

CAMBOOYA SHIRE COUNCIL



Confirmed Minutes

for

Ordinary Meeting

19 September 2007

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CAMBOOYA SHIRE COUNCIL

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PRESENT

Cr CE Taylor (Mayor)
 Cr MA Williams
 Cr NB Schmidt
 Cr FW Mengel
 Cr MJ MacGinley
 Cr MR Middleton
 Cr SC Robertson
 IP Stevenson (Chief Executive Officer)
 GW Scheiwe (Director Engineering Services)
 MR Lisle (Manager Development Services)

The Mayor opened the meeting at 9:00am.

1. APOLOGIES – LEAVE OF ABSENCE

That Councillor Gordon be granted leave of absence from the Meeting.

Resolution 01/0907

Moved by Cr Middleton, seconded by Cr MacGinley, that Councillor Gordon 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 15 August 2007 and Minutes of the Special Meeting held on 5 September 2007.

Resolution 02/0907

Moved by Cr Williams, seconded by Cr Schmidt, that the Minutes of the Ordinary Meeting of Council held on 15 August 2007, which have been circulated to Councillors, be confirmed.

Carried

Resolution 03/0907

Moved by Cr Middleton, seconded by Cr Mengel, that the Minutes of the Special Meeting held on 5 September 2007, which have been circulated to Councillors, be confirmed, subject to the following amendments:

Page 8 (**Attendance**) Cr MacGinley to be recorded as attending the meeting at 9.35 am and also on Page 8 the following alterations in bold to be made, Kelly Egan representing Cardno **Engineering** and Ian **Douglas**

Carried

3. RECEIPT AND CONSIDERATION OF OFFICERS' REPORTS**A) DEVELOPMENT SERVICES****A.1 Application PSW/07/44 Oversized Shed with a floor area greater than 110m² on Lot 14 RP883137 Parish of Cambooya situated at 25 Alfred Street, Cambooya.**

Applicant: C Fitch
Owner: C & P Fitch

An application was received for an oversized shed with a floor area of 133m² and a wall height of 2.7m on Lot 14 RP883137 Parish of Cambooya situated at 25 Alfred Street, Cambooya with a land area of 4,004m².

A copy of the proposal letter, letters of no objection from adjoining property owners, aerial photo and site plan was attached 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 shed is proposed to be located approximately 55m from the eastern (rear) boundary and 1.5m from the northern (side) boundary. The shed will be a single story colorbond building with a wall height of 2.7m and a floor area of 133m².

The applicant states that the oversized shed will be used for the storage of 3 vehicles, a ride on mower, golf cart and boat, also a workshop area for craft and woodwork hobbies. A letter of support has been submitted from adjoining property owners at 21 Alfred Street and 29 Alfred Street stating they have no objection to the proposed oversized shed.

The proposed shed will be positioned at the rear of the existing dwelling on a large allotment (4,000m²) and therefore Council could approve the application as it is considered that the amenity of the adjoining properties will not be affected.

Resolution 04/0907

Moved by Cr Schmidt, seconded by Cr Mengel, that a development permit be issued for a single story colorbond oversized shed with wall height of 2.7m and a floor area of 133m² on Lot 14 RP883137 Parish of Cambooya situated at 25 Alfred Street, Cambooya subject to the following conditions:

1. Usage is limited to home use and includes no direct or indirect commercial benefits, and no permanent occupation. The premises is not to be used for a commercial enterprise.
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.2 Application PSW/07/45 for an Oversized Shed with a floor area greater than 110m² a wall height exceeding 3m on Lot 64 RP844657 Parish of Drayton situated at 1 Windermere Drive, Hodgson Vale.

Applicant: J Giacomantonio
Owner: J & S Giacomantonio

An application was received for an oversized shed with a floor area of 162m² and a wall height of 3.6m on Lot 64 RP844657 Parish of Drayton situated at 1 Windermere Drive, Hodgson Vale with a land area of 4,009m².

A copy of the proposal letter, letter of no objection from adjoining property owner, aerial photo, construction details and site plan was attached 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 shed is to be located approximately 10m from Mally Road (northern boundary) and 6m from the eastern (rear) boundary. The shed will be a single story colorbond shed with a wall height of 3.6m and a floor area of 162m².

The applicant states that the oversized shed will replace an existing smaller shed and will be used for the storage of a camper trailer, catamaran, tools, gardening equipment and a motor vehicle. The shed will be 3.6m height to allow the storage of a truck and mini excavator. A letter stating they have no objection has been submitted from the owner of the adjoining property at 14 Mally Road, Hodgson Vale.

The visual impact of the garage will be minimal due to the proposed floor level being approximately 1m below the level of the adjoining allotment, which rises above the

subject property to the east. An existing row of trees exists located on the fence line will provide screening.

Council could approve the application as the proposed building will be positioned below the level of the adjoining property and it is considered that the amenity of the adjoining properties will not be affected.

Resolution 05/0907

Moved by Cr Robertson, seconded by Cr Middleton, that a development permit be issued for an oversized shed with wall height of 3.6m and a floor area of 162m² on Lot 64 RP844657 Parish of Drayton situated at 1 Windermere Drive, Hodgson Vale subject to the following conditions:

1. Usage is limited to home use and includes no direct or indirect commercial benefits, and no permanent occupation. The premises is not to be used for a commercial enterprise.
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/07/48 for a Boundary Clearance Variation for dwelling on Lot 28 SP199133 Parish of Cambooya and situated at 51 Ashford Drive, Wyreema.

Applicant: M Griffin
Owner: M & L Griffin

An application was received for a boundary clearance variation for a dwelling located on Lot 28 SP199133 Parish of Cambooya and situated at 51 Ashford Drive, Wyreema. The proposed dwelling and is to be sited 5.4m from the southern (front) boundary. The property has an area of 1,960m².

A copy of the proposal letter from the owner, dwelling design and site plan was attached for Councillors information.

The applicant advises that the proposed dwelling is to be located to 5.4m from the southern (front) boundary and due to the buffer (Covenant K) problems have been encountered fitting the chosen dwelling design on the block.

The applicant accepts that it was a mistake they made by choosing the design and purchasing the land prior to ensuring the design of the proposed dwelling would be suitable to the size and shape of the block.

The position of Council's sewer main limits the availability of land for the design chosen.

The adjoining land is vacant and still owned by the developer.

Planning Scheme

The *Residential Development Code* under the *Planning Scheme* requires that a house and associated outbuilding in a Township area is set back 6m from the front and 1.5m from the side and rear 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 dwelling is to be located 5.4m from the southern (front) boundary. Only the eaves of the garage section of the dwelling will encroach 0.6m and the wall of the dwelling will be 6m from the street boundary.

The actual area of the overhang that will encroach on the setback will be approximately 3.6m². This will result in a minimal visual impact from the street and therefore it is considered that there will be no adverse impact on the amenity of the area.

Resolution 06/0907

Moved by Cr Robertson, seconded by Cr Mengel, that a development permit be issued for a boundary clearance variation from 6m to 5.4m from the southern (front) boundary for a dwelling on Lot 28 SP199133 Parish of Cambooya and situated at 51 Ashford Drive, Wyreema due to the small encroachment on the 6m setback and the minimal visual impact from the street.

Carried

A.4 Application PSW/07/49 for a Boundary Clearance Variation and an Oversized Shed with a floor area greater than 110m² a wall height exceeding 3m on Lot 1 RP147539 Parish of Drayton situated at 5 Vera Drive, Top Camp.

Applicant: R Cruickshank
Owner: R & M Cruickshank

An application has been received for an oversized shed with a floor area of 144m² and a wall height of 3.6m and a boundary clearance variation on Lot 1 RP147539 Parish of Drayton situated at 5 Vera Drive, Top Camp. The proposed shed is to be sited 1.5m from the northern boundary. The property has an area of 3,577m².

A copy of the proposal letter, letter of no objection from adjoining property owner, aerial photo, construction details and site plan are attached 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.*

Planning Scheme

The Residential Development Code under the *Planning Scheme* requires that a house and associated outbuilding 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 shed is to be located 1.5m from the northern (side) boundary and 8m from Vera Drive. The proposed shed will be a single story colorbond shed with a wall height of 3.6m and a floor area of 144m². The colour will be a light green (called 'wilderness') that will blend into the surrounding environment.

The applicant advises that the oversized shed will replace an existing smaller shed (36m²) located 1.5m from the northern boundary. It is proposed that the shed will be used for the storage of a boat, caravan and motor vehicle. A letter of no objection to the proposed shed has been received from the adjoining property owner at 3 Vera Drive, Top Camp.

The land falls steeply away from the shed to the south and east and the adjacent property rises to the north overlooking 5 Vera Drive. The existing dilapidated shed is located 1.5m from the boundary and approximately 1m below the level of the adjoining allotment. The visual impact of the new shed is considered to be minimal as it will be screened by the existing mature trees located on the property.

Council could approve the application as the proposed building will be positioned below the level of the adjoining property and it is considered that the amenity of the adjoining properties will not be affected.

Resolution 07/0907

Moved by Cr Middleton, seconded by Cr MacGinley, that a development permit be issued for a boundary clearance variation from 6m to 1.5m and an oversized shed with wall height of 3.6m and a floor area of 144m² on Lot 1 RP147539 Parish of Drayton situated at 5 Vera Drive, Top Camp as it replaces the existing shed, subject to the following conditions:

1. Usage is limited to home use and includes no direct or indirect commercial benefits, and no permanent occupation. The premises are not to be used for a commercial enterprise.
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.5 Application PSW/07/50 for an Oversized Shed with a floor area greater than 110m² a wall height exceeding 3m on Lot 8 SP167942 Parish of Drayton situated at 5 Kingston Road, Hodgson Vale.

Applicant: B & K Binney

Owner: B & K Binney

An application was received for an oversized shed with a floor area of 144m² and a wall height of 4.2m on Lot 8 SP167942 Parish of Drayton situated at 5 Kingston Road, Hodgson Vale with a land area of 4,400m².

A copy of the proposal letter, letter of no objection from adjoining property owner, construction details and site plan are attached 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 shed is to be located at the rear of the property, approximately 10m from the southern (rear) boundary and approx. 6m from the eastern (side) boundary. The shed will be a single story colorbond shed with a floor area of 144m² and a wall height of 4.2m.

The existing effluent disposal area will be required to be relocated to ensure adequate clearance from the building in accordance with, *Queensland Plumbing and Wastewater Code (QPW)* and AS 1547:2000 and will be assessed upon receipt of a building application.

The shed will have cream walls and a blue roof and the applicant intends planting trees and landscaping around the proposed building.

The applicant advises that the oversized shed will be used for the storage of a grader, caravan and boat. The grader will occasionally be stored on the premises (during Easter and Christmas breaks) as it is used for contract work in northern Queensland.

A letter of support has been submitted from the adjoining property owner at 3 Kingston Road, Hodgson Vale. Council could approve the application as the proposed building will not affect the adjoining properties or the amenity of the area.

Resolution 08/0907

Moved by Cr Middleton, seconded by Cr MacGinley, that a development permit be issued for an oversized shed with wall height of 4.2m and a floor area of 144m² on Lot 8 SP167942 Parish of Drayton situated at 5 Kingston Road, Hodgson Vale subject to the following conditions:

1. The existing wastewater treatment disposal area to be relocated in accordance with the Queensland Plumbing and Wastewater Code and AS 1547:2000. A copy of each site assessment is to be submitted to Council for approval, prior to construction of the shed.
2. Usage is limited to storage use and includes no direct or indirect commercial benefits, and no permanent occupation. The premises are not to be used for any commercial enterprise.
3. No external lighting other than sensor lighting is permitted.
4. Provide suitable landscaping around the building to minimise visual impacts.
5. The building is not to be used for human habitation.

Carried

A.6 Application PSW/07/51 for an Oversized Shed and Carport with a floor area greater than 110m² on Lot 6 SP183739 Parish of Drayton situated at 59 Tranter Street, Top Camp.

Applicant: T & C Leerentveld
Owner: T & C Leerentveld

An application was received for an oversized shed and carport with a floor area of 135m² and a wall height of 3m on Lot 6 SP183739 Parish of Drayton situated at 59 Tranter Street, Top Camp with a land area of 5,119m².

A copy of the proposal letter, letter of no objection from adjoining property owners, construction details and site plan were attached 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 shed is to be located at the rear of the property, 6m from the southern (rear) boundary and 6m from the eastern (side) boundary. The shed will be a single story colorbond shed and carport with a floor area of 135m² and a wall height of 3m.

The applicant advises that the oversized shed will be used for the storage of a recreational boat and camper trailer. Letters of support have been submitted from the adjoining property owners at 61 Tranter Street and 202 Postle Street.

Council could approve the application as it is considered that the proposed building will not affect the adjoining properties or the amenity of the area.

Resolution 09/0907

Moved by Cr Schmidt, seconded by Cr Mengel, that a development permit be issued for an oversized shed with wall height of 3m and a floor area of 135m² on Lot 6 SP183739 Parish of Drayton situated at 59 Tranter Street, Top Camp subject to the following conditions:

1. Usage is limited to storage use and includes no direct or indirect commercial benefits, and no permanent occupation. The premises are not to be used for any commercial enterprise.
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.7 Delegated Authority - Building Control (A/A4_1)

Background

An increasing number of recent applications to Council to vary the side boundary setbacks and approve oversized sheds provided the opportunity to review the current delegations and make amendments if necessary.

Council's current 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:

- *Buildings greater than 110m² in floor area; or*
- *Buildings greater than 3m above ground level at the eaves line; or*
- *Buildings with any side of the building greater than 15m in length.*
- *Applicants must make application and await the decision of Council at its monthly meeting.*

Planning Scheme

The *Planning Scheme* provides for alternative siting provisions of 6m to all boundaries in Rural Residential areas. Applications for boundary setback concession are assessed under Planning Policy No 8 "Setback in Rural and Rural Residential areas" provides assessment criteria for boundary variation applications in rural and rural residential areas. The policy provides improved amenity and Fire Service vehicular access between buildings and the boundary.

Legislation

The *Building Regulation 2006* states that if a *Planning Scheme* identifies or states alternative provisions that apply to the buildings and structures, the alternative provisions apply. Parts 11 and 12 of the Queensland Development Code (QDC) contain the "default" standards that must be applied unless a Local Government's *Planning Scheme* contains "alternative standards".

The Queensland Development Code provides acceptable solutions for side and rear boundary clearances for a part of the building structure or structure is:

"(i) where the height of that part is 4.5m or less, the side and rear boundary clearances must be not less than 1.5 m;"

A further concession may be granted (sample plan attached), allowing Class 10a buildings (outbuildings) to be constructed on the side or rear boundary which states that:

"Class 10a buildings or parts may be within the boundary clearances nominated in A2(a) and (b) where –

(i) the height of a part within the boundary clearance is not more than 4.5m and has a mean height of not more than 3.5m; and

(ii) the total length of all buildings or parts, of any class, within the boundary clearance is not more than 9m along any one boundary; and

(iii) the class 10a buildings or parts within the boundary clearance are located no closer than 1.5m to a required window in a habitable room of an adjoining dwelling."

This provides for 'maintenance free' walls to be constructed on the boundary e.g. unpainted masonry or prefinished steel sheeting (colorbond). Refer to the Queensland Development Code, enclosed with Meeting papers, for Councillors information.

Issues

The following issues relate to existing setback requirements:

- Increased separation distances in Rural Residential allotments.
- Improved amenity of area (restricted storage of materials between building and boundary fence).
- *Planning Scheme* requires minimum setbacks to allow fire fighting access.
- Building may be restricted on irregular shaped allotments.

A survey of several adjoining Shires identified that most have a setback of 1.5m to side and rear boundaries for dwellings and outbuildings in Rural Residential areas in accordance with the *Building Regulation 2006*. They apply the provisions of the Queensland Development Code. This would suggest that the greater setback advantages are not considered necessary in these areas.

Council could allow a 3m discretion for Class 10a outbuildings (sheds, garages, carports etc) and a maintain 6m setback from side boundaries for dwellings in the Rural Residential area. This will allow a reasonable building setback concession for outbuildings which to a large extent are used for storage (non habitable). Council could delegate this concession to the Chief Executive Officer.

The following benefits may result:

- Ability to use a greater portion of the allotment with outbuildings sited to the side of the allotment if required.
- Dwellings will be located at 6m from the side and rear boundaries.
- Vehicular access maintained between boundary and building and provides an adequate clearance of 3m for Fire Service vehicles to access.
- A reduction in the number of applications submitted to Council for boundary clearances variation.
- Improved efficiencies in the Development Assessment process.

Conclusion

The majority of applications received in the past year were for concessions for outbuildings in rural residential areas were 3m or more from the side boundary and oversize sheds that were less than 144m² in area. It is considered that a 3m setback is an adequate minimum setback for out buildings in located in the Rural Residential areas. It is also considered that boundary concessions could be granted fro class 10a buildings located in Township areas. Setbacks of 15m in Rural areas as required by the *Planning Scheme* is considered appropriate (lots generally 40ha), however Council may consider that delegation to allow concessions to 10m is necessary.

In order to reduce the waiting time and streamline the development process, applications for an oversize building or building setbacks could be delegated to the Chief Executive Officer. Applications would be assessed in terms of the objectives of the *Planning Scheme*. The Register of Delegations will be required to be changed and Council will receive a monthly report of all concessions approved.

It was **resolved** to defer consideration of this item to a later date.

A.8 Application RAL/07/10 for a Negotiated Decision (Reconfiguration of a Lot – 1 Lot into 3 Lots) on Lot 5 SP141766, Parish of Ramsay and situated at 245 Woods Road, Ramsay.

Applicant: W & J Kunde

Owner: W & J Kunde

A request was received from the applicant of the above property for a negotiated decision in relation to Development Application RAL/07/10 which was approved by Council on 18 July 2007.

The owner wishes to appeal conditions 10 and 11 in relation to the road contributions. They propose to continue to reside in the residence located on the 54ha allotment and use the proceeds from the sale of two new lots to fund their retirement.

They state that:

“neither of the two 40ha blocks to be subdivided and subsequently sold (lots 2 and 3) have frontage onto Woods Road, and as such, will not be contributing to any additional traffic to the road. Over the years we have noted additional traffic on Woods Road, but not as a result of subdivisions.

The increased number of vehicles seems to be due to changing lifestyles. This has led to an increase of at least an additional 20 vehicles per week. Given that neither of the blocks to be subdivided front Woods Road, we would like to request that Council review this condition.

The roadworks contribution applies to all road frontages with a large portion of the roadworks contribution being attributed to road frontage of our home block. As a result of the subdivision, neither of the new lots have access to Woods Road, yet we are being charged for approx. 1,560m of roadworks on this particular road”.

Condition 10 states:

“Dedication of two corner truncations (Refer to attached Drawing No. 121-0005) for future curve realignments on Woods Rd. Applicant to meet all related costs.”

Comments

The opportunity to acquire truncations to provide for future curve realignments is normally undertaken upon receipt of an application for reconfiguration.

Condition 11 states:

“A roadworks contribution of \$59,178 (2,818m @ \$21/m) is required in accordance with Council’s Planning Scheme Policy No.3. (fees applicable for 2007/08 financial year).”

Comments

The matter regarding the road contribution was discussed in depth by Council at the previous meeting. A copy of *Planning Scheme Policy No.3* is attached for information. On small lot subdivisions, Council has generally applied the minor gravel road contribution of \$21 for every metre abuttal to that road, with a minimum contribution of \$2,100 payable in lieu of requiring full bitumen construction that can be applied to major gravel roads (servicing more than 6 rateable properties including subdivision being considered) under the policy.

Resolution 10/0907

Moved by Cr Williams, seconded by Cr Schmidt, that Council defer consideration and seek an extension of 20 days within which to obtain further information with which to decide this application.

Carried

Adjournment

The meeting adjourned for morning tea at 10:34am and resumed at 11:00am with all attending members, Chief Executive Officer, Director Engineering Services and Manager Development Services in attendance.

A.9 Development Application MCU/07/06 for Material Change of Use (Engineering Workshop) on Lot 17 SP134005 Parish of Cambooya situated at 494 Cambooya Connection Road, Cambooya.

Applicant: D J Whiting
Owner: D J & A L Whiting

An application has been received for Material Change of Use (Engineering Workshop) on Lot 17 SP134005 Parish of Cambooya situated at 494 Cambooya Connection Road, Cambooya.

The property has a land area of 4,501m². Copies of the applicant's letter, site plan and aerial photo are attached for Councillors information.

Proposal

It is proposed to erect a boilermaking workshop (12m x 18m colorbond) building at the rear of the premises. The proposed building will be erected on a site containing an engineering workshop operated by Queensland Mining Rebuild Centre (QMRC Pty Ltd) who repair and rebuild used mining equipment.

The applicant states that the proposed new workshop will not create any additional personnel in the workplace. The objective is to separate the work practices of the boilermakers and mechanical fitters to avoid contamination. The new building will house the 2 boilermakers and allow the existing workshop to house additional large machinery.

Staffing levels will remain static with 6 fitters and 2 boilermakers. Hours of operation will remain Monday – Friday 7:00am to 5:00pm.

Referral Agency

Pursuant to Section 3.3.16 of the *Integrated Planning Act 1997*, the Department of Main Roads (Concurrence Agency), assessed the impact of the proposed development on a State Controlled Road, and advise that they have no requirements.

Public Notification

A Statutory Declaration was received on 28 August 2007 from the applicant advising that adjoining owners were notified in writing and Public Notification was carried out in accordance with section 3.4.7 of the *Integrated Planning Act 1997*. The public notification period closed on 21 August 2007 and no submissions regarding the development were received.

Planning Scheme

The site is located within the Township Land Use area of the *Planning Scheme* which states. *"This land use area covers a broad range of urban activities including residential, community, commercial and small scale industrial uses within the townships of Cambooya, Wyreema, Greenmount and East Greenmount; and the commercial uses within the Westbrook township north of the Toowoomba - Karara Road."*

The term "Industry" means:

"any manufacturing process whether or not such process results in the production of a finished article."

Industry Development Code

The industrial development code requires that an activity minimises impacts on the existing or likely future use of the adjoining land and is appropriate to the local streetscape.

The code states that:

"The development is energy and water efficient and minimises visual impacts on surrounding land uses and ensure public safety."

Emissions of noise, odour, dust and air pollutants are required to be minimised such that nuisance is not caused beyond the site boundaries and are satisfied and air quality conducive to the life, health and well being of people is maintained."

The proposal to erect an additional shed on a site used for light industry for many years is able to substantially comply with the provisions of the section 4.7 Industry Development Code of the *Planning Scheme*. The allotment joins the Cambooya Recreation Reserve and Harrow Street with the existing light Industry to the west and therefore the likely additional impact should be minimal.

The existing sheds are connected to rainwater tanks (30,000l) that are exclusively used for the wash bay facilities.

Services

Water, sewerage and electricity supply are available. Car parking and services should be provided that comply with the On Site Services, Car Parking and Access Code in accordance with section 4.9 of the *Planning Scheme*.

Staff car parking is adequately provided for off Harrow Street (unformed Road). The applicant states that there will be no increase in staff numbers (existing 12) and therefore it is considered that the existing carparking facilities are adequate for the development.

Comments

The proposed building will be erected on a site containing an engineering workshop operated by Queensland Mining Rebuild Centre (QMRC Pty Ltd) who repair and rebuild used mining equipment. The proposal substantially complies with the provisions of the section 4.7 Industry Development Code of the *Planning Scheme*. The premise is currently registered as a Environmentally **R**relevant Activity (Level 2), defined as “Boiler Making and Engineering” (ERA 24).

The applicant states that there will be no increase in staff numbers (existing 12) and therefore it is considered that the existing carparking facilities are adequate for the development. Council could grant a concession from providing an on site sealed carparking area as no additional staff will be employed.

~~The~~ Access will ~~be~~ only be allowed from the existing driveway off Harrow Street.

The proposed business has operated without complaint and the relatively low intensity and scale with environmental impacts (eg noise and lighting) able to be adequately controlled. The impact on the amenity of the area is expected to be minimal.

Resolution 11/0907

Moved by Cr Schmidt, seconded by Cr Middleton, that a Development Permit be issued for a Material Change of Use for an Engineering Workshop on Lot 17 SP134005 Parish of Cambooya situated at 494 Cambooya Connection Road, Cambooya subject to the following conditions:

General

1. A development application for building works complying with the *Building Act 1975 and Building Regulation 2006* is to be lodged with Council or a private Building Certifier.
2. All conditions contained in this approval are to be complied with prior to occupation or use of the buildings for the approved purpose.
3. The development is to be conducted in accordance with the stamped approved plans prepared by P.R Wilkes & Associates (Plan No. S/2006/244-1-3) dated 18 June 2007.
4. The business activity must only be operated between the hours of 7:00 am and 5:00 pm (Monday to Saturday) with no work on Sundays or public holidays. Staffing levels to be limited to a maximum of 15 employees on site.

Air

5. The activity must not generate odour and/or visual contaminants including dust, smoke, fumes or aerosols that will cause an environmental nuisance or environmental harm.

Noise

6. The activity must not allow noise which causes or is likely to cause a nuisance at any noise affected premises. Nuisance includes noise that is likely to be annoying, intrusive or offensive to a person or a nuisance in the opinion of an authorised person.

Waste Management

7. The premises must be kept in a clean and tidy state at all times and any waste generated by the activity shall be recycled or disposed to a licensed waste management facility.
8. Toilet facilities and on site waste treatment shall comply with AS 1547:2000 and the On Site Sewerage Code.

Building

9. A separate development application is required for any building work.
10. Advertising signs are to comply with [Council's](#) Local Law No 8 (Control of Signs).

Environmental Relevant Activity

- 7.11. Compliance with the operator's guide for Boiler [M](#)aking/[E](#)ngineering and [M](#)etal Forming (ERA- 24) as issued by the Environmental Protection Agency.

Carried**Wyreema Skate Park**

Manager Development Services advised that works were progressing well.

*It was **resolved** that Council aim to conduct an official opening of the facility in early December 2007.*

Cambooya Shire Residential Needs Study

Manager Development Services recommended that Council accept the draft of the Study and that when the Consultants have completed incorporating suggestions from the Special Meeting of 5 September 2007, that it be advertised for public comment. It was resolved that public comment be required by late November, for presentation and consideration at the December meeting of Council.

Resolution 12/0907

Moved by Cr MacGinley, seconded by Cr Williams, that the draft Cambooya Shire Residential Needs Study be received and placed on public display at venues in Cambooya, Greenmount and Hodgson Vale.

Carried**Cambooya School Signs**

Manager Development Services presented the draft of the sign for approval. It was **agreed** that arrangements can commence to complete and erect the signs.

Attendance

Manager Development Services retired from the meeting at 11:35am.

B) CORPORATE SERVICES**B.1 Accounts for Payment*****Resolution 13/0907***

Moved by Cr Schmidt, seconded by Cr Middleton, that the accounts paid during the month of August 2007 totalling \$796,196.61 be confirmed, as detailed below:

Operating Fund	Vouchers 18022-18068	\$	39,014.1
	EFT Payments 6239-6418	\$	757,182.51
	(the above figures include \$12,110.00 Trust Fund Monies)		

Carried**B.2 Financial Statements (FF1_2)**

a) Income Statement

Council reviewed the financial information provided with the Agenda.

Noted**B.3 Office Closure (AIN1_1)**

It was requested that Council approve the closure of the office from Monday 24 December 2007 to Tuesday 1 January 2008 (inclusive) so that staff holidays over the Christmas/New Year period can be scheduled.

Resolution 14/0907

Moved by Cr Middleton, seconded by Cr Mengel, that the Council Office be closed for the period Monday 24 December 2007 to Tuesday 1 January 2008 inclusive, and that appropriate notifications be made to ensure that the closure does not impact on Council's service provisions.

Carried**B.4 LGMA Annual Conference 2007 (AIC2_2)**

The Local Government Managers Australia (LGMA) Qld Annual Conference will be held in Rockhampton from 23-26 October 2007.

The Conference will concentrate on local government reform, and the need for professionals employed in local government to ensure that reforms are well managed, that the outcomes are of great benefit to our communities and to ensure that there are no reform sequels. The Conference theme is "These Times...They Are

A-Changing” and an appropriate program has been prepared, including sessions on generational change, launch of the emerging leaders program, and briefings on the current reform process with the Deputy Director of the Qld Dept of Local Government.

Early bird registration costs are \$660-00 for the full conference, plus accommodation and travel.

The Chief Executive Officer has traditionally represented Council at this conference in previous years.

Resolution 15/0907

Moved by Cr Middleton, seconded by Cr Schmidt, that the Chief Executive Officer be authorised to attend the 2007 LGMA Annual Conference in Rockhampton.

Carried

B.5 Request for Donation – Qld Blue Light Association (FD3_01)

Council has received a request from the Qld Blue Light Assoc Inc for it to become a member of the Qld Blue Light Assoc Inc Corporate Club. Funds raised from the scheme allow the Assoc to provide entertainment and activities for your people under the age of 18 with specific goals to:

- (a) Provide safe venues and activities free from violence and objectionable behaviour for young people under 18;
- (b) Provide an alternative to under 18's frequenting hotels and licenses premises;
- (c) Develop a rapport between police officers and young people; and
- (d) Act as a crime prevention initiative of the Qld Police Service (QPS).

Membership ranges from \$250 for Bronze level membership to \$1,000 for Gold level membership.

Last year Council provided a donation of \$100 to support the work of this Association.

Resolution 16/0907

Moved by Cr Williams, seconded by Cr Robertson, that Council provide a donation of \$100.00 to the Qld Blue Light Association.

Carried

B.6 Request for Donation – Clifton State High School (FD3_01)

Council has received a request from the Clifton State High School P & C Assoc for sponsorship towards the presentation of awards to selected students in recognition of endeavour and achievement. Awards take the form of book prizes and are made to the students achieving high academic results for each year level in addition to other select categories. Donations above \$30 will be acknowledged by a suitable inscription in the books purchased and in the programme prepared for their Presentation Night ceremony on Tuesday 6th November 2007.

Council has provided a donation of \$25 for this purpose, over a number of years.

Resolution 17/0907

Moved by Cr MacGinley, seconded by Cr Williams, that Council provide a donation of \$30.00 towards awards to be presented at the Clifton State High School Presentation Night in November 2007.

Carried

B.7 Request for Rate Adjustment (P\Eton61)

Council received a letter from Rex Kennedy on behalf of Bert & Co Pty Ltd, the owner of Lot 21 on C48 and Lot 2 on RP1519, seeking an adjustment to rates charged for 2007/08. The property is described as the Bull & Barley Hotel at 61 Eton Street, Cambooya. The property comprises two (2) allotments being the main allotment and a smaller one being 13m² in area, the site of a previous bore.

The letter requests that Council consider a rebate of \$620 with respect to rates levied on this smaller allotment. It is assumed that the \$620 comprises a vacant water charge of \$220 and a vacant sewerage charge of \$400.

Council's rates and charges schedule provides:

1. That a water infrastructure charge is payable for each lot serviced by a water main or within 50m of such main, connected or not...."; and
2. That "if there are more than 2 lots of land on one assessment and that assessment contains a dwelling, then a vacant sewerage charge of \$200 (i.e. 50% of the sewerage charge for connected premises) will be levied in addition to the connected sewerage charge of \$400. Sewerage charges for the Hotel are assessed at \$800 and the School at \$1800."

It is understood that Bert & Co are new owners of this property and that this is the first rate notice that they have received.

Rates have been levied on the following basis for a number of years:

General Rate (Minimum charge)	420.00
Water 2 x \$220	440.00
Water Consumption	462.50
Sewerage	800.00
Wheelie Bin	115.00
Tip Management Levy	35.00
Rural Fire Levy	20.00
TOTAL	\$2292.50

The only additional charge for the smaller allotment appears to be the \$220 water infrastructure charge, which seems excessive given the size and possible uses of the allotment.

Resolution 18/0907

Moved by Cr Williams, seconded by Cr Mengel ,

1. That Council resolve to offer a reduction of \$220, by not charging the water infrastructure charge for Lot 2 on RP 1519, due to its extremely small size; and
2. That it be recommended that the applicants investigate the possibility of amalgamating the two allotments so as not to incur this charge in future years.
3. Council confirm that advice was provided to the previous owners of the property on 15th July 2002, advising of the basis of the charge and recommending that the allotments be amalgamated to reduce future water rates. Further, as a gesture of goodwill, that Council resolves to waive the application fee (only survey and other associated cost) will apply, provided the owner undertakes the amalgamation of these allotments within the current financial year. Also, that this Council advise that due to the forced amalgamation process, no guarantees can be given on future charging bases, should the allotments not be amalgamated by 14th March 2008.

Carried

B.8 Request for Rate Adjustment (P\Pilton05)

Council has received a letter from Ms Corey Detheridge, the owner of 5 Pilton Street, Greenmount, seeking a reduction in the water charge for 2006/07 and 2007/08. The subject property is one of those where Council wrote to the previous owners advising of the revised basis of water infrastructure charge from 1 July 2002, and recommended that the lots be amalgamated to reduce the charge. i.e. From 2002/03 a 2 unit access charge was applied to separate parcels of vacant land. There is a residence on the property which is levied the usual residential rate also.

Council records shows that Ms Detheridge purchased the property on 11 June 2004, so would have paid this charge for the financial years 2004/05, 2005/06 and 2006/07. The basis of rating would also have been clearly set out in the rate search provided by Council to her Solicitor in 2004.

However, it is in Council's interest to promote the amalgamation of these smaller allotments (1148 m2 in total), and this Council will have no influence on the charging basis in future years.

Resolution 19/0907

Moved by Cr Williams, seconded by Cr Robertson, that Council confirm that advice was provided to the previous owners of the property on 15th July 2002, advising of the basis of the charge and recommending that the allotments be amalgamated to reduce future water rates. Further, as a gesture of goodwill, that Council resolves to waive the charge of \$220 with respect to the current year only, and to offer that no Council application fee (only survey and other associated cost) will apply, provided the owner undertakes the amalgamation of these allotments within the current financial year. Also, that this Council advise that due to the forced amalgamation process, no guarantees can be given on future charging bases, should the allotments not be amalgamated by 14th March 2008.

Carried

B.9 Toowoomba & Golden West – Sponsorship Commitment (AIP2_07)

Council received a request from the Toowoomba and Golden West Regional Tourist Association Ltd for it to consider sponsorship commitment for the 10th edition of the South East Queensland Country Touring Guide, to be launched in April 2008. The cost of participating is \$2,750 per page plus GST.

Although Cambooya Shire will cease to exist from that date, it is considered that the area should still be promoted as “Steele Rudd Country” to residents and visitors to the region.

Resolution 20/0907

Moved by Cr Middleton, seconded by Cr Mengel, that Council participate in the 10th edition of the South East Queensland Country Touring Guide, at a quoted price of \$2750, plus GST.

Carried**B.10 Home WaterWise Scheme Enquiry (P\Pilton05)**

Council has received a letter from Mrs E Weir, requesting that this Council consider participating in the State Government’s Home WaterWise Service. Enquiries have been made of the relevant State Government Department who have advised as follows:-

1. The Home WaterWise Service is an initiative of the State Government in partnership with the 21 participating South East Queensland Councils and consequently residents of our Shire are not eligible to access the service;
2. However, all Queensland residents can apply for a rebate of 50% of the purchase price up to \$30 per showerhead to replace existing showerheads with new 3 star (or better) WELS rated showerheads;
3. Requests from residents from areas outside the South East corner are kept on file, to build up a case for an extension state-wide at some future date.

The Department of Natural Resources also administers the tank etc rebates, which apply throughout the whole of Queensland.

Resolution 21/0907

Moved by Cr Robertson, seconded by Cr Schmidt, that the above advice be provided to the applicant.

Carried**B.11 Forced Amalgamations Referendums (AIB1_04)**

The Chief Executive Officer advised that ongoing contact had been received from the Local Government Association of Qld (Inc), in relation to proposals by the Federal Government to conduct Plebiscites in those local government areas that requested it. At the time of preparing the agenda, the LGAQ’s legal advisers and the AEC were finalizing the matters to be addressed to allow this to occur.

Given Council’s previous resolutions in favour of allowing the community to have a say on this issue, this matter was further considered by Council.

Resolution 22/0907

Moved by Cr Mengel, Seconded by Cr Robertson, that Council resolve to participate in the proposed Local Government Reform Plebiscite as follows:

1. As a consequence of the *Local Government Reform Implementation Act 2007*, Cambooya Shire Council will be amalgamated with other Council areas following the conclusion of the 15 March 2008 local government elections.
2. Whilst Cambooya Shire Council would like to conduct a poll on the important public question of whether it should be amalgamated with other Council areas, it acknowledges that it is currently prevented from doing so by the inclusion of section 159ZY into the *Local Government Act 1993*.
3. However, Council notes and welcomes the intervention of the Federal government in relation to this important issue by way of:
 - a. Offering to fund the cost of the AEC conducting plebiscites; and
 - b. Amending the *Commonwealth Electoral Act 1918* to facilitate same.
4. Cambooya Shire Council accordingly appoints the LGAQ as its agent for all purposes relating to arranging a plebiscite, to be conducted by the AEC under the *Commonwealth Electoral Act 1918*, on the important public question of whether the electors of Cambooya Shire Council support the amalgamation of Cambooya Shire Council with other Council areas, on the following terms and conditions:
 - a. The question to be put to the electors of Cambooya Shire Council is:
"Do you support the Queensland Government's decision to amalgamate your Council with other Council areas?"
 - b. If an elector approves of the question, the elector may:
 - place a tick in the space provided opposite the word 'YES' in the space provided on the ballot paper; or
 - write the word 'YES' in the square opposite the word 'YES' on the ballot paper; or
 - otherwise mark the ballot paper in a way that clearly and unambiguously indicates the elector approves of the question.
 - c. If an elector does not approve of the question, the elector may:
 - place a tick in the space provided opposite the word 'NO' in the space provided on the ballot paper; or
 - write the word 'NO' in the square opposite the word 'NO' on the ballot paper; or
 - otherwise mark the ballot paper in a way that clearly and unambiguously indicates the elector does not approve of the question.
 - d. The plebiscite is to be conducted by the AEC generally in accordance with the AEC's minimum standards, namely:
 - Electors will be informed of the event concerned.
 - Each elector will have one vote.
 - Electors will be provided with a reasonable opportunity to vote.
 - The ballot will be secret.
 - There will be provision for the appointment of scrutineers.
 - The (electors) roll will be available to scrutineers.
 - The ballot material will be retained by the AEC until the close of the period of

challenge.

- The plebiscite will not be partially conducted.

e. The rules of the plebiscite are to incorporate the AEC's minimum standards mentioned above and are to be as otherwise finally agreed between the AEC and LGAQ, generally in accordance with the following framework:

- The plebiscite is to be conducted by full postal ballot.
- The initiating step for the plebiscite will be the AEC giving public notice (in the Courier Mail and, possibly in a newspaper circulating in Council's immediate locality) of its intention to close the electors roll (for the purposes of conducting the plebiscite).
- Approximately 6 days later, the AEC will give public notice (in the Courier Mail and, possibly, in a newspaper circulating in Council's immediate locality) of the nature of the plebiscite.
- Approximately 4 days later the roll will be closed.
- Over the next 7 to 10 days thereafter, the roll will be compiled and all material relative to the conducting of a full postal ballot will be prepared.
- Immediately thereafter, a mail out of the full postal ballot will occur, with the electors being required to complete and return the relevant postal ballot material not sooner than 10 working days after the date of the mail-out.
- Counting of the ballots will commence as soon as practically possible after the closing date for the ballot with daily progressive tallies to be provided by the AEC to the LGAQ, Council and any scrutineers.
- Counting of the ballots is to be finalised on the day that is 10 days after the closing date of the ballot, with the final results of the count to be provided to the LGAQ, Council and any scrutineers.

5. Cambooya Shire Council records by this resolution its total commitment to the conduct of the plebiscite and to ensure the plebiscite is completed without delay, delegates to the Mayor the power to accept and adopt on Council's behalf, the rules of the plebiscite as finally agreed between the LGAQ and the AEC.

Carried

Consideration of **Late Agenda Items – Corporate Services:**

LA/CS.1 New LGAQ Information

Council received correspondence from the LGAQ Inc, outlining the various options for a new LGAQ Executive Structure, Association funding model, and Council voting entitlements as indicated at last month's Annual Conference. The Executive has resolved to hold a one day Special Conference on Friday 14 December 2007 to discuss and determine these issues.

These new arrangements come into effect from 1 June 2008, but need to be in place prior to the 15 March 2008 election to enable the Executive to be elected on that basis. Council's views are sought by Monday 22 October 2007, for consideration by the Executive on 25 October 2007. The Mayor, another Councillor and Chief Executive Officer are invited to attend a briefing on this issue in Toowoomba on 16 October 2007.

Resolution 23/0907

Moved by Cr Middleton, seconded by Cr MacGinley, that Crs Taylor and Williams and the CEO be authorised to attend the LGAQ briefing in Toowoomba on 16 October 2007.

Carried

LA/CS.2 Membership of DDROC

Cr Taylor briefed the meeting on recent developments with DDROC, including that a Notice of Motion had been passed at the August meeting, to wind up the Company, given the amalgamation of member Councils, from March 2008. A copy of a letter received from the Jondaryan Shire Council giving notice of its intention to resign should the Notice of Motion and detailed report as resolved in the Minutes of that meeting not be received prior to the Organisation's next meeting was also tabled.

*It was **resolved** that this Council's continued membership be considered at the October meeting.*

Attendance

Cr Robertson retired from the meeting at 12:30pm

Adjournment

The meeting adjourned for lunch (provided by Cambooya Uniting Church) at 12:50pm and resumed at 1:35pm with all members, the Chief Executive Officer, Director Engineering Services in attendance.

LA/CS.3 Amendment to Administration Policy 1.21

The Chief Executive Officer advised that Administration Policy No 1.21 - Private Use of Council Vehicles, had been reviewed.

Resolution 24/0907

Moved by Cr Middleton, seconded by Cr MacGinley, that Schedule "A" of the Policy be amended to delete reference to the previous Deputy Chief Executive Officer and the inclusion of the Finance Manager – Use approved to be 300 km Restricted Private Use amendment of use for MDS to reflect his current contract.

Carried

LA/CS.4 Pest Management Advisory Committee

The Chief Executive Officer advised that there had now been two (2) official meetings of the Committee, comprising representatives of Cambooya, Clifton and Pittsworth Shire Councils, as well as Mark Schuster (Condamine Alliance), and Garry Wilson (Project Officer – Pest Management). One of the initiatives for consideration by this Council is a recommendation, adopted by Clifton and Pittsworth Shire Councils, that the Cambooya Shire Council:

- (a) Agree to create a consistent Bounty across the three Shires i.e. Councils to pay \$70 per scalp for the first 40 dogs each person brings in. The Pest Management Project to pay for \$90 for each scalp after 40 dogs have been brought in by each person;
- (b) Base procedures on the model used by the Pittsworth Shire Council.

In effect this means that this Council will have to resolve to pay an additional \$10 per scalp for those received in this office.

Strategies adopted by the Committee include liaison with professional trappers, field days on dog control methods, training for trappers, etc.

Resolution 25/0907

Moved by Cr Schmidt, seconded by Cr Mengel, that Council agree to increase the Dingo scalp bounty from \$60 to \$70 and to accept the Committee's offer to pay \$90 for dingoes caught in excess of 40 per individual, to bring Council's payment in line with that recommended by the Central Downs Region Integrated Area Wide Pest Management Committee, and currently payable by the Clifton and Pittsworth Shire Councils, and that administrative arrangements be amended where required to conform with those adopted by those other Councils.

Carried

C) ENGINEERING SERVICES REPORT

C.1 Water Supply and Sewerage Strategic Asset Management Plan (SAMP) Audit Report (AID2_28)

Included with the Agenda papers is a copy of the audit report for Councillors information.

This audit was carried out as part of the regulatory requirements of the Water Act. Council has performed well in most areas of the audit, however resourcing constraints have meant that activities such as documentation, implementation and review of many procedures and activities has not occurred.

Received

C.2 Request for 40kph School Zone at Ramsay State School (CC\S1_01)

Correspondence has been received from the Ramsay State School P&C Association requesting the installation of a 40kph speed zone. A copy of this letter is attached for Councillors information.

Whilst there is an existing open speed limit (ie. 100kph) in Ramsay School Road outside the school, the prevailing speed environment (single lane seal and a sharp corner just south of the school, with gravel pavement just north of the school) means that most vehicles would travel considerably less than 100kph (eg. 60-70kph). The only interaction between the school and the road is the school driveways, as all vehicles (parents and buses) drop off and pick up inside the school grounds. No children walk to school at this stage, although at least one is expected next year. There are "school children" warning signs on each approach to the school.

The Manual of Uniform Traffic Control Devices (MUTCD) suggests that a minimum speed limit of 60kph should be used at school zones in rural areas. To have a 60kph zone in this area, a buffer 80kph zone would also be required. School zones are generally used where there is interaction between traffic and pedestrians, for a period of time in the mornings and afternoons. They should not be used where they are not warranted, as this leads to low driver compliance.

There have been no reported incidents at the entrances to the school, although some vehicles do travel at 80-90kph through the area. There is adequate visibility at the school driveways to allow safe use exit from and entry to the school.

The school holds cross country running training in January and February each year. This is the time of most concern in the area. Some temporary warning signs when the students are on the road would be a much better solution than a school zone at these times.

With the above points in mind, it is considered that a school zone is not warranted at this location.

Resolution 26/0907

Moved by Cr Middleton, seconded by Cr Williams, that Council advise that it believes the installation of a 40kph speed zone is not warranted in that location and that it be suggested that more visible temporary warning signs be used when cross country, etc., events are being conducted on public roads in that area.

Carried

C.3 Assessment Guidelines for Commodity Routes (CC\S1_01)

A document has been drafted through the Eastern Downs Regional Road Group Technical Committee and DDROC to standardise the assessment of commodity routes, including B-double and road train applications. A copy was provided for the information of Councillors.

This document will allow a consistent approach to assessment of applications across the Eastern Downs area and is considered to be suitable for adoption.

Council's feedback and/or endorsement of this document is sought prior to finalisation.

*It was **resolved** that Council receive and endorse the draft as presented.*

C.4 Request for Licensed Gate – Mt Sibley Road (WL1_1)

An application has been received from PD and PM Lyons for a licensed gate at the eastern end of Mt Sibley Road, Ascot.

A plan of the area was provided to Councillors.

The gate is proposed to be immediately to the south of the entrance to 1103 Mt Sibley Road (Piggott). This section of Mt Sibley Road is generally not used as a through road, with White Road on the southern side of Kings Creek being an unformed road between two cultivated paddocks.

Resolution 27/0907

Moved by Cr Middleton, seconded by Cr MacGinley, that subject to the provisions of Council's Local Law No. 2 (*Gates and Grids*), a licence be issued to PD & PM Lyons, for a gate on the road situated adjacent to Lot 36 RP23087 to the south of the access to 1103 Mt Sibley Road, subject to the following conditions:

Conditions of Permit:

- 1) The gate be constructed of steel 4.3m wide, posts to be painted white and delineators and width markers (D4-3) attached. (Full details of the gate are to be submitted for approval prior to installation). Also provide and maintain two "GATE" warning signs (W5 -14A) to be installed on either approach to the gate.
- 2) The holder of the permit must construct a vehicular turnaround area on the northern side of the gate.
- 3) The holder of the permit must ensure unrestricted movement of traffic along the road during construction and installation of the gate and must take all precautions as specified by the local government to prevent or minimise obstruction to traffic or risk of personal injury or damage to property.
- 4) The holder of the permit must keep the gate in good repair at all times.
- 5) The holder of the permit must maintain the road, for a distance of 5m on each side of the gate, in good and sufficient repair so that traffic is not impeded or obstructed and to prevent or minimise the risk of personal injury or damage to property.
- 6) The holder of the permit must destroy any noxious plants or weeds within the maintained area of the gate (Mt Sibley Road south of the gate).
- 7) The holder of the permit indemnifies Council against any claim relating to the gate and this permit, and must maintain suitable insurances including public liability.
- 8) Payment of an annual licence fee to Council.

Carried**C.5 Tender – Love Road Wastewater Treatment Plant Augmentation T13_0607)**

Tenders have recently closed for the upgrade of the plant to treat the sewage from the town of Wyreema. The Cambooya CED effluent also goes to the same site, however it is not treated by this plant.

Council has budgeted \$1.9M in the 2007/08 Capital Works Program for this project, which includes an approved WASP subsidy of \$596,190.

This tender is not for the total project, but rather only for design of the plant, and construction of the process works. The process works are predominantly electrical and mechanical works.

Other parts of the project include civil works (earthworks, roadworks, delivery main) which will be performed by Council and subcontractors, and the major structures (concrete tanks) which will require a separate contract.

Engineering Consultant Mark Shirley has provided a technical assessment of the tenders received. Refer attached report.

Of the five original tenders received, three types of plants have been offered. These are activated sludge (EpcO), rotating biological filter (Bio-Disc) and SBR (Aquatec-Maxcon, ATS Noble Water and Eimco Water Technologies). Of the SBR options, only Aquatec-Maxcon has been considered further because of price and compliance with the specified requirements.

After further discussions with Bio-Disc and EpcO, they submitted revised tenders so that all offers could be assessed on an equal footing.

Mark Shirley has recommended Bio-Disc Systems as the preferred option, at a tendered price of \$831,324 incl GST. The total project estimate using this system is approximately \$1.9M, with an annual operating cost of \$28,000 for comparison purposes. The EpcO system has the capacity to treat the effluent to a higher standard if required, at a total project estimate of \$2.1M and an annual operating cost of at least \$34,000 each year.

Approval (including setting of the permitted effluent standards) is still to be received from the Environmental Protection Agency (Concurrence Agency). The tenders were called on the basis of the effluent standards of the existing environmental licence being retained. Once approval from the EPA is obtained, the development application for the project can be finalised by Council and construction can commence.

The contract should not be awarded until the relevant approvals are received. Due to EPA approvals and availability of contractors, construction of this project is unlikely to commence before January 2008.

In this time of Council transition, approval for major contracts is also required from the Department of Local Government, Planning and Sport.

Resolution 28/0907

Moved by Cr Williams, seconded by Cr Mengel, that the Chief Executive Officer be given delegated authority to accept the revised tender of BioDisc Systems for Tender T13/0607, subject to relevant approvals for the project being received from the EPA and the Department of Local Government, Planning and Sport.

Carried

4. GENERAL BUSINESS

Australia Day 2008

It was **resolved** to forward a letter to the Hodgson Vale Sports Club enquiring as to whether the club would be prepared to be the venue for our 2008 Australia Day celebrations, and to plan activities for the day.

Delegates report from LGAQ Annual Conference

Crs Taylor, MacGinley and Middleton presented a verbal report to the meeting on their attendance at the recent annual conference of the LGAQ.

Closed Meeting

The meeting closed to discuss matters pertaining to Raveway Pty Ltd.

Resolution 29/0907

Moved by Cr Williams, seconded by Cr MacGinley, that Council move into closed session of Council in accordance with Section 463(1)(f) of the *Local Government Act 1993* to discuss matters relating to Raveway Pty Ltd

Carried

Resolution 30/0907

Moved by Cr Middleton, seconded by Cr Mengel, that Council move into open session of Council.

Carried

Resolution 31/0907

Moved by Cr Williams, seconded by Cr Middleton, that Council make a further without prejudice offer to settle the claim by Raveway Pty Ltd, including dispensing with the requirement to provide a bond to provide a driveway to lot 16.

Carried

Cr Middleton

Advised that the perpetual trophy had been purchased for the supreme champion dairy cow to be presented at future Toowoomba Royal Shows in honour of the Cambooya Shire Region.

Cr Mengel

Drew attention to complaints from residents in relation to widblown rubbish from the Greenmount dump. DES advised that the area was being cleaned up and fencing improved.

Requested that Minutes of the Local Transition Committee could be distributed to all Councillors. This was agreed to.

Cr Taylor

Expressed her thanks to Councillors who participated and the community in relation to the free tree giveaway held last Sunday.

5. NEXT MEETING

The next Ordinary Meeting of Council will be held on 17 October 2007.

6. CLOSURE 4.00pm