in which case 2 bays would then be acceptable.
- Council has required on-street parking in cul-de-sacs in other residential areas in the past. It is considered that it is a reasonable requirement.
- Underground irrigation to service the landscaped median treatment would help to reduce Council's future maintenance costs. It may not be prudent to utilise such a system in the current dry conditions, however, it could be utilised at some time in the future.

**Condition 20**

*“The lots are to be provided with wastewater treatment systems in accordance with the On Site Sewerage Code and AS 1547:2000. A copy of each site assessment is to be submitted to Council for approval, prior to construction of any dwelling. All disposal areas must be above the Peak Water Surface Level for Q<sub>100</sub> events and evidence of the ability to comply with this condition is to be supplied prior to the sealing of the plan.”*

The applicant requests that the last sentence be amended to read: *“Determination of Q<sub>100</sub> level is to be finalised prior to lodgement applications for building approval and siting of waste treatment systems”.*

**Comment**

- The Q<sub>100</sub> level needs to be determined now so that it can be demonstrated that there are suitable areas available on each lot for building sites and effluent disposal.

**Condition 23**

*“The stormwater drainage pipe in Easement A is to extend within 10m of the southern boundary of the development.”*

The applicant requests that this condition be amended to allow for the provision of an overland grassed swale drain as an alternative to an underground pipe.

*“We’d like to make reference to Item 23. We’d like to ask that, subject to Engineering Design, that consideration be given to a grassed waterway (or whatever the correct term is) for the drainage water across much of block 6. The fall from the roundabout is not great so the velocity of the water will be too much. Getting the drainage water onto a grassed waterway asap makes much more sense than discharging it close to the boundary. The velocity of water will be less when it flows across the boundary, and the more that can be retained in the soil within block 6 the better.”*

**Comment**

- The stormwater coming from the cul-de-sac needs to be taken underground by pipe rather than having an open drain. It is preferable to have this water piped as far as possible towards the edge of the development, to avoid drainage issues and minimise maintenance of open drains within the development.

**Condition 18**

*“Provision of a 100mm diameter water main along the full length of the new internal road and the access handle to lots 4 and 5, including water connections to service each allotment and fire hydrants and valves as required to service the subdivision.”*

**Condition 26**

*“Provision of a water easement over the section of water main not located within the road reserve (ie. in the access handle to Lot 4 or 5). The documentation associated with the easement will be prepared by the applicant, in Council’s standard format, to the satisfaction of the Chief Executive Officer.”*

The applicant states that they believe a water easement should not be required over private water supply lines within the confines of the allotment.

**Comment**

- This easement is not required if the 100mm water main (see Condition 18) is allowed to terminate at the end of the internal road, and not extend along the access handles to Lots 4 and 5. This is considered to be an acceptable solution.

**Condition 27**

*“Provision of a 2m wide concrete pathway for the Geddes Road frontage of the development, to connect with the existing footpath in Geddes Road.”*

The applicant states that *“We’d like to present an argument against the requirements for a footpath (item 27). It simply makes no sense and is inconsistent with all other recent developments. The most recent was Beaully Drive (the Avocado Orchard) – there are no footpaths. We can understand why there is a footpath down the steep part of Geddes Road – it would be quite dangerous not to have one there. But there is no reason why we should be required to provide a footpath along our frontage.”*

**Comment**

- A footpath in Geddes Road is consistent with the surrounding area. There is an existing footpath directly to the south and further to the north.

*Resolution 06/0407*

Moved by Cr Schmidt, seconded by Cr Gordon, that a Negotiated Development Permit be issued for a Reconfiguration of Lot (1 lot into 6 lots) described as Lot 3 RP196523 Parish of Drayton, 66 Geddes Road, Top Camp subject to the following:

1. Alter Condition 13c as follows:

“A kerbed and landscaped median treatment (including underground irrigation) or the provision of dry landscaped area (ie gravel, bark chips or paving), is to be constructed in the centre of the cul-de-sac to provide 3 on-street carparking spaces.”

2. That Condition 20 remain unaltered.
3. That Condition 23 remain unaltered.
4. Change Condition 18 as follows:

“Provision of a 100mm diameter water main along the full length of the new internal road, including water connections to service each allotment and fire hydrants and valves as required to service the subdivision.”

5. Delete Condition No 26.
6. That Condition 27 remain unaltered.

**Carried**

**A.5 Application PSW/2007/11 for Boundary Clearance Variation for an addition to existing dwelling on Lot 3 RP907528 Parish of Hodgson and situated at 35 Bermingham Road, Greenmount**

**Applicant:** Michael Fischer  
**Owner:** Michael Fischer

An application was received for a boundary clearance variation for an addition to an existing dwelling located on Lot 1 RP907528 Parish of Hodgson and situated at 35 Bermingham Road, Greenmount. The proposed addition is 166m<sup>2</sup> and is proposed to be sited approximately 7.8m from the southern boundary. The property has an area of 4ha. A copy of the concept plan, letter from adjoining owner and aerial photo of the property were attached for Councillors information.

### **Planning Scheme**

The Rural Development Code under the *Planning Scheme* requires that a building and associated outbuildings in a rural area are set back 15m from the road or side boundary. The 15m setback requirement provides for adequate clearance between boundaries and will ensure that the building design is consistent with the amenity and its built impact in the rural area.

### **Comments**

Approval was given to relocate a removal building (proposed additions to the existing dwelling) to the property pending the issue of a plumbing and building approval on 20 February 2007. The proposed additions (weatherboard removal building) have been erected on site approximately 7.8m from the southern boundary prior to obtaining an approval.

A building and plumbing application has been submitted, and will be issued following the approval of a boundary concession.

A letter has been received from the adjoining owner situated at 72 Bermingham Road stating that they have no objection to the proposal. The proposed development is an extension of the existing dwelling and it is considered that the position of the building will not detract from the amenity of the area. Council could approve the siting variation due to the location of the existing dwelling.

*Resolution 07/0407*

Moved by Cr Mengel, seconded by Cr Schmidt, that a development permit be issued for a boundary clearance variation from 15m to 7.8, from the side boundary for additions to an existing dwelling on Lot 3 RP907528, Parish of Hodgson, situated at 35 Bermingham Road, Greenmount as the building will not detract from the amenity of the area.

**Carried**

**A.6 Application PSW/2007/010 for Boundary Clearance Variation for additions to an existing dwelling on Lot 28 RP846804 Parish of Drayton and situated at 12 Pendoma Drive, Hodgson Vale**

**Applicant:** Peter Schwerin  
**Owner:** P & V Schwerin

An application was received for a boundary clearance variation for an addition to the existing dwelling located on Lot 28 RP846804 Parish of Drayton and situated at 12 Pendoma Drive, Hodgson Vale. The proposed addition is 15.2m<sup>2</sup> and is proposed to be sited approximately 4.8m from the southern boundary. The property has an area of 4,041m<sup>2</sup>.

A copy of proposal letters, plan of the property and floor plan of the proposed addition were attached for Councillors information. The applicant states that the proposed addition is for a single bedroom and verandah.

**Planning Scheme**

The Residential Development Code under the *Planning Scheme* requires that a house and associated outbuildings in a Rural Residential area is set back 6m from all boundaries. The *Planning Scheme* provides that a lesser distance may be approved having regard to the levels, depth, shape or conditions of the allotment and the nature of any existing or proposed buildings or structures on adjoining allotments.

**Comments**

The existing dwelling was approved on 8 June 1993 with a boundary setback of 4.8m from the southern boundary.

A letter was received from the adjoining neighbours stating that they have no objection to the proposal and was attached for Councillors information. It is considered that the position (4.8m from the southern boundary) of the proposed addition will not detract from the amenity of the adjoining premises as it is located parallel with the existing dwelling.

*Resolution 08/0407*

Moved by Cr Williams, seconded by Cr Middleton, that a development permit be issued for an addition to the existing dwelling with a floor area of 15.2m<sup>2</sup> to be located 4.8m from the southern boundary on Lot 28 RP846804 Parish of Drayton and situated at 12 Pendoma Drive, Hodgson Vale as the addition will not detract from the amenity of the area.

**Carried****A.7 Application RAL/2007/05 for Reconfiguration of Lot (Boundary Realignment) on Lot 2 RP53635 & Lot 1 RP149748 Parish of Cambooya situated at 1850 Toowoomba-Karara Road, Cambooya****Applicant: Murray Todd****Owner: Murray Todd**

An application was received for the realignment of the boundaries for Lot 2 RP53635 & Lot 1 RP149748, situated at 1850 Toowoomba-Karara Road, Cambooya. The existing Lot 1 will be reduced from 100.8ha to 68ha and have a 20m frontage access to Greenup Road. The existing Lot 2 will increase in area from 51.218ha to approximately 68ha in area. A copy of the proposal letter and concept plan was attached for Councillors information.

**Planning Scheme**

The property is included in the Rural Land Use Area (Plains Landscape) of the *Planning Scheme*. The parent lots are 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.

**Services**

The proposed Lot 2 will retain the existing dwelling, farm sheds, bore and cultivated land while Lot 1 will contain predominantly cultivated crop land, an old woolshed, mill and have access to Hodgson Creek for stock watering purposes.

Greenup Road is constructed to a gravel standard apart from the remaining 200m (approximately). Electricity is required to be available to each lot.

**Referral Agency**

The application was sent to the Department of Main Roads (Concurrence Agency) who advise that they have no requirements.

The application was also referred to the Department of Natural Resources and Water (Third party Advice Agency Conditions Attached), as the land is identified in the *Planning Scheme* mapping as containing Good Quality Agricultural Land (Overlay Map 2), for advice on land management, surface and groundwater and soil conservation matters. The land is covered by a property Plan (Property Plan No SC300034 and known as Farm Unit Cambooya No 10/B) under the *Soil Conservation Act 1986*. NRW advise that the application does not trigger any water related issues as long as the applicant amends the water licences to be attached to the new lot on plan details prior to disposal. A copy of this letter is attached for Councillors information.

## Comments

A minimum road contribution of \$2,000 will be required for the Toowoomba Karara Road frontage in accordance with *Planning Policy No.3 - Roadworks Standards and Contributions – boundary realignments* (contributions are the rates for 2006/07 financial year). The remaining 200m of Greenup Road will need to be upgraded from “formed only” to a gravel constructed standard with a dedicated turnaround area established at the end of Greenup Road (within Lot 1) as the road reserve is only 20m wide. The turnaround area will need to be 30m x 30m and will require relocation of a section of the drainage contour.

The proposed lot on Greenup Road does not comply with the minimum frontage requirement of 200m, however it is considered that the construction of a turnaround area (cul-de-sac) will be an acceptable solution in this instance.

The reconfiguration will follow the existing fence line and contours, maintain the existing Easement ‘A’ over proposed Lot 1 and will benefit Lot 2 for access to Greenup Road.

The proposed subdivision generally complies with the requirements of section 4.10 Reconfiguring of a Lot Code of the *Planning Scheme*. 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 09/0407*

Moved by Cr Middleton, seconded by Cr Schmidt, that a Development Permit be issued for Reconfiguration of Lots (Boundary Realignment) for land described as Lot 2 RP53635 & Lot 1 RP149748 Parish of Cambooya situated at 1850 Toowoomba-Karara Rd, Cambooya subject to the following conditions:

#### **General**

1. An unconditional security, in accordance with Council’s Policy for the works, services, contributions and headworks not completed, must be lodged when the survey plan is submitted for Council endorsement (based on estimate of cost by Council’s Engineering Services Department). The 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 and infrastructure charges payable will be those fees and charges applicable at the time of sealing the Plan of Survey (the contributions and infrastructure charges specified below are the rates for 2006/07 financial year).
6. Payment of Department of Natural Resources and Water valuation fees of \$80 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.

#### **Approved Plans**

9. The reconfiguration is to be developed in accordance with the proposal plan submitted by the applicant, as determined by Council.

**Easements**

10. A copy of the easement documentation is to be submitted to Council for approval prior to the sealing the Plan of Survey.

**Roadworks**

11. The applicant is to construct the remaining 200m of Greenup Road (from the entrance of 127 Greenup Road to the development) to a constructed gravel standard. Construction is to include clearing, drainage, formation earthworks and gravelling (4.3m wide pavement, 200mm compacted depth) to provide an all weather road, and is to include a gravel turnaround with a radius of 11m. The gravel road edge is to be a minimum of 4m from the road reserve boundary at all points.
12. Dedication of a 30m x 30m section of Lot 1 RP149748 as road for construction of the gravel turnaround (at the end of Greenup Road).
13. Minimum road contribution of \$2,000 (as per schedule of fees and charges for the 2006/07 year) in accordance with policy for boundary realignment.

**Referral Agency Advice**

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

**Electricity**

15. Developer to enter into an agreement with Ergon Energy to supply power to the development. The applicant is to submit advice from Ergon Energy that an agreement has been made to provide electricity reticulation mains, at the applicant's cost, to each new allotment prior to the Plan of Survey being sealed by Council.

**General Engineering Requirements**

16. All engineering designs are to be submitted to Council for Operational Works and engineering approval prior to commencement of work.

**Carried**

**A.8 Application RAL/2006/25 request for Negotiated Conditions of Approval for Lot (Subdivision of 1 Lot into 23 lots) on Lot 84 SP144302 Parish of Cambooya and situated at 50 – 56 William Street, Cambooya**

**Applicant:** Stylco Pty Ltd  
**Owner:** Stylco Pty Ltd

The applicant requested to negotiate Conditions of Approval for the above development located on Lot 84 on SP144302 (subdivision into 23 lots). The application was approved by Council at its Ordinary Meeting of 24 January 2007. The total area of land is 3.011ha.

The applicant provided a report prepared by Baker Rossow Consulting Engineers which has determined that the existing main on the southern side of William Street has sufficient capacity to adequately service the proposed subdivision.

They therefore request that Condition 19 of the Development Application Decision Notice dated 24 January 2007 be deleted for the reasons outlined in the attached letters from Stylco Pty Ltd and Water Supply Analysis summary provided by Baker Rossow.

For Councillors information Condition 19 is detailed below:

*“Provision of a 100mm diameter water main on the northern side of William Street from the existing reticulation at the intersection of Alfred Street to the western edge of the development, including water connections to service each allotment and fire hydrants and valves as required. This may include replacement of a section of smaller existing main”.*

**Comments**

Pressure and flow tests have been conducted by the applicant at the existing water main on the southern side of William Street, and the consulting engineer’s report has been compiled from the analysis of the results. The suggested flows in the report are adequate, and therefore the recommended outcome from the report of allowing connection of the new road across William Street with a 150mm water main, rather than extending a main along the northern side of William St, should be allowed.

It is proposed to change Condition 19 to reflect this, rather than delete the condition as requested.

*Resolution 10/0407*

Moved by Cr Gordon, seconded by Cr Williams, that a Negotiated Development Permit be issued for a Reconfiguration of Lot 84 SP144302 Parish of Cambooya and situated at 50 – 56 William Street, Cambooya into 23 lots subject to the following alterations to condition number 19:

19. Provision of a 150mm diameter water main from the existing reticulation on the southern side of William Street to the northern boundary of the William Street road reserve, to connect with the 100mm main along the new internal road, including fire hydrants as required and a valve on each leg of the junction with the existing reticulation.

**Carried**

## Presentation and Adjournment

At 10:30am a Mr Eric Folker and his family attended the Meeting in order for Mr Folker to receive a certificate of appreciation for his service to the community of Wyreema. Following this presentation the Meeting adjourned for morning tea at 10:45am and resumed at 11:20am with all attending Councillors, Chief Executive Officer and the Director Engineer Services in attendance.

## B) CORPORATE SERVICES

### B.1 Accounts for Payment

*Resolution 11/0407*

Moved by Cr Gordon, seconded by Cr MacGinley, that the accounts paid during the month of March 2007 totalling \$1,133,302.11 be confirmed, as detailed below:

Operating Fund	Vouchers 17821 - 17851	\$ 60,379.38
	EFT Payments 5546 - 5652	\$ 1,072,922.73
	(the above figures include \$52,893.99 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**

### B.3 Budget Review Report

The Chief Executive Officer presented and summarised the Budget Review Report for Councillors information.

*Resolution 12/0407*

Moved by Cr Middleton, seconded by Cr Mengel, that the Budget Review Report be received and adjustments to budget items, as recommended, be approved.

**Carried**

### B.3 Special Children's Christmas Party (FD3\_1)

Correspondence was received from the Golden Casket Variety Special Children's Christmas Party inviting Council to purchase an advertising package (minimum cost of \$220 inc GST up to a maximum of \$7,150) to assist with the cost of staging the 2007 Christmas party.

The party will be held on Wednesday December 12 at the Toowoomba Showgrounds with approximately 1,500 children expected to attend.

Council previously supported the event with a donation of \$100 in both 2002 and 2003, \$220 in 2004, \$100 in 2005/06.

*Resolution 13/0407*

Moved by Cr Middleton, seconded by Cr Mengel, that Council provide a donation of \$100 to the Golden Casket Variety Special Children's Christmas Party.

**Carried**

## C) ENGINEERING SERVICES REPORT

### C.1 Request for reimbursement for road construction – Lots 95-101 Clifton Street, Greenmount (AID2\_13)

Following consideration at the March Meeting, Council has requested further advice regarding this matter. The previous report, correspondence, location map and Planning Scheme Policy No.3 was attached for Councillors information.

It is considered that no definitive legal advice can be obtained at this stage, due to the undocumented nature of the past application of Council's contributions towards these works.

Strictly interpreted, the Planning Scheme Policy only applies to reconfiguring a lot or material change of use, and it only applies to gravelling of unformed roads. This request is not reconfiguring a lot or material change of use, and under Council's normal standards a sealed road with kerb and channel would be required. It is considered reasonable to not require kerb and channel in this situation due to the surrounding area, however the road does need to be sealed.

Council has made these contributions in the past when there has been no reconfiguration or material change, either in rural areas for gravel roads or in urban areas for gravel roads to historical subdivisions (such as James Street, Cambooya).

The policy is not specific in that it only specifies a maximum contribution of \$8,000, not \$8,000 per lot or per applicant. In this instance, it would appear that the applicant is intending to erect several dwellings for sale for profit, while asking for Council to effectively provide a free road. With this in mind, it is considered to be a reasonable compromise for Council to offer a maximum of \$8,000 total contribution towards the roadworks. The contribution should only be made once the full length of the required road and one dwelling are completed, to ensure that parts of the property are not sold without the road being completed.

In order to avoid situations like this arising in the future, it is also considered that Council's policies regarding construction of dwellings on unconstructed roads and these contributions need to be reviewed.

*Resolution 14/0407*

Moved by Cr Schmidt, seconded by Cr Mengel:

1. That Council accepts a bitumen sealed standard road, without kerb and channel, for Clifton Street, Greenmount.
2. That Council offers a contribution of \$8,000 (incl GST) to D & P Peake, once construction of Clifton Street to Lots 95-101 and one dwelling are completed.
3. That Council's policies regarding construction of dwellings on constructed roads and contributions towards construction of unconstructed roads be reviewed.

**Carried**

*Resolution 15/0407*

Moved by Cr Gordon, seconded by Cr MacGinley that the Roadworks Policy Number 3 be reviewed.

**Carried**

## **C.2 Customer Service Standards for Water Supply & Sewerage (A/D2\_13)**

The Customer Service Standards (CSS) have been amended after their annual review. The major change is modification of some of the stated standards to bring the CSS into line with the Strategic Asset Management Plan, for combined annual reporting purposes.

Council's endorsement of the CSS is required prior to submitting it to the Department of Natural Resources and Water. A copy of the proposed CSS was attached for Councillors information. It is also a requirement for the details of the CSS to be provided to each water and/or sewerage customer when it is amended.

*Resolution 16/0407*

Moved by Cr Middleton, seconded by Cr Mengel, that Council endorse the amended Customer Service Standards.

**Carried**

## **Grading of gravel roads in dry weather**

The Director Engineering Services drew Councillors attention to the impact the dry conditions were having on Council's ability to grade gravel roads. Grading in dry conditions will only exacerbate dust and loose gravel as there is no moisture to hold the gravel material together. He asked that Councillors please be aware of this if residents make enquiries of them. No grading work will be carried out until conditions improve, as it is too expensive and irresponsible to water roads with what little water is available.

### Grant Application

Department of Public Works has sought applications for the restoration of memorials. The Director Engineering Services has submitted an application for a grant of \$6,200 to restore memorials at Cambooya and Greenmount.

### Adjournment

The meeting adjourned for lunch (provided by Cambooya Uniting Church) at 12:25pm and resumed at 1:20pm with all attending members (excl. Cr Williams), the Chief Executive Officer, Manager Development Services and Personal Assistant in attendance.

### Closed Meeting

The meeting closed at 1:20pm to discuss items in the Business Report

*Resolution Number 17/0407*

Moved by Cr Middleton, seconded by Cr MacGinley, that the meeting be closed to the public to discuss other matters in accordance with Section 463(h) of the *Local Government Act 1993*.

**Carried**

### Re-opening of Meeting

The meeting re-opened at 1:23pm.

*Resolution Number 18/0407*

Moved by Cr Gordon, seconded by Cr Mengel, that the meeting be re-opened to the public.

**Carried**

Whilst in closed session Council considered reports prepared by the Chief Executive Officer in relation to the introduction of the new valuations issued by the Department of Natural Resources and Water. Advice on the cancellation of the Size, Shape and Sustainability process by the State Government and the appointment of an independent commission to review all local government boundaries by 31 August 2007 were also discussed.

### Attendance

At 1:25pm Cr Williams attended the meeting.

*Resolution Number 19/0407*

Moved by Cr Gordon, seconded by Cr Schmidt, that:

1. That Council implement the new valuation over two (2) years, as occurred on the release of the 2005 valuation; and
2. That Council adopt for inclusion in its 2007/08 Revenue Policy, that differential rates be levied on urban, rural residential and rural areas in the Shire and that minimum rates be applied to each category, on a similar basis to that applied in previous years.

**Carried**

*Resolution Number 20/0407*

Moved by Cr Gordon, seconded by Cr MacGinley, that due to the developments regarding Size, Shape and Sustainability the report on consultancy costs for the shared services model be withdrawn.

Further, it was resolved, that should there be an opportunity to join with neighbouring Councils to prepare a submission on the Shared Services Model, for consideration by the newly appointed Commission into local government boundaries, that this Council be involved in principle.

**Carried**

*Resolution Number 21/0407*

Moved by Cr Williams, seconded by Cr Mengel, that Council adopt the Human Resources Policy (Version 3.0, Circa 19 March 2007), as circulated to Councillors, as proposed by the DDROC Review Group.

**Carried**

#### **4. GENERAL BUSINESS**

##### **Bowls Club Night**

A number of staff (5 to 10) and families have expressed an interest in attending a bowls night on 4 May, 2007. Final numbers are required by Friday so PA can make arrangements with the Bowls Club.

##### **ANZAC Day**

Councillors to read at ANZAC Day (The Ode & Poem) and lay wreath. It was agreed that Cr Gordon will read the poem, Cr Schmidt would read The Ode and Cr Middleton lay the wreath. Further, that Anthony Strickland be approached to read a poem also.

### **Biggest Morning Tea**

To be held on May Meeting Day to raise money for cancer research. The catering ladies will be able to cater for both staff and Councillors for an extra \$10 or so. Attendees will be asked make a minimum gold coin donation.

### **Local Government Week**

Mayor and CEO will be attending Emu Creek State School, Ramsay School, Wyreema School and Greenmount State School on 23 & 24 for Local Government Week.

Letters and colouring in forms for the 2007 Local Government Week were posted out to all the Schools before Easter with entries closing on 11 May in readiness for Councillors to judge at lunch time on 16 May.

### **Funding**

Subsidy of \$72,120 (40% of eligible costs of \$180,000) for the "Hamblin Bore Rising Main Stage 1 2006/07" project has been approved.

Funding of \$596,190 (which includes additional subsidy of \$231,390 for the purchase of land) under the Smaller Communities Assistance Program (SCAP) for the Wyreema Wastewater Treatment Plant has been approved.

Sport and Recreation Program/Major Facilities Program:

Applications (2) for funding under program have been refused. These applications will be resubmitted when appropriate. The two projects in question are the Hodgson Vale Pathways and the Parks – Master Plans.

### **Bramfield Grove Pty Ltd**

Notification was been received from Hede Byrne & Hall on 16 April, 2007 (dated 13 April, 2007) advising that they have been instructed to demand \$7,427.72, being the interest their client (Mr Battle & Raveway Pty Ltd) calculates should have earned on the investment of the security (\$332,696.59 @ 6.5% per annum) from the date the security was deposited to the date the tax invoice for works was issued on 27 June 2006.

Further, that a security of \$30,830 for construction of driveways was deposited on or about 27 May 2005 and completed 30 September 2006. Interest of \$2,834.80 on this security has also been demanded.

Unless payment of these amounts or an acceptable response is received by 23 April, 2007 Hede Byrne & Hall have been instructed by their client to issue Court proceedings to recover these monies.

The Chief Executive Officer advised that he had instructed King and Company to act on Councils behalf in the matter.

### **Attendance**

At 2:24pm Cr Williams retired from the meeting.

## Attendance

At 2:25pm the Manager Development Services retired from the meeting.

## Postcodes

Mayor and Chief Executive Officer met with Australia Post representatives on 17 April, 2007 to discuss postcode discrepancies within the Cambooya Shire. Australia Post advised that following reviews, as of 1 May 2007 (phase in commencement date), the areas of Ramsay will change from 4352 to 4358 and Vale View will be 4352. It is expected that the new postcodes would be fully operational by 1 July.

## Priority Infrastructure Plan - Precinct Planning Pty Ltd

Andrew Bullen has advised (12 April, 2007) that he will meet with Cardno on Monday 16 April to discuss a joint methodology and a combined fee proposal covering planning and engineering aspects regarding preparation of Council's Priority Infrastructure Plan.

Mr Bullen will then meet with CEO and/or senior staff, prior to submitting the proposal, to determine the extent and scope of any background data and network planning that Council may have undertaken to date.

## Presentations at next Meeting

Paul Bell, President of LGAQ, is scheduled to visit Council during the morning of the May Meeting. A time for this is yet to be confirmed.

## Greenmount Hall Committee Annual General Meeting

The committee invited both Crs Taylor and Williams to the annual general meeting to be held on Thursday 19 April, 2007. Both are unavailable due to prior commitments. When the PA advised Mrs Bev Palmer (secretary) of this she asked if another member of Council would be willing to attend.

Cr MacGinley advised he would attend the Meeting.

## 2007 ALGWA State Conference, Charters Towers, 1 – 3 August

Accommodation has already been tentatively booked for 3 members of Council to attend this annual event. Council will need to nominate delegates at a later date to attend this function.

## Cr Mengel

Requested that B Free be advised as to the status and expected date of finalisation of the school signs project.

**5. NEXT MEETING**

The next Ordinary Meeting of Council will be held on 16 May 2007.

**6. CLOSURE**

There being no further business, the Mayor closed the meeting at 2:38pm.

Council at the Ordinary Meeting held on 16 May 2007 confirmed these minutes.

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