

CAMBOOYA SHIRE COUNCIL



Confirmed Minutes

for

Ordinary Meeting

16 May 2007

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CAMBOOYA SHIRE COUNCIL

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on Wednesday 16 May 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
Cr P Gordon
Cr B Moule
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 9:00am.

1. APOLOGIES – LEAVE OF ABSENCE

Cr Robertson advised that she is unable to attend the Meeting.

Resolution 01/0507

Moved by Cr Middleton, seconded by Cr Gordon, that Cr Robertson 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 18 April 2007.

Resolution 02/0507

Moved by Cr Gordon, seconded by Cr Mengel, that the Minutes of the Ordinary Meeting of Council held on 18 April 2007 which have been circulated to Councillors, be confirmed.

Carried

3. RECEIPT AND CONSIDERATION OF OFFICERS' REPORTS

A) DEVELOPMENT SERVICES

A.1 Application for a permit to keep a horse on Lot 47 SP162922 Parish of Drayton situated at 5 Bauer Court, Hodgson Vale.

Applicant: Brett Mendezona
Owner: Brett & Amanda Mendezona

An application was received for a permit to keep a horse on Lot 47 SP162922, Parish of Drayton, situated at 5 Bauer Court, Hodgson Vale. The total area of land is 4016m². Letters of support from neighbouring property owners, a site plan and aerial photo were provided for Councillors information.

Local Law

The keeping of horses in rural residential areas is regulated by *Local Law No 4 (Keeping and Control of Animals)* which states:

"The keeping of any horse, donkey, cow, sheep, goat, deer or other livestock animal is absolutely prohibited on land having an area less than 5000m². However, for the purpose of this particular part of the policy, land means either a single allotment or several adjoining vacant allotments of an aggregate of not less than 5000m²" and;

"An enclosure must be constructed to prevent any such animal from going within 10metres of any dwelling (except any dwelling on the premises)".

The Local Law requires that a permit is obtained and that the animal is kept in accordance with minimum standards prescribed.

Criteria for granting permits

In deciding whether to grant a permit authorising a person to keep animals, the Council must have regard to:

1. *the physical suitability of the land for the proposed use;*
2. *the structural suitability of enclosures in which the animals are to be kept;*
3. *the likelihood of the animals causing nuisance, inconvenience or annoyance to the occupiers of adjoining land;*
4. *the likely effect on the amenity of the surrounding area;*
5. *the likely effect on the local environment and any possible pollution or other environmental damage;*
6. *other factors that may be relevant in the circumstances of the particular case;*
7. *such other factors as may be prescribed by local law policy.*

Proposal

The owner proposes to keep one horse (possibly a Welsh pony) and erect a suitable stable adjacent to the north western boundary (rear) of their premises.

Comments

The property at 5 Bauer Court, belonging to the applicant is fully fenced and has an area of 4,016m². Adjoining owners situated at 199 Carroll Road (4,000 m²) and 3 Bauer Court (4,108m²) have granted their consent and are prepared to allow the use of their premises in order to increase the area of land available to house the pony. These two properties are unfenced and contain dwellings. The nearest dwelling (3 Bauer Court) to the proposed yard is approximately 23m.

Having regard that the adjoining neighbours are agreeable to the keeping of a single pony, it is considered in this instance that the keeping of a single pony will not cause a nuisance, if kept in accordance with the conditions listed below.

Routine inspections are carried out by Council's Local Laws Officer to ensure compliance with the local law on all premises within the Rural Residential and Township Land Use areas of the shire.

Council could grant a concession in this case subject to the enforcement of strict conditions listed below to ensure the amenity of the area is maintained.

Resolution 03/0507

Moved by Cr Williams, seconded by Cr Moule, that a permit for the keeping of a horse on Lot 47 SP 162922 Parish of Drayton, situated at 5 Bauer Court, Hodgson Vale, be issued subject to the following conditions:

1. Premises to be securely fenced and a stable must be provided to ensure adequate control of the animal.
2. Premises to be kept in a clean and tidy condition at all times, which will include the regular disposal of manure.
3. Feed storage and water supply must not cause a nuisance.
4. Permit will be issued for the period ending 30 June 2008 - no guarantee of renewal is given.
5. The permit may be cancelled at any time for a breach of the conditions imposed.

Carried

A.2 Application PSW/2007/19 for an Oversized Carport with wall height exceeding 3m on Lot 1 SP102825, Parish of Hodgson situated at 7 King Street, Greenmount.

Applicant: Geoff & Glynnis Anderson
Owner: Geoff & Glynnis Anderson

An application was received for an oversized carport with a wall height exceeding 3m on Lot 1 SP102825, Parish of Hodgson situated at 7 King Street, Greenmount with a land area of 8,589m².

A copy of the proposal letter, letter of no objection from adjoining property owners, colour photo and site plan were provided for Councillors information.

Policy

Council's policy requires that where buildings located in a Township or Rural Residential area exceed any of the following criteria they will be referred to Council for determination:

1. *Buildings greater than 110m² in floor area; or*
2. *Buildings greater than 3m above ground level at the eaves line; or*
3. *Buildings with any side of the building greater than 15m in length.*

Comments

The proposed carport is located approximately 20m from the southern property boundary and 10m from the western boundary and is 22.8m² in area with a wall height of 3.3m. The applicant has indicated that the oversized carport will be for storage of a mobile home.

The applicant has submitted a letter of support from one adjoining property owner and the other adjoining property is vacant.

The building will be positioned in the south western corner of the property and Council could approve the application as it is considered that the amenity of the adjoining properties will not be affected.

Resolution 04/0507

Moved by Cr Middleton, seconded by Cr Gordon, that a development permit be issued for an oversized carport with wall height exceeding 3m and roof area of 22.8m² on Lot 1 SP102825, Parish of Hodgson situated at 7 King Street, Greenmount 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. Provide suitable landscaping around the building to minimise visual impacts.
4. The building is not to be used for human habitation.

Carried

A.3 Application PSW/07/20 Boundary Clearance Variation for a garage on Lot 9 RP131521, Parish of Drayton and situated at 22 Crebra Crescent, Hodgson Vale.

Applicant: Michael Ford
Owner: Michael Ford

An application was received for a boundary clearance variation for a new garage located on Lot 9 RP131521, Parish of Drayton and situated at 22 Crebra Crescent, Hodgson Vale. The proposed garage is 36m² and is proposed to be sited 1m from the Southern boundary. The property has an area of 4,067m².

A copy of proposal letter from the owner, letter from the adjoining owner and a site plan was provided for Councillors information.

The applicant states that the proposed garage is located to avoid cutting down existing large native trees that will screen the proposed garage from the neighbours on the southern boundary. He states "the block is a large slope and the area is the flattest most suitable available"

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 proposed garage is to be located 1m from the Southern Boundary and 30m from Crebra Crescent, located adjacent to the existing driveway. The existing dwelling is located on the most suitable site for a building. The adjoining neighbour, on the southern side has provided a letter stating he has no objection to the proposal.

The allotment is a gradual fall sloping away to the rear (west) and it is considered that the proposed garage can be positioned elsewhere. The position of the proposed garage does not fit the criteria as required in *Planning Policy 8 – Set back in Rural and Rural Residential areas* and therefore is not in accordance with the *Planning Scheme*.

Resolution 05/0507

Moved by Cr Williams, seconded by Cr Middleton, that a development permit not be issued for a boundary clearance variation from 6m to 1m from the Southern boundary for a garage with a floor area of 36m² on Lot 9 RP131521, Parish of Drayton and situated at 22 Crebra Crescent, Hodgson Vale as the garage is able to be positioned elsewhere on the allotment.

Carried

Fenton Appeal

Manager Development Services provided a brief on the Fenton Planning Appeal to update Council on the matter. A "without prejudice" meeting was held in the Council chambers between both parties and their legal representatives on Thursday 26 April, 2007. The matter was set down for hearing on 18 June 2007 and is expected to go for 4 days. The Judge will inspect the property prior to the court matters being heard.

Closed Meeting

The meeting closed at 9:15am to discuss planning matters.

Resolution Number 06/0507

Moved by Cr Gordon, seconded by Cr Williams, that the meeting be closed to the public to discuss other matters in accordance with Section 463(1)(f) of the *Local Government Act 1993*.

Carried

During the closed session Councillors discussed planning matters, including the Fenton Appeal.

Re-opening of Meeting

The meeting re-opened at 9:25am.

Resolution Number 07/0507

Moved by Cr Mengel, seconded by Cr MacGinley, that the meeting be reopened to the public.

Carried

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

Resolution 08/0507

Moved by Cr Middleton, seconded by Cr Schmidt, that the accounts paid during the month of April 2007 totalling \$703,632.07 be confirmed, as detailed below:

Operating Fund	Vouchers 17852 - 17883	\$	42,274.23
	EFT Payments 5553 - 5791	\$	661,357.84
	(the above figures include \$51,764.99 Trust Fund Monies)		

Carried

B.2 Financial Statements (FF1_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 Proposed 2007/08 Schedule of Fees and Charges (A\D2_13)

A copy of the proposed 2007/08 Schedule of Fees and Charges (excluding Development Permits and Private Works) was presented at the Meeting for Council's consideration.

Resolution 09/0507

Moved by Cr Gordon, seconded by Cr Schmidt, that Council adopt the 2007/08 Schedule of Fees and Charges (excluding Development Permits and Private Works) as presented.

Carried**B.4 Request for Assistance – Cambooya Rural Fire Brigade (A\D1_1)**

Correspondence has been received from Cambooya Rural Fire Brigade requesting financial assistance towards the purchase of a portable fridge on their tanker to enable members access to cool water. A copy of this request was attached for Councillors information.

Resolution 10/0507

Moved by Cr Middleton, seconded by Cr Schmidt, that Council contribute \$305 towards the purchase of a portable fridge for the Cambooya Rural Fire Brigade.

Carried**B.5 Acquisition of Goods and Services Policy (A\D2_5)**

An amended Policy was presented to Councillors for consideration. Changes to the Policy have become necessary in order to reflect changes made to the *Local Government Act* in late 2006.

Resolution 11/0507

Moved by Cr Williams, seconded by Cr Mengel, that Council adopt the proposed Acquisition of Goods and Services Policy, dated 16 May 2007, as presented.

Carried

C) ENGINEERING SERVICES REPORT**C.1 Amalgamation of lots at Wyreema Wastewater Treatment Plant (WW1_07)**

Council owns Lots 7, 9, 16, 17, 18 on RP13857, Lots 10, 11, 12 on RP826025 and Lot 4 on RP844540 for wastewater treatment and effluent irrigation purposes.

It has been proposed that all of this land be amalgamated into one lot. This would help prevent future sale of some of the property, ensuring that the property is retained for future expansion as originally intended.

Approval has recently been received from the Department of Local Government, Planning and Sport for approval of subsidy for Council's recent purchase of some of this land. As subsidy is to be received for this land, selling any part of it may result in the need to refund the subsidy received towards the purchase of the land.

Resolution 12/0507

Moved by Cr Middleton, seconded by Cr MacGinley, that all lots at the Wyreema Wastewater Treatment Plant be amalgamated into one.

Carried**C.2 Road Resumption on Greenmount Etonvale Road (WR3_Greenmount Eton Vale)**

To allow for the realignment of Greenmount-Eton Vale Road at Stenzel Gully, a resumption of approximately 1,500m² is required from Lot 1 AG4035, owned by FW & RJ Stenzel. It is proposed to offer \$1,000 (plus GST if payable) as compensation. Council will meet all associated costs such as fencing, survey and plan registration.

Resolution 13/0507

Moved by Cr Schmidt, seconded by Cr MacGinley, that Council offer compensation of \$1,000 (plus GST if payable) to FW & RJ Stenzel for the truncation on Lot 1 AG4035, Parish of Cambooya, plus meet all associated costs such as fencing, survey and plan registration.

Carried**C.3 Proposed 5 year Plant Replacement Program**

A proposed 5 year Plant Replacement Program, including the proposed 2007/08 Plant Replacement Budget, was presented to Councillors for consideration.

Resolution 14/0507

Moved by Cr Middleton, seconded by Cr Gordon, that Council adopt the 5 year Plant Replacement Program as presented, for use as a basis for the 2007/08 Plant Replacement Budget.

Carried

C.4 Request for extension of water main on Mt Rascal Road (WW1_1)

Correspondence was received from a number of residents of Mt Rascal Road and Wehl Court requesting extension of a water main to service their properties. A copy of this letter and a site plan was provided for Councillors information.

The Mt Rascal rising main is currently under construction from the Hamblin development to Iron Bark Drive. The current intent of this main is to be a delivery main only, from the new bore to the existing reticulation system (other than for the Hamblin development).

The original proposed route was to go from the development, across a small section of private property, up Wehl Court and along Mt Rascal Road.

Due to the owner of the private property not agreeing to the original proposed route, Council negotiated an alternative route from the development through the private property. This route meets Mt Rascal Road approximately 300m to the south of Wehl Court. There are a related road closure, road opening and easement which have been previously considered by Council.

Some of the residents of Wehl Court and the section of Mt Rascal Road between Wehl Court and where the main will now meet Mt Rascal Road have requested that a main be extended to the north to be available to service their properties. While this is a reasonable request, it must be noted that until the Mt Rascal reservoir is constructed there will be insufficient pressure in the area for any new connections to be considered.

When the reservoir is completed and new connections in the area are an option, anyone wishing to connect will need to pay connection fees and headworks charges. Headworks charges are currently \$3,500 per lot in the area. The charges need to be reviewed for this new part of the system once the construction costs of the new reservoir can be confirmed. If desired, any further main extensions could also be covered by these charges.

The possibility of extending the reticulation area further than just the requested area is also worthy of consideration.

The residents could be contacted to ascertain their interest in being connected to the system, considering the likely costs. Once construction of the reservoir can be confirmed and if the residents are agreeable, then Council could budget to extend the main to service additional properties.

Resolution 15/0507

Moved by Cr Williams, seconded by Cr Gordon, that Council investigate all options and possibilities and consult with residents in due course.

Carried

Water Management Roster

Director Engineering Services advised Council that due to the continuing dry conditions it is advisable to further restrict hand held watering days. Whilst the Chief Executive Officer and Mayor have delegated authority to alter the water management roster this matter was brought to Councillors attention as a courtesy. Council agreed to that hand held watering should be reduced to one day per week between the hours of 7am to 9am and 4pm to 6pm. Further that articles highlighting the changes to the roster and the need for residents to be mindful of not only the use of reticulated water but also bore water be published in the On Our Selection news.

Proposed Amalgamation Submission

The Chief Executive Officer provided further updates on this process, tabled the draft document provided by the consultant and asked that Councillors provide their thoughts and/or submissions by Monday 21 or Tuesday 22 May at the latest so, that if relevant, they can be included in the Council submission.

Adjournment

The meeting adjourned for morning tea at 10:35am and resumed at 11:25am with all members, the Chief Executive Officer, Director Engineering Services, Manager Development Services, Personal Assistant and LGAQ guests Paul Bell and Mark Leyland in attendance.

Presentation

The Mayor welcomed the President of the LGAQ, Mr Paul Bell and Mr Mark Leyland, Finance and Governance Advisor from the Local Government Association of Queensland to the meeting. Mr Bell and Mr Leyland provided a summary of the current situation regarding the proposed local government amalgamations and the position held by the LGAQ in regard to these proposals. He also outlined benefits flowing to local government from the next Federal Budget.

Adjournment

The meeting adjourned for lunch at 1:15pm and resumed at 1:55pm with all members, the Chief Executive Officer, Director Engineering Services, Manager Development Services and the Personal Assistant in attendance.

4. GENERAL BUSINESS

Cr Moule

Requested that the following items be included in the Agenda:

“Item 1: Treatment of Mr Howard Skerman by Council. Howard Skerman did not receive verbal advice from Council before his 7 cattle were impounded. It is unacceptable to rely solely on written advice especially where a resident travels extensively as part of his employment. The impoundment fees of about \$1200 are excessive and such action is heavy handed especially in view of the very difficult dry conditions currently experienced by rural members of our Shire.

Motion: The impounded fees be waived and proceeds from the sale of the cattle forwarded to Howard Skerman.”

A copy of Cr Moule's email request and documents associated with this matter were provided for Councillors information.

Resolution Number 16/0507

Moved by Cr Moule, that the impoundment fees be waived and the proceeds from the sale of the cattle be forwarded to Mr Skerman.

Motion lapsed for want of a seconder

Resolution Number 17/0507

Moved by Cr Gordon, seconded Cr Schmidt, that Infringement Notices 159 & 160 issued to Mr Skerman be waived and that the balance of the proceeds of sale of the impounded cattle (after deducting Council expenses) be forwarded to the Public Trustee.

Carried

“Item 2: Application for a Family Lot by Mr David Fenton (RAL/2006/26). A brief is required as to the current situation as it relates to any appeal before the Courts.”

Further to the update provided by the Manager Development Services at the Ordinary Meeting in April, a “without prejudice” meeting was held between both parties and their legal representatives on Thursday 26 April, 2007. The Manager Development Services provided another brief to Council during discussion of Development Services items.

“Item 3: Update on the removal of rubbish from Lindeman's Lane, Ramsay is required.”

A notice was served on the owner on 21 March 2007 to remove items from the road reserve and also requesting that the owner tidy up items stored on his allotment. An inspection on 18 April, 2007 revealed that all items had been removed from the road reserve and the owner had tidied and stacked items on his allotment in a neat and orderly manner to the satisfaction of the Local Laws Officer. The owner advised Council staff the items are collected for recycling purposes. A follow-up inspection on 9 May 2007 confirmed that both the road reserve and allotment are being maintained in a satisfactory manner.

Director Engineering Services to ensure staff conduct follow up inspections and that the road area continuing beyond the gateway (51 Lindeman Lane) and down the gully be inspected and cleaned up to remove pipe, hose, tin and the like.

Budget Workshop Meeting Date

It was agreed that the Budget Workshop be held on 19 June, 2007 commencing at 9:00am.

Jondaryan Shire Council – Submission to the Local Government Reform Commission

A letter was received from Jondaryan Shire Council inviting Councillors and appropriate staff to a Meeting on Monday 21 May 2007 to further discuss their submission to the Local Government Reform Commission.

Mayor

Cambooya Scouts are looking for assistance towards concreting a small area at the entrance (in front of the building and up to the stairs) and fencing. Director Engineering Services will look into this matter and present the matter at the Budget Workshop

Carnival of Flowers – would like Council to give consideration regarding funding Councils participation in the upcoming event during the budget workshop.

Manager Development Services – Waste Disposal Contract

Due to time constraints during the morning session Councillors had not had an opportunity to discuss the Business Papers, which contained a report by the Manager Development Services relating to the tender for waste disposal.

Resolution Number 18/0507

Moved by Cr Middleton, seconded Cr Mengel, that Council accept the tender presented by JJ Richards and Son Pty Ltd, as presented in the Business Papers, for a 1 year contract with a 1 year option at a rate per services of \$1.955 (annual cost for 1,800 services - \$182,988). The cost per rate assessment of which would be \$102 (excluding administration costs).

Carried

Cr Moule

- Advised that he had been approached by residents requesting that Council host a public meeting to inform the community of the current situation regarding the proposed local government reforms.

Following discussion on the matter it was agreed to place notices in the On Our Selection newspaper and on Council's website regarding the proposed local government reform processes and outcomes.

- Enquired as to the works programming for Meynink Road. Director Engineering Services advised that another section of this road was scheduled for sealing in the 2008/09 financial year.
- Advised he had received a letter from A & K Hoey concerning the current naming and signage of Sawpit Road and Preston Boundary Road and also rural road numbering (a copy of this letter was also received at the office). Director Engineering Services advised that he had already had discussions with the writer and the matter is under investigation for report to the June Meeting of Council.

Cr Mengel

Congratulated the RADF committee, on behalf of Council, on the recent successful Harvesting the Arts Festival.

Enquired if a letter had been sent to Mr R Paroz confirming the name of Paroz Lane ie. Lane, Walk. Director Engineering Services to investigate.

Advised that he had received an enquiry from the Cambooya Uniting Church as to why the water was turned off and the Church not notified. Personal Assistant advised that a letter had been received regarding this matter and investigated. A letter apologising to the Church would be sent.

Cr Williams

Advised he had been contacted by a resident expressing concern regarding the large amount of soil being brought in and dumped along Hodgson Creek. Director Engineering Services and Manager Development Services to investigate.

Attendance

At 3:10pm the Manager Development Services retired from the meeting.

5. NEXT MEETING

The next Ordinary Meeting of Council will be held on 20 June 2007.

6. CLOSURE

There being no further business, the Mayor closed the meeting at 3:20pm.

Council at the Ordinary Meeting held on 20 June 2007 confirmed these minutes.

Certified Correct **MAYOR**

